CITY OF ONTARIO

Regular City Council/Housing Authority Meeting
AUGUST 18, 2026

City Hall
303 East B Street, Ontario, CA 91764

MAYOR PAUL S. LEON • MAYOR PRO TEM ALAN D. WAPNER
COUNCIL MEMBERS JIM W. BOWMAN, DEBRA PORADA AND DAISY MACIAS

CITY CLERK SHEILA MAUTZ • TREASURER JAMES R. MILHISER
CITY MANAGER SCOTT OCHOA • CITY ATTORNEY RUBEN DURAN

WELCOME TO A MEETING OF THE ONTARIO CITY COUNCIL

Anyone wishing to speak in person during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time. To comment by email, submit your comments no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comments to publiccomments@ontarioca.gov. To comment by phone, please call (909) 256-2441 during the meeting.

Comments will be limited to 3 minutes. Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.

In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.

Remarks from those seated or standing in the back of the chamber will not permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ACCOMMODATIONS

If you need special assistance or accommodations to participate in this meeting, please contact the City Clerk's office at 909-395-2009. Notification of 48 hours prior to the meeting will help the City make reasonable arrangements. Equipment for the hearing impaired is available in the Records Management Office.

ORDER OF BUSINESS

The regular City Council and Housing Authority meeting begins with Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

CALL TO ORDER *(OPEN SESSION)*

ROLL CALL

Wapner, Bowman, Porada, Macias, Mayor/Chairman Leon

INFORMATION RELATIVE TO POSSIBLE CONFLICT OF INTEREST

Agenda item contractors, subcontractors and agents may require member abstentions due to conflict of interests and financial interests. Council Member abstentions shall be stated under this item for recordation on the appropriate item.

PLEDGE OF ALLEGIANCE

Council Member Porada

INVOCATION

Pastor Robert Rocha Jr., Voz Church

PUBLIC COMMENTS 6:30 P.M.

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests. As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

To submit written public comments by email, please send your name, the agenda item you are commenting on, and your comments to publiccomments@ontarioca.gov. The public comment submission window opens at the time the agenda is published and remains open until 4:00 p.m. on the day of the meeting. All comments received during this timeframe will be forwarded to the City Council for consideration before action is taken on the matter and will be entered into the record.

AGENDA REVIEW/ANNOUNCEMENTS

The City Manager will go over all updated materials and correspondence received after the

Agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for a separate vote.

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1. APPROVAL OF MINUTES

Minutes for the special meetings of the City Council and Housing Authority of June 23, 2026, regular meetings of the City Council and Housing Authority of July 7, 2026 and July 21, 2026, and approving same as on file in the Records Management Department.

ATTACHMENT: 20260623S Meeting Minutes (Not Official Until Approved).docx
ATTACHMENT: 20260707 Meeting Minutes (Not Official Until Approved).docx
ATTACHMENT: 20260721 Meeting Minutes (Not Official Until Approved).docx

2. BILLS & PAYROLL

Bills July 3, 2026 through August 6, 2026, and Payroll June 14, 2026 through July 25, 2026.

3. AN AMENDMENT TO THE REIMBURSEMENT AGREEMENT WITH THE CITY OF RANCHO CUCAMONGA FOR THE PAVEMENT RESURFACING OF VINEYARD AVENUE AT THE EIGHTH STREET INTERSECTION PROJECT

That the City Council authorize the City Manager, or his designee, to execute Amendment No. 1 to the Reimbursement Agreement with the City of Rancho Cucamonga for the Pavement Resurfacing of Vineyard Avenue and Eighth Street Intersection Project in the amount of $187,634 plus a ten percent (10%) engineering fee of $18,764, and a survey cost of $5,240 for a total of $211,638, and authorize the City Manager, or his designee, to execute future amendments within the authorization limits.

ATTACHMENT: Reimbursement Agreement- Rancho Cucamonga.pdf
ATTACHMENT: Attachment A Map.pdf

4. A PROFESSIONAL SERVICES AGREEMENT WITH ARDURRA GROUP, INC., FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES

That the City Council authorize the City Manager, or designee, to execute a three-year Professional Services Agreement with Ardurra Group, Inc., of Newport Beach, California, to provide construction management and inspection services for a contract amount of $800,000 per year for a total not-to-exceed contract amount of $2,400,000.

ATTACHMENT: Ardurra Group, Inc. - Professional Services Agreement

5. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19970 GENERALLY LOCATED ON CYPRESS AVENUE BETWEEN FRANCIS STREET AND CEDAR STREET

That the City Council adopt a Resolution approving an Improvement Agreement, Improvement Security, and Final Parcel Map No. 19970, generally located on Cypress Avenue between Francis Street and Cedar Street.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19970 GENERALLY LOCATED ON CYPRESS AVENUE BETWEEN FRANCIS STREET AND CEDAR STREET.

ATTACHMENT: PM-19970_01 Exhibit A.pdf
ATTACHMENT: PM-19970_02_RESO_RM
ATTACHMENT: PM-19970_03 SIA.pdf

6. DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE GENERAL ASSEMBLY MEETING

That the City Council designate Council Member Debra Porada as the City's voting delegate and Council Member Daisy Macias as the alternate voting delegate for the League of California Cities Annual Conference General Assembly, scheduled for September 23–25, 2026.

ATTACHMENT: 2026-voting-delegate-information-packet.pdf

7. AN AMENDMENT TO THE MASTER SERVICES AGREEMENT WITH ENVISIO SOLUTIONS, INC. FOR PERFORMANCE MANAGEMENT AND STRATEGIC PLANNING SOFTWARE SERVICES

That the City Council authorize the City Manager, or his designee, to execute Amendment No. 5 to the Master Services Agreement with Envisio Solutions, Inc. for continued performance management and strategic planning software services through the Polco Track add-on module in the amount of $36,000, over a 3-year term, increasing the not-to-exceed amount to $342,025.

ATTACHMENT: City of Ontario - Polco Track Renewal_V2 (1).pdf

8. A DEVELOPMENT CODE AMENDMENT FILE NO. PDCA26-002 REVISING AND CLARIFYING CERTAIN PROVISIONS OF THE CITY OF ONTARIO DEVELOPMENT CODE PURSUANT TO AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

That the City Council adopt an Ordinance approving File No. PDCA26-002, a Development Code Amendment revising and clarifying certain provisions of Chapters 2.0 (Administration and Procedures), 4.0 (Permits, Actions, and Decisions), 5.0 (Zoning and Land Use), 6.0 (Development and Subdivision Regulations), and 8.0 (Sign Regulations) of the City of Ontario Development Code.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA26-002, A DEVELOPMENT CODE AMENDMENT REVISING AND CLARIFYING CERTAIN PROVISIONS OF CHAPTERS 2.0 (ADMINISTRATION AND PROCEDURES), 4.0 (PERMITS, ACTIONS, AND DECISIONS), 5.0 (ZONING AND LAND USE), 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS), AND 8.0 (SIGN REGULATIONS) OF THE CITY OF ONTARIO DEVELOPMENT CODE PURSUANT TO AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND MAKING FINDINGS IN SUPPORT THEREOF.

ATTACHMENT: File_No._PDCA26-002_02_Dev_Code_Amendment_ORD_RM
ATTACHMENT: Chapter 2.0 - Administration and Procedures_Rev 08-04-2026.docx
ATTACHMENT: Chapter 4 0 - Permits Actions and Decisions_Rev 08-04-2026.docx
ATTACHMENT: Chapter 5.0 - Zoning and Land Use Rev 08-04-2026
ATTACHMENT: Chapter 6.0 - Development and Subdivision Regs_Rev 08-04-2026.docx
ATTACHMENT: Chapter 8.0 - Sign Regulations_Rev 08-04-2026.docx

9. AWARD OF 20 CONSTRUCTION CONTRACTS FOR THE CONSTRUCTION OF THE FLIGHT TOWER RESTAURANT AT ONT FIELD

That the City Council take the following actions:

A. Authorize the City Manager, or his designee, to execute 20 Construction Contracts to provide the various construction services listed below for Bid No. 2004 - D&C25-004 – Flight Tower Restaurant located at ONT Field in the amount of $19,874,338 and authorize a combined contingency of $2,981,151 to include the five contractors from Bid No. 1979 and Bid No. 1985, for a total not-to-exceed contract amount of $22,855,489:
   a. 06 – Concrete: Site – Bogh Construction, LLC: $774,374
   b. 07 - Masonry – Haxton Masonry, Inc.: $560,000
   c. 08 – Metal Stud Framing, Insulation, Drywall & Plaster – Brady West, Inc.: $1,390,987
   d. 09 – Finish Carpentry & Casework – K & Z Cabinet Company, Inc.: $718,140
   e. 10 – Sheet Metal & Cladding – Exclusive Metal, Inc.: $1,020,000
   f. 11 – Roofing & Waterproofing – Commercial & Industrial Roofing Company, Inc.: $484,000
   g. 12 - Door, Frames, Hardware – Star Hardware, Inc.: $199,400
   h. 13- Aluminum & Glazing – Golden Glass, Inc.: $1,274,420
   i. 14 – Ceramic Tiling – Continental Marble & Tile Company: $531,037
   j. 15 - Acoustical Ceiling & Treatment – Southcoast Acoustical Interiors, Inc.: $487,755
   k. 17 - Painting & Wall Covering – D & M Painting, Inc.: $185,700
   l. 18 - Signage – TFN Architectural Signage, Inc. dba Third Floor North Company: $318,014
   m. 19 – Food Service – Kamran and Company, LLC: $1,467,090
   n. 20 – Fire Sprinkler – Serenity Fire Protection: $179,870
   o. 21 – Plumbing: Building – Rivera Equipment dba Valley Industrial Mechanical: $910,000
   p. 22 - HVAC: Wet & Dry – Simco Mechanical: $1,479,531
   q. 23 – Electrical & Low Voltage – Rancho Pacific Electric Construction, Inc.: $4,739,100
   r. 24 – Landscape & Irrigation – American Landscape, Inc.: $149,000
   s. 25 – Ornamental Fencing – Econo Fence, Inc.: $205,950
   t. 26 – General Package – Bogh Construction, LLC: $2,799,970; and

B. Reject the bid protest from Continental Plumbing, Inc for D&C25-004 – Flight Tower Restaurant – BC21 – Plumbing as without merit; and

C. Reject the bid from Elegant Construction Company as non-responsive on Bid No. 2004 – D&C25-004 – Flight Tower Restaurant – BC25 - Ornamental Fencing and award the bid to the next lowest responsible bidder; and

D. Authorize the City Manager, or his designee, to execute all documents required for the completion of the project which may include, but not limited to, agreements, assessments, easements, reduction of retention accounts, contract amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction-related activities.

ATTACHMENT: 2. Contract FTR - Bogh Concrete Site.pdf
ATTACHMENT: 2. Contract FTR - Haxton.pdf

ATTACHMENT: 2. Contract FTR - Brady West.pdf
ATTACHMENT: 2. Contract FTR - K_and_Z.pdf
ATTACHMENT: 2. Contract FTR - Exclusive Metal.pdf
ATTACHMENT: 2. Contract FTR - Commercial_and_ Industrial Roofing.pdf
ATTACHMENT: 2. Contract FTR - Star Hardware.pdf
ATTACHMENT: 2. Contract FTR - Golden Glass.pdf
ATTACHMENT: 2. Contract FTR - Continental Marble and Tile.pdf
ATTACHMENT: 2. Contract FTR - Southa Acoustical Interiors.pdf
ATTACHMENT: 2. Contract FTR - D&M.pdf
ATTACHMENT: 2. Contract FTR - TFN.pdf
ATTACHMENT: 2. Contract FTR - Kamran.pdf
ATTACHMENT: 2. Contract FTR - Serenity.pdf
ATTACHMENT: 2. Contract FTR - Valley Industrial Mechanical.pdf
ATTACHMENT: 2. Contract FTR - Simco.pdf
ATTACHMENT: 2. Contract FTR - RPE.pdf
ATTACHMENT: 2. Contract FTR - American Landscape.pdf
ATTACHMENT: 2. Contract FTR - Econo Fence.pdf
ATTACHMENT: 2. Contract FTR - Bogh Gen Package.pdf

10. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH TRANSTECH ENGINEERS, INC. FOR BIOLOGICAL, ARCHAEOLOGICAL, AND PALEONTOLOGICAL SUPPORT AND CONSTRUCTION MANAGEMENT SERVICES FOR THE GRAND PARK PHASE 1 PROJECT

That the City Council take the following actions:

A. Authorize the City Manager, or his designee, to execute Amendment No. 14 to the Professional Services Agreement with Transtech Engineers, Inc., of Chino, California, for biological, archaeological, and paleontological support and construction management services for the Grand Park Phase 1 Project in the amount of $2,678,970 for a total not-to-exceed contract amount of $9,393,809 and extend the contract to June 30, 2028; and
B. Authorize the City Manager, or his designee, to execute all documents required for the completion of the project which may include, but not limited to, agreements, assessments, easements, reduction of retention accounts, contract amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction-related activities.

ATTACHMENT: Transtech Engineers, Inc.- Amendment No. 14.pdf

11. AN AMENDMENT TO THE AGREEMENT TO RENEW THE SUBSCRIPTION FOR THE AIRHUB PREMIUM PLAN WITH AIRSPACE LINK, INC.

That the City Council authorize the City Manager, or his designee, to execute Amendment No. 4 to the current Agreement with Airspace Link, Inc., of Detroit, Michigan, for the Airhub Premium Subscription Renewal in the amount not-to-exceed $576,000.

ATTACHMENT: Airspace Link_Amendment 4.pdf

12. A CHANGE ORDER TO A CONSTRUCTION CONTRACT WITH NORSTAR PLUMBING & ENGINEERING, INC., AND AMENDMENTS TO THE PROFESSIONAL SERVICES AGREEMENTS WITH ARDURRA GROUP, INC., NINYO & MOORE, INC., AND Z&K CONSULTANTS, INC., FOR THE DOWNTOWN WATER MAIN IMPROVEMENTS PROJECT

That the City Council take the following actions:

A. Authorize the City Manager, or designee, to approve Change Order No. 1 to the Construction Contract for UT1066 for the Downtown Water Main Improvements Project along "H" Street with Norstar Plumbing & Engineering, Inc., of Alta Loma, California, in the amount of $2,142,092 plus a 15% contingency of $321,314 for a revised total not-to-exceed amount of $11,357,981, a term of 287 days after issuance of notice to proceed.
B. Authorize the City Manager, or designee, to execute Amendment No. 1 to the Professional Services Agreement with Ardurra Group, Inc., of Newport Beach, California, for construction engineering services in the amount of $55,442 for a revised new total not-to-exceed amount of $234,921 and a term from August 19, 2025 to August 19, 2027.
C. Authorize the City Manager, or designee, to execute Amendment No. 3 to the Professional Services Agreement with Ninyo & Moore, Inc., of San Diego, California, for geotechnical and material testing services in the amount of $62,560 for a revised new total not-to-exceed amount of $503,696 and a term from May 2, 2023 to May 2, 2028.
D. Authorize the City Manager, or designee, to execute Amendment No. 3 to the Professional Services Agreement with Z&K Consultants, Inc., of Riverside, California, for construction management and inspection services in the amount of $169,650 for a revised new total not-to-exceed amount of $1,198,292 and a term from June 4, 2024 to May 31, 2029.

ATTACHMENT: Exhibit A.pdf
ATTACHMENT: Change Order No. 1 to Norstar_01 CO.pdf
ATTACHMENT: Amendment No. 1 to Ardurra_01 AGMT.pdf
ATTACHMENT: Amendment No. 3 to Ninyo_and_Moore_01 AGMT.pdf
ATTACHMENT: Amendment No. 3 to Z_and_K_01 AGMT.pdf

13. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH AVANT GARDE, INC. FOR CONSULTING AND PROJECT MANAGEMENT SERVICES

That the City Council authorize the City Manager, or his designee, to execute Amendment No. 1 to the Professional Services Agreement with Avant Garde, Inc., for consulting and project management services, increasing the contract amount by $460,000, for a revised total not-to-exceed amount of $560,000.

ATTACHMENT: Amendment to Non-Construction Contract - Avant Garde Inc..pdf

PUBLIC HEARINGS

Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing. Affidavits of posting compliance, for all items below, are on file with the Records Management Department.

14. A PUBLIC HEARING TO CONSIDER A RESOLUTION AUTHORIZING THE SUBMISSION OF A PROHOUSING DESIGNATION APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

That the City Council adopt a Resolution authorizing the submission of a Prohousing Designation application to the California Department of Housing and Community Development (HCD).

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMISSION OF A PROHOUSING DESIGNATION APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

ATTACHMENT: Prohousing Application
ATTACHMENT: 20260804_Application_for_Prohousing_Designation_RESO_RM.docx

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

Mayor Leon

15. CITY COUNCIL APPOINTMENTS

That the City Council discuss and take action on City Council appointments.

Mayor pro Tem Wapner
Council Member Bowman
Council Member Porada
Council Member Macias

ADJOURNMENT

ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
JUNE 23, 2026
(Not Official Until Approved)

JOINT MEETINGS

The special meetings of the Ontario City Council, and Housing Authority were held on Tuesday, June 23, 2026, at Ontario City Hall, 303 E. B Street Ontario, California.

OPEN MEETING CALLED TO ORDER

Mayor Leon called the joint meetings to order at 9:07 a.m.

ROLL CALL

PRESENT:	Mayor/Chairman:	Paul S. Leon
	Mayor pro Tem/Vice Chair:	Alan D. Wapner
	Council/Authority Members:	Jim W. Bowman Debra Porada, and Daisy Macias
ABSENT:	Council/Authority Members:	None

Also present were City Manager / Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran, and Assistant City Clerk / Claudia Y. Isbell.

INFORMATION RELATIVE TO POSSIBLE CONFLICTS OF INTEREST

There were no conflicts of interest reported.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Bowman.

PUBLIC COMMENT

Chris Robles, spoke regarding the budget.
Randy Bekendam, spoke regarding funds for park land.
Karen May, spoke regarding budget workshops.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa had no announcements.

PUBLIC HEARINGS

1. A RESOLUTION ADOPTING UPDATES TO THE CITYWIDE FEE SCHEDULE ESTABLISHING AND AMENDING CERTAIN SERVICE AND DEVELOPMENT RELATED FEES FOR CITY SERVICES

The City Council adopted a Resolution to approve the Fiscal Year 2026-27 Proposed Citywide Fee Schedule Updates (Exhibit A) in order to establish and amend certain charges for services and development-related fees for City services.

RESOLUTION NO. 2026-059 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING UPDATES TO THE CITYWIDE FEE SCHEDULE ESTABLISHING AND AMENDING CERTAIN SERVICE AND DEVELOPMENT-RELATED FEES FOR CITY SERVICES.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon opened the public hearing and called upon the City Manager to provide a summary of the item.

Mayor Leon called on the speaker, Chris Robles, who spoke in opposition. Hearing no one else wishing to speak, Mayor Leon closed the public hearing and opened the item for Council discussion.

MOTION: Moved by Mayor pro Tem Wapner, seconded by Council Member Macias and carried by a vote of 5-0, to adopt Resolution No. 2026-059 with the amendment to raise administrative citations fees for fireworks to $1,000 for the first offense, $2,000 for a second offense and $3,000 for a third offense.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

2. A RESOLUTION APPROVING THE FISCAL YEAR 2026-27 THROUGH FISCAL YEAR 2030-31 MEASURE I FIVE-YEAR CAPITAL IMPROVEMENT EXPENDITURE PLAN AND EXPENDITURE STRATEGY

The City Council adopted a Resolution approving the Fiscal Year 2026-27 through Fiscal Year 2030-31 Measure I Five-Year Capital Improvement Expenditure Plan and Expenditure Strategy.

RESOLUTION NO. 2026-060 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING THE MEASURE I FIVE-YEAR CAPITAL IMPROVEMENT PLAN FY 2026-27 THROUGH FY 2030-31.

There were no written communications for the item. Mayor Leon called on the speaker, Chris Robles, who spoke in opposition.

Mayor Leon called upon the City Manager to provide a summary of the item, then opened the item for Council discussion.

MOTION: Moved by Council Member Bowman, seconded by Council Member Porada, carried by a vote of 5-0, to adopt Resolution No. 2026-060.

3. FISCAL YEAR 2025-26 YEAR-END BUDGET UPDATE REPORT AND REVIEW AND ADOPTION OF THE CITY'S FISCAL YEAR 2026-27 BUDGET AND APPROVAL OF BUDGET-RELATED ACTIONS

A. The City Council approved the budget adjustments and recommendations listed in the Fiscal Year 2025-26 Year-End Budget Update Report;
B. The City Council and the Housing Authority Board adopted Resolutions establishing the appropriations limit of the City of Ontario for Fiscal Year 2026-27 and approved the operating budget, including the Capital Improvement Program, of the City of Ontario and Ontario Housing Authority for Fiscal Year 2026-27;
C. The City Council approved the annual budget of the Ontario Convention Center for Fiscal Year 2026-27;
D. The City Council approved the annual budget of the Toyota Arena for Fiscal Year 2026-27;
E. The City Council approved the annual budget of the Whispering Lakes Golf Course for Fiscal Year 2026-27;
F. The City Council approved the annual budget of the ONT Field for Fiscal Year 2026-27;
G. The City Council approved the annual budget of the Sports Fields Management for Fiscal Year 2026-27; Approved the updated Travel and Expense Policy; Approved the updated Purchasing Policies and Procedures Manual; Approved the updated Capital Asset Policy; and adopted the Resolution establishing the Escheatment Policy

RESOLUTION NO. 2026-061 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE CITY OF ONTARIO FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-062 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING THE OPERATING BUDGET OF SAID CITY FOR THE FISCAL YEAR 2026-27.

RESOLUTION NO. OHA-122 A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A BUDGET FOR SAID AUTHORITY FOR THE FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-063 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING PROCEDURES FOR THE DISPOSITION OF UNCLAIMED FUNDS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 50050 THROUGH 50056 AND AUTHORIZING

THE ADMINISTRATIVE TRANSFER OF CERTAIN UNCLAIMED FUNDS TO THE GENERAL FUND.

There were no written communications for the item. Mayor Leon called upon the City Manager to provide a summary of the item.

Mayor Leon called on the speakers:

Chris Robles, spoke in opposition.
Randy Bekendam, requested funds for healthy food programs.

Mayor Leon opened the item for Council discussion.

MOTION: Moved by Mayor pro Tem Wapner, seconded by Council Member Bowman carried by a vote of 5-0, to adopt Resolution Nos. 2026-061, 2026-062, 2026-063 and OHA-122, with the amendments of an additional $350,000 for the Police Department, $250,000 to Engineering Department for a traffic enforcement program, and funds for the planning and design of parks in the northeast part of the City.

STAFF MATTERS

City Manager Ochoa had no updates.

COUNCIL MATTERS

Mayor pro Tem Wapner had no comments.

Council Member Bowman had no comments.

Mayor Leon had no comments.

Council Member Macias made no comments.

Council Member Porada made no comments.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 10:43 a.m.

Respectfully submitted,

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CLAUDIA Y. ISBELL, ASSISTANT CITY CLERK/ASSISTANT SECRETARY

APPROVED:

_____
PAUL S. LEON, MAYOR/CHAIRMAN

ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
JULY 7, 2026
(Not Official Until Approved)

JOINT MEETINGS

The regular meetings of the Ontario City Council and Housing Authority were held on Tuesday, July 7, 2026, at Ontario City Hall, 303 E. B Street Ontario, California.

OPEN MEETING CALLED TO ORDER

Mayor Leon called the joint meetings to order at 5:30 p.m.

ROLL CALL

PRESENT:	Mayor/Chairman:	Paul S. Leon
	Mayor pro Tem/Vice Chair:	Alan D. Wapner
	Council/Authority Members:	Jim W. Bowman Debra Porada, and Daisy Macias
ABSENT:	Council/Authority Members:	None

Also present were City Manager / Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran, and City Clerk / Secretary Sheila Mautz.

INFORMATION RELATIVE TO POSSIBLE CONFLICTS OF INTEREST

There were no conflicts of interest reported.

CLOSED SESSION

Mayor Leon inquired whether persons were present who wished to speak to the Closed Session item. Hearing no one, City Attorney Duran announced the matter for discussion as listed on the agenda. Mayor Leon recessed to Closed Session at 5:32 p.m.

GC 54957.6, CONFERENCE WITH LABOR NEGOTIATORS
City Negotiator: City Manager or his designees; Bargaining Units: Association of Ontario Management Employees (AOME), and American Federation of State, County & Municipal Employees Local 3061 (AFSCME)

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN's: 1054-051-01, 1054-051-02, 1054-061-01, 1054-061-02, 1054-251-01, 1054-251-02, 1054-301-01, 1054-301-02; 932-936; Southwest Corner of Bon View Avenue and Eucalyptus Avenue; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: County of San Bernardino; Under negotiation: Price and terms of payment.

OPEN MEETING CALLED TO ORDER

Mayor Leon reconvened the meetings at 6:31 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Macias.

INVOCATION

The Invocation was led by Pastor Robert Rocha Jr. from Voz Church.

REPORT ON CLOSED SESSION

City Attorney Duran announced there was no reportable action.

PUBLIC COMMENT

Assistant City Clerk Isbell announced there were two written communications:
Rafael Fajardo, regarding pickleball courts.
Brad Neumann, regarding public record requests.

Mayor Leon called upon the speakers:
Chris Robles, commented on the Independence Day Parade.
Tina Silva, gave a land acknowledgement and spoke on Immigration and Customs Enforcement.
Dale Roberts, spoke on his interactions with the Police Department.
Randy Bekendam, spoke on farmland preservation.
Tommy Mushegain, spoke on several topics.
Joe Vlietstra, expressed appreciation to Staff for repairing the lights at the Scout House.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa announced an updated copy of the exhibits to the Resolution being considered under Agenda Item No. 4. The update reflected a revised and reduced amount for assessments totaling $454,186.42 related to 544 parcels, which means that $99,305.73 for 300 parcels was collected, postponed, or settled since the public agenda was prepared.

CONSENT CALENDAR

Public Comment:

Mayor Leon called upon the speakers:
Chris Robles, spoke in opposition to Item Nos. 9-14.
Randy Bekendam, spoke in opposition to Item Nos. 13 and 14.
Karen May, spoke in opposition to Item Nos. 13 and 14.
Tommy Mushegain, spoke in opposition to Item No. 11.

MOTION: Moved by Council Member Porada, seconded by Council Member Bowman and carried by a vote of 5-0, to approve the Consent Calendar as presented.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meetings of the City Council and Housing Authority of June 2, 2026, and approving same as on file in the Records Management Department.

2. BILL & PAYROLL

Approved Bills May 29, 2026 through June 18, 2026, in the amount of $58,064,394.80, and Payroll May 17, 2026 through May 30, 2026, in the amount of $7,039,657.02.

3. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY, AND FINAL TRACT MAP NO. 20526 LOCATED ON THE NORTHEAST CORNER OF HAVEN AVENUE AND CHINO AVENUE

The City Council adopted a Resolution approving an Improvement Agreement, Improvement Security, and Final Tract Map No. 20526, located on the northeast corner of Haven Avenue and Chino Avenue

RESOLUTION NO. 2026-064 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20526 GENERALLY LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND CHINO AVENUE.

4. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE SAN BERNARDINO COUNTY TAX ROLLS

The City Council adopted a Resolution for recovery of fees and costs incurred in abating property and dangerous building violations, as well as administrative citations and civil penalties associated with property maintenance violations, and placing assessments on the San Bernardino County Tax Rolls.

RESOLUTION NO. 2026-065 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR

CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

5. A RESOLUTION APPROVING THE LEVY OF THE ASSESSMENTS FOR FISCAL YEAR 2026-27 FOR THE DOWNTOWN ONTARIO COMMUNITY BENEFIT DISTRICT

The City Council adopted a Resolution for the Downtown Ontario Improvement Association (DOIA) authorizing the levying of the special assessments for Fiscal Year 2026-27.

RESOLUTION NO. 2026-066 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE LEVY OF THE ASSESSMENTS FOR FISCAL YEAR 2026-27 FOR THE DOWNTOWN ONTARIO COMMUNITY BENEFIT DISTRICT.

6. A RESOLUTION APPROVING THE ADDITION OF FIRE DEPARTMENT CLASSIFICATIONS TO THE CALIFORNIA FIRE AND RESCUE MUTUAL AID SYSTEM

The City Council adopted a Resolution approving additional Fire Department classifications to the terms and conditions for Fire Department responses to the California Fire and Rescue Mutual Aid System requests to assist State of California and Federal Fire agencies.

RESOLUTION NO. 2026-067 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE TERMS AND CONDITIONS FOR FIRE DEPARTMENT RESPONSE AWAY FROM THEIR OFFICIAL DUTY STATION AND ASSIGNED TO AN EMERGENCY INCIDENT.

7. ACCEPTANCE OF GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT FY 2026-27 IN THE AMOUNT OF $336,600

The City Council authorized the City Manager or his designee to execute all documents necessary to accept a 12-month grant in the amount of $336,600 from the California Office of Traffic Safety (OTS) for participation in the FY 2026-27 Selective Traffic Enforcement Program (STEP) Grant.

8. A DONATION FROM KIMBERLY-CLARK FOUNDATION TO THE ONTARIO FIRE DEPARTMENT

The City Council recognized a donation of $120,000 from the Kimberly-Clark Foundation.

9. AMENDMENTS TO THE PROFESSIONAL SERVICES AGREEMENTS WITH SWA GROUP, INC., AND KLEINFELDER, INC. AND AN AGREEMENT WITH KIZH NATION RESOURCES MANAGEMENT FOR THE ONTARIO GRAND PARK PROJECT

The City Council took the following actions:

A. Authorized the City Manager, or his designee, to execute Amendment No. 5 to the Professional Services Agreement with SWA Group, Inc., of Laguna Beach, California, for additional engineering services for the Grand Park project in the amount of $116,400 for a total not-to-exceed contract amount of $6,819,396; and
B. Authorized the City Manager, or his designee, to execute Amendment No. 11 to the Professional Services Agreement with Kleinfelder, Inc., of Ontario, California, for on-call geotechnical and materials testing services for the Grand Park project in the amount of $71,780 for a total not-to-exceed agreement amount of $2,978,918; and
C. Authorized an Agreement with Kizh Nation Resources Management to monitor all groundwork to ensure the Native American Cultural Resources are properly mitigated per the approved Environmental Impact Report for a total not-to-exceed contract amount of $411,680; and
D. Authorized the City Manager, or his designee, to execute all documents required for the completion of the project which may include, but not limited to, agreements, assessments, easements, reduction of retention accounts, contract amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction-related activities.

10. APPROVAL OF THE DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (FILE NO. PDIF22-002) AND MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF ONTARIO AND PROLOGIS LP FOR INFRASTRUCTURE CONSTRUCTION ASSOCIATED WITH PARCEL MAP 20273, LOCATED BETWEEN GROVE AVENUE, CARPENTER AVENUE, EUCALYPTUS AVENUE, AND MERRILL AVENUE, WITHIN THE MERRILL COMMERCE CENTER SPECIFIC PLAN

The City Council approved the Development Impact Fee Credit Agreement (File No. PDIF22-002) and Memorandum of Agreement between the City of Ontario and Prologis LP, located east of Grove Avenue, south of Eucalyptus Avenue, north of Merrill Avenue, and west of Carpenter Avenue, within the Merrill Commerce Center Specific Plan, and authorized the City Manager to execute the Agreement.

11. APPROVAL OF THE DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (FILE NO. PDIF21-001, PDIF26-002, AND PDIF26-003) AND MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF ONTARIO AND EUCLID LAND VENTURE LLC EUCLID LAND VENTURE 2 LLC AND GROVE LAND VENTURE FOR INFRASTRUCTURE CONSTRUCTION ASSOCIATED WITH PARCEL MAP 20016, LOCATED BETWEEN EUCLID AVENUE, GROVE AVENUE, EUCALYPTUS

AVENUE, AND MERRILL AVENUE, WITHIN THE ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN AND SOUTH ONTARIO LOGISTICS CENTER SPECIFIC PLAN

The City Council approved the Development Impact Fee Credit Agreement (File Nos. PDIF21-001, PDIF26-002, AND PDIF26-003) and Memorandum of Agreement between the City of Ontario and Euclid Land Venture LLC, Euclid Land Venture 2, and Grove Land Venture for infrastructure construction associated with Parcel Map 20016, located east of Euclid Avenue, south of Eucalyptus Avenue, north of Merrill Avenue, and west of Grove Avenue, within the Ontario Ranch Business Park Specific Plan and South Ontario Logistics Center, and authorized the City Manager to execute the Agreements.

12. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH RMA GROUP AND AN AMENDMENT TO THE AGREEMENT WITH KIZH NATION RESOURCES MANAGEMENT FOR THE ONTARIO SPORTS EMPIRE PROJECT

The City Council took the following actions:

A. Authorized the City Manager, or his designee, to execute Amendment No. 6 to the Professional Services Agreement with RMA Group, of Rancho Cucamonga, California, to provide on-call geotechnical consulting, materials testing, and special inspection services for the Ontario Sports Empire project in the amount of $1,504,150 for a total not-to-exceed contract amount of $7,147,513; and
B. Authorized an extension to the Agreement with Kizh Nation Resources Management to monitor all groundwork to ensure that any Native American Cultural Resources are properly mitigated per the approved Environmental Impact Report for the Ontario Sports Empire project in the amount of $385,805 for a total not-to-exceed contract amount of $1,386,765.

13. AN ORDINANCE APPROVING A ZONING MAP AMENDMENT, FILE NO . PZC25-002

The City Council adopted an Ordinance approving a Zoning Map Amendment, File No. PZC25-002, to implement the Policy Plan Amendment. Introduction and first reading took place at the regular meeting of June 16, 2026.

ORDINANCE NO. 3336 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC25-002, A CITYWIDE ZONING MAP AMENDMENT TO IMPLEMENT THE ONTARIO PLAN 2050 POLICY PLAN AMENDMENT, AND MAKING FINDINGS IN SUPPORT THEREOF.— APNS: 0110-072-25, 0110-081-06, 0110-081-07, 0113-282-15, 0216-174-16, 0216-174-17, 0216-214-05, 0216-214-06, 0216-214-07, 0216-311-08, 0216-311-09, 0216-312-08, 0216-312-09, 0216-312-10, 0216-313-01, 0216-313-03, 0216-313-04, 0216-313-05, 0216-313-06, 0216-313-07, 0216-313-09, 0216-314-01, 0216-314-03, 0216-314-04, 0216-314-05, 0216-314-07, 0216-314-08, 0216-314-09, 0216-321-01, 0216-321-02, 0216-321-03, 0216-321-06, 0216-321-07, 0216-322-01, 0216-322-02, 0216-322-10,

0218-102-10, 0218-102-11, 0218-111-06, 0218-111-08, 0218-111-09, 0218-111-10, 0218-111-11, 0218-111-50, 0218-111-67, 0218-111-68, 0218-111-69, 0218-121-01, 0218-121-02, 0218-121-03, 0218-121-04, 0218-121-05, 0218-121-06, 0218-122-01, 0218-122-02, 0218-122-03, 0218-122-04, 0218-122-06, 0218-122-08, 0218-122-09, 0218-122-10, 0218-181-11, 0218-181-16, 1049-101-01, 1049-101-02, 1049-101-04, 1049-101-05, 1049-101-06, 1049-101-07, 1049-101-08, 1049-101-09, 1049-101-10, 1049-101-11, 1049-101-12, 1049-101-13, 1049-101-14, 1049-101-15, 1049-101-16, 1049-101-17, 1049-101-18, 1049-101-29, 1049-101-30, 1049-101-31, 1049-101-32, 1049-101-33, 1049-101-34, 1049-101-35, 1049-101-36, 1049-101-37, 1049-101-38, 1049-101-39, 1049-101-40, 1049-131-01, 1049-131-02, 1049-131-03, 1049-131-04, 1049-131-08, 1049-131-09, 1049-131-18, 1049-131-19, 1049-131-20, 1049-131-21, 1049-131-22, 1049-161-01, 1049-161-24, 1049-161-25, 1049-171-05, 1049-171-06, 1049-171-07, 1052-151-05, 1052-151-09, 1052-151-10, 1052-151-11, 1052-161-03, 1053-111-01, 1053-111-03, 1053-111-04, 1053-171-01, 1053-171-04, 1053-171-06, 1053-171-07, 1053-181-01, 1053-181-02, 1053-191-01, 1053-191-02, 1053-201-01, 1053-281-08, 1053-301-01, 1053-301-02, 1053-311-01, 1053-311-02, 1053-321-01, 1053-321-02, 1053-321-03, 1053-331-02, 1053-331-04, 1053-341-01, 1053-341-02, 1053-351-02, 1053-361-02, 1053-371-01, 1053-391-01, 1053-411-01, 1053-421-01, 1053-421-02, 1053-511-01, 1053-511-05, 1053-511-06, 1053-511-07, 1053-511-08, 1053-521-01, 1053-521-02, 1053-531-01, 1053-531-04, 1053-541-01, 1053-551-01, 1053-571-01, 1053-571-02, 1053-581-03, 1053-581-04, 1053-591-01, 1053-591-02, 1053-601-01, 1053-601-02, 1053-601-03, 1053-601-04.

14. AN ORDINANCE APPROVING THE EUCALYPTUS BUSINESS PARK SPECIFIC PLAN, FILE NO. PSP24-003

The City Council adopted an Ordinance approving the Eucalyptus Business Park Specific Plan (File No. PSP24-003), appended to the attached Ordinance as "Attachment A", pursuant to the facts and reasons contained in the staff report and subject to the conditions of approval appended to the attached Ordinance as "Attachment B". Introduction and first reading took place at the regular meeting of June 16, 2026.

ORDINANCE NO. 3337 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSP24-003, THE EUCALYPTUS BUSINESS PARK SPECIFIC PLAN, TO ESTABLISH THE LAND USE DISTRICTS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR THE POTENTIAL DEVELOPMENT OF 2,939,000 SQUARE FEET OF BUSINESS PARK DEVELOPMENT, 10,000 SQUARE FEET OF COMMERCIAL DEVELOPMENT AND APPROXIMATELY 37 ACRES OF OPEN SPACE/PARKLAND ON APPROXIMATELY 189 ACRES OF LAND, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1053-531-01, 1053-531-02, 1053-531-03, 1053-531-04, 1053-541-01, 1053-541-02, 1053-551-01, 1053-371-01, 1053-371-02, 1053-581-03, 1053-581-04, 0216-321-01, 0216-321-02, 0216-321-06, 0216-321-07, 0216-322-01, 0216-322-02 AND 0216-322-10.

PUBLIC HEARINGS

15. A PUBLIC HEARING TO CONSIDER ADOPTING A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE EUCLID AVENUE RECYCLED WATER SYSTEM PROJECT, AND APPROVING THE PROJECT; AWARD CONSTRUCTION CONTRACT TO ALL CITIES ENGINEERING, INC., A PROFESSIONAL SERVICES AGREEMENT WITH ARDURRA GROUP, INC., AMENDMENTS TO THE PROFESSIONAL SERVICES AGREEMENTS WITH AKM CONSULTING ENGINEERS, INC., AND SMITH-EMERY LABORATORIES, INC., FOR THE EUCLID AVENUE RECYCLED WATER SYSTEM PROJECT

The City Council took the following actions:

A. Conducted a public hearing on the Mitigated Negative Declaration in accordance with the California Environmental Quality Act and adopting a Related Mitigation Monitoring and Reporting Program for the Euclid Avenue Recycled Water System Project, and approved the project.
B. Adopted a Resolution approving a Mitigated Negative Declaration in accordance with the California Environmental Quality Act and adopting a Related Mitigation Monitoring and Reporting Program for the Euclid Avenue Recycled Water System Project, and Approving the Project.
C. Approved the plans and specifications and award Contract No. UT1072 to All Cities Engineering, Inc., of Riverside, California, for the construction of the Euclid Avenue Recycled Water System Project, in the amount of $11,778,501 plus a 15% contingency of $1,766,775, for a total not-to-exceed amount of $13,545,276, a term of 450 calendar days after issuance of notice to proceed, and authorized the City Manager, or his designee, to execute all documents required for the completion of the project including, but not limited to agreements, assessments, easements, lot line adjustments, reduction of retention accounts, contracts and contract amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction related activities to the project.
D. Authorized the City Manager, or his designee, to execute a Professional Services Agreement for construction engineering services with Ardurra Group, Inc., of Newport Beach, California, for a total not-to-exceed amount of $936,902 and a term from July 7, 2026 to December 31, 2029.
E. Authorized the City Manager, or his designee, to execute Amendment No. 3 to the On-Call Construction Management and Inspection Agreement with AKM Consulting Engineers, Inc., of Irvine, California, increasing the Agreement amount by $622,422 for a new total revised not-to-exceed amount of $2,875,952 and a term from June 4, 2024 through June 4, 2029.
F. Authorized the City Manager, or his designee, to execute Amendment No. 3 to the On-Call Geotechnical and Material Testing Services Agreement with Smith-Emery Laboratories, Inc., of Los Angeles, California, increasing the Agreement amount by $124,095 for a new total revised not-to-exceed amount of $584,260 and a term from May 2, 2023 through May 2, 2028.

G. Rejected the bid protest from Norstar Plumbing & Engineering, Inc., against All Cities Engineering, Inc., and Big Ben Engineering as without merit.

RESOLUTION NO. 2026-068 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE EUCLID AVENUE RECYCLED WATER SYSTEM PROJECT AND APPROVING THE PROJECT.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon opened the public hearing and called on the speaker, Chris Robles who spoke in opposition. Hearing no one else, Mayor Leon closed the public hearing and opened the item for Council discussion.

MOTION: Moved by Council Member Bowman, seconded by Council Member Macias and carried by a vote of 5-0, to adopt Resolution No. 2026-068.

16. A RESOLUTION DECLARING CITY-OWNED PROPERTY LOCATED AT 801 S. MOUNTAIN AVENUE (ASSESSOR'S PARCEL NO. 1011-382-09) AND 1045 W. MISSION BOULEVARD (ASSESSOR'S PARCEL NO. 1011-382-65) AS EXEMPT SURPLUS LAND FOR AFFORDABLE HOUSING DEVELOPMENT

The Housing Authority adopted a Resolution declaring the two properties located at 801 S. Mountain, identified with Assessor's Parcel No. 1011-382-09 and 1045 W. Mission Boulevard, identified with Assessor's Parcel No. 1011-382-65, as Exempt Surplus Land pursuant to Government Code Section 54221 (f) (1)(F).

RESOLUTION NO. OHA-123 A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING A HOUSING AUTHORITY-OWNED LAND TO BE EXEMPT SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221(F)(1)(F).

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Chairman Leon opened the public hearing and inquired whether any person present wished to speak to the item. Hearing no one, Chairman Leon closed the public hearing and opened the item for discussion.

MOTION: Moved by Board Member Porada, seconded by Board Member Bowman and carried by a vote of 5-0, to adopt Resolution No. OHA-123.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

17. AMENDMENT OF TO SECTION 4-21.05 (A) ADMINISTRATIVE FINES, OF THE ONTARIO MUNICIPAL CODE PERTAINING TO MANAGING THE CITY'S RESPONSE TO FIREWORKS FEES AND FINES

The City Council amended Section 4-21.05(a) Administrative Fines of the Ontario Municipal code relating to fines for illegal use of fireworks, pyrotechnic devices, explosives, destructive devices or their components and establishing the amount of the fees and fines set forth in this section shall be specified in the City Fee Schedule, which may only be revised by a duly-adopted Resolution of the City Council.

ORDINANCE NO. 3338 (FIRST READING) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING THE ADMINISTRATIVE FINES AS ESTABLISHED IN CHAPTER 21, TITLE 4, SUBSECTION (A) OF THE ONTARIO MUNICIPAL CODE THAT PROHIBIT THE POSSESSION, USE, STORAGE OR MANUFACTURE OF FIREWORKS, PYROTECHNIC DEVICES, EXPLOSIVES, DESTRUCTIVE DEVICES OR THEIR COMPONENTS AND ESTABLISHING ADMINISTRATIVE FINES FOR VIOLATIONS THEREOF.

There were no written communications or persons present who wished to speak to the item. Mayor Leon opened the item for Council discussion.

MOTION: Moved by Council Member Porada, seconded by Council Member Bowman, carried by a vote of 5-0, to introduce Ordinance No. 3338.

STAFF MATTERS

City Manager Ochoa had no updates.

COUNCIL MATTERS

Council Member Macias commented on the Independence Day Parade.

Council Member Bowman commented on the Independence Day Parade.

Mayor pro Tem Wapner made no comments.

Council Member Porada announced upcoming community events.

Mayor Leon inquired about cooling stations for the community and commented on the Independence Day Parade.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:07 p.m.

Respectfully submitted,

_____
SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:

_____
PAUL S. LEON, MAYOR/CHAIRMAN

ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
JULY 21, 2026
(Not Official Until Approved)

JOINT MEETINGS

The regular meetings of the Ontario City Council and Housing Authority were held on Tuesday, July 21, 2026, at Ontario City Hall, 303 E. B Street Ontario, California.

OPEN MEETING CALLED TO ORDER

Mayor Leon called the joint meetings to order at 6:31 p.m.

ROLL CALL

PRESENT:	Mayor/Chairman:	Paul S. Leon
	Mayor pro Tem/Vice Chair:	Alan D. Wapner
	Council/Authority Members:	Jim W. Bowman Debra Porada, and Daisy Macias
ABSENT:	Council/Authority Members:	None

Also present were City Manager / Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran, and City Clerk / Secretary Sheila Mautz.

INFORMATION RELATIVE TO POSSIBLE CONFLICTS OF INTEREST

There were no conflicts of interest reported.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor pro Tem Wapner.

INVOCATION

The invocation was led by Sr. Pastor Gresford Thomas from Ontario Seventh Day Adventist Church.

PUBLIC COMMENT

Mayor Leon called upon the speakers:
Matt Muson, spoke in opposition to sales tax increases.
Randy Bekendam, spoke on the concept of a “City of Compassion”.
Dale Roberts, thanked City Staff for I Street cleanup.
Daija Lopez, spoke regarding housing concerns.
Adriana Roda-Stewart, spoke regarding regenerative agriculture.

Chris Robles, spoke regarding transparency.
Tommy Mushegain, spoke regarding various topics.

Mayor pro Tem Wapner stepped out at 7:12 p.m. and returned to the dais at 7:14 p.m.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa announced updates to the Resolutions considered under Item No. 3 and Public Hearing Item Nos. 24 and 25, to reflect changes requested by San Bernardino County.

City Attorney Duran announced the Deputy City Manager classification will be assigned to executive salary group EX-1 with a monthly salary range of $16,890.00 to $22,462.00 and will receive the compensation and fringe benefits applicable to the Executive Management profile.

CONSENT CALENDAR

Public Comment:
Chris Robles, submitted a written comment in opposition to Item No. 23**.**

Mayor Leon called upon the speakers:
Chris Robles, spoke in opposition to Item Nos. 5 and 23.
Marty McBride, spoke in opposition to Item Nos. 5 and 23.
Alec Aragon, spoke in opposition to Item No. 5.
Joaquin Castillejos, spoke in opposition to Item Nos. 5 and 23.
Randy Bekendam, spoke in opposition to Item No. 23.
Claudia Cuevas, spoke in opposition to Item No. 23.
Tommy Mushegain, spoke in opposition to Item No. 8.
Luz Hernandez, spoke in opposition to Item No. 23.

MOTION: Moved by Council Member Porada, seconded by Council Member Bowman and carried by a vote of 5-0, to approve the Consent Calendar as presented.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meetings of the City Council and Housing Authority of June 16, 2026, and approving same as on file in the Records Management Department.

2. BILL & PAYROLL

Approved Bills June 19, 2026 through July 2, 2026, in the amount of $51,632,857.16 and Payroll May 31, 2026 through June 13, 2026, in the amount of $6,179,715.12.

3. RESOLUTIONS ESTABLISHING THE ANNUAL SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICTS IN OLD MODEL COLONY AND ONTARIO RANCH FOR FISCAL YEAR 2026-27

The City Council adopted Resolutions establishing the annual special taxes within City of Ontario Community Facilities Districts in Old Model Colony and Ontario Ranch for Fiscal Year 2026-27.

RESOLUTION NO. 2026-069 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLEN), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-070 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-071 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-072 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-073 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 20 (WAL-MART), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-074 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 21 (PARKSIDE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-075 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT

NO. 23 (PARK PLACE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-076 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES PHASE 1), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-077 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-078 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-079 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-080 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27

RESOLUTION NO. 2026-081 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES - AREA B), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-082 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE/AMBERLY LANE), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-083 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER - SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-084 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-085 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-086 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 35 (COUNTRYSIDE PHASE 2 SOUTH - FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-087 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-088 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-089 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES - AREA C), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-090 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT

NO. 40 (EMERALD PARK FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-091 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 41 (CANVAS PARK FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2016-27.

RESOLUTION NO. 2026-092 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 42 (WEST HAVEN FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-093 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 43 (PARK PLACE FACILITIES PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-094 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 44 (ESPERANZA SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-095 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-096 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 46 (AVENUE 176 FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-097 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-098 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 48 (TEVELDE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-099 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 49 (AVENUE 176 SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-100 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 50 (WEST ONTARIO LOGISTICS CENTER SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-101 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-102 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 52 (SUNDANCE PARK), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-103 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 53 (TEVELDE FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-104 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 54 (ESPERANZA FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-105 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT

NO. 55 (PARKLANE), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-106 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 56 (PARKSIDE/LA AVENIDA), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-107 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-108 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-109 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 59 (GATEWAY SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-110 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 60 (ONTARIO RANCH BUSINESS PARK SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-111 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 61 (MERRILL COMMERCE CENTER SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-112 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 62 (ONTARIO COMMERCE CENTER SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-113 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 64 (SUNSET RANCH), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-114 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 65 (FALLONCREST), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-115 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 66 (OLIVE AND OLEANDER FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-116 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 68 (RICH HAVEN INDUSTRIAL SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-117 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 69 (SOUTH ONTARIO LOGISTICS CENTER SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-118 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 71 (NEUHOUSE PHASE 2), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-119 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 72 (LOMA CREEK LOGISTICS CENTER SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-120 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT

NO. 73 (WILDFLOWERS ACRES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-121 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 74 (REMINGTON APG LLC SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-122 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 75 (SPRINGHILL), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-123 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 76 (COMPASS POINTE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-124 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 77 (THE RESORT AT ONTARIO RANCH FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2026-27.

4. A DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (FILE NO. PDIF25-002) BETWEEN THE CITY OF ONTARIO AND THE RANCH AT MODEL COLONY, LLC FOR FACILITY CONSTRUCTION ASSOCIATED WITH TRACT MAP 20465 (FILE NO. PMTT23-003), LOCATED AT THE SOUTHWEST CORNER OF HAMNER AVENUE AND ONTARIO RANCH ROAD, WITHIN THE RICH HAVEN SPECIFIC PLAN

The City Council approved the Development Impact Fee Credit Agreement (File No. PDIF25-002) between the City of Ontario and The Ranch At Model Colony, LLC for facility construction associated with Tract Map 20465 (File No. PMTT23-003), located at the southwest corner of Hamner Avenue and Ontario Ranch Road, within the Rich Haven Specific Plan, and authorized the City Manager to execute the Agreement.

5. A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF ONTARIO LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council adopted a Resolution approving the 2026 amendment to the "Local Guidelines for Implementing the California Environmental Quality Act for City of Ontario," pursuant to the facts and reasons contained in the staff report and attached Resolution.

RESOLUTION NO. 2026-125 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUBLIC RESOURCES CODE §§ 21000, ET SEQ.)

6. A CONSTRUCTION CONTRACT WITH HARDY & HARPER, INC. AND A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE CITY OF RANCHO CUCAMONGA FOR THE 2026 FALL PAVEMENT REHABILITATION PROJECT

The City Council took the following actions:

A. Authorized the City Manager, or his designee, to execute a Construction Contract with Hardy & Harper, Inc., of Lake Forest, California, for the 2026 Fall Pavement Rehabilitation Project in the amount of $4,250,000, plus a 10% contingency of $425,000 for a total not-to-exceed contract amount of $4,675,000; and
B. Authorized the City Manager, or his designee, to execute all documents required for the completion of the project, which may include, but is not limited to agreements, assessments, easements, reduction of retention accounts, contract amendments within authorization limits, and filing a notice of completion at the conclusion of all construction-related activities; and
C. Authorized the City Manager, or his designee, to execute a Reimbursement Agreement between the City of Ontario and the City of Rancho Cucamonga for the Pavement Rehabilitation of Fourth Street from N. Wineville Avenue/Santa Anita Avenue to Etiwanda Avenue, estimated to cost $906,228.

7. A RESOLUTION DECLARING PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT REAL PROPERTY OWNED BY THE CITY IS EXEMPT SURPLUS LAND, AND FINDING THAT SUCH DECLARATION IS NOT A PROJECT SUBJECT TO ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council adopted a Resolution declaring a portion of the property located near 315-325 West D Street identified with portions of Assessor's Parcel Numbers 1048-576-01 and 1048-576-02 as described, approve the property as exempt surplus land, and finding that such declaration is not a project subject environmental review under the California Environmental Quality Act (CEQA).

RESOLUTION NO. 2026-126 A RESOLUTION OF THE CITY COUNCIL OF CITY OF ONTARIO, CALIFORNIA, DECLARING PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT REAL PROPERTY OWNED BY THE CITY LOCATED NEAR 315-325 WEST D STREET (PORTIONS OF APNS 1048-576-01 AND 1048-576-02) IS EXEMPT SURPLUS LAND, AND FINDING THAT SUCH DECLARATION IS NOT A PROJECT SUBJECT TO ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

8. A PROFESSIONAL SERVICES AGREEMENT WITH T&B PLANNING FOR THE PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE PROPOSED ONTARIO SPORTS EMPIRE PLANNED UNIT DEVELOPMENT (PUD)

The City Council authorized the City Manager to execute a Professional Services Agreement with T&B Planning Associates, Inc., of Irvine, California, in the amount of $577,962, plus a 10% contingency of $57,790 for a total authorized expenditure of $635,752 to prepare a Supplemental Environmental Impact Report (SEIR) for the Ontario Sports Empire Planned Unit Development (PUD).

9. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PURESOUND PRODUCTIONS FOR AUDIO, VISUAL, AND LIGHTING SERVICES

The City Council authorized the City Manager, or his designee, to execute Amendment No. 4 to the Professional Services Agreement with Puresound Productions in the amount of $160,000 for a total not-to-exceed contract amount of $480,000 and extend the contract term to June 30, 2027.

10. A RESOLUTION ADOPTING THE ONTARIO HOUSING TRUST FUND GUIDELINES

The City Council adopted a Resolution approving the Ontario Housing Trust Fund (OHTF) guidelines.

RESOLUTION NO. 2026-127 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING THE ONTARIO HOUSING TRUST FUND GUIDELINES.

11. APPROVAL OF OWNERSHIP TRANSFER AND AMENDMENTS TO THE SUBORDINATE LOAN TERMS AND AFFORDABILITY RESTRICTIONS FOR THE CITY CENTER SENIOR APARTMENTS, LOCATED AT 280 NORTH LEMON AVENUE

The City Council took the following actions:

A. Approved the Assignment and Assumption and First Amendment to the Development, Restrictive Covenant, and Density Bonus Agreement;

B. Approved the extension of affordability restrictions for the City Center Senior Apartments to a new 99-year term; and
C. Authorized the City Manager or his designee to execute all related documents to effectuate the Amendment.

The Ontario Housing Authority took the following actions:

A. Approved the Assignment and Assumption and Amendment to the Subordinate Loan Note and Disposition and Development Agreement, including:
   a. Reduction of the residual receipts' payment requirement from 85% to 65%;
   b. Removal of the purchase option provision; and
   c. Waiver of the transfer repayment provision associated with the sale of the General Partnered interested.
B. Approved the extension of the affordability restriction for the City Center Senior Apartment to a new 99-year term; and
C. Authorized the Executive Director to execute all related documents to effectuate the amendments.

12. A PROFESSIONAL SERVICES AGREEMENT FOR HOMELESS SERVICES BETWEEN THE CITY OF ONTARIO AND SYMBA CENTER AT THE ONTARIO WELLNESS CAMPUS

The City Council took the following actions:

A. Approved a Professional Services Agreement with Symba Center, a non-profit organization based in Victorville, California, to provide homeless services at 1522 West Mission Boulevard. The agreement includes an initial term from August 1, 2026, through June 30, 2027, with an annual not-to-exceed amount of $2,134,010 and a total contract value of $6,402,030, inclusive of the initial term and up to 2 one-year extension options;
B. Authorized the City Manager to approve up to two additional one-year extensions; and
C. Authorized the City Manager or his designee to execute the Agreement and take all actions necessary to implement them.

13. A CONSTRUCTION CONTRACT WITH CJ CONCRETE CONSTRUCTION, INC. FOR AMERICANS WITH DISABILITIES ACT (ADA) CONCRETE RAMP CONSTRUCTION SERVICES

The City Council authorized the City Manager, or his designee, to execute a Construction Contract with CJ Concrete Construction, Inc., of Santa Fe Springs, California, for Americans with Disabilities Act (ADA) concrete ramp construction services for a total not-to-exceed contract amount of $175,000 over a one-year term.

14. A RENEWAL ORDER FORM WITH CENTURYLINK COMMUNICATIONS, LLC FOR ONTARIONET INTERNET BACKHAUL SERVICES

The City Council authorized the City Manager, or his designee, to execute a Renewal Order Form with CenturyLink Communications, LLC, doing business as Lumen Technologies Group, of Louisiana, under the existing Master Services Agreement, for continued internet backhaul services for the OntarioNet network for a new 36-month term, in an amount not to exceed $422,873, plus a 15% contingency of $63,431, for a total not-to-exceed contract amount of $486,304.

15. A PURCHASE AND SALE AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND EASTER SEALS SOUTHERN CALIFORNIA INC.

The City Council approved a Purchase and Sale Agreement ("Agreement") and authorized the City Manager, or his designee, to execute and implement any and all contracts, agreements, and other documents required to effectuate the Agreement.

16. AUTHORIZE THE PURCHASE AND INSTALLATION OF FURNITURE AND AUDIO-VISUAL SYSTEM EQUIPMENT WITH INFO-COM BUSINESS PRODUCTS AND KEYCODE MEDIA, INC. FOR THE FIRE ADMINISTRATION BUILDING PROJECT

The City Council took the following actions:

A. Authorized a cooperative purchase agreement for D&C21-001A Fire Administration Building with Margaret C. Pett, Inc. DBA Info-Com Business Products (Info-Com), of Altadena, California, for the purchase and installation of furniture in the amount of $1,947,856 plus a 10% contingency of $194,786, for a total not-to-exceed contract amount of $2,142,642, consistent with the terms and conditions of the OMNIA Region 14 ESC – TXS Contract Number 07-97; and
B. Authorized a cooperative purchase agreement for D&C21-001A Fire Administration Building with KeyCode Media, Inc., of Burbank, California, for the purchase and installation of audio-visual (AV) system equipment in the amount of $570,052 plus a 10% contingency of $57,006 for a total not-to-exceed contract amount of $627,058 consistent with the terms and conditions of the OMNIA Region 4 ESC – TX R250407; and
C. Authorized the City Manager, or his designee, to execute all documents required for the completion of the project which may include, but not limited to agreements, assessments, easements, reduction of retention accounts, contracts amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction-related activities.

17. A CONSTRUCTION CONTRACT WITH G.M. SAGER CONSTRUCTION CO, INC., FOR ON-CALL/EMERGENCY UTILITY TRENCH PAVING

The City Council authorized the City Manager, or designee, to execute a one-year Construction Contract with G.M. Sager Construction Co, Inc., located in Pomona, California, for on-call utility trench repairs at various locations in the amount of $600,000 from July 21, 2026 to June 30, 2027, with the option to extend the contract for up to four successive one-year periods for a total not-to-exceed amount of $3,315,378.

18. A CONSTRUCTION CONTRACT WITH DOWNING CONSTRUCTION, INC., A PROFESSIONAL SERVICES AGREEMENT WITH ARDURRA GROUP, INC., AND AMENDMENTS TO THE PROFESSIONAL SERVICES AGREEMENTS WITH Z&K CONSULTANTS, INC. AND TWINING, INC., FOR THE WESTERN TRUNK SEWER INTERIM DIVERSION PROJECT

The City Council took the following actions:

A. Approved the plans and specifications and award Contract No. UT1097 to Downing Construction, Inc., of Calimesa, California, for the construction of the Western Trunk Sewer Interim Diversion Project, in the amount of $2,314,676 plus a 15% contingency of $347,202, for a total not-to-exceed amount of $2,661,878, a term of 150 calendar days after issuance of a notice to proceed and authorized the City Manager, or his designee, to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project.
B. Authorized the City Manager, or his designee, to execute a Professional Services Agreement with Ardurra Group, Inc., of Newport Beach, California, for a total not-to-exceed amount of $131,765 for Construction Engineering Services and a term from July 21, 2026, to December 31, 2029.
C. Authorized the City Manager, or his designee, to execute Amendment No. 2 to the On-Call Construction Management and Inspection Agreement with Z&K Consultants, Inc., of Riverside, California, increasing the Agreement amount by $270,516 for a revised new total not-to-exceed amount of $1,028,642 and extending the term of the Agreement from June 4, 2024 to May 31, 2029.
D. Authorized the City Manager, or his designee, to execute Amendment No. 3 to the On-Call Geotechnical and Material Testing Services Agreement with Twining, Inc., of Long Beach, California, increasing the Agreement amount by $47,796 for a revised new total not-to-exceed amount of $386,632 and a term from May 2, 2023 to April 30, 2028.

19. ACCEPTANCE OF GRANT FROM CALIFORNIA HIGHWAY PATROL FOR THE CANNABIS TAX FUND GRANT PROGRAM FISCAL YEAR 2026-27 IN THE AMOUNT OF $389,811.

The City Council authorized the City Manager, or his designee, to execute all documents necessary to accept the 12-month grant in the amount of $389,811.

20. AWARD OF PROFESSIONAL SERVICE AGREEMENTS TO ATKINSON, ANDELSON, LOYA, RUUD & ROMO, BURKE, WILLIAMS & SORENSEN, LLP, AND LIEBERT CASSIDY WHITMORE FOR LEGAL SERVICES, CONSULTING, AND TRAINING

The City Council authorized the City Manager, or his designee, to execute a three-year Professional Services Agreement with three law firms specializing in human resources legal services, consulting, and training. The combined total for the three Agreements shall not exceed $1,800,000 over the initial three-year term. The City may extend each Agreement for up to two additional one-year terms, with a combined annual not-to-exceed amount of $600,000 for all three firms. The total not-to-exceed contract authority, including all optional extensions, shall be $3,000,000.

21. ADOPTION OF AN ORDINANCE AMENDING SECTION 4-21.05 (A) ADMINISTRATIVE FINES, OF THE ONTARIO MUNICIPAL CODE PERTAINING TO MANAGING THE CITY'S RESPONSE TO FIREWORKS FEES AND FINES

The City Council adopted an Ordinance amending Section 4-21.05(a) Administrative Fines of the Ontario Municipal code relating to fines for illegal use of fireworks, pyrotechnic devices, explosives, destructive devices or their components and establishing the amount of the fees and fines set forth in this section shall be specified in the City Fee Schedule, which may only be revised by a duly-adopted resolution of the City Council. Introduction and first reading took place at the regular meeting of July 7, 2026.

ORDINANCE NO. 3338 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING THE ADMINISTRATIVE FINES AS ESTABLISHED IN CHAPTER 21, TITLE 4, SUBSECTION (A) OF THE ONTARIO MUNICIPAL CODE THAT PROHIBIT THE POSSESSION, USE, STORAGE OR MANUFACTURE OF FIREWORKS, PYROTECHNIC DEVICES, EXPLOSIVES, DESTRUCTIVE DEVICES OR THEIR COMPONENTS AND ESTABLISHING ADMINISTRATIVE FINES FOR VIOLATIONS THEREOF.

22. APPROVAL OF ONE-YEAR MEMORANDUMS OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES LOCAL 3061; ASSOCIATION OF ONTARIO MANAGEMENT EMPLOYEES; AND AMENDMENTS TO THE COMPENSATION AND BENEFITS PROFILES FOR CONFIDENTIAL / SPECIALIZED CONFIDENTIAL / CONFIDENTIAL MANAGEMENT EMPLOYEES, DEPARTMENT HEAD EMPLOYEES, AND EXECUTIVE MANAGEMENT EMPLOYEES; AND AUTHORIZATION FOR THE CITY MANAGER TO MAKE NON-SUBSTANTIVE CHANGES WHICH MAY BE NECESSARY FOR IMPLEMENTATION.

The City Council authorized the City Manager to complete the following:

A. Approved a one-year Memorandum of Understanding (MOU) regarding wages, hours, and other terms and conditions of employment with American Federation of State, County, and Municipal Employees Local 3061 (AFSCME) for the term of July 1, 2026, through June 30, 2027;
B. Approved a one-year MOU regarding wages, hours, and other terms and conditions of employment with the Association of Ontario Management Employees (AOME) for the term of July 1, 2026, through June 30, 2027;
C. Approved amendments to the Compensation and Benefits Profiles for Confidential / Specialized Confidential / Confidential Employees; Department Head Employees; and Executive Management Employees effective July 1, 2026;
D. Modified Paid Parental Leave to Paid Family Care Leave and expand its use to include reproductive loss and bereavement; and
E. Authorized the City Manager to make non-substantive revisions that may be necessary to implement the MOUs and Compensation and Benefits Profiles.

23. A PROFESSIONAL SERVICES AGREEMENT WITH CBRE, INC. FOR REAL ESTATE BROKERAGE SERVICES RELATED TO THE DISPOSITION OF 73.19 ACRES

The City Council authorized the City Manager or his designee to negotiate and execute a Professional Services Agreement in the amount of $300,000 with CBRE, Inc. for real estate brokerage and advisory services related to the disposition of approximately 73.19 acres of property located at the southwest corner of Eucalyptus Avenue and Bon View Avenue.

PUBLIC HEARINGS

24. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NOS. 1, 2, 3 AND 4 FOR FISCAL YEAR 2026-27

The City Council conducted a combined public hearing for the districts and took the following actions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) Nos. 1, 2, 3 and 4 and:

A. Adopted a Resolution approving the Engineer’s Reports relating to the levy of assessments for each district;
B. Adopted a Resolution confirming the diagrams and assessments and providing for the assessment levy within Ontario Parkway Maintenance Assessment Districts Nos. 1, 2, & 3; and
C. Adopted a Resolution confirming the diagram and assessment and providing for the assessment levy within Ontario Parkway Maintenance Assessment District No. 4.

RESOLUTION NO. 2026-128 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS

FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-129 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAMS AND ASSESSMENTS, AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3 FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-130 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4 FOR FISCAL YEAR 2026-27.

City Manager Ochoa reiterated amendments to the Resolutions as requested by San Bernardino County, including the addition of Exhibit B.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon opened the public hearing and inquired whether any person present wished to speak to the item. Hearing no one, Mayor Leon closed the public hearing and opened the item for Council discussion.

MOTION: Moved by Council Member Bowman, seconded by Council Member Macias and carried by a vote of 5-0, to adopt Resolution Nos. 2026-128, 2026-129, and 2026-130.

25. ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICT NOS. 1 AND 2 FOR FISCAL YEAR 2026-27

The City Council conducted a combined public hearing for the districts and took the following actions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) Nos. 1 and 2, and:

A. Adopted a Resolution approving the Engineer’s Reports relating to the levy of assessments for each district;
B. Adopted a Resolution confirming the diagram and assessment and providing for the assessment levy within Street Lighting Maintenance District 1; and
C. Adopted a Resolution confirming the diagram and assessment and providing for the assessment levy within Street Lighting Maintenance District 2.

RESOLUTION NO. 2026-131 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-132 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2026-27.

RESOLUTION NO. 2026-133 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 2 FOR FISCAL YEAR 2026-27.

City Manager Ochoa reiterated amendments to the Resolutions as requested by San Bernardino County, including the addition of Exhibit B.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon opened the public hearing and inquired whether any person present wished to speak to the item. Hearing no one, Mayor Leon closed the public hearing and opened the item for discussion.

MOTION: Moved by Council Member Bowman, seconded by Council Member Macias and carried by a vote of 5-0, to adopt Resolution Nos. 2026-131, 2026-132, and 2026-133.

26. A PUBLIC HEARING TO CONSIDER A DEVELOPMENT CODE AMENDMENT FILE NO. PDCA26-002 REVISING AND CLARIFYING CERTAIN PROVISIONS OF THE CITY OF ONTARIO DEVELOPMENT CODE PURSUANT TO AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council introduced and waived further reading of an Ordinance approving File No. PDCA26-002, a Development Code Amendment revising and clarifying certain provisions of Chapters 2.0 (Administration and Procedures), 4.0 (Permits, Actions, and Decisions), 5.0 (Zoning and Land Use), 6.0 (Development and Subdivision Regulations), and 8.0 (Sign Regulations) of the City of Ontario Development Code.

ORDINANCE NO. 3339 (FIRST READING) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA26-002, A DEVELOPMENT CODE AMENDMENT REVISING AND CLARIFYING CERTAIN PROVISIONS OF CHAPTERS 2.0 (ADMINISTRATION AND PROCEDURES), 4.0 (PERMITS, ACTIONS, AND DECISIONS), 5.0 (ZONING AND LAND USE), 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS), AND 8.0 (SIGN REGULATIONS) OF THE CITY OF ONTARIO DEVELOPMENT CODE PURSUANT TO AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND MAKING FINDINGS IN SUPPORT THEREOF.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon opened the public hearing and called on the speakers:

Chris Robles, spoke in opposition.
Alec Aragon, spoke in opposition.

Mayor Leon inquired whether any other person present wished to speak to the item. Hearing no one, Mayor Leon closed the public hearing and opened the item for discussion.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Wapner, carried by a vote of 5-0, to introduce Ordinance No. 3339.

27. A PUBLIC HEARING TO CONSIDER ADOPTING A RESOLUTION OF NECESSITY FOR THE ACQUISITION BY EMINENT DOMAIN OF A FEE SIMPLE INTEREST IN CERTAIN REAL PROPERTY LOCATED AT 434 NORTH EUCLID AVENUE

The City Council took the following actions:

A. Adopted a Resolution authorizing the execution of a Loan Agreement and other related documents in connection with providing a loan to Ontario Ranch Hotels LLC and accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083.
B. Authorized the City Manager, or his designee, to execute such further documents and take such actions as may be necessary or desirable to carry out the intent of the Loan Agreement.

RESOLUTION NO. 2026-134 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PURSUANT TO CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, FOR THE ACQUISITION BY EMINENT DOMAIN OF A FEE SIMPLE INTEREST IN CERTAIN REAL PROPERTY LOCATED AT 434 NORTH EUCLID AVENUE IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, CALIFORNIA AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 1048-363-01, FOR THE ONTARIO DOWNTOWN PUBLIC PARKING PROJECT, IN ONTARIO, CALIFORNIA.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were written communications from Chris Peterson, representing Faisal Afsari, and Faisal Afsari in opposition.

Mayor Leon opened the public hearing, Executive Director of Economic Development Jennifer McLain Hiramoto explained the nature and scope of the property acquisition, Legal Counsel Mark Easter reviewed the findings and described the eminent domain process.

Mayor Leon inquired whether any person present wished to speak to the item.

Hearing no one, Mayor Leon closed the public hearing and opened the item for discussion.

MOTION: Moved by Council Member Porada, seconded by Council Member Bowman, carried by a vote of 5-0, to adopt Resolution No. 2026-134.

28. A RESOLUTION REGARDING A LOAN AGREEMENT BETWEEN THE CITY OF ONTARIO AND ONTARIO RANCH HOTELS, LLC AND AN ECONOMIC SUBSIDY REPORT PURSUANT TO GOVERNMENT CODE SECTION 53083

The City Council took the following actions:

A. Adopted a Resolution authorizing the execution of a Loan Agreement and other related documents in connection with providing a loan to Ontario Ranch Hotels LLC and accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083.
B. Authorized the City Manager, or his designee, to execute such further documents and take such actions as may be necessary or desirable to carry out the intent of the Loan Agreement.

RESOLUTION NO. 2026-135 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND ONTARIO RANCH HOTELS LLC AND ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT PREPARED PURSUANT TO GOVERNMENT CODE SECTION 53083.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon opened the public hearing and called on the speakers:

Chris Robles, spoke in opposition.
Alec Aragon, spoke in opposition.

Mayor Leon inquired whether any other person present wished to speak to the item. Hearing no one, Mayor Leon closed the public hearing and opened the item for discussion. City Manager Ochoa provided additional background information.

MOTION: Moved by Council Member Porada, seconded by Council Member Macias, carried by a vote of 5-0, to adopt Resolution No. 2026-135.

STAFF MATTERS

City Manager Ochoa had no updates.

COUNCIL MATTERS

Council Member Macias made no comments.

Council Member Bowman thanked the public for their participation.

Council Member Porada announced National Night Out.

Mayor pro Tem Wapner provided an update on the West Valley Connector project on Holt Boulevard.

Mayor Leon commented on services for residents.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:47 p.m.

Respectfully submitted,

_____
SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:

_____
PAUL S. LEON, MAYOR/CHAIRMAN

CITY OF ONTARIO *Agenda Report* **August 18, 2026**	**SECTION:** **CONSENT CALENDAR**
Department: Public Works Prepared By: Leonard Lui Department: Public Works Prepared By: Tricia Maruki Staff Member Presenting: Tito Haes, Executive Director Public Works Reviewed By: Khoi Do, Rene Guerrero, Andrea Ampig Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 3

SUBJECT: **AN AMENDMENT TO THE REIMBURSEMENT AGREEMENT WITH THE CITY OF RANCHO CUCAMONGA FOR THE PAVEMENT RESURFACING OF VINEYARD AVENUE AT THE EIGHTH STREET INTERSECTION PROJECT**

RECOMMENDATION: That the City Council authorize the City Manager, or his designee, to execute Amendment No. 1 to the Reimbursement Agreement with the City of Rancho Cucamonga for the Pavement Resurfacing of Vineyard Avenue and Eighth Street Intersection Project in the amount of $187,634 plus a ten percent (10%) engineering fee of $18,764, and a survey cost of $5,240 for a total of $211,638, and authorize the City Manager, or his designee, to execute future amendments within the authorization limits.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The total recommended expenditure authorization consists of $187,634 plus a ten percent (10%) contingency of $18,764 and a survey cost of $5,240 for a total of $211,638 for the Pavement Resurfacing of Vineyard Avenue and Eighth Street Intersection Project in the RMRA-SB1 and Measure I funds. If approved, additional appropriations will be included in future quarterly budget updates to the City Council as needed.

BACKGROUND & ANALYSIS: The Vineyard Avenue and Eighth Street intersection lies partially within the City of Ontario and partially in the City of Rancho Cucamonga (see Exhibit "A"). To facilitate pavement rehabilitation of the entire intersection, Ontario has entered into a reimbursement agreement with the City of Rancho Cucamonga, which will act as the lead agency on this project. The scope of the project includes pavement rehabilitation, curb ramp replacement, pedestrian push button installation, and adjustment of water valves and manholes. The original

agreement was approved by Council on September 2, 2025, with a not-to-exceed amount of $180,000. Construction bids received on May 19, 2026 by the City of Rancho Cucamonga exceeded the original project cost estimate, necessitating this amendment and budget adjustment. If approved, the City of Ontario agrees to reimburse the City of Rancho Cucamonga for the survey costs and construction costs related to improvements on the southerly portion of the intersection within the City of Ontario right-of-way, plus a 10% fee for engineering, project management and inspection costs, for a revised total cost of $211,638.

AMENDMENT NO. 1 TO

REIMBURSEMENT AGREEMENT

BETWEEN

CITY OF RANCHO CUCAMONGA

AND

CITY OF ONTARIO

FOR

PAVEMENT RESURFACING OF VINEYARD AVENUE FROM THE SOUTH HALF OF THE EIGHTH STREET INTERSECTION

This Amendment No. 1 to the Reimbursement Agreement referenced above (referred to herein as "Amendment No. 1") is made and entered into by and between the City of Rancho Cucamonga, a California municipal corporation (hereinafter referred to as "RANCHO CUCAMONGA"), and the City of Ontario, a California municipal corporation (hereinafter referred to as "ONTARIO"). RANCHO CUCAMONGA and ONTARIO may be referred to individually as a "PARTY" and collectively as "PARTIES" in this AMENDMENT. Capitalized terms herein shall have those meanings set forth in the Reimbursement Agreement, unless provided otherwise.

WHEREAS, RANCHO CUCAMONGA and ONTARIO executed the Reimbursement Agreement ("Agreement") in December 2025 whereby the PARTIES agreed to share the costs of the above referenced pavement resurfacing project ("Project") as set forth in the Agreement; and

WHEREAS, the Agreement requires ONTARIO to reimburse RANCHO CUCAMONGA for One Hundred Percent (100%) of "ONTARIO'S COSTS" that are incurred by RANCHO CUCAMONGA for the Project, which includes ten percent (10%) of the total cost as ONTARIO'S share of the ENGINEERING & PROJECT MANAGEMENT COSTS; and

WHEREAS, based on bids received, the total Project construction cost has increased by $35,153.36; and

WHEREAS, this Amendment No. 1 is intended to revise Attachment "A" to the Agreement, by replacing the same with revised Attachment "A" attached hereto and incorporated by reference, in order to set forth the new total Project cost of $211,636.96, and to revise the estimated Project construction and completion dates.

NOW, THEREFORE, the Parties agree as follows:

Section 1. Section III. 2 of the Agreement is hereby amended to read as follows:

"2. ONTARIO'S financial responsibility for the PROJECT (ONTARIO'S COSTS and ENGINEERING & PROJECT MANAGEMENT COSTS) shall not exceed One Hundred Percent (100%) of the estimated costs set forth in Attachment "A," plus Ten Percent (10%) for the ENGINEERING & PROJECT MANAGEMENT COSTS. According to current cost estimates, the reimbursement is estimated to be Two Hundred Eleven Thousand Six Hundred Thirty-Six Dollars and Ninety-Six Cents ($211,636.96) as demonstrated in Attachment "A"; however the actual costs of the items listed in Attachment "A," and ONTARIO'S share of those costs, upon completion of the project may be different. The final costs for all eligible PROJECT expenses set forth in Attachment "A" shall be used to set the final amount of reimbursement. In the event ONTARIO'S COSTS and/or ENGINEERING & PROJECT MANAGEMENT COSTS exceed the amounts identified in Attachment "A," RANCHO CUCAMONGA shall inform ONTARIO in writing of the excess costs, accompanied by supporting evidence, and thereafter the PARTIES shall work together in an attempt to agree upon an amendment to the amounts identified in Attachment "A." In no event, however, will ONTARIO be responsible for COSTS and/or ENGINEERING & PROJECT MANAGEMENT COSTS in excess of Two Hundred Eleven Thousand Six Hundred Thirty-Six Dollars and Ninety-Six Cents ($211,636.96) absent a written amendment approved by both PARTIES."

Section 2. Section III. 11 of the Agreement is hereby amended to read as follows:

"11. Notice given under or regarding this AGREEMENT shall be deemed given (a) upon actual delivery, if delivery is personally made; or (b) upon delivery into the United States Mail if delivery is by postage paid certified mail (return receipt requested), fax or private courier including overnight delivery services. Notice shall be sent to the respective PARTY at the address indicated below or to any other address as a PARTY may designate from time to time by a notice given in accordance with this paragraph.

If to RANCHO CUCAMONGA:	Jason C. Welday, City Engineer 10500 Civic Center Drive P.O. Box 807 Rancho Cucamonga, CA 91729-0807 (909) 477-2700
If to ONTARIO:	Khoi Do, City Engineer 303 East B Street Ontario, CA 91764 (909) 395-2010"

Section 3. Attachment A to the Agreement is replaced in its entirety with the revised Attachment A attached to this Amendment No. 1.

Section 4. Except as otherwise provided in this Amendment No. 1, all other terms and conditions of the Agreement shall remain in full force and effect.

Section 5. This Amendment No. 1 is effective upon execution by PARTIES.

Section 6. Except as amended by this Amendment No. 1, all other provisions of the Agreement remain in full force and effect and shall govern the actions of the Parties under this Amendment No. 1. From and after the date of this Amendment No. 1, whenever the term "Agreement" or "Contract" appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. 1.

Section 7. If any portion of this Amendment No. 1 is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

Section 8. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment No. 1.

Section 9. This Amendment No. 1 may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

[Signature Page on Following Page]

SIGNATURE PAGE TO

AMENDMENT NO. 1 TO REIMBURSEMENT AGREEMENT BETWEEN CITY OF ONTARIO AND CITY OF RANCHO CUCAMONGA FOR PAVEMENT RESURFACING OF VINEYARD AVENUE AT THE EIGHTH STREET INTERSECTION

IN WITNESS WHEREOF, the PARTIES have executed this AGREEMENT below.

CITY OF ONTARIO

By: _____
Khoi Do
City Engineer

Dated: _____

APPROVED AS TO FORM:

By: _____
Best, Best & Krieger, LLP
City Attorney

CITY OF RANCHO CUCAMONGA

By: _____
Jason C. Welday
City Engineer

Dated: _____

APPROVED AS TO FORM:

By: _____
Nick Ghirelli
City Attorney

Attachment A

Pavement Rehabilitation of Vineyard Avenue at the Eighth Street Intersection

Project Scope, Projected Cost, and Schedule

Proposed Project Work

Vineyard Avenue at the Eighth Street intersection is to be resurfaced as part of the City of Rancho Cucamonga 2026 Spring Pavement Rehabilitation Project. This project includes full depth grind of old failing asphalt, placement of asphalt hot mix pavement for base course with a rubberized asphalt pavement for the cap, upgrading curb ramps, sidewalk repairs, and new striping. The Ontario portion of costs are described below.

Summary of Project Costs (Estimate)

Vineyard Avenue at 8th Street Intersection (Ontario Portion)					
ITEM	Engineer's Estimate				
NO	DESCTRIPTION	QUANTITY	UNITS	UNIT COST	TOTAL
1	Mobilization	1	LS	$ 11,700.00	$ 11,700.00
2	Traffic Control with Signed and Stamped Traffic Control Plan (TCP)	1	LS	$ 16,900.00	$ 16,900.00
3	Construction Staking	1	LS	$ 4,070.00	$ 4,070.00
4	Construct PCC Access Curb Ramp	2	EA	$ 12,650.00	$ 25,300.00
5	Variable Full Depth AC Grind (3"-8" Thickness) Including Removal and Disposal	700	SY	$ 9.00	$ 6,300.00
6	Scarify 3" of Base, Regrade and Compact to 95%	700	SY	$ 20.00	$ 14,000.00
7	Install 4" Hot Mix Asphalt Base Course (B-PG 64-10)	157	TON	$ 113.00	$ 17,741.00
8	Install 2" Asphalt Rubber Hot Mix Overlay (ARHM)	95	TON	$ 139.00	$ 13,205.00
9	2" Cold plane Grind	150	SY	$ 70.00	$ 10,500.00
10	Relocate Existing 1" Water Service and Meter Box Including all Necessary Plumbing Connections.	1	EA	$ 22,000.00	$ 22,000.00
11	Adjust Existing Water Valve Can, Gas Valve and Cover to Finish Grade	3	EA	$ 1,180.00	$ 3,540.00
12	Furnish and Install New Pedestrian Push Button Pole Standard Plan ES-7A.	2	EA	$ 1,960.00	$ 3,920.00
13	Furnish and Install Push Button Assembly Per Standard Plan ES-5C	4	EA	$ 2,040.00	$ 8,160.00
14	Remove Existing Tree Stump	1	LS	$ 3,300.00	$ 3,300.00
15	Install Thermoplastic Traffic Striping, Markings, Signage and Markers	1	LS	$ 7,200.00	$ 7,200.00
16	Install Construction Notification Sign	1	EA	$ 1,240.00	$ 1,240.00
17	SWPPP	1	LS	$ 1,500.00	$ 1,500.00
				Construction Total	$170,576.00
				10% Contingency	$ 17,057.60
				Total	$187,633.60
				10% Engineering and Project Management Costs	$ 18,763.36
				Survey Cost	$ 5,240.00
				Total Cost	$211,636.96

Proposed Project Schedule (milestone delivery dates)

Estimated construction start date: **August 2026**
Estimated completion date: **March 2027**

Exhibit "A"

Vineyard Avenue and Eighth Street Intersection Pavement Rehabilitation

CITY OF ONTARIO *Agenda Report* **August 18, 2026**	**SECTION:** **CONSENT CALENDAR**
Department: Public Works Prepared By: Jaime Maciel-Carrera Department: Public Works Prepared By: Jay Bautista Staff Member Presenting: Tito Haes, Executive Director Public Works Reviewed By: Khoi Do, Rene Guerrero, Andrea Ampig Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 4

SUBJECT: **A PROFESSIONAL SERVICES AGREEMENT WITH ARDURRA GROUP, INC., FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES**

RECOMMENDATION: That the City Council authorize the City Manager, or designee, to execute a three-year Professional Services Agreement with Ardurra Group, Inc., of Newport Beach, California, to provide construction management and inspection services for a contract amount of $800,000 per year for a total not-to-exceed contract amount of $2,400,000.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2026-27 Adopted Budget includes appropriations in the General Fund for construction management and inspection services. Funding for this agreement will be supplemented by revenue received for fees collected from applicants for inspection services on an as-needed basis. The proposed Professional Services Agreement with Ardurra Group, Inc. is for a contract amount of $800,000 per year for a total not-to-exceed contract amount of $2,400,000.

BACKGROUND & ANALYSIS: Due to the volume of development and utility permits anticipated and the unpredictable timing of construction, consultant inspection services are required on an as-needed basis to supplement the City's in-house inspection Staff. This allows the City to maintain the schedule commitments to support development-related construction activities and to ensure that construction progresses in compliance with City requirements and approved plans and specifications. The City currently utilizes two (2) full-time and one (1) part time on-call inspector to meet the inspection demands associated with land development and capital improvement projects to ensure the timely delivery of these projects. Currently, there are several construction projects that exceed the capacity of our full-time Staff. The City intends to continue supplementing its

inspection Staff with on-call inspectors as needed.

It is anticipated that these services will be utilized on the San Bernardino County Transportation Authority West Valley Connector Project, and upcoming Capital Improvement Projects, such as the Fourth Street Storm Drain, Sixth Street Roadway Improvements, Campus Avenue Storm Drain, Turner Avenue Storm Drain, and will be included in future task orders or amendments to this contract.

On May 5, 2026, the City received 19 qualified proposals in response to Request for Proposals (RFP) Invitation No. 1987 for on-call construction management and inspection services.

The proposal and interview scores are listed below:

VENDOR	LOCATION	PROPOSAL/INTERVIEW SCORE
Ardurra Group, Inc.	Newport Beach, CA	123
Accenture Infrastructure and Capital Projects, LLC	Irvine, CA	119
Transtech Engineers, Inc.	Chino, CA	117
Kleinfelder Construction Services, Inc.	San Diego, CA	116
FCG Consultants, Inc.	Yorba Linda, CA	106
Psomas	Riverside, CA	66
TKE Engineering, Inc.	Riverside, CA	66
Z&K Consultants, Inc.	Riverside, CA	63
Albert A. Webb Associates	Riverside, CA	61
Bureau Veritas	Sacramento, CA	60
DCCM Infrastructure, Inc.	Riverside, CA	59
H.W. Lochner	Ontario, CA	59
CREDE Construction Advisory, LLC	Irvine, CA	53
EXP US Services, Inc.	Riverside, CA	53
C2PM	Los Angeles, CA	52
Construction Quality Management Solutions, Inc.	Irvine, CA	40
KDG Construction Consulting	Glendale, CA	37
Cumming Management Group, Inc.	Murrieta, CA	33
Cooperative LA	Pasadena, CA	18

A review team consisting of Engineering Department Staff reviewed the proposals, scored the candidates, and made their recommendations based upon qualifications, understanding of the City's needs, history of completing similar projects, and criteria specified in the RFP.

Of the 19 consultants, the following five scored the highest and were selected to participate in interviews on May 20 and 21, 2026: Accenture Infrastructure and Capital Projects, LLC, Ardurra Group, Inc., FCG Consultants Inc., Kleinfelder Construction Services, Inc., and Transtech Engineers, Inc.

After careful evaluation of the written proposals and interviews, Accenture Infrastructure and Capital Projects, LLC, Ardurra Group, Inc., and Transtech Engineers, Inc. were determined to be the best overall qualified respondents for pre-selection. The firms demonstrated a broad range of expertise through the successful delivery of similar projects and inspection services for nearby municipal agencies, as well as strong technical proficiency, a proactive approach to risk management, and extensive familiarity with small and large-scale Capital Improvement Projects.

The pre-selection of three firms provides a cost-effective option and ensures that sufficient resources are available for projects and task orders as they may arise. The selection of a firm for specific tasks or projects will be based on best value, specialized expertise and availability to meet the City's timelines. Funds shall only be encumbered for each consultant when the City has an assigned project for said consultant, at which time a purchase order for said project will be opened and the dollar amount will be based on the consultant's proposal for the services to be rendered. Additionally, funding for construction management services is included in the approved Capital Improvement Project budgets as approved by the City Council.

The City is awarding the first contract to Ardurra Group, Inc. based on the RFP evaluation results. Future proposals may be requested from all 3 shortlisted/pre-qualified consultants: Ardurra Group, Inc., Transtech Engineers, Inc. and Accenture Infrastructure and Capital Projects, LLC. Contracts for those task orders will be brought to Council at that time.

CITY OF ONTARIO
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PAUL S. LEON
MAYOR

ALAN D. WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS
COUNCIL MEMBERS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

CITY OF ONTARIO
PROFESSIONAL SERVICES AGREEMENT

1. PARTIES AND DATE.

This Agreement is made and entered as of _____, by and between the City of Ontario, a municipal corporation organized under the laws of the State of California with its principal place of business at 303 East "B" Street, Ontario, California 91764-4196, County of San Bernardino, State of California ("City") and **Ardurra Group, Inc.**, a **Corporation**, with its principal place of business at **1000 N.W. 57th Court, Suite 800 Miami, Florida 33126** ("Consultant"). City and Consultant are sometimes individually referred to herein as "Party" and collectively as "Parties."

2. RECITALS.

2.1 Consultant.

Consultant desires to perform and assume responsibility for the provision of certain professional services required by the City on the terms and conditions set forth in this Agreement. Consultant represents that it is experienced in providing **Construction Management and Inspection** services to public clients, is licensed in the State of California, and is familiar with the plans of City.

2.2 Project.

City desires to engage Consultant to render such professional services for the **On-Call Construction Management and Inspection** project ("Project") as set forth in this Agreement.

3. TERMS.

3.1 Scope of Services and Term.

3.1.1 General Scope of Services. Consultant promises and agrees to furnish to the City all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the professional **construction management and inspection** consulting services necessary for the Project ("Services"). The Services are more particularly described in Exhibit "A" attached hereto and incorporated herein by reference. All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

3.1.2 Term. The term of this Agreement shall be from **August 18, 2026** to **August 18, 2029**, unless earlier terminated as provided herein. The City shall have the unilateral option, at its sole discretion, to renew this Agreement automatically for no more than two additional one-year terms. Consultant shall complete the Services within the term of this Agreement, and shall meet any other established schedules and deadlines. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Services.

3.2 Compensation.

3.2.1 Compensation. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "B" attached hereto and incorporated herein by reference. The total compensation shall not exceed **TWO MILLION FOUR HUNDRED THOUSAND ($2,400,000.00**) without written approval of the City Council or City Manager, as applicable. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement.

3.2.2 Payment of Compensation. Consultant shall submit to City a monthly invoice which indicates work completed and hours of Services rendered by Consultant. The invoice shall describe the amount of Services provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the invoice. City shall, within 30 days of receiving such invoice, review the invoice and pay all non-disputed and approved charges. If the City disputes any of Consultant's fees, the City shall give written notice to Consultant within thirty (30) days of receipt of an invoice of any disputed fees set forth therein. Payment shall not constitute acceptance of any Services completed by Consultant. The making of final payment shall not constitute a waiver of any claims by the City for any reason whatsoever.

3.2.3 Reimbursement for Expenses. Consultant shall not be reimbursed for any expenses unless authorized in writing by City, or included in Exhibit "B" of this Agreement.

3.2.4 Extra Work. At any time during the term of this Agreement, City may request that Consultant perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of the Project, but which the Parties did not reasonably anticipate would be necessary at the execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without written authorization from the City.

3.2.5 Automated Clearing House (“ACH”) payments. It is the City’s policy to pay its consultant invoices via electronic fund transfers through the ACH network. All payments due and owing pursuant to a properly issued and correct invoice or under this Agreement shall be made through electronic ACH transfers, unless otherwise agreed upon by both Parties in writing. Consultant shall provide the City with ACH payment details whereby the City shall initiate the ACH transfers to Consultant in the amount required pursuant to a properly issued and correct invoice or under this Agreement. Each Party shall undertake any and all required actions and execute any required documents, instruments, or agreements required to effectuate the requirements of this Section. In the event the City erroneously deposits funds into an account, or otherwise deposits funds to which Consultant is not entitled: (1) Consultant shall immediately notify the City and the financial institution; (2) Consultant shall not withdraw any of the funds which were erroneously deposited or to which Consultant is not entitled; and (3) Consultant authorizes both the City and financial institution to take all actions necessary to correct the error and return to the City all funds erroneously deposited or to which Consultant is not entitled.

3.3 Responsibilities of Consultant.

3.3.1 Independent Contractor; Control and Payment of Subordinates. The Services shall be performed by Consultant or under its supervision. Consultant will determine the means, methods and details of performing the Services subject to the requirements of this Agreement. City retains Consultant on an independent contractor basis and not as an employee. Any personnel performing the Services on behalf of Consultant shall not be employees of City and shall at all times be under Consultant's exclusive direction and control. Neither City, or any of its officials, officers, directors, employees or agents shall have control over the conduct of Consultant or any of Consultants officers, employees or agents, except as set forth in this Agreement. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Consultant shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

3.3.2 Schedule of Services. Consultant shall perform the Services in a prompt and timely manner and in accordance with the Schedule of Services set forth in Exhibit "A" attached hereto and incorporated herein by reference. Consultant represents that it has the professional and technical personnel required to perform the Services expeditiously. Upon request of City, Consultant shall provide a more detailed schedule of anticipated performance to meet the Schedule of Services.

3.3.3 Conformance to Applicable Requirements. All work prepared by Consultant shall be subject to the approval of City.

3.3.4 Substitution of Key Personnel. Consultant has represented to City that certain key personnel will perform and coordinate the Services under this Agreement. Should one or more of such personnel become unavailable, Consultant may substitute other personnel of at least equal competence upon written approval of City. In the event that City and Consultant cannot agree as to the substitution of key personnel, City shall be entitled to terminate this Agreement for cause. The key personnel for performance of this Agreement are as follows: **Dino P. D'Emilia, P.E., F.ASCE, QSD, California Public Works Practice Director, and Omar Alameddine, EIT, Contract Manager**

3.3.5 City's Representative. The City hereby designates **Khoi Do, P.E., City Engineer**, or his/her designee, to act as its representative in all matters pertaining to the administration and performance of this Agreement ("City's Representative"). City's Representative shall have the power to act on behalf of the City for review and approval of all products submitted by Consultant but not the authority to enlarge the Scope of Services or change the total compensation due to Consultant under this Agreement. The City Manager shall be authorized to act on City's behalf and to execute all necessary documents which enlarge the Scope of Services or change the Consultant's total compensation subject to the provisions contained in this Agreement. Consultant shall not accept direction or orders from any person other than the City Manager, City's Representative or his/her designee.

3.3.6 Consultant's Representative. Consultant hereby designates **Dino P. D'Emilia, P.E., F.ASCE, QSD, California Public Works Practice Director**, or his/her designee, to act as its representative for the performance of this Agreement ("Consultant's Representative"). Consultant's Representative shall have full authority to represent and act on behalf of the Consultant for all purposes under this Agreement. The Consultant's Representative shall supervise and direct the Services, using his/her best skill and attention, and shall be responsible for all means, methods, techniques, sequences, and procedures and for the satisfactory coordination of all portions of the Services under this Agreement.

3.3.7 Coordination of Services. Consultant agrees to work closely with City staff in the

performance of Services and shall be available to City's staff, consultants and other staff at all reasonable times.

3.3.8 Standard of Care; Performance of Employees. Consultant shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Consultant represents and maintains that it is skilled in the professional calling necessary to perform the Services. Consultant warrants that all employees and subconsultants shall have sufficient skill and experience to perform the Services assigned to them. Consultant represents that it, its employees and subconsultants have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, and that such licenses and approvals shall be maintained throughout the term of this Agreement. Consultant shall perform, at its own cost and expense and without reimbursement from the City, any services necessary to correct errors or omissions which are caused by the Consultant's failure to comply with the standard of care provided for herein. Any employee of the Consultant or its subconsultants who is determined by the City to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any employee who fails or refuses to perform the Services in a manner acceptable to the City, shall be promptly removed from the Project by the Consultant and shall not be re-employed to perform any of the Services or to work on the Project.

3.3.9 Period of Performance.

3.3.9.1 Consultant shall perform and complete all Services under this Agreement within the term set forth in Section 3.1.2 above ("Performance Time"). Consultant shall also perform the Services in strict accordance with any completion schedule or Project milestones described in Exhibit "A" attached hereto, or which may be separately agreed upon in writing by the City and Consultant ("Performance Milestones"). Consultant agrees that if the Services are not completed within the aforementioned Performance Time and/or pursuant to any such Performance Milestones developed pursuant to provisions of this Agreement, it is understood, acknowledged and agreed that the City will suffer damage.

3.3.9.2 Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing Party. For purposes of this Agreement, such circumstances include a Force Majeure Event. A Force Majeure Event shall mean an event that materially affects a Party's performance and is one or more of the following: (1) Acts of God or other natural disasters; (2) terrorism or other acts of a public enemy; (3) orders of governmental authorities (including, without limitation, unreasonable and unforeseeable delay in the issuance of permits or approvals by governmental authorities that are required for the services); (4) strikes and other organized labor action occurring at the site and the effects thereof on the services, only to the extent such strikes and other organized labor action are beyond the control of Consultant and its subcontractors, and to the extent the effects thereof cannot be avoided by use of replacement workers; and (5) pandemics, epidemics or quarantine restrictions. For purposes of this section, "orders of governmental authorities," includes ordinances, emergency proclamations and orders, rules to protect the public health, welfare and safety, and other actions of a public agency applicable to the services and Agreement.

3.3.9.3 Should a Force Majeure Event occur, the non-performing Party shall, within a reasonable time of being prevented from performing, give written notice to the other Party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement. Force Majeure Events and/or delays, regardless of the Party responsible for the delay, shall not entitle Consultant to any additional compensation. Notwithstanding the foregoing

in this section, the City may still terminate this Agreement in accordance with the termination provisions of this Agreement.

3.3.10 Laws and Regulations; Employee/Labor Certification.

3.3.10.1 Compliance with Laws. Consultant shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all Cal/OSHA requirements, and shall give all notices required by law. Consultant shall be liable for all violations of such laws and regulations in connection with the Services and this Agreement. All violations of such laws and regulations shall be grounds for the City to terminate the Agreement for cause.

3.3.10.2 Employment Eligibility; Consultant. Consultant certifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time and shall require all subconsultants and sub-subconsultants to comply with the same. Consultant certifies that it has not committed a violation of any such law within the five (5) years immediately preceding the date of execution of this Agreement, and shall not violate any such law at any time during the term of the Agreement.

3.3.10.3 Equal Opportunity Employment. Consultant represents that it is an equal opportunity employer and it shall not discriminate against any subconsultant, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Consultant shall also comply with all relevant provisions of City's Minority Business Enterprise program, Affirmative Action Plan or other related programs or guidelines currently in effect or hereinafter enacted.

3.3.10.4 Air Quality. To the extent applicable, Consultant must fully comply with all applicable laws, rules and regulations in furnishing or using equipment and/or providing services, including, but not limited to, emissions limits and permitting requirements imposed by the South Coast Air Quality Management District (SCAQMD) and/or California Air Resources Board (CARB). Consultant shall indemnify City against any fines or penalties imposed by SCAQMD, CARB, or any other governmental or regulatory agency for violations of applicable laws, rules and/or regulations by Consultant, its subconsultants, or others for whom Consultant is responsible under its indemnity obligations provided for in this Agreement.

3.3.10.5 Water Quality Management and Compliance. Consultant shall keep itself and all subcontractors, staff, and employees fully informed of and in compliance with all local, state and federal laws, rules and regulations that may impact, or be implicated by the performance of the Services including, without limitation, all applicable provisions of the City's ordinances regulating water quality and storm water; the Federal Water Pollution Control Act (33 U.S.C. § 1251, *et seq.*); the California Porter-Cologne Water Quality Control Act (Water Code § 13000 *et seq.*); and any and all regulations, policies, or permits issued pursuant to any such authority. Consultant must additionally comply with the lawful requirements of the City, and any other municipality, drainage district, or other local agency with jurisdiction over the location where the Services are to be conducted, regulating water quality and storm water discharges. City may seek damages from Consultant for delay in completing the Services caused by Consultant's failure to comply with the laws, regulations and policies described in this Section, or any other relevant water quality law, regulation, or policy.

3.3.10.6 Safety. Consultant shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Consultant shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed.

3.3.11 Insurance.

3.3.11.1 Time for Compliance. Consultant shall not commence work under this Agreement until it has provided evidence satisfactory to the City that it has secured all insurance required under this section. In addition, Consultant shall not allow any subconsultant to commence work on any subcontract until it has provided evidence satisfactory to the City that the subconsultant has secured all insurance required under this section. Failure to provide and maintain all required insurance shall be grounds for the City to terminate this Agreement for cause.

3.3.11.2 Types of Insurance Required. As a condition precedent to the effectiveness of this Agreement for work to be performed hereunder, and without limiting the indemnity provisions of the Agreement, the Consultant, in partial performance of its obligations under such Agreement, shall procure and maintain in full force and effect during the term of the Agreement the following policies of insurance. If the existing policies do not meet the insurance requirements set forth herein, Consultant agrees to amend, supplement or endorse the policies to do so.

(A) Commercial General Liability: Commercial General Liability Insurance which affords coverage at least as broad as Insurance Services Office "occurrence" form CG 00 01, or the exact equivalent, with limits of not less than $2,000,000 per occurrence and no less than $4,000,000 in the general aggregate. Defense costs shall be paid in addition to the limits. The policy shall contain no endorsements or provisions (1) limiting coverage for contractual liability; (2) excluding coverage for claims or suits by one insured against another (cross-liability); (3) products/completed operations liability; or (4) containing any other exclusion(s) contrary to the terms or purposes of this Agreement.

(B) Automobile Liability Insurance: Automobile Liability Insurance with coverage at least as broad as Insurance Services Office Form CA 00 01 covering "Any Auto" (Symbol 1), or the exact equivalent, covering bodily injury and property damage for all activities with limits of not less than $2,000,000 combined limit for each occurrence.

(C) Workers' Compensation: Workers' Compensation Insurance, as required by the State of California and Employer's Liability Insurance with a limit of not less than $1,000,000 per accident for bodily injury and disease.

(D) Professional Liability (Errors & Omissions): Professional Liability insurance or Errors & Omissions insurance appropriate to Consultant’s profession with limits of not less than $2,000,000. Covered professional services shall specifically include all work to be performed under the Agreement and delete any exclusions that may potentially affect the work to be performed (for example, any exclusions relating to lead, asbestos, pollution, testing, underground storage tanks, laboratory analysis, soil work, etc.). If coverage is written on a claims-made basis, the retroactive date shall precede the effective date of the initial Agreement and continuous coverage will be maintained or an extended reporting period will be exercised for a period of at least five (5) years from termination or expiration of this Agreement.

(E) If umbrella or excess liability coverage is used to meet any required limit(s) specified herein, the Contractor shall provide a “follow form” endorsement satisfactory to the City indicating that such coverage is subject to the same terms and conditions as the underlying liability policy.

3.3.11.3 Insurance Endorsements. Required insurance policies shall contain the following provisions, or Consultant shall provide endorsements on forms approved by the City to add the following provisions to the insurance policies:

(A) Commercial General Liability: (1) Additional Insured: The City, its officials, officers, employees, agents, and volunteers shall be additional insureds with regard to liability and defense of suits or claims arising out of the performance of the Agreement. Additional Insured Endorsements shall not (1) be restricted to "ongoing operations"; (2) exclude "contractual liability"; (3) restrict coverage to "sole" liability of Consultant; or (4) contain any other exclusions contrary to the terms or purposes of this Agreement. For all policies of Commercial General Liability insurance, Consultant shall provide endorsements in the form of ISO CG 20 10 10 01 and 20 37 10 01 (or endorsements providing the exact same coverage) to effectuate this requirement. (2) Cancellation: Required insurance policies shall not be canceled or the coverage reduced until a thirty (30) day written notice of cancellation has been served upon the City except ten (10) days shall be allowed for non-payment of premium.

(B) Automobile Liability: (1) Additional Insured: The City, its directors, officials, officers, employees, agents, and volunteers shall be covered as additional insureds with respect to the ownership, operation, maintenance, use, loading or unloading of any auto owned, leased, hired or borrowed by the Vendor or for which the Vendor is responsible. (2) Cancellation: Required insurance policies shall not be canceled or the coverage reduced until a thirty (30) day written notice of cancellation has been served upon the City except ten (10) days shall be allowed for non-payment of premium.

(C) Professional Liability (Errors & Omissions): (1) Cancellation: Required insurance policies shall not be canceled or the coverage reduced until a thirty (30) day written notice of cancellation has been served upon the City except ten (10) days shall be allowed for non-payment of premium. (2) This insurance shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the Consultant. “Covered Professional Services” as designated in the policy must specifically include work performed under this Agreement. The policy must “pay on behalf of” the insured and include a provision establishing the insurer’s duty to defend.

(D) Workers' Compensation: (1) Cancellation: Required insurance policies shall not be canceled or the coverage reduced until a thirty (30) day written notice of cancellation has been served upon the City except ten (10) days shall be allowed for non-payment of premium. (2) Waiver of Subrogation: A waiver of subrogation stating that the insurer waives all rights of subrogation against the City, its officials, officers, employees, agents, and volunteers.

3.3.11.4 Primary and Non-Contributing Insurance. All policies of Commercial General Liability and Automobile Liability insurance shall be primary and any other insurance, deductible, or self-insurance maintained by the City, its officials, officers, employees, agents, or volunteers shall not contribute with this primary insurance. Policies shall contain or be endorsed to contain such provisions.

3.3.11.5 Waiver of Subrogation. All required insurance coverages, except for the professional liability coverage, shall contain or be endorsed to waiver of subrogation in favor of the City, its officials, officers, employees, agents, and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

3.3.11.6 Deductibles and Self-Insured Retentions. Any deductible or self-insured retention must be approved in writing by the City and shall protect the City, its officials, officers, employees, agents, and volunteers in the same manner and to the same extent as they would have been protected had the policy or policies not contained a deductible or self-insured retention.

3.3.11.7 Evidence of Insurance. The Consultant, concurrently with the execution of the Agreement, and as a condition precedent to the effectiveness thereof, shall deliver either certified copies of the required policies, or original certificates on forms approved by the City, together with all endorsements affecting each policy. Required insurance policies shall not be in compliance if they include any limiting provision or endorsement that has not been submitted to the City for approval. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. At least fifteen (15 days) prior to the expiration of any such policy, evidence of insurance showing that such insurance coverage has been renewed or extended shall be filed with the City. If such coverage is cancelled or reduced and not replaced immediately so as to avoid a lapse in the required coverage, Consultant shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with the City evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies.

3.3.11.8 Acceptability of Insurers. Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and authorized to transact business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

3.3.11.9 Enforcement of Agreement Provisions (non estoppel). Consultant acknowledges and agrees that actual or alleged failure on the part of the City to inform Consultant of non-compliance with any requirement imposes no additional obligation on the City nor does it waive any rights hereunder.

3.3.11.10 Requirements Not Limiting. Requirement of specific coverage or minimum limits contained in this Section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance.

3.3.11.11 Additional Insurance Provisions

(A) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.

(B) If at any time during the life of the Agreement, any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.

(C) The City may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.

(D) Neither the City nor any of its officials, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of this Agreement.

(E) The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Further the limits set forth herein shall not be construed to relieve the Consultant from liability in excess of such coverage, nor shall it limit the Consultant's indemnification obligations to the City and shall not preclude the City from taking such other actions available to the City under other provisions of the Agreement or law.

(F) Consultant shall report to the City, in addition to Consultant's insurer, any and all insurance claims submitted by Consultant in connection with the Services under this Agreement.

3.3.11.12 Insurance for Subconsultants. Consultant shall include all subconsultants engaged in any work for Consultant relating to this Agreement as additional insureds under the Consultant's policies, or the Consultant shall be responsible for causing subconsultants to purchase the appropriate insurance in compliance with the terms of these Insurance Requirements, including adding the City, its officials, officers, employees, agents, and volunteers as additional insureds to the subconsultant's policies. All policies of Commercial General Liability insurance provided by Consultant's subconsultants performing work relating to this Agreement shall be endorsed to name the City, its officials, officers, employees, agents and volunteers as additional insureds using endorsement form ISO CG 20 38 04 13 or an endorsement providing equivalent coverage. Consultant shall not allow any subconsultant to commence work on any subcontract relating to this Agreement until it has received satisfactory evidence of subconsultant's compliance with all insurance requirements under this Agreement, to the extent applicable. The Consultant shall provide satisfactory evidence of compliance with this section upon request of the City.

3.4 Labor Code Requirements.

3.4.1 Prevailing Wages. Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. If the Services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is $1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. City shall provide Consultant with a copy of the prevailing rates of per diem wages in effect at the commencement of this Agreement. Consultant shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the Consultant's principal place of business and at the project site. It is the intent of the parties to effectuate the requirements of sections 1771, 1774, 1775, 1776, 1777.5, 1813, and 1815 of the Labor Code within this Agreement, and Consultant shall therefore comply with such Labor Code sections to the fullest extent required by law. Consultant shall defend, indemnify and hold the City, its officials, officers, employees, agents, and volunteers free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

3.4.2 Registration/DIR Compliance. If the Services are being performed on a public works project of over $25,000 when the project is for construction, alteration, demolition, installation, or repair work, or a public works project of over $15,000 when the project is for maintenance work, in addition to the foregoing, then pursuant to Labor Code sections 1725.5 and 1771.1, the Consultant and

all subconsultants must be registered with the Department of Industrial Relations ("DIR"). Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants.

3.4.3 Compliance Monitoring. This Project may also be subject to compliance monitoring and enforcement by the DIR. It shall be Consultant's sole responsibility to comply with all applicable registration and labor compliance requirements, including the submission of payroll records directly to the DIR. Any stop orders issued by the DIR against Consultant or any subconsultant that affect Consultant's performance of services, including any delay, shall be Consultant's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the DIR against Consultant or any subconsultant.

3.4.4 Labor Certification. By its signature hereunder, Consultant certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

3.5 Termination of Agreement.

3.5.1.1 Grounds for Termination. City may, by written notice to Consultant, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Consultant of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Consultant shall be compensated only for those Services which have been adequately rendered to City, and Consultant shall be entitled to no further compensation. Consultant may not terminate this Agreement except for cause. The rights and remedies of the City provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law, equity or under this Agreement.

3.5.1.2 Effect of Termination. If this Agreement is terminated as provided herein, City may require Consultant to provide all finished or unfinished Documents and Data and other information of any kind prepared by Consultant in connection with the performance of Services under this Agreement. Consultant shall be required to provide such document and other information within fifteen (15) days of the request.

3.5.1.3 Additional Services. In the event this Agreement is terminated in whole or in part as provided herein, City may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

3.6 Indemnification.

3.6.1 To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's Services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses except such loss or damage caused by the sole negligence or willful misconduct of the City. Consultant's

obligation to indemnify shall survive expiration or termination of this Agreement and shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

3.6.2 If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance as a "design professional" (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

3.7 General Provisions.

3.7.1 Accounting Records. Consultant shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Consultant shall allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Consultant shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

3.7.2 Independent Contractors and Subcontracting.

3.7.2.1 Use of Consultants. Consultant is aware of statutory and case law regarding classification of workers as independent contractors, including California Labor Code Section 2750.3 and Dynamex Operations West, Inc. v. Superior Court, 4 Cal. 5th 903 (2018). To ensure that Consultant is in compliance with the California Labor Code, Consultant shall only utilize its employees to provide the Services. Consultant may not provide the services through any independent contractor, subcontractor or subconsultant ("Subcontractor(s)") unless approved by the City as set forth in Section 3.7.2.2 below. Consultant represents and warrants that all personnel who perform the Services on Consultant's behalf are Consultant's employees, and that Consultant complies with all applicable laws, rules and regulations governing its employees, including, but not limited to, the California Labor Code, Unemployment Insurance Code and all applicable Industrial Welfare Commission Wage Orders.

3.7.2.2 Prior Approval Required. Consultant shall not use any Subcontractor to provide the Services, or any portion of the work required by this Agreement, without prior written approval of City. In the event that City authorizes Consultant to use a Subcontractor, Consultant shall enter into a written agreement with the Subcontractor, which must include all provisions of the Agreement, including a restriction on the Subcontractor's use of further independent contractors, subcontractors or subconsultants without the City's prior written consent.

3.7.3 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Consultant: Ardurra Group, Inc.
1000 N.W. 57th Court, Suite 800
Miami, Florida 33126

ATTN: Dino P. D'Emilia, P.E., F.ASCE, QSD, California Public Works Practice Director

City: City of Ontario
303 East "B" Street
Ontario, CA 91764
ATTN: Khoi Do, P.E., City Engineer

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

3.7.4 Ownership of Materials and Confidentiality.

3.7.4.1 Documents & Data; Licensing of Intellectual Property. This Agreement creates a non-exclusive and perpetual license for City to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in plans, specifications, studies, drawings, estimates, and other documents or works of authorship fixed in any tangible medium of expression, including but not limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Consultant under this Agreement ("Documents & Data"). All Documents & Data shall be and remain the property of City, and shall not be used in whole or in substantial part by Consultant on other projects without the City's express written permission. Within thirty (30) days following the completion, suspension, abandonment or termination of this Agreement, Consultant shall provide to City reproducible copies of all Documents & Data, in a form and amount required by City. City reserves the right to select the method of document reproduction and to establish where the reproduction will be accomplished. The reproduction expense shall be borne by City at the actual cost of duplication. In the event of a dispute regarding the amount of compensation to which the Consultant is entitled under the termination provisions of this Agreement, Consultant shall provide all Documents & Data to City upon payment of the undisputed amount. Consultant shall have no right to retain or fail to provide to City any such documents pending resolution of the dispute. In addition, Consultant shall retain copies of all Documents & Data on file for a minimum of fifteen (15) years following completion of the Project, and shall make copies available to City upon the payment of actual reasonable duplication costs. Before destroying the Documents & Data following this retention period, Consultant shall make a reasonable effort to notify City and provide City with the opportunity to obtain the documents.

3.7.4.2 Subconsultants. Consultant shall require all subconsultants to agree in writing that City is granted a non-exclusive and perpetual license for any Documents & Data the subconsultant prepares under this Agreement. Consultant represents and warrants that Consultant has the legal right to license any and all Documents & Data. Consultant makes no such representation and warranty in regard to Documents & Data which were prepared by design professionals other than Consultant or its subconsultants, or those provided to Consultant by the City.

3.7.4.3 Right to Use. City shall not be limited in any way in its use or reuse of the Documents and Data or any part of them at any time for purposes of this Project or another project, provided that any such use not within the purposes intended by this Agreement or on a project other than this Project without employing the services of Consultant shall be at City's sole risk. If City uses or reuses the Documents & Data on any project other than this Project, it shall remove the Consultant's seal from the Documents & Data and indemnify and hold harmless Consultant and its officers, directors, agents and employees from claims arising out of the negligent use or re-use of the Documents & Data on such

other project. Consultant shall be responsible and liable for its Documents & Data, pursuant to the terms of this Agreement, only with respect to the condition of the Documents & Data at the time they are provided to the City upon completion, suspension, abandonment or termination. Consultant shall not be responsible or liable for any revisions to the Documents & Data made by any party other than Consultant, a party for whom the Consultant is legally responsible or liable, or anyone approved by the Consultant.

3.7.4.4 Indemnification. Consultant shall defend, indemnify and hold the City, its directors, officials, officers, employees, volunteers and agents free and harmless, pursuant to the indemnification provisions of this Agreement, for any alleged infringement of any patent, copyright, trade secret, trade name, trademark, or any other proprietary right of any person or entity in consequence of the use on the Project by City of the Documents & Data, including any method, process, product, or concept specified or depicted.

3.7.4.5 Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents & Data either created by or provided to Consultant in connection with the performance of this Agreement shall be held confidential by Consultant. Such materials shall not, without the prior written consent of City, be used by Consultant for any purposes other than the performance of the Services. Nor shall such materials be disclosed to any person or entity not connected with the performance of the Services or the Project. Nothing furnished to Consultant which is otherwise known to Consultant or is generally known, or has become known, to the related industry shall be deemed confidential. Consultant shall not use City's name or insignia, photographs of the Project, or any publicity pertaining to the Services or the Project in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of City.

3.7.4.6 Confidential Information. The City shall refrain from releasing Consultant's proprietary information ("Proprietary Information") unless the City's legal counsel determines that the release of the Proprietary Information is required by the California Public Records Act or other applicable state or federal law, or order of a court of competent jurisdiction, in which case the City shall notify Consultant of its intention to release Proprietary Information. Consultant shall have five (5) working days after receipt of the release notice to give City written notice of Consultant's objection to the City's release of Proprietary Information. Consultant shall indemnify, defend and hold harmless the City, and its officers, directors, employees, and agents from and against all liability, loss, cost or expense (including attorney's fees) arising out of a legal action brought to compel the release of Proprietary Information. City shall not release the Proprietary Information after receipt of an objection notice unless either: (1) Consultant fails to fully indemnify, defend (with City's choice of legal counsel), and hold City harmless from any legal action brought to compel such release; and/or (2) a final and non-appealable order by a court of competent jurisdiction requires that City release such information.

3.7.5 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

3.7.6 Entire Agreement. This Agreement contains the entire agreement of the Parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements.

3.7.7 Attorneys' Fees. If either party commences an action against the other party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorneys' fees and all costs of such action.

3.7.8 Governing Law. This Agreement shall be governed by the laws of the State of California. Venue shall be in San Bernardino County. In addition to any and all contract requirements pertaining to notices of and requests for compensation or payment for extra work, disputed work, claims and/or changed conditions, Consultant must comply with the claim procedures set forth in Government Code sections 900 et seq. prior to filing any lawsuit against the City. Such Government Code claims and any subsequent lawsuit based upon the Government Code claims shall be limited to those matters that remain unresolved after all procedures pertaining to extra work, disputed work, claims, and/or changed conditions have been followed by Consultant. If no such Government Code claim is submitted, or if any prerequisite contractual requirements are not otherwise satisfied as specified herein, Consultant shall be barred from bringing and maintaining a valid lawsuit against the City.

3.7.9 Time of Essence. Time is of the essence for each and every provision of this Agreement.

3.7.10 City's Right to Employ Other Consultants. City reserves right to employ other consultants in connection with this Project.

3.7.11 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties.

3.7.12 Assignment or Transfer. Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Consultant shall not subcontract any portion of the Services required by this Agreement, except as expressly stated herein, without prior written approval of City. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement.

3.7.13 Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. All references to Consultant include all personnel, employees, agents, and subconsultants of Consultant, except as otherwise specified in this Agreement. All references to City include its elected officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

3.7.14 Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

3.7.15 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.

3.7.16 No Third-Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

3.7.17 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue

in full force and effect.

3.7.18 Prohibited Interests. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Consultant further agrees to file, or shall cause its employees or subconsultants to file, a Statement of Economic Interest with the City's Filing Officer as required under state law in the performance of the Services. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

3.7.19 Authority to Enter Agreement. Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

3.7.20 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

3.7.21 Survival. All rights and obligations hereunder that by their nature are to continue after any expiration or termination of this Agreement, including, but not limited to, the indemnification obligations, shall survive any such expiration or termination.

SIGNATURES ON NEXT PAGE

SIGNATURE PAGE TO PROFESSIONAL SERVICES AGREEMENT

BETWEEN THE CITY OF ONTARIO AND

ARDURRA GROUP, INC.

IN WITNESS WHEREOF, each of the Parties has caused this Agreement to be executed on the day and year first above written.

CITY OF ONTARIO

Approved By:

_____

Scott Ochoa
City Manager

Approved as to Form:

_____

Best Best & Krieger LLP

City Attorney

Attested By:

_____

City Clerk

ARDURRA GROUP, INC.

By: _____

Its: CA Sector Growth Director

Printed Name: Carmen C. Kasner P.E.

By: _____

Its: Chief Financial Officer

Printed Name: Randy Dumas

EXHIBIT "A"
SCOPE OF SERVICES

CITY OF ONTARIO
PROPOSAL FOR

On-Call Construction Management and Inspection Services

Notice #1987

TECHNICAL PROPOSAL

ARDURRA

May 5, 2026

(1)
EXECUTIVE SUMMARY

1 Executive Summary

May 5, 2026

City of Ontario – Records Management Department
303 East "B" Street
Ontario, CA 91764-4196

RE: ON-CALL CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES (RFP #1987)

Dear City of Ontario – Records Management Department and Selection Panel Members:

Ardurra Group, Inc. (Ardurra) is uniquely positioned to continue supporting the City of Ontario's On-Call Construction Management and Inspection Services contract—not just as a qualified consultant, but as a trusted partner with a proven track record serving the City over the past five years. Our team brings not only technical expertise, but also an established understanding of the City's processes, standards, and expectations, allowing us to deliver immediate value without a learning curve.

A TEAM BUILT ON EXPERIENCE WITH THE CITY OF ONTARIO. At the core of our approach is a dedicated and experienced team that is already embedded in the City's workflow and culture. Led by **Contract Manager, Omar Alameddine, EIT,** our staff includes seasoned construction managers, inspectors, and geotechnical/materials specialists who have directly supported the City's projects. At Ardurra, we embrace ownership of the project(s) we work on, and truly act as the City's partner by always putting on our "Ontario Hat". Over the past five years, we have provided consistent construction management and inspection services to the City, gaining firsthand knowledge of staff preferences, reporting expectations, and project delivery standards. This familiarity allows us to anticipate needs, streamline coordination, and maintain continuity across task orders. Backed by a local bench of over 40 in-house professionals, we are equipped to respond quickly and effectively to the City's evolving workload demands.

CONTINUOUS COLLABORATION

WORKING CLOSELY WITH THE CITY **SINCE 2019**, OUR GOAL IS TO PROVIDE PROACTIVE SERVICES TO MANAGE BUDGET, SCHEDULE, AND WORK QUALITY TO DELIVER A PROJECT WITH LASTING VALUE.

PROVEN ON-CALL PERFORMANCE WITH IMMEDIATE IMPACT. On-call contracts require responsiveness, flexibility, and the ability to integrate seamlessly with City staff—and Ardurra has demonstrated this capability time and again. Having successfully supported over 60 on-call contracts across California, we understand that success lies in being dependable at every level—whether addressing daily field issues, managing weekly deliverables, or guiding projects from initiation through closeout. For the City of Ontario, our prior experience means we can continue delivering without disruption, assuring projects move forward efficiently while maintaining the City's high standards.

DEPTH OF EXPERIENCE ACROSS CRITICAL INFRASTRUCTURE. Our team has built its reputation managing a wide range of public works and water/wastewater infrastructure projects, including pipelines, pump stations, reservoirs, and treatment facilities. We have successfully delivered projects ranging from under $1 million to over $50 million, many of which mirror the scope and complexity of the City's Capital Improvement Program. More importantly, our recent and ongoing work with the City provides relevant, real-time insight into local challenges, contractor performance, and project delivery expectations—insight that directly benefits current and future task orders.

A COLLABORATIVE PARTNER FOCUSED ON THE CITY'S SUCCESS. Ardurra approaches every assignment with a commitment to protecting the City's interests—balancing cost control, schedule adherence, and quality assurance. Our familiarity with City staff, consultants, and contractors allows us to communicate efficiently, resolve issues proactively, and keep projects on track. We prioritize clear, consistent communication and take a hands-on approach to coordination, assuring that potential conflicts are addressed early and solutions are implemented effectively.

DEEP UNDERSTANDING OF LOCAL AND STATE REQUIREMENTS. Through our continued service to the City of Ontario, our team has developed a strong command of applicable municipal standards and procedures, as well as state and federal requirements. We are well-versed in the Greenbook, Caltrans Standard Specifications, City standards, and OSHA Construction Safety Orders. Beyond compliance, our experience navigating funding requirements and documentation processes assures that projects are not only constructed successfully but also administered in full alignment with regulatory expectations.

We are in receipt of Questions and Answers Set 1, dated April 16, 2026, Questions and Answers Set 2 and 3, dated April 22, 2026, Questions and Answers Set 4, dated April 23, 2026, Addendum No.1, dated April 20, 2026, and Addendum No.2, dated April 23, 2026.

Please feel free to contact Omar Alameddine at oalameddine@ardurra.com or 949.533.3012, should you have any questions or require additional information. On behalf of our team, we look forward to continuing to work with you to execute your upcoming projects.

Respectfully submitted,
Ardurra Group, Inc.

Dino P. D'Emilia, PE, F.ASCE, QSD
California Public Works Practice Director

Omar Alameddine, EIT
Contract Manager

(2)
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ARDURRA

(3)
IDENTIFICATION OF PROPOSER

3 Identification of Proposer

Meet Ardurra

Ardurra Group, Inc. (Ardurra) is a relationship-based, professional services organization primarily serving public works, water and wastewater agency clients for the past 48+ years. With 2,800 employees in 120+ offices nationwide, Ardurra is ranked No. 48 in ENR's Top 500 Design Firms, rapidly growing company of experts, engineers, and design professionals committed to delivering quality services and practical solutions. Over the last three years, we have tripled in size through organic growth and strategic acquisitions that have expanded our resources, capabilities, and geographic reach. Our staff is our greatest resource, and we continue to grow to meet the needs of our client partners.

Responsiveness – We Are There When You Need Us!

As we intend to demonstrate, Ardurra is proud of the reputation we have established and the style in which we deliver our services based on the investment and ownership responsibility we place on every single project. We are motivated to continue to exceed the City of Ontario's (City) expectations. With offices throughout California, the Ardurra team provides local subject matter experts with the availability and resources to be responsive to the City's needs. We are a full staff of engineering, environmental, and construction professionals, including project managers, construction managers, engineers, environmental compliance specialists, designers, and construction inspectors. We strive to develop close working relationships with our clients so we can move quickly in response to client needs. We can provide on-the-spot assistance with an emergency situation or a fast-track project while maintaining sufficient staff and resources to manage large multi-discipline projects.

Local In-House Capabilities to Meet Task Order Needs

Our in-house capabilities include project management, construction management and inspection, civil, mechanical, electrical engineering and design, as-needed municipal "staff extension" services, water and wastewater master planning and hydraulic modeling, traffic and transportation engineering, plan checking, CEQA/NEPA compliance, regulatory permitting, GIS design and implementation, sewer flow monitoring, and survey services. We also have established relationships with several recognized specialty firms that support us with additional disciplines and services as needed. Our experienced construction management and inspection staff is capable of managing various complex infrastructure projects.

Our Commitment

Ardurra provides full-spectrum services to assist our clients from planning through construction. From our substantial experience in planning, designing, and managing public infrastructure undertakings, we understand that projects today are driven by a balance of economic, environmental, social, and political factors. We believe in working in partnership with our clients to meet these challenges. We offer the City a commitment to responsiveness, quality, and forward-thinking solutions to deliver innovative projects. We will continue to exceed your expectations.

ABOUT THE FIRM

LEGAL NAME
ARDURRA GROUP, INC

CORPORATE ADDRESS
1000 NW 57th Ct., Suite 800
Miami, FL 33126

LOCAL ADDRESS
3737 Birch Street, Suite 250
Newport Beach, CA 92660

LEGAL FORM OF COMPANY
Corporation

PARENT COMPANY
Not Applicable

PROPOSED REPRESENTATIVE
Omar Alameddine, EIT
Contract Manager
3737 Birch Street, Suite 250
Newport Beach, CA 92660
Cell: 949.533.3012

CONTRACTUAL CONTACT
Dino D'Emilia, PE, F.ASCE, QSD
California Public Works Practice Director
21250 Hawthorne Boulevard, Suite 383, Torrance, CA 90503
Cell: 714.458.0703

CITY BUSINESS LICENSE NUMBER
12435960

DEPARTMENT OF INDUSTRIAL RELATIONS (DIR) NUMBER
Ardurra Group, Inc.
1000392146
Ninyo & Moore
1000004481

(4)
STAFFING RESOURCES

4 Staffing Resources

A. Firm Staffing and Key Personnel

Ardurra's proposed team for the City of Ontario's On-Call Construction Management and Inspection Services contract has the resources, capabilities, and commitment to deliver successful projects. This team is backed by the support of a large national firm with more than 2,800 personnel, including a deep bench of construction managers, inspectors, and other resources as needed. The Team Organization section below and on the following page discusses the key personnel assigned to this project.

FIRM	SCOPE OF SERVICES	STAFFING RESOURCES
Ardurra	Construction Management, Inspection, Administration	250 in California
Ninyo & Moore	Geotechnical and Materials Testing	270 in Southern California

Three Team Members Principally Responsible for Working with the City

OMAR ALAMEDDINE, EIT

CONTRACT MANAGER

As administrator of this contract and the main point of contact, Omar is prepared to respond to a variety of requests from the City and execute each task order to meet your needs. Omar will work closely with the City to clarify the scope, schedule, budget, deliverables, project duration, scheduling, number of inspectors required and performance expectations specifically suited to meet the project needs. He will assign staff with applicable expertise and training necessary to handle the duties and responsibilities to protect the City's interests. With his 20+ years of experience in construction management and inspection on public works and Caltrans projects, he is able to lead diverse teams consisting of contractor(s) and construction management personnel teams to successfully achieve the common goal on any task order.

VALUE TO THE CITY

- ✓ Direct City of Ontario experience having served as Contract Manager for the last 5 years.
- ✓ Extensive track record delivering complex municipal infrastructure projects.
- ✓ High proficiency in client and personnel management.

GAFUR OYEWO

CONTRACT ADMINISTRATION & INSPECTION GROUP LEADER

Serving as the Contract Administration & Inspection Group Leader, Gafur will work closely with Omar and assist with construction inspection assignments. Gafur brings 16 years of project and construction management experience, with proficiency in large-scale public works project administrative and management processes such as critical path management, project scope management, payment/requisition processing, and safety management. He has extensive knowledge in commercial and residential property rehabilitation and restoration as well as floating and fixed marine asset dry-docking and repair. Both Omar and Gafur have extensive experience managing multiple on-call construction management and inspection services contracts with various agencies in Southern California, including for the City of Ontario.

VALUE TO THE CITY

- ✓ City of Ontario experience, resulting in knowledge of processes and procedures.
- ✓ Proven municipal project delivery.
- ✓ Strong municipal CIP leadership.

DON WREN, JR

SENIOR INSPECTOR

Don has inspected and overseen the construction of capital improvements for more than 30 years. Don brings a comprehensive background in directing and assuring the quality of projects involving road and water infrastructure. He also brings substantial expertise in materials testing. Don has been responsible for installing various sizes and material of waterlines for residential and commercial projects throughout Southern California. His work has involved installation of several miles of both domestic and recycled water mains of various sizes of CML&C, C-900, ductile iron pipe - flange x flange, flange x mechanical joints, welded fittings, water stops, bypass lines, and offset lines.

VALUE TO THE CITY

- ✓ City of Ontario experience with deep municipal inspection expertise.
- ✓ Exceptional infrastructure and utility knowledge.
- ✓ Trusted steward of quality and compliance.

Team Organization

Ardurra's team will be led by **Contract Manager, Omar Alameddine, EIT**. As administrator of this contract and the main point of contact, Omar is prepared to continue to respond to a variety of requests from the City and execute each task order to meet your needs, as he's been doing for the City of Ontario for the past 5 years. Once a task order is received, Omar will review the scope and provide the City with resumes of available staff with the best mix of experience and expertise for the task assigned. **Gafur Oyewo** is our **Contract Administration & Inspection Group Leader** and will assist Omar with construction inspection assignments. Both Omar and Gafur have extensive experience managing multiple on-call construction management and inspection services contracts with various agencies in Southern California.

To round out our team and provide the requested specialty services, Ardurra has once again teamed with **Ninyo & Moore** to provide **geotechnical and materials testing services**. In addition to the individuals proposed, Ardurra maintains a database of additional professionals and subconsultant firms who regularly work with Ardurra on a project-to-project basis.

This organization chart illustrates the roles and relationship between the City, our personnel, and subconsultant, and clearly outlines the roles of our proposed team members and showcases the breadth of our in-house resources. Brief resumes are included of key staff.

PRINCIPAL-IN-CHARGE

Dino D'Emilia, PE, F.ASCE, QSD

CONTRACT MANAGER

Omar Alameddine, EIT*

CONSTRUCTION MANAGERS

Omar Alameddine, EIT*
Gafur Oyewo*
Martha Napier, CCM, PMP, LEED AP*
James Flannigan, PE*
Dino D'Emilia, PE, F.ASCE, QSD
Scott Adamson, PE, QSD/P
Lucas Findlay, PE, QSD/P
Arash Rostamian, PE, QSD/P
Mike Tisdale, QSP
Jeff Moody, PE, CCM, QSD/P
Brad Holmes, QSP, CESSWI
Alan Hargis, CCM
Joe Stoakley, PE, QSD
John Wolitarsky, CCM
Mahina Sui, CMIT
Will Hernandez, PMP
Jeremiah Harrington, EIT, CCM
John Dahl, PE, BCEE
Michelie Little

INSPECTORS

Gafur Oyewo*
Contract Administration & Inspection Group Leader
Don Wren, Jr.*
Martha Napier, CCM, PMP, LEED AP*
James Flannigan, PE*
John Dela Cruz, QSP
Matthew Reagan, QSP
Joe Stoakley, PE, QSD
Rakan Khraisat, PMP, CMIT
Brian Briones
Manny Briones
Arash Rostamian, PE
Chip Vanderbeek, QSP
Eric Egurrola
Miguel Alvarez, PE
Nathan Wolitarsky
Joe Mullaney, EIT
Juan Cesena, QSP
Danny Robinson
Dustin Bender
Bob Keleman
Derek Deese
Lance Castro, CMIT
Sean Goodrich
Carlos Barrios
Alex Barerra
Jay Jordan

PROJECT CONTROLS/DOCUMENT CONTROLS

Dustin Blackwell, CMIT
Kelly Leyva, CMIT
Joseph Mullaney, EIT
Adam Banihamed

LABOR COMPLIANCE

Alan Hargis, CCM
Erica Berger
Robin Babka

GEOTECHNICAL/MATERIALS TESTING

Garreth Saiki, PE, GE
Randy Reichert
Joe Levario
Ninyo & Moore

LEGEND

* *Indicates Key Staff (resumes provided)*

Key Staff Resumes

OMAR ALAMEDDINE, EIT

PROJECT AND CONSTRUCTION MANAGEMENT GROUP LEADER/CONTRACT MANAGER

EDUCATION
BS, Civil Engineering

REGISTRATIONS/ CERTIFICATIONS
Engineer in Training
CA #151070

Omar brings an extensive background in construction management and inspection on public works and Caltrans projects. For over 20 years, Omar has delivered projects to renew city streets and freeways, applying his firm grasp of Caltrans and Greenbook standards. He has also managed and inspected construction of recreational facilities such as soccer fields, public parks and a dog park, public facilities, domestic water, sewer, and drainage improvements. Clients appreciate Omar's penchant for precise and thorough documentation.

On-Call Construction Management and Inspection Services, City of Ontario - Contract Manager for this contract which includes the following projects to date: *Grove Avenue and Holt Boulevard Intersection Widening* – $20.3 million roadway and infrastructure improvement project is modernizing one of the oldest and busiest intersections in the city, by upgrading aging underground infrastructure and widening the intersection to accommodate future growth and connectivity; *TCC Active Transportation Projects A & B* – $9.8 million project includes TCC Project A (Mission Blvd. Bike and Pedestrian Improvements) and TCC Project B (Enhanced Pedestrian Crossings). Improvements include installation of a Class IV bike lane, new sidewalks, improvements to curb ramps, curb returns, slurry seal of existing pavement, pedestrian refuge passageways within the existing median, drainage features, grading, landscaping, irrigation, street lighting, modifications to signals to add video detection, utility removal/relocations required for widened areas/new sidewalk, protection of existing facilities, pedestrian hybrid beacons at four intersections, and in-pavement warning lights at one intersection; and *Annual Pavement Rehabilitation & Slurry Seal* - work includes maintaining more than 1,200 lane miles of pavement within the city, rehabilitating existing street pavements, sidewalks, handicap ramps, curb and gutter, and related appurtenances; repairing or constructing storm drain improvements at various locations; and providing engineering contract management and field services support for all construction work within the public ROW.

Orangewood Avenue Improvements (from State College Boulevard to the Santa Ana River), City of Anaheim – Contract Administrator/Construction Manager on this $17.17 million project, providing construction management, contract administration, and construction oversight. This award winning, multifaceted project involved: high voltage electrical undergrounding for Anaheim Public Utilities along with the relocation of multiple telecommunication service lines; installation of a new 16" water mainline for Anaheim Public Utilities and a new 16" water mainline for the City of Orange Water Department including a 25 ft deep jack and bore operation under an existing Orange County Flood Control channel; significant traffic signal enhancements and the integration of a new changeable message sign as well as new CCTV system; construction of various retaining block walls; installation of biofiltration systems; and implementation of Resort-Style hardscape and landscaping, complete with irrigation improvements.

Santa Ana Street Railroad Water Main Crossing with Metrolink/SCRRA, City of Anaheim – Contract Administrator/ Construction Manager on this project which consisted of boring and jacking trenchless installation method, furnishing, and installing approximately 70 LF of 24-inch steel casing pipe (1/2-inch thickness) welded joints and 12-inch zinc-coated ductile iron pipe class 56 and by open-cut construction method, furnishing and installing approximately 75 LF of 12-inch zinc-coated ductile iron pipe class 52. Work also consisted of installing fittings, appurtenances, all valves, and thrust blocks, abandon in place existing water main and water services including interfering portions removal and disposal, pressure test and disinfect the water pipeline, and restoring the site to the original conditions including paving and striping restoration and disposal off site.

Indiana Street Water Main Replacement, City of Anaheim – Contract Administrator/Construction Manager for one of the City's first design-build projects, which consisted of the $1.35 million construction of approximately 2,400 LF of 6-inch ductile iron CL 52 zinc-coated water main, and 200 LF of 8-inch ductile iron CL 52 zinc-coated water main located along Indiana Street between Broadway and South Street. The project also included the replacement of fire hydrants, valves, and appurtenant structures.

Underground Conversion Plan Projects, City of Anaheim – Contract Administrator/Construction Manager. Provided contract administration and construction management for the following projects as part of the City's Underground Conversion Five-Year Plan and Wildfire Mitigation Plan: Underground District No. 65 Reliability Improvement, Phase 1 – Royal Oak; Crescent and Cerro Vista Reliability Improvement; and Direct Buried Cable Replacement; Underground District No. 65 Reliability Improvement, Phase 2 – Santa Ana Canyon Road – Lakeview to Imperial; and Underground District No. 68 Reliability Improvement – Eucalyptus Drive from Santa Ana Canyon.

GAFUR OYEWO

CONTRACT ADMINISTRATION AND INSPECTION GROUP LEADER

EDUCATION
MS, Asset Integrity Management

BEng, Naval Architecture

REGISTRATIONS/ CERTIFICATIONS
OSHA 10-Hour Construction & Safety
OSHA 30-Hour Construction & Safety

Gafur brings 16 years of project and construction management experience, with proficiency in large-scale public works project administrative and management processes such as critical path management (CPM), project scope management, payment/requisition processing, and safety management. He has extensive knowledge in commercial and residential property rehabilitation and restoration as well as floating and fixed marine asset dry-docking and repair. His experience spans projects involving a diverse range of installations, which include landscaping, roofing, asbestos abatement, masonry, steel structure erection, concrete, electrical, plumbing, and interior renovation.

On-Call Construction Management and Inspection Services, City of Ontario - Inspection Services Group Leader responsible for managing Ardurra's inspection team of staff augmentation publics works inspectors providing permit, grading, landscaping, and general inspection on various projects, including CIPs within the City's limits.

TCC Active Transportation Projects A (Mission Blvd Bike and Pedestrian Improvements) & B (Enhanced Pedestrian Crossings), City of Ontario – Construction Manager for this arterial street widening/improvement project which includes construction of a Class IV Bike Lane, addition of enhanced pedestrian crossings which include Pedestrian Hybrid Beacons, in-pavement warning lights, traffic signal and streetlight systems improvement including pole replacement, and modifications to traffic signal to add video detection on Mission Blvd. and Holt Blvd. Other improvements include AC paving, slurry seal of existing pavement, sidewalk, pedestrian refuge passageways within the existing median, storm drain system improvements, grading, tree planting & landscaping, irrigation system improvements, utility removal/relocations required for widened areas.

Electric Line Extension (Wanda Circuit) Project, Phase 2, City of Anaheim – Construction Manager for this electrical undergrounding project that provides additional electrical capacity through installation of new infrastructure to relieve heavily loaded circuits between electrical substations and meet the electric service needs of the Anaheim Platinum Triangle area. This project included installation of encased conduit duct banks, conduits, vaults, splice boxes, electrical ground systems, locating and intercepting of existing duct banks, construction and coordination of overhead to underground service conversions, boring and jacking beneath the Metrolink and Union Pacific Railroad track crossings for the installation of 265 LF of 28-inch steel casing with concrete encased 12kV electrical lines, and asphalt pavement restoration.

On-Call Construction Management, Engineering Support, Testing and Inspection Services, City of Hawaiian Gardens - Inspection Services Group Leader for citywide CIP construction projects. Work has included residential street rehabilitation and park and facility improvement projects. A few projects include: Residential Street Rehabilitation, C. Robert Lee Roof Replacement, Various Signalized Intersection Improvements, and Carson Street Beautification.

Knollwood Circle Sanitary Sewer Improvement Project, City of Anaheim – Construction Manager for the construction of new segments on public right-of-way and on private property. The scope includes new private 12-inch sewer and 8-inch sewer laterals installed using open-cut method to serve 1365 N. Knollwood Circle; new 18-inch and 12-inch sewer in roadway installed using open-cut method on Knollwood Circle; new 18-inch sewer installed using trenchless, pilot-tube guided auger boring method in a 15-foot-wide easement on 1200 N. Knollwood Circle and 1201 N. Magnolia Avenue; new 18-inch and 21-inch sewer main on Magnolia Avenue (Caltrans Encroachment Permit obtained); abandonment of existing sewer laterals, manholes, 8-inch and 12-inch VCP sewer; removal of privately-owned 10-inch PVC sewers; and pavement restoration, sidewalk replacement, and traffic control. The project also includes the relocation of existing Anaheim Public Utilities' water and electrical service lines, SoCal Gas Company service lines, AT&T telecom conduits, and Charter Spectrum's fiber optic lines by the utility owners prior to sewer installation.

Felicidad Water Main Replacement Design-Build, City of Anaheim – Contract Administrator for this $2.9 million water main replacement project that involves installing approximately 630 LF of 12-inch and 3,960 LF of 8-inch ductile-iron pipe (DIP) as well as new water services and appurtenances at two project sites: Site 1 – Felicidad Street and Felicidad Circle (1,350 LF of 8-inch DIP) and Site 2 – Freedom Avenue, Liberty Avenue, National Avenue, American Avenue (630 LF of 12-inch DIP and 2,610 LF of 8-inch DIP). The project also includes traffic control, removal and restoration of existing improvements, excavation, backfill, shutdowns, dewatering, temporary high-lining of water service, hydrant installation, coordination with water service customers, chlorination, dichlorination, pressure testing, and site cleanup.

DON WREN, JR

SENIOR PUBLIC WORKS INSPECTOR

Don has inspected and overseen the construction of capital improvements for more than 30 years. He brings a comprehensive background in directing and assuring the quality of projects involving road and water infrastructure, and substantial expertise in materials testing. Don has been responsible for installing various sizes and material of waterlines for residential and commercial projects throughout Southern California. His work has involved installation of several miles of both domestic and recycled water mains of various sizes of CML&C, C-900, ductile iron pipe - flange x flange, flange x mechanical joints, welded fittings, water stops, bypass lines, and offset lines.

Grove Avenue and Holt Boulevard Intersection Widening and Sewer Improvements, City of Ontario – Inspector for this $20.3 million, design-bid-build roadway and infrastructure improvement project. This transformative project will modernize one of the oldest and busiest intersections in the city by upgrading aging underground infrastructure and widening the intersection to accommodate future growth and connectivity. Improvements include traffic control, clearing and grubbing, grading, protection and demolition of existing improvements within the public right-of-way and on private property, modifications to existing irrigation systems, construction of PCC curb and gutter, sidewalk, drive approaches, driveway, ADA ramps, asphalt concrete AC paving, signing and striping, traffic signal modification, street lighting improvements, and tree planting. Construction also includes improvements to sewer, storm drain, and water systems, as well as utilities.

West Valley Connector, City of Ontario - Don is providing Inspection Oversight on this project which will be a 100% zero-emission Bus Rapid Transit (BRT) system. Phase I of the project is 19 miles and will upgrade a portion of existing Route 61 which runs along Holt Boulevard, adding approximately 3.5 miles as center running, dedicated bus-only lanes. There will be 21 stations in Phase I that will provide an improved transit connection to Ontario International Airport (ONT) and help build transit connectivity by linking ONT, two Metrolink lines (San Bernardino and Riverside) and multiple major activity centers along the route including Ontario Mills and Victoria Gardens.

Annual Pavement Rehabilitation & Slurry Seal, City of Ontario - Inspector. Work includes maintaining more than 1,200 lane miles of pavement within the city, rehabilitating existing street pavements, sidewalks, handicap ramps, curb and gutter, and related appurtenances; repairing or constructing storm drain improvements at various locations; and providing engineering contract management and field services support for all construction work within the public ROW.

Pipeline Replacement – Pump Station to Reservoir, Cucamonga Valley Water District – Inspector/Manager for construction of the $1 million replacement waterline involving 30-inch and 24-inch cement-coated pipes extending one mile, from Etiwanda to East Avenue.

2017-22 Street Pavement Maintenance Rehabilitation Project, City of Corona – Senior Inspector. Services involved localized removal and replacement of failing asphalt sections, grinding and overlay, crack sealing, application of ARAM, and slurry sealing approximately 68 lane miles of local and major street.

B. SUBCONTRACTORS

Ninyo & Moore
A SOCOTEC COMPANY

Our team is augmented by **Ninyo & Moore, to provide geotechnical and materials testing as needed.** Ninyo & Moore provides high-quality geotechnical engineering and construction inspection and testing services. Their staff consists of registered geotechnical, civil, and environmental engineers; engineering geologists; hydrogeologists; environmental scientists; certified technicians and field inspectors; and hazardous waste and regulatory compliance specialists. They have fully equipped certified geotechnical laboratory facilities and are certified by AASHTO, Caltrans, Division of the State Architect, City of Los Angeles, and City of San Diego.

Ninyo & Moore has provided geotechnical, environmental, and materials testing consultant services as a **part of Ardurra's team for our current City of Ontario contract, and several water improvement projects including the Moulton Niguel Water District, San Bernardino Municipal Water District, Elsinore Valley Municipal Water District, and various water projects**. In addition, Ninyo & Moore offers fully equipped, well-staffed, state-of-the-art laboratory facilities performing a range of laboratory testing services under the supervision of a registered civil engineer. Ninyo & Moore's testing laboratories have been accredited by AASHTO/AMRL, Caltrans, California Division of the State Architect, and City of Los Angeles.

ARDURRA

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EXPERIENCE AND TECHNICAL COMPETENCE

6 Experience and Technical Competence

A. Experience

The following section highlights Ardurra's proven capabilities providing similar expertise working on On-Call Construction Management and Inspection Services contracts.

Experience, Technical, and Professional Skills to Meet Goals and Fulfill General Functions Identified in the RFP	✓ Ardurra has a successful history of providing construction management and inspection services on multiple on-call contracts for municipalities across California specializing in water, wastewater, and recycled water infrastructure ✓ The variety of projects we have managed gives our firm not only the expertise in water, wastewater, and recycled water improvements needed to successfully manage what takes place inside the trench, but also the experience with large roadway improvement and traffic control issues in order to address the operations and issues surrounding the trench.
Past Staff Experience Performing Similar Services	✓ Veteran team lead by a Project and Construction Management Leader, and a Contract Administration and Inspection Group Leader, that have managed over 10 on-call contracts for separate agencies in the past five (5) years. ✓ Our team has been repeatedly engaged by our clients to manage projects ranging from less than $1 million to more than $50 million. ✓ Proposed team of professionals have built their careers providing the type of services requested as a part of this RFP.
23+ Number of Years the Firm has Conducted Business in Southern California	✓ Over 23 years providing exceptional construction management, inspection, and related services to Southern California. Our success is based on long-term working relationships with public agencies, developed through our water, wastewater, and recycled water expertise and cemented with our commitment to deliver quality products and unmatched dedication to be responsive to our client services. Ardurra was started in 1977 as King Engineering Associates in the State of Florida. **We have been providing various services to the City since 2019.**
Five (5) References Demonstrating Experience and Performance Providing Similar Services	✓ Ardurra is proud of the successful projects we have accomplished and the agencies that have placed their confidence in our services. ✓ We highly encourage the City to contact our references to confirm the efficiency, attention to detail, communication skills, and commitment of our team in successfully completing every project. ✓ Please see the reference table on the following page for Ardurra's references demonstrating experience and performance providing similar services.
Local Experience and Knowledge of the City	✓ Ardurra has successfully completed several projects for the City of Ontario/ Ontario Municipal Utilities Company including the following: » On-Call Construction Management and Inspection for Various Projects » Grove Avenue and Hold Boulevard Intersection Widening and Sewer Improvements » Annual Pavement Rehabilitation and Slurry Seal Projects » TCC Active Transportation Projects A&B » Water Improvement Plan for Transit Street, Emporia Street, Palm Avenue, and Laurel Avenue » Numerous design projects *(see complete list in Section 11. Other Information)* ✓ No learning curve – we will leverage our previous experience to streamline the process.

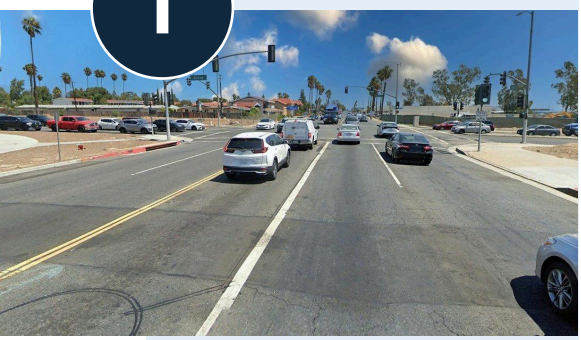
References

Ardurra is proud of the successful projects we have accomplished and the agencies that have placed their confidence in our services, as demonstrated within our five project references included below. We highly encourage the City to contact our references to confirm the efficiency, attention to detail, communication skills, and commitment of our team in successfully completing every project.

1	ORGANIZATION/CITY	**City of Anaheim**
	CONTACT NAME/NUMBER/EMAIL	Jake Hester, Water Engineering/Design Manager, 714.713.2975, jhester@anaheim.net
	PROJECT SIZE & DESCRIPTION	Since 2017, Ardurra has completed more than $90 million in capital improvement projects involving utility undergrounding, water/wastewater, street improvements, telecommunications, and structural. Some projects include: Orangewood Avenue Improvements, Opal Ave & Eagle Dr Water Main Replacement, DB Underground Conversion Plan Projects; Underground District Nos. 57 (Phase 2), 62 (Phase 2), 63, 65 (Phases 1 & 2), 68, & Wanda 12kV, Indiana Street Design-Build Water Main Replacement, Imperial Highway & Big Sky Lane Water Main Replacement, and Telecommunications Poles Coordination and Inspection.
	DESCRIPTION OF SERVICES	Construction Management
2	ORGANIZATION/CITY	**City of Lakewood**
	CONTACT NAME/NUMBER/EMAIL	Samantha Chambers, Project Manager, 562.712.9955, SChambers@lakewoodca.gov
	PROJECT SIZE & DESCRIPTION	Contract involves the preparation of the City's seven-year $155 million capital improvement program budget. Projects to date include: Cherry Cove and Bloomfield Park Playgrounds, Tot Lot Playground Improvements to Biscailuz Park & Playground Improvements to Boyar Park, Weingart Community Center Refurbishment and the Palms Park Community Center Refurbishment.
	DESCRIPTION OF SERVICES	Construction Management and Inspection
3	ORGANIZATION/CITY	**City of Ontario**
	CONTACT NAME/NUMBER/EMAIL	Brian Lirley, Utilities Director-Engineering & Operations, 909.395.2770, BLirley@ontarioca.gov
	PROJECT SIZE & DESCRIPTION	Ardurra is providing services for Grove Ave. & Holt Blvd. Intersection Widening and West Valley Connector Projects.
	DESCRIPTION OF SERVICES	Construction Management and Inspection
4	ORGANIZATION/CITY	**City of Anaheim**
	CONTACT NAME/NUMBER/EMAIL	Samantha Bahena, Construction Contract Specialist, 714.981.5777, sbahena@anaheim.net
	PROJECT SIZE & DESCRIPTION	Ardurra is providing services for the Design-Build Southwest Substation Upgrade and DBMA #4W - Coronet Avenue Water Main Replacement
	DESCRIPTION OF SERVICES	Construction Management
5	ORGANIZATION/CITY	**City of Hawaiian Gardens**
	CONTACT NAME/NUMBER/EMAIL	Neema Ghanbari, Public Works Director, 949.607.9699, nghanbari@hgcity.com
	PROJECT SIZE & DESCRIPTION	Ardurra provided services on Carson Street Beautification (Norwalk Boulevard to Bloomfield Avenue) and Hawaiian Gardens Norwalk Blvd Pedestrian Improvements, Project #117
	DESCRIPTION OF SERVICES	Construction Management and Inspection

B. Project Specific Experience

1



GROVE AVENUE AND HOLT BOULEVARD INTERSECTION WIDENING AND SEWER IMPROVEMENTS

City of Ontario

DESCRIPTION OF SERVICES: Ardurra is providing construction management and inspection services for this $20.3 million, design-bid-build roadway and infrastructure improvement project. This transformative project will modernize one of the oldest and busiest intersections in the city by upgrading aging underground infrastructure and widening the intersection to accommodate future growth and connectivity.

Improvements include traffic control, clearing and grubbing, grading, protection and demolition of existing improvements within the public right-of-way and on private property, modifications to existing irrigation systems, construction of PCC curb and gutter, sidewalk, drive approaches, driveway, ADA ramps, asphalt concrete AC paving, signing and striping, traffic signal modification, street lighting improvements, and tree planting. Construction also includes improvements to sewer, storm drain, and water systems, as well as utilities and associated removals/relocations and protection/relocation of existing facilities.

The project is closely tied to the San Bernardino County Transportation Authority's (SBCTA) West Valley Connector Project, a key transit initiative. In addition to delivering professional construction management and inspection services, Ardurra serves as the City's liaison, delivering seamless coordination with SBCTA's project.

ROLE OF THE FIRM:

Construction Management and Inspection Services

DOLLAR VALUE OF SERVICES:

$20.3 million

DOLLAR VALUE OF FEES:

$1.4 million

STAFFING:
Omar Alameddine, Construction Manager
Gafur Oyewo, Alternate Construction Manager
Martha Napier, Alternate Construction Manager
James Flannigan, Construction Manager/Inspector
Arash Rostamian, Inspector
Don Wren, Inspector
Mahina Siu, Assistant Construction Manager
Joe Mullaney, Project Controls Engineer
Adam Banihamed, Assistant Construction Manager/Project Controls Officer
Ninyo & Moore, Materials Testing & Geotechnical

DURATION OF SERVICES:

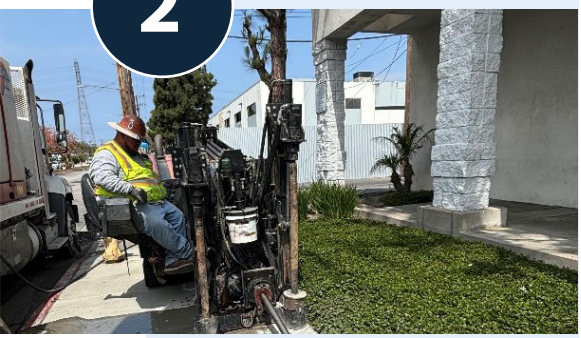
8/2024 - Ongoing
(On schedule and on budget)

RELATIONSHIP TO CLIENT:

Prime Consultant

REFERENCE:
Brian Lirley, Utilities Director-Engineering and Operations
City of Ontario/OMUC
909.395.2770
BLirley@ontarioca.gov

2



MANHATTAN BEACH ADVANCED TRAFFIC SIGNAL SYSTEM PROJECT

City of Manhattan Beach

DESCRIPTION OF SERVICES: The Manhattan Beach Advanced Traffic Signal (MBATS) System project includes the upgrade and connection of signal controller equipment through a fiber optic backbone infrastructure that will support emerging traffic management technologies, such as dynamic signal timing, vehicle-to-vehicle communication, autonomous vehicles, public safety preemption, and other smart cities initiatives that can improve traffic signalization and operational efficiencies.

The infrastructure will enable enhanced signal timing, relieve congestion during peak hours, improve traffic progression, allow the system to be more responsive to changes in traffic conditions, and prepare for the future of more Internet of Things (IOT) communications.

The project will allow both City/County staff and a semi-autonomous control system to remotely monitor and control the signalized intersections to maximize synchronization and minimize backups through real-time data analysis and timing changes.

ROLE OF THE FIRM:

Construction Management and Inspection Services

DOLLAR VALUE OF SERVICES:

$13,662,512

DOLLAR VALUE OF FEES:

$989,658

STAFFING:

James Flannigan, Construction Manager
Nathan Wolitarsky, Inspector
Kelly Leyva, Project Controls Engineer
Ninyo & Moore, Materials Testing & Geotechnical

DURATION OF SERVICES:

8/2025 - Ongoing
(On schedule and on budget)

RELATIONSHIP TO CLIENT:

Prime Consultant

REFERENCE:

Pernilla Brandt, Project Manager
City of Manhattan Beach
949.292.5010
v_pbrandt@manhattanbeach.gov

3

JOHN ANSON FORD PARK DREAMERS AQUATICS CENTER

City of Bell Gardens

DESCRIPTION OF SERVICES: This $31.3 million project involved replacing an antiquated public swimming pool at John Anson Ford Park into a modernized regional aquatics center (approximately 126,000 square feet) that includes a 50-meter competition pool (approximately 13,500 square feet with nine lanes), a therapy pool (approximately 2,500 square feet), and an activity pool with waterslide.

Originally opened for public use in 1959, the Aquatics Center had minimal renovations and was taken out of operation in 2017 due to maintenance and safety concerns. The newly constructed and reimagined state-of-the-art Aquatics Center reinvigorates the area with its vibrant aesthetics and invites people of all abilities and socioeconomic backgrounds with a safe, inclusive, and accessible environment. This project is an investment and commitment to the health, wellness, and quality of life for the City's residents and neighboring communities. It signals forward-thinking, innovation, civic pride, and community values. A facility of this stature is the only one of its kind in the entire region and will benefit residents, students, and organizations in the surrounding communities year-round. The project incorporated several technologies offering sustainable benefits to help serve the community well into the future. One such feature is an on-site Stormwater Infiltration System comprised of a Continuous Deflection Separation (CDS) stormwater treatment unit combined with perforated underground chambers capable of holding nearly 50,000 gallons of water. The project utilizes state-of-the-art pool mechanical equipment, including Regenerative Media Filtration Systems, which eliminate traditional backwashing and significantly reduce water and energy consumption. The project also incorporates a Building Management System (BMS) to provide a single interface for building operators to control the building's mechanical systems, resulting in energy efficiency, reduced operational costs, and enhanced occupant comfort. *This project received the 2025 APWA Southern California Chapter BEST Project of the Year Award, Facilities Category < 50,000 population, and the 2026 ACEC California Commendation Award.*

ROLE OF THE FIRM:

Construction Management and Inspection Services

DOLLAR VALUE OF SERVICES:

$31.3 million

DOLLAR VALUE OF FEES:

$2.3 million

STAFFING:

John Wolitarsky, Construction Manager
Nathan Wolitarsky, Inspector
Kelly Leyva, Assistant Construction Manager/Project Controls Engineer/Drone Operator
Ninyo & Moore, Soils & Materials Testing & Inspection

DURATION OF SERVICES:

7/2023-10/2025
(On schedule and on budget)

RELATIONSHIP TO CLIENT:

Prime Consultant

REFERENCE:

Bernardo Iniguez
Director of Public Works/Facilities
City of Bell Gardens
562.806.7770
biniguez@bellgardens.org

Other Requested Information

RFP CRITERIA	RESPONSE
a. Failure to enter into a contract or professional services agreement once selected.	None
b. Withdrawal of a proposal as a result of an error.	None
c. Termination or failure to complete a contract.	None
d. Debarment by any municipal, county, state, federal or local agency.	None
e. Involvement in litigation, arbitration or mediation. Conviction of the firm or its principals for violating a state or federal antitrust law by bid or proposal rigging, collusion, or restrictive competition between bidders or proposers, or conviction of violating any other federal or state law related to bidding or professional services performance. Knowing concealment of any deficiency in the performance of a prior contract.	Please see Section 10, Litigation
f. Falsification of information or submission of deceptive or fraudulent statements in connection with a contract.	None
g. Willful disregard for applicable rules, laws or regulations.	None

C. Technical Competence

Technical Resources

Ardurra is a fully operating organization with the latest innovative technologies and licenses required to plan, prepare, design, model, and execute pipeline projects. Our staff is proficient in utilizing these software tools to analyze and create the most favorable solutions aligned with project goals. Programs include but are not limited to:

- Web-based capabilities such as CIPO and Procore for construction and project management that provides a single repository for all project related information, accessible anywhere with internet connection. Company-wide subscription with no additional cost to the client.
- Microstation and pipeline design programs.
- AutoCAD, Civil3D, Geographic Information (GIS).
- Inroads, a program that prepares grading plans, plan and profile sheets, and roadway designs. InRoads also computes cut and fill quantities and automatically determines roadway (and pipeline) stations and creates sections.
- ArcMap (ArcInfo) to support water and wastewater system master planning efforts.
- Water modeling software including: H20Net, H20Map Water, InfoWater, EPANet, WaterCAD, WaterGEMS.
- Sewer modeling software including: H20Map Sewer, InfoSewer, InfoSWMM, XP-SWMM, SewerCAD, and SewerGEMS.
- The latest hydraulic parameters for both open channel and pressure pipe.
- Licenses for the full spectrum of Microsoft Office applications.
- Adobe licenses for Acrobat and Creative Cloud (e.g. Photoshop, Illustrator, InDesign).

Ability to Draw Upon Multi-Disciplinary Staff

Ardurra is a full service firm providing broad-based solutions tailored to the specific needs of each client. As a responsive and nimble partner, we take ownership of every project to maintain project momentum and success. We leverage the depth of our professional and technical expertise, as well as our integrated structure, to deliver practical, innovative solutions for our clients. Utilizing primarily in-house staff allows us to more efficiently manage projects and respond quickly to new tasks. With more than 2,800 employees and 120+ offices across the United States, Ardurra has the ability to provide local subject matter experts, with national backing.

ARDURRA

(7)

PROPOSED METHOD TO ACCOMPLISH THE WORK

7 Proposed Method to Accomplish the Work

By utilizing Ardurra, clients are kept informed on a real-time basis and know that Ardurra's guiding principle is to always act in its client's best interest.

The Ardurra approach to construction management and inspection is designed to safely deliver a high quality project on time and within budget, while monitoring and enforcing compliance with requisite codes, standards, permits, plans, and specifications. The firm uses proven methods for performing the multitude of tasks that dictate the success of a construction project, maintaining continual and transparent communication.

CONSTRUCTION MANAGEMENT

SAFETY. First and foremost, Ardurra always considers safety the most important issue on any construction project. Ardurra construction managers and inspectors are at a minimum 10-hour OSHA-certified. Our team will recommend key safety provisions to require the contractor to have competent safety personnel and site-specific safety programs employed on the project at all times and will monitor the contractor's operations for compliance with the project safety requirements and requisite provisions of state and federal law.

PUBLIC RELATIONS. The Ardurra team is empathetic to the motorists, pedestrians, cyclists, residents, and businesses that are affected by construction operations, and we will take a lead role to address public relations concerns. Inquiries and issues will be listened to and documented with accurate contact information for prompt follow-up. We are adept at mitigating impacts throughout the construction process and addressing issues expeditiously for resolution in the field whenever feasible. Any issues that cannot be immediately addressed in the field will be communicated through appropriate protocols with recommendations for the most efficient resolution. Ardurra will expedite implementation of the solution that serves the project's best interests, as mutually determined with the City, contractor, and affected parties. We take a proactive approach to reach out to the public, resulting in the successful completion of public works improvement projects in close proximity to adjacent property owners. Strict adherence to allowable working hours, and noise and dust control requirements will be imperative to minimize impacts. If a sensitive, invasive or politically challenging project is being considered, Ardurra does have a Community Outreach team that is available to be brought in to specifically address public relations.

CONSTRUCTABILITY REVIEW OF BID DOCUMENTS. Constructability reviews will be conducted as directed by the City. A punch list of comments and recommendations will be submitted to the City for consideration and implementation by the project architect/engineer. The CM team will review the plans for biddability and constructability and identify potential value engineering solutions, ambiguities, conflicts or omissions apparent during its review. The bid documents and technical specifications will also be reviewed for potential duplication and overlap of clauses, conflicts, proper placement of critical requirements within the order and precedence of documents. Ardurra will also recommend key contract provisions to provide the necessary controls and remedies for the City to maintain a proactive approach on the project.

PRE-CONSTRUCTION CONFERENCE. Ardurra will coordinate and conduct the pre-construction meeting. This will include notification to contractor, utility agencies, and other stakeholders, and prepare the meeting agenda and minutes. The agenda and minutes typically include, but are not limited to, the following items: introductions of key personnel; safety; project overview, scope, schedule; Notice to Proceed; chain of communication; public relations; discussion of the baseline schedule; change order, submittal and RFI process; identify long lead and any substitution and/or equal items; inspection and testing – review call-out requirements and deputy/special and testing requirements; progress payment procedures; labor compliance; Community Workforce Agreement (CWA) requirements; and placement of signs.

CONSTRUCTION PROGRESS/COORDINATION MEETINGS. The following meetings will be held on site, as required:

- Periodic project team/stakeholder meetings will focus on the following: progress during the period; planned vs. actual schedule; current or unresolved problems; anticipated or pending change orders; impacts of problems or change orders on schedule and budget; discussion of new goals, planned vs. actual budget analysis; scheduled concurrent with a weekly meeting to save time and cost; contractor's detailed four-week look-ahead schedule; progress and major decisions during the last week.
- Special meetings to discuss important/urgent issues or which require detailed discussion or review of plans and specifications.

TESTING AND OBSERVATIONS. Ardurra will coordinate laboratory, job site, and off-site/source inspection and testing of construction materials and required observations per the QAP, construction documents, construction codes, and jurisdictional agencies. We will monitor testing services, track documentation, and record testing results. When necessary, corrective measures will be implemented and re-inspected to verify acceptable completion.

UTILITY COORDINATION. Ardurra will assist the contractor in dealing with local utilities to coordinate and expedite temporary and permanent utility installations, utility relocations and utility access structure adjustments.

SUBMITTAL PROCESSING. The construction manager will track correspondence and submittals on this project. Ardurra will receive contractor submittals and review them for completeness and general conformance with the contract documents. Shop drawings, samples and other submittals received from the contractor will be logged in and routed to the City and the architect. Responses will be logged and transmitted to the contractor. Submittals will be tracked throughout the project to assure timely response to avoid contractor claims for delay. Submittals will be expedited utilizing electronic delivery whenever possible (except for shop drawings, large format documents). Additionally, Ardurra will recommend key contractual requirements for the contractor to clearly indicate submittal processing requirements in the project schedule. Submittal content and review comments will be monitored to identify potential impacts to quality, cost, or schedule, with recommended alternatives and/or solutions.

DOCUMENT TRACKING SYSTEM. Complete and current project files shall be kept at the job site, or at a location agreeable to the City, and shall always be available to the City. These files will consist of the contract, correspondence relating to or modifying the contract, proposal requests, clarifications, permits, logs, reports, RFIs, field orders, change orders, claims inspection reports, and test reports. We will adapt our system to the specific needs of the project to monitor, track, and control the project. This detailed tracking system will enable us to provide an accurate assessment of the progress to the City with recommendations to maintain or improve adherence to the approved project schedule.

RFIS. Upon receipt, the CM team will log, distribute, and respond to each RFI as required. It is anticipated that most will be handled upon receipt. However, if the design engineer or City staff are required to answer questions, the construction manager will coordinate a timely resolution. Ardurra will identify potential impacts to cost or time that may result due to issues identified in RFIs, with recommended alternatives or solutions to mitigate the potential impacts.

SCHEDULE REVIEW/CONTROL. Ardurra is intimately familiar with mainstream scheduling software utilized by the public works contracting industry, including, but not limited to, Primavera P3®, Suretrak® and Microsoft Project®. The Ardurra construction manager will review the baseline construction schedule, including activity sequences and duration, schedule of submittals, and schedule of delivery for products with long lead times. The schedule will not be recommended for approval as the baseline until discrepancies are resolved.

During the progress of construction, the Ardurra CM team will compare the contractor's monthly schedule updates to the baseline schedule and any approved time extensions, note any shortcomings, and monitor and track corrections by the contractor to keep the project schedule on time. A 4-week look-ahead will be required from the contractor, updated weekly, and presented at the weekly construction progress meetings. This tool will keep the entire team looking one month ahead of the project and will facilitate proactive handling of project activities and issues. If necessary, Ardurra will negotiate time extensions due to change orders or other delays.

SWPPP. Ardurra will enforce provisions of the Storm Water Pollution Prevention Plan and/or other requisite requirements set forth in the specifications. At a minimum, SWPPP requirements will be monitored and a specific SWPPP checklist will be compiled. Any deficiencies noted will be addressed with the contractor for immediate remedy. Upon a weather report of expecting rain, a site walk will be conducted to assure that SWPPP measures are in place and well maintained. Additionally, if desired by the City, the Ardurra team can be assigned as the data submitter for the project to implement the NOI application, uploading of various reports, and processing of the NOT on the SMART website.

CHANGE MANAGEMENT. Ardurra will establish, implement, and coordinate systems for consideration, negotiation, processing, and implementation of change orders. Each issue, which is identified as a potential change to the design, scope, cost, or contract time will generate a uniquely numbered potential change order (PCO). The construction manager will determine whether a change notice should be considered. The plans and specifications will be reviewed against the change notice. If the issue does not appear to be included in the plans or specifications, the construction manager will negotiate the scope and cost for the most efficient, cost and quality appropriate solution with the contractor and City. Any credits for work deleted because of the change will be required at this time as well. The construction manager will maintain a trend log, listing potential changes as identified, either formally or informally. This trend log shall be used such that potential change items are not overlooked or deferred until the end of the job. Ardurra will prepare independent cost estimates as required for contract change orders. Upon approval by the City, the construction manager will prepare, log, and process change orders for full execution and administer their implementation. Once fully executed, the CM team will expedite and review the timely completion of the work and coordinate inclusion of the change order in the appropriate payment application.

CLAIMS AVOIDANCE. Ardurra will assist the City with claims filed by the contractor in accordance with the guidelines set forth by the general specifications and the standard specifications. Ardurra is well-versed at negotiating and resolving claims amicably between contractors and public agencies. Should a claim require work in addition to Ardurra's contract, Ardurra will be available on a time-and-materials basis if desired by the City, including assistance with processing required forms and coordinating with the DLAE, and processing additional funding if applicable. The provision of any legal advice or services is specifically excluded.

DAILY EXTRA WORK REPORTS. The Ardurra CM team will verify and sign contractor's daily extra work reports documenting force account (time and materials) work. Ardurra will monitor that only appropriate worker classifications necessary for approved time and materials work is included on extra work reports. Any inappropriate workforce and/or equipment charges will be promptly rejected and removed from extra work reports.

PROGRESS PAYMENT PROCESSING. A cost control system, based on the contractor's schedule of values, approved change orders and the contract amount shall be developed and implemented to monitor progress costs. Monthly cost reports will be submitted to the City as a component of the monthly progress report.

The Ardurra CM team will review the payment applications submitted by the contractor and determine whether the amount requested reflects the progress of the contractor's work. When the payment application is acceptable and backup documentation is verified (certified payrolls, lien releases), Ardurra will prepare and forward to the City for processing. The Ardurra team is experienced with evaluating complex pay applications. It is critical to the City's best interest that payment application review be performed accurately and prudently to maintain the prime and subcontractor incentives to perform on the projects.

CASH FLOW MANAGEMENT (PRELIMINARY NOTICES, RELEASES AND STOP NOTICES). Ardurra recognizes that the diligent monitoring and tracking of preliminary notices, conditional and unconditional releases is an important component of public construction management, enables the team to stay abreast of the construction contract cash flow, and provides for excellent documentation of prompt payment as required by federal funding.

The CM team will maintain a detailed log of preliminary notices and require conditional and unconditional releases from the contractor for first-tier subcontractors and any-tier subcontractors that submit a preliminary notice. Proactive monitoring of releases typically minimizes the incidences of stop notices. Should any stop notices be received, Ardurra will work proactively with the contractor to address release of the stop notice and withhold 150% of the stop notice amount from progress and/or retention payments until the proper unconditional release is documented.

LABOR COMPLIANCE. Ardurra's labor compliance specialists work proactively and cooperatively with contractors to monitor and enforce the municipality's and funding agency's requirements. Our experts have a working knowledge of labor compliance requirements on State DIR-controlled projects, as well as Federal Davis-Bacon controlled projects necessary to assist the City with assuring compliance with project funding requirements.

DELIVERY OF RECORD DRAWINGS AND CLOSEOUT DOCUMENTS. Ardurra will periodically review the contractor's as-built updates on the approved job plan set, identify missing items, and require the contractor to keep as-built records up to date throughout the project as required by the specifications. Ardurra will review the contractor's submittal of "as-constructed" conditions and compare this submittal to Ardurra's own documentation. Discrepancies will be discussed, resolved, and recorded. Completed record drawings will be submitted to the City.

Ardurra will perform closeout duties, including final organization of project files, and submit to the City for final approval. Ardurra will also assist with the filing of the Notice of Completion and Release of Retention.

POST-CONSTRUCTION SUPPORT. Ardurra can assist the City with resolution of post-construction issues such as user department inquiries and issues, resolution of stop notices or notices from the labor commissioner on a time-and-materials basis upon the City's request.

INSPECTION SERVICES

DAILY INSPECTION. Inspection services will include, but are not limited to, the tasks listed below and will be performed daily.

- Review and familiarize contract documents.
- Participate in pre-construction meetings, other meetings, and conferences, as required.
- Be present at all times, including weekends (if necessary), when construction is in progress.
- Review and in conjunction with the City's project manager, enforce the contractor's proposed construction schedule.
- Monitor and document the contractor's compliance with plans, specifications, and referenced standards.
- Assist in the review of "submittals" required by the specifications.
- Assist with coordination between City's project manager, contractor, and any other entities that may be involved.
- Review contractor performance and expedite corrective measures for discrepancies as they occur.
- Coordinate surveys and staking, furnishing grades as necessary to the contractor, and check structure-related surveys.

- Coordinate and provide assistance and direction to technicians performing material tests. Measure the work-in-place to verify quantities.
- Closely monitor testing results and require contractor to take corrective actions if results are unsatisfactory.
- Assist with public outreach. Document and respond to public inquiries, monitor, and document compliance with working hours, noise levels, and dust mitigation requirement.
- Review and make recommendations for the processing of payment requests.
- Assist with the consideration, negotiation, and processing of change orders.
- Conduct employee interviews in conformance with the Davis-Bacon Act and/or other funding agency requirements.
- Prepare daily inspection reports (daily activity report, weekly statement of working days) including photographs.
- Measure and track quantities of satisfactorily completed improvements.
- Monitor contractor's implementation of approved traffic control measures. Drive routes with active detours and/or lane closures daily to confirm or require correction in compliance with approved traffic control plans, WATCH Manual, Manual on Uniform Traffic Control Devices (MUTCD) and/or Caltrans Traffic Control Manual, as applicable.
- Review items requiring corrective action with the contractor and the City and develop punch list items and monitor corrections made.
- Issue field correction notices and respond to RFIs.
- Prepare redline set of as-built plans.
- Coordinate inspection activities with other jurisdictions, if applicable.
- Strictly enforce requirements for health and public safety on the project.
- Perform inspection for line and grade, earthwork, grading, excavation, backfilling of utility trenches, asphalt paving, concrete form work reinforcement, and other related work.
- Landscape architect review and approval of materials for landscape features on the project (plant/tree selection, product submittal and sample reviews, irrigation installation inspection and coverage test, proper installation and plantings and maintenance).
- Maintain a redline set of as-built (record) information.
- Prepare project punch list at substantial completion and follow-up.

TRAFFIC MANAGEMENT COORDINATION. Ardurra will oversee proper implementation of the traffic control plans by the contractor and require corrections and diligent maintenance when required. Ardurra will coordinate review of any traffic control plans required to address special situations and monitor the contractor's compliance with the Traffic Handling Plans, the MUTCD, or as otherwise provided for in the specifications. Apparent conflicts with adjacent or nearby projects will be addressed and coordinated. The contractor will be required to clearly correlate traffic control phasing in the CPM schedule work breakdown structure. Traffic control will be a standard discussion and coordination item at weekly progress meetings.

DAILY CONSTRUCTION OBSERVATION REPORTS. Ardurra and/or the deputy/specialty soils and materials inspectors will compile daily observation reports documenting the contractor's workforce, material and equipment used, a summary of construction activities, field problems, disputes or claims, resolutions of issues, and directions given to the contractor. Completed daily reports will be transmitted to the City on a weekly basis.

PHOTOGRAPHS. Ardurra prepares and maintains an electronic photo journal documenting the construction progress. Photos shall be taken before construction begins, during construction, and upon completion of the project.

WEEKLY STATEMENT OF WORKING DAYS. Ardurra will prepare a weekly statement of working days (WSWD), in conformance with documenting the construction progress, time of completion, delays and time extensions, and submit to the contractor and the City on a weekly basis. The WSWD is typically discussed and agreed upon at each progress meeting and transmitted as an attachment to the minutes.

PRE-FINAL INSPECTION. The construction manager and inspector will coordinate with appropriate project stakeholders, perform the final job walk, and prepare the punch list (deficiency list). Ardurra will coordinate, expedite, and observe completion of required corrections.

FINAL INSPECTION. Satisfactory completion of punch list items is verified before Ardurra recommends processing of the Notice of Completion. Ardurra is noted for attention to detail. Not only have we excelled at closing out our own projects, but we have been requested to and successfully closed out problem city projects in which our services were not initially utilized.

Upon completion of the punch list and final sign-off by project stakeholders, Ardurra will make a recommendation to the City regarding the contractor's final progress payment request and prepare the final progress payment report for submission to the City.

ARDURRA

(8)
FEE PROPOSAL

8 Fee Proposal

As required in the RFP, we have attached a hard copy of our Fee Proposal in a separate sealed envelope and also submitted a separate PDF electronically.

(9)
INSURANCE

9 INSURANCE

ARDURRA-01 KSUTTON

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/31/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Ames & Gough
8300 Greensboro Drive
Suite 980
McLean, VA 22102

CONTACT NAME:
PHONE (A/C, No, Ext): (703) 827-2277 FAX (A/C, No): (703) 827-2279
E-MAIL ADDRESS: admin@amesgough.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Charter Oak Fire Insurance Company A++ (XV)	25615
INSURER B : Phoenix Insurance Company A++, XV	25623
INSURER C : Travelers Property Casualty Company of America, A++, XV	25674
INSURER D : National Fire & Marine Insurance Company A++ X	20079
INSURER E :	
INSURER F :	

INSURED
Ardurra Group, Inc.
1000 NW 57th Court, Suite 800
Miami, FL 33126

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR X Contractual Liab. GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY X PRO-JECT LOC OTHER:			630-5X487435	1/1/2026	1/1/2027	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 1,000,000 $ 15,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $
B	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY / SCHEDULED AUTOS HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY			810-5X558309	1/1/2026	1/1/2027	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $ $
C	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10,000			CUP-5X642114	1/1/2026	1/1/2027	EACH OCCURRENCE AGGREGATE	$ 15,000,000 $ 15,000,000 $
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		UB-5X489557	1/1/2026	1/1/2027	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000
D	Professional Liab.			42-EPP-306878-08	1/1/2026	1/1/2027	Per Claim/Aggregate	10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

EVIDENCE OF COVERAGE

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

ACORD 25 (2016/03)

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Ardurra is able to meet the City's required contract minimum insurance policy limits, as set forth in the RFP.

(10)
LITIGATION

10 Litigation

Litigation Disclosure

Because of size and volume of its business, Ardurra Group, Inc. has occasionally been named in litigation arising out of the ordinary conduct of its business. It is the opinion of management that the resolution of any ongoing matters will not materially affect the financial position of the company, the company's operations, or the company's ability to perform the services being solicited in the City of Ontario's, Request for Proposal for On-Call Construction Management and Inspection Services No. 1987. Below is a list of litigation involving Ardurra Group, Inc. in the last five years related to the provision of services defined in the RFP.

Matter Caption	Maria M. Valdivia Zuniga vs. Magdalena Feefe, Et Al
Docket Information	Superior Court of California, County of San Diego, North County Division Case No. 24CU018579N
Date	October 2, 2025
Summary of Matter	Motor vehicle accident and allegations against parties involved in a water utility improvement project in Oceanside, California.
Status	Matter is ongoing. Ardurra denies all allegations.

Matter Caption	Pamela Fischer v. Ramona Municipal Water District, Griffith Company, Ardurra Group, Inc. DOES 1 to 20, inclusive
Docket Information	Superior Court of California, County of San Diego Case No. 25CU036686C
Date	January 9, 2026
Summary of Matter	Personal injury and other allegations against parties involved in a water utility improvement project in unincorporated area of Ramona in San Diego County, California.
Status	Matter is ongoing. Ardurra denies all allegations.

(11)
OTHER INFORMATION

11 Other Information

A. Ability to Staff Tasks Efficiently & Complete Projects On Time and Within Budget

Ardurra's wide range of in-house capabilities makes us capable of providing the right staff for each task. This allows us to tailor every project and work with clients to reasonably obtain budget and schedule objectives. Our flexibility is a reason clients continually return to Ardurra for their professional engineering needs.

We are committed to your success with our tried and true on-call process to deliver complex projects while keeping you informed and your funding protected. Our leadership group is constantly balancing staffing and workload to be sure our team is available and engaged when you need us most.

Our proactive approach serves to anticipate and expeditiously resolve field problems. Our team is well-trained in problem solving. Issues are processed with a sense of urgency and presented to our client with suggested alternatives, cost and schedule impacts, and recommended solutions. The construction management team will quickly implement the alternative that best suits the interests of the project and the agency. Ardurra's effective and expeditious communication with all parties has enabled our team to identify conflicts, construction problems, and coordination issues early, thus minimizing delays and reducing cost. Specific examples of these project are included in *Section 6, Experience and Technical Competence, b. Project Specific Experience*.

B. Community Involvement

Ardurra employees actively participate and contribute to the communities where we live and work. By pursuing leadership opportunities within engineering organizations, our employees have influenced programs that reach out to a diverse population. Moreover, by volunteering as leaders, Ardurra employees directly contribute their time and energy to the benefit of the engineering community and communities in which we work.

Ardurra Employee Community Service Involvement

Diversity, Equity, and Inclusion: Dolores Salgado, PE has been serving as Chair for the DEI committee since 2020. The American Council of Engineering Companies in California (ACEC-CA) consists of more than 22 chapters in the state. As a statewide organization, they are dedicated to enhancing the consulting engineering and land surveying professions, protecting the public and promoting use of the private sector in the growth and development of our state. The mission of the DEI committee is to promote diversity, equity, and inclusion with ACEC-CA member firms and public agencies by increasing awareness, demonstrating value, and providing resources to support member firms seeking to implement diversity, equity, and inclusion strategies. The committee hosts webinars and serves as a resources to member firms seeking to diversify their workforce and retain their employees by creating a culture of inclusion within their organization.

Introduce a Girl to Engineering Day: Dolores Salgado, PE, spearheaded the second annual "Introduce a Girl 2 Engineering" (IGE) event held at Bakersfield College. The event concept was derived by ACEC-CA in support of their Diversity, Equity, and Inclusion Committee's initiatives. ACEC-CA was interested in sponsoring an event to increase the number of women entering engineering careers to meet the demand of our industry. We partnered with the Bakersfield College Math Engineering and Science Achievement Program (BC-MESA) because the BC-MESA Program outperforms the College STEM Program in student retention,

grade point average and transfer rates. The event targeted 9th and 10th grade girls from schools in Kern County that feed into this community college. More than 140 girls attended and met professional women engineers, learned about different engineering careers, toured the college campus, and participated in a hands-on competition. Ten scholarships were raffled off and competition winners received prizes!

C. Previous Involvement with the City

Our team has been involved in several projects for the City of Ontario/Ontario Utilities company including the following:

- On-Call Construction Management and Inspection for Various Projects
- Ontario Regional Sports Complex Offsite Improvements
- SM2302 Sultana Storm Drain
- Grove Avenue and Hold Boulevard Intersection Widening and Sewer Improvements
- TCC Active Transportation Projects A&B
- Water Improvement Plan for Transit Street, Emporia Street, Palm Avenue, and Laurel Avenue
- UT1032 On-Call Professional Engineering Services
- UT1013 San Antonio Transmission Watermain, Phase 1
- UT1046 San Antonio Transmission Watermain, Phase 2 - 8th Street
- UT1038 Risk & Resilience
- UT1050 Ontario Ranch Phase 2 Water Improvements
- City's Annual Land Use Control Inspection - Bon View
- UT1065 FY2023/24 Water Main Improvements
- UT1066 Downtown Water Main Improvements
- UT1067 Laurel Avenue Sewer Main Improvements
- UT1069 Sultana Avenue Sewer Main Improvements
- UT1070 Nocta Street Sewer Main Improvements
- UT 1072 Euclid Avenue Recycled Water Improvements
- UT1077 Nocta Street Sewer Lateral
- 935 E Hold Blvd Demolition
- SD063 Fourth Street Storm Drain

D. Conflict of Interest

Ardurra Group, Inc. has no conflict of interest in connection with providing the services listed in the RFP for the City of Ontario's On-Call Construction Management and Inspection Services, No. 1987.

(12)
CERTIFICATE OF PROPOSAL

12 Certificate of Proposal

"The undersigned hereby submits its proposal and, by doing so, agrees to furnish services to the City in accordance with the Request for Proposal (RFP), and to be bound by the terms and conditions of the RFP."

Dino D'Emilia, PE, F.ASCE, QSD
California Public Works Practice Director
Ardurra Group, Inc.
ddemilia@ardurra.com | cell: 714.458.0703

(13)
APPENDICES

13 APPENDICES

City of Ontario

NONCOLLUSION DECLARATION TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

The undersigned declares:

I am the California Public Works Practice Director of Ardurra Group, Inc, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on May 5, 2026 [date], at Newport Beach [city], California [state].

Name of Bidder Ardurra Group, Inc.

Signature

Name Dino D'Emilia, PE, F.ASCE, QSD

Title California Public Works Practice Director

Dated May 5, 2026

Additional Key Staff Resumes

MARTHA NAPIER, CCM, PMP, LEED AP

SENIOR CONSTRUCTION MANAGER/INSPECTOR

EDUCATION
Executive MBA
BS, Civil Engineering

REGISTRATIONS/ CERTIFICATIONS
Certified Construction Manager #2270
Project Management Professional # 1508784
LEED Accredited Professional

Martha is a highly accomplished executive leader and program management professional with 30+ years of extensive experience in change management, cost estimation, budgeting, schedule planning, quality assurance, and process improvement. She has proven expertise in both private and government sectors, including the Department of Defense, U.S. Air Force, U.S. Marine Corps, U.S. Navy, city government, and Caltrans. Some of her projects include:

- **Grove Avenue and Holt Boulevard Intersection Widening, City of Ontario.** Construction Manager
- **Jefferson Avenue Interconnection Project, Western Municipal Water District.** Construction Manager
- **Ball Road and Douglass Road Water Mains, City of Anaheim**. Project/Construction Manager
- **Hypo Tank Basin Relocation, City of Anaheim**. Project Manager
- **On-Call Construction Management, City of Yorba Linda, City of Fullerton, City of Irvine.** Construction Manager
- **Imperial Highway Widening, City of Yorba Linda**. Construction Manager
- **Central Avenue Realignment, City of Chino**. Lead Inspector
- **Emergency Operations Center (EOC), City of Palmdale**. Project Manager
- **Fairview Road Active Transportation and Rehabilitation (from Fair Drive to Newport Boulevard), City of Costa Mesa**. Construction Manager
- **Melrose Street Grade Separation, City of Placentia.** Construction Manager

JAMES FLANNIGAN, PE

SENIOR CONSTRUCTION MANAGER/INSPECTOR

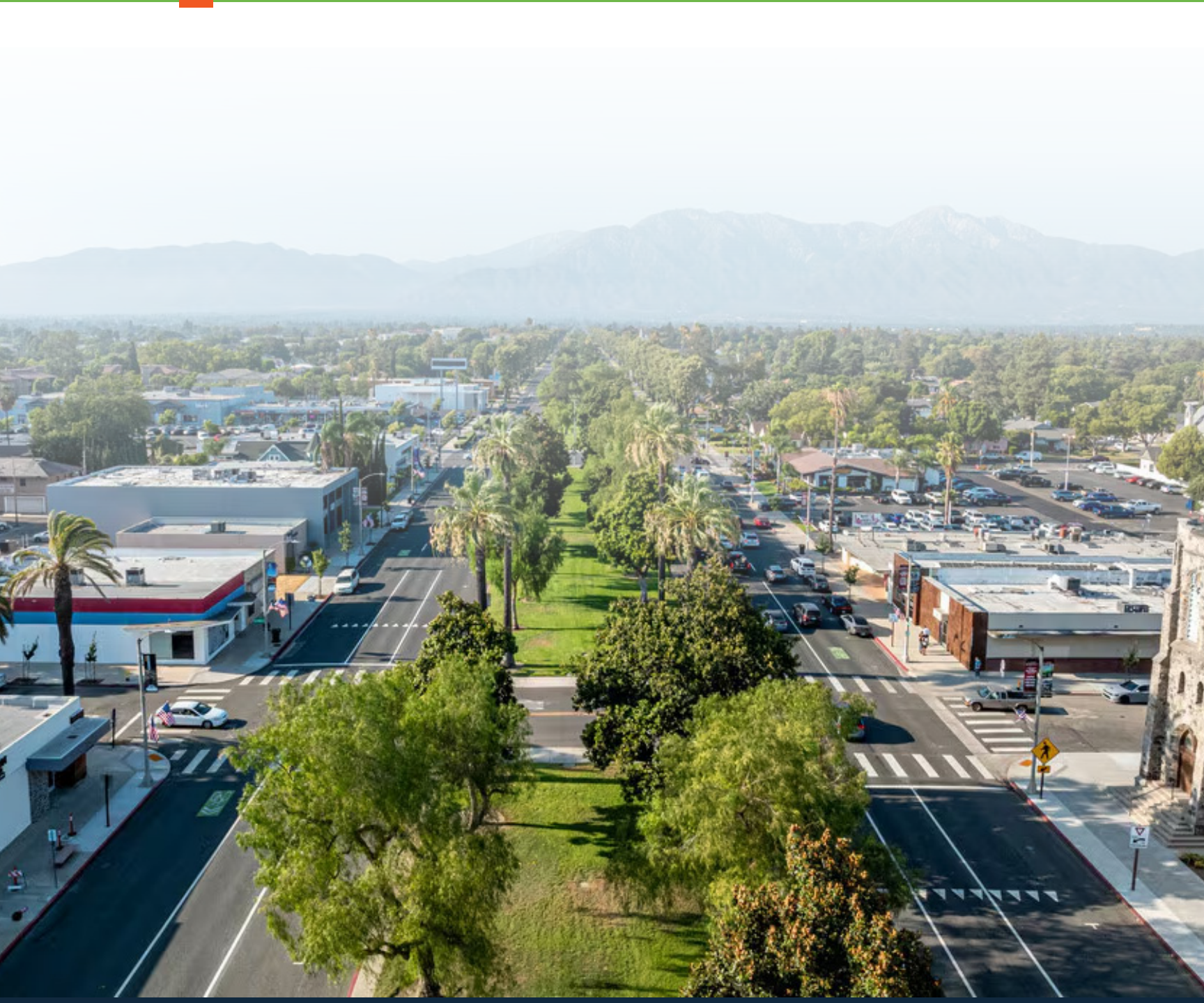
EDUCATION
BS, Civil Engineering

REGISTRATIONS/ CERTIFICATIONS
Professional Engineer, CA # C92115

Over the course of his 13 year career, James has managed a variety of public projects for various cities, including roadway rehabilitation and upgrading traffic signals; water, sewer, and storm drain improvements; buildings and facility upgrades; and community park enhancements. His responsibilities included civil engineering; project management; construction management; project coordination between city departments, outside agencies, and the public; budget and schedule oversight; preparing complete plans and specifications; project bid and award of contracts; contract administration; issuing and obtaining permits; and supervising staff.

While working at Ardurra, James has become proficient with City of Ontario preferred materials, standard drawings, and construction requirements through helping the City with inspection and submittal review services for various City CIP projects and developer right-of-way permits. Some of his projects include:

- **Van Ness Avenue Water Wells and Transmission Main Project, City of Torrance.** Project Manager
- **Miscellaneous Water Main Replacement Project, City of Torrance.** Project Manager
- **North Torrance Well Field Project, Phase III Project, City of Torrance**. Project Manager
- **Manhattan Beach Boulevard Resurfacing Project (Aviation Boulevard to Inglewood Avenue), City of Redondo Beach**. Inspector
- **Residential Street Rehabilitation, Area 8 Project, City of Rancho Palos Verdes**. Project Manager
- **Anza/Vista Montana/Pacific Coast Highway Intersection Improvements, City of Torrance.** Project Manager
- **McAdam Park Renovation, City of Palmdale**. Project/Construction Manager
- **Storm Drain Lining & Sewer System Improvements, City of Torrance.** Project Manager



ARDURRA

3737 Birch Street, Suite 250 | Newport Beach, CA 92660 | 949.428.1500 | www.ardurra.com

EXHIBIT "B"
COMPENSATION

ARDURRA

May 5, 2026

City of Ontario – Records Management Department
303 East "B" Street
Ontario, CA 91764-4196

SUBJECT: FEE PROPOSAL FOR PROFESSIONAL SERVICES FOR ON-CALL CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES

Dear City of Ontario – Records Management Department and Selection Panel Members:

Enclosed is Ardurra Group, Inc's fee proposal for your review and consideration.

The proposed fee proposals for Ardurra and sub-consultant, Ninyo & Moore, are formatted using the LAPM Exhibit 10-H2 form for all personnel and services proposed. The LAPM Exhibit 10-K form for annual certification of indirect costs and financial management system is also included.

Please feel free to contact me at 949.533.3012 or oalameddine@ardurra.com should you have any questions or require additional information.

Respectfully submitted,
Ardurra Group, Inc.

Omar Alameddine
Project and Construction Management Group Leader

Dino P. D'Emilia, PE, F.ASCE, QSD
California Public Works Practice Director

cc: Dino D'Emilia, PE, F.ASCE, QSD
Gafur Oyewo

EXHIBIT 10-H2 COST PROPOSAL Page 1 of 3

SPECIFIC RATE OF COMPENSATION (USE FOR ON-CALL OR AS-NEEDED CONTRACTS)
(CONSTRUCTION ENGINEERING AND INSPECTION CONTRACTS)

Note: Mark-ups are Not Allowed

Consultant Ardurra Group Inc. ☒ Prime Consultant ☐ Subconsultant ☐ 2nd Tier Subconsultant

Project No. Various (On-Call) Contract No. TBD Participation Amount $ _____ Date 05/05/2026

For Combined Rate			
Fringe Benefit 55.69%	+ General &Administrative 112.25%	=	Combined ICR 167.94%
OR			
For Home Office Rate			
Fringe Benefit %	+ General &Administrative %	=	Home Office ICR%
For Field Office Rate			
Fringe Benefit %	+ General &Administrative %	=	Field Office ICR%

Fee	=	8.00%

BILLING INFORMATION				CALCULATION INFORMATION				
Name/Job Title/Classification[1]	Hourly Billing Rates[2] Straight[3]	OT(1.5x)	OT(2x)	Effective Date of Hourly Rate From	To	Actual **or** Avg. Hourly Rate[4]	% or $ Increase	Hourly Range - for Classifications Only
Principle-in-Charge	$357.90			08/03/2026	07/31/2027	$123.68		$355-$370
	$368.64			08/01/2027	07/31/2028	$127.39	3.0%	$360-$375
	$379.70	N/A	N/A	08/01/2028	07/31/2029	$131.21	3.0%	$370-$385
	$391.09			08/01/2030	07/31/2031	$135.15	3.0%	$390-$405
	$402.82			08/01/2031	07/31/2032	$139.20	3.0%	$400-$415
Principal Program / Project / Construction Manager	$351.07			08/03/2026	07/31/2027	$121.32		$350-$365
	$361.60			08/01/2027	07/31/2028	$124.96	3.0%	$360-$375
	$372.45	N/A	N/A	08/01/2028	07/31/2029	$128.71	3.0%	$370-$385
	$383.62			08/01/2030	07/31/2031	$132.57	3.0%	$380-$395
	$395.13			08/01/2031	07/31/2032	$136.55	3.0%	$395-$410
Project Executive / QA/QC Manager	$320.69			08/03/2026	07/31/2027	$110.82		$320-$335
	$330.31			08/01/2027	07/31/2028	$114.14	3.0%	$330-$345
	$340.22	N/A	N/A	08/01/2028	07/31/2029	$117.57	3.0%	$340-$355
	$350.42			08/01/2030	07/31/2031	$121.10	3.0%	$350-$365
	$360.93			08/01/2031	07/31/2032	$124.73	3.0%	$360-$375

Senior Program / Project / Construction Manager / Resident Engineer*	$314.06			08/03/2026	07/31/2027	$108.53		$310-$325
	$323.48			08/01/2027	07/31/2028	$111.79	3.0%	$320-$335
	$333.19	N/A	N/A	08/01/2028	07/31/2029	$115.14	3.0%	$330-$345
	$343.18			08/01/2030	07/31/2031	$118.59	3.0%	$340-$355
	$353.48			08/01/2031	07/31/2032	$122.15	3.0%	$350-$365
Program / Project / Construction Manager*	$257.37			08/03/2026	07/31/2027	$88.94		$255-$270
	$265.09			08/01/2027	07/31/2028	$91.61	3.0%	$265-$280
	$273.04	N/A	N/A	08/01/2028	07/31/2029	$94.36	3.0%	$270-$285
	$281.24			08/01/2030	07/31/2031	$97.19	3.0%	$280-$295
	$289.67			08/01/2031	07/31/2032	$100.10	3.0%	$285-$300
Junior Program / Project / Construction Manager*	$214.02			08/03/2026	07/31/2027	$73.96		$210-$225
	$220.44			08/01/2027	07/31/2028	$76.18	3.0%	$220-$235
	$227.06	N/A	N/A	08/01/2028	07/31/2029	$78.46	3.0%	$225-$240
	$233.87			08/01/2030	07/31/2031	$80.82	3.0%	$230-$245
	$240.88			08/01/2031	07/31/2032	$83.24	3.0%	$240-$255
Structures Representative	$261.02			08/03/2026	07/31/2027	$90.20		$260-$275
	$268.85			08/01/2027	07/31/2028	$92.91	3.0%	$265-$280
	$276.91	N/A	N/A	08/01/2028	07/31/2029	$95.69	3.0%	$275-$290
	$285.22			08/01/2030	07/31/2031	$98.56	3.0%	$285-$300
	$293.78			08/01/2031	07/31/2032	$101.52	3.0%	$290-$305
Assistant Project / Construction Manager*	$170.67			08/03/2026	07/31/2027	$58.98		$170-$185
	$175.79			08/01/2027	07/31/2028	$60.75	3.0%	$175-$190
	$181.07	N/A	N/A	08/01/2028	07/31/2029	$62.57	3.0%	$180-$195
	$186.50			08/01/2030	07/31/2031	$64.45	3.0%	$185-$200
	$192.09			08/01/2031	07/31/2032	$66.38	3.0%	$190-$205
Project / Document Control*	$165.78			08/03/2026	07/31/2027	$57.29		$165-$180
	$170.76			08/01/2027	07/31/2028	$59.01	3.0%	$170-$185
	$175.88	N/A	N/A	08/01/2028	07/31/2029	$60.78	3.0%	$175-$190
	$181.16			08/01/2030	07/31/2031	$62.60	3.0%	$180-$195
	$186.59			08/01/2031	07/31/2032	$64.48	3.0%	$185-$200
Project Accountant	$146.08			08/03/2026	07/31/2027	$50.48		$145-$160
	$150.46			08/01/2027	07/31/2028	$51.99	3.0%	$150-$165
	$154.97	N/A	N/A	08/01/2028	07/31/2029	$53.55	3.0%	$150-$165
	$159.62			08/01/2030	07/31/2031	$55.16	3.0%	$155-$170
	$164.41			08/01/2031	07/31/2032	$56.82	3.0%	$160-$175
PE Licensed Inspector*	$233.00			08/03/2026	07/31/2027	$0.00		Not Applicable
	$244.65			08/01/2027	07/31/2028	$0.00	3.0%	
	$256.88	N/A	N/A	08/01/2028	07/31/2029	$0.00	3.0%	
	$269.73			08/01/2030	07/31/2031	$0.00	3.0%	
	$283.21			08/01/2031	07/31/2032	$0.00	3.0%	

PE Licensed Inspector* (Special Shift)	$238.00			08/03/2026	07/31/2027	$0.00		Not Applicable
	$249.90			08/01/2027	07/31/2028	$0.00	3.0%	
	$262.40	N/A	N/A	08/01/2028	07/31/2029	$0.00	3.0%	
	$275.51			08/01/2030	07/31/2031	$0.00	3.0%	
	$289.29			08/01/2031	07/31/2032	$0.00	3.0%	
Public Works Inspector (Prevailing Wage)**	$216.00	$302.40	$388.80	08/03/2026	07/31/2027	$0.00		Not Applicable
	$226.80	$317.52	$408.24	08/01/2027	07/31/2028	$0.00	3.0%	
	$238.14	$333.40	$428.65	08/01/2028	07/31/2029	$0.00	3.0%	
	$250.05	$350.07	$450.08	08/01/2030	07/31/2031	$0.00	3.0%	
	$262.55	$367.57	$472.59	08/01/2031	07/31/2032	$0.00	3.0%	
Accessibility Expert / CASp Inspector**	$446.00	$624.40	$802.80	08/03/2026	07/31/2027	$0.00		Not Applicable
	$468.30	$655.62	$842.94	08/01/2027	07/31/2028	$0.00	3.0%	
	$491.72	$688.40	$885.09	08/01/2028	07/31/2029	$0.00	3.0%	
	$516.30	$722.82	$929.34	08/01/2030	07/31/2031	$0.00	3.0%	
	$542.12	$758.96	$975.81	08/01/2031	07/31/2032	$0.00	3.0%	
DSA/OSHPD Inspector of Record**	$254.00	$355.60	$457.20	08/03/2026	07/31/2027	$0.00		Not Applicable
	$266.70	$373.38	$480.06	08/01/2027	07/31/2028	$0.00	3.0%	
	$280.04	$392.05	$504.06	08/01/2028	07/31/2029	$0.00	3.0%	
	$294.04	$411.65	$529.27	08/01/2030	07/31/2031	$0.00	3.0%	
	$308.74	$432.23	$555.73	08/01/2031	07/31/2032	$0.00	3.0%	
Senior Public Works Inspector (Non-prevailing Wage)*	$180.80	$253.12	$325.44	08/03/2026	07/31/2027	$62.48		Not Applicable
	$180.89	$253.24	$325.60	08/01/2027	07/31/2028	$62.51	3.0%	
	$180.98	$253.37	$325.76	08/01/2028	07/31/2029	$62.54	3.0%	
	$181.06	$253.49	$325.91	08/01/2030	07/31/2031	$62.57	3.0%	
	$181.15	$253.61	$326.07	08/01/2031	07/31/2032	$62.60	3.0%	
Public Works Inspector (Non-prevailing Wage)*	$164.80	$230.72	$296.64	08/03/2026	07/31/2027	$56.95		Not Applicable
	$164.89	$230.84	$296.79	08/01/2027	07/31/2028	$56.98	3.0%	
	$164.97	$230.96	$296.95	08/01/2028	07/31/2029	$57.01	3.0%	
	$165.06	$231.08	$297.11	08/01/2030	07/31/2031	$57.04	3.0%	
	$165.15	$231.20	$297.26	08/01/2031	07/31/2032	$57.07	3.0%	

(Add pages as necessary)

NOTES:

1. Key personnel **must** be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended.
3. Billing rate = actual hourly rate * (1+ ICR) * (1+ Fee). Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans. All costs must comply with the Federal cost principles for reimbursement.
4. For named employees and key personnel enter the actual hourly rate. For classifications only, enter the Average Hourly Rate for that classification.

EXHIBIT 10-H2 COST PROPOSAL Page 2 of 3

SPECIFIC RATE OF COMPENSATION (USE FOR ON-CALL OR AS-NEEDED CONTRACTS)
(CONSTRUCTION ENGINEERING AND INSPECTION CONTRACTS)

Consultant Ardurra Group, Inc. ☒ Prime Consultant ☐ Subconsultant

Project No. Various (On-Call) Contract No. TBD Participation Amount $_____ Date 05/05/2026

SCHEDULE OF OTHER DIRECT COST ITEMS (Add additional pages as necessary)				
Description of Item	**Quantity**	**Unit**	**Unit Cost**	**Total (1 YEAR)**
Mileage Costs (Allowance @ $0.725/Mile)	1	Allow	$	N/A
Equipment Rental and Supplies (if required)			$	$ At Cost
Permit Fees			$	$ N/A
Plan Sheets			$	$ N/A
Test			$	$ See Subconsultant 10-H2
Vehicle (@ each assigned inspector)	1	MO	Inc.	Included in inspection rate
Subconsultant 1: See Subconsultant 10-H2 Form				$
Subconsultant 2:				$
Subconsultant 3:				$
Subconsultant 4:				$
Subconsultant 5:				$

Note: Add additional pages if necessary.

NOTES:

1. List other direct cost items with estimated costs. These costs should be competitive in their respective industries and supported with appropriate documentation.
2. Proposed ODC items should be consistently billed regardless of client and contract type.
3. Items when incurred for the same purpose, in like circumstance, should not be included in any indirect cost pool or in the overhead rate.
4. Items such as special tooling, will be reimbursed at actual cost with supporting documentation (invoice).
5. Items listed above that would be considered "tools of the trade" are not reimbursable as other direct cost.
6. Travel related costs should be pre-approved by the contracting agency and shall not exceed current State Department of Personnel Administration rules.
7. If mileage is claimed, the rate should be properly supported by the consultant's calculation of their actual costs for company vehicles. In addition, the miles claimed should be supported by mileage logs.
8. If a consultant proposes rental costs for a vehicle, the company must demonstrate that this is its standard procedure for all of their contracts and that they do not own any vehicles that could be used for the same purpose.
9. The cost proposal format shall not be amended. All costs must comply with the Federal cost principles.
10. Add additional pages if necessary.
11. Subconsultants must provide their own cost proposals.

EXHIBIT 10-H2 COST PROPOSAL Page 3 of 3

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. Title 23 United States Code Section 112 - Letting of Contracts
4. 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
5. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Service
6. 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.

Prime Consultant or Subconsultant Certifying:

Name: Carmen Kasner, PE

Title *: California Sector Growth Director

Carmen Kasner

Signature :

Date of Certification (mm/dd/yyyy): 05/01/2026

Email: ckasner@ardurra.com

Phone Number: 760.525.9995

Address: 3737 Birch Street, Newport Beach, CA 92660

* An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Construction Management and Inspection.

Rate Schedule Notes:

- Inspection overtime rate applies to the first four hours of overtime during the week and /or first eight hours of overtime on Saturdays; all overtime in excess of four hours during the week or eight hours on Saturdays is paid at the double time rate.
- The following minimum callout applies to Inspection staff, in accordance with Industrial Welfare Commission Order #16-2001:
  - Cancellation of 8 hours scheduled inspection after inspector's arrival on site: 4-hour minimum
  - Cancellation of 4 hours scheduled inspection after inspector's arrival on site: 2-hour minimum
- For contracts involving public works inspection services, Ardurra requires the awarding public agency to complete DIR form PWC-100 solely for Ardurra as the prime contractor specific to the awarded contract name and amount.

Inspector General

California Department of Transportation

Certification of Indirect Costs and Financial Management System

(Note: If a Safe Harbor Indirect Cost Rate is approved, this form is not required)

Consultant's Full Legal Name: Ardurra Group, Inc.

Important: Consultant means the individual or consultant providing engineering and design related services as a party of a contract with a recipient or sub-recipient of Federal assistance. Therefore, the Indirect Cost Rate(s) shall not be combined with its parent company or subsidiaries.

Indirect Cost Rate (ICR):

Combined Rate: _____ Or

Home Office Rate: 167.94 and Field Office Rate (if applicable): 97.80

Facilities Capital Cost of Money (if applicable): 0.45

Fiscal Period:* 1/1/2024 - 12/31/2024

* Fiscal period is annual one year applicable accounting period that the ICR was developed (not the contract period). The ICR is based on the consultant's one-year applicable accounting period for which financial statements are regularly prepared by the consultant.

I have reviewed the proposal to establish an ICR(s) for the fiscal period as specified above and have determined to the best of my knowledge and belief that:

- All costs included in the cost proposal to establish the ICR(s) are allowable in accordance with the cost principles of the Federal Acquisition Regulation (FAR) 48, Code of Federal Regulations (CFR), Chapter 1, Part 31 (48 CFR Part 31).
- The cost proposal does not include any costs which are expressly unallowable under the cost principles of 48 CFR Part 31.
- The accounting treatment and billing of prevailing wage delta costs are consistent with our prevailing wage policy as either direct labor, indirect costs, or other direct costs on all federally-funded A&E Consultant Contracts.
- All known material transactions or events that have occurred subsequent to year-end affecting the consultant's ownership, organization, and indirect cost rates have been disclosed as of the date of this certification.

I am providing the required and applicable documents as instructed on the Financial Document Review Request form.

Financial Management System:

Our labor charging, job costing, and accounting systems meet the standards for financial reporting, accounting records, and internal control adequate to demonstrate that costs claimed have been incurred, appropriately accounted for, are allocable to the contract, and comply with the federal requirements as set forth in Title 23 United States Code (U.S.C.) Section 112(b)(2); 48 CFR Part 31.201-2(d); 23 CFR, Chapter 1, Part 172.11(a)(2); and all applicable state and federal rules and regulations.

Our financial management system has the following attributes:

- Account numbers identifying allowable direct, indirect, and unallowable cost accounts;
- Ability to accumulate and segregate allowable direct, indirect, and unallowable costs into separate cost accounts;

- Ability to accumulate and segregate allowable direct costs by project, contract and type of cost;
- Internal controls to maintain integrity of financial management system;
- Ability to account and record costs consistently and to ensure costs billed are in compliance with FAR;
- Ability to ensure and demonstrate costs billed reconcile to general ledgers and job costing system; and
- Ability to ensure costs are in compliance with contract terms and federal and state requirements.

Cost Reimbursements on Contracts:

I also understand that failure to comply with 48 CFR Part 16.301-3 or knowingly charge unallowable costs to Federal-Aid Highway Program (FAHP) contracts may result in possible penalties and sanctions as provided by the following:

- Sanctions and Penalties - 23 CFR Part 172.11(c)(4)
- False Claims Act - Title 31 U.S.C. Sections 3729-3733
- Statements or entries generally - Title 18 U.S.C. Section 1001
- Major Fraud Act - Title 18 U.S.C. Section 1031

All A&E Contract Information:

- Total participation amount _____ on all State and FAHP contracts for Architectural & Engineering services that the consultant received in the last three fiscal periods.
- The number of states in which the consultant does business is _____
- Years of consultant's experience with 48 CFR Part 31 is _____
- Identify the type of audits listed below that the consultant has had performed (if applicable):

Cognizant ICR Audit ☐ Local Govt ICR Audit ☐ Caltrans ICR Audit ☐

CPA ICR Audit ☐ Federal Govt ICR Audit ☐

I, the undersigned, certify all of the above to the best of my knowledge and belief and that I have reviewed the ICR Schedule to determine that any costs which are expressly unallowable under the Federal cost principles have been removed and comply with Title 23 U.S.C. Section 112(b)(2), 48 CFR Part 31, 23 CFR Part 172, and all applicable state and federal rules and regulations. I also certify that I understand that all documentation of compliance must be retained by the consultant. I hereby acknowledge that costs that are noncompliant with the federal and state requirements are not eligible for reimbursement and must be returned to Caltrans.

Name:** Catherine Cahill Title**: Treasurer

Signature: Date: 04/14/2026

Phone**: (786) 796-0547 Email**: ccahill@ardurra.com

**An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President, a Chief Financial Officer, or equivalent, who has authority to represent the financial information used to establish the indirect cost rate.

Note: Both prime and subconsultants as parties of a contract must complete their own forms. Caltrans will not process local agency's invoices until a complete form is accepted and approved by the Independent Office of Audits and Investigations.

EXHIBIT 10-H2 COST PROPOSAL Page 1 of 3

SPECIFIC RATE OF COMPENSATION (USE FOR ON-CALL OR AS-NEEDED CONTRACTS)

(CONSTRUCTION ENGINEERING AND INSPECTION CONTRACTS)

Note: Mark-up are Not Allowed

Consultant: _Ninyo & Moore_____ ☐ Prime ☒ Subconsultant ☐ 2nd Tier Subconsultant

Project No. 1987 Contract No. _____ Participation Amount $ TBD Date: April 28,2026

For Combined Rate	Fringe Benefit %	+	General & Administrative %	=	Combined ICR%

	Fringe Benefit %	Overhead %		GA%		Combined %
For Home Office	68.18%	31.59%	+	54.97%	=	**154.74%**
For Field Office Rate	68.18%	31.59%	+	54.97%	=	**154.74%**

Fee	=	10.00%

BILLING INFORMATION				CALCULATION INFORMATION				
Name/Job Title/Classification *subject to prevailing wage	Loaded Hourly Billing Rates Straight	Overtime (1.5x)	Overtime (2x)	Effective Date of Hourly Rate From	To	% Escalation Increase	Actual Hourly Rate and/or Average Hourly Rate	Hourly Range for Class
TBD	$288.62	N/A	N/A	7/1/2026	12/31/2026		$103.00	$89.00-$120.00
Principal Engineer/Geologist/Environmental Scientist	$297.28	N/A	N/A	1/1/2027	12/31/2027	3.00%	$106.09	
	$306.20	N/A	N/A	1/1/2028	12/31/2028	3.00%	$109.27	
	$315.38	N/A	N/A	1/1/2029	12/31/2029	3.00%	$112.55	
Exempt	$324.84	N/A	N/A	1/1/2030	12/31/2030	3.00%	$115.93	
TBD	$224.17	N/A	N/A	7/1/2026	12/31/2026		$80.00	$65.00-$87.00
Senior Engineer/Geologist/Environmental Scientist	$230.90	N/A	N/A	1/1/2027	12/31/2027	3.00%	$82.40	
	$237.82	N/A	N/A	1/1/2028	12/31/2028	3.00%	$84.87	
	$244.96	N/A	N/A	1/1/2029	12/31/2029	3.00%	$87.42	
Exempt	$252.31	N/A	N/A	1/1/2030	12/31/2030	3.00%	$90.04	
TBD	$168.13	N/A	N/A	7/1/2026	12/31/2026		$60.00	$44.00-$65.00
Project Engineer/Geologist/Environmental Scientist	$173.17	N/A	N/A	1/1/2027	12/31/2027	3.00%	$61.80	
	$178.37	N/A	N/A	1/1/2028	12/31/2028	3.00%	$63.65	
	$183.72	N/A	N/A	1/1/2029	12/31/2029	3.00%	$65.56	
Exempt	$189.23	N/A	N/A	1/1/2030	12/31/2030	3.00%	$67.53	
TBD	$98.07	N/A	N/A	7/1/2026	12/31/2026		$35.00	$25.00-$45.00
Dispatcher/Geotechnical Assistant	$101.02	N/A	N/A	1/1/2027	12/31/2027	3.00%	$36.05	
	$104.05	N/A	N/A	1/1/2028	12/31/2028	3.00%	$37.13	
	$107.17	N/A	N/A	1/1/2029	12/31/2029	3.00%	$38.25	
Exempt	$110.38	N/A	N/A	1/1/2030	12/31/2030	3.00%	$39.39	

For Combined Rate	Fringe Benefit %	+	General & Administrative %	=	Combined ICR%

	Fringe Benefit %	Overhead %		GA%		Combined %
For Home Office	68.18%	31.59%	+	54.97%	=	**154.74%**
For Field Office Rate	68.18%	31.59%	+	54.97%	=	**154.74%**

Fee	=	10.00%	

BILLING INFORMATION				CALCULATION INFORMATION				
Name/Job Title/Classification *subject to prevailing wage	Loaded Hourly Billing Rates Straight	Overtime (1.5x)	Overtime (2x)	Effective Date of Hourly Rate From	To	% Escalation Increase	Actual Hourly Rate and/or Average Hourly Rate	Hourly Range for Class
TBD	$84.06	N/A	N/A	7/1/2026	12/31/2026		$30.00	$20.00-$35.00
Laboratory Technician	$86.59	N/A	N/A	1/1/2027	12/31/2027	3.00%	$30.90	
	$89.18	N/A	N/A	1/1/2028	12/31/2028	3.00%	$31.83	
	$91.86	N/A	N/A	1/1/2029	12/31/2029	3.00%	$32.78	
Exempt	$94.61	N/A	N/A	1/1/2030	12/31/2030	3.00%	$33.77	
TBD	$189.73	$223.59	$257.44	7/1/2026	12/31/2026		$67.71	N/A
Materials Tester- Group 1 *	$195.42	$230.30	$265.17	1/1/2027	12/31/2027	3.00%	$69.74	
	$201.29	$237.20	$273.12	1/1/2028	12/31/2028	3.00%	$71.83	
Non-Exempt	$207.33	$244.32	$281.31	1/1/2029	12/31/2029	3.00%	$73.99	
	$213.55	$251.65	$289.75	1/1/2030	12/31/2030	3.00%	$76.21	
TBD	$194.72	$229.47	$264.21	7/1/2026	12/31/2026		$69.49	N/A
Materials Tester-Group 2 *	$200.56	$236.35	$272.14	1/1/2027	12/31/2027	3.00%	$71.57	
	$206.58	$243.44	$280.30	1/1/2028	12/31/2028	3.00%	$73.72	
	$212.78	$250.74	$288.71	1/1/2029	12/31/2029	3.00%	$75.93	
Non-Exempt	$219.16	$258.27	$297.37	1/1/2030	12/31/2030	3.00%	$78.21	
TBD	$200.32	$236.07	$271.81	7/1/2026	12/31/2026		$71.49	N/A
Materials Tester-Group 3 *	$206.33	$243.15	$279.97	1/1/2027	12/31/2027	3.00%	$73.63	
	$212.52	$250.45	$288.37	1/1/2028	12/31/2028	3.00%	$75.84	
	$218.90	$257.96	$297.02	1/1/2029	12/31/2029	3.00%	$78.12	
Non-Exempt	$225.47	$265.70	$305.93	1/1/2030	12/31/2030	3.00%	$80.46	

1. Key personnel must be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with Federal cost principles. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended.
3. Billing rate = actual hourly rate * (1+ ICR) * (1+ Fee). Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans. All costs must comply with the Federal cost principles for
4. For named employees and key personnel, enter the actual hourly rate. For classifications only, enter the Average Hourly Rate for that classification.

EXHIBIT 10-H2 COST PROPOSAL Page 1 of 3

SPECIFIC RATE OF COMPENSATION (USE FOR ON-CALL OR AS-NEEDED CONTRACTS)
(CONSTRUCTION ENGINEERING AND INSPECTION CONTRACTS)

Consultant: Ninyo & Moore ☐ Prime ☒ Subconsultant

Project No. 1987 Contract No. _____ Participation Amount $ __TBD_____ Date: April 28, 2026

SCHEDULE OF OTHER DIRECT COST ITEMS (Add additional pages as necessary)				
DESCRIPTION OF ITEMS	**QUANTITY**	**UNIT**	**UNIT COST**	**TOTAL**
Mileage Costs		mile	per IRS Rate	
Field Vehicle Usage Fee		hour	$15.00	
Permit Fees				
Plans				
Schedule of fees for Laboratory Testing in accordance with the attached Schedule of Fees for Laboratory Testing				
Subconsultant 1:				
Subconsultant 2:				
Subconsultant 3:				
Subconsultant 4:				
Subconsultant 5:				

NOTES:

1. List other direct cost items with estimated costs. These costs should be competitive in their respective industries and supported with appropriate documentation.
2. Proposed ODC items should be consistently billed regardless of client and contract type.
3. Items, when incurred for the same purpose, in like circumstance, should not be included in any indirect cost pool or in the overhead rate.
4. Items such as special tooling will be reimbursed at actual cost with supporting documentation (invoice).
5. The items listed above that would be considered "tools of the trade" are not reimbursable as other direct cost.
6. Travel related costs should be pre-approved by the contracting agency and shall not exceed the current State Department of Personnel Administration rules.
7. If mileage is claimed, the rate should be properly supported by the consultant's calculation of their actual costs for company vehicles. In addition, the miles claimed should be supported by mileage logs.
8. If a consultant proposes rental costs for a vehicle, the company must demonstrate that this is its standard procedure for all of their contracts and that they do not own any vehicles that could be used for the same purpose.
9. The cost proposal format shall not be amended. All costs must comply with Federal cost principles.
10. Add additional pages if necessary.
11. Subconsultants must provide their own cost proposals.

EXHIBIT 10-H2 COST PROPOSAL Page 3 of 3

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

7. Generally Accepted Accounting Principles (GAAP)
8. Terms and conditions of the contract
9. Title 23 United States Code Section 112 - Letting of Contracts
10. 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
11. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Service
12. 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and follow applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.

Prime Consultant or Subconsultant Certifying:

Name: Ninyo & Moore Title*: Principal Contoller

Signature: _____ Date of Certification (mm/dd/yy): 04/28/2026

Email: tamera.richards@socotec.us Phone Number: 858.576.1000

Address: 5710 Ruffin Road, San Diego, CA 92123

* An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Geotechnical and Materials Testing and Inspection Services

EXHIBIT 10-H2 COST PROPOSAL Page 3 of 3

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

7. Generally Accepted Accounting Principles (GAAP)
8. Terms and conditions of the contract
9. Title 23 United States Code Section 112 - Letting of Contracts
10. 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
11. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Service
12. 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and follow applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.

Prime Consultant or Subconsultant Certifying:

Name: Ninyo & Moore Title*: Principal Contoller

Signature: Tamera L. Richards Date of Certification (mm/dd/yy): 04/28/2026

Email: tamera.richards@socotec.us Phone Number: 858.576.1000

Address: 5710 Ruffin Road, San Diego, CA 92123

* An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Geotechnical and Materials Testing and Inspection Services

Schedule of Fees for Laboratory Testing

SOILS

Atterberg Limits, D 4318, CT 204	$ 170
California Bearing Ratio (CBR), D 1883	$ 550
Chloride and Sulfate Content, CT 417 & CT 422	$ 175
Consolidation, D 2435, CT 219	$ 300
Consolidation, Hydro-Collapse only, D 2435	$ 150
Consolidation – Time Rate, D 2435, CT 219	$ 200
Direct Shear – Remolded, D 3080	$ 350
Direct Shear – Undisturbed, D 3080	$ 300
Durability Index, CT 229	$ 175
Expansion Index, D 4829, IBC 18-3	$ 190
Expansion Potential (Method A), D 4546	$ 170
Geofabric Tensile and Elongation Test, D 4632	$ 200
Hydraulic Conductivity, D 5084	$ 350
Hydrometer Analysis, D 6913, CT 203	$ 220
Moisture, Ash, & Organic Matter of Peat/Organic Soils	$ 120
Moisture Only, D 2216, CT 226	$ 35
Moisture and Density, D 2937	$ 45
Permeability, CH, D 2434, CT 220	$ 300
pH and Resistivity, CT 643	$ 175
Proctor Density D1557, D 698, CT 216, AASHTO T-180	$ 220
Proctor Density with Rock Correction D 1557	$ 340
R-value, D 2844, CT 301	$ 375
Sand Equivalent, D 2419, CT 217	$ 125
Sieve Analysis, D 6913, CT 202	$ 145
Sieve Analysis, 200 Wash, D 1140, CT 202	$ 100
Specific Gravity, D 854	$ 125
Thermal Resistivity (ASTM 5334, IEEE 442)	$ 925
Triaxial Shear, C.D, D 4767, T 297	$ 550
Triaxial Shear, C.U., w/pore pressure, D 4767, T 2297 per pt	$ 450
Triaxial Shear, C.U., w/o pore pressure, D 4767, T 2297 per pt	$ 350
Triaxial Shear, U.U., D 2850	$ 250
Unconfined Compression, D 2166, T 208	$ 180

MASONRY

Brick Absorption, 24-hour submersion, 5-hr boiling, 7-day, C 67	$ 70
Brick Compression Test, C 67	$ 55
Brick Efflorescence, C 67	$ 55
Brick Modulus of Rupture, C 67	$ 50
Brick Moisture as received, C 67	$ 45
Brick Saturation Coefficient, C 67	$ 60
Concrete Block Compression Test, 8x8x16, C 140	$ 70
Concrete Block Conformance Package, C 90	$ 500
Concrete Block Linear Shrinkage, C 426	$ 200
Concrete Block Unit Weight and Absorption, C 140	$ 70
Cores, Compression or Shear Bond, CA Code	$ 70
Masonry Grout, 3x3x6 prism compression, C 39	$ 45
Masonry Mortar, 2x2 cube compression, C 109	$ 35
Masonry Prism, half size, compression, C 1019	$ 120
Masonry Prism, Full size, compression, C 1019	$ 200

REINFORCING AND STRUCTURAL STEEL

Chemical Analysis, A 36, A 615	$ 135
Fireproofing Density Test, UBC 7-6	$ 90
Hardness Test, Rockwell, A 370	$ 80
High Strength Bolt, Nut & Washer Conformance, per assembly, A 325	$ 150
Mechanically Spliced Reinforcing Tensile Test, ACI	$ 175
Pre-Stress Strand (7 wire), A 416	$ 170
Reinforcing Tensile or Bend up to No. 11, A 615 & A 706	$ 75
Structural Steel Tensile Test: Up to 200,000 lbs., A 370	$ 90
Welded Reinforcing Tensile Test: Up to No. 11 bars, ACI	$ 80

CONCRETE

Compression Tests, 6x12 Cylinder, C 39	$ 35
Concrete Mix Design Review, Job Spec	$ 300
Concrete Mix Design, per Trial Batch, 6 cylinder, ACI	$ 850
Concrete Cores, Compression (excludes sampling), C 42	$ 120
Drying Shrinkage, C 157	$ 400
Flexural Test, C 78	$ 85
Flexural Test, C 293	$ 85
Flexural Test, CT 523	$ 95
Gunite/Shotcrete, Panels, 3 cut cores per panel and test, ACI	$ 275
Lightweight Concrete Fill, Compression, C 495	$ 80
Petrographic Analysis, C 856	$ 2,000
Restrained Expansion of Shrinkage Compensation	$ 450
Splitting Tensile Strength, C 496	$ 100
3x6 Grout, (CLSM), C 39	$ 55
2x2x2 Non-Shrink Grout, C 109	$ 55

ASPHALT

Air Voids, T 269	$ 85
Asphalt Mix Design, Caltrans (incl. Aggregate Quality)	$ 4,500
Asphalt Mix Design Review, Job Spec	$ 180
Dust Proportioning, CT LP-4	$ 85
Extraction, % Asphalt, including Gradation, D 2172, CT 382	$ 250
Extraction, % Asphalt without Gradation, D 2172, CT 382	$ 150
Film Stripping, CT 302	$ 120
Hveem Stability and Unit Weight D 1560, T 246, CT 366	$ 225
Marshall Stability, Flow and Unit Weight, T 245	$ 240
Maximum Theoretical Unit Weight, D 2041, CT 309	$ 150
Moisture Content, CT 370	$ 95
Moisture Susceptibility and Tensile Stress Ratio, T 238, CT 371	$ 1,000
Slurry Wet Track Abrasion, D 3910	$ 150
Superpave, Asphalt Mix Verification (incl. Aggregate Quality)	$ 4,900
Superpave, Gyratory Unit Wt., T 312	$ 100
Superpave, Hamburg Wheel, 20,000 passes, T 324	$ 1,000
Unit Weight sample or core, D 2726, CT 308	$ 100
Voids in Mineral Aggregate, (VMA) CT LP-2	$ 90
Voids filled with Asphalt, (VFA) CT LP-3	$ 90
Wax Density, D 1188	$ 140

AGGREGATES

Clay Lumps and Friable Particles, C 142	$ 180
Cleanness Value, CT 227	$ 180
Crushed Particles, CT 205	$ 175
Durability, Coarse or Fine, CT 229	$ 205
Fine Aggregate Angularity, ASTM C 1252, T 304, CT 234	$ 180
Flat and Elongated Particle, D 4791	$ 220
Lightweight Particles, C 123	$ 180
Los Angeles Abrasion, C 131 or C 535	$ 200
Material Finer than No. 200 Sieve by Washing, C 117	$ 90
Organic Impurities, C 40	$ 90
Potential Alkali Reactivity, Mortar Bar Method, Coarse, C 1260	$ 1,250
Potential Alkali Reactivity, Mortar Bar Method, Fine, C 1260	$ 950
Potential Reactivity of Aggregate (Chemical Method), C 289	$ 475
Sand Equivalent, T 176, CT 217	$ 125
Sieve Analysis, Coarse Aggregate, T 27, C 136	$ 120
Sieve Analysis, Fine Aggregate (including wash), T 27, C 136	$ 145
Sodium Sulfate Soundness, C 88	$ 450
Specific Gravity and Absorption, Coarse, C 127, CT 206	$ 115
Specific Gravity and Absorption, Fine, C 128, CT 207	$ 175

ROOFING

Roofing Tile Absorption, (set of 5), C 67	$ 250
Roofing Tile Strength Test, (set of 5), C 67	$ 250

Special preparation of standard test specimens will be charged at the technician's hourly rate.
Ninyo & Moore is accredited to perform the AASHTO equivalent of many ASTM test procedures.

CITY OF ONTARIO *Agenda Report* **August 18, 2026**	**SECTION:** **CONSENT CALENDAR**
Department: Engineering Prepared By: Antonio Alejos Staff Member Presenting: Tito Haes, Executive Director Public Works Reviewed By: Khoi Do, Rene Guerrero, Andrea Ampig Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 5

SUBJECT: **A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19970 GENERALLY LOCATED ON CYPRESS AVENUE BETWEEN FRANCIS STREET AND CEDAR STREET**

RECOMMENDATION: That the City Council adopt a Resolution approving an Improvement Agreement, Improvement Security, and Final Parcel Map No. 19970, generally located on Cypress Avenue between Francis Street and Cedar Street.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: There is no direct fiscal impact associated with this action. All public infrastructure improvements required for this project will be constructed by the Developer at its sole cost.

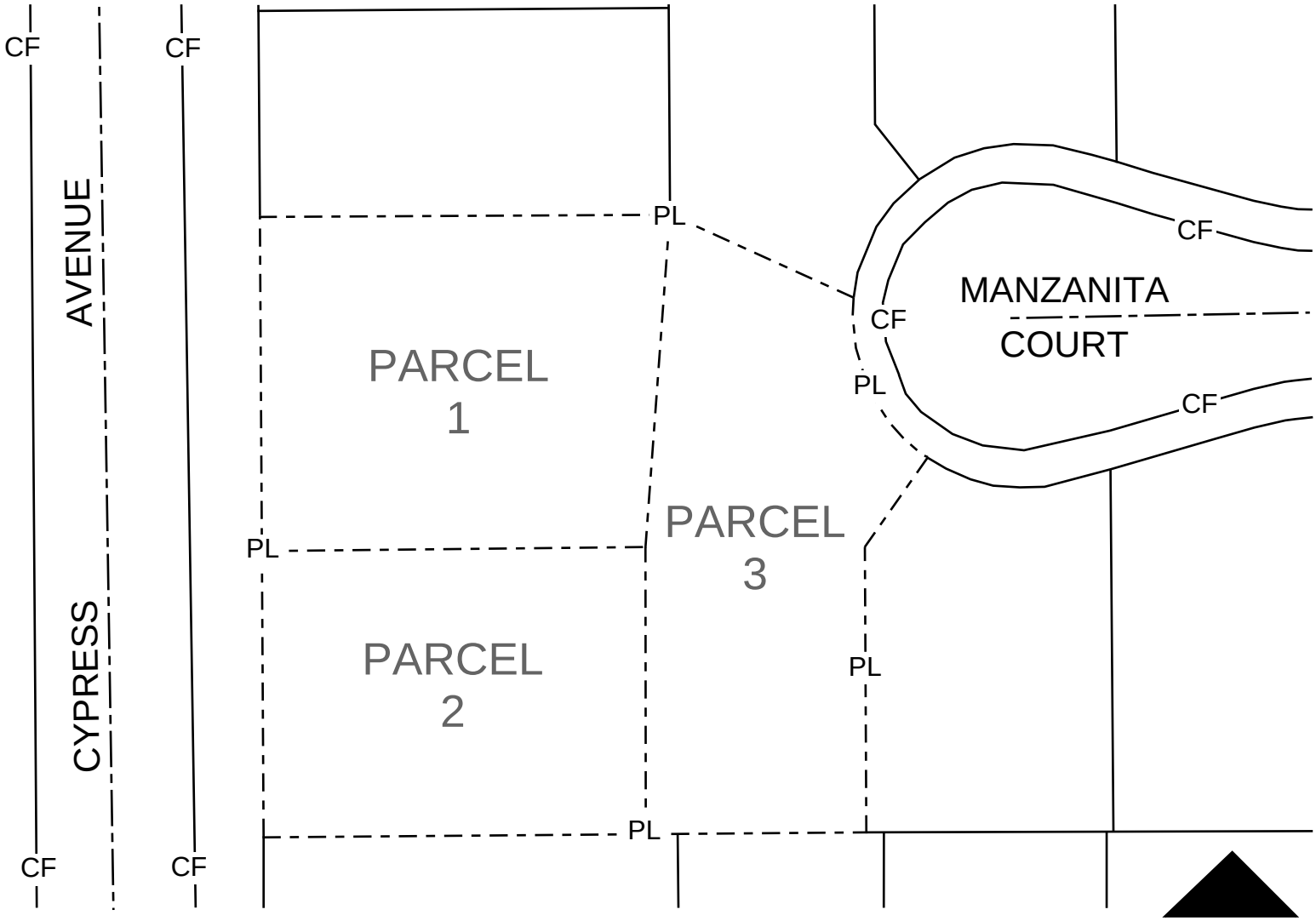
BACKGROUND & ANALYSIS: KN Homes, LLC ("Developer") has submitted Final Parcel Map No. 19970, consisting of three numbered lots on approximately one acre of land, as shown on Exhibit A. Tentative Parcel Map No. 19970 was approved by the Planning Commission on November 26, 2019.

The Final Parcel Map improvements will include sewer, water, and parkway landscaping. All landscape improvements will be consistent with current City's Landscape Development Guidelines and the Model Water Efficient Landscape Ordinance.

The Developer has entered into an Improvement Agreement with the City for Final Parcel Map No. 19970 and posted adequate security to ensure construction of the required improvements. This map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed and approved by the City Engineer.

EXHIBIT A
PM-19970

NORTH
Not To Scale



NORTH
Not To Scale

Legend

- - PL - - Property Line
—CF— Curb Face

CITY OF ONTARIO ENGINEERING DEPARTMENT	PROJECT NO. PM-19 **133**
KN HOMES, LLC	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19970 GENERALLY LOCATED ON CYPRESS AVENUE BETWEEN FRANCIS STREET AND CEDAR STREET.

WHEREAS, Tentative Parcel Map No. 19970, submitted by KN HOMES, LLC., was approved by the Planning Commission of the City of Ontario on November 26, 2019; and

WHEREAS, Tentative Parcel Map No. 20526 consists of 3 numbered lots, in the City of Ontario, County of San Bernardino, State of California, being a subdivision of Lot 27 of Tract No. 9411, as shown on a map recorded in Book 132 Pages 55 through 57, inclusive, of maps, recorded in the Office of the County Recorder of said county; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Parcel Map No. 19970, KN Homes, LLC. has offered the Improvement Agreement together with good and sufficient improvement security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, as follows:

1. That said Improvement Agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and

2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney.

3. That Final Parcel Map No. 19970 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 18th day of August 2026.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

_____
BEST, BEST & KREIGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that the foregoing Resolution No. 2026- was duly passed and adopted by the City Council of the City of Ontario at its regular meeting held August 18, 2026 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2026- duly passed and adopted by the Ontario City Council at their regular meeting held August 18, 2026.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

RECORDED AT THE REQUEST OF
AND WHEN RECORDED RETURN TO:

City of Ontario
303 East "B" Street
Ontario, CA 91764
Attn: City Engineer

(Exempt from Filing Fees – Government Code § 6103)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SUBDIVISION IMPROVEMENT AGREEMENT

FOR COMPLETION OF PUBLIC IMPROVEMENTS

PARCEL MAP NO. 19970

between

THE CITY OF ONTARIO

a California municipal corporation

and

KN Homes, LLC

a California limited liability company

SUBDIVISION IMPROVEMENT AGREEMENT
FOR COMPLETION OF PUBLIC IMPROVEMENTS

PARCEL MAP NO. 19970

I. PARTIES AND DATE

This Subdivision Improvement Agreement for the Completion of Public Improvements ("Agreement") is entered into as of this ____ day of _____, 20__, by and between the City of Ontario, a California municipal corporation ("City") and KN Homes, LLC a California limited liability company, with its principal office located at 8872 Acacia Avenue, Garden Grove, CA 92841 ("Developer"). City and Developer are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties."

II. RECITALS

A. Developer's tentative parcel map for real property located within City, a legal description of which is attached hereto as Exhibit "A" ("Property"), was conditionally approved by the Ontario Planning Commission on May 22nd, 2018. The tentative parcel map is identified in City records as Parcel Map No. 19970 ("Map").

B. Developer has not completed all of the work or made all of the public improvements required by the City's Municipal Code, the Subdivision Map Act (California Government Code section 66410, *et seq.*) ("Map Act"), the conditions of approval for the Map, or other ordinances, resolutions, or policies of City requiring construction of improvements in conjunction with the subdivision of land.

C. Pursuant to the City's Municipal Code and the applicable provisions of the Map Act, Developer and City enter into this Agreement for the timely construction and completion of the public improvements and the furnishing of the security therefor, acceptable to the City Engineer and City Attorney, for the Map.

D. Developer's execution of this Agreement and the provision of the security are made in consideration of City's approval of the final Map for the Property.

III. TERMS

1.0 Effectiveness. This Agreement shall not be effective unless and until all four of the following conditions are satisfied: (a) Developer provides City with security of the type and in the amounts required by this Agreement; (b) Developer executes and records this Agreement in the Recorder's Office of the County of San Bernardino; (c) the approving body per the Ontario Development Code approves the final map for the Property; and (d) Developer records the final map for the Property in the Recorder's Office of the County of San Bernardino. If any of the above described conditions are not satisfied, this Agreement shall automatically terminate without need of further action by either City or Developer, and Developer may not thereafter record the final map for the Property.

1.1 Definitions. For purposes of enforcing this Agreement, the term "City" shall include, but shall not be limited to, City Council, Public Works Director, City Engineer, Community Development Director, Building Official, or any of their authorized representatives. City shall have the sole and absolute discretion to determine which public body, public official, or public employee may act on behalf of City for any particular purpose.

2.0 Public Improvements. Developer shall construct or have constructed at its own cost, expense, and liability all improvements required by City as part of the approval of the Map, including, but not limited to, all grading, paving, storm drains, sanitary sewers, utilities, drainage facilities, traffic controls, landscaping, street lights, and all other required facilities as shown in detail on the plans, profiles, and specifications which have been prepared by or on behalf of Developer for the Map ("Public Improvements"). The Public Improvements are more specifically described in Exhibit "B," which is attached hereto and incorporated herein by this reference. Construction of the Public Improvements shall include any transitions and/or other incidental work deemed necessary for drainage or public safety. Developer shall be responsible for the replacement, relocation, or removal of any component of any utility system or public improvement in conflict with the construction or installation of the Public Improvements. Such replacement, relocation, or removal shall be performed to the complete satisfaction of the City Engineer and the owner of such utility system or public improvement. Developer further promises and agrees to provide all equipment, tools, materials, labor, tests, design work, and engineering services necessary or required by City to fully and adequately complete the Public Improvements.

2.1 Prior Partial Construction of Public Improvements. Where construction of any Public Improvements has been partially completed prior to the execution of this Agreement, Developer agrees to complete such Public Improvements or assure their completion in accordance with this Agreement.

2.2 Permits; Notices; Utility Statements. Prior to commencing any work, Developer shall, at its sole cost, expense, and liability, obtain all necessary permits and licenses and give all necessary and incidental notices required for the lawful construction of the Public Improvements and performance of Developer's obligations under this Agreement. Developer shall conduct the work in full compliance with the regulations, rules, and other requirements contained in any permit or license issued to Developer. Prior to commencing any work, Developer shall file a written statement with the City Clerk and the City Engineer, signed by Developer and each utility that will provide utility service to the Property, attesting that Developer has made all deposits legally required by the utility for the extension and provision of utility service to the Property.

2.3 Pre-approval of Plans and Specifications. Developer is prohibited from commencing work on any Public Improvement until all plans, specifications, estimates, and bonds for such Public Improvement have been submitted to and approved by the City Engineer, or his/her authorized designee. Approval by the City Engineer shall not relieve Developer from ensuring that all Public Improvements conform with all other requirements and standards set forth in this Agreement.

2.4 Quality of Work; Compliance With Laws and Codes. The construction plans and specifications for the Public Improvements shall be prepared in accordance with all applicable federal, state, and local laws, ordinances, regulations, codes, standards, and other

requirements. The Public Improvements shall be completed in accordance with all approved maps, conditions, plans, specifications, standard drawings, and special amendments thereto on file with City, as well as all applicable federal, state, and local laws, ordinances, regulations, codes, standards, and other requirements applicable at the time work is actually commenced.

2.5 Standard of Performance. Developer and its contractors, if any, shall perform all work required to construct the Public Improvements under this Agreement in a skillful and workmanlike manner, and consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Developer represents and maintains that it or its contractors shall be skilled in the professional calling necessary to perform the work. Developer warrants that all of its employees and contractors shall have sufficient skill and experience to perform the work assigned to them, and that they shall have all licenses, permits, qualifications, and approvals of whatever nature that are legally required to perform the work, and that such licenses, permits, qualifications, and approvals shall be maintained throughout the term of this Agreement.

2.6 Alterations to Improvements. The Public Improvements in Exhibit "B" are understood to be only a general designation of the work and improvements to be done, and not a binding description thereof. All work shall be done and improvements made and completed as shown on approved plans and specifications, and any subsequent alterations thereto. If during the course of construction and installation of the Public Improvements it is determined that the public interest requires alterations in the Public Improvements, Developer shall undertake such design and construction changes as may be reasonably required by City. Any and all alterations in the plans and specifications and the Public Improvements to be completed may be accomplished without giving prior notice thereof to Developer's surety for this Agreement.

2.7 Superintendence by Developer. Developer shall require each contractor and subcontractor to have a competent foreperson on the job at all times when that contractor or subcontractor, or any employee or agent thereof, is performing work on the Public Improvements. Before starting work on the Public Improvements, each contractor and subcontractor shall submit in writing the name of the proposed foreperson, who shall be subject to the review and approval of City. Following approval by City, each foreperson shall be present at the work site at all times that any work is in progress and at any time that any employee of the contractor or subcontractor is present at the work site. The Developer shall employ a competent construction manager that is responsible for the entire work. Each contractor or subcontractor shall contractually report to the construction manager, either directly or through a subcontract. The construction manager shall be immediately available by phone during hours when construction is in progress and shall be available in person within two hours when requested by the City. The construction manager shall coordinate the work such that construction and the associated inspection happen in an efficient manner. Should a contractor or subcontractor desire to change its foreperson, it shall provide the information specified above and obtain City's prior written approval. City, in its sole and absolute discretion, may require any contractor or subcontractor to replace its foreperson provided that City gives the contractor or subcontractor at least forty-eight hours written notice.

Developer shall, at all times, enforce strict discipline and good order among its employees and those of its subcontractors and shall not employ any unfit person or anyone not skilled in the assigned task. If any person employed by, the Developer, a contractor or subcontractor fails or

refuses to carry out the directions of the City or appears to the City, in its sole and absolute discretion, to be incompetent or to act in a disorderly or improper manner, such person shall be removed from the project immediately upon request by the City, and such person shall not again be employed on the work. Such removal shall not be the basis for any claim of compensation or damages against the City.

In addition, Developer shall maintain an office with a telephone, and Developer or a person authorized to make decisions and to act on Developer's behalf in Developer's absence shall be available to be on the job within three (3) hours of being called at such office by the City, during the hours of 9:00 a.m. through 5:00 p.m., Monday through Friday, or any other day or time when work is being performed on the Public Improvements. Developer shall also provide City with a telephone number, at which Developer, or its representative, shall be available twenty-four (24) hours a day in the event of an emergency.

3.0 Maintenance of Public Improvements and Landscaping. City shall not be responsible or liable for the maintenance or care of the Public Improvements until City approves and accepts them. City shall exercise no control over the Public Improvements until accepted. Any use by any person of the Public Improvements, or any portion thereof, shall be at the sole and exclusive risk of Developer at all times prior to City's acceptance of the Public Improvements. Developer shall maintain all the Public Improvements in a state of good repair until they are completed by Developer and approved and accepted by City, and until the security for the performance of this Agreement is released.

Maintenance shall include, but shall not be limited to: repair of pavement, curbs, gutters, sidewalks, signals, parkways, water mains, and sewers; maintaining all landscaping in a vigorous and thriving condition reasonably acceptable to City; removal of debris from sewers and storm drains; and sweeping, repairing, and maintaining in good and safe condition all streets and street improvements. Developer shall cause the sweeping of streets to occur weekly at a minimum. Developer shall perform additional street sweeping work as necessary depending on construction activities or as required by, and at the direction of, the City Engineer. It shall be Developer's responsibility to initiate all maintenance work, but if it shall fail to do so, it shall promptly perform such maintenance work when notified to do so by City. If Developer fails to properly prosecute its maintenance obligation under this Section, City may do all work necessary for such maintenance and the cost thereof shall be the responsibility of Developer and its surety under this Agreement. City shall not be responsible or liable for any damages or injury of any nature in any way related to or caused by the Public Improvements or their condition prior to acceptance.

3.1 Landscaping and Existing Irrigation Systems. Developer shall plant and maintain parkway trees and landscaping as provided in Section 10-2.07 of the City Municipal Code, and as directed by the Public Facilities Department. The Developer shall also be responsible for the replacement, relocation or removal of any component of any irrigation water system in conflict with the construction or installation of the Public Improvements. Such replacement, relocation or removal shall be performed to the complete satisfaction of the City Engineer and the owner of such water system.

4.0 Construction Schedule. Unless extended pursuant to Section 4.1 of this Agreement, Developer shall fully and adequately complete or have completed the Public Improvements within

twelve (12) months following approval of the final Map. At least fifteen (15) days prior to the commencement of such work, Developer shall notify the City Engineer in writing of the date fixed by Developer for commencement of the work.

4.1 Extensions. Time is of the essence with regard to this Agreement. The City may, in its sole and absolute discretion, provide Developer with additional time within which to complete the Public Improvements. Requests for extension of time shall be in writing and shall be delivered to City in the manner hereinafter specified for service of notices. An extension of time, if any, shall be granted only in writing, and an oral extension shall not be valid or binding on City. It is understood that by providing the security required by this Agreement, Developer and its surety consent in advance to any extension of time as may be given by City to Developer and waive any and all right to notice of such extension(s). Developer's acceptance of an extension of time granted by City shall constitute a waiver by Developer and its surety of all defenses of laches, estoppel, statutes of limitations, and other limitations of action in any action or proceeding filed by City following the date on which the Public Improvements were to have been completed hereunder. In addition, as consideration for granting such extension to Developer, City reserves the right to review the provisions of this Agreement, including, but not limited to, the construction standards, the cost estimates approved by City, and the sufficiency of the improvement security provided by Developer, and to require adjustments thereto when warranted according to City's reasonable discretion.

4.2 Accrual of Limitations Period. Any limitations period provided by law related to breach of this Agreement or the terms thereof shall not accrue until Developer has provided the City Engineer with written notice of Developer's intent to abandon or otherwise not complete required or agreed upon Public Improvements.

5.0 Grading. Developer agrees that any and all grading done or to be done in conjunction with construction of the Public Improvements or development of the Property shall conform to all federal, state, and local laws, ordinances, regulations, and other requirements including, without limitation, City's grading regulations, the National Pollutant Discharge Elimination Systems (NPDES), and stormwater regulations thereunder as administered by the State Water Resources Control Board and Regional Water Quality Control Boards. In order to prevent damage to the Public Improvements by improper drainage or other hazards, the grading shall be completed in accordance with the time schedule for completion of the Public Improvements established by this Agreement, and prior to City's approval and acceptance of the Public Improvements and release of the Security as set forth in this Agreement. Developer further agrees that the indemnification as set forth in this Agreement shall extend to and include any and all grading contemplated by this Agreement, including but not limited to, any partial or rough grading work.

6.0 Encroachment Permit. Developer shall obtain any necessary encroachment permits from the office of the City Engineer prior to start of any work within the public rights-of-way, and the Developer shall conduct such work in full compliance with the regulations and other requirements contained therein. The Developer shall be responsible for the removal of all loose rock and other debris from the public rights-of-way resulting from work done on adjacent property or within said rights-of-way. Work done within existing public rights-of-way shall be diligently pursued to completion with minimal obstruction or inconvenience to the public and pursuant to

the terms of the encroachment permit and any applicable federal, state or local laws, rules or regulations. The City shall have the right to complete any and all work in the event of unjustified delay in completion, and to recover all costs and expenses incurred from the Developer or its surety by any lawful means. Non-compliance with the terms of the encroachment permit or any applicable federal, state or local laws, rules or regulations may result in the City's cessation of the work and assessment of any applicable penalties or other remedies. Prior to, and as a condition precedent to, the issuance of any required encroachment permit(s), Developer shall provide to the City evidence satisfactory to the City of: (1) the certificate(s), endorsement(s), or policy(ies) of insurance as required by this Agreement; and (2) any and all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the work.

7.0 Utilities. Developer shall assume all costs for and shall provide utility services, including water, power, gas, and telephone service to serve each parcel, lot, or unit of land within the Property in accordance with all applicable federal, state, and local laws, rules, and regulations, including, but not limited to, the regulations, schedules, and fees of the utilities or agencies providing such services. Except for commercial or industrial properties, Developer shall also provide cable television facilities to serve each parcel, lot, or unit of land in accordance with all applicable federal, state, and local laws, rules, and regulations, including, but not limited to, the requirements of the cable company possessing a valid franchise with City to provide such service within City's jurisdictional limits. All utilities shall be installed underground, unless otherwise approved by the City Council or the Planning Commission of the City, or by any other state or federal laws or regulations.

8.0 Fees and Charges. Developer shall, at its sole cost, expense, and liability, pay all fees, charges, and taxes arising out of construction of the Public Improvements, including, but not limited to fees for the checking, filing, and processing of improvement plans and specifications and for inspecting the construction of the Public Improvements. These fees must be paid in full prior to approval of the final map and improvement plans. The fees referred to above are not necessarily the only City fees, charges, or other costs that have been or will be imposed on the subdivision and its development, and this Agreement shall in no way exonerate or relieve Developer from paying such other applicable fees, charges, and/or costs.

9.0 City Inspection of Public Improvements. Developer shall, at its sole cost, expense, and liability, and at all times during construction of the Public Improvements, maintain reasonable and safe facilities and provide safe access for inspection by City of the Public Improvements and areas where construction of the Public Improvements is occurring or will occur.

10.0 Acceptance of Improvements; As-Built or Record Drawings. If the Public Improvements are properly completed by Developer and approved by the City Engineer, and if they comply with all applicable federal, state and local laws, ordinances, regulations, codes, standards, and other requirements, the City Council shall be authorized to accept the Public Improvements. The City Council may, in its sole and absolute discretion, accept fully completed portions of the Public Improvements prior to such time as all of the Public Improvements are complete, which shall not release or modify Developer's obligation to complete the remainder of the Public Improvements within the time required by this Agreement. Upon the total or partial acceptance of the Public Improvements by City, the City Clerk shall file with the Recorder's Office of the County of San Bernardino, a notice of completion for the accepted Public Improvements in

accordance with California Civil Code Section 9204, at which time the accepted Public Improvements shall become the sole and exclusive property of City without payment therefor. Title to and ownership of the Public Improvements constructed under this Agreement shall vest absolutely in City upon completion and acceptance in writing of such Public Improvements by City. Issuance by City of occupancy permits for any buildings or structures located on the Property shall not be construed in any manner to constitute City's acceptance or approval of any Public Improvements. Notwithstanding the foregoing, City may not accept any Public Improvements unless and until Developer provides one (1) set of "as-built" or record drawings or plans to the City Engineer for all such Public Improvements. The drawings shall be certified and shall reflect the condition of the Public Improvements as constructed, with all changes incorporated therein.

11.0 Default; Notice; Remedies.

11.1 Notice. If Developer neglects, refuses, or fails to fulfill or timely complete any obligation, term, or condition of this Agreement, or if City determines there is a violation of any federal, state, or local law, ordinance, regulation, code, standard, or other requirement, City may at any time thereafter declare Developer to be in default or violation of this Agreement and make written demand upon Developer or its surety, or both, to immediately remedy the default or violation ("Notice"). Developer shall substantially commence the work required to remedy the default or violation within ten (10) days of the Notice. If the default or violation constitutes an immediate threat to the public health, safety, or welfare, City may provide the Notice verbally, and Developer shall substantially commence the required work within twenty-four (24) hours thereof. Immediately upon City's issuance of the Notice, Developer and its surety shall be liable to City for all costs of construction and installation of the Public Improvements and all other administrative costs and expenses.

11.2 Failure to Remedy; City Action. If the work required to remedy the noticed default or violation is not diligently prosecuted to a completion acceptable to City within the time frame contained in the Notice, City may complete all remaining work, arrange for the completion of all remaining work, and/or conduct such remedial activity as in its sole and absolute discretion it believes is required to remedy the default or violation. All such work or remedial activity shall be at the sole and absolute cost, expense, and liability of Developer and its surety, without the necessity of giving any further notice to Developer or surety. City's right to take such actions shall in no way be limited by the fact that Developer or its surety may have constructed any, or none, of the required or agreed upon Public Improvements at the time of City's demand for performance. In the event City elects to complete or arrange for completion of the remaining work and improvements, City may require all work by Developer or its surety to cease in order to allow adequate coordination by City. Notwithstanding the foregoing, if conditions precedent for reversion to acreage can be met and if the interests of City will not be prejudiced thereby, City may also process a reversion to acreage and thereafter recover from Developer or its surety the full cost and expense incurred.

11.3 Notice of Violation; Stop Work Order. If City determines that there is a violation of applicable federal, state or local laws, ordinances, regulations or other requirements, or the terms and conditions of this Agreement, the City and/or City Engineer may issue a Notice of Violation and Demand for Compliance and/or a Stop Work Order. The City may declare the Developer to be in default or violation of this Agreement and make written demand upon

Developer or its surety, or both, to immediately remedy the default or violation. Developer shall comply with the Notice of Violation and/or Stop Work Order and shall substantially commence the work required to remedy the default or violation with the time specified in the Notice of Violation. If the default or violation constitutes an immediate threat to the public health, safety, or welfare, City and/or City Engineer may provide the Notice of Violation verbally, and Developer shall substantially commence the required work within twenty-four (24) hours thereof.

11.4 Other Remedies. No action by City pursuant to this Section of this Agreement shall prohibit City from exercising any other right or pursuing any other legal or equitable remedy available under this Agreement or any federal, state, or local law. City may exercise its rights and remedies independently or cumulatively, and City may pursue inconsistent remedies. City may institute an action for damages, injunctive relief, or specific performance.

11.5 Administrative Costs. If Developer fails to construct and install all or any part of the Public Improvements within the time required by this Agreement, or if Developer fails to comply with any other obligation contained herein, Developer and its surety shall be jointly and severally liable to City for all administrative expenses, fees, and costs, including reasonable attorney's fees and costs, incurred in obtaining compliance with this Agreement or in processing any legal action or for any other remedies permitted by law.

12.0 Warranty and Guarantee. Developer hereby warrants and guarantees all Public Improvements against any defective work or labor done, or defective materials furnished in the performance of this Agreement, including the maintenance of all landscaping within the Property in a vigorous and thriving condition reasonably acceptable to City, for a period of one (1) year following completion of the work and acceptance by City ("Warranty"). During the Warranty, Developer shall repair, replace, or reconstruct any defective or otherwise unsatisfactory portion of the Public Improvements, in accordance with the current ordinances, resolutions, regulations, codes, standards, or other requirements of City, and to the approval of the City Engineer. All repairs, replacements, or reconstruction during the Warranty shall be at the sole cost, expense, and liability of Developer and its surety. As to any Public Improvements which have been repaired, replaced, or reconstructed during the Warranty, Developer and its surety hereby agree to extend the Warranty for an additional one (1) year period following City's acceptance of the repaired, replaced, or reconstructed Public Improvements. Nothing herein shall relieve Developer from any other liability it may have under federal, state, or local law to repair, replace, or reconstruct any Public Improvement following expiration of the Warranty or any extension thereof. Developer's warranty obligation under this section shall survive the expiration or termination of this Agreement.

13.0 Security.

13.1 Prior to execution of this Agreement, Developer shall provide City with sufficient security in the amounts and under the terms set forth below ("Security"). Nothing in this Section is intended to prevent City, in its sole discretion, from requiring Developer to submit, or prevent Developer from submitting, security in a form other than bonds that may be allowed under California Government Code Section 66499, et seq. and the City's Municipal Code, and acceptable to City. The amount of the Security shall be based on the City Engineer's approximation of the actual cost to construct the Public Improvements, including the replacement cost for all public

landscaping ("Estimated Costs"). If City determines, in its sole and absolute discretion, that the Estimated Costs have changed, Developer shall adjust the Security in the amount requested by City. Developer's compliance with this Section shall in no way limit or modify Developer's indemnification obligation under this Agreement. Security shall be on forms approved by the City for the purposes and amounts as follows:

13.1.1 Performance Bond. To guarantee the faithful performance of the Public Improvements and all the provisions of this Agreement, to protect City if Developer is in default as set forth in this Agreement, and to secure Developer's one-year guarantee and warranty of the Public Improvements, including the maintenance of all landscaping in a vigorous and thriving condition, Developer shall provide City security in the amount of **FOURTEEN THOUSAND SEVEN HUNDRED SIXTY-SEVEN DOLLARS AND THIRTY-SEVEN CENTS ($14,767.37)**, which sum shall be not less than one hundred percent (100%) of the Estimated Costs (Bonds attached in Exhibit "C" and Engineering Cost Estimate attached in Exhibit "B"). The City may, in its sole and absolute discretion, partially release a portion or portions of the security provided under this section as the Public Improvements are accepted by City, as provided herein, provided that Developer is not in default on any provision of this Agreement or condition of approval for the Map, and the total remaining security is not less than twenty-five percent (25%) of the Estimated Costs. All security provided under this section shall be released at the end of the Warranty period (as defined above), or any extension thereof as provided in this Agreement, provided that Developer is not in default on any provision of this Agreement or condition of approval for the Map.

13.1.2 Labor & Material Bond. To secure payment to the contractor and subcontractors, laborers, material men and other persons furnishing labor, materials, or equipment for performance of the Public Improvements and this Agreement, Developer shall provide City security in the amount of **FOURTEEN THOUSAND SEVEN HUNDRED SIXTY-SEVEN DOLLARS AND THIRTY-SEVEN CENTS ($14,767.37)** , which sum shall not be less than one hundred percent (100%) of the Estimated Costs (Bonds attached in Exhibit "C" and Engineering Cost Estimate attached in Exhibit "B").. The security provided under this subsection may be released by written authorization of the City Engineer after one (1) year or within the time limits established in California Government Code section 66499.7 from the date City accepts the final Public Improvements at the discretion of City. The amount of such security shall be reduced by the total of all stop notice or mechanic's lien claims of which City is aware, plus an amount equal to twenty percent (20%) of such claims for reimbursement of City's anticipated administrative and legal expenses arising out of such claims.

13.1.3 Monument Security. To guarantee payment by the Developer to the engineer or surveyor whose certificate appears on the final map for the setting of all subdivision boundaries, lot corners and street centerline monuments, as well as the furnishing of all centerline tie notes to the City, prior to the City's execution of this Agreement, Developer shall deposit cash with the City in the amount of **ONE THOUSAND TWO HUNDRED DOLLARS AND ZERO CENTS ($1,200)**. Said cash deposit may be released after receipt by the City of the centerline tie notes and written acknowledgment of payment in full from the engineer or surveyor.

13.1.4 Warranty Bond. To provide in the amount of ten percent (10%) of the Estimated Costs of the Work to guarantee and warrant the Work, for a period of one year

following its completion and acceptance, against any defective work or labor done, or defective materials furnished, as required by California Government Code Section 66499.3(d). Any unused portion of the guarantee and warranty security shall be released one year after acceptance of the required improvements by the City Council.

13.2 Bond/Surety Requirements. The surety for any surety bonds provided as Security shall have a current A.M. Best rating of no less than A:VIII, shall be authorized to do business in the State of California, and shall be satisfactory to City. As part of the obligation secured by the Security and in addition to the face amount of the Security, Developer or its surety shall secure the costs and reasonable expenses and fees, including reasonable attorneys' fees and costs, incurred by City in enforcing the obligations of this Agreement. Developer and its surety stipulate and agree that no change, extension of time, alteration, or addition to the terms of this Agreement, the Public Improvements, or the plans and specifications for the Public Improvements shall in any way affect its obligation on the Security.

13.3 Evidence and Incorporation of Security. Evidence of the Security shall be provided on the forms set forth in Exhibit "C," unless other forms are deemed acceptable by the City Engineer and the City Attorney, and when such forms are completed to the satisfaction of City, the forms and evidence of the Security shall be attached hereto as Exhibit "C" and incorporated herein by this reference.

14.0 Lien. To secure the timely performance of Developer's obligations under this Agreement, including those obligations for which security has been provided pursuant to this Agreement, Developer hereby creates in favor of City a lien against all portions of the Property not dedicated to City or some other governmental agency for a public purpose. As to Developer's default on those obligations for which security has been provided pursuant to this Agreement, City shall first attempt to collect against such security prior to exercising its rights as a contract lienholder under this Section.

15.0 Indemnification. Developer shall defend (with counsel reasonably satisfactory to the City Attorney), indemnify, and hold harmless City, its elected officials, officers, employees, agents, and volunteers from any and all actual or alleged claims, demands, causes of action, liability, loss, damage, or injury, to property or persons, including wrongful death, whether imposed by a court of law or by administrative action of any federal, state, or local governmental body or agency, arising out of or incident to any acts, omissions, negligence, or willful misconduct of Developer, its personnel, employees, agents, or contractors in connection with or arising out of construction or maintenance of the Public Improvements, or performance of this Agreement. This indemnification includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorneys' fees, and related costs or expenses, and the reimbursement of City, its elected officials, officers, employees, and/or agents for all legal expenses and costs incurred by each of them. This indemnification excludes only such portion of any claim, demand, cause of action, liability, loss, damage, penalty, fine, or injury, to property or persons, including wrongful death, which is caused solely and exclusively by the negligence or willful misconduct of City as determined by a court or administrative body of competent jurisdiction. Developer's obligation to indemnify shall survive the expiration or termination of this Agreement and shall not be restricted to insurance proceeds, if any, received by City, its elected officials, officers, employees, agents, or volunteers.

16.0 Insurance.

16.1 Time for Compliance. Developer shall not commence work under this Agreement until it has provided evidence satisfactory to the City that it has secured all insurance required under this section. In addition, Developer shall not allow any contractor to commence work on any contract until it has provided evidence satisfactory to the City that the contractor has secured all insurance required under this section. Failure to provide and maintain all required insurance shall be grounds for the City to terminate this Agreement for cause.

16.2 Types of Insurance Required. As a condition precedent to the effectiveness of this Agreement for work to be performed hereunder, and without limiting the indemnity provisions of the Agreement, the Developer, in partial performance of its obligations under such Agreement, shall procure and maintain in full force and effect during the term of the Agreement the following policies of insurance. If the existing policies do not meet the insurance requirements set forth herein, Developer agrees to amend, supplement or endorse the policies to do so.

16.2.1 Commercial General Liability: Commercial General Liability Insurance which affords coverage at least as broad as Insurance Services Office "occurrence" form CG 00 01, or the exact equivalent, with limits of not less than $2,000,000 per occurrence and no less than $4,000,000 in the general aggregate. Defense costs shall be paid in addition to the limits. The policy shall contain no endorsements or provisions (1) limiting coverage for contractual liability; (2) excluding coverage for claims or suits by one insured against another (cross-liability); (3) products/completed operations liability; or (4) containing any other exclusion(s) contrary to the terms or purposes of this Agreement.

16.2.2 Automobile Liability Insurance: Automobile Liability Insurance with coverage at least as broad as Insurance Services Office Form CA 00 01 covering "Any Auto" (Symbol 1), or the exact equivalent, covering bodily injury and property damage for all activities with limits of not less than $2,000,000 combined limit for each occurrence.

16.2.3 Workers' Compensation: Workers' Compensation Insurance, as required by the State of California and Employer's Liability Insurance with a limit of not less than $1,000,000 per accident for bodily injury and disease.

16.3 Insurance Endorsements. Required insurance policies shall contain the following provisions, or Developer shall provide endorsements on forms approved by the City to add the following provisions to the insurance policies:

16.3.1 Commercial General Liability: (1) Additional Insured: The City, its officials, officers, employees, agents, and volunteers shall be additional insureds with regard to liability and defense of suits or claims arising out of the performance of the Agreement. Additional Insured Endorsements shall not (1) be restricted to "ongoing operations"; (2) exclude "contractual liability"; (3) restrict coverage to "sole" liability of Developer; or (4) contain any other exclusions contrary to the terms or purposes of this Agreement. For all policies of Commercial General Liability insurance, Developer shall provide endorsements in the form of ISO CG 20 10 10 01 and 20 37 10 01 (or endorsements providing the exact same coverage) to effectuate this requirement. (2) Cancellation: Required insurance policies shall not be canceled or the coverage reduced until

a thirty (30) day written notice of cancellation has been served upon the City except ten (10) days shall be allowed for non-payment of premium.

16.3.2 Automobile Liability: (1) Cancellation: Required insurance policies shall not be canceled or the coverage reduced until a thirty (30) day written notice of cancellation has been served upon the City except ten (10) days shall be allowed for non-payment of premium.

16.3.3 Workers' Compensation: (1) Cancellation: Required insurance policies shall not be canceled or the coverage reduced until a thirty (30) day written notice of cancellation has been served upon the City except ten (10) days shall be allowed for non-payment of premium. (2) Waiver of Subrogation: A waiver of subrogation stating that the insurer waives all rights of subrogation against the City, its officials, officers, employees, agents, and volunteers.

16.4 Primary and Non-Contributing Insurance. All policies of Commercial General Liability and Automobile Liability insurance shall be primary and any other insurance, deductible, or self-insurance maintained by the City, its officials, officers, employees, agents, or volunteers shall not contribute with this primary insurance. Policies shall contain or be endorsed to contain such provisions.

16.5 Waiver of Subrogation. All required insurance coverages, except for the professional liability coverage, shall contain or be endorsed to waiver of subrogation in favor of the City, its officials, officers, employees, agents, and volunteers or shall specifically allow Developer or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Developer hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its contractors.

16.6 Deductibles and Self-Insured Retentions. Any deductible or self-insured retention must be approved in writing by the City and shall protect the City, its officials, officers, employees, agents, and volunteers in the same manner and to the same extent as they would have been protected had the policy or policies not contained a deductible or self-insured retention.

16.7 Evidence of Insurance. The Developer, concurrently with the execution of the Agreement, and as a condition precedent to the effectiveness thereof, shall deliver either certified copies of the required policies, or original certificates on forms approved by the City, together with all endorsements affecting each policy. Required insurance policies shall not be in compliance if they include any limiting provision or endorsement that has not been submitted to the City for approval. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. At least fifteen (15 days) prior to the expiration of any such policy, evidence of insurance showing that such insurance coverage has been renewed or extended shall be filed with the City. If such coverage is cancelled or reduced and not replaced immediately so as to avoid a lapse in the required coverage, Developer shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with the City evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies.

16.8 Acceptability of Insurers. Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and authorized to transact business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

16.9 Enforcement of Agreement Provisions (non estoppel). Developer acknowledges and agrees that actual or alleged failure on the part of the City to inform Developer of non-compliance with any requirement imposes no additional obligation on the City nor does it waive any rights hereunder.

16.10 Requirements Not Limiting. Requirement of specific coverage or minimum limits contained in this Section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance.

16.11 Additional Insurance Provisions

16.11.1 The foregoing requirements as to the types and limits of insurance coverage to be maintained by Developer, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Developer pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.

16.11.2 If at any time during the life of the Agreement, any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Developer.

16.11.3 The City may require the Developer to provide complete copies of all insurance policies in effect for the duration of the Project.

16.11.4 Neither the City nor any of its officials, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of this Agreement.

16.11.5 The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Further the limits set forth herein shall not be construed to relieve the Developer from liability in excess of such coverage, nor shall it limit the Developer's indemnification obligations to the City and shall not preclude the City from taking such other actions available to the City under other provisions of the Agreement or law.

16.11.6 Developer shall report to the City, in addition to Developer's insurer, any and all insurance claims submitted by Developer in connection with this Agreement.

17.0 Signs and Advertising. Developer understands and agrees to City's ordinances, regulations, and requirements governing signs and advertising structures. Developer hereby agrees with and consents to the removal by City of all signs or other advertising structures erected, placed,

or situated in violation of any City ordinance, regulation, or other requirement. Removal shall be at the expense of Developer. Developer shall indemnify and hold City free and harmless from any claim or demand arising out of or incident to signs, advertising structures, or their removal.

18.0 Relationship Between the Parties. The Parties hereby mutually agree that neither this Agreement, any map related to the Property, nor any other related entitlement, permit, or approval issued by City for the Property shall operate to create the relationship of partnership, joint venture, or agency between City and Developer. Developer's contractors and subcontractors are exclusively and solely under the control and dominion of Developer. Nothing herein shall be deemed to make Developer, its contractors, or its subcontractors an agent, contractor or subcontractor of City.

19.0 General Provisions.

19.1 Authority to Enter Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

19.2 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate, or convenient to attain the purposes of this Agreement.

19.3 Construction; References; Captions. It being agreed the Parties or their agents have participated in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days, or period for performance shall be deemed calendar days and not work days. All references to Developer include all personnel, employees, agents, and contractors and subcontractors of Developer, except as otherwise specified in this Agreement. All references to City include its elected officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

19.4 Notices. All notices to be given hereunder shall be in writing and may be made either by personal delivery or by registered or certified mail, postage prepaid, return receipt requested. Mailed notices shall be addressed to the parties at the addresses listed below, but each party may change the address by written notice in accordance with this Section. Notices delivered personally will be deemed communicated as of actual receipt; mailed notices will be deemed communicated as of two (2) days after mailing.

CITY:
City of Ontario
Engineering Department
303 East "B" Street
Ontario, CA 91764
Attn: City Engineer

DEVELOPER:
KN Homes, LLC
8872 Acacia Avenue
Garden Grove, CA 92841
Attn: Quynh Thuy Nguyen, Member

19.5 Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

19.6 Entire Agreement. This Agreement contains the entire Agreement of the parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements, either written or oral, express or implied. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

19.7 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties, and shall not be assigned by the Developer without the prior written consent of the City.

19.8 Waiver. City's failure to insist upon strict compliance with any provision of this Agreement or to exercise any right or privilege provided herein, or City's waiver of any breach of this Agreement, shall not relieve Developer of any of its obligations under this Agreement, whether of the same or similar type. The foregoing shall be true whether City's actions are intentional or unintentional. Developer agrees to waive, as a defense, counterclaim or set off, any and all defects, irregularities or deficiencies in the authorization, execution or performance of the Public Improvements or this Agreement, as well as the laws, rules, regulations, ordinances or resolutions of City with regards to the authorization, execution, or performance of the Public Improvements or this Agreement.

19.9 Assignment or Transfer of Agreement. Developer shall not assign, hypothecate, or transfer, either directly or by operation of law, this Agreement or any interest herein without prior written consent of City. Any attempt to do so shall be null and void, and any assignee, hypothecate, or transferee shall acquire no right or interest by reason of such attempted assignment, hypothecation, or transfer. Unless specifically stated to the contrary in City's written consent, any assignment, hypothecation, or transfer shall not release or discharge Developer from any duty or responsibility under this Agreement. In the event that City consents in writing to such an assignment, any assignee, hypothecate, or transferee shall expressly assume Developer's obligations hereunder by a written agreement in a form, and containing such security, as is reasonably acceptable to City.

The agreement, hypothecation, or transfer shall be to the satisfaction of the City Attorney and shall include provisions requiring the assignee to post bonds or submit another form of financial security, satisfactory to City and approved by the City Attorney, to guarantee construction of the Public Improvements. The agreement shall survive the recordation of the Final Map and shall be recorded against each of the proposed lots to inform successors and assigns of the required Public Improvements to be constructed and their time frame for construction.

Following any permitted assignment, hypothecation, or transfer of the Public Improvements as set forth in this Section, City shall release Developer from its obligations so assigned and shall release to Developer any bonds or other security posted to secure the Public Improvements so assigned; provided, however, that City shall not release any security or undertakings given to secure the performance of any of the Public Improvements not assigned, hypothecated, or transferred.

19.10 Binding Effect. Each and all of the covenants and conditions shall be binding on and shall inure to the benefit of the Parties, and their successors, heirs, personal representatives, or assigns. This Section shall not be construed as an authorization for any Party to assign any right or obligation.

19.11 No Third-Party Beneficiaries. There are no intended third-party beneficiaries of any right or obligation assumed by the Parties.

19.12 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

19.13 Consent to Jurisdiction and Venue. This Agreement shall be construed in accordance with and governed by the laws of the State of California. Any legal action or proceeding brought to interpret or enforce this Agreement, or which in any way arises out of the Parties' activities undertaken pursuant to this Agreement, shall be filed and prosecuted in the appropriate California State Court in the County of San Bernardino, California. Each Party waives the benefit of any provision of state or federal law providing for a change of venue to any other court or jurisdiction including, without limitation, a change of venue based on the fact that a governmental entity is a party to the action or proceeding, or that a federal right or question is involved or alleged to be involved in the action or proceeding. Without limiting the generality of the foregoing waiver, Developer expressly waives any right to have venue transferred pursuant to California Code of Civil Procedure Section 394.

19.14 Attorneys' Fees and Costs. If any arbitration, lawsuit, or other legal action or proceeding is brought by one Party against the other Party in connection with this Agreement or the Property, the prevailing party, whether by final judgment or arbitration award, shall be entitled to and recover from the other party all costs and expenses incurred by the prevailing party, including actual attorneys' fees ("Costs"). Any judgment, order, or award entered in such legal action or proceeding shall contain a specific provision providing for the recovery of Costs. This Section shall survive the termination or expiration of this Agreement.

19.15 Acquisition and Dedication of Easements or Rights-of-Way. If any of the Public Improvements required by this Agreement are to be constructed on land not within the subdivision or an already-existing public right-of-way, no construction or installation shall be commenced before:

19.15.1 The irrevocable offer of dedication or conveyance to City of appropriate rights-of-way, easements, or other interests in real property, and appropriate authorization from the property owner to allow construction or installation of the Public Improvements or work; or

19.15.2 The issuance of an order of possession by a court of competent jurisdiction pursuant to California's Eminent Domain Law. Developer shall comply in all respects with any such order of possession.

Nothing in this paragraph shall be construed as authorizing or granting an extension of time to Developer for completion of the Public Improvements.

19.16 Prevailing Wages. Developer has been alerted to the requirements of California Labor Code sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements if it is determined that this Agreement constitutes a public works contract. It shall be the sole responsibility of Developer to determine whether to pay prevailing wages for any or all work required by this Agreement. As a material part of this Agreement, Developer agrees to assume all risk of liability arising from any decision not to pay prevailing wages for work required by this Agreement.

19.17 Counterparts. This Agreement may be executed in counterpart originals, which taken together, shall constitute one and the same instrument.

[SIGNATURE PAGE FOLLOWS]

CITY OF ONTARIO

By: _____
Scott Ochoa, City Manager

KN Homes, LLC

By: _____
Signature

Quynh Nguyen
Print Name

_____
Title

ATTEST:

By: _____
Sheila Mautz, City Clerk

By: _____
Signature

_____
Print Name

_____
Title

APPROVED AS TO FORM:

By: _____
Best Best & Krieger, City Attorney

NOTE: **DEVELOPER'S AND SURETY'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO DEVELOPER'S BUSINESS ENTITY.**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)

On 4-2-2025 before me, Kevin P Nguyen Notary Public, personally appeared NGUYEN, QUYNH THUY, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (seal)

KEVIN P. NGUYEN
Notary Public - California
Orange County
Commission # 2456404
My Comm. Expires Aug 1, 2027

Bond No. 7901249327

CITY OF ONTARIO

FAITHFUL PERFORMANCE BOND FOR SUBDIVISION IMPROVEMENT AGREEMENT

PROJECT: PARCEL MAP NUMBER 19910

WHEREAS, the conditions placed on the tentative parcel map for Parcel No. 19910 require that the City of Ontario, a municipal corporation of the State of California ("CITY"), by its City Council, and KN Homes, LLC ("PRINCIPAL") enter into an agreement ("Agreement") whereby the PRINCIPAL agrees to install and complete certain designated public improvements ("Public Improvements"); and

WHEREAS, the PRINCIPAL is required under the terms of the Agreement to furnish a bond, in a form and from a surety acceptable to the CITY, for the faithful performance of the Agreement.

NOW, THEREFORE, PRINCIPAL and NNationwide Mutual Insurance Companyy ("SURETY"), a corporation organized and existing under the laws of the State of Ohio, and duly authorized to transact business under the laws of the State of California, are held and firmly bound unto CITY in the sum of **FOURTEEN THOUSAND SEVEN HUNDRED SIXTY-SEVEN DOLLARS AND THIRTY-SEVEN CENTS ($14,767.37)**, said sum being not less than one hundred percent (100%) of the total cost of the Public Improvements as set forth in the Agreement, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such, that if PRINCIPAL, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions, agreements, guarantees, and warranties in the Agreement and any alteration thereof made as therein provided, to be kept and performed at the time and in the manner therein specified and in all respects according to their intent and meaning, and to indemnify and save harmless CITY, its officers, employees, and agents, as stipulated in the Agreement, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by CITY in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

SURETY, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement, or to any plans, profiles, and specifications related thereto, or to the Public Improvements to be constructed thereunder, shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition.

This bond is executed and filed to comply with Section 66499, *et seq.*, of the Government Code of California and the CITY's Municipal Code as security for performance of the Agreement and security for the one-year guarantee and warranty of the Public Improvements.

SURETY, by executing this bond, warrants and alleges that it has read the Agreement, or by signing this bond shall be deemed to have read the Agreement, and knows the contents and all provisions contained therein, and shall be bound by each and every term, condition, and provision contained therein.

IN WITNESS WHEREOF, this instrument has been duly executed by PRINCIPAL and SURETY above named, on March 24, , 20 25.

Nationwide Mutual Insurance Companyy
Name of Surety

1100 Locust ST, Dept 2006
Des Moines, IA 50391
Mailing Address of Surety

866-387-0457
Telephone No. of Surety

By:
Attorney in Fact Aaron Steffey

KN Homes, LLC
Principal

By: Quynh Thuy Nguyen
Title: Member

and

By:
Title:

POWER OF ATTORNEY REQUIRED. The Attorney-in-Fact (resident agent) who executes this bond on behalf of the surety company must attach a copy of his Power of Attorney as evidence of his authority. A notary shall acknowledge the power as of the date of the execution of the surety bond which it covers.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)

On 4-8-2025 before me, Kevin P Nguyen, Notary Public, personally appeared NGUYEN, QUYNH THUY, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Kevinnguyen (seal)

KEVIN P. NGUYEN
Notary Public - California
Orange County
Commission # 2456404
My Comm. Expires Aug 1, 2027

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)

On 04-2-2025 before me, Kevin P Nguyen Notary Public, personally appeared NGUYEN, QUYNH THUY, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Kevin Nguyen (seal)

KEVIN P. NGUYEN
Notary Public - California
Orange County
Commission # 2456404
My Comm. Expires Aug 1, 2027

SURETY ACKNOWLEDGMENT

State of Colorado

County of Denver

On 03/24/2025, before me Sarah Van Horn, a Notary Public, personally appeared Aaron Steffey, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Colorado that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____
Sarah Van Horn, Notary Public

Sarah Elizabeth Van Horn
State of Colorado
Notary Public
Commission No. 20234025521
My Commission Expires 07/07/2027

Bond No. 7901249327

CITY OF ONTARIO

LABOR & MATERIAL BOND FOR SUBDIVISION IMPROVEMENT AGREEMENT

PROJECT: PARCEL MAP NUMBER 19910

WHEREAS, the conditions placed on the tentative parcel map for Parcel No. 19910 require that the City of Ontario, a municipal corporation of the State of California ("CITY"), by its City Council, and KN Homes, LLC ("PRINCIPAL") enter into an agreement ("Agreement") whereby the PRINCIPAL agrees to install and complete certain designated public improvements ("Public Improvements"); and

WHEREAS, under the terms of the Agreement, PRINCIPAL is required before entering upon the performance of the work, to file a good and sufficient payment bond with the CITY to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code of the State of California.

NOW, THEREFORE, PRINCIPAL and Nationwide Mutual Insurance Company ("SURETY"), a corporation organized and existing under the laws of the State of Ohio, and duly authorized to transact business under the laws of the State of California, are held and firmly bound unto CITY and to any and all material men, persons, companies or corporations furnishing materials, provisions, and other supplies used in, upon, for or about the performance of the Public Improvements, and all persons, companies or corporations renting or hiring teams, or implements or machinery, for or contributing to the Public Improvements to be done, and all persons performing work or labor upon the same and all persons supplying both work and materials as aforesaid excepting the PRINCIPAL, the sum of **FOURTEEN THOUSAND SEVEN HUNDRED SIXTY-SEVEN DOLLARS AND THIRTY-SEVEN CENTS ($14,767.37)**, said sum being not less than 100% of the total cost of the Public Improvements under the terms of the Improvement Agreement, we bind ourselves, our heirs, executors and administrators, successors and assigns jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that if the PRINCIPAL, his or its subcontractors, heirs, executors, administrators, successors, or assigns, shall fail to pay for any materials, provisions, or other supplies or machinery used in, upon, for or about the performance of the Public Improvements, or for work or labor thereon of any kind, or fail to pay any of the persons named in California Civil Code Section 9100, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the contractor and his subcontractors pursuant to Section 13020 of the Unemployment Insurance Code with respect to such work and labor, and all other applicable laws of the State of California and rules and regulations of its agencies, then said SURETY will pay the same in or to an amount not exceeding the sum specified herein.

As part of the obligation secured hereby, and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's

fees, incurred by CITY in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

This bond is executed and filed to comply with Section 66499, et seq., of the California Government Code and the City's Municipal Code as security for payment to contractors, subcontractors, and persons furnishing labor, materials, or equipment for construction of the Public Improvements or performance of the Agreement. It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Title 3 (commencing with section 9000) of Part 6 of Division 4 of the California Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

SURETY, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement, or to any plans, profiles, and specifications related thereto, or to the Public Improvements to be constructed thereunder, shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition.

IN WITNESS WHEREOF, this instrument has been duly executed by PRINCIPAL and SURETY above named, on March 24, 20 25.

Nationwide Mutual Insurance Company
Name of Surety

1100 Locust ST, Dept 2006
Des Moines, IA 50391
Mailing Address of Surety

866-387-0457
Telephone No. of Surety

By: _____
Attorney in Fact Aaron Steffey

KN Homes, LLC
Principal

By: Quynh Thuy Nguyen
Title: Member

and

By: _____
Title: _____

POWER OF ATTORNEY REQUIRED. The Attorney-in-Fact (resident agent) who executes this bond on behalf of the surety company must attach a copy of his Power of Attorney as evidence of his authority. A notary shall acknowledge the power as of the date of the execution of the surety bond which it covers.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of ORANGE

On 4-2-2025 before me, Kevin P Nguyen, Notary Public, personally appeared NGUYEN, QUANH THUY, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[SEAL]

KEVIN P. NGUYEN
Notary Public - California
Orange County
Commission # 2456404
My Comm. Expires Aug 1, 2027

Signature

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A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF ORANGE.)

On 4-8-2025 before me, Kevin P Nguyen, Notary Public, personally appeared NGUYEN, QUYNH THUY, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: K Nguyen (seal)

KEVIN P. NGUYEN
Notary Public - California
Orange County
Commission # 2456404
My Comm. Expires Aug 1, 2027

46700.00100\34321548.1

SURETY ACKNOWLEDGMENT

State of Colorado

County of Denver

On 03/24/2025, before me Sarah Van Horn, a Notary Public, personally appeared Aaron Steffey, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Colorado that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____
Sarah Van Horn, Notary Public

Sarah Elizabeth Van Horn
State of Colorado
Notary Public
Commission No. 20234025521
My Commission Expires 07/07/2027

Bond No. 7901249327

CITY OF ONTARIO

SUBDIVISION MAINTENANCE BOND
GUARANTEE AND WARRANTY SECURITY

PROJECT: PARCEL MAP NUMBER 19910

WHEREAS, the conditions placed on the tentative parcel map for Parcel No. 19910 require that the City Council of the City of Ontario, State of California, and KN Homes, LLC ("PRINCIPAL") enter into an agreement by which PRINCIPAL agrees to install and complete certain designated public improvements and to guarantee and warrant the work for a period of one year following its completion and acceptance ("Agreement"); and

WHEREAS, PRINCIPAL is required under the terms of the Agreement to furnish a bond to guarantee and warrant the work for a period of one year following its completion and acceptance against any defective work or labor done, or defective materials furnished, to comply with the terms of the Agreement.

NOW, THEREFORE, we, PRINCIPAL and Nationwide Mutual Insurance Companyy a Corporation, admitted and duly authorized to transact business under the laws of the State of California as surety ("SURETY"), are held and firmly bound unto the City of Ontario as obligee ("CITY"), in the penal sum of **ONE THOUSAND FOUR HUNDRED SEVENTY-SIX DOLLARS AND SEVENTY-FOUR CENTS ($1,476.74)** lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if PRINCIPAL, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, provisions in the said agreement and any alteration thereof made as therein provided, on his or its part to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless CITY, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by CITY in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

SURETY hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligations of this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. The surety waives all rights of subrogation against CITY or any person employed by CITY.

IN WITNESS WHEREOF, this instrument has been duly executed by PRINCIPAL and SURETY above named, on March 24, 20 25.

Nationwide Mutual Insurance Company
Name of Surety

1100 Locust ST, Dept 2006
Des Moines, IA 50391
Mailing Address of Surety

866-387-0457
Telephone No. of Surety

By: _____
Attorney in Fact Aaron Steffey

KN Homes, LLC
Principal

By: Quynh Thuy Nguyen
Title: Member

and

By: _____
Title: _____

POWER OF ATTORNEY REQUIRED. The Attorney-in-Fact (resident agent) who executes this bond on behalf of the surety company must attach a copy of his Power of Attorney as evidence of his authority. A notary shall acknowledge the power as of the date of the execution of the surety bond which it covers.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)

On 4-8-2025 before me, Kevin P Nguyen, Notary Public, personally appeared NGUYEN, QUYNH THUY, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (seal)

KEVIN P. NGUYEN
Notary Public - California
Orange County
Commission # 2456404
My Comm. Expires Aug 1, 2027

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A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)

On 4-2-2021 before me, Kevin P Nguyen, Notary Public, personally appeared NGUYEN, KUYNH THAY who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (seal)

KEVIN P. NGUYEN
Notary Public - California
Orange County
Commission # 2456404
My Comm. Expires Aug 1, 2027

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SURETY ACKNOWLEDGMENT

State of Colorado

County of Denver

On 03/24/2025, before me Sarah Van Horn, a Notary Public, personally appeared Aaron Steffey, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Colorado that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____
Sarah Van Horn, Notary Public

Sarah Elizabeth Van Horn
State of Colorado
Notary Public
Commission No. 20234025521
My Commission Expires 07/07/2027

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation

hereinafter referred to severally as the "Company" and collectively as "the Companies" does hereby make, constitute and appoint:

AARON STEFFEY; CHRISTOPHER KOLGER; JOSEPH J PERSCHY; KENNETH P MOROTTO JR;

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

FIVE MILLION AND NO/100 DOLLARS ($5,000,000.00)

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company.

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the 1st day of April, 2024.

Antonio C. Albanese, **Vice President** of Nationwide Mutual Insurance Company

ACKNOWLEDGMENT

STATE OF NEW YORK COUNTY OF KINGS: ss
On this 1st day of April, 2024, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Company aforesaid, that the seal affixed hereto is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.

Sharon Laburda
Notary Public, State of New York
No. 01LA6427697
Qualified in Kings County
Commission Expires January 3, 2026

Notary Public
My Commission Expires
January 3, 2026

CERTIFICATE

I, Lezlie F. Chimienti, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company, and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 24th day of March, 2025.

Assistant Secretary

BDJ 1(04-24)00

CITY OF ONTARIO *Agenda Report* **August 18, 2026**	**SECTION:** **CONSENT CALENDAR**
Department: Management Services Prepared By: Brandi Belmontes Staff Member Presenting: Darlene M. Sanchez, Assistant City Manager Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 6

SUBJECT: **DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE GENERAL ASSEMBLY MEETING**

RECOMMENDATION: That the City Council designate Council Member Debra Porada as the City's voting delegate and Council Member Daisy Macias as the alternate voting delegate for the League of California Cities Annual Conference General Assembly, scheduled for September 23–25, 2026.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: There is no direct fiscal impact associated with this action. However, participation in the League of California Cities Annual Conference General Assembly provides the City with representation in the League's policymaking process on issues that may affect the City's future financial and legislative interests.

BACKGROUND & ANALYSIS: The League of California Cities has scheduled its Annual Conference and General Assembly for September 23–25, 2026, in Anaheim, California. During the General Assembly, voting delegates from member cities will consider and act on resolutions that establish League policy on issues affecting California cities. Consistent with the League's bylaws, each member city must designate a voting delegate and an alternate voting delegate through formal action by its City Council.

LEAGUE OF CALIFORNIA CITIES

Council Action Advised by September 1, 2026

DATE: Wednesday, May 13, 2026

TO: Mayors, Council Members, City Clerks, and City Managers

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference and Expo, Sept. 23-25, 2026
Anaheim Convention Center

Every year, the League of California Cities convenes a member-driven General Assembly at the Cal Cities Annual Conference and Expo. The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policy.

Taking place on Friday, Sept. 25, 2026 the General Assembly is comprised of voting delegates appointed by each member city; every city has one voting delegate. Your appointed voting delegate plays an important role during the General Assembly by representing your city and voting on resolutions.

To cast a vote during the General Assembly, your city must designate a voting delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. Voting delegates may either be an elected or appointed official.

Action by Council Required. Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

Following council action, please submit your city's delegates through the online submission portal by Tuesday, Sept. 1, 2026. When completing the Voting Delegate submission form, you will be asked to attest that council action was taken. You will need to be signed in to your My Cal Cities account when submitting the form.

Submitting your voting delegate form by the deadline will allow us time to establish voting delegate/alternate records prior to the conference and provide pre-conference communications with voting delegates.

Conference Registration Required. The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration opens June 2.

For a city to cast a vote, one voter must be present at the General Assembly and in possession of the voting delegate card and voting tool. Voting delegates and

alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the voting delegate desk. This will enable them to receive the special sticker on their name badges that will admit the voting delegate into the voting area during the General Assembly.

Please view Cal Cities' event and meeting policy in advance of the conference.

Transferring Voting Card to Non-Designated Individuals Not Allowed. The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the General Assembly, they may *not* transfer the voting card to another city official.

Seating Protocol during General Assembly. At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

The voting delegate desk, located in the conference registration area of the Anaheim Convention Center, will be open at the following times: Wednesday, Sept. 23, 8:00 a.m.-6:00 p.m. and Thursday, Sept. 24, 7:30 a.m.-4:00 p.m. On Friday, Sept. 25, the voting delegate desk will be open at the General Assembly, starting at 7:30 a.m., but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for submitting your voting delegate and alternates by Tuesday, Sept. 1. If you have questions, please contact Zach Seals at zseals@calcities.org.

Attachments:

- General Assembly Voting Guidelines
- Information Sheet: Cal Cities Resolutions and the General Assembly

LEAGUE OF CALIFORNIA CITIES

General Assembly Voting Guidelines

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.

2. **Designating a City Voting Representative.** Prior to the Cal Cities Annual Conference and Expo, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the voting delegate form provided to the Cal Cities Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the voting delegate desk in the conference registration area. Voting delegates and alternates must sign in at the voting delegate desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the General Assembly.

4. **Signing Initiated Resolution Petitions**. Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the credentials committee at the voting delegate desk, may sign petitions to initiate a resolution.

5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and voting tool; and be registered with the credentials committee. The voting card may be transferred freely between the voting delegate and alternates but may not be transferred to another city official who is neither a voting delegate nor alternate.

6. **Voting Area at General Assembly.** At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

7. **Resolving Disputes**. In case of dispute, the credentials committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the General Assembly.

LEAGUE OF CALIFORNIA CITIES

How it works: Cal Cities Resolutions and the General Assembly

Developing League of California Cities policy is a dynamic process that engages a wide range of members to ensure Cal Cities represents cities with one voice. These policies directly guide Cal Cities' advocacy to promote local decision-making, and lobby against statewide policies that erode local control.

The resolutions process and General Assembly is one way that city officials can directly participate in the development of Cal Cities policy. If a resolution is approved at the General Assembly, it becomes official Cal Cities policy. Here's how resolutions and the General Assembly work.

Prior to the Annual Conference and Expo

General Resolutions

Sixty days before the Annual Conference and Expo, Cal Cities members may submit policy proposals on issues of importance to cities. The resolution must have the concurrence of at least five additional member cities or individual members.

Policy Committees

The Cal Cities President assigns general resolutions to policy committees where members review, debate, and recommend positions for each policy proposal. Recommendations are forwarded to the Resolutions Committee.

During the Annual Conference and Expo

Petitioned Resolutions

The petitioned resolution is an alternate method to introduce policy proposals during the annual conference. The petition must be signed by voting delegates from 10% of member cities, and submitted to the Cal Cities President at least 24 hours before the beginning of the General Assembly.

Resolutions Committee

The Resolutions Committee considers all resolutions. General Resolutions approved[1] by either a policy committee or the Resolutions Committee are next considered by the General Assembly. General resolutions not approved, or referred for further study by both a policy committee and the Resolutions Committee do not go to the General Assembly. All Petitioned Resolutions are considered by the General Assembly, unless disqualified.[2]

General Assembly

During the General Assembly, voting delegates debate and consider general and petitioned resolutions forwarded by the Resolutions Committee. Potential Cal Cities bylaws amendments are also considered at this meeting.

Who's who

Cal Cities policy development is a member-informed process, grounded in the voices and experiences of city officials throughout the state.

The **Resolutions Committee** includes representatives from each Cal Cities diversity caucus, regional division, municipal department, and policy committee, as well as individuals appointed by the Cal Cities president.

Voting delegates are appointed by each member city; every city has one voting delegate.

The **General Assembly** is a meeting of the collective body of all voting delegates —one from every member city.

Seven **policy committees** meet throughout the year to review and recommend positions to take on bills and regulatory proposals. Policy committees include members from each Cal Cities diversity caucus, regional division, and municipal department, as well as individuals appointed by the Cal Cities president.

[1] The Resolution Committee can amend a general resolution prior to sending it to the General Assembly.
[2] Petitioned Resolutions may be disqualified by the Resolutions Committee according to Cal Cities Bylaws Article VI. Sec. 5(f).

For more information visit www.calcities.org/general-assembly

CITY OF ONTARIO *Agenda Report* **August 18, 2026**	**SECTION:** **CONSENT CALENDAR**
Department: Innovation, Performance and Audit Prepared By: Lily Ramirez Staff Member Presenting: Jordan Villwock, Deputy City Manager Reviewed By: Vanny Khu Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 7

SUBJECT: **AN AMENDMENT TO THE MASTER SERVICES AGREEMENT WITH ENVISIO SOLUTIONS, INC. FOR PERFORMANCE MANAGEMENT AND STRATEGIC PLANNING SOFTWARE SERVICES**

RECOMMENDATION: That the City Council authorize the City Manager, or his designee, to execute Amendment No. 5 to the Master Services Agreement with Envisio Solutions, Inc. for continued performance management and strategic planning software services through the Polco Track add-on module in the amount of $36,000, over a 3-year term, increasing the not-to-exceed amount to $342,025.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner

FISCAL IMPACT: The Fiscal Year 2026-27 Adopted Budget includes appropriations from the Information Technology Fund for continued performance management and strategic planning software services. The proposed Amendment No. 5 is in the amount of $36,000, increasing the total not-to-exceed agreement amount from $306,025 to $342,025. If approved, appropriations will be added to the future years' budgets consistent with the annual budget adoption process.

BACKGROUND & ANALYSIS: On July 1, 2023, the City of Ontario entered into a Master Services Agreement with Envisio Solutions, Inc., a provider of cloud-based performance management and strategic planning software. The Envisio platform allows City departments to align work plans to citywide goals, track key performance indicators, and report strategic plan progress to City leadership and the public. The City utilized a non-competitive procurement process for Envisio's services due to the specialized knowledge and expertise required to provide these services, as well as the limited number of qualified experts in this field.

Amendment No. 1, executed on May 1, 2024, added the ASO KPI Dashboard buildout to the scope of services and increased the total not-to-exceed Agreement amount by $8,000. Amendment No. 2, dated June 1, 2024, incorporated Polco Track into the agreement, a module that provides the City with specific performance measures, benchmarks, and scores derived from publicly available datasets at a cost of $ 12,900. Amendment No. 3, dated June 16, 2025, extended the Polco Track

subscription for one year, at a cost of $12,000. Amendment No. 4, dated June 19, 2026, extended the Agreement for five years at an annual rate of $34,125, for a revised total not-to-exceed agreement amount of $306,025 for the continuation of KPI dashboard services.

The proposed Amendment No. 5 would extend the Polco Track add-on module subscription for three years at a cost of $12,000 annually. Envisio waived all annual price increases, increasing the total not-to-exceed agreement amount by $36,000 for a revised amount of $342,025. Continuing with the Polco Track add-on module subscription ensures operational continuity, and Staff recommends approval to allow uninterrupted continuation of services.

Appendix A - Quote

Bill To Name	City of Ontario, CA	Quote Number	1701515
Bill To	303 E B St Ontario, California 91764-4105 United States	Created Date	09/07/2026
		Expiration Date	17/06/2026
		Prepared By	Heather Lee
Contact Name	Jordan Villwock	Email	hlee@envisio.com
Email	jvillwock@ontarioca.gov		

Product Description	Quantity	Sales Price	Total Price
Year 1 - 3 - Polco Track - Annual Subscription with Unlimited Licenses	1.00	USD 12,000.00	USD 12,000.00
Year 2 - 3 - Polco Track - Annual Subscription with Unlimited Licenses	1.00	USD 12,000.00	USD 12,000.00
Year 3 - 3 - Polco Track - Annual Subscription with Unlimited Licenses	1.00	USD 12,000.00	USD 12,000.00

Subtotal	USD 36,000.00
Total Price	USD 36,000.00

Quote Accepted By:

Name: _____ Date: _____

Signature: _____

Terms and Conditions

1. Prices set forth in this quote are valid for the period stated. All prices are quoted in US Dollars and are exclusive of applicable taxes. Customer is responsible for any sales, use, excise, or similar taxes imposed on amounts payable under this Agreement. If Envisio is required by law to collect such taxes, they will be added to the invoice unless Customer provides a valid tax-exemption certificate.
2. Travel and other reasonable business expenses will be reimbursed when incurred at Customers' request. Such expenses must be approved in advance by Customer.
3. Acceptance of this quote is acceptance of the accompanying Master Services Agreement (MSA) or a previously signed MSA in the event of renewal/upsell.

Payment methods: ACH, Wire or Check
Remit to email: finance@envisio.com

ACH/Wire Payment To
Account Name: Envisio Solutions Inc. | Bank: Silicon Valley Bank | Bank Address: 3003 Tasman Dr. Santa Clara, CA 95054
ABA/ACH Routing #: 121140399 | Account #: 3303262267 | Account Type: Checking

CITY OF ONTARIO *Agenda Report* **August 18, 2026**	**SECTION:** **CONSENT CALENDAR**
Department: Planning Prepared By: Alexis Vaughn Staff Member Presenting: Rudy Zeledon, Executive Director Community Development Reviewed By: Thomas Grahn Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 8

SUBJECT: **A DEVELOPMENT CODE AMENDMENT FILE NO. PDCA26-002 REVISING AND CLARIFYING CERTAIN PROVISIONS OF THE CITY OF ONTARIO DEVELOPMENT CODE PURSUANT TO AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

RECOMMENDATION: That the City Council adopt an Ordinance approving File No. PDCA26-002, a Development Code Amendment revising and clarifying certain provisions of Chapters 2.0 (Administration and Procedures), 4.0 (Permits, Actions, and Decisions), 5.0 (Zoning and Land Use), 6.0 (Development and Subdivision Regulations), and 8.0 (Sign Regulations) of the City of Ontario Development Code.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

FISCAL IMPACT: There is not a direct fiscal impact associated with this action.

BACKGROUND & ANALYSIS: On July 21, 2026, the City Council introduced and waived further reading of an Ordinance approving the Development Code Amendment, File No. PDCA26-002.

PROJECT SETTING: The proposed Development Code Amendment is of citywide impact, affecting approximately 50 square miles (32,022 acres) of land, which is generally bordered by Benson Avenue and Euclid Avenue on the west; Interstate 10 Freeway, Eighth Street, and Fourth Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south. The City of Ontario is substantially built-out with a mix of residential, commercial, industrial, agricultural, airport, recreational, and institutional/public land uses. According to the latest US Census forecast, the City of Ontario's 2022 estimated population is 179,516 persons and in terms of population, is ranked the 26th largest city in the State and the 146th largest in the nation. Ontario's population has increased by 3.46 percent since the most recent census, which recorded a population of 175,265 in 2020.

PROJECT ANALYSIS: The proposed Development Code Amendment is comprised of certain

clarifications and revisions to the City of Ontario Development Code, as follows:

(1) Revise Chapter 2.0 (Administration and Procedures), Section 2.03.010.C.1.b (2) – Public Hearing Notification, such that discretionary and legislative projects have the same 600-foot public noticing boundary; and, Table 2.02-1: Review Matrix, to clarify the Approval Authority for Electric Truck Vehicle Charging Facilities (for equipment and for ancillary construction), and for Semi-Trailer Storage Yard Facilities.

(2) Revise Chapter 4.0 (Permits, Actions, and Decisions), Section 4.02.025.B.2 – Development Plans, to provide clarification regarding the development of an Electric Vehicle Charging Facility or a Semi-Trailer Storage Yard Facility.

(3) Revise Chapter 5.0 (Zoning and Land Use), Section 5.02.010 – Allowed Land Uses, Activities and Facilities, to modify Table 5.02-1: Land Use Matrix to: 1) include bowling centers and simulated racing facilities (limited to go-carts, radio-controlled vehicles, and other similar facilities) as conditionally-permitted land uses within the Open Space – Recreation (OS-R) zoning district when privately operated on publicly-owned land; and 2) prohibit massage services ancillary to day spas and wellness centers within the MU-1 Zoning District.

(4) Revise Chapter 5.0 (Zoning and Land Use), Section 5.02.010 – Allowed Land Uses, Activities and Facilities, to modify Table 5.02-1: Land Use Matrix to introduce electric truck vehicle charging facilities as a conditionally-permitted land use; and introduce Section 5.03.163: Electric Truck Vehicle Charging Facilities to the Development Code to establish regulations for the land use.

(5) Revise Chapter 5.0 (Zoning and Land Use), Section 5.02.010 – Allowed Land Uses, Activities and Facilities, to modify Table 5.02-1: Land Use Matrix to introduce semi-trailer storage yard facilities as a conditionally-permitted land use; and introduce Section 5.03.357: Semi-Trailer Storage Yard Facilities to the Development Code to establish regulations for the land use.

(6) Revise Chapter 5.0 (Zoning and Land Use), Section 5.03.025.H.3 - Alcoholic Beverage Sales, to: 1) update the name of the Ontario Toyota Arena Entertainment Zone (OTAEZ) to the Capital City Entertainment Zone; and, 2) add a new subsection to support the Ontario Sports Empire Entertainment Zone, including new standards and Figure 5.03-2: Ontario Sports Empire Entertainment Zone.

(7) Revise Chapter 6.0 (Development and Subdivision Regulations), Table 6.01-8: Commercial Zoning District Development Standards, to increase the maximum height within the Light Office (OL) zoning district from 35 feet to 55 feet.

(8) Revise Chapter 6.0 (Development and Subdivision Regulations), Section 6.02.025.A.3 – Design Standards for Nonresidential Zoning Districts, to include standards for the screening of Semi-Trailer Storage Yard Facilities and Electric Truck Vehicle Charging Facilities.

(9) Revise Chapter 8.0 (Sign Regulations), Section 8.01.020 – Sign Standards, Table 8.01-1: Sign Regulation Matrix to clarify the maximum height of freeway signs.

The proposed provisions of the Development Code Amendment are shown in Attachment A

(Development Code Amendment) of the appended Resolution. Any provisions proposed for deletion are shown in red strikeout text (Abcdefg) and all additions are shown in blue underlined text (Abcdefg).

AIRPORT LAND USE COMPATIBILITY PLAN COMPLIANCE: The California State Aeronautics Act (Public Utilities Code Section 21670, et seq.) requires that an Airport Land Use Compatibility Plan (ALUCP) be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted ALUCP.

(1) Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) — On April 19, 2011, the City Council of the City of Ontario approved and adopted the ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending body for the project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, Planning Commission has concluded that the proposed Development Code Amendment is consistent with the policies and criteria set forth within the ONT ALUCP.

(2) Chino Airport Land Use Compatibility Plan (CNO ALUCP) — On August 2, 2022, the City Council of the City of Ontario approved and adopted a Development Code Amendment to establish the Chino Airport (CNO) Overlay Zoning District (OZD) and Reference I, CNO ALUCP. The CNO OZD and CNO ALUCP established the Airport Influence Area for Chino Airport, solely within the City of Ontario, and limits future land uses and development within the Airport Influence Area, as they relate to safety, airspace protection, and overflight impacts of current and future airport activity. The CNO ALUCP is consistent with policies and criteria set forth within the Caltrans 2011 California Airport Land Use Planning Handbook. The proposed Development Code Amendment may affect certain land development criteria on certain properties located within the Airport Influence Area of Chino Airport, which have been evaluated and found to be consistent with the California Airport Land Use Planning Handbook and the CNO ALUCP. As a result, the Planning Commission has concluded that the proposed Development Code Amendment is consistent with the policies and criteria set forth within the CNO ALUCP.

HOUSING ELEMENT COMPLIANCE: The Project is consistent with the Housing Element of the Policy Plan (general plan) component of The Ontario Plan, as the project furthers the purposes, principals, goals, and policies of the Housing Element.

PLANNING COMMISSION REVIEW: On June 23, 2026, the Planning Commission held a public hearing on the proposed amendments to the City of Ontario Development Code and voted (6-0) recommending that City Council adopt an Ordinance approving File No. PDCA26-002, a Development Code Amendment revising and clarifying certain provisions of Chapters 2.0

(Administration and Procedures), 4.0 (Permits, Actions, and Decisions), 5.0 (Zoning and Land Use), 6.0 (Development and Subdivision Regulations), and 8.0 (Sign Regulations) of the City of Ontario Development Code pursuant to an exemption under the California Environmental Quality Act.

ENVIRONMENTAL REVIEW: The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the Guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the commonsense exemption (general rule) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. (Muzzy Ranch Co. v. Solano County Airport Land Use Comm'n (2007) 41 Cal.4th 372, 380.) Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Per the Supreme Court's ruling in Muzzy Ranch, the application of the commonsense exemption is decided based on whether record evidence supports the exemption, and no further evaluation by the City is required. The City need not engage in detailed or extensive fact-finding to make this determination as long as there is substantial evidence "appropriate to the CEQA stage in issue." (Muzzy Ranch, 41 Cal.4th at 388.) Specifically:

(1) The proposed amendments to Chapter 2.0 (Administration and Procedures), Section 2.03.010.C.1.b (2) - Public Hearing Notification, such that discretionary and legislative projects have the same 600-foot public noticing boundary, and providing additional clarity regarding the Approving Authority and Appeal Authority for Table 2.01-2: Review Matrix are procedural in nature and are intended to establish consistency in noticing requirements across application types and provide clarification for public hearing pathways. The modifications have no potential for resulting in a significant effect on the environment.

(2) The proposed amendment to Chapter 4.0 (Permits, Actions, and Decisions), Section 4.02.025.B.2 – Development Plans, to provide clarification regarding the development of an Electric Vehicle Charging Facility or a Semi-Trailer Storage Yard Facility is procedural in nature and has no potential, by itself, to result in a significant effect on the environment.

(3) The proposed amendments to Chapter 5.0 (Zoning and Land Use), Section 5.02.010 – Allowed Land Uses, Activities and Facilities, to: 1) include bowling centers and simulated racing facilities (limited to go-carts, radio-controlled vehicles, and other similar facilities) as conditionally-permitted land uses within the Open Space – Recreation (OS-R) zoning district when privately operated on publicly-owned land; and 2) prohibit massage services ancillary to day spas and wellness centers within the MU-1 Zoning District are procedural in nature. The modification establishes the requirement for Conditional Use Permit review for recreational facilities. Any future development projects would be subject to environmental review prior to approval, as part of a Development Plan application, and would be appealable. The modification also provides clarification regarding the prohibition of ancillary massage services in the MU-1 Zoning District. As such, the proposed amendments have no potential, by themselves, to result in a significant effect on the environment.

(4) The proposed amendment to Chapter 5.0 (Zoning and Land Use), Section 5.02.010 – Allowed Land Uses, Activities and Facilities, to modify Table 5.02-1: Land Use Matrix to introduce electric truck vehicle charging facilities as a conditionally-permitted land use; and introduce Section 5.03.163: Electric Truck Vehicle Charging Facilities to the Development Code to establish regulations

for the land use is procedural in nature. The modification brings this Development Code into compliance with Government Code 65850.7, which stipulates that EV charging equipment shall be reviewed administratively. Further, it establishes the requirement for Conditional Use Permit review for all applicable site improvements and establishes development and operational regulations. Any future development projects would be subject to environmental review prior to approval, as part of a Development Plan application, and would be appealable. As such, this amendment has no potential, by itself, to result in a significant effect on the environment.

(5) The proposed amendments to Chapter 5.0 (Zoning and Land Use), Section 5.02.010 – Allowed Land Uses, Activities and Facilities, to modify Table 5.02-1: Land Use Matrix to introduce semi-trailer storage yard facilities as a conditionally-permitted land use; and introduce Section 5.03.357: Semi-Trailer Storage Yard Facilities to the Development Code to establish regulations for the land use is procedural in nature, as the modification establishes the requirement for Conditional Use Permit review and establishes development and operational regulations. Any future development projects would be subject to environmental review prior to approval, as part of a Development Plan application, and would be appealable. As such, this amendment has no potential, by itself, to result in a significant effect on the environment.

(6) The proposed amendments to Chapter 5.0 (Zoning and Land Use), Section 5.03.025.H.3 - Alcoholic Beverage Sales, to: 1) update the name of the Ontario Toyota Arena Entertainment Zone (OTAEZ) to the Capital City Entertainment Zone; and, 2) add a new subsection to support the Ontario Sports Empire Entertainment Zone, including new standards and Figure 5.03-2: Ontario Sports Empire Entertainment Zone, are administrative and procedural in nature. Updating the name of the Entertainment Zone is administrative in nature and has no potential for causing a significant effect on the environment. Introduction of a new subsection to support the Ontario Sports Empire Entertainment Zone is similarly administrative and procedural, as it clarifies further the regulations previously established within the Development Code regarding sales and service of alcoholic beverages within Entertainment Zones. Further, the amendment would not in and of itself permit development of any kind nor reduce any existing limitations on development. Therefore, this amendment has no potential for causing a significant effect on the environment.

(7) The proposed amendment to Chapter 6.0 (Development and Subdivision Regulations), Table 6.01-8 – Commercial Zoning District Development Standards, to increase the maximum height within the Light Office (OL) zoning district from 35 feet to 55 feet is procedural in nature, as it allows a higher height for buildings within the affected zone. It does not propose to increase the development intensity, and any future development projects would be subject to environmental review prior to approval, as part of a Development Plan application, and would be appealable. As such, this amendment has no potential, by itself, to result in a significant effect on the environment.

(8) The proposed amendment to Chapter 6.0 (Development and Subdivision Regulations), Section 6.02.025.A.3 – Design Standards for Nonresidential Zoning Districts, to include standards for the screening of Semi-Trailer Storage Yard Facilities and Electric Truck Vehicle Charging Facilities, is procedural in nature and introduces requirements intended to reduce potential nuisances associated with the land uses. As such, this amendment has no potential for causing a significant effect on the environment.

(9) The proposed amendment to Chapter 8.0 (Sign Regulations), Section 8.01.020 – Sign Standards, Table 8.01-1: Sign Regulation Matrix to clarify the maximum height of freeway signs, is administrative in nature, as it clarifies the existing height provision for consistency with the built environment, when the adjacent freeway grade is different than that of the project site. Therefore, this amendment has no potential for causing a significant effect on the environment.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA26-002, A DEVELOPMENT CODE AMENDMENT REVISING AND CLARIFYING CERTAIN PROVISIONS OF CHAPTERS 2.0 (ADMINISTRATION AND PROCEDURES), 4.0 (PERMITS, ACTIONS, AND DECISIONS), 5.0 (ZONING AND LAND USE), 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS), AND 8.0 (SIGN REGULATIONS) OF THE CITY OF ONTARIO DEVELOPMENT CODE PURSUANT TO AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, THE CITY OF ONTARIO (Applicant) has initiated an Application for the approval of a Development Code Amendment, File No. PDCA26-002 as described title of this Ordinance (hereinafter referred to as Application or Project); and

WHEREAS, the City of Ontario Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which establishes long term principals, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario's vision, and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens; and

WHEREAS, the Development Code Amendment is of citywide impact, affecting approximately 50 square miles (32,022 acres) of land, which is generally bordered by Benson Avenue and Euclid Avenue on the west; Interstate 10 Freeway, Eighth Street, and Fourth Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south; and

WHEREAS, pursuant to the police powers delegated to it by the California Constitution, the City has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the Ontario Development Code implements federal and state planning, zoning, subdivision, and environmental laws to guide orderly development of the City in a manner that promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its residents; and

WHEREAS, certain clarifications and revisions to the City of Ontario Development Code are proposed, generally described as follows:

(1) Revise Chapter 2.0 (Administration and Procedures), Section 2.03.010.C.1.b (2) – Public Hearing Notification, such that discretionary and legislative projects have the same 600-foot public noticing boundary; and, Table 2.02-1: Review Matrix, to clarify the Approval Authority for Electric Truck Vehicle Charging Facilities (for equipment and for ancillary construction), and for Semi-Trailer Storage Yard Facilities.

(2) Revise Chapter 4.0 (Permits, Actions, and Decisions), Section 4.02.025.B.2 – Development Plans, to provide clarification regarding the development of an Electric Vehicle Charging Facility or a Semi-Trailer Storage Yard Facility.

(3) Revise Chapter 5.0 (Zoning and Land Use), Section 5.02.010 – Allowed Land Uses, Activities and Facilities, to modify Table 5.02-1: Land Use Matrix to: 1) include bowling centers and simulated racing facilities (limited to go-carts, radio-controlled vehicles, and other similar facilities) as conditionally-permitted land uses within the Open Space – Recreation (OS-R) zoning district when privately operated on publicly-owned land; and 2) prohibit massage services ancillary to day spas and wellness centers within the MU-1 Zoning District.

(4) Revise Chapter 5.0 (Zoning and Land Use), Section 5.02.010 – Allowed Land Uses, Activities and Facilities, to modify Table 5.02-1: Land Use Matrix to introduce electric truck vehicle charging facilities as a conditionally-permitted land use; and introduce Section 5.03.163: Electric Truck Vehicle Charging Facilities to the Development Code to establish regulations for the land use.

(5) Revise Chapter 5.0 (Zoning and Land Use), Section 5.02.010 – Allowed Land Uses, Activities and Facilities, to modify Table 5.02-1: Land Use Matrix to introduce semi-trailer storage yard facilities as a conditionally-permitted land use; and introduce Section 5.03.357: Semi-Trailer Storage Yard Facilities to the Development Code to establish regulations for the land use.

(6) Revise Chapter 5.0 (Zoning and Land Use), Section 5.03.025.H.3 - Alcoholic Beverage Sales, to: 1) update the name of the Ontario Toyota Arena Entertainment Zone (OTAEZ) to the Capital City Entertainment Zone; and, 2) add a new subsection to support the Ontario Sports Empire Entertainment Zone, including new standards and Figure 5.03-2: Ontario Sports Empire Entertainment Zone.

(7) Revise Chapter 6.0 (Development and Subdivision Regulations), Table 6.01-8: Commercial Zoning District Development Standards, to increase the maximum height within the Light Office (OL) zoning district from 35 feet to 55 feet.

(8) Revise Chapter 6.0 (Development and Subdivision Regulations), Section 6.02.025.A.3 – Design Standards for Nonresidential Zoning Districts, to include standards for the screening of Semi-Trailer Storage Yard Facilities and Electric Truck Vehicle Charging Facilities.

(9) Revise Chapter 8.0 (Sign Regulations), Section 8.01.020 – Sign Standards, Table 8.01-1: Sign Regulation Matrix to clarify the maximum height of freeway signs.

WHEREAS, pursuant to the provisions of Government Code Title 1, Division 1, Chapter 3 (commencing with Government Code Section 65100) Ontario Development Code Table 2.02-1 (Review Matrix) assigns the City Council the responsibility and authority to review and act on the Development Code Amendment following review and recommendation on the matter by the Planning Commission; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on June 23, 2026, the Planning Commission of the City of Ontario conducted a hearing to consider the Development Code Amendment and concluded said hearing on that date, voting to issue Resolution No. PC26-030, recommending the City Council approve the Development Code Amendment; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the City Council of the City of Ontario, as follows:

SECTION 1: As the decision-making body for the Development Code Amendment, the City Council has reviewed and considered the information contained in the administrative record for the Development Code Amendment. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(1) The administrative record has been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Development Code Amendment, as documented in the Agenda Report, is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the “common sense exemption” (also known as the “general rule exemption”) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The determination that the Development Code Amendment is not subject to CEQA reflects the independent judgment of the City Council.

SECTION 2: Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending authority for the Development Code Amendment, the City Council finds that based on the facts and information contained in the Application and supporting documentation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan.

SECTION 3: The California State Aeronautics Act (Public Utilities Code Section 21670, et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan.

(1) On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Development Code Amendment, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project is consistent with the policies and criteria set forth within the ONT ALUCP; and

(2) On August 2, 2022, the City Council of the City of Ontario approved and adopted a Development Code Amendment to establish the Chino Airport (CNO) Overlay Zoning District (OZD) and Reference I, Chino Airport Land Use Compatibility Plan (CNO ALUCP). The CNO OZD and CNO ALUCP established the Airport Influence Area for Chino Airport, solely within the City of Ontario, and limits future land uses and development within the Airport Influence Area, as they relate to safety, airspace protection, and overflight impacts of current and future airport activity. The CNO ALUCP is consistent with policies and criteria set forth within the Caltrans 2011 California Airport Land Use Planning Handbook. The proposed Project is located within the Airport Influence Area of Chino Airport and was evaluated and found to be consistent with the California Airport Land Use Planning Handbook and the CNO ALUCP. As the decision-making body for the Development Code Amendment, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the CNO ALUCP compatibility factors, including Safety, Airspace Protection, Overflight. As a result, the City Council, therefore, finds and determines that the Project is consistent with the policies and criteria set forth within the California Airport Land Use Planning Handbook and the CNO ALUCP.

SECTION 4: Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Sections 1 through 3, above, the City Council hereby concludes as follows:

(1) The proposed Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Goals components of The Ontario Plan (TOP). The Development Code Amendment will: (a) serve to promote a community that is consistently seeking—and thoughtfully applying—new ways of doing things better, as encouraged by TOP's Vision; (b) provides for a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, have a wide spectrum of choices of where they can live and recreate, as promoted by Land Use Element Policy LU-1.6, Complete Community; and (c) promotes the City Council Goals through the establishment of Development Code provisions that encourages investment in the growth and evolution of the City's economy and focuses City resources in commercial and residential neighborhoods.

(2) The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. The Development Code Amendment incorporates safeguards intended to ensure that the purposes of the Development Code are preserved; the project will not be contrary to or damage the public health, safety, convenience, or general welfare; the project will not result in any significant environmental impacts; and the project will be in full conformity with the Vision, City Council Priorities, and Policy Plan components of The Ontario Plan.

SECTION 5: Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby APPROVES the herein described changes that comprise the Development Code Amendment, and which are attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 6: The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 7: If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 8: This Ordinance shall become effective 30 days following its adoption.

SECTION 9: The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 18th day of August 2026.

_____

PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHELIA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3339 was duly introduced at a regular meeting of the City Council of the City of Ontario held on July 21, 2026, and adopted at the regular meeting held on August 18, 2026, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

_____
SHELIA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the following is the original of Ordinance No. 3339 duly passed and adopted by the Ontario City Council at their regular meeting held on August 18, 2026, and that Summaries of the Ordinance were published on July 28, 2026, and August 25, 2026, in the Inland Valley Daily Bulletin newspaper.

_____
SHELIA MAUTZ, CITY CLERK

(SEAL)

<u>ATTACHMENT A</u>:

File No. PDCA26-002
2026 Development Code Amendment No. 2

(Document to follow this page)

Chapter 2.0:
Administration and Procedures

Division 2.01—Planning Agency
Division 2.02—Application Filing and Processing
Division 2.03—Public Hearings
Division 2.04—Appeals
Division 2.05—City Initiated Modification or Revocation
Division 2.06—Performance Guarantees

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Division 2.01—Planning Agency

Sections:

2.01.000: Purpose
2.01.005: Applicability
2.01.010: City Council
2.01.015: Planning Commission
2.01.020: Historic Preservation Commission
2.01.025: Historic Preservation Subcommittee
2.01.030: Development Advisory Board
2.01.035: Zoning Administrator

2.01.000: Purpose

GC Section 65100 provides that each city and county establish a planning agency with the powers necessary to carry out the planning and zoning functions of the jurisdiction. The purpose of this Division is to identify and establish bodies, commissions, committees, positions, boards, and departments responsible for carrying out the powers and duties of the planning agency.

2.01.005: Applicability

The functions of the planning agency are hereby assigned to the following bodies, commissions, committees, positions, boards, and departments:

A. City Council;

B. Planning Commission;

C. Historic Preservation Commission;

D. Historic Preservation Subcommittee;

E. Development Advisory Board;

F. Zoning Administrator;

G. Planning Department.

2.01.010: City Council

A. **Established.** The City Council's establishment, membership, and operation are recognized by OMC Title 2 (Administration), Chapter 1 (City Council), commencing with Article 1, Section 2-1.101.

B. **Powers and Duties.** The City Council shall have the authority to hear and decide on those application types established by Table 2.02-1 (Review Matrix) of this Development Code and shall

have review and final authority on all appeals of Planning Commission or Historic Preservation Commission actions.

2.01.015: Planning Commission

A. Established. The Planning Commission's establishment, membership and operation are recognized by OMC Title 2 (Administration), Chapter 2 (Commissions and Boards), Article 3 (Planning Commission), commencing with OMC Section 2-2.301.

B. Powers and Duties. The Planning Commission shall have the authority to hear, recommend, and decide on those application types identified in Table 2.02-1 (Review Matrix) of this Development Code. In addition, the Planning Commission shall have the authority to act upon an appeal of any order, requirement, permit, decision or determination concerning zoning, land use or development, made by an administrative or appointed official or body, such as the Planning Director, Zoning Administrator, or Development Advisory Board, pursuant to the provisions of this Development Code.

C. Meetings. The Planning Commission shall adopt rules as necessary to the conduct of its affairs and in keeping with the provisions of this Development Code. Meetings shall be held on a regular basis and open to the public. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, and shall keep records of its own examinations and other official actions, which shall be filed with the Planning Department.

2.01.020: Historic Preservation Commission

A. Established. Pursuant to the authority granted to municipalities by State Planning and Zoning Law, as established by GC Title 1, Division 1, Chapter 3 (commencing with GC Section 65100), there is hereby created and established in the City of Ontario, an Historic Preservation Commission.

B. Membership. The Historic Preservation Commission shall consist of the 7 standing members of the Planning Commission.

C. Powers and Duties. The Historic Preservation Commission shall have the following powers and duties:

1. Establish criteria for and conduct or cause to be conducted a comprehensive survey in conformance with state survey standards and guidelines of Historical Resources within the boundaries of the City, and publicize and periodically update the survey results;

2. The authority to hear make recommendations and/or decide on those application types established by Table 2.02-1 (Review Matrix) of this Development Code;

3. Authority to act upon an appeal of any order, requirement, permit, decisions, or determination concerning Historic Resources under this Development Code, made by the Historic Preservation Subcommittee;

4. Maintain a local register of Designated Historic Landmarks and Districts consistent with the National Register of Historic Places criteria, including all information required for each designation; and

5. Undertake any other action or activity necessary or appropriate to implement its powers or duties to fulfill the objectives of the Historic Preservation program.

D. Meetings. The Historic Preservation Commission shall adopt rules and procedures governing meeting business, conduct, and actions within the Historic Preservation Commission's jurisdiction and setting timeframes for such meetings.

2.01.025: Historic Preservation Subcommittee

A. Established. In accordance with the authority granted to municipalities by State Planning and Zoning Law, pursuant to GC Division 1, Chapter 3 (commencing with GC Section 65100), there is hereby created and established in the City of Ontario, an Historic Preservation Subcommittee.

B. Membership. The Historic Preservation Subcommittee shall consist of 3 members of the Historic Preservation Commission, to be appointed pursuant to the Historic Preservation Commission rules and procedures.

C. Powers and Duties. The Historic Preservation Subcommittee shall have the following powers and duties:

1. The authority to hear make recommendations and/or decide on those application types established by Table 2.02-1 (Review Matrix) of this Development Code;

2. The authority to review historic preservation work program, assist staff in any survey or historic research being conducted, and review of the City's list of Historical Resources; and

3. The authority to act upon appeals of administrative permits, decisions and actions concerning Historical Resources under this Development Code, made by any City Department.

D. Meetings. The Historic Preservation Commission shall adopt rules and procedures governing meeting business, conduct, and actions within the Historic Preservation Subcommittee's jurisdiction and setting timeframes for such meetings.

2.01.030: Development Advisory Board

A. Established. In accordance with the authority granted to municipalities by State Planning and Zoning Law, pursuant to GC Division 1, Chapter 3 (commencing with GC Section 65100), there is hereby created and established in the City of Ontario, a Development Advisory Board.

B. Membership. The Development Advisory Board shall include those representatives of certain City departments and/or agencies as established by resolution of the City Council.

C. Powers and Duties. The Development Advisory Board shall have the authority to hear, recommend and decide on those application types identified in Table 2.02-1 (Review Matrix) of this Development Code.

D. **Meetings.** The Development Advisory Board shall adopt rules and regulations to govern the procedures at meetings within the Board's jurisdiction and to set a time for such meetings.

2.01.035: Zoning Administrator

A. **Established.** In accordance with the authority granted to municipalities by State Planning and Zoning Law, pursuant to GC Division 1, Chapter 3 (commencing with GC Section 65100), there is hereby created and established in the City, the position of Zoning Administrator.

B. **Membership.** The Zoning Administrator position shall be filled by the Planning Director or the Zoning Administrator's designee, who shall fill the position of Deputy Zoning Administrator.

C. **Powers and Duties.** The Zoning Administrator shall have the power and duty to review and make decisions on those application types identified in Table 2.02-1 (Review Matrix) of this Development Code.

D. **Meetings.** The Zoning Administrator shall adopt rules and procedures governing meeting business, conduct, and actions within the Zoning Administrator's jurisdiction and setting timeframes for such meetings.

Division 2.02—Application Filing and Processing

Sections:

2.02.000: Purpose
2.02.005: Applicability
2.02.010: Applications and Fees
2.02.015: Application Processing Procedures
2.02.020: Environmental Review
2.02.025: Time Limits and Extensions
2.02.030: Failure by Applicant to Complete Application Processing
2.02.035: Limitations on Application Refiling
2.02.040: Indemnification

2.02.000: Purpose

The purpose of this Division is to establish procedures and requirements for the preparation, filing and processing of applications for permits, amendments, and approvals stipulated by this Development Code.

2.02.005: Applicability

Table 2.02-1 (Review Matrix), below, establishes the recommending, approving, and appeal authorities for all permits, amendments, and approvals stipulated by this Development Code. The symbols used within the Table have the following meanings:

R = Advisory (Recommending) Authority
X = Approving Authority
A = Appeal Authority

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	*Reviewing Authorities [4]*										
	Planning Director	*City Engineer*	*Fire Marshal*	*Building Official*	*Zoning Administrator [2]*	*Development Advisory Board*	*Historic Preservation Subcommittee [2] [11]*	*Historic Preservation Commission [11]*	*Planning Commission [11]*	*City Council [11]*	*Ontario International Airport Authority*
A. LEGISLATIVE ACTIONS											
1. Airport Land Use Compatibility Plan and Amendments **[1]** (Ref: ODC Section 4.01.010)									**R**	**X**	
2. Development Agreements **[1]** (Ref: ODC Section 4.01.015)									**R**	**X**	
3. Development Code Amendments **[1]** (Ref: ODC Section 4.01.020)									**R**	**X**	
4. Amendment to the Policy Plan (General Plan) Component of The Ontario Plan **[1]** (Ref: ODC Section 4.01.025)									**R**	**X**	
5. Planned Unit Developments and Amendments **[1]** (Ref: ODC Section 4.01.030)									**R**	**X**	
6. Specific Plans and Amendments **[1][12]** (Ref: ODC Section 4.01.035)									**R**	**X**	
7. Williamson Act Contract Cancellations **[1]** (Ref: GC Section 51200, et seq.)									**R**	**X**	
8. Zone Changes **[1]** (Ref: ODC Section 4.01.040)									**R**	**X**	
B. DISCRETIONARY PERMITS AND ACTIONS											
1. Billboard Relocation Agreements **[1]** (Ref: ODC Section 4.02.010)									**R**	**X**	
2. Conditional Use Permits (Ref: ODC Section 4.02.015)											
a. Hotels, Motels and Residence Inns **[1]**									**R**	**X**	
b. Use established in conjunction with a Development Plan **[1]**						**R**			**X**	**A**	
c. Use established within an existing structure **[1]**					**X**				**A**	**A**	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]										
	Planning Director	City Engineer	Fire Marshal	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
d. Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) **[1]**									X	A	
e. Revocation due to abandonment of use per ODC Division 2.05 (City Initiated Modification or Revocation) **[1]**					X				A	A	
3. Density Bonus and Other Incentives **[1]** (Ref: ODC Section 6.01.010.H)									R	X	
4. Development Plans, except within the ONT zoning district (Ref: ODC Section 4.02.025)											
a. Residential developments totaling 5 or more dwelling units or the development of 3 or more dwelling units on a single lot or parcel						R			X	A	
b. Commercial developments, and developments in the CIV, OS-R, OS-C and UC zoning districts, greater than 500 SF in area						X			A	A	
c. Industrial developments equal to or less than 0.45 FAR **[14]**						X			A	A	
d. Industrial developments exceeding 0.45 FAR						R			X	A	
e. Wireless telecommunications facilities pursuant to Section 5.03.415 (Wireless Telecommunications Facilities) of this Development Code											
(1) Tier 2 facilities						X			A	A	
(2) Tier 3 facilities **[2]**						X			A	A	
f. All others						X			A	A	
5. Extensions of Legal Nonconforming Status **[1]** (Ref: ODC Section 4.02.030)					X				A	A	
6. Historic Preservation											
a. Certificates of Appropriateness (Ref: ODC Section 4.02.050)											
(1) Designated Historic Landmarks and Contributors, and Architectural Conservation Areas; and Demolition of an Historic Resource **[1]**							R	X		A	
(2) Deferral of Replacement Structure **[1]**							R	X		A	
(3) Eligible Historic Resources **[1]**							X	A		A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]										
	Planning Director	City Engineer	Fire Marshal	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
(4) Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) **[1]**							R	X		A	
(5) Waivers for Minor Improvements	X						A[6]	A[6]			
b. Certificates of Economic Hardship **[1]** (Ref: ODC Section 4.02.055)							R	X		A	
c. Certificates of Economic Hardship—Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) **[1]**							R	X		A	
d. Conservation Plans (Ref: ODC Section 4.02.060)							X	A		A	
e. Historic Resource Tiering (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)							X	A		A	
f. Local Historic Landmark and Local District Designations, and Architectural Conservation Areas (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)							R	R		X	
g. Mills Act Contracts (Ref: ODC Section 4.02.065)							R	R		X	
h. Mills Act Cancellations **[1]** (Ref: ODC Section 4.02.065)							R	R		X	
i. Addition/Removal of Resources to/from the Ontario Register (Ref: ODC Section 4.02.045)											
(1) At the request of the property owner, or upon City initiation if the most recently prepared Historic Resource Survey evaluating the resource is more than 5 years old.							X	A		A	
(2) Loss of all historic and/or cultural significance due to a catastrophe causing a loss of integrity, or due to extensive legally performed alterations performed after the property was initially surveyed.	X							A		A	
7. Master Plans and Amendments **[1]** (Ref: ODC Section 4.02.070)									R	X	
8. Minor Adjustments/Alterations (Ref: ODC Section 4.02.020.C)					X				A	A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]										
	Planning Director	City Engineer	Fire Marshal	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
9. Nonconforming Structure Reconstruction **[1]** (Ref: ODC Section 3.01.020)									X	A	
10. Parking Reduction (Ref: ODC Section 6.03.025)									X	A	
11. Sign Programs (Ref: ODC Section 4.02.075)	X								A	A	
12. Specific Plan Minor Adjustments/Alterations **[12]** (Ref: ODC Section 4.02.080)	X								A	A	
13. Minor Adjustments/Alterations in the CCS zoning district (Ref: ODC 4.02.020.C.2.d)	X								A	A	
14. Stays of Permit Approval Time Limit (Ref: ODC Section 2.02.025.A.8)					X[5]	X[5]	X[5]	X[5]	X[5]	X[5]	
15. Subdivisions											
a. Reversions to Acreage **[1]** (Ref: ODC Section 4.02.090)						R			X	A	
b. Tentative Tract and Parcel Maps, and Vesting Maps **[1]** (Ref: ODC Section 4.02.095)						R			X	A	
c. Tentative Tract and Parcel Map Time Extensions (Ref: ODC Section 2.02.025.A.3 & 4)						R			X	A	
16. Time Extensions, excepting tentative subdivision maps (Ref: ODC Section 2.02.025)	X								A	A	
17. Variances (Ref: ODC Section 4.02.020.D)											
a. Homeowner **[1]**					X				A	A	
b. Other **[1]**						R			X	A	
C. MINISTERIAL (ADMINISTRATIVE) PERMITS AND DECISIONS											
1. Historic Preservation – Adaptive Reuse Plans (Ref: ODC Section 4.03.010)	X		X	X							
2. Administrative Exceptions (Ref: ODC Section 4.03.050)					X				A	A	
3. Administrative Use Permits (Ref: ODC Section 4.03.015)	X										
4. Business License - Zoning/Land Use Compliance (Ref: OMC 3-1.129 Zoning Compliance)	X								A	A	
5. Development Plans within the ONT zoning district (Ref: ODC Section 4.02.025)	X								A	A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]										
	Planning Director	City Engineer	Fire Marshal	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
6. Density Bonus **[10][13]** (Ref: ODC Section 6.01.010.H.3.b)	X								A	A	
7. Electric Truck Vehicle Charging Facilities (Equipment Only)				X							
8. Fair Housing and Reasonable Accommodation (Fair Housing Exemption) (Ref: ODC Section 4.03.060)					X				A	A	
9. Fair Housing and Reasonable Accommodation (RLUIPA) (Ref: ODC Section 4.03.060)	X								A	A	
10. Interpretations and Land Use Determinations (Ref: ODC Section 1.02.010)					X				A	A	
11. Landscape and Irrigation Plans (Ref: ODC Section 6.05.005)	X								A	A	
12. Off-Site (Public) Improvement Plans (Ref: ODC Section 6.08.040)		X							A	A	
13. ONT ALUCP Interagency Review **[7]** (Ref: ONT ALUCP)	X									A[8]	
14. Other Plan Checks and actions required by this Development Code	X								A	A	
15. Shopping Cart Retention Plans (Ref: ODC Section 6.11.020)	X								A	A	
16. Sign Plans (Ref: ODC Section 4.03.020)	X								A	A	
17. Single-Family Two-Unit Developments (Ref: ODC Section 5.03.403)	X								A	A	
18. Subdivisions											
a. Certificates of Compliance (Ref: ODC Section 4.03.025)		X							A	A	
b. Final Tract and Parcel Maps, and Vesting Maps (Ref: ODC Section 4.03.030)										X	
c. Lot Line Adjustments (Ref: ODC Section 4.03.035)		X							A	A	
d. Map Corrections and Amendments (Ref: ODC Section 4.03.040)		X							A	A	
e. Street Address Numbering (Ref: ODC Section 6.06.010)				X					A	A	
f. Street Name Assignment (Ref: ODC Section 6.06.010)	X								A	A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]										
	Planning Director	City Engineer	Fire Marshal	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
g. Subdivision Improvement Agreement (Ref: ODC Section 6.08.040.G)		**X**							**A**	**A**	
h. Urban Lot Split (Ref: ODC Section 6.08.060)		**X**							**A**	**A**	
i. Lot Merger (Merger of Contiguous Parcels) **[1]** (Ref: ODC Section 4.02.085)		**X**							**A**	**A**	
19. Tier 1 wireless telecommunications facility pursuant to ODC Section 5.03.420 (Wireless Telecommunications Facilities)					**X**				**A**	**A**	
20. Wall, Fence, and Obstructions Plans not associated with a Development Plan (Ref: ODC Section 6.02.005)	**X**								**A**	**A**	
D. ENVIRONMENTAL DETERMINATIONS AND ACTIONS											
1. Environmental Impact Reports (EIRs) (Ref: CCR Section 15080, et seq.)									**X[3]**	**X[3]**	
2. Exempt Projects (Ref: CCR Section 15300, et seq.)	**X[3]**				**X[3]**	**X[3]**	**X[3]**	**X[3]**	**A**	**A**	
3. Ministerial Projects (Ref: CCR Section 15268)		**Ministerial projects are exempt from the requirements of CEQA [10]**									
4. Negative Declarations (NDs) and Mitigated Negative Declarations (MNDs) (Ref: CCR Section 15070, et seq.)					**X[3]**	**X[3]**	**X[3]**	**X[3]**	**X[3]**	**X[3]**	
5. Addendums to previously certified EIRs and previously adopted NDs and MNDs (Ref: CCR Section 15164)					**X[3]**	**X[3]**	**X[3]**	**X[3]**	**X[3]**	**X[3]**	
6. Environmental review for projects located within the ONT zoning district **[9]**											**X**

Notes:

[1] A public hearing is required pursuant to the procedures set forth in Division 2.03 (Public Hearings) of this Development Code; however, public notification shall not be required for Development Advisory Board or Historic Preservation Subcommittee hearings when acting in the capacity of an Advisory Authority.

[2] The Approving Authority may refer any application subject to their review to the next higher authority (Appeal Authority).

[3] The Approving Authority for environmental determinations/actions shall be the same as the related legislative or discretionary actions. NDs and MNDs, and Addendums to previously certified EIRs, and previously adopted NDs or MNDs, which are not associated with, or are independent of, legislative or discretionary actions, shall be subject to Development Advisory Board review and adoption. EIRs that are not associated with, or are independent of, legislative or discretionary actions shall be subject to Planning Commission review and certification.

[4] An application submitted for concurrent review and action with another application, action or decision requiring review and action by a higher Reviewing Authority may be subject to concurrent review and action by that higher Reviewing Authority upon their request.

[5] The Approving Authority responsible for issuing a "Stay of Permit Approval Time Limit" pursuant to Section 2.02.025 (Projects Involving Pending Litigation) of the Development Code, shall be the same as for the related application, action, or decision.

[6] An appeal of an Historic Preservation—Certificate of Appropriateness—Waiver shall be considered by the Historic Preservation Subcommittee, except that an Historic Preservation—Waiver for an Historic Landmark shall be considered by the Historic Preservation Commission.

[7] Refer to the ONT ALUCP for procedures for application processing and administration, and appeals processing.

[8] Appeal shall be subject to review by the Mediation Board established pursuant to ALUCP Section 4.

[9] Pursuant to the Joint Powers Authority agreement between the City of Ontario and the County of San Bernardino, the Ontario International Airport Authority shall be the lead agency.

[10] Ministerial projects are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15268 of the CEQA Guidelines. The following projects or actions shall be deemed ministerial:

- *Administrative Exceptions;*
- *Administrative Use Permit issuance;*
- *ALUCP inter agency reviews;*
- *Building permit issuance;*
- *Business license issuance;*
- *Density Bonus, without related discretionary applications;*
- *Encroachment permit issuance;*
- *Final subdivision map approval;*
- *Individual utility service connection and disconnection approval;*
- *Landscape and irrigation plan approval;*
- *Lot Line Adjustment approval;*
- *Public improvement plan approval;*
- *Shopping cart retention plan approval;*
- *Sign Plan approval;*
- *Single-Family Two-Unit Developments;*
- *Street address number issuance;*
- *Subdivision Improvement Agreement approval;*
- *Subdivision map corrections and amendments approval;*
- *Temporary Use Permit issuance;*
- *Tier 1 wireless telecommunications facility approval;*
- *Urban Lot Splits; and*
- *Wall and/or fence plan approval.*

[11] Applications that do not require a public Hearing pursuant to Note 1, above, may be reviewed and acted upon under the "Consent Calendar" portion of the Approving Authority meeting agenda.

[12] Unless otherwise specified in a respective Specific Plan, a Specific Plan Amendment or Specific Plan Minor Adjustment/Minor Alterations application shall be filed, processed, and acted upon pursuant to Division 2.02 (Application Filing and Processing), and Division 4.01 (Legislative Actions) or Division 4.02 (Discretionary Permits and Actions).

[13] A request for a density bonus, in and of itself, shall not require a General Plan Amendment, Zone Change, Development Agreement, or other discretionary approval (Ref: ODC 6.01.010.H.3.b.).

[14] Electric Vehicle Truck Charging Facilities (exclusive of charging equipment), and Semi-Trailer Storage Yard Facilities as a primary use shall be subject to Planning Commission Approval Authority and City Council Appeal Authority.

2.02.010: Applications and Fees

A. Application filing.

1. An application for a permit, permit modification, amendment, or any other matters pertaining to this Development Code shall be filed with the City, on a City application form, together with any required fees, plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to process the application.

2. An application may be initiated by the City, owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code, or their agent(s).

3. A project requiring the filing of more than one land use or entitlement permit application shall, to the extent possible, be filed with all related applications for concurrent review and action by the highest required Reviewing Authority, except that an Administrative Exception application filed in conjunction with a Development Plan shall require separate review and action by the appropriate Reviewing Authority.

B. Filing Fees.

1. The City Council may establish by resolution, a schedule of fees for permits, amendments, inspections, licenses, services, and other matters pertaining to this Development Code. The schedule of fees may be changed or modified only by resolution of the City Council.

2. Application review and action shall not commence until such time that all applicable filing fees and/or deposits have been paid in full. An application received without all applicable filing fees and/or deposits shall be deemed incomplete for filing and further processing and shall be deemed just cause for denial of the application. In the case of time and materials projects, the payment of additional deposits may be required to fully cover all City processing costs.

C. Refunds and Withdrawals.

1. The refund of filing fees in response to the denial of an application shall be prohibited, recognizing that filing fees are utilized to cover City costs related to public hearings, mailings, postings, transcripts, and staff time involved in processing applications.

2. An applicant wishing to withdraw their application may do so by written request to the Planning Director at any time prior to action by the Approving Authority.

3. Upon receipt of a request for application withdrawal, the Planning Director may order the refund of all or part of the filing fees, based upon the prorated costs to date and determination of the status of the application at the time of withdrawal.

2.02.015: Application Processing Procedures

This section is intended to provide general procedures for the processing of applications for legislative actions, discretionary permits and actions, and ministerial permits and decisions filed pursuant Table 2.02-1 (Review Matrix) of this Division.

A. Legislative Actions. The Advisory and Approving Authorities for legislative actions are established by Table 2.02-1 (Review Matrix) of this Division. Unless otherwise stipulated by Division 4.01 (Legislative Actions) of this Development Code, the procedure for reviewing and acting upon an application resulting in a legislative action is as follows:

1. Initial Review for Application Completeness. Legislative actions shall be initially reviewed for application completeness and acceptance, as follows:

a. *Review for Application Completeness.*

(1) Following receipt of an application filed in compliance with this Division, the Planning Department shall determine, in writing, whether the application is complete for processing and shall transmit the determination to the applicant.

(2) If an application is determined to be incomplete for processing, the Planning Department shall specify those parts of the application that are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the City in response to the list and description, which shall be reviewed pursuant to Subparagraph A.1.a(1), above.

(3) If the application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the Planning Commission pursuant to the provisions of Division 2.04 (Appeals) of this Development Code.

(4) Failure of an applicant to submit complete or adequate information pursuant to the provisions of Subparagraphs A.1.a(1) and (2), above, shall constitute grounds for denial of the application.

b. *Application Acceptance.*

(1) Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the Planning Department may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision shall not be so construed as to require an applicant to submit with the initial application, the entirety of the information that the Planning Department may require in order to take final action on the application.

(2) Prior to accepting an application as complete for processing, the Planning Department shall inform the applicant of any information included in the list prepared pursuant to Subparagraph A.1.b(1), above, which will subsequently be required from the applicant in order to complete final action on the application.

(3) The provisions of this Section shall not be construed as limiting the ability of the Planning Department to request and obtain information that may be needed in order to comply with the provisions of PRC Division 13 (commencing with Section 21000).

2. Investigation and Report.

a. Following acceptance of an application as complete for processing pursuant to Subparagraph B.1 (Initial Review for Application Completeness), above, the Planning Department shall investigate the facts bearing on the application and shall prepare a written report, which shall be transmitted to the appropriate Reviewing Authority.

b. The Planning Department's report shall provide the information necessary for action on the application, consistent with the provisions of this Development Code and The Ontario Plan, and shall report all findings to the appropriate Reviewing Authority.

c. During the investigation of the facts bearing on the application, the Planning Department may consult with other City departments and public agencies.

3. Public Hearings.

a. The Advisory and Approving Authorities established by Table 2.02-1 (Review Matrix), shall each conduct at least one public hearing, which shall be duly noticed, heard, and acted upon pursuant to Division 2.03 (Public Hearings) of this Development Code.

b. The Planning Department's written report, prepared pursuant to Subparagraphs A.2.a through c, above, shall be made available to the property owner and applicant, if different from the property owner, at least 72 hours prior to the public hearing.

4. Advisory Authority Review and Recommendation. The procedure for review and recommendation on a legislative action by an Advisory Authority is as follows:

a. The Advisory Authority shall make recommendation to the Approving Authority whether to approve, approve in modified form, or deny an application, which shall be transmitted to the Approving Authority in such manner and form as specified by the Approving Authority.

b. The Advisory Authority shall forward its recommendation to the Approving Authority within 60 days following the date its decision was rendered.

5. Approving Authority Review and Action. The procedure for review and action on a legislative action by the Approving Authority is as follows:

a. Upon receipt of the Advisory Authority's recommendation, the Approving Authority shall approve, approve in modified form, or deny an application.

b. The action of the Approving Authority shall be by written decision, setting forth the basis for the action, and shall include any applicable findings prescribed by Division 4.01 (Legislative Actions) of this Development Code. There shall be no time limit within which the Approving Authority must act on a legislative action.

c. The Approving Authority's action shall be final and conclusive.

6. Effective Date of Approving Authority Action. A legislative approval granted by resolution is effective immediately upon adoption of the numbered resolution by the City Council. A legislative approval granted by ordinance is effective 30 days following the date of adoption of the ordinance by the Approving Authority.

B. Discretionary Permits and Actions. The Advisory, Approving, and Appeal Authorities for discretionary permits and actions are established by Table 2.02-1 (Review Matrix) of this Division. Unless otherwise stipulated by Division 4.02 (Discretionary Permits and Actions) of this Development Code, the procedure for reviewing and acting upon an application resulting in a discretionary permit or action is as follows:

1. Initial Review for Application Completeness. Applications requesting discretionary permits and/or actions shall be initially reviewed for application completeness and acceptance, as follows:

a. *Review for Application Completeness.*

(1) Within 30 days following receipt of an application filed in compliance with this Division, the Planning Department shall determine, in writing, whether the application is complete for processing and shall transmit the determination to the applicant. If the written determination is not made within the required period, the application shall be automatically deemed complete for processing. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which time completeness of the resubmitted application shall be determined.

(2) If an application is determined to be incomplete for processing, the Planning Department shall specify those parts of the application that are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the Planning Department in response to the list and description, which shall be reviewed pursuant to Subparagraph B.1.a(1), above.

(3) If the application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the Planning Commission pursuant to the provisions of Division 2.04 (Appeals) of this Development Code.

(4) Failure of an applicant to submit complete or adequate information pursuant to the provisions of Subparagraphs B.1.a(1) and (2), above, shall constitute grounds for denial of the application.

b. *Application Acceptance.*

(1) Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the Planning Department may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision shall not be so construed as to require an applicant to submit with the initial application, the entirety of the information that the City may require in order to facilitate final action on the application.

(2) Prior to accepting an application as complete for processing, the Planning Department shall inform the applicant of any information included in the list prepared pursuant to Subparagraph B.1.b(1), above, which will subsequently be required from the applicant in order to complete final action on the application.

(3) The provisions of this Subsection shall not be construed as limiting the ability of the Planning Department to request and obtain information that may be needed in order to comply with the provisions of PRC Division 13 (commencing with Section 21000).

2. Investigation and Report.

a. Following acceptance of an application as complete for processing pursuant to Subparagraph B.1 (Initial Review for Application Completeness), above, the Planning Department shall investigate the facts bearing on the application and shall prepare a written report, which shall be transmitted to the appropriate Reviewing Authority.

b. The Planning Department's report shall provide the information necessary for action on the application, consistent with the provisions of this Development Code and The Ontario Plan, and shall report all findings to the appropriate Reviewing Authority.

c. During the investigation of the facts bearing on the application, the Planning Department may consult with other City departments and public agencies.

3. Public Hearings.

a. The Advisory, Approving and Appeal Authorities established by Table 2.02-1 (Review Matrix), and which require a public hearing pursuant to the Review Matrix, shall each conduct at least one public hearing, which shall be duly noticed, heard, and acted upon pursuant to Division 2.03 (Public Hearings) of this Development Code.

b. The Planning Department's written report, prepared pursuant to Subparagraphs B.2.a through c, above, shall be made available to the property owner and applicant, if different from the property owner, at least 72 hours prior to the public hearing.

4. Advisory Authority Review and Recommendation. If required pursuant to Table 2.02-1 (Review Matrix), the procedure for review and recommendation on a discretionary permit or action by an Advisory Authority is as follows:

a. The Advisory Authority shall make recommendation to the Approving Authority whether to approve, approve in modified form, or deny an application, which shall be transmitted to the Approving Authority in such manner and form as specified by the Approving Authority.

b. The Advisory Authority shall forward its recommendation to the Approving Authority within 60 days following the date its decision was rendered.

c. In instances where review and recommendation by more than one Advisory Authority is required, the initial Advisory Authority shall forward its recommendation whether to approve, approve in modified form, or deny an application to the subsequent Advisory Authority within 30 days following the date its decision was rendered. The 30-day time limit may be extended by mutual agreement of the applicant and City.

5. Approving Authority Review and Action. The procedure for review and action on a discretionary permit or action by an Approving Authority is as follows:

a. Upon receipt of the Advisory Authority's recommendation, the Approving Authority shall approve, approve in modified form, or deny an application, and may impose reasonable conditions to the approval of an application.

b. The action of the Approving Authority shall be by written decision, setting forth the basis for the action, and shall include any applicable findings prescribed by Division 4.02 (Discretionary Permits and Actions) of this Development Code. A discretionary permit or action shall be acted upon within the timeframes specified by GC Section 65950, 65950.1, 65951, and 65952, except that Tentative Subdivision Maps shall be acted upon within the timeframes specified by GC Section 66452.1.

c. The decision of the Approving Authority shall be final and conclusive in the absence of an appeal filed pursuant to Division 2.04 (Appeals) of this Development Code.

6. Effective Date of Approving Authority Action. A discretionary permit or action shall become effective on the City business day following Approving Authority action, unless the discretionary permit is being processed concurrently with and dependent upon any legislative action; in which case, the effective date of the discretionary permit or action shall be governed by Paragraph A.6 (Effective Date of Approving Authority Action) of this Section. The Approving Authority's action to approve, approve in modified form, or deny a discretionary permit or action shall be immediately suspended upon the filing of an appeal pursuant to Division 2.04 (Appeals) of this Development Code.

C. Ministerial Permits and Decisions. The Advisory, Approving and Appeal Authorities for ministerial permits and decisions are established by Table 2.02-1 (Review Matrix) of this Division. Unless otherwise stipulated by Division 4.03 (Ministerial Permits and Decisions) of this Development Code, the procedure for reviewing and acting upon an application requiring a ministerial permit or decision is as follows:

1. Initial Review for Application Completeness. Applications requesting ministerial permits and/or decisions shall be initially reviewed for completeness and acceptance, as follows:

a. *Review for Application Completeness.*

(1) Within 30 days following receipt of an application filed in compliance with this Division, the City shall review the application and determine, in writing, whether the application is complete for further processing, and shall transmit the determination to the applicant. If the written determination is not made within the required period, the application shall automatically be deemed complete for further processing. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which time completeness of the resubmitted application shall be determined.

(2) If an application is determined to be incomplete for processing, the City shall specify those parts of the application that are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the responsible City department in response to the list and description, which shall be reviewed pursuant to Subparagraph C.1.a(1), above.

(3) If an application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the Planning Commission pursuant to the provisions of Division 2.04 (Appeals) of this Development Code.

(4) Failure of an applicant to submit complete or adequate information pursuant to the provisions of Subparagraphs C.1.a(1) and (2), above, shall constitute grounds for denial of the application.

b. *Application Acceptance.*

(1) Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the responsible City department may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision shall not be so construed as to require an applicant to submit with the initial

application, the entirety of the information that the responsible City department may require in order to facilitate final action on the application.

(2) Prior to accepting an application as complete for processing, the responsible City department shall inform the applicant of any information included in the list prepared pursuant to Subparagraph C.1.b(1), above, which will subsequently be required from the applicant in order to complete final action on the application.

(3) The provisions of this Subsection shall not be construed as limiting the ability of the responsible City department to request and obtain information that may be needed in order to comply with the provisions of PRC Division 13 (commencing with Section 21000).

2. Investigation. Following acceptance of an application as complete for processing, the responsible City department shall investigate the facts bearing on the application and provide the information necessary for action or determination, consistent with this Development Code and The Ontario Plan, which shall be reported to the Approving Authority.

3. Review and Action.

a. The Approving Authority shall review the application and shall then approve, approve in modified form, or deny the application. The decision of the Approving Authority shall be final and conclusive in the absence of an appeal filed pursuant to the provisions of Division 2.04 (Appeals) of this Development Code.

b. The Approving Authority shall act on a ministerial approval request within 60 days following acceptance of an application as complete for processing pursuant to Paragraph C.1 (Initial Review for Application Completeness), above. The 60-day time limit may be extended by mutual agreement of the applicant and City.

4. Effective Date of Approving Authority Action. A ministerial permit or action shall become effective immediately upon Approving Authority action. An Approving Authority action to approve or deny a ministerial permit or decision shall be immediately suspended upon the filing of an appeal pursuant to Division 2.04 (Appeals) of this Development Code.

2.02.020: Environmental Review

A. Purpose. The purpose of this Section is to assist the City in accomplishing the basic objectives of CEQA, as follows:

1. Enhance and provide long-term protection for the environment, while providing a decent home and satisfying living environment for every Californian;

2. Provide information to governmental decision-makers and the public regarding the potential significant environmental effects of the proposed project;

3. Provide an analysis of the environmental effects of future actions associated with a project in order to adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project;

4. Identify ways that environmental damage can be avoided or significantly reduced;

5. Prevent significant avoidable environmental damage through utilization of feasible project alternatives or mitigation measures; and

6. Provide full public disclosure of the City's basis for project approval in the manner chosen. Public participation is an essential part of the CEQA process. Each public agency should encourage wide public involvement, formal and informal, in order to receive and evaluate public reactions to environmental issues related to a public agency's activities. The involvement should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency.

B. **Applicability.** The provisions of this division shall apply to any activity of the City that is determined to be a "project" pursuant CEQA (PRC Section 21000 through Section 21178) and the CEQA Guidelines (CCR Section 15000 through Section 15387).

C. **CEQA Implementation.** Local guidelines for the implementation of CEQA shall be adopted by Resolution of the City Council. The guidelines may be changed or modified only by resolution of the City Council.

D. **Environmental Review.** The City of Ontario shall conduct an environmental review of any activity within the City that constitutes a "project" pursuant CEQA, the CEQA Guidelines and the City's local guidelines for the implementation of CEQA. Depending upon the nature and scope of a "project," it may be found to be exempt from further environmental review, or a negative declaration, mitigated negative declaration or environmental impact report may be required to be completed. Negative declarations, mitigated negative declarations, and environmental impact reports shall be prepared pursuant to the requirements of CEQA and the implementing guidelines, and the City's local guidelines for the implementation of CEQA.

2.02.025: Time Limits and Extensions

A. **Time Limits.** Discretionary permits/actions granted pursuant to this Division shall become invalid if not exercised within the below-listed timeframes:

1. Generally. Unless otherwise stipulated by the conditions of approval, a discretionary permit/action shall become invalid if not exercised within 12 months following the effective date of application approval, except as specified in Paragraphs A.2 through A.6, below, unless extended by time extension pursuant to Subsection B (Time Extensions) of this Section.

2. Development Plan. Unless otherwise stipulated by the conditions of approval, a Development Plan shall become invalid if not exercised within 24 months following the effective date of application approval, unless extended by time extension pursuant to Subsection B (Time Extensions) of this Section.

3. Tentative Subdivision Map. A Tentative Tract or Parcel Map shall become invalid if not exercised within the time limits specified by GC Section 66452.6.

4. Vesting Tentative Maps.

a. A vesting tentative map shall become invalid if not exercised within the time limits specified by Paragraph A.3 (Tentative Subdivision Map), above.

b. If a final tract map is approved prior to the expiration of the vesting tentative map, the tentative map vesting rights for the final tract map area shall last for the periods listed below:

(1) An initial period of 12 months following recordation of the final tract map. Where several final tract maps are recorded on phases of a project covered by a single vesting tentative map, the 12-month period for each final tract map shall begin on the date of recordation of that final tract map;

(2) The initial period set forth in Subparagraph A.4.b.(1), above, shall be automatically extended by any time used by the City for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days; provided, that the extension shall only be for the number of days in excess of 30 days; and

(3) If during the 24-month period following approval of a final tract map or parcel map, the City receives a complete application for a building permit and the subdivider has satisfied all requirements for the issuance of a building permit, the right to proceed with development in accordance with the tentative map shall continue until the expiration of the building permit.

5. Expiration of Vesting Development Rights. Vesting development rights shall expire if a final map is not filed for approval prior to the expiration of the vesting tentative map, as provided in Paragraph A.6 (Vesting Tentative Maps) of this Section. If the final map is approved, these rights shall last for the following time periods, extending beyond the recording of the final map:

a. An initial period of 12 months, except that where several final maps are recorded for various project phases of a single vesting tentative tract map, this initial time period shall begin with each phase, when the final map for that phase is recorded;

b. The initial time period set forth in Subparagraph A.6.b(1) of this Section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if the processing exceeds 30 days from the date a complete application is filed;

c. A subdivider may apply for a 12-month extension at any time before the initial expiration date for map approval; and

d. If the subdivider submits a complete application for a building permit during the time periods specified in Subparagraphs A.5.a through A.5.c, above, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

6. Certificate of Appropriateness. A Certificate of Appropriateness granted pursuant to this Division shall become invalid if not exercised within the time limit specified by the conditions of approval, or within 24 months if no time limit has been specified.

7. Phased Projects.

a. Wherein a project involves the construction of multiple phases over an extended period, and the conditions of approval do not specify a time limit differing from Paragraphs A.2 through A.5, above, the portion of entitlement applicable to a particular phase shall be deemed exercised through the issuance of a building permit for that phase. The remainder of the entitlement related to further construction shall expire 12 months following building permit expiration, final building inspection, or Certificate of Occupancy issuance for the previous construction phase, unless extended pursuant to Subsection B, below.

b. A building permit may be issued for a subsequent phase if no more than 12 months have lapsed since a Certificate of Occupancy was issued for the previous phase and the applicant is diligently pursuing the project toward completion. However, if more than 12 months have lapsed since Certificate of Occupancy issuance or final inspection has occurred for the previous phase, and the entitlement was not extended pursuant to Subsection B, below, the entitlement granting the construction of any subsequent phases shall be deemed invalid and no further building permits shall not be issued, unless a time extension is granted pursuant to Section 2.02.025 (Time Limits and Extensions) of this Division.

8. Projects Involving Pending Litigation. The time limits specified in Paragraphs A.1 through A.5, above, including any time extension granted pursuant to Subsection B, below, shall not include the period of time during which a lawsuit involving the approval or conditional approval of a discretionary permit is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the Approving Authority pursuant to this Division. After service of the initial petition or complaint in the lawsuit upon the City, the applicant, or property owner if different from the applicant, may apply to the local agency for a Stay of Permit Approval Time Limit. Within 40 days after receiving the application, the Review Authority may stay the time limit for up to 5 years.

9. Definition. For the purposes of this Section, the term "exercised" shall mean the following:

a. The applicant, or property owner if different from the applicant, has completed or fulfilled all conditions of approval imposed upon the permit or action by the Approving Authority; and

b. In the case of permits or actions pertaining to a development project approval, a Building Permit shall have been issued and construction shall have been diligently pursued toward project completion. In the case of permits or actions pertaining to a land use approval, the approved use shall have commenced. In the case of a Merger of Contiguous Parcels, Reversion to Acreage, or Tentative Subdivision Map, the Merger, Reversion, or Final Subdivision Map shall have been recorded at the office of the San Bernardino County Recorder.

B. **Time Extensions.** The time limits within which a discretionary permit or action must be exercised, may be extended as follows:

1. Project Applicant or Property Owner Requested Time Extension.

a. The project applicant, or property owner if different from the applicant, may file a Time Extension request, together with any required filing fees, with the City (Planning Department or Engineering Department, as applicable) prior to the expiration date of an approved discretionary permit or action.

b. Upon the submittal of a Time Extension request, the affected discretionary permit or action shall be granted an automatic 90-day time extension to allow sufficient time for application processing.

2. An extension of the expiration date for an approved discretionary permit or action shall be acted upon as follows:

a. The Approving Authority may grant a Time Extension upon determination of the following:

(1) Each of the findings and conditions of the original approval are still applicable to the project and there are no changed circumstances;

(2) The Time Extension will not adversely affect the public health, safety, or welfare; and

(3) There has been diligent pursuit to exercise the permit or action for which an extension is being requested.

b. The burden of proof shall lie with the permittee to establish with substantial evidence that the approval for which the Time Extension is requested should not be allowed to expire. If the Approving Authority determines that the permittee has good-faith intent to commence with the proposed project, the Approving Authority may grant a Time Extension.

c. A discretionary permit or action may be granted Time Extensions in one-year increments, not to exceed a total of three, one-year time extensions, excepting tentative subdivision maps, which shall be subject to the provisions of GC Section 66452.6.

3. Blanket Time Extensions Granted by the City Council.

a. In addition to the Time Extensions allowed pursuant to Paragraph B.1 of this Section, the City Council may, by resolution, grant time extensions for discretionary permits and actions, as identified in Table 2.02-1 (Review Matrix) of this Division, to benefit homeowners, developers, landowners, and business owners within the City that may be negatively affected by economic slowdown/downturn or recession.

b. A blanket time extension shall be applicable only to those permits and actions that have not expired prior to the date that the Time Extension is granted.

2.02.030: Failure by Applicant to Complete Application Processing

A. Within 180 days following a written request by the City for plan changes, corrections, revisions, or the submittal of additional information, an application shall be deemed withdrawn if the Planning Director determines that the applicant has not made reasonable progress toward providing necessary plan changes or corrections, or additional information. Application processing shall not resume thereafter until a new application is filed, including fees, plans, exhibits, and other materials required for any project on the same site.

B. Upon written request of the applicant, the Planning Director may order the refund of all or a portion of filing fees pursuant to Section 2.02.010.C (Refunds and Withdrawals) of this Division.

2.02.035: Limitations on Application Refiling

A final action denying an application shall prohibit the further filing of the same or a substantially similar application for a period of not less than 12 months following the date of application denial, except that an application denied without prejudice may be resubmitted within the 12-month period following application denial.

2.02.040: Indemnification

It shall be a condition of any application approved pursuant to this Division, or any approval or certification required pursuant to CEQA or the CEQA Guidelines, that a property owner or applicant, if different from the property owner, shall defend, indemnify, and hold harmless the City and its agents, officers, attorneys, and employees:

A. From any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the City's decision to approve any development, land use permit, and/or approvals and certifications under CEQA, but excluding any subdivision approval governed by GC Section 66474.9. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the City, if any, and the cost of any suit, attorney's fees, and/or other costs, liabilities, and expenses incurred in connection with a lawsuit, whether incurred by the applicant, the City, and/or the parties initiating or bringing a lawsuit;

B. For all costs incurred in additional investigation and/or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as, but not limited to, a negative declaration, mitigated negative declaration, environmental impact report, general plan amendment, specific plan, or specific plan amendment), if made necessary by a lawsuit and if the applicant desires to pursue securing approvals that are condition of application approval, after initiation of a lawsuit; and

C. For all costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in Subsections A and B of this Section.

Division 2.03—Public Hearings

Sections:

2.03.000: Purpose
2.03.005: Applicability
2.03.010: Public Hearing Notices
2.03.015: Public Hearing Procedures
2.03.020: Request for Notification
2.03.025: Failure to Receive a Public Notice
2.03.030: Cemeteries

2.03.000: Purpose

The purpose of this Division is to implement GC Division 1, Chapter 2.7 (commencing with GC Section 65090), which governs public hearing and notification procedures for consideration of legislative actions, discretionary land use and development entitlements, and discretionary administrative actions. Public hearings are not required for nondiscretionary administrative permits, decisions, and actions; however, public notice may be required pursuant to this Division.

2.03.005: Applicability

A. A public hearing for a legislative action, land use or development entitlement, or any other matters pertaining to this Development Code requiring a public hearing pursuant to GC Division 1, Chapter 2.7 (commencing with GC Section 65090), shall be scheduled and heard in accordance with the provisions of this Division.

B. Public hearing notification for legislative actions, land use or development entitlements, or administrative permits, decisions, or actions shall be provided in the manner prescribed by Table 2.03-1 (Notification Matrix), below.

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	*Required Method of Public Notification*			
	Not Required	*Newspaper or Posting [2]*	*First Class Mail or Delivery [2]*	*Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000*
A. LEGISLATIVE ACTIONS				
1. Airport Land Use Compatibility Plan and Amendments **[1]** (Ref: ODC Section 4.01.010)		X	X	X
2. Development Agreements **[1]** (Ref: ODC Section 4.01.015)		X	X	X

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	*Required Method of Public Notification*			
	Not Required	*Newspaper or Posting [2]*	*First Class Mail or Delivery [2]*	*Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000*
3. Development Code Amendments **[1]** (Ref: ODC Section 4.01.020)				X
4. Amendment to the Policy Plan (General Plan) Component of The Ontario Plan **[1]** (Ref: ODC Section 4.01.025)		X	X	X
5. Planned Unit Developments and Amendments **[1]** (Ref: ODC Section 4.01.030)		X	X	X
6. Specific Plans and Amendments **[1]** (Ref: ODC Section 4.01.035)		X	X	X
7. Williamson Act Contract Cancellations **[1]** (Ref: GC Section 51200, et seq.)		X	X	X
8. Zone Changes **[1]** (Ref: ODC Section 4.01.040)		X	X	X
B. DISCRETIONARY PERMITS AND ACTIONS				
1. Billboard Relocation Agreements **[1]** (Ref: ODC Section 4.02.010)	X			
2. Conditional Use Permits (Ref: ODC Section 4.02.015)				
a. Hotels, Motels and Residence Inns **[1]**		X	X	
b. Use established in conjunction with a Development Plan **[1]**		X	X	
c. Use established within an existing structure **[1]**		X	X	
d. Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) **[1]**		X	X	
e. Revocation due to abandonment of use per ODC Division 2.05 (City Initiated Modification or Revocation) **[1]**		X	X	
3. Density Bonus and Other Incentives (Ref: ODC Section 6.01.010.H) **[1]**		X	X	
4. Development Plans, except within the ONT zoning district (Ref: ODC Section 4.02.025)				
a. Residential developments totaling 5 or more dwelling units or the development of 3 or more dwelling units on a single lot or parcel		X		

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	*Required Method of Public Notification*			
	Not Required	*Newspaper or Posting [2]*	*First Class Mail or Delivery [2]*	*Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000*
b. Commercial developments, and developments in the CIV, OS-R, OS-C and UC zoning districts, greater than 500 SF in area		X		
c. Industrial developments equal to or less than 0.45 FAR		X		
d. Industrial developments exceeding 0.45 FAR		X		
e. Wireless telecommunications facilities pursuant to Section 5.03.420 (Wireless Telecommunications Facilities) of this Development Code				
(1) Tier 2 facilities		X		
(2) Tier 3 facilities		X		
f. All others		X		
5. Extensions of Legal Nonconforming Status **[1]** (Ref: ODC Section 4.02.030)		X	X	
6. Historic Preservation				
a. Certificates of Appropriateness (Ref: ODC Section 4.02.050)				
(1) Designated Historic Landmarks and Contributors, and Architectural Conservation Areas; and Demolition of an Historic Resource **[1]**		X	X	
(2) Deferral of Replacement Structure **[1]**		X	X	
(3) Eligible Historic Resources **[1]**		X	X	
(4) Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) **[1]**		X	X	
(5) Waivers and Minor Improvements	X			
b. Certificates of Economic Hardship **[1]** (Ref: ODC Section 4.02.055)		X	X	
c. Certificates of Economic Hardship—Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) **[1]**		X	X	
d. Conservation Plans (Ref: ODC Section 4.02.060)		X		

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	*Required Method of Public Notification*			
	Not Required	*Newspaper or Posting [2]*	*First Class Mail or Delivery [2]*	*Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000*
e. Historic Resource Tiering (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)	X			
f. Local Historic Landmark and Local District Designations, and Architectural Conservation Areas (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)		X		
g. Mills Act Contracts (Ref: ODC Section 4.02.065)		X		
h. Mills Act Cancellations **[1]**		X	X	
i. Addition/Removal of Resources to/from the Ontario Register (Ref: ODC Section 4.02.045)				
(1) At the request of the property owner, or upon City initiation if the most recently prepared Historic Resource Survey evaluating the resource is more than 5 years old.	X			
(2) Loss of all historic and/or cultural significance due to a catastrophe causing a loss of integrity, or due to extensive legally performed alterations performed after the property was initially surveyed.	X			
7. Interpretations and Land Use Determinations (Ref: ODC Section 1.02.010)	X			
8. Master Plans and Amendments **[1]** (Ref: ODC Section 4.02.070)		X	X	X
9. Minor Adjustments/Alterations **[4]** (Ref: ODC Section 4.02.020.C)		X**[5]**	X	
10. Nonconforming Structure Reconstruction **[1]** (Ref: ODC Section 3.01.020)		X	X	
11. Parking Reduction (Ref: ODC Section 6.03.025)	X			
12. Sign Programs (Ref: ODC Section 4.02.075)	X			
13. Specific Plan Minor Amendments (Ref: ODC Section 4.02.080)	X			
14. Stays of Permit Approval Time Limit (Ref: ODC Section 2.02.025.A.8)	X			

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	*Required Method of Public Notification*			
	Not Required	*Newspaper or Posting [2]*	*First Class Mail or Delivery [2]*	*Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000*
15. Subdivisions				
a. Lot Merger (Merger of Contiguous Parcels) **[1]** (Ref: ODC Section 4.02.085)		X	X	
b. Reversions to Acreage **[1]** (Ref: ODC Section 4.02.090)		X	X	
c. Tentative Tract and Parcel Maps, and Vesting Maps **[1]** (Ref: ODC Section 4.02.095)		X	X	
d. Tentative Tract and Parcel Map Time Extensions (Ref: ODC Section 2.02.025.A.3 & 4)		X		
16. Time Extensions, excepting tentative subdivision maps (Ref: ODC Section 2.02.025)	X			
17. Variances (Ref: ODC Section 4.02.020.E)				
a. Homeowner **[1]**		X	X	
b. Other **[1]**		X	X	
C. MINISTERIAL (ADMINISTRATIVE) PERMITS AND DECISIONS				
1. Administrative Exceptions (Ref: ODC Section 4.03.050.C)	X			
2. Administrative Use Permit (Ref: ODC Section 4.02.015)	X			
3. Business License - Zoning/Land Use Compliance (Ref: OMC 3-1.129 Zoning Compliance)	X			
4. Development Plans within the ONT zoning district (Ref: ODC Section 4.02.025)	X			
5. Fair Housing and Reasonable Accommodation (Ref: ODC Section 4.02.035)	X			
6. Landscape and Irrigation Documentation Plans (Ref: ODC Section 6.05.015)	X			
7. Off-Site (Public) Improvement Plans (Ref: ODC Section 6.08.040)	X			
8. ONT ALUCP Interagency Reviews **[3]** (Ref: ONT ALUCP)	X			
9. Other Plan Checks and actions required by this Development Code	X			

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	*Required Method of Public Notification*			
	Not Required	*Newspaper or Posting [2]*	*First Class Mail or Delivery [2]*	*Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000*
10. Shopping Cart Retention Plans (Ref: ODC Section 6.11.020)	X			
11. Sign Plans (Ref: ODC Section 4.03.020)	X			
12. Single-Family Two-Unit Developments (Ref: ODC Section 5.03.403)	X			
13. Subdivisions				
a. Certificates of Compliance (Ref: ODC Section 4.03.025)	X			
b. Final Tract and Parcel Maps, and Vesting Maps (Ref: ODC Section 4.03.030)	X			
c. Lot Line Adjustments (Ref: ODC Section 4.03.035)	X			
d. Map Corrections and Amendments (Ref: ODC Section 4.03.040)	X			
e. Street Address Numbering (Ref: ODC Section6.06.010)	X			
f. Street Name Assignment (Ref: ODC Section 6.06.010)	X			
g. Subdivision Improvement Agreement (Ref: ODC Section 6.08.040.G)	X			
h. Urban Lot Splits (Ref: ODC Section 8.08.060)	X			
14. Tier 1 wireless telecommunications facility pursuant to ODC Section 5.03.415 (Wireless Telecommunications Facilities)	X			
15. Walls, Fences, and Other Obstructions Plans not associated with a Development Plan (Ref: ODC Section 6.02.005)	X			
D. ENVIRONMENTAL DETERMINATIONS AND ACTIONS				
1. Environmental Impact Reports (EIRs) (Ref: CCR Section 15080, et seq.)		X	X	X
2. Exempt Projects (Ref: CCR Section 15300, et seq.)	X			
3. Ministerial Projects (Ref: CCR Section 15268)	X			

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	*Required Method of Public Notification*			
	Not Required	*Newspaper or Posting [2]*	*First Class Mail or Delivery [2]*	*Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000*
4. Negative Declarations (NDs) and Mitigated Negative Declarations (MNDs) (Ref: CCR Section 15070, et seq.)		X		
5. Addendums to previously certified EIRs and previously adopted NDs and MNDs (Ref: CCR Section 15164)	X			

Notes:

[1] Public hearing notification is required pursuant to Section 2.03.010 (Public Hearing Notification) of this Division.

[2] Public notification shall not be required for Development Advisory Board or Historic Preservation Subcommittee hearings when acting in the capacity of an Advisory Authority.

[3] Refer to the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) for procedures for application processing and administration, and appeals processing.

[4] A Minor Adjustment/Alteration shall require notification pursuant to Paragraph 4.02.020.C.3 (Application Filing, Processing and Hearing) of this Development Code.

[5] Publication or posting of a legal notice is required only if a public hearing is requested by the applicant, an abutting property owner, or other affected person or entity.

2.03.010: Public Hearing Notification

A. Public Hearing Notice Minimum Information. Public hearing notices shall contain the following minimum information:

1. A general description, in text or by diagram, of the location of the real property that is the subject of the hearing;

2. Time, place, and location of the public hearing;

3. A general description of the matter to be considered;

4. A statement indicating that additional application materials and documentation are on file with the City of Ontario and where such additional project information may be viewed or obtained;

5. A statement that any interested person may appear at the hearing or submit written material prior to the commencement of the hearing; and

6. The identity of the hearing body or officer.

B. **Notices for Public Hearings Conducted by the City Council.** A notice for a public hearing conducted by the City Council shall not be published, mailed, delivered, or posted in advance of a public hearing conducted by the Planning Commission pursuant to Table 2.02-1 (Review Matrix) of this Development Code, as the public hearing notice shall include the recommendation of the Planning Commission.

C. **Public Notification Required 10 Days in Advance of any Public Hearing.** Public hearing notification shall be provided a minimum of 10 days in advance of any public hearing (20 days if a proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property) and shall be provided by one or more of the following methods, as necessary:

1. First Class Mail or Delivery. First Class Mail or delivery shall be provided to:

a. Any person filing a request to the Planning Department to receive such notices; and

b. All owners of real property located within the specified minimum exterior boundaries of the property that is the subject of the hearing, as shown on the last equalized assessment roll, or records of the county assessor or tax collector if those records contain more recent information than the information contained on the assessment roll, except that:

(1) For Minor Variances, the area of notification shall include all properties having a property line common with the affected property;

(2) For discretionary applications, the area of notification shall be within 600 FT of the exterior boundaries of the property that is the subject of the hearing;

(3) For wireless telecommunications facilities located 500 FT or less from residentially zoned property, the area of notification shall be within 500 FT of the exterior boundaries of the property that is the subject of the hearing; and

(4) For legislative applications, the area of notification shall be within 600 FT of the exterior boundaries of the property that is the subject of the hearing.

c. The owner's duly authorized agent, if any; and

d. The project applicant; and

e. Any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to CC Section 883.230; and

f. Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

2. Number of Owners Requiring Public Hearing Notification Is Greater Than 1,000. If the number of owners to whom notice would be mailed or delivered pursuant to Subparagraph C.1.b of this Section, is greater than 1,000, in lieu of mailed or delivered notice, a display advertisement of at least 1/8 page may be placed in at least one newspaper of general circulation within the City of Ontario.

3. Public Hearing Notice Publication. If notice is mailed or delivered pursuant to Subparagraph C.1.b of this Section, notice shall also be published in at least one newspaper of general circulation in the City or, if there is no such newspaper of general circulation, the notice shall be posted in at least 3 public places within the boundaries of the City, including the subject site.

4. Supplemental Public Noticing Requirements — Posting.

a. In addition to the requirements of paragraphs C.1 through C.3, above, supplemental public notice shall be provided, which consists of one or more large public notification signs consisting of a 6-foot-tall freestanding sign, having a sign face measuring 4 feet tall by 8 feet wide, which shall be posted on the project site for development related projects meeting any of the following criteria:

(1) The proposed project is planned to be developed at a higher density or intensity than the existing surrounding neighborhood; and/or

(2) The proposed project requires a General Plan Amendment, Specific Plan Amendment, or Zone Change; and/or

(3) The proposed project requires the preparation of an environmental impact report; and/or

(4) The Planning Director has determined that supplemental public notice is necessary and desirable based on the nature of the proposed project. For large projects, the planning director may determine that more than one sign is necessary.

b. A cash deposit is required in an amount adopted by resolution of the City Council, to ensure compliance with the supplemental notification requirements, including maintenance and removal of the large notification sign.

c. In order to implement the large public notification signs as an effective form of public notification, the following rules and standards shall apply:

(1) Large public notification signs shall be constructed and installed pursuant to the specifications established and published by the Planning Director.

(2) Large public notification signs shall be posted at each of the project site's street-facing corners and a logical midpoint of each street frontage, unless otherwise directed by the Planning Director. Sign locations shall be approved by the Planning Director in conjunction with a Sign Plan for a temporary sign issued pursuant to the requirements of Division 8.01 (Sign Regulations) of this Development Code.

(3) The fabrication and installation of a large public notification sign shall be the responsibility of the project applicant. Once the project application is deemed complete and all notification signs installed per city standards, the proposed project will be scheduled for all required public hearings.

(4) Large public notification signs shall be maintained in good condition and shall remain in place until the final decision on the proposed project has been made or the application is withdrawn.

(5) Large public notification signs shall be removed by the applicant within 14 days following the final decision on the project or the date of application withdrawal. Failure to remove the sign within the prescribed period shall result in forfeiture of the cash deposit and removal of the sign by the City.

5. Other Acceptable Methods of Public Noticing. In addition to the public noticing required by Paragraphs C.1 through C.4 of this Section, the City may give notice of a hearing by any other method deemed necessary or desirable by the Planning Director.

D. **Public Notices Required Pursuant to CEQA.** Public notification required pursuant to CEQA shall be prepared and advertised consistent with the requirements of the "City of Ontario Guidelines for the implementation of the California Environmental Quality Act," latest edition.

2.03.015: Public Hearing Procedures

A. At any public hearing held pursuant to the provisions of this Division, the Advisory, Approving or Appeal Authority shall hear the applicant, appellant, and any interested persons. The Advisory, Approving or Appeal Authority may restrict the oral presentation by any person to a time period established in the rules and procedures of the Authority, and may preclude the introduction of any evidence determined to be irrelevant to the public hearing. However, an Advisory, Approving or Appeal Authority shall receive any person's written statement.

B. In the event that an Advisory, Approving or Appeal Authority has obtained evidence outside of the hearing, the information shall be placed into the record. Thereafter, the applicant, appellant or any interested person may rebut the information and shall be entitled to a continuance for that purpose; however, no person may examine an Advisory, Approving or Appeal Authority.

C. Any action or decision of an Advisory, Approving or Appeal Authority shall require a majority vote of its attending members. An abstention by any member who is present at the hearing, and has heard all presented evidence, shall constitute an affirmative vote on any motion regarding the application.

D. When an action or decision of an Approving Authority is anticipated to be contested, the City shall insure that a verbatim record of the hearing is made and duly preserved, provided that a written request is submitted to the City, along with a deposit equal to the total anticipated cost of preparing the record, at least 5 days prior to the date of the hearing. If the actual cost to prepare the record is greater than the provided deposit, the difference (amount owed) shall be paid to the City prior to the record being made available. The City shall return any unused portion of the deposit following completion of the record.

E. Any public hearing conducted pursuant to this Section may be continued from time-to-time. If a hearing is continued at the request of an applicant or appellant, the continuance shall constitute a waiver of any applicable time period in which to act or render a decision.

F. Any action or decision of the Approving Authority shall be final and conclusive, unless appealed pursuant to the provisions of Division 2.04 (Appeals) of this Development Code.

2.03.020: Request for Notification

Wherein notice of a public hearing is required pursuant to Section 2.03.010 (Public Hearing Notices) of this Division, the notice shall also be mailed or delivered at least 10 days prior to the hearing to any person who has filed a written request for such notice with either the city clerk or the Planning Department.

2.03.025: Failure to Receive a Public Notice

Pursuant to GC Section 65093, the failure of any person or entity to receive notice given pursuant to this Division shall not constitute grounds for any court to invalidate the actions of the Approving Authority for which the notice was given.

2.03.030: Cemeteries

Wherein an application is submitted for a Development Code Amendment, General Plan Amendment, Specific Plan Amendment, Variance, Conditional Use Permit, Development Plan, or any entitlement for use which would permit all or any part of a cemetery, as defined in HSC Section 8100, to be used for other than cemetery purposes, the City shall give notice pursuant to Section 2.03.010 (Public Hearing Notices) of this Division. Those persons requesting notice shall be notified by the City at the address provided at the time of the request.

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Division 2.04—Appeals

Sections:

2.04.000: Purpose
2.04.005: Applicability
2.04.010: Appeals
2.04.015: Planning Commission Right to Direct that a Decision or Action of the Zoning Administrator or Development Advisory Board be Further Considered
2.04.020: City Council Right to Direct that a Decision or Action of the Planning Commission, Zoning Administrator, or Development Advisory Board be Further Considered

2.04.000: Purpose

The purpose of this Division is to implement GC Section 65903, which governs the establishment of procedures for the filing, processing and hearing of appeals on actions or decisions of a City department, agency, or Approving Authority.

2.04.005: Applicability

Any person having legal standing, including but not limited to an applicant, resident, business owner, or any person owning real property within the City, that is aggrieved by an interpretation, action or decision made pursuant to this Development Code by any City agency or department, or by an Approving Authority, may appeal such action to the Appeal Authority in accordance with the provisions of this Division.

2.04.010: Appeals

A. Appeal Authority.

1. The Appeal Authority for all legislative actions, discretionary permits and actions, and ministerial permits and decisions, is hereby established pursuant to Table 2.02-1 (Review Matrix) of this Development Code.

2. The Appeal Authority for an administrative interpretation, action, or decision made by any City agency or department head regarding any matter prescribed or governed by this Development Code may be appealed to the Planning Commission, except as otherwise prescribed by this Development Code.

B. Appeal Procedure.

1. An appeal request shall be filed with the Planning Department on a City application form, along with any appropriate fees established by resolution of the City Council, within 10 days following the action or decision being appealed. The appeal shall include a statement identifying the specific action or decision of the Approving Authority that is being appealed, the specific grounds for the appeal, and the relief requested from the Appeal Authority.

2. An appeal of an action or decision by the Approving Authority shall be limited to those matters raised during the hearing and contained in the appeal statement. The Appeal Authority shall not consider any matter that was not raised during the hearing before the Approving Authority and contained in the appeal statement.

3. Upon receipt of an appeal request, copies of the request and supporting information shall be conveyed to the Appeal Authority within 45 days (30 days for a tentative subdivision map) following the filing of the appeal request. The Appeal Authority shall set the matter for hearing, which shall be noticed and conducted pursuant to Division 2.03 (Public Hearings) of this Development Code.

4. Upon receipt of an appeal request, the Planning Director shall prepare the record on the subject matter of the appeal, including any staff reports and meeting minutes, and transmit the record to the Appeal Authority. The Planning Director shall also prepare a written report responding to the appeal statement, containing a recommendation on the appeal and appropriate findings supporting the recommendation, along with any appropriate conditions of approval. The report shall be made available to the Appellant at least 72 hours prior to the hearing before the Appeal Authority.

5. Within 30 days (10 days for a tentative subdivision map) following the conclusion of the hearing, the Appeal Authority shall render its decision on the appeal. The Appeal Authority may deny the appeal or may grant the appeal in whole or in part, along with any conditions it deems necessary to protect the public health, safety and general welfare. The decision shall include all required findings.

2.04.015: Planning Commission Right to Direct Further Consideration of a Zoning Administrator or Development Advisory Board Action

A. Agendas of Zoning Administrator and Development Advisory Board hearings shall be provided to the Planning Commission at least 72 hours prior to the date of the hearing.

B. Within 10 days following any decision or action of the Zoning Administrator or Development Advisory Board, the Planning Commission may call-up such decision or action for further consideration.

C. Upon calling-up a decision or action pursuant to Subsection B, above, the Planning Commission shall set the matter for hearing, which shall be noticed and conducted pursuant Division 2.03 (Public Hearings) of this Development Code. The hearing shall proceed pursuant to Subsection 2.04.010.B (Appeal Procedure) of this Division.

D. The Planning Commission may affirm, reverse, or modify the decision or action being reconsidered. The Planning Commission's decision shall be final and conclusive in the absence of an appeal filed pursuant to this Division.

2.04.020: City Council Right to Direct Further Consideration of a Planning Commission, Zoning Administrator, or Development Advisory Board Action

A. All agendas for Zoning Administrator, Development Advisory Board and Planning Commission hearings shall be provided to the City Council at least 72 hours prior to the date of the hearing.

B. Within 10 days following any decision or action of the Planning Commission, Zoning Administrator, or Development Advisory Board, the City Council may direct that such decision or action be sent to the Planning Commission for further consideration.

C. Within 10 days following any decision or action of the Planning Commission, the City Council may call-up such decision for further consideration.

D. Upon sending or calling-up a decision or action pursuant to Subsections B and C of this Section, the applicable hearing body shall set the matter for hearing, which shall be noticed and conducted pursuant to Division 2.03 (Public Hearings) of this Development Code. The hearing shall proceed pursuant to Section 2.04.010.B (Appeal Procedure) of this Division.

E. The Planning Commission or City Council may affirm, reverse, or modify the decision or action being reconsidered. The Planning Commission's decision shall be final and conclusive, unless appealed to the City Council pursuant to Section 2.04.010 (Appeals) of this Division. The City Council's decision shall be final and conclusive.

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Division 2.05—City Initiated Modification or Revocation

Sections:

2.05.000: Purpose
2.05.005: Applicability
2.05.010: Procedures for Disciplinary or Punitive Modification or Revocation
2.05.015: Procedures for Conditional Use Permit Revocation Due to Abandonment of Use

2.05.000: Purpose

The purpose of this Division is to:

A. Establish procedures for securing disciplinary or punitive modification or revocation of a previously granted Conditional Use Permit, or Historic Preservation—Certificate of Appropriateness or Certificate of Economic Hardship; and

B. Establish procedures for the revocation of Conditional Use Permits, for which the land use granted has been abandoned.

2.05.005: Applicability

A. Conditional Use Permit.

1. Disciplinary or Punitive Modification.

a. The Approving Authority shall have authority to add, delete, or modify conditions of approval imposed upon a previously granted Conditional Use Permit, based upon one or more of the following causes of action:

(1) The Conditional Use Permit granted is being, or has recently been exercised contrary to the terms and/or conditions of application approval;

(2) The Conditional Use Permit granted is being, or has recently been exercised in violation of a federal, State or City statute, ordinance, law, or regulation; and/or

(3) The Conditional Use Permit granted was exercised in a way that is detrimental to the public peace, health, safety, or welfare, or constitutes a nuisance.

b. The action to modify a Conditional Use Permit shall have the effect of changing the physical and/or operational aspects of the Conditional Use Permit. The changes may include the physical and/or operational aspects related to noise, buffers, duration of the permit, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect or condition determined to be reasonable and necessary to ensure that the Conditional Use Permit is implemented in a manner consistent with the original findings for approval, and all conditions of project approval.

2. Disciplinary or Punitive Revocation.

a. The Approving Authority shall have authority to revoke a Conditional Use Permit, based upon one or more of the following causes of action:

(1) The Conditional Use Permit approval was obtained by fraud;

(2) The Conditional Use Permit granted is not being exercised, has ceased to exist, or has been suspended for more than 180 consecutive days;

(3) The Conditional Use Permit granted is being, or has recently been exercised contrary to the terms and/or conditions of application approval;

(4) The Conditional Use Permit granted is being or has been exercised in violation of a federal, State or City statute, ordinance, law, or regulation; and/or

(5) The Conditional Use Permit granted was exercised in a way that is detrimental to the public peace, health, safety, or welfare, or constitutes a nuisance.

b. The Approving Authority's action to revoke a Conditional Use Permit shall have the effect of terminating the permit and denying the privileges granted by the original approval and any subsequent modifications.

3. Revocation of Due to Abandonment of Use. A Conditional Use Permit granting a land use that is not being exercised, has ceased to exist, or has been suspended for more than 180 consecutive days, may be deemed to be abandoned (cause of action) and may be revoked solely on the basis of its abandonment.

B. Historic Preservation—Certificate of Appropriateness or Certificate of Economic Hardship.

1. Disciplinary or Punitive Modification.

a. The Approving Authority shall have authority to add, delete, or modify conditions of approval imposed upon a previously granted Certificate of Appropriateness or Certificate of Economic Hardship, based upon one or more of the following causes of action:

(1) The Certificate of Appropriateness or Certificate of Economic Hardship granted is being, or has recently been exercised contrary to the terms and/or conditions of certificate approval;

(2) The Certificate of Appropriateness or Certificate of Economic Hardship granted is being, or has recently been exercised in violation of a federal, State or City statute, ordinance, law, or regulation; and/or

(3) The Certificate of Appropriateness or Certificate of Economic Hardship granted was exercised in a way that is detrimental to the public peace, health, safety, or welfare, or constitutes a nuisance.

b. The action to modify a Certificate of Appropriateness or Certificate of Economic Hardship shall have the effect of changing the physical aspects of the certificate, such as landscaping and irrigation, lighting, parking, performance guarantees, property maintenance, signs, paving, or any other aspect or condition determined to be reasonable and necessary to

ensure that the certificate is implemented in a manner consistent with the original findings for approval, and all conditions of project approval.

2. Disciplinary or Punitive Revocation.

a. The Approving Authority shall have authority to revoke a Certificate of Appropriateness or Certificate of Economic Hardship, based upon one or more of the following causes of action:

(1) The Certificate of Appropriateness or Certificate of Economic Hardship approval was obtained by fraud;

(2) The Certificate of Appropriateness or Certificate of Economic Hardship granted is not being exercised;

(3) The Certificate of Appropriateness or Certificate of Economic Hardship granted is being, or has recently been exercised contrary to the terms and/or conditions of application approval;

(4) The Certificate of Appropriateness or Certificate of Economic Hardship granted is being or has been exercised in violation of a federal, State or City statute, ordinance, law, or regulation; and/or

(5) The Certificate of Appropriateness or Certificate of Economic Hardship granted was exercised in a way that is detrimental to the public peace, health, safety, or welfare, or constitutes a nuisance.

b. The Approving Authority's action to revoke a Certificate of Appropriateness or Certificate of Economic Hardship shall have the effect of terminating the certificate and denying the privileges granted by the original approval and any subsequent modifications.

2.05.010: Procedures for Disciplinary or Punitive Modification or Revocation

A. Initiation of Modification or Revocation.

1. Conditional Use Permit. It shall be the responsibility of the Zoning Administrator to determine whether reasonable grounds exist to initiate a Conditional Use Permit modification or revocation.

2. Certificate of Appropriateness or Certificate of Economic Hardship. It shall be the responsibility of the Historic Preservation Subcommittee to determine whether reasonable grounds exist to initiate a Certificate of Appropriateness or Certificate of Economic Hardship modification or revocation.

B. Hearing Notification. Upon determination that reasonable grounds exist to initiate a permit or certificate modification or revocation, the City shall:

1. Schedule a hearing before the Approving Authority, which shall be noticed pursuant to Division 2.03 (Public Hearings) of this Development Code, based upon the type of application being considered (Note: If Division 2.03 (Public Hearings) does not require public

notification for the application type being considered, no public notice shall be required for the modification/revocation hearing); and

2. Serve the affected applicant(s) and property occupant(s), and property owner if different from the applicant(s) or property occupant(s), with a *Notice of Commencement of Modification/Revocation Proceedings*. The notice shall be sent by certified mail at least 10 days prior to the public hearing date, and shall contain the following minimum information:

a. A description of the subject property, including street address, Assessor Parcel Number(s) or legal description;

b. The name(s) of the owner, and name(s) of occupants if different from the owner;

c. The project file number and date of issuance;

d. A description of the authorized land use or development entitlement, or discretionary administrative permit;

e. Statements supporting one or more of the causes of action contained in Section 2.05.005 (Applicability) of this Division;

f. A statement that the Approving Authority will hold a public hearing within 60 days following the date of the Notice, to determine whether sufficient cause exists and that the Approving Authority, at the conclusion of the hearing, may either revoke the entitlement or permit, or take other action as deemed appropriate to ensure entitlement or permit compliance;

g. A statement that the applicant, owner, and/or occupant may appear in person and/or be represented by legal counsel, may present oral and documentary evidence, and may call witnesses and may ask questions of witnesses called on behalf of the City; and

h. The date, time, and place of the public hearing.

C. Hearing.

1. The modification or revocation shall be heard and acted upon pursuant to the procedures for public hearings contained in Division 2.03 (Public Hearings) of this Development Code.

2. At the conclusion of the hearing, the Approving Authority may take appropriate action to ensure permit or certificate compliance, including the addition, deletion, or modification of conditions of approval, or revocation of the permit or certificate.

D. Decision and Notice to Property Owner.

1. Within 45 days following the conclusion of the modification or revocation hearing, the Approving Authority shall render a decision and shall mail notice of the decision, including facts and reasons supporting the causes of action, to the property owner and property occupant, if different from the property owner, and any other interested persons that have filed a written request for the notice.

2. The decision of the Approving Authority to modify or revoke an approved discretionary permit or action shall be final and conclusive in the absence of an appeal filed pursuant to Division 2.04 (Appeals) of this Development Code.

2.05.015: Procedures for Conditional Use Permit Revocation Due to Abandonment of Use

A. Revocation Initiation. The Approving Authority may initiate the revocation of a Conditional Use Permit when sufficient grounds exist, which clearly demonstrate abandonment of the use granted.

B. Hearing Notification. Upon determination by the Approving Authority that reasonable grounds exist to initiate Conditional Use Permit revocation, the Approving Authority shall conduct a hearing, setting the date and time upon which the request will be considered. Notice of the hearing shall be given, and the hearing shall be conducted, pursuant to Division 2.03 (Public Hearings) of this Development Code.

C. Decision and Notice to Property Owner.

1. The Approving Authority shall not revoke a Conditional Use Permit if there is a compelling government interest in maintaining the subject permit.

2. The Approving Authority's action to revoke a Conditional Use Permit shall have the effect of terminating the land use permit, along with any privileges granted by the original approval and any subsequent modifications that may have been granted.

3. Following the conclusion of the revocation hearing, the Approving Authority shall render a decision and shall mail notice of the decision, including facts and reasons supporting the cause of action, to the property owner and property occupant, if different from the property owner, and any other interested persons that have filed a written request for the notice.

4. The decision of the Approving Authority shall be final and conclusive in the absence of an appeal filed pursuant to Division 2.04 (Appeals) of this Development Code.

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Division 2.06—Performance Guarantees

Sections:

2.06.000: Purpose
2.06.005: Applicability
2.06.010: Surety Form and Amount
2.06.015: Surety for Maintenance
2.06.020: Duration of Surety
2.06.025: Release or Forfeiture of Surety

2.06.000: Purpose

The purpose of this Division is to establish a procedure by which a discretionary permit or action, or ministerial permit or decision may require, by conditions of approval or by action of the Approving Authority, to provide surety guaranteeing the faithful performance and proper completion of any approved work and compliance with conditions of approval.

2.06.005: Applicability

The provisions of this Division shall apply to performance guarantees for projects authorized by any a discretionary permit or action, or ministerial permit or decision required by this Development Code.

2.06.010: Surety Form and Amount

The required surety shall be in a form (e.g., cash deposit, certificate of deposit, surety bond, etc.) approved by the Planning Director or City Engineer, upon recommendation of the City Attorney. The amount of surety shall be as determined by the Planning Director and/or City Engineer to be necessary to ensure proper completion of the work and compliance with conditions of approval.

2.06.015: Surety for Maintenance

In addition to any improvement surety required to guarantee proper completion of work, the Planning Director or City Engineer may require surety for maintenance of the work in an amount determined by the Planning Director and/or City Engineer to be sufficient to ensure the proper maintenance and functioning of improvements.

2.06.020: Duration of Surety

Required improvement surety shall remain in effect until final inspections have been made and all work has been accepted by the Planning Director and/or City Engineer, or until any warranty period required by the Planning Director and/or City Engineer has lapsed. Maintenance surety shall remain in effect for the one-year period following the date of final inspection.

2.06.025: Release or Forfeiture of Surety

A. Upon satisfactory completion of work and the approval of a final inspection at the end of the required time for maintenance surety, the improvement and/or maintenance deposits or bonds shall be released.

B. Upon failure to complete all required work, failure to comply with all of the terms of any applicable permit or failure of the completed improvements to function properly, the City may perform the required work or cause it to be completed, and collect from the permittee or surety, all the costs incurred by the City, including the all costs for the work and all related administrative, inspection and legal costs.

C. Any unused portion of the surety shall be refunded to the funding source after deduction of all costs for the work and all related administrative, inspection and legal costs.

Chapter 4.0:
Permits, Actions, and Decisions

Division 4.01—Legislative Actions
Division 4.02—Discretionary Permits and Actions
Division 4.03—Ministerial (Administrative) Permits and Decisions

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Division 4.01—Legislative Actions

Sections:

4.01.000: Purpose
4.01.005: Applicability
4.01.010: Airport Land Use Compatibility Plan (ALUCP) and Amendments
4.01.015: Development Agreements
4.01.020: Development Code Amendments
4.01.025: Amendments to the Policy Plan Component of The Ontario Plan (General Plan Amendments)
4.01.030: Planned Unit Developments (PUD) and Amendments
4.01.035: Specific Plans and Amendments
4.01.040: Zone Changes

4.01.000: Purpose

The purpose of this Division is to prescribe procedures for the consideration of legislative actions by the appropriate Reviewing Authorities. Generally, legislative actions entail the establishment of rules, policies, or standards of general applicability, which involve the exercise of discretion and preside over considerations of public health, safety, and welfare.

4.01.005: Applicability

Whenever the public necessity, convenience, general welfare, or good planning practice so requires, the appropriate Reviewing Authorities, as prescribed by Table 2.02-1 (Review Matrix) of this Development Code, may consider the adoption of a legislative action pursuant to the general provisions prescribed by Division 2.02 (Application Filing and Processing) of this Development Code, and the provisions of this Division that are appropriate to the legislative action being considered.

4.01.010: Airport Land Use Compatibility Plan (ALUCP) and Amendments

A. Purpose. The purpose of this Section is to establish procedures for adopting, amending, supplementing, or changing the Los Angeles/Ontario International Airport Land Use Compatibility Plan pursuant to the provisions of PUC Section 21670 et seq., whenever the public necessity, convenience, general welfare, or good planning practice so requires.

B. Authority.

1. PUC Section 21675 requires the preparation of an Airport Land Use Compatibility Plan (ALUCP) that will provide for the orderly growth of Los Angeles/Ontario International Airport and the area surrounding the airport and will safeguard the inhabitants within the vicinity of the airport and the public in general. The City Council may, by ordinance and upon written recommendation of the Planning Commission, further amended, supplement or change the ALUCP, whenever the public necessity, convenience, general welfare, and good planning practice so requires.

2. The Los Angeles/Ontario International Airport Land Use Compatibility Plan and any amendments thereto, shall be enforceable in the same manner and to the same extent as any other provision of this Development Code.

C. **Application Filing, Processing and Hearing.** An application for ALUCP adoption or an amendment there to, shall be filed, processed, and heard pursuant to Section 2.02.015.A (Legislative Actions) of this Development Code.

D. **Findings and Decision.** An ALUCP, or any amendment thereto, shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The proposed ALUCP, or amendment thereto, will protect the public health, safety, and welfare by ensuring the orderly expansion of airports;

2. The proposed ALUCP, or amendment thereto, will minimize the public's exposure to excessive noise and safety hazards within areas around the airport to the extent that these areas are not already devoted to incompatible uses;

3. The proposed ALUCP, or amendment thereto, is consistent with the goals and policies of the general plan; and

4. The proposed ALUCP, or amendment thereto, is reasonable and beneficial, and in the interest of good planning practice.

4.01.015: Development Agreements

A. **Purpose.** The purpose of this Section is to establish procedures for adopting, amending, supplementing, or changing Development Agreements by and between the City and persons having a legal or equitable interest in a property proposed to be the subject of an agreement, whenever the public necessity, convenience, general welfare, or good planning practice so requires.

B. **Authority.** Pursuant to GC Section 65864, et seq., the City Council may, by ordinance and upon written recommendation of the Planning Commission as to the consistency of a proposed Development Agreement with the Policy Plan (General Plan) component of The Ontario Plan, enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property. It is intended that the provisions of this division shall be fully consistent and compliant with the provisions of GC Section 65864, et seq., and shall be so construed.

C. **Agreement Contents.**

1. A Development Agreement entered into pursuant to the provisions of this Division shall, at a minimum, include the following information:

a. Duration of the agreement;

b. The permitted use(s) of the property;

c. The density or intensity of use;

d. The maximum height and size of proposed buildings; and

e. Provisions for reservation or dedication of land for public purposes.

2. In addition to the minimum information required by Paragraph C.1., above, the development agreement may include the following:

a. Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided such conditions, terms, restrictions and requirements for subsequent discretionary actions shall not prevent development of the land for the use(s) and to the density or intensity of development set forth in the agreement;

b. Provide that construction shall be commenced within a specified time period and that the project, or any phase thereof, be completed within a specified time;

c. Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time; and

d. Any other such terms, conditions, and requirements as deemed necessary and proper by the City Council, including, but not limited to, a requirement for assuring to the satisfaction of the City, performance of all provisions of the development agreement in a timely fashion by the agreement holder.

D. **Application Filing, Processing and Hearing.** An application for Development Agreement consideration shall be filed, processed, and heard pursuant to Section 2.02.015.A (Legislative Actions) of this Development Code.

E. **Findings.** A Development Agreement shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing that the provisions of the Agreement are consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and any applicable specific plans, and giving supporting reasons for each finding. A Development Agreement shall be denied if one or more of the required findings cannot be clearly established.

F. **Recordation of Agreement.** Within 10 days following the City entering into a Development Agreement, the City Clerk shall record with the county recorder, a copy of the Agreement, which shall prescribe the land subject to the agreement. From and after the time of recordation, the Agreement shall impart notice thereof to all persons as is afforded by the recording laws of this State. The burdens of the Agreement shall be binding upon, and the benefits of the Agreement shall inure to, all successors in interest to the parties to the agreement.

G. **Amendments.** A Development Agreement may be amended, or cancelled in whole or in part, by mutual consent of the parties to the Agreement, or their successors in interest. Any action to amend or cancel any portion of the Agreement shall be carried out pursuant to the procedures specified in Subsection D (Application Filing, Processing and Hearing), above.

H. Annual Review.

1. Every Development Agreement approved and executed pursuant to this Division shall be annually reviewed during the term of the Agreement, following the date of its execution. The purpose of the review is to determine whether the holder of the Agreement has complied in good faith with the terms of the Agreement. The burden shall be placed on the holder of the Agreement to demonstrate compliance to the full satisfaction of and in a manner prescribed by the City.

2. If as a result of annual review pursuant to this Subsection the City Council finds and determines, on the basis of substantial evidence, that the holder of the Development Agreement has not complied in good faith with the terms or conditions of the Agreement, the City Council may either amend or terminate the Agreement.

I. Modification/Suspension in Compliance with State or Federal Regulations. In the event that State or Federal laws or regulations, enacted after a Development Agreement has been entered into, prevent or preclude compliance with one or more provisions of the Development Agreement, the affected provisions of the Agreement shall be modified or suspended as may be necessary to comply with State or Federal laws or regulations.

4.01.020: Development Code Amendments

A. Purpose. The purpose of this Section is to establish procedures for amending, supplementing, or changing this Development Code whenever the public necessity, convenience, general welfare, or good planning practice so requires.

B. Authority. Pursuant to GC Section 65853 through Section 65859, the City Council may, by ordinance and upon written recommendation of the Planning Commission, amend, supplement, or change the ordinances codified in this Development Code whenever the public necessity, convenience, general welfare, or good zoning practice so requires.

C. Application Filing, Processing and Hearing. An application for a Development Code Amendment shall be filed, processed, and heard pursuant to Section 2.02.015.A (Legislative Actions) of this Development Code.

D. Findings and Decision. A Development Code Amendment shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The proposed Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; and

2. The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

E. Urgency Measure: Interim Ordinance. Without following the procedures otherwise required prior to the adoption of a Development Code Amendment, to protect the public safety, health,

and welfare, the City Council may adopt as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission, or the Planning Department is considering or studying, or intends to study within a reasonable period. An urgency measure shall be completed pursuant to the provisions of GC Section 65858.

4.01.025: Amendments to the Policy Plan Component of The Ontario Plan (General Plan Amendments)

A. Purpose. The Policy Plan component of The Ontario Plan serves as the City's General Plan, which is mandated by State law pursuant to GC Section 65300, et seq. The purpose of this Section is to establish procedures for amending, supplementing, or changing the Policy Plan whenever the public necessity, convenience, general welfare, or good planning practice so requires.

B. Authority.

1. Pursuant to GC Section 65358, the City Council may, by resolution and upon written recommendation of the Planning Commission, amend, supplement, or change the Policy Plan (General Plan) component of The Ontario Plan.

2. A mandatory element of the Policy Plan shall not be amended more than 4 times during any calendar year; except that this limitation shall not apply to amendments necessary for the development of residential units where at least 25 percent of the proposed units will be occupied by, or available to, persons and families of low or moderate income, as defined by HSC Section 50093.

C. Application Filing, Processing and Hearing. An application for a General Plan (Policy Plan) Amendment shall be filed, processed, and heard pursuant to Section 2.02.015.A (Legislative Actions) of this Development Code.

D. Findings and Decision. A General Plan (Policy Plan) Amendment shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. Technical Amendment Findings. The first finding (Subparagraph D.1.a, below) and any one or more of the subsequent findings (Subparagraphs D.1.b through e, below) shall justify a technical amendment:

a. The proposed amendment will not change any policy direction or intent of the Policy Plan (General Plan) component of The Ontario Plan.

b. An error or omission is in need of correction.

c. A land use designation was based on inaccurate or misleading information and, therefore, should be changed to properly reflect the policy intent of the Policy Plan (General Plan) component of The Ontario Plan.

d. A point of clarification is needed to more accurately express the meaning of the Policy Plan (General Plan) component of The Ontario Plan, or eliminate a source of confusion.

e. A minor change in boundary will more accurately reflect geological or topographic features, or legal or jurisdictional boundaries.

2. Entitlement/Policy Amendment Findings. The first two findings (of the Policy Plan (General Plan) component of The Ontario Plan, below), and any one or more of the subsequent findings (Subparagraphs D.2.c through f, below), shall justify an entitlement/policy amendment:

a. The proposed change does not involve a change in, or conflict with:

(1) The Ontario Plan Vision;

(2) Any principle of the Policy Plan (General Plan) component of The Ontario Plan; or

(3) Any basic/foundational component of The Ontario Plan.

b. The proposed amendment would contribute to the achievement of the purposes of the Policy Plan (General Plan) component of The Ontario Plan, or, at a minimum, would not be detrimental to them.

c. Special circumstances or conditions have emerged that were unknown or unanticipated at the time the Policy Plan (General Plan) component of The Ontario Plan was adopted.

d. A change in policy is required to conform to changes in state or federal law, or applicable findings of a court of law.

e. An amendment is required to comply with an update of the Housing Element or change in State Housing Element law (commencing with GC Section 65580).

f. An amendment is required to address changes in public ownership of land.

3. Land Use Amendment Findings. The first four findings (Subparagraphs D.3.a through d, below), and any one or more of the subsequent findings (Subparagraphs D.3.e through h, below), shall justify an entitlement/policy amendment:

a. The proposed General Plan Amendment is consistent with the goals and policies of The Ontario Plan.

b. The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

c. The Land Use Element is a mandatory element of the Policy Plan (General Plan) component of The Ontario Plan, which, pursuant to GC Section 65358, may be amended up to four times per calendar year, and the proposed General Plan Amendment is the first, second, third, or fourth (insert applicable amendment cycle) amendment to the Land Use Element within the current calendar year.

d. During the amendment of the Policy Plan (General Plan) component of The Ontario Plan, opportunities for the involvement of citizens, California Native American Indian tribes (pursuant to GC Section 65352.3), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means, were implemented consistent with GC Section 65351.

e. The proposed project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties listed in the Housing Element Sites Inventory. Furthermore, changing the land use designation of the subject property from the existing Policy Plan (General Plan) land use designation (including density, if applicable) to the proposed Policy Plan (General Plan) land use designation (including density, if applicable) will not impact the City's Regional Housing Needs Assessment (RHNA) obligations, or the City's ability to satisfy its share of the region's future housing need.

f. The proposed project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is listed in the Housing Element Sites Inventory, and the proposed project is consistent with the number of dwelling units and density specified in the Housing Element Sites Inventory.

g. The project site is listed in the Housing Element Sites Inventory of the Policy Plan (General Plan) component of The Ontario Plan, and the proposed project is not consistent with the number of dwelling units or density specified in the Housing Element Sites Inventory; therefore, a General Plan Amendment to remove the subject property from the Housing Element Sites Inventory is required. Removal of the subject property from the inventory will not impact the City's RHNA obligations since there are an adequate number of sites in the inventory to meet the City's RHNA obligations.

h. The proposed project is not consistent with the adopted Housing Element. The project site is listed in the Housing Element Sites Inventory of the Policy Plan (General Plan) component of The Ontario Plan, and the proposed project is not consistent with the number of dwelling units or density specified in the Housing Element Sites Inventory; therefore, a General Plan Amendment to remove the subject property from the Housing Element Sites Inventory is required. Removal of the subject property from the inventory will impact the City's RHNA obligations since there are not an adequate number of sites in the inventory to meet the City's RHNA obligations; therefore, the following property(ies) will be added to the Housing Element Sites Inventory:

Assessor Parcel Numbers (APN)	***Lot Area***
[insert APN]	[insert lot area]

	Housing Element Sites Inventory	
	Existing	***Proposed***
Number of Units:	[insert existing number of units]	[insert proposed number of units]
Assumed Density:	[insert existing density]	[insert proposed density]

4.01.030: Planned Unit Developments (PUD) and Amendments

A. Purpose.

1. The purpose of this Section is to establish procedures for adopting, amending, supplementing, or changing PUDs whenever the public necessity, convenience, general welfare, or good planning practice so requires.

2. The PUD is intended to:

a. Secure a fuller realization of the Policy Plan component of The Ontario Plan than would result from the strict application of present zoning district regulations;

b. Promote high standards in urban design;

c. Encourage the development of exceptionally high quality, mixed-use, high intensity projects, while establishing regulations and standards for uses with unique regulatory and design needs; and

d. Ensure harmonious relationships with surrounding land uses.

B. Authority.

1. Pursuant to GC Section 65850, the City Council may, by ordinance and upon written recommendation of the Planning Commission, adopt, amend, supplement or change regulations pertaining to the use of buildings, structures, and land; and establish development standards governing: building location, height, bulk, number of stories, and size; the size and use of lots, yards, courts, and other open spaces; lot coverage; the intensity of land use; off-street parking and loading; and signage, whenever the public necessity, convenience, general welfare and good planning practice so requires.

2. A PUD shall be required for those properly identified areas shown on Exhibit LU-05 (Additional Plans Required Map) of The Ontario Plan, and may be allowed on those properties located within the growth areas described on Exhibit LU-04 (Generalized and Growth Areas) of The Ontario Plan and in conjunction with mixed-use developments.

3. A PUD, and any amendments thereto, adopted pursuant to this Division shall be enforceable in the same manner and to the same extent as any other provision of this Development Code.

C. Application Filing, Processing and Hearing. An application for Planned Unit Development adoption or amendment thereto, shall be filed, processed, and heard pursuant to Section 2.02.015.A (Legislative Actions) of this Development Code.

D. Findings and Decision. A PUD, or amendment thereto, shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The proposed PUD, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan;

2. The proposed PUD, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;

3. In the case of an application affecting specific property(ies), the proposed PUD, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses; and

4. In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.

5. The proposed PUD is superior to that which could be obtained through the application of the Development Code or a specific plan.

4.01.035: Specific Plans and Amendments

A. Purpose. The purpose of this Section is to establish procedures for adopting, amending, supplementing, or changing Specific Plans whenever the public necessity, convenience, general welfare, or good planning practice so requires.

B. Authority.

1. Pursuant to GC Section 65450, et seq., the City Council may, by ordinance or resolution, and upon written recommendation of the Planning Commission, adopt, amend, supplement or change a specific plan.

2. A Specific Plan and any amendments thereto, adopted pursuant to this Division, shall be enforceable in the same manner and to the same extent as any other provision of this Development Code.

C. Application Filing, Processing and Hearing. Unless otherwise specified in a respective Specific Plan, an application for Specific Plan adoption or amendment shall be filed, processed and heard pursuant to Section 2.02.015.A (Legislative Actions) of this Development Code.

D. Findings and Decision. A Specific Plan, or amendment thereto, shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The proposed Specific Plan, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan;

2. The proposed Specific Plan, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;

3. In the case of an application affecting specific property(ies), the proposed Specific Plan, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses; and

4. In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.

4.01.040: Zone Changes

A. **Purpose.** The purpose of this Section is to establish procedures for amending or changing the zoning boundaries or zoning classification (Zone Change) of any property within the City whenever the public necessity, convenience, general welfare, or good planning practice so requires.

B. **Authority.** Pursuant to GC Section 65853 through Section 65859, the City Council may, by ordinance, and upon written recommendation of the Planning Commission, change the zoning boundaries or classification of any property within the City, whenever the public necessity, convenience, general welfare, or good zoning practice so requires.

C. **Application Filing, Processing and Hearing.** An application for Zone Change shall be filed, processed, and heard pursuant to Section 2.02.015.A (Legislative Actions) of this Development Code.

D. **Findings and Decision.** A Zone Change, or amendment thereto, shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The proposed Zone Change is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan;

2. The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;

3. The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses; and

4. The subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.

E. **Prezoning of Unincorporated Territory.** The prezoning of unincorporated territory within the sphere of influence of the City may be initiated by the Planning Commission on its own motion, or by the City Council in the form of a request to the Planning Commission that it consider the prezoning, or by a petition of the owner or owners of land in the unincorporated territory proposed to be prezoned. A Prezone shall be completed pursuant to GC Section 65859 and this Section and shall become effective at the same time annexation of territory to the City becomes effective.

Division 4.02—Discretionary Permits and Actions

Sections:

4.02.000: Purpose
4.02.005: Applicability
4.02.010: Billboard Relocation Agreements
4.02.015: Conditional Use Permits
4.02.020: Departures from Development Standards (Minor Adjustments/Alterations and Variances)
4.02.025: Development Plans
4.02.030: Extensions of Legal Nonconforming Status
4.02.040: Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas
4.02.045: Historic Preservation—Rescind or Amend the Status of a Historic Resource
4.02.050: Historic Preservation—Certificates of Appropriateness and Demolition of Historic Resources
4.02.055: Historic Preservation—Certificates of Economic Hardship
4.02.060: Historic Preservation—Conservation Plans
4.02.065: Historic Preservation—Mills Act Contracts
4.02.070: Master Plans and Amendments
4.02.075: Sign Programs
4.02.080: Specific Plan Minor Amendments/Alterations
4.02.090: Subdivisions—Reversions to Acreage
4.02.095: Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps

4.02.000: Purpose

The purpose of this Division is to prescribe procedures for the consideration of discretionary permits or actions. A discretionary permit or action, as established by Table 2.02-1 (Review Matrix) of this Development Code, includes projects that require the exercise of judgment or deliberation when making a decision to approve, conditionally approve, or deny a particular activity.

4.02.005: Applicability

The Reviewing Authorities prescribed by Table 2.02-1 (Review Matrix) of this Development Code, shall consider a discretionary permit or action pursuant to the general provisions prescribed by Division 2.02 (Application Filing and Processing) of this Development Code, and the provisions of this Division that are appropriate to the discretionary permit or action being considered.

4.02.010: Billboard Relocation Agreements

A. Purpose. The purpose of this Section is to establish a procedure to reduce the overall number of legally established nonconforming billboards within the City, allowing billboards to be relocated to locations within the City that are more suitable, and provide for more attractive, aesthetically pleasing billboard designs. In addition, Billboard Relocation Agreements are intended to reduce or eliminate the City's obligation to pay compensation for the removal of legal

nonconforming billboards. Billboard Relocation Agreements are part of the City's demonstrated commitment to improve its overall aesthetic appearance.

B. Applicability.

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority, upon written recommendation of the Advisory Authority, is hereby empowered to approve, approve in modified form, or deny a Billboard Relocation Agreement for the relocation of legally established nonconforming billboards within the City, to a relocation site established pursuant to this Section, provided a minimum of two existing legal nonconforming billboards are removed.

2. Existing legally established nonconforming billboards may be relocated only as part of a Billboard Relocation Agreement.

3. A relocated billboard proposed pursuant to this Section shall require the concurrent filing of a Sign Plan application pursuant to Section 4.03.020 (Sign Plans) of this Development Code.

C. Definitions. For the purposes of this Section, the following definitions shall apply:

1. "Major Gateway" means an entry into the City through a major transportation corridor or node (e.g., airport, arterial, and rail lines).

2. "Regionally Significant" means a use that supports activities or economies at a scale greater than that of a single jurisdiction, drawing predominately from a market area that extends at least 20 miles beyond the City limits.

3. "Underdeveloped" means a lot that is not developed to its highest and best use.

4. "Visual Clutter" means disorganized, distracting, and/or competing graphics within public view, which contribute to visual blight.

D. Relocation Sites and Billboard Design Criteria. Generally, relocation sites are restricted to areas that are recognized as major gateways into the City, within or adjacent to a regionally significant project. The following considerations shall serve as guidelines for the placement and design of relocated billboards:

1. Site Criteria. The below-listed considerations shall serve as general guidelines for use by applicants and the City in the identification of potential suitable billboard relocation sites. Specific sites within suitable areas will be negotiated through the Billboard Relocation Agreement process.

a. The area is developed with a legally established allowed use that is regionally significant;

b. The area does not have excessive visual clutter;

c. The proposed relocated billboard would be compatible with uses and structures on the site, and in the surrounding area;

d. The proposed billboard would not create a traffic or safety problem with regard to on-site access, circulation, or visibility; and

e. The proposed billboard would not interfere with on-site parking or landscaping required by City ordinance or permit.

2. Prohibited Sites. No Billboard shall be relocated to a site if it meets any of the following criteria:

a. The site is adjacent to any freeway (Interstate 10, Interstate 15, or State Route 60) or Euclid Avenue;

b. The site is located within the AG (Interim Agricultural Overlay) zoning district;

c. The site is undeveloped or underdeveloped;

d. The site is within 3,000 FT of property located within a residential land use district shown on the Land Use Plan (Exhibit LU-01) of the Policy Plan (General Plan) component of The Ontario Plan; and

e. The site is within 3,000 FT of an existing billboard or electronic message center.

f. *Interagency Relocation Exception.* Notwithstanding the foregoing, a billboard may be relocated from a location outside the City, to any location within the City, pursuant to an agreement approved at the discretion of the City Council, between the City and another public agency, so long as the following findings can be clearly established:

(1) A minimum of 6 existing, legal nonconforming billboards shall be removed, at least 5 of which must be currently located within the City;

(2) The billboard's relocation is necessitated by work being performed on the same freeway as the planned new site for the billboard; and

(3) The public health safety and welfare are not impaired by the relocation.

3. Design Criteria. Typical billboard design with a large sign area mounted on a pole is not permitted. Pylon-type signs, which are structural elements with architectural treatment, are required. Suitable design shall be based on the following considerations:

a. The design should be integrated into the design scheme of the surrounding area and/or buildings;

b. The design shall provide architectural interest for the structure; and

c. The design shall incorporate a top and base treatment to the billboard structure;

E. **Candidate Billboards for Relocation.** The following considerations shall serve as general guidelines in identifying candidate billboards for relocation:

1. Areas of general priority for removal and relocation include redevelopment project areas, areas along major thoroughfares leading into commercial districts, areas visible to freeways and highways, and streets upon which billboards are heavily concentrated and contribute to existing visual clutter.

2. Candidate billboards must be legally established non-conforming billboards. Illegally placed billboards shall not be candidates for Billboard Relocation Agreements.

F. **Application Filing, Processing and Hearing.** A Billboard Relocation Agreement application shall be filed, processed, and heard pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

G. **Findings.** A Billboard Relocation Agreement shall be acted on based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The Agreement shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The Billboard Relocation Agreement is consistent with the goals, policies, plans and exhibits of The Ontario Plan, the requirements of the Development Code, and any applicable specific plans, area plans, or planned unit developments;

2. The proposed relocation site is compatible with uses and structures on the site and in the surrounding area;

3. The Billboard Relocation Agreement contributes to the reduction of visual clutter in the City;

4. The proposed site complies with the relocation criteria established by this Section; and

5. The proposed billboard will not create a traffic or safety problem with regard to on-site access, circulation, or visibility.

4.02.015: Conditional Use Permits

A. **Purpose.** The purpose of this Section is to establish a procedure to ensure that a degree of compatibility is maintained with respect to certain uses on certain properties, due to their nature, intensity or size, or to compensate for variations and degrees of technological processes and equipment as related to the generation of noise, smoke, dust, fumes, vibration, odors and other practical hazards.

B. **Applicability.**

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority, as applicable, is hereby empowered to approve, approve in modified form, or deny a Conditional Use Permit, and to impose reasonable conditions upon the approval of the application.

2. Conditional Use Permit approval shall be required prior to: **[i]** the establishment of those land uses, activities and facilities so identified in Table 5.02-1 (Land Use Matrix) of this Development Code; **[ii]** the conversion of any existing residential development project for sale, transfer, or conveyance as a common interest project pursuant to Section 6.08.045 (Conversion to a Residential Common Interest Project); **[iii]** the conversion of any existing commercial or industrial development project for sale, transfer, or conveyance, as a common interest project pursuant to Section 6.08.050 (Conversion to a Commercial or Industrial Common Interest Project); and **[iv]** the alteration/expansion of a nonconforming nonresidential land use or structure pursuant to Subsection 3.01.020.J (Alteration and/or Expansion of a Nonconforming Nonresidential Structure) of this Development Code.

C. Application Filing, Processing and Hearing. A Conditional Use Permit application shall be filed, processed, and heard pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. Findings and Decision. A Conditional Use Permit shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.

2. The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

3. The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of this Development Code and any applicable specific plan or planned unit development.

4. The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.

5. The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.

E. Conditions of Approval.

1. In approving a Conditional Use Permit, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. The conditions imposed on Conditional Use Permits may include provisions concerning use, height, area, yards, open spaces, setbacks, parking, loading, signs, improvements (public and private), site design, operational characteristics, land use compatibility, general character, appearance, environmental impact, time limits for commencement or termination of the construction or use authorized, revocation and use termination dates, and other conditions the Approving Authority may deem appropriate and necessary to carry out the purposes of the Development Code.

3. A copy of the approving decision or resolution, and related conditions of approval (if any) issued by the Approving Authority shall be maintained on site and shall be made available for inspection upon demand by a City representative.

4. A Conditional Use Permit shall only apply to the approved particular use on a particular property, which may be transferred from one owner of the property to another successive owner of the same property.

5. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

F. Conditional Use Permit Modification/Revision.

1. Conditional Use Permits and/or their conditions of approval may be modified/revised upon application by a project proponent or property owner if different from the proponent. The request shall be submitted to the Planning Department on a City application form pursuant to Division 2.02 (Application Filing and Processing).

2. Modifications/revisions that are minor in nature may be processed administratively, without notice or public hearing, provided the proposed changes are consistent with the intent of the original approval and there are no resulting inconsistencies with this Development Code. Modifications/revisions are considered minor in nature if in the opinion of the Planning Director, they do not involve substantial changes to the approved plans or the conditions of approval and would in no way affect surrounding properties.

3. Modifications/revisions to an approved plan or conditions of approval that, in the opinion of the Planning Director, are not minor in nature, shall be processed as a revised Conditional Use Permit, following the procedures set forth in this Section for Conditional Use Permit approval, except that modification/revision approval shall not alter the expiration date established by the original application approval.

G. Voluntary Surrender of a Conditional Use Permit. A Conditional Use Permit approved pursuant to this Development Code may be voluntarily surrendered, in writing, by the affected property owner. The procedure for Conditional Use Permit surrender shall be as follows:

1. The Reviewing Authority originally approving the subject Conditional Use Permit shall set a date and time on which the request will be considered. Notice of the hearing shall be given pursuant to Division 2.03 (Public Hearings) of this Development Code.

2. The notice shall indicate that any interested person may make a written request at any time prior to the advertised public hearing, or may request in person at the time of the advertised hearing, that a public hearing be held at the advertised date and time. If no hearing is requested, the Reviewing Authority may decide on the matter without a public hearing. If a

public hearing is requested, the Reviewing Authority shall conduct the public hearing pursuant to Division 2.03 (Public Hearings) of this Development Code.

3. The Reviewing Authority shall deny the surrender of the Conditional Use Permit only if it can be clearly shown that there is a compelling government interest in maintaining the Conditional Use Permit.

4. The decision of the Reviewing Authority shall be final and conclusive in the absence of an appeal filed pursuant to Division 2.04 (Appeals) of this Development Code.

4.02.020: Departures from Development Standards (Minor Adjustments/Alterations and Variances)

A. **Purpose.** The purpose of this Section is to establish procedures by which departures from certain development standards may be permitted by this Development Code when certain specified circumstances exist.

B. **Applicability.**

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny certain departures from certain development standards established by this Development Code, and to impose reasonable conditions upon the approval of such request.

2. The City's authority to grant departures from the development regulations contained in this Development Code is authorized by GC Section 65906, which provides that in cases where special circumstances applicable to a property exist, and the strict application of the development regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, the City may allow deviation from the strict application of the development regulations.

C. **Minor Adjustments/Alterations.**

1. Purpose. Minor Adjustments/Alterations, like Variances, are intended to allow for departures from the strict application of the numerical development standards established by this Development Code, when their strict application would result in practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of the development regulations. Minor Adjustments/Alterations, however, are determined to have a lesser (minor) measure of impact than Variances, due to the limited measure of adjustment allowed; therefore, requiring a modified review process.

2. Applicability.

a. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Minor Adjustment/Alteration, and to impose reasonable conditions upon the approval of the application.

b. Minor Adjustments/Alterations may be approved for:

(1) A reduction of up to 25 percent from minimum setback and separation requirements, excepting nonresidential setback requirements from property lines that are common with any residentially zoned property; or

(2) A 10 percent increase in the maximum height of structures.

c. A Minor Adjustment/Alteration shall not be approved for reductions in minimum lot size, lot coverage, lot dimension, landscape coverage, parking requirements, or for an increase in maximum density or floor area ratio.

d. Notwithstanding the above, a Minor Adjustment/Alternation may be approved in the CCS (Convention Center Support Commercial) zoning district within the Ontario Sports Empire for **[i]** a reduction up to 50 percent of the minimum setback and separation requirements, except for nonresidential setback requirements along property lines that are common with any residentially zoned property, and **[ii]** the encroachment of balconies into a required street-facing property line setback up to a maximum of 66 percent of the required setback, and not to exceed 10 FT.

3. Application Filing, Processing and Hearing.

a. A Minor Adjustment/Alteration shall be filed and processed pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

b. The applicant and the owners of all properties having a property line common with the affected property shall be notified of the proposed Minor Adjustment/Alteration pursuant to Section 2.03.010 (Public Hearing Notification) of this Development Code. Furthermore, the notice shall state that a public hearing shall not be required unless requested by the applicant, an abutting property owner, or other affected person or entity.

c. A public hearing, if requested, shall be conducted pursuant to Division 2.03 (Public Hearings) of this Development Code.

d. If no public hearing is requested, the Zoning Administrator shall approve, approve in modified form, or deny a Minor Adjustment/Alteration no less than 10 days following distribution of the notice required by Subparagraph D.3.b, above.

4. Findings and Decision. A Minor Adjustment/Alteration shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

a. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in this Development Code;

b. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity and in the same zoning district;

c. The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district;

d. The granting of the Minor Adjustment/Alteration will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity; and

e. The proposed Minor Adjustment/Alteration is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and the purposes of any applicable specific plan or planned unit development, and the purposes of this Development Code.

5. Conditions of Approval.

a. In approving a Minor Adjustment/Alteration, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

b. All conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

D. Variance.

1. Purpose. The City's authority to grant a Variance from the development regulations contained in this Development Code is authorized by GC Section 65906, which provides that in cases where special circumstances applicable to a property exist, and the strict application of the development regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, the City may allow deviation from the strict application of the development regulations.

2. Applicability.

a. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority, is hereby empowered to approve, approve in modified form, or deny a Variance application, and to impose reasonable conditions upon the approval of the application.

b. A Variance may be approved to allow deviation from any numerical development standard established by this Development Code with respect to minimum and/or maximum dimension, area, mass, and quantity, except that a Variance shall not be granted for increases in maximum density or floor area ratio.

c. A variance shall not be approved on a lot that authorizes a use or activity that is not otherwise expressly authorized by the zoning district governing the affected lot, nor shall the power to approve a Variance extend to any public health or safety standard, as this authority has been precluded by state laws.

3. Application Filing, Processing and Hearing. A Variance application shall be filed, processed, and heard pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

4. Findings and Decision. A Variance shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

a. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in this Development Code;

b. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity and in the same zoning district;

c. The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district;

d. The granting of the Variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity; and

e. The proposed Variance is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and the purposes of any applicable specific plan or planned unit development, and the purposes of this Development Code.

5. Conditions of Approval.

a. In approving a Variance, the Approving Authority, as applicable, may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

b. All conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

4.02.025: Development Plans

A. **Purpose.** The purpose of this Section is to:

1. Establish a review process whereby the integrity and character of the physical fabric of the City will be protected in a manner consistent with the goals and policies of The Ontario Plan. This is ensured through the review of:

a. The suitability of building location;

b. Location and design of off-street parking and loading facilities;

c. Location, design and dedication of streets and alleys (public and private facilities);

d. Location and design of pedestrian and vehicular entrances and exits;

e. Location, design, materials and colors of walls and fences;

f. Location, design, size, and type of landscaping (public and private facilities);

g. Location, design, and materials of hardscape areas, such as patios, sidewalks and walkways (public and private facilities);

h. Drainage and off-site improvements (public and private facilities);

i. Compatibility with the surrounding area;

j. Exterior building architectural design, materials and colors;

k. Quality of proposed design and construction;

l. Location, type, design, colors, and materials of signs; and

m. Any conditions affecting the public health, safety, welfare, and general aesthetic of the community.

2. Protect and preserve the value of properties and to encourage high quality development throughout the City, whereas adverse effects would otherwise result from excessive uniformity, dissimilarity, poor exterior quality and appearance of buildings and structures; inadequate and poorly planned landscaping; and failure to preserve, where feasible, natural landscape features, and open spaces.

3. Recognize the interdependence of land values and aesthetics, and to provide a method to implement this interdependence in order to maintain the values of surrounding properties and improvements consistent with The Ontario Plan, with due regard to the public and private interests involved.

4. Ensure that the public benefits derived from expenditures of public funds for improvement and beautification of streets and public facilities are protected by the exercise of reasonable controls over the character and design of private buildings, structures, parking and loading facilities, landscaped areas, recreation amenities and open spaces.

5. Ensure the design of landscaping and irrigation that shades parking facilities and other paved areas, buffers or screens undesirable views and compliments building architecture and overall site design.

6. Ensure reasonable controls over the character, design and location of signs, and the appropriate use of well-designed signs that complement the architecture of surrounding buildings, while considering the public and private interests involved and the exercise of control over the undesirable use of excessive signage.

B. Applicability.

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Development Plan application, and to impose reasonable conditions upon a Development Plan approval.

2. Development Plan approval shall be required for the physical alteration of a lot, the construction of a building, or the addition or significant alteration of an existing building, as follows:

a. The development of 3 or more dwelling units on a single lot;

b. The development of 5 or more lots within a residential subdivision;

c. The development of 5 or more dwelling units, regardless of the number of lots involved;

d. The development of a nonresidential building within a residential zoning district, or an addition thereto, which is in excess of 25 percent of the original structure GFA or 500 SF (cumulative), whichever is less;

e. The development of a vacant lot within a nonresidential zoning district;

f. The conversion of a commercial structure to a residential structure, or conversion of a residential structure to a commercial structure;

g. The remodel of, or addition to, an existing nonresidential building, which results in an overall change in the architectural/aesthetic integrity, as determined by the Planning Director;

h. The remodel of, or addition to, a nonresidential building, which would result in the demolition and replacement/reconstruction of more than 50 percent of the existing building;

i. The conversion of a gasoline or fueling station to facilitate another allowed land use (see standards contained in Subsection 5.03.040,C (Conversion of Gasoline and Fueling Stations) of this Development Code);

j. An addition to an institutional facility (including religious assembly and places of worship, government services, healthcare services, and educational services), when such addition would exceed 25 percent of the original structure GFA or 500 SF (cumulative), whichever is less;

k. Commercial developments and the development of a permanent building within the CIV, OS-R, OS-C, or UC zoning district, when such development would exceed 500 SF of GFA (cumulative), or an addition thereto, when such addition would exceed 25 percent of the original structure GFA or 500 SF (cumulative), whichever is less;

l. The development of a permanent building within the AG zoning district, when such development would exceed 5,000 SF of GFA (cumulative), or an addition thereto, when such addition would exceed 25 percent of the original structure GFA or 5,000 SF (cumulative), whichever is less;

m. The development of an Electric Vehicle Charging Facility (except for charging equipment) or a Semi-Trailer Storage Yard Facility as a primary use;

n. The relocation (move-on) of a building within any zoning district;

o. The addition of dwelling units to a multiple-family residential development project, when such addition would result in 3 or more dwelling units on a single lot after the addition;

p. An addition to a previously developed site within a commercial zoning district, when such addition would exceed 25 percent of the original structure GFA or 2,000 SF (cumulative), whichever is less;

q. An addition to a previously developed site within an industrial zoning district, when such addition would exceed 25 percent of the original structure GFA or 10,000 SF (cumulative), whichever is less;

r. A Tier 2 or Tier 3 wireless telecommunications facility pursuant to Section 5.03.420 (Wireless Telecommunications Facilities) of this Development Code; and

s. Other projects, which, in the opinion of the Planning Director, require such level of review prior to issuance of a building permit, due to the size, nature and/or complexity of the project, or because the project could cause significant environmental impacts or generate significant neighborhood opposition or controversy.

3. A Development Plan shall remain in effect for the life of the affected development project, which shall be developed and maintained in substantial conformance with the plans as approved by the Approving Authority and shall be maintained on file with the City.

C. **Application Filing, Processing and Hearing.** A Development Plan application, except for wireless telecommunications facilities in the public right-of-way and facilities qualifying as Eligible Facilities Requests (EFRs), shall be filed, processed and heard pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section. Applications to install wireless telecommunications facilities in the public right-of-way and for facilities qualifying as EFRs shall be filed and processed pursuant to the following:

1. Scope. There shall be a type of permit entitled a "Wireless Permit," which shall be subject to all of the requirements of this Section. Unless exempted, every person who desires to place a wireless telecommunications facility in the public right-of-way, modify an existing wireless telecommunications facility in the public right-of-way, or perform work as part of an EFR must obtain a Wireless Permit authorizing the placement or modification in accordance with this Section. Except for small cell facilities, facilities qualifying as EFRs, or any other type of facility

expressly allowed in the public right-of-way by state or federal law, no other wireless telecommunications facilities shall be permitted pursuant to this Section.

2. Approving Authority. The Zoning Administrator is the approving authority for wireless telecommunications facilities in the public right-of-way and facilities qualifying as EFRs.

3. Application Submittal. Applications shall be submitted on a City application form issued and amended, from time-to-time, by the Zoning Administrator.

4. Review and Action.

a. The Zoning Administrator shall review the application and then approve, approve in modified form, or deny the application. The decision of the Approving Authority shall be final and conclusive in the absence of an appeal filed pursuant to Paragraph C.5 (Appeals), below.

b. The wireless regulations and decisions on applications for placement of wireless telecommunications facilities in the public right-of-way and facilities qualifying as EFRs shall, at a minimum, ensure that the requirements of this Section are satisfied, unless it is determined that Applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Development Code may be waived by the Zoning Administrator, but only to the minimum extent required to avoid the prohibition or violation.

c. There will be no public hearings.

5. Appeals. The Applicant may appeal the decision to the Planning Commission, which may decide the issue *de novo*, and whose written decision will be the final decision of the City. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the wireless telecommunications facility. Where the Zoning Administrator grants an application based on a finding that denial would result in a prohibition or effective prohibition under applicable federal law, the decision shall be automatically appealed to the Planning Commission. All appeals must be filed within 2 business days of the written decision of the Zoning Administrator, unless the Zoning Administrator extends the time therefore. An extension may not be granted where extension would result in approval of the application by operation of law. Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law.

D. Findings and Decision. A Development Plan shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established. Findings 1-4 do not apply to applications for wireless telecommunications facilities in the public right-of-way or facilities qualifying as EFRs, which are subject to the findings set forth by Paragraph 5, below.

1. The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan;

2. The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located;

3. The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project;

4. The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.

5. Required findings for wireless telecommunications facilities in the public right-of-way and facilities qualifying as EFRs are as follows:

a. Except for EFRs, the Zoning Administrator or Planning Commission, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:

(1) The facility is not detrimental to the public health, safety, and welfare;

(2) The facility complies with this Development Code and all applicable design and development standards; and

(3) The facility meets applicable requirements and standards of state and federal law.

b. For EFRs, the Zoning Administrator or Planning Commission, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:

(1) That the application qualifies as an eligible facilities request; and

(2) That the proposed facility will comply with all generally applicable laws.

E. Conditions of Approval.

1. In approving a Development Plan application, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. Conditions of approval imposed upon a Development Plan approval may include, but is not limited to, provisions concerning building height, bulk or mass; setbacks; lot coverage; lighting; private and common open space, and/or recreation amenities; screening, including garages, trash receptacles, mechanical and roof-mounted equipment and appurtenances;

landscaping; walls and fences; vehicular parking, access and circulation; pedestrian circulation; on-site security; grading; street dedication and improvements (public and private); on and off-site public improvements (public and private) necessary to service the proposed development; project timing/phasing; loading and outdoor storage; architectural treatment; signage; vehicular trip reduction; graffiti removal; sound attenuation; reparation and recordation of covenants, conditions and restrictions, mutual access agreements, maintenance agreements and other similar agreements; property disclosure pursuant to BPC Section 11000, et seq.; and other conditions the Approving Authority may deem appropriate and necessary to carry out the purposes of the Development Code.

3. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

F. Development Plan Modifications/Revisions.

1. Development Plans and/or their conditions of approval may be modified/revised upon application by a project applicant or property owner if different from the applicant. The request shall be submitted to the Planning Department on a City application form pursuant to Division 2.02 (Application Filing and Processing) of this Development Code.

2. Modifications/revisions that are minor in nature may be processed administratively, without notice or public hearing, provided the proposed changes are consistent with the intent of the original approval and there are no resulting inconsistencies with this Development Code. Modifications/revisions are considered minor in nature if in the opinion of the Planning Director, they do not involve substantial changes to the approved plans or the conditions of approval and would in no way affect surrounding properties.

3. Modifications/revisions to an approved plan or conditions of approval that, in the opinion of the Planning Director, are not minor in nature, shall be processed as a revised Development Plan, following the procedures set forth in this Section for Development Plan approval, except that modification/revision approval shall not alter the expiration date established by the original application approval.

4.02.030: Extensions of Legal Nonconforming Status

A. Purpose. The purpose of this Section is to establish a process whereby the date that a legal nonconforming use would lose its legal nonconforming status pursuant to Section 3.01.015 (Nonconforming Land Use) of this Development Code, may be extended to allow additional time to complete the sale of the affected property or structure, secure tenants for the affected property or structure, and/or obtain necessary permits or the completion of necessary improvements.

B. Applicability. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny an Extension of Legal Nonconforming Status application, and to impose reasonable conditions upon the approval of the application.

1. The submittal of an application requesting an Extension of Legal Nonconforming Status shall automatically extend the legal nonconforming status of a land use or structure for an initial period of 60 days to allow for the processing of the request pursuant to the procedures

prescribed by this Section. The Zoning Administrator may then approve an additional 120-day extension, for a total of 180 days.

2. If due to unforeseen circumstances, a property/structure owner is unable to complete the sale of the affected property, secure necessary tenants for the property or structure, and/or obtain necessary permits and complete all necessary tenant improvements to allow for occupancy of the affected property or structure within the period established by Subsection B.2, above, (180 days), the Approving Authority may grant additional extensions, not to exceed a total of one-year.

C. **Application Filing, Processing and Hearing.** An Extension of Legal Nonconforming Status application shall be filed, processed and heard pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. **Findings and Decision.** An Extension of Legal Nonconforming Status shall be acted on based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and comments and testimony provided by the public, only after considering and clearly establishing all of the below-listed findings, and giving reasons in support of each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The applicant has made a good faith effort to keep the nonconforming status;

2. A physical and/or economic hardship has prevented the nonconforming use from being reestablished prior to the expiration date;

3. Approving the extension will not adversely affect the character, integrity, or value of surrounding properties;

4. Approving the extension will not adversely affect the character, integrity, or general welfare of the neighborhood; and

5. The extension will not adversely impact the public health, safety, or welfare of the City's residents.

E. **Conditions of Approval.**

1. In approving an Extension of Legal Nonconforming Status, the Approving Authority, may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

4.02.040: Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas

A. Purpose. The purpose of this Section is to establish procedures by which Local Historic Landmarks and Districts, Historic Resource Tiering, and Architectural Conservation Areas may be designated

B. Applicability.

1. Designation of Historic Landmarks and Districts, Historic Resource Tiering and Architectural Conservation Areas. The Approving Authority established pursuant to Table 2.02-1 (Review Matrix) of this Development Code is hereby empowered to approve, approve in modified form, or deny a Historic Preservation—Historic Landmark and District Designations, Historic Resource Tiering and Architectural Conservation Areas application.

2. Local Landmark Designation. A historic resource may be designated an "historic landmark" by the City if it meets the criteria for listing in the National Register of Historic Places or the California Register of Historic Resources, or it meets one or more of the following criteria:

a. The historic resource exemplifies or reflects special elements of the City's history;

b. The historic resource is identified with persons or events significant in local, state, or national history;

c. The historic resource is representative of the work of a notable builder, designer, architect, or artist;

d. The historic resource embodies distinguishing architectural characteristics of a style, type, period, or method of construction;

e. The historic resource is a noteworthy example of the use of indigenous materials or craftsmanship;

f. The historic resource embodies elements that represent a significant structural, engineering, or architectural achievement or innovation;

g. The historic resource has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community, or the City;

h. The historic resource is one of the few remaining examples in the City, region, state or nation, possessing distinguishing characteristics of an architectural or historical type or specimen: or

i. The historic resource has yielded, or is likely to yield, information important to the City's history or prehistory.

3. Local Historic District Designation. A neighborhood or area listed as a historic resource may be designated a "Local Historic District" by the City if the neighborhood meets the criteria for listing in the National Register of Historic Places or the California Register of Historic Resources, or it meets one or more of the following criteria:

a. The historic resource is a geographically definable area possessing a concentration of historic resources or a thematically related grouping of structures that contribute to each other and are unified by plan, style, or physical development, and embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values;

b. The historic resource reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of a park landscape, site design, or community planning;

c. The historic resource is associated with, or the contributing resources are unified by, events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or

d. The historic resource is, or the contributing resources are, associated with the lives of persons important to the City, State or National history.

4. Additional Historic Resource Evaluation Criteria. In addition to the "significance," criteria established in Paragraph B.2 (Local Landmark Designation) and Paragraph B.3 (Local Historic District Designation) of this Section, historic resources must have "integrity" for the time in which they are "significant." The period of "significance" is the date or span of time within which significant events transpired or significant individuals made their important contributions. The term "integrity" means the authenticity of a historical resource's physical identity, as evidenced by the survival of characteristics or historic or prehistoric fabric that existed during the resource's period of significance. Only after significance has been established, should the issue of integrity be addressed. The following criteria should be considered when evaluating properties for integrity:

a. *Design.* Any alterations to the property should not have adversely affected the character defining features of the property. Alterations to a resource or changes in its use over time may have historic, cultural or architectural significance.

b. *Setting.* Changes in the immediate surroundings of the property (e.g., buildings, land use and topography) should not have adversely affected the character of the property.

c. *Materials and Workmanship.* Any original materials should be retained, or if they have been removed or altered, replacements have been made that are compatible with the original materials.

d. *Location.* The relationship between a property and its location is an important component in determining integrity. The place where the property was built and where historic events occurred is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in a few cases, the relationship between a property and its historic associations is destroyed if the property is moved.

e. *Feeling.* The term "feeling" means a property's expression of the aesthetic or historic sense of a particular period. It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district, such as the

Guasti Winery, retaining original design, materials, workmanship and setting, will relate the feeling of agricultural life in the 19th century.

f. *Association*. The term "association" means the direct link between an important historic event or person, and a historic property. A property retains its association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like "feeling," association requires the presence of physical features that convey a property's historic character. For example, a Revolutionary War battlefield, whose natural and manmade elements have remained intact since the 18th century, will retain its quality of "association" with the battle.

Because "feeling" and "association" depend upon individual perceptions, their retention alone is never sufficient to support eligibility. Historic resources must retain enough of their historic or prehistoric character or appearance to be recognizable as historic resources, and to convey the reasons for their significance.

C. Application Filing, Processing, and Hearing. Historic Preservation—Historic Landmark and Historic District Designation applications shall be filed and processed pursuant to Division 2.02 (Application Filing and Processing) of this Development Code, and the provisions of this Section. All eligible historic resources nominated for designation as a Landmark or a Historic District shall be evaluated, processed, and designated a Tier pursuant to Subsection G (Historic Resource Tiering System) of this Section, concurrently with the application for landmark or historic district designation.

D. Local Historic Landmark and District Designation Application Findings and Decision.

1. Within the 30-day period following acceptance of a Historic Preservation—Historic Landmark and District Designations application as complete pursuant to the applicable provisions contained in Section 2.02.015.B (Discretionary Permits and Actions) of this Development Code, the Advisory Authority shall make a preliminary determination as to whether the requested Local Historic Landmark or Local Historic District designation is appropriate, based upon the designation criteria set forth in Paragraphs B.2 (Local Landmark Designation), B.3 (Local Historic District Designation), and B.4 (Additional Historic Resource Evaluation Criteria) of this Section. If it is determined that the proposed resource merits further consideration, the application shall be forwarded to the subsequent Advisory Authority. If the proposed resource does not merit further consideration due to failure of the property to meet the applicable designation criteria, the application shall be denied.

2. Upon receipt of the Advisory Authority's recommendation, the subsequent Advisory Authority shall make a recommendation to the Approving Authority to grant or deny a Historic Preservation—Landmark or District Designation application on the basis of the application and the evidence presented in the Planning Department's written report, after considering and clearly establishing the designation criteria set forth in Paragraphs B.2 (Local Landmark Designation), B.3 (Local Historic District Designation), and B.4 (Additional Historic Resource Evaluation Criteria) of this Section, and giving specific reasons in support of each applicable criterion.

3. The Approving Authority may grant or deny a Historic Preservation—Landmark or District Designation application on the basis of the application and the evidence presented in the Planning Department's written report, after considering and clearly establishing the applicable designation criteria set forth in Paragraphs B.2 (Local Landmark Designation), B.3 (Local Historic District Designation), and B.4 (Additional Historic Resource Evaluation Criteria) of this Section, and giving specific reasons in support of each applicable criterion.

E. Permits. No building, alteration, demolition, or removal permits for any proposed Local Landmark or Local Historic District shall be issued after a Historic Preservation—Landmark or District Designation application has been filed with the Planning Department, until such time that any public hearing or appeal proceedings regarding the application have been completed.

F. Automatic Designations.

1. Any property listed in the National Register of Historic Places or the California Register of Historic Resources shall automatically be designated as a local Historic Landmark.

2. Any neighborhood or area listed in the National Register of Historic Places or the California Register of Historic Resources shall automatically be designated as a local Historic District.

3. Any property identified as a contributing structure to a historic district listed on the National Register of Historic Places or the California Register of Historic Resources shall be considered a contributing structure within the historic district.

G. Historic Resource Tiering System. The Historic Preservation Commission shall be responsible for the adoption of the Historic Resource Tier Designation List, which shall be maintained by the Historic Preservation Subcommittee. A historic resource may be designated "Tier I, Tier II, or Tier III" by the Approving Authority established pursuant to Table 2.02-1 (Review Matrix) of this Development Code, to establish a ranking of historic resources within the City, based upon the determined significance of each resource, as specified below. For the purpose of this Section, upon determining the appropriate tier designation for a historic district, the Approving Authority may rank all contributing structures within that district into the same tier designation. Tier I, II and III historic resources shall be judged based upon their determined degree of significance, pursuant to the criteria contained in Subsection H (Historic Resource Tiering Criteria) of this Section.

1. Tier I. Tier I consists of historic resources that should not be demolished or significantly altered under any circumstances, regardless of their designation status. Resources within this tier are determined to be the City's most significant historical or cultural resources. Tier I resources shall meet one or more of the following:

a. A resource listed on the Ontario Register that meets at least one of the criteria within the Architecture/Form category, and 3 criteria within the History category, listed in Subsection H (Historic Resource Tiering Criteria) of this Section; or

b. A contributing resource within a district that meets at least one of the criteria within the Architecture/Form Category and 3 criteria within the History Category as listed below.

2. Tier II. Tier II consists of historic resources wherein demolition of these properties should be avoided. Tier II resources shall meet one or more of the following:

a. Any historic resource listed or determined eligible for listing in the National Register of Historic Places;

b. Any historic resource listed or determined eligible for listing in the California Register of Historic Resources;

c. A historic resource listed on the Ontario Register and meets at least 2 criteria within the Architecture/Form or History categories, listed in Subsection H (Historic Resource Tiering Criteria) of this Section; or

d. A contributing resource within an eligible historic district wherein the district meets at least 2 of the criteria in either the Architecture/Form or History categories as listed in Subsection H (Historic Resource Tiering Criteria) of this Section.

3. Tier III. Tier III consists of historic resources that are Designated Local Historic Landmarks, are contributing properties within Designated Local Historic Districts, or are eligible historic resources. Demolition of these resources should be avoided where possible but may be appropriate under certain circumstances.

H. **Historic Resource Tiering Criteria.** The following listing contains criteria to be used in determining the Tier designation of a historic resource:

1. Local Historic Landmark.

a. *Architecture/Form.*

(1) The resource is prototypical, or one of the finest examples, of a period, style, architectural movement, or construction in the City of a particular style of architecture, building type, or historical or archeological object. Only preeminent examples should be considered. Good representative examples of a style, period or method of construction are not appropriate; or

(2) The resource is the first, last, only, or one of the finest examples, notable works, or the best surviving work by an architect or designer of major importance to the City, State or Nation.

b. *History.*

(1) The resource is the location of a historic event(s) that has significantly contributed to the history of the City, State, or Nation;

(2) The resource is associated with a business, company, or individual that has made a significant cultural, social, or scientific contribution to the City, State, or Nation;

(3) The resource is identified with a person(s) who has exerted a major influence on the heritage or history of the City, State, or Nation;

(4) The resource embodies the ideals or principles of the "Model Colony" or furthers the ideals or principals established by the Chaffey Brothers;

(5) The resource has a direct relationship to one of the principal historic contexts in the City's history, including the "Model Colony," (includes the Chaffey Brothers, the Ontario Land and Improvement Company, or the citrus industry), the Guasti Winery or the wine industry, or the Dairy Preserve or the dairy industry;

(6) The resource is related with a business, company, or individual significant in the agricultural history of the City; or

(7) The resource is related to the archeological past of the region.

2. Local Historic Districts.

a. *Architecture/Form*.

(1) The district contains resources that are a prototype of, or one of the finest examples of, or the first, last, only, or few remaining groupings of a period, style, architectural movement, or construction in the City of a particular style of architecture, building type, or historical or archeological object. Only preeminent examples should be considered. Good representative examples of a style, period or method of construction are not appropriate; or

(2) The district contains resources that are the first, last, only, or the finest examples, notable works, or the best surviving work by an architect or designer of major importance to the City, State or Nation.

b. *History*.

(1) The district is the location of a historic event(s) that has significantly contributed to the history of the City, State, or Nation;

(2) The district is associated with a business, company, or individual that has made a significant, cultural, social, or scientific contribution to the City, State, or Nation;

(3) The district is identified with a person(s) who has exerted a major influence on the heritage or history of the City, State, or Nation;

(4) The district embodies the ideals or principles of the "Model Colony," or furthers the ideals or principals established by the Chaffey Brothers;

(5) The district has a direct relationship to one of the principal historic contexts in the City's history, including the "Model Colony," (includes the Chaffey Brothers, the Ontario Land and Improvement Company, or the citrus industry), the Guasti Winery or the wine industry, or the Dairy Preserve or the dairy industry, or the citrus industry; or

(6) The district is related with a business, company, or individual significant in the agricultural history of the City.

I. **Architectural Conservation Area.** An area may be designated an "Architectural Conservation Area" by the Approving Authority if the area meets any one of the below-listed criteria; however, these criteria do not evaluate for historic significance. As a result, properties within Architectural Conservation Areas are not qualified for historic landmark or historic district consideration. The criteria for establishing an Architectural Conservation Area are as follows:

1. The area is geographically definable and conveys a sense of architectural cohesiveness through its design, setting, materials, workmanship, or association; or

2. The area reflects significant geographical patterns, including those associated with different areas of settlement and growth, particular transportation modes, or distinctive examples of a park landscape, site design or community planning, or represents established and familiar visual features in the community.

3. Alternately, an area may be designated an Architectural Conservation Area by the City if a conservation plan has been prepared pursuant to Section 4.02.055 (Historic Preservation—Conservation Plans), outlining the character defining features of the neighborhood and appropriate design guidelines that will maintain the character of the neighborhood.

4.02.045: Historic Preservation—Rescind or Amend the Status of a Historic Resource

A. **Purpose.** The purpose of this Section is to establish a process by which a historic resource may rescind or amend its assigned status, including a Local Landmark or Local District Designation, a Tier Designation, an Eligibility Determination, or an Architectural Conservation Area.

B. **Applicability.** The Approving Authority for the original application type, pursuant to Table 2.02-1 (Review Matrix) of this Development Code, is hereby empowered to approve, approve in modified form, or deny a request to rescind or amend the assigned status of a Local Historic Landmark or Local Historic District Designation, Tier Designation, Eligibility Determination, or Architectural Conservation Area.

C. **Addition to the Ontario Register.** Any property or grouping of properties surveyed at the intensive level pursuant to standards established by the California Office of Historic Preservation, and determined to meet the designation criteria for local historic landmarks or local historic districts set forth in Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of this Development Code, shall be determined by the Approving Authority to be an "eligible" historic resource.

D. **Removal of Eligible or Nominated Historic Resources from the Ontario Register.** An eligible historic resource or a nominated historic resource may be removed from the Ontario Register, as follows:

1. Any historic resource listed on the Ontario Register may be removed by the Approving Authority if the resource has lost all historic and/or cultural significance due to a catastrophe causing a loss of integrity, or the resource has lost all historical and/or cultural significance due to extensive legally performed alteration(s), which has caused a loss of integrity after the property was initially surveyed.

2. Any historic resource listed on the Ontario Register may be removed by the Approving Authority upon reevaluation of the resource at the request of the property owner, or upon initiation by the City, if the most recently prepared Historic Resource Survey evaluating the resource is more than 5 years old.

3. The Historic Preservation Subcommittee shall evaluate a historic resource utilizing the designation criteria set forth in Paragraph 4.02.040.B.2 (Local Landmark Designation) of this Division. Furthermore, when a historic resource is located within an eligible local historic district, the area or neighborhood shall also be evaluated using the designation criteria set forth in Paragraph 4.02.040.B.3 (Local Historic District Designation) of this Division, and shall be evaluated to determine if it contributes to the significance of the district. The Approving Authority may retain a noncontributing property within a proposed or potential historic district.

4. Any reevaluation of a property shall be valid for a 5-year period.

E. Amending or Rescinding a Local Landmark, Local Historic District, or a Tier Designation from the Ontario Register. A local landmark, local historic district, or a tier designation may be amended or rescinded from the Ontario Register, if:

1. It is discovered that the information relied upon by the Advisory Authority and/or Approving Authority in making the original designation, was erroneous or false;

2. New information compromises the significance of a historic resource;

3. The historic resource has been demolished, relocated, or removed; or

4. The historic resource has been rendered ineligible for designation due to a catastrophic event, beyond the owner's control, which has destroyed the resource to the point where it is considered a hazard to the public health and safety, and the restoration of the resource is not feasible.

4.02.050: Historic Preservation—Certificates of Appropriateness and Demolition of Historic Resources

A. Purpose. The purpose of this Section is to establish a process to ensure that any alteration to, or demolition of, an eligible or designated historic resource within the City is in keeping with the historic character of the resource.

B. Applicability.

1. The Approving Authority established pursuant to Table 2.02-1 (Review Matrix) of this Development Code is hereby empowered to approve, approve in modified form, or deny a Historic Preservation—Certificate of Appropriateness application, and to impose reasonable conditions upon the approval of the application.

2. A Certificate of Appropriateness shall be required for any:

a. Alteration, addition, restoration, rehabilitation, remodeling, relocation, repainting, and/or resurfacing of an historic resource. Certificate of Appropriateness approval shall be required even if the City requires no other permits;

b. For any work to the exterior of any noncontributing resource in a Historic District or on a historic property. A reasonable effort shall be made to produce compatibility, and in no event shall there be a greater deviation from compatibility;

c. Infill development within a historic district or on a historic property; and

d. Any demolition, whether in whole or in part, of a historic resource or a noncontributor within a designated historic district in conjunction with a demolition application.

3. No permit shall be issued for work on a historic resource until a Certificate of Appropriateness or Waiver has been issued in accordance with the provisions of this Division.

4. Once a Certificate of Appropriateness has been issued, the Planning Department, from time to time, shall inspect the work to ensure that it is being carried-out in compliance with the approved Certificate of Appropriateness and shall issue a Certificate of Completion prior to

any final inspection or occupancy by any City Department to ensure the work has been satisfactorily completed.

C. Application Filing, Processing and Hearing. A Historic Preservation—Certificate of Appropriateness application shall be filed, processed, and heard pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section, except as follows:

1. Determination of Significance.

a. Upon acceptance of a Historic Preservation—Certificate of Appropriateness application as complete for processing pursuant to Subsection 2.02.015.B (Discretionary Permits and Actions) of this Development Code, the Historic Preservation Subcommittee shall evaluate the affected historic resource for significance, which shall include a review conducted by the Planning Department consisting of an evaluation of the resource's eligibility for listing on the National Register of Historic Places, the California Register of Historic Resources, or the Ontario Register. The review may also include the preparation of a Historic Resource Survey, at the intensive level, pursuant to the standards set forth by the California Office of Historic Preservation.

b. A historic resource that does not meet the criteria for designation set forth in Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of this Division, and not located within a designated, proposed, or potential district, shall be removed from the Ontario Register and the Certificate of Appropriateness shall be deemed approved. A resource that meets the designation criteria set forth in Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of this Division, shall be further processed pursuant to this Section.

2. Environmental Review.

a. Upon determination that a historic resource is "significant," an environmental review shall be conducted pursuant to Section 2.02.020 (Environmental Review) of this Development Code; however, in determining the appropriate level of review for the demolition of a historic resource, the tiering system established pursuant to Subsection 4.02.040.G (Historic Resource Tiering System) of this Division shall be utilized.

b. Any historic resource proposed for demolition, which is determined to be within Tier III pursuant to Subsection 4.02.040.G (Historic Resource Tiering System) of this Division, shall require preparation of an Addendum to The Ontario Plan Environmental Impact Report pursuant to the requirements of CEQA and the implementing guidelines, and City's Local Guidelines For Implementing the California Environmental Quality Act, in conjunction with the approval of Certificate of Appropriateness and Demolition applications.

c. Any historic resource proposed for demolition, which is determined to be within Tier I or Tier II pursuant to Subsection 4.02.040.G (Historic Resource Tiering System) of this Division, shall require preparation and certification of an Environmental Impact Report pursuant to the requirements of CEQA and the implementing guidelines, and City's Local Guidelines For Implementing the California Environmental Quality Act, in conjunction with the approval of Certificate of Appropriateness and Demolition applications.

3. Hearing. Each Advisory or Approving Authority shall hold at least one hearing on the application, which shall be duly noticed, heard, and acted upon pursuant to Division 2.03 (Public Hearings) of this Development Code.

4. Advisory Authority Review and Recommendation. Following completion of all required environmental review pursuant to Paragraph C.2 (Environmental Review) of this Subsection, the Advisory Authority shall make recommendation to the Approving Authority whether to approve, approve in modified form or deny the application. The Advisory Authority's recommendation shall be transmitted to the Approving Authority in such manner and form as specified by the Approving Authority, within 60 days following the date the decision was rendered. The 60-day time limit may be extended by mutual agreement of the applicant and City.

5. Approving Authority Review and Action.

a. Upon receipt of the Advisory Authority's recommendation, the Approving Authority shall approve, conditionally approve, or deny the application, either in whole or in part. The action of the Approving Authority shall be by written decision, setting forth the basis for the action and shall include all applicable findings prescribed by Subsection D (Findings and Decision), below.

b. The decision of the Approving Authority shall be final and conclusive in the absence of an appeal filed pursuant to Division 2.04 (Appeals) of this Development Code.

D. Findings and Decision.

1. Designated Historic Landmarks, Contributors, and Non-Contributors and Eligible Historic Resources.

a. A Historic Preservation—Certificate of Appropriateness application for Designated Historic Landmarks and Contributors, or Eligible Historic Resources, shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

(1) The proposed alteration, restoration, relocation, or construction will not detrimentally change, destroy or adversely affect any significant architectural feature of the resource;

(2) The proposed alteration, restoration, relocation, or construction will not detrimentally change, destroy or adversely affect the historic character or value of the resource;

(3) The proposed alteration, restoration, relocation, or construction will be compatible with the exterior character-defining features of the historic resource; and

(4) The proposed alteration, restoration, relocation, or construction will not adversely affect or detract from the character of the historic district.

2. Demolition of Historic Resources.

a. A Historic Preservation—Certificate of Appropriateness and Demolition application for the Demolition Of Historic Resources shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

(1) The proposed demolition is necessary because all efforts to restore, rehabilitate, and/or relocate the resource have been exhausted;

(2) The proposed demolition is necessary because restoration/rehabilitation is not practical because the extensive alterations required would render the resource not worthy of preservation;

(3) The proposed demolition is necessary because failure to demolish the resource would adversely affect or detract from the character of the District; and

(4) The resource proposed to be demolished has been assigned a Tier III designation.

3. Instances Wherein Findings Are Not Required. The Approving Authority may act upon Historic Preservation—Certificate of Appropriateness and/or Demolition applications for Tier I and Tier II historic resources that are designated historic landmark contributors and noncontributors to historic districts, or eligible historic resources , without making the findings contained in Paragraph D.1 (Designated Historic Landmarks, Contributors, and Non-Contributors and Eligible Historic Resources) or Paragraph D.2 (Demolition of Historic Resources) of this Subsection, if a Historic Preservation—Certificate of Economic Hardship has been granted pursuant to Section 4.02.055 (Historic Preservation—Certificates of Economic Hardship) of this Division.

E. Conditions of Approval.

1. In approving Historic Preservation—Certificate of Appropriateness and/or Demolition applications, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. All conditions of approval or requirements authorized by this Section are enforceable in the same manner, and to the same extent, as any other applicable requirement of this Development Code.

3. In approving Historic Preservation—Certificate of Appropriateness and/or Demolition applications, the following conditions of approval shall be imposed, and shall be completed prior to commencing any demolition work:

a. Each historic resource shall be fully documented and cataloged pursuant to Historic American Building Survey/Historic American Engineering Record (HABS/HAER) standards, to provide a record of the resource, including, but not limited to: **[i]** the preparation of

site plans, floor plans, exterior and interior elevations, and detail drawings of character defining features (such as moldings, stairs, etc.); and **[ii]** photographs of the resource, including the exterior, interior, and interior and exterior character defining features (such as moldings, light fixtures, trim patterns, etc.).

b. A mitigation fee established pursuant to Section 7.01.025 (Historic Preservation Mitigation Fee) shall be paid to the City prior to the issuance of a demolition permit for Tier III historic resources. Fees for Tier I and II historic resources shall be determined during the Environmental Impact Report process. The fees established for Tier III will be used as a reference point for establishing fees for Tier I and II historic resources.

c. A Certificate of Appropriateness shall not be issued for the demolition of an historic resource, either in whole or in part, until such time that a demolition permit application and a replacement structure has been approved by the City, and appropriate permits have been issued for its construction, unless: **[i]** a waiver is granted pursuant to Subsection H (Replacement Structure Waiver for Historic Resources Located within Industrial Zoning Districts) of this Section; **[ii]** a deferral of the replacement structure requirement is granted pursuant to Subsection G (Replacement Structure Deferral) of this Section; or **[iii]** demolition is required pursuant to Section 7.01.050 (Unsafe or Dangerous Conditions) of this Development Code.

d. In an effort to preserve features and artifacts from historic resources, a determination whether items within or on the resource should be salvaged must be made by the Planning Department and may include the local historical society prior to the issuance of the demolition permit. The applicant shall be responsible for the removal, relocation, storage, and donation of such items selected for salvaging. The applicant shall provide an inventory of salvaged items to the Planning Department, and shall include a list of each item name, description and dimension (as necessary), and the location of each item on a floor plan.

F. Certificate of Appropriateness Waivers. The Approving Authority may waive the requirement for Certificate of Appropriateness approval for certain alterations, restorations, rehabilitations, remodeling, repainting, resurfacing, and additions to historic resources, as follows:

1. A waiver may be issued for work that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the guidelines set forth in Division 7.01 (Historic Preservation) of this Development Code.

2. A waiver may be issued for minor alterations to historic resources, provided no change in appearance occurs or the proposed change restores period features, including but not limited to, chimneys; fences and walls, including construction, demolition, or alteration of side, rear and front yard fences and walls; foundations; landscaping, unless the Landmark designation specifically identifies the landscape, layout, features or elements as having particular historical, architectural or cultural merit; roofing, provided a 30 year dimensional shingle, or an aesthetically equivalent dimensional shingle is used, and the replacement shingle must maintain the architectural character of the historic resource in terms of scale, pattern, texture, and coloration; and signage, including directional, monument, wall and window signs.

3. A waiver may be issued for the construction of residential accessory structures and additions less than 650 SF in area or 50 percent of the existing original historic building area, whichever is less, to historic resources that are not visible from a public right-of-way, excluding public alleys.

G. Replacement Structure Deferral. The Approving Authority may defer the obligation to construct replacement structures as a requirement for approval of the demolition of a historic resource, if the ultimate project proposed for the site of the demolition provides an exceptional benefit to the community.

1. Findings. A Replacement Structure Deferral shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and any public testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

a. The demolition is necessary to allow the acquisition and assembly of land for a future redevelopment or housing project within a redevelopment project area;

b. The future project will provide exceptional benefits to the City with respect to employment, fiscal, social, housing and economic needs of the community, or will provide new public facilities that are needed by the City (such as off-site improvements, parks, open space, recreation, or other community facilities, not including parking lots); and

c. Failure to demolish the historic structures could hinder the ability of the City to revitalize or redevelop a blighted lot or area of the City or meet housing production requirements.

2. Condition of Approval. In granting a deferral of the replacement structure requirement, the Approving Authority shall impose a condition of approval requiring any new project on the subject site to be designed pursuant to the infill development guidelines listed in Subsection I (Infill Development Guidelines) of this Section, to insure compatibility with the surrounding area or neighborhood. The Historic Preservation Subcommittee shall make a recommendation to the Approving Authority for the replacement structure regarding compliance with the infill development guidelines.

H. Replacement Structure Waiver for Historic Resources Located within Industrial Zoning Districts. The Approving Authority may waive the obligation to construct replacement structures as a requirement for approval of the demolition of a Tier III Historic Resource, if the site is located in an Industrial Zone. The waiver shall be acted on based upon the information provided in the submitted application, after considering and clearly establishing all of the below-listed findings and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The Tier III Historic Resource is a residential building located in an Industrial Zoning District;

2. Approving the deferral will not adversely affect the character, integrity, general welfare of the surrounding neighborhood, residents, and adjacent properties;

3. Conversion and/or rehabilitation of the residential home is not economically feasible, demonstrated through market analysis, construction costs, structural reports, property and building conditions assessments, and/or any other study/report deemed necessary by the Planning Director;

I. Infill Development Guidelines. The following infill development guidelines shall be incorporated into the design of all new structures proposed within a designated, proposed, or potential Historic District, or on a historic property, pursuant to this Division:

1. New buildings, structures, or improvements constructed within a historic district shall be designed to be compatible with the architectural style, features, and historic character of the district.

2. New buildings shall be compatible with the original style of the contributing buildings within a historic district. The design of the new building shall incorporate the following considerations:

a. The design shall incorporate the design features and details of contributing structures;

b. The height, width, and length of the new building shall be consistent with the original characteristic of the contributing structures; and

c. The exterior materials and treatment shall be similar to the contributing structures.

3. New buildings, structures, and/or improvements constructed on a historic property shall be designed to be compatible with the architectural style and features of contributing historic buildings located on the historic property.

4. New buildings shall be compatible with the original architectural style of the contributing historic buildings on the historic property. The design of the new building shall incorporate the following considerations:

a. The design shall incorporate the design features and details of the historic structure;

b. The height, width, and length of the new building shall be consistent with the original characteristic of the historic building; and

c. The exterior materials and treatment shall be similar to the historic building.

J. Certificate of Appropriateness Modification/Revision.

1. Historic Preservation—Certificates of Appropriateness and/or their conditions of approval may be modified/revised upon application by a project proponent or property owner if different from the proponent. The request shall be submitted to the Planning Department on a City application form pursuant to Division 2.02 (Application Filing and Processing).

2. Modifications/revisions that are minor in nature may be processed administratively, without notice or public hearing, provided the proposed changes are consistent with the intent of the original approval and there are no resulting inconsistencies with this Development Code. Modifications/revisions are considered minor in nature if in the opinion of the Planning Director, they do not involve substantial changes to the approved plans or the conditions of approval and would in no way affect surrounding properties.

3. Modifications/revisions to an approved plan or conditions of approval that are not minor in nature shall be processed as a revised Historic Preservation—Certificate of Appropriateness, following the procedures set forth in this Section for Historic Preservation—Certificate of Appropriateness approval, except that modification/revision approval shall not alter the expiration date established by the original application approval.

4.02.055: Historic Preservation—Certificates of Economic Hardship

A. Purpose. The purpose of this Section is to establish a process to ensure that denial of a Certificate of Appropriateness and/or a Demolition Application does not create any undue hardship upon the owner of a Tier I or Tier II historic resource.

B. Applicability.

1. The Approving Authority established pursuant to Table 2.02-1 (Review Matrix) of this Development Code is hereby empowered to approve, approve in modified form, or deny a Historic Preservation—Certificate of Economic Hardship application.

2. A Certificate of Economic Hardship may be filed concurrently with a Certificate of Appropriateness and/or Demolition Application in cases where the alteration, restoration, rehabilitation, remodel, addition to a historic resource, or demolition, partially or in whole, in compliance with the Certificate of Appropriateness and/or Demolition Application, would cause an immediate and substantial financial hardship. Furthermore, the denial of the Certificate of Appropriateness and/or Demolition Application would deny the property owner all reasonable beneficial use of, or return on, the property.

3. No action shall be taken to demolish or otherwise alter the historic resource for a period of 14 days following the issuance of a Certificate of Economic Hardship.

C. Application Filing, Processing and Hearing. A Historic Preservation—Certificate of Economic Hardship application shall be filed, processed, and heard pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. Findings and Decision. A Historic Preservation—Certificate of Economic Hardship application shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. Denial of the application will diminish the value of the subject property so as to leave substantially no value;

2. Sale or rental of the property is impractical, when compared to the cost of holding the property for uses permitted in the underlying zoning district;

3. An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical;

4. Rental at a reasonable rate of return is not feasible;

5. Denial of the Certificate of Appropriateness would damage the owner of the property unreasonably in comparison to the benefit conferred on the community, and

6. All means involving City sponsored incentives, such as a transfer of development rights, tax abatements, financial assistance, building code modifications, changes in the zoning ordinance, loans, grants, and reimbursements, have been explored to relieve possible economic disincentives.

4.02.060: Historic Preservation—Conservation Plans

A. **Purpose.** The purpose of this Section is to establish a process to expedite the review process for project areas in which numerous historic resources within a single project area would require the issuance of multiple Certificates of Appropriateness for proposed work to those Historic Resources.

B. **Applicability.** The Approving Authority established pursuant to Table 2.02-1 (Review Matrix) of this Development Code is hereby empowered to approve, approve in modified form, or deny a Historic Preservation—Conservation Plan application and to impose reasonable conditions upon the approval of the application.

C. **Application Filing, Processing and Hearing.** A Historic Preservation—Conservation Plan application shall be filed, processed, and acted upon pursuant to the requirements for Historic Preservation—Certificates of Appropriateness, contained in Section 4.02.050 (Historic Preservation—Certificates of Appropriateness and Demolition of Historic Resources) of this Development Code, and the provisions of this Section.

D. **Findings and Decision.** A Historic Preservation—Conservation Plan shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The proposed alterations, restorations, relocations, or construction, in whole or in part, within the plan area will not detrimentally change, destroy or adversely affect any significant architectural feature of Historic Resources;

2. The proposed alterations, restorations, relocations, or construction, in whole or in part, within the plan area will not detrimentally change, destroy or adversely affect the historic character or value of Historic Resources;

3. The proposed alterations, restorations, relocations, or construction, in whole or in part, within the plan area will be compatible with the exterior features of other improvements within the plan area; and

4. The proposed alterations, restorations, relocations, or construction, in whole or in part, within the plan area will not adversely affect or detract from the character of the plan area.

E. **Conditions of Approval.**

1. In approving a Historic Preservation—Conservation Plan application, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. All conditions of approval or requirements authorized by this Section are enforceable in the same manner, and to the same extent, as any other applicable requirement of this Development Code.

F. Conservation Plan Modification/Revision.

1. Historic Preservation—Conservation Plans and/or their conditions of approval may be modified/revised upon application by a project proponent or property owner if different from the proponent. The request shall be submitted to the Planning Department on a City application form pursuant to Division 2.02 (Application Filing and Processing).

2. Modifications/revisions that are minor in nature may be processed administratively, without notice or public hearing, provided the proposed changes are consistent with the intent of the original approval and there are no resulting inconsistencies with this Development Code. Modifications/revisions are considered minor in nature if in the opinion of the Zoning Administrator, they do not involve substantial changes to the approved plans or the conditions of approval and would in no way affect surrounding properties.

3. Modifications/revisions to an approved plan or conditions of approval that are not minor in nature shall be processed as a revised Historic Preservation—Conservation Plan, following the procedures set forth in this Section for Historic Preservation—Conservation Plan approval, except that modification/revision approval shall not alter the expiration date established by the original application approval.

4.02.065: Historic Preservation—Mills Act Contracts

A. Purpose. The purpose of this Section is to establish a process by which economic incentives may be provided for the preservation of a designated historic landmark or contributing structure within a designated historic district.

B. Applicability.

1. The Approving Authority established pursuant to Table 2.02-1 (Review Matrix) of this Development Code is hereby empowered to approve, approve in modified form, or deny a Historic Preservation—Mills Act Contract (Contract) application.

2. Pursuant to GC Section 50280, et seq., the owner(s) of designated historic landmarks, contributing structures within designated historic districts, and properties listed on the National Register of Historic Places or the California Register of Historic Resources, may request to enter into a Mills Act Contract with the City.

C. Application Filing, Processing and Hearing.

1. Historic Preservation—Mills Act Contract applications shall be filed, processed, and heard pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

2. The owner shall furnish the Approving Authority with any information the Approving Authority shall require in order to enable it to determine the eligibility of the property involved.

D. Findings and Decision.

1. A Historic Preservation—Mills Act Contract shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing **[i]** the eligibility of the property involved, **[ii]** the appropriateness and sequencing of the improvements proposed, and **[iii]** the fiscal benefits derived from those improvements.

2. No later than 20 days after the City enters into a Mills Act Contract with an owner pursuant to this Section, the City Clerk shall record a copy of the Contract with the county recorder, which shall fully describe the affected property.

E. Required Contract Provisions. Pursuant to GC Section 50281, any Mills Act Contract entered into under this Section shall contain the following provisions:

1. The term of the Contract shall be for a minimum period of 10 years.

2. Where applicable, the Contract shall provide for the following:

a. The preservation of designated historic landmarks, contributing structures within designated historic districts, and properties listed on the National Register of Historic Places or the California Register of Historic Resources, and, when necessary, to restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code;

b. The periodic examinations of the interior and exterior of the premises by the City, San Bernardino County Assessor, the Department of Parks and Recreation, and the State Board of Equalization, as may be necessary to determine the owner's compliance with the Contract; and

c. The Contract shall be binding upon, and inure to the benefit of, all successors in interest of the owner. A successor in interest shall have the same rights and obligations under the Contract as the original owner who entered into the Contract.

F. Term of Contract. Each Mills Act Contract shall provide that on the anniversary date of the Contract, or other annual date specified in the Contract, a year shall be automatically added to the initial term of the Contract unless notice of nonrenewal is given pursuant to Subsection G (Contract Nonrenewal), below. If the property owner or the Approving Authority desires within any year not to renew the Contract, that party shall serve written notice of nonrenewal of the Contract on the other party in advance of the annual renewal date of the Contract. Unless the notice is served by the owner at least 90 days prior to the renewal date or by the Approving Authority at least 60 days prior to the renewal date, one year shall be automatically added to the term of the Contract.

G. Contract Nonrenewal.

1. Upon receipt by the owner of a notice of nonrenewal from the Approving Authority, the owner may make a written protest of the notice. The Approving Authority may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

2. If, within any year, the Approving Authority or the owner serves notice of intent not to renew the Contract, the existing Contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the Contract, as applicable.

H. Contract Cancellation.

1. The Approving Authority may cancel a Mills Act Contract if it determines that the owner has breached any of the conditions of the Contract provided for in this Section or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historic property. The Approving Authority may also cancel a Contract if it determines that the owner has failed to restore or rehabilitate the property in the manner specified in the Contract.

2. A Mills Act Contract shall not be canceled until after the Reviewing Authorities have given notice of, and has held, a public hearing on the matter pursuant to Division 2.03 (Public Hearings) of this Development Code.

3. If a Mills Act Contract is canceled pursuant to Paragraph G.1, above, the owner shall pay a cancellation fee equal to 12.5 percent of the current fair market value of the property, as determined by the county assessor as though the property were free of the contractual restriction.

4. As an alternative to cancellation of a Mills Act Contract for breach of any condition, the City, or any landowner may bring any action in court necessary to enforce a Contract, including, but not limited to, an action to enforce the Contract by specific performance or injunction.

5. In the event that property subject to Mills Act Contract under this Section is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the Approving Authority to frustrate the purpose of the Contract, the Contract shall be canceled and no fee shall be imposed as required under Paragraph G.3, above. Furthermore, the Contract shall be deemed null and void for all purposes of determining the value of the acquired property.

I. Amendment to Work Program. Upon request of the property owner(s), the Planning Director may approve amendments to a Mills Act Contract Work Program, subject to the following:

1. The items listed in the proposed Work Program are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, and the guidelines set forth in this Development Code;

2. The Work Program shall be completed within the 10-year period following Contract enactment, unless extended by action of the City Council; and

3. The proposed Work Program shall have an equal or greater preservation and monetary value than the previously approved Work Program.

4.02.070: Master Plans and Amendments

A. Purpose. The purpose of this Section is to establish procedures for amending, supplementing, or changing official Master Plans of the City, whenever the public necessity, convenience, general welfare, or good planning practice so requires.

B. Applicability.

1. The Approving Authority is hereby empowered to approve, approve in modified form, or deny an official Master Plan of the City, or any amendment thereto, and to impose reasonable conditions upon the Master Plan approval.

2. The Master Plans subject to the provisions of this Section include the following:

a. 5-Year Capital Improvement Program (CIP) Master Plan prepared pursuant to GC Section 66540.32(b)(2)(H);

b. Fiber Optic Master Plan;

c. Parks Master Plan;

d. Citywide Streets Master Plan;

e. Sewer Master Plan;

f. Storm Drain Master Plan;

g. Water/Recycled Water Master Plan.

3. A Master Plan of the City shall be an internally consistent, action-oriented and pragmatic, considering both the short-term and long-term future, and shall present clear and concise policy guidance.

C. Application Filing, Processing, and Hearing. The adoption of a Master Plan of the City, or any amendments thereto, carried-out pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. Findings and Decision.

1. A Master Plan or amendment thereto, shall be acted upon by the Approving Authority, upon recommendation of the Advisory Authority.

2. The actions of the Approving and Advisory Authorities shall be based upon the evidence presented in the departmental written report and testimony provided during the public hearing, only after considering and clearly establishing that the proposed Master Plan, or any amendment thereto, promotes and/or is consistent with the goals and policies of The Ontario Plan, and giving supporting reasons for the finding. A Master Plan shall be denied if reasons supporting the required finding cannot be clearly established.

E. Conditions of Approval.

1. In approving a Master Plan or any amendment thereto, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. All conditions of approval or requirements authorized by this Section are enforceable in the same manner, and to the same extent, as any other applicable requirement of this Development Code.

4.02.075: Sign Programs

A. Purpose. The purpose of this Section is to establish a process whereby a Sign Program may be required to provide coordinated signing within development projects, utilizing common design elements and integrating the design of signs with the building and landscape design, to form a unified architectural statement.

B. Applicability.

1. Within any commercial, mixed-use, industrial, or specialized use or overlay zoning district, a Sign Program shall be submitted for any multi-tenanted building, complex or center, which shall fully comply with Section 8.01.020.F (Sign Programs) of this Development Code.

2. The Approving Authority is hereby empowered to approve, approve in modified form, or deny, either in whole or in part, a Sign Program on the basis of the application, supporting plans and documentation, and evidence submitted by the applicant.

C. Application Filing and Processing. A Sign Program shall be filed, processed, and acted upon pursuant to Division 2.02 (Application Filing and Processing) of this Development Code, the provisions of this Section, and the requirements of Subsection 8.01.020.F (Sign Programs) of this Development Code.

D. Decision. A Sign Program shall be acted upon only after considering and clearly establishing **[i]** that the Sign Program is in conformance with the provisions of this Section and Division 8.01 (Sign Regulations) of this Development Code, and **[ii]** that any deviations from Division 8.01 (Sign Regulations) of this Development Code, as allowed by the Sign Program, are limited only to those set forth in Paragraphs 8.01.020.F.2 and F.3 of this Development Code.

4.02.080: Specific Plan Minor Adjustments/Alterations

A. Purpose. The purpose of this Section is to establish a procedure by which minor departures from the strict application of the development standards and/or design guidelines established by a Specific Plan may be approved, provided the requested departure is in the interest of furthering the goals and policies of the affected Specific Plan and The Ontario Plan.

B. Applicability.

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Specific Plan Minor Adjustments/Alterations application, and to impose reasonable conditions upon the approval of the application.

2. The following constitute minor adjustments/alterations, not requiring a Specific Plan Amendment and/or update of the affected specific plan:

a. A net change of not more than 15 percent to the number of units within an individual residential area, provided the total number of units for the entire specific plan area does not exceed that established in the affected specific plan;

b. Adjustment/alteration of a residential planning area boundary, provided the total acreage of the affected area does not increase or decrease the total acreage stated in the affected specific plan by more than 15 percent;

c. Minor adjustments/alterations to landscape materials, wall materials, wall alignment, entry design, and streetscape design, which are consistent with the conceptual design set forth in the affected specific plan's development standards and design guidelines;

d. Minor adjustments/alterations to design guidelines, which are intended to be conceptual in nature, and are clearly intended to be flexible in implementation;

e. Other adjustments/alterations of a similar nature to those listed above, which are deemed minor by the Planning Director to be in keeping with the purpose and intent of the affected specific plan and are in conformance with The Ontario Plan; and

f. Adjustments/alterations in street alignments and dimensions that are deemed appropriate by the City Engineer, which are in keeping with the purpose and intent of the specific plan and are consistent with the purpose, principles, goals, and policies, of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, provided the changes do not impact the sizing of master planned infrastructure.

C. Application Filing, Processing and Hearing. Unless otherwise specified in a respective Specific Plan, a Specific Plan Minor Adjustments/Alterations application shall be filed, processed, and acted upon pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section. A noticed hearing pursuant to Division 2.03 (Public Hearings) of this Development Code shall not be required.

D. Findings and Decision. A Specific Plan Minor Adjustments/Alterations shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The proposed Specific Plan Minor Adjustment/Alteration is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and the specific plan;

2. The proposed Specific Plan Minor Adjustment/Alteration is reasonable and beneficial, and in the interest of good planning practice; and

3. The proposed Specific Plan Minor Adjustment/Alteration will not adversely affect the harmonious relationship with adjacent properties and land uses.

4.02.090: Subdivisions—Reversions to Acreage

A. **Purpose.** The purpose of this Section is to establish a process for the implementation of those provisions of the Subdivision Map Act (commencing with GC Section 66451.30), pertaining to the unmerger of parcels (reversions to acreage).

B. **Applicability.**

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Reversion to Acreage application and to impose reasonable conditions upon the approval of the application.

2. Proceedings for Reversion to Acreage may be initiated by the City Council or by petition of all of the property owners of record of the real property within a subdivision.

C. **Application Filing, Processing and Hearing.** A Reversion to Acreage application (petition by property owners) shall be filed, processed, and heard pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. **Findings and Decision.** A Reversion to Acreage shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The proposed Reversion to Acreage is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan;

2. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

3. Either:

a. All owners of an interest in the real property within the subdivision have consented to reversion; or

b. None of the improvements required to be made have been made within 2 years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

c. No lots shown on the final map or parcel map have been sold within 5 years from the date the map was filed for recordation.

E. Conditions of Approval.

1. In approving a Reversion to Acreage request, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s); and ensure compliance with GC Section 66499.17.

2. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

F. Filing of Parcel Map.

1. A parcel map submitted for the purpose of reverting to acreage shall be accompanied by evidence of title and nonuse or lack of necessity of any streets or easements that are to be vacated or abandoned, and a parcel map in a form acceptable to the City Engineer, which delineates any streets or easements that are to remain in effect after the reversion.

2. After approval of the reversion by the Approving Authority and City Engineer, the parcel map shall be delivered to the County Recorder. The reversion shall be effective upon the recordation of the parcel map by the County Recorder.

3. The filing of the parcel map shall constitute abandonment of all streets and easements not shown on the parcel map and shall constitute a merger of the separate lots into one lot, and shall thereby be shown as a single lot on the assessment roll of the County Assessor, subject to the provisions of GC Section 66445.

4. Except as provided in GC Section 66445(f), on any parcel map used for reverting acreage, a certificate shall appear, signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map.

G. Return of Fees and Deposits, and Release of Securities. Return of fees and deposits, and release of securities shall be in accordance with GC Section 66499.19.

H. Merger and Resubdividing Without Reversion.

1. Subdivided lands may be merged and resubdivided without reverting to acreage by complying with all the applicable requirements for the subdivision of land as provided by Section 4.02.095 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) of this Division, and the Subdivision Map Act (commencing with GC Section 66410).

2. The filing of the final map or parcel map shall constitute legal merging of the lots into one lot and the resubdivision of the lot, which will thereafter be shown with the new lot boundaries on the assessment roll of the County Assessor.

3. Any unused fees or deposits pertaining to the resubdivided property shall be credited pro rata towards any of the requirements for the same purposes that are applicable at the time of resubdivision.

4. Any streets or public easements to be left in effect after the resubdivision shall be adequately delineated on the map.

5. After approval of the merger and resubdivision by the Approving Authority, the map shall be delivered to the San Bernardino County Recorder. The filing of the map shall constitute legal merger and resubdivision of the affected land and shall constitute abandonment of all public streets or public easements not shown on the map.

4.02.095: Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps

A. **Purpose.** The purpose of this Section is to establish a process for the implementation of those provisions of the Subdivision Map Act (commencing with GC Section 66410), pertaining to the review, regulation, and control of the design of subdivisions, and to achieve the following:

1. Assist in implementing the Vision, Policy Plan (General Plan) and City Council Priorities components of The Ontario Plan;

2. Encourage orderly development of the City through the regulation and control of the design and improvement of subdivisions, with a proper consideration of its relationship to adjoining areas;

3. Ensure that the areas within a subdivision that are dedicated for public purposes will be properly improved by the subdivider so that they will not become an undue burden on the community;

4. Protect the public and individual transferees of land from fraud and exploitation;

5. Provide lots of sufficient size and appropriate design for the purposes for which they are to be used;

6. Provide streets of adequate capacity and design for the traffic that will utilize them and to ensure maximum safety for pedestrians and vehicles;

7. Provide sidewalks or pedestrian ways where needed for the safety and convenience of pedestrians;

8. Identification and preservation of the cultural resources and natural assets of the City;

9. Prevent the indiscriminate clearing of property and the destruction of desirable landscape features;

10. Ensure adequate access to each building site, and safeguard the public safety and welfare through superior subdivision design;

11. Provide adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities necessary to the public health, safety, and convenience;

12. Provide adequate sites for public facilities necessary to serve the residents of the new developments; and

13. Ensure that the costs of providing land for streets, alleys, pedestrian ways, easements, and other rights-of-way, and for the improvements therein needed to serve new developments, are borne by the subdivider rather than by the taxpayers of the City at large.

B. Applicability.

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Tentative Tract Map, Tentative Parcel Map, Vesting Tentative Tract Map, or Vesting Tentative Parcel Map, and to impose reasonable conditions upon the approval of the application pursuant to the provisions of the Subdivision Map Act (commencing with GC Section 66410), Planning and Zoning Law (commencing with GC Section 65000) and the California Environmental Quality Act (commencing with PRC Section 21000).

2. Each proposed parcel map, tract map or vesting parcel or tract map shall be submitted to the City in the form of a tentative map, which shall include an identifying map number issued by the office of the San Bernardino County Surveyor. All tentative maps shall be prepared by a state-licensed land surveyor or state-registered civil engineer authorized to practice land surveying.

C. Application Filing, Processing and Hearing. A Tentative Subdivision Map application shall be filed, processed and acted upon pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. Findings and Decision. A Tentative Subdivision Map shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The proposed map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments;

2. The design or improvement of the proposed subdivision is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments;

3. The site is physically suitable for the type of development proposed;

4. The site is physically suitable for the proposed density of development;

5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

6. The design of the subdivision or type of improvements are not likely to cause serious public health problems; and

7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

E. Conditions of Approval.

1. In approving a Tentative Subdivision Map, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

F. Tentative Map Modification/Revision.

1. Tentative maps and/or their conditions of approval may be modified/revised upon application by the subdivider or property owner if different from the subdivider. The request shall be submitted to the Planning Department on a City application form pursuant to Division 2.02 (Application Filing and Processing) of this Development Code.

2. Modifications/revisions that are minor in nature may be processed administratively, without notice or public hearing, provided the proposed changes are consistent with the intent of the original tentative map approval, do not affect off-site properties and there are no resulting inconsistencies with this Development Code. The following modifications/revisions are considered minor in nature:

a. Modifications/revisions affecting less than 20 percent of the total number of lots in the subdivision, provided there is no increase in the total number of lots within the subdivision; and

b. Any other changes that, in the opinion of the Planning Director and City Engineer, do not involve substantial changes to the map or the conditions of approval, and do not affect surrounding properties.

3. Any other amendment or modification of an approved tentative subdivision map shall be processed as a revised tentative map, following the procedures set forth in this Section for tentative subdivision map approval, except that modification/revision approval shall not alter the original expiration date of the tentative map.

G. Vesting Tentative Maps.

1. Filing and Processing of Vesting Tentative Maps. A vesting tentative map shall be filed in the same form; shall have the same content, accompanying data and reports; and shall be processed in the same manner described for tentative maps in Subsections A through F of this Section, except as stated below:

2. Development Rights.

a. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in GC Section 66474.2. However, if GC Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

b. Notwithstanding Subparagraph G.2.a of this Section, a permit, approval, extension, or entitlement may be made conditional or may be denied if any of the following are determined:

(1) Failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; and/or

(2) The condition(s) or denial is required in order to comply with state or federal laws.

c. The provisions of this Subparagraph shall not:

(1) Limit the City from imposing reasonable conditions on subsequently required approvals or permits necessary for the development and authorized by the ordinances, policies and standards described in Paragraph G.1 (Filing and Processing of Vesting Tentative Maps) of this Section; and

(2) Diminish or alter the types of conditions that may be imposed by the City on a development or the City's power to protect against a condition dangerous to the public health or safety.

3. Modifications/Revisions to Vesting Tentative Maps. At any time prior to the expiration of a vesting tentative map, the subdivider, their successor, or their assignee, may apply for a modification to the map. A public hearing shall be held by the Approving Authority on any application involving a modification to the vesting tentative map, or by the development related thereto, following procedures set forth for the modification of tentative maps contained in Subsection F (Tentative Map Modification/Revision) of this Section. Approval of a modification to a vesting tentative map, or development related thereto, shall be evaluated for compliance with the City regulations, standards, and policies in effect at the time the original vesting tentative map was deemed complete.

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Division 4.03—Ministerial (Administrative) Permits and Decisions

Sections:

4.03.000: Purpose
4.03.005: Applicability
4.03.010: Historic Preservation—Adaptive Reuse Plan
4.03.015: Administrative Use Permits
4.03.020: Sign Plans
4.03.025: Subdivisions—Certificates of Compliance
4.03.030: Subdivisions—Final Maps and Parcel Maps
4.03.035: Subdivisions—Lot Line Adjustments
4.03.040: Subdivisions—Map Corrections and Amendments
4.03.045: Subdivisions—Parcel Map Waiver
4.03.050: Subdivisions—Lot Merger (Merger of Contiguous Parcels)
4.03.055: Administrative Exceptions
4.03.060: Fair Housing and Reasonable Accommodations

4.03.000: Purpose

The purpose of this Division is to prescribe procedures for the consideration of ministerial (administrative) permits or decisions by the Reviewing Authorities established by Table 2.02-1 (Review Matrix) of this Development Code. Ministerial permits and decisions consist of City actions and determinations that involve little or no personal judgment by a public official as to the wisdom or manner of carrying out a project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements.

4.03.005: Applicability

The Reviewing Authorities established by Table 2.02-1 (Review Matrix) of this Development Code shall consider a ministerial permit or decision pursuant to the general provisions prescribed by Division 2.02 (Application Filing and Processing) of this Development Code, and the provisions of this Division that are specific to each discretionary permit or action stipulated herein.

4.03.010: Historic Preservation—Adaptive Reuse Plan

A. **Purpose.** The purpose of this Section is to establish a procedure by which Adaptive Reuse Plans may be approved by the City, while at the same time:

1. Provide a more efficient way for qualified historic buildings and adaptive reuse projects to meet development, building, and fire protection standards;

2. Promote adaptive reuse as part of broader goals supporting historic preservation, economic development, environmental sustainability and resilience, and recognize the social value of historic buildings;

3. Incentivize building reuse to encourage activation of Downtown Ontario where there is a large collection of commercial and industrial historic buildings that are worthy of preservation;

4. Eliminate or allow nonconformance with certain development regulations that would make adaptive reuse of qualified historic buildings infeasible, including such standards related to parking and loading, height, density, floor-area ratio, and open space; and

5. Allow alternative building and fire code compliance for qualified adaptive reuse projects able to demonstrate an alternative means or method of protecting public health, safety, and welfare.

B. **Applicability.**

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny an Adaptive Reuse Plan application, and to impose reasonable conditions upon the approval of the application.

2. Adaptive Reuse Plan approval shall allow for those land uses identified in Table 5.02-1 (Land Use Matrix) of this Development Code, which allows for a broad range of land uses of the underlying zoning district in which the site is located. However, no new uses that emits noxious odors or excessive noise shall be allowed, unless it can be demonstrated to the satisfaction of the Planning Director that the use will not cause adverse impacts to nearby residential land uses.

3. Qualifying buildings include those listed on the National Register of Historic Places, on the California Register of Historic Resources, Ontario Register of Historic Resources as designated local landmarks or contributors to designated local historic districts located within the Adaptive Reuse Plan Area.

4. Adaptive Reuse projects are construction and remodeling projects that reconfigure existing spaces within existing buildings to accommodate a new use or purpose other than what it was originally designed for. Adaptive Reuse projects require a change of use and building occupancy from office or commercial to residential, industrial to work/live, residential to office or commercial, or assembly to residential, office or commercial.

5. **Application Filing and Processing.** An Adaptive Reuse Plan application shall be filed, processed, and acted upon pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section. Plans and reports prepared for an Adaptive Reuse Plan shall be prepared by a California licensed architect meeting the minimum qualifications standards of The Secretary of the interior Professional Qualifications (Code of Federal Regulations, 36 CFR Part 61).

C. **Adaptive Reuse Plan Area.** This area consists of the City's original downtown, and extends north to include the historic districts adjacent to Euclid Avenue, the boundary of which is as follows:

> *Beginning at the intersection of the centerlines of State Street and San Antonio Avenue, thence north to the northernmost city boundary, thence east to the centerline of Sultana Avenue, thence south to the centerline of I Street, thence east to the centerline of Campus Avenue, thence south to the centerline of State Street, thence west to the point of beginning.*

D. **Alternative Building and Fire Code Regulations.** The alternative building and fire codes regulations adopted in this Section are applicable to qualified buildings and adaptive reuse projects.

1. *Alternative Codes.* Use of the California Historic Building Code, International Existing Building Code, California Health and Safety Code and the Ontario Adaptive Reuse Plan Technical Manual shall provide a process and the ability for the Building Official and Fire Marshal to consider alternative building standards while ensuring adequate health and safety protections.

2. In permitting repairs, alterations, and additions necessary to accommodate adaptive reuse projects, the alternative code regulations shall impose requirements that will, in the determination of the Building Official and the Fire Marshal, protect the public health, safety, and welfare.

3. Nothing in this Section shall be construed to allow the reduction of existing seismic or fire and life-safety elements of an eligible building where such elements provide a greater level of protection than the minimum requirements established by this Section.

4. Subject to the approval of the Building Official and Fire Marshal, the use or occupancy type of a qualified building shall be allowed to be changed as part of an adaptive reuse project without conforming to all requirements of Title 8, Building Regulations, and Title 4, Chapter 4, Fire Code of the City of Ontario Municipal Code provided the new or proposed occupancy is equally or less hazardous, based on life and fire risk, than the existing use.

5. Whenever there are practical difficulties involved in carrying out the provisions of Title 8, Building Regulations, and Title 4, Chapter 4, Fire Code of the City of Ontario Municipal Code, the Building Official and Fire Marshal shall have the authority to grant modifications for individual cases, provided the Approving Authority shall first find that special individual reasons make the strict letter of the local codes impractical and the modification is in compliance with the intent and purpose of the local codes and that such modification does not lessen health, life and safety requirements.

F. **Incentives.** The Planning Director may grant the following departures from certain development standards and requirements to incentivize qualified Adaptive Reuse Plans:

1. *Development Plan Waived.* Approved Adaptive Reuse Plans, which may allow for new additions up to 25 percent of the existing building floor area and is not visible from the public right-of-way, shall be exempt for the requirements for Development Plan review set forth in Section 4.02.025.

2. *Mezzanines*. Loft spaces in joint living and work quarters, dwelling units and guest rooms which do not exceed more than 33 percent of the floor area of the space below shall not be considered new floor area. Mezzanines may be included in the calculation of floor area for the purpose of determining compliance with the standards set forth in Paragraph (E) of this subdivision.

3. *Parking Reduction*. New parking spaces shall not be required for any converted use within the existing footprint of the building, but expansions to floor area shall require one parking space per bedroom or one parking space per 250 square feet of gross floor area for office or commercial.

4. *Setbacks*. Existing building setbacks may remain and shall be considered legally nonconforming, but no further encroachments shall be permitted into any nonconforming setback.

5. *Increases in Maximum Building Height*. The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legally nonconforming. Any rooftop construction needed for drainage, ventilation, utilities, or passive recreation shall be included within the height exemption. This height exemption does not include new residential or commercial floor area.

6. *Open Space*. Private open space for residential adaptive reuse projects may be waived when it is determined by the Approving Authority that the requirement would result in exterior alterations to the existing building that would result in an adverse impact to a historic resource. A minimum of 100 square feet of common open space per residential unit or 25 percent of the building square footage, whichever is less, shall be required and may be provided on the rooftop of the building or within the building and include various type of indoor amenities such as fitness center, workstations, playrooms, etc.

7. *Loading Zone*. A new loading zone shall not be required if the existing building does not have an existing loading zone.

G. Standards. Adaptive Reuse Projects permitted pursuant to this subdivision shall be developed in compliance with the following standards:

1. *Minimum Dwelling Units*. Adaptive reuse projects that propose residential shall develop no less than 3 units. The minimum floor area for new dwelling units and joint living and work quarters shall be 450 square feet. Floor area shall not include hallways or other common areas, or rooftops, balconies, terraces, fire escapes, or other projections or surfaces exterior to the walls of the building. The floor area of both the living space and the workspace shall be combined to determine the size of joint living and work quarters. The average floor area, as defined above, of all the dwelling units and joint living and work quarters in the building, including those that existed prior to the effective date of this ordinance, shall be at least 750 square feet. That minimum average size shall be maintained and not reduced.

2. *Storefront*. Ground floor of an existing multiple level commercial building shall contain street frontage and shall be used as a commercial storefront. Residential on ground may occur at the rear of the building behind the storefront.

3. *Exterior or Interior (Public Space) Alterations*. A Certificate of Appropriateness pursuant to Section 4.02.050: Historic Preservation—Certificates of Appropriateness and Demolition of Historic Resources is required for any alteration, addition, restoration, rehabilitation, remodeling, relocation, repainting, and/or resurfacing of an historic resource.

4. *Other Provisions*. Floor Area Ratio (FAR), Landscaping, Lot Coverage, and any other development standard of the underlying zone may be waived by the Approving Authority.

H. Conditions of Approval.

1. In approving an Adaptive Reuse Plan, the Planning Director may impose certain safeguards and standards to ensure that the purposes of this Development Code are maintained; ensure that the permit will not endanger the public health, safety or general welfare; ensure that the permit will not result in any significant environmental impacts; ensure that the permit will be in

harmony with the area in which it is located; and ensure that the permit will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. The standards and requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

I. **Findings and Decision.** An Adaptive Reuse Plan, or any amendment thereto, shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. That the use(s) of the property will not be detrimental to the public health, safety and general welfare surrounding the project location;

2. That the Adaptive Reuse Project complies with the standards set forth in Section 4.03.010 (F) of this Development Code; and

3. A Certificate of Appropriateness has been approved or Waived for the Adaptive Reuse Plan.

4.03.015: Administrative Use Permits

A. **Purpose.** The purpose of this Section is to establish a procedure by which Administrative Use Permits may be issued by the City, while at the same time:

1. Eliminating any possibility for the exercise of unfettered discretion during the application review process through the establishment of reasonable and uniform regulations that will reduce possible adverse effects that uses subject to this Section may have upon the residents of the City; and

2. Establishing a process whereby the unique operating characteristics of the uses subject to this Section may be properly conditioned through an individual review, in order to ensure compatibility with surrounding uses of property, and preserve the integrity of the residential, commercial, mixed-use, and industrial areas of the City.

B. **Applicability.**

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny an Administrative Use Permit application, and to impose reasonable conditions upon the approval of the application.

2. Administrative Use Permit approval shall be required for those land uses so identified in Table 5.02-1 (Land Use Matrix) of this Development Code, excepting the following temporary and interim land uses:

a. Car Washes for Fundraising Purposes. Car washes shall be conducted by a qualifying sponsoring organization within a nonresidential zoning or land use district. Sponsorship

shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax-exempt organizations in compliance with Federal Internal Revenue Code Section 501(c). Exempt temporary car washes for fundraising purposes shall be limited to one event per month at each location the activity is conducted and shall be limited to a maximum of 2 days duration.

b. Emergency Public Health and Safety Activities and Facilities. Temporary activities and facilities associated with emergency public health and safety needs of the City, State, and federal governments.

c. Film/Video Making. Temporary filming, photography, and videography, and production activities associated with a Film Permit issued by the City.

C. Application Filing and Processing. An Administrative Use Permit application shall be filed, processed, and acted upon pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. Decision.

1. An Administrative Use Permit shall be acted upon by the Approving Authority, based upon the information provided in the submitted application, evidence presented with any supplemental information or written report, and testimony provided during any hearing (if required), only after considering and clearly establishing that the use for which an Administrative Use Permit is requested complies with all applicable Development Code provisions specific to the requested use.

2. An Administrative Use Permit shall be issued if the Approving Authority determines that the proposed use complies with all applicable Development Code provisions,

3. An Administrative Use Permit shall be denied if the proposed use does not comply with one or more Development Code provisions.

E. Conditions of Approval.

1. In approving an Administrative Use Permit, the Approving Authority may impose certain safeguards and standards to ensure that the purposes of this Development Code are maintained; ensure that the permit will not endanger the public health, safety or general welfare; ensure that the permit will not result in any significant environmental impacts; ensure that the permit will be in harmony with the area in which it is located; and ensure that the permit will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. The standards and requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

3. A copy of the approved Administrative Use Permit shall be maintained on site for the duration of the use, activity, or facility authorized, and shall be made available for inspection upon demand by a City representative.

F. Unlawful Business Practices May Be Enjoined; All Remedies Are Cumulative. Any business activity requiring Administrative Use Permit approval pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, and which is operated, conducted, or maintained contrary to the

provisions of this Development Code, shall constitute an unlawful business practice pursuant to Business & Professions Code Section 17200, et seq., and the City may file a complaint with the District Attorney and request the District Attorney bring action seeking an injunction prohibiting the unlawful business practice or any other remedy available at law, including but not limited to fines, attorney's fees, and costs. All remedies provided for in this Section are cumulative.

G. Administrative Fines.

1. Violations. Upon a finding by the Police Chief or Community Improvement Director that a land use or business for which an Administrative Use Permit has been issued has violated any provision of this Development Code or of the City or Ontario Municipal Code, the Police Chief or Community Improvement Director may issue an administrative fine of up to $500.

2. Separate Violations. Each violation of this Development Code or of the Ontario Municipal Code constitutes a separate violation. Each day a violation of this Development Code or the Ontario Municipal Code occurs also constitutes a separate violation.

3. Administrative Fine Procedures. A Notice of Administrative Fine shall be served by hand delivery or certified mail and shall state the legal violation and all supporting facts. Furthermore, the Notice shall also contain an advisement of the right to request an appeal hearing before the Zoning Administrator to contest the suspension or revocation.

4. Appeal of Administrative Fines.

a. An appeal request shall be filed with the Planning Department on a City application form, within 10 days following the date appearing on the Notice of Administrative Fine. The appeal request shall include a statement identifying the pertinent facts disputing the violation.

b. An appeal hearing shall be scheduled within 30 days following the Planning Department's receipt of the appeal request unless an extension is mutually agreed upon by the appellant and the Zoning Administrator.

c. The appeal shall be heard by the Zoning Administrator. The decision of the Zoning Administrator shall be provided by certified mail. The decision constitutes a final administrative order, with no additional administrative right of appeal.

5. Failure to Pay Administrative Fines.

a. If an administrative fine is not paid within 30 days after the date appearing on the Notice of Administrative Fine or, if the Notice is appealed, within 30 days after the date of the Zoning Administrator's decision, whichever occurs later, the fine may be referred to a collection agency.

b. Any outstanding fine must be paid prior to the issuance or renewal of any license or permit issued by the City.

H. Suspension and Revocation of Administrative Use Permits.

1. Reasons. The Police Chief and the Community Improvement Director each has the authority to suspend or revoke an Administrative Use Permit, based on one or more of the following reasons:

a. The Administrative Use Permit approval was obtained by fraud;

b. The Administrative Use Permit is being, or has recently been exercised contrary to the terms or conditions of the application approval;

c. The Administrative Use Permit is being or has been exercised in violation of a federal, state, or City statute, ordinance, law, or regulation; and/or

d. The Administrative Use Permit was exercised in a way that is detrimental to the public peace, health, safety, or welfare, or otherwise constitutes a nuisance.

2. Suspension and Revocation Procedures. A Notice of Suspension or Revocation shall be served on the owner of the property and upon any tenant or operator in possession of the property, if different from the owner, by hand delivery or certified mail, along with the legal violation and supporting facts. The Notice shall also contain an advisement of the right to request an appeal hearing before the Zoning Administrator to contest the suspension or revocation.

3. Time Period of Suspension of Permit. When any of the conditions listed in H.1.a through d above exists, the Police Chief and the Community Improvement Director are each authorized to suspend an Administrative Use Permit for a period of no less than 5 days, and no more than 90 days, at their discretion.

4. Effective Date of Suspension or Revocation. A Notice of Suspension or Revocation issued under Paragraph H.2 of this Section is effective 10 days following the date appearing on the Notice, in the absence of an appeal filed in accordance with Paragraph H.5 of this Section.

5. Appeal of Suspension or Revocation of Permit.

a. The decision of the Police Chief or Community Improvement Director to suspend or revoke an Administrative Use Permit may be appealed by the permittee.

b. The appeal request shall be filed with the Planning Department on a City application form and shall include a statement identifying pertinent facts disputing the reasons stated in the Notice of Suspension or Revocation.

c. An appeal request must be received by the Planning Department on or before the effective date of the suspension or revocation under Paragraph H.4 of this Section.

d. The timely filing of an appeal request stays a suspension or revocation pending a decision on the appeal by the Zoning Administrator.

e. An appeal hearing shall be scheduled within 30 days following the Planning Department's receipt of the appeal request, unless an extension is mutually agreed upon by the appellant and the Zoning Administrator.

f. Within 20 days following the appeal hearing, the Zoning Administrator shall issue a final administrative order to the appellant, by certified mail. There shall be no further administrative right of appeal.

6. Evidence. The following rules shall apply to any hearing required by this Section. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence

bearing on the issues, to be represented by counsel, and to confront and cross-examine witnesses. Any relevant evidence may be admitted if it is the sort of evidence upon which reasonable persons are accustomed to relying in the conduct of serious affairs. Formal rules of discovery do not apply to proceedings governed by this Section. Unless otherwise specifically prohibited by law, the burden of proof is on the appellant in any hearing or other matter under this Section.

7. Limitations on Application Refiling. A holder of an Administrative Use Permit who has had the Permit revoked under this Section may not apply for the same or substantially similar Administrative Use Permit for 12 months after the date of the Final Administrative Order revoking the Permit.

I. **Public Nuisance.** It shall be unlawful and a public nuisance for a land use or business activity for which an Administrative Use Permit has been issued to be operated, conducted, or maintained contrary to the provisions of this Development Code or of any conditions of approval imposed on an Administrative Use Permit by the Approving Authority. The City may exercise its discretion, in addition to or in lieu of prosecuting a criminal action, to commence proceedings for the abatement, removal, or enjoinment of that land use or business activity in any manner provided by law.

4.03.020: Sign Plans

A. **Purpose.** The purpose of this Section is to establish a process by which Sign Plans may be required to ensure compliance with the standards and guidelines contained within this Development Code pertaining to the number, placement, height, size, illumination, and design of signs, and to ensure compliance with any previously approved entitlements.

B. **Applicability.**

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Sign Plan application, and to impose reasonable conditions upon the approval of the application.

2. An approved Sign Plan shall be required prior to placing, erecting, modifying, moving, or reconstructing any sign in the City, unless expressly exempted by this Development Code. Signs requiring a permit shall comply with: **[i]** the provisions of this Development Code, **[ii]** all other applicable laws and ordinances, and **[iii]** with any associated approved entitlements.

C. **Application Filing and Processing.** A Sign Plan application shall be filed, processed and acted upon pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. **Decision.** A Sign Plan shall be acted upon by the Approving Authority based upon the information contained in the application, supporting plans and documentation, and evidence submitted by the applicant, only after considering and clearly establishing that the Sign Plan is in conformance with the provisions of Division 8.1 (Sign Regulations) of this Development Code, and any associated entitlements that have been previously approved by the City.

4.03.025: Subdivisions—Certificates of Compliance

A. Purpose. The purpose of this Section is to establish a means by which a Certificate of Compliance or Conditional Certificate of Compliance may be issued by the City pursuant to GC Section 66499.35, and legal status may be conferred to parcels of real property that were not established by other legal means.

B. Applicability.

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the City Engineer is hereby empowered to approve, approve in modified form, or deny a Certificate of Compliance, and to impose reasonable conditions upon the approval of the application.

2. The provisions of this Section shall apply to real property for which there is no final map, parcel map, official map, or approved certificate of exception, which establish the status for legal creation of parcels of real property.

C. Application Filing and Processing. A Certificate of Compliance shall be filed, processed and acted upon pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. Decision.

1. Certificate of Compliance.

a. Upon receipt of a Certificate of Compliance application, the City Engineer shall determine whether the affected real property complies with the applicable provisions of the Subdivision Map Act and this Development Code. A certificate of compliance shall be issued for any real property that has been approved for development of the property.

b. If the City Engineer determines that the real property that is the subject of a Certificate of Compliance application complies with the applicable provisions of the Subdivision Map Act and this Development Code, it shall cause a Certificate of Compliance to be filed for recordation with the County Recorder.

2. Conditional Certificate of Compliance.

a. If the City Engineer determines that the real property that is the subject of a Certificate of Compliance application does not comply with the provisions of the Subdivision Map Act and this Development Code, it shall issue a Conditional Certificate of Compliance. As a condition to granting a Conditional Certificate of Compliance, the City Engineer may impose any conditions that would have been applicable to a division of land on the date the applicant acquired the property, except that if the current property owner was the owner of record at the time of the initial land division and currently owns one or more of the parcels involved in the land division, the Conditional Certificate of Compliance may impose conditions that would be applicable to a current division of land.

b. Upon making a determination and establishing conditions, the City shall cause a Conditional Certificate of Compliance to be filed for recordation with the County Recorder. The certificate shall serve as notice to the property owner or vendee who has applied for the Certificate pursuant to this Section, a grantee of the property owner, or any subsequent transferee or assignee of the property, that the fulfillment and implementation of these conditions

shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.

c. Compliance with imposed conditions shall not be required until the time that a permit or other grant of approval for development of the property is issued by the City.

E. **Right to Develop.** The issuance of a Certificate of Compliance or Conditional Certificate of Compliance does not imply or grant a right to develop the affected property.

4.03.030 Subdivisions—Final Maps and Parcel Maps

A. **Purpose.** The purpose of this Section is to establish a process for the implementation of those provisions of the Subdivision Map Act (commencing with GC Section 66410) pertaining to the review, approval and recordation of a final map or parcel map.

B. **Applicability.**

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the City Council is hereby empowered to approve or deny a final map or parcel map.

2. The subdivider may cause a final map or parcel map to be prepared in substantial accord with the tentative tract map or parcel map as approved, and pursuant to the provisions of this Development Code and applicable standards imposed by the County of San Bernardino for maps filed with the County Recorder.

3. The final map or parcel map, and any accompanying data or additional information, shall be prepared by or under the direction of a registered civil engineer that possesses a State of California license registration number below C33966 and is competent to practice land surveying, or a licensed land surveyor authorized to practice in the State of California.

C. **Final Map Preparation.** Following approval or conditional approval of a tentative map, and prior to the expiration of the map, the subdivider may cause the property, or any part thereof, to be surveyed and a final map to be prepared, which is consistent with the tentative map, as approved, and the provisions of this Development Code and the Subdivision Map Act (commencing with GC Section 66410). A final map shall be filed with the County Recorder only after a determination by the City Engineer and Planning Director that the conditions of the tentative map have been met. The City Engineer and Planning Director determinations may be appealed to the City Council pursuant to Division 2.04 (Appeals) of this Development Code.

D. **Multiple Final Maps.** Multiple final maps relating to a single approved or conditionally approved tentative map may be filed pursuant to GC Section 66456.1. The subdivision improvement agreement to be executed by the subdivider shall include provisions for the construction of such improvements as may be required by the City Engineer to constitute a logical and orderly development of the whole subdivision by phases. Each phase shall be so designed and improved as to be functionally self-sufficient.

E. **Final Map/Parcel Map Filing, Processing, and Action.** A final map or parcel map shall be filed, processed and acted upon as follows:

1. Final Map/Parcel Map Filing.

a. Where a final map or parcel map, or a vesting final map or parcel map is required, the subdivider shall, prior to submitting the map for final review, complete all offers of dedication, secure the required approvals with respect to public and private easements and complete plans and specifications for public improvements, including drainage facilities and sewer facilities, and all applicable provisions of Section 6.08.025 (Improvements) of this Development Code. All certificates shall be executed, excepting those to be executed by the City Engineer, City Clerk and County Recorder.

b. The subdivider shall submit to the City Engineer for approval, the original mylar and as many prints as may be required, along with any required statements and documents. The City Engineer, after ensuring that all conditions and approvals have been met or secured, shall process the map for adoption by the City Council and recordation with the County Recorder.

2. Final Map/Parcel Map Processing.

a. The City Engineer shall, within 30 working days of receipt of the final map or parcel, and accompanying documents, fees and materials, cause the final map or parcel map to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications, and provisions made or required by the City Council, and if found to be complete, technically correct, in conformity with the improvement plans and specifications, and in compliance with the requirements of this Development Code, other applicable codes, specific plans, and the Policy Plan (General Plan) component of The Ontario Plan, shall execute the City Engineer's certificate on the map, and shall file the final map or parcel map, and accompanying materials with the City Council.

b. Should the final map or parcel map, or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised of the changes or additions that must be made. The City Engineer shall then cause the corrected final map or parcel map to be reexamined. If the map is found to be correct and in compliance with this Development Code and all other applicable codes, specific plans, and the Policy Plan (General Plan) component of The Ontario Plan, the City Engineer shall execute the City Engineer's certificate on the map, and shall file the final map or parcel map and accompanying materials with the City Council. The date of filing, as set forth in GC Section 66458, shall be the meeting date in which the final map or parcel map is received by the City Council.

3. Final Map/Parcel Map Action.

a. The City Council, at the meeting it receives the final map or parcel map, or at its next regular meeting or within a period of not more than 10 days following the meeting at which the City Council receives the final map and any accompanying materials, shall approve the map if it is found to be consistent with the approved tentative tract or parcel map, and is in compliance with this Development Code and all other applicable codes, specific plans, and the Policy Plan (General Plan) component of The Ontario Plan, and shall instruct the City Clerk to execute the approval certificate. If the final map or parcel does not conform, the City Council shall deny the final map.

b. At the time of approval of the final map or parcel map, the City Council shall accept, subject to improvement, or reject any offers of dedication.

c. The time limit for approval of the final map or parcel map may be extended by mutual consent of the subdivider and the City.

d. If the City Council does not approve or deny the final map or parcel map within the prescribed time, or any authorized extension, and the final map or parcel map conforms to all requirements and rulings, it shall be deemed approved, and the City Clerk shall certify its approval.

e. The City Clerk shall provide notice of any pending approval or denial of a final map or parcel map by the City Council. The notice shall be attached and posted with the City Council's regular agenda and shall be mailed to interested parties who request notification.

4.03.035: Subdivisions—Lot Line Adjustments

A. Purpose. The purpose of this Section is to establish procedures for adjusting the property lines between existing lots by means of a Lot Line Adjustment authorized by GC Section 66412(d).

B. Applicability.

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the City Engineer is hereby empowered to approve, approve in modified form, or deny a Lot Line Adjustment, and to impose reasonable conditions upon its issuance.

2. A Lot Line Adjustment may be utilized to reconfigure up to 4 adjoining legally recognized lots, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

C. Application Filing and Processing. A Lot Line Adjustment shall be filed, processed and acted upon pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. Decision.

1. The City Engineer may approve or deny a Lot Line Adjustment on the basis of the application, supporting plans, and documentation submitted by the applicant. The City Engineer shall limit its review to a determination of whether or not the lots resulting from the Lot Line Adjustment will conform to the Policy Plan (General Plan) component of The Ontario Plan; any applicable specific plan, area plan or planned unit development; and this Development Code.

2. Upon approval of a Lot Line Adjustment, the applicant shall provide the City with a conforming grant deed for each affected lot, which reflects the approved Lot Line Adjustment. The City shall then cause the grant deed(s) to be filed for record with the County Recorder. No record of survey shall be required for a Lot Line Adjustment unless required by BPC Section 8762.

E. Conditions of Approval.

1. The City Engineer shall not impose conditions or exactions on its approval of a Lot Line Adjustment, except as follows:

a. Require conformance to the Policy Plan (General Plan) component of The Ontario Plan, and any applicable specific plan, planned unit development, or area plan;

b. Require conformance with all applicable provisions of this Development Code and any applicable building ordinances;

c. Require the prepayment of real property taxes prior to the approval of the Lot Line Adjustment; and

d. Facilitate the relocation of existing utilities, infrastructure, or easements.

2. No tentative tract map, final map or parcel map shall be required as a condition to the approval of a Lot Line Adjustment.

4.03.040: Subdivisions—Map Corrections and Amendments

A. **Purpose.** The purpose of this Section is to establish a process by which a final map or parcel map that has been filed for recordation with the County Recorder may be amended by either a Certificate of Correction or an amending map.

B. **Applicability.**

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the City Engineer is hereby empowered to approve, approve in modified form, or deny an application to correct or amend a final map or parcel map that has been filed for recordation with the County Recorder.

2. After a final map or parcel map is filed for recordation in the office of the County Recorder, it may be amended by a Certificate of Correction for any of the following purposes:

a. Correct an error in any course or distance shown on the map;

b. Show any course or distance that was omitted from the map;

c. Correct an error in the description of the real property shown on the map;

d. Indicate monuments set after the death, disability, and retirement from practice or replacement of the engineer or surveyor charged with responsibilities for setting monuments;

e. Show the proper location or character of any monument that has been changed in location or character, or originally was shown at the wrong location or incorrectly as to its character; or

f. Correct any other type of map error or omission that does not affect any property right, including, but are not limited to, lot numbers, acreage, street names, and identification of adjacent record maps.

C. **Application Filing and Processing.** An amending map or Certificate of Correction shall be filed, processed, and acted upon pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. Findings and Decision. The City Engineer may approve an amending map or Certificate of Correction only after finding that the changes made are limited to those set forth in Paragraphs B.2.a through f, above, and shall certify to this fact on the amending map or Certificate of Correction.

E. Form and Content of Amendment.

1. The Certificate of Correction shall be prepared and signed by a registered civil engineer that possesses a State of California license registration number below C33966 and is competent to practice land surveying, or a licensed land surveyor authorized to practice in the State of California.

2. The form and content of the amending map shall conform to the requirements of this Development Code for tentative tract maps, final maps or parcel maps.

3. The Certificate of Correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.

4.03.045: Subdivisions—Parcel Map Waiver

A. Purpose. The purpose of this Section is to establish a procedure for waiving the requirement for a final parcel map pursuant to GC Section 66428(b), which requires that a local agency provide a procedure for such.

B. Applicability. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the City Engineer is hereby empowered to waive the requirement for a final parcel map for the below-listed reasons, following the approval of a tentative map pursuant to this Development Code:

1. The parcel map is for a division of real property or interests therein created by probate, eminent domain procedures, partition, or other civil judgments or decrees; or

2. The Parcel Map is for a division of property resulting from the conveyance of land, or interest therein, to a public agency for a public purpose (e.g., drainage or sewers, public building sites, rights-of-way for streets, school sites, and utilities).

C. Application Filing and Processing. A request for waiver from the requirement for a final parcel map shall be filed and processed in conjunction with the tentative map. The City Engineer may act upon the parcel map waiver following approval of the tentative map and compliance with the conditions of approval imposed upon tentative map approval (if any).

D. Findings and Decision.

1. The City Engineer shall approve a waiver from the requirement for a final parcel map only after the City Engineer for the corresponding tentative map required pursuant to this Section finds that the proposed division of land:

a. Is consistent with the approved tentative parcel map, and is in compliance with this Development Code, the Subdivision Map Act, and all other applicable codes, specific plans, and is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; and

b. Complies with the requirements established by this Development Code and the Subdivision Map Act as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection.

2. If the proposed division of land does not conform to Subparagraphs 1.a and b above, the City Engineer shall not approve the Parcel Map Waiver.

E. Certificate of Compliance Required.

1. Following approval of a Parcel Map Waiver by the City Engineer, a Certificate of Compliance for the land to be divided shall be filed with the County Recorder.

2. Requirements for the construction of improvements shall be noted on the Certificate of Compliance by certificate pursuant to GC Section 66411.1.

F. Payment of Processing Fees. All necessary fees as established by City ordinance or by resolution of the City Council shall be paid by the applicant for processing and filing for record, any documents pertaining to the Parcel Map Waiver process.

4.03.050: Subdivisions—Lot Merger (Merger of Contiguous Parcels)

A. Purpose. The purpose of this Section is to establish a process for the implementation of those provisions of the Subdivision Map Act (commencing with GC Section 66451.10), pertaining to the merger of contiguous lots under common ownership (Lot Merger).

B. Applicability.

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the City Engineer is hereby empowered to approve, approve in modified form, or deny a Lot Merger application, and to impose reasonable conditions upon the approval of the application.

2. The City may initiate a Lot Merger if any one of the contiguous lots or units held by the same owner does not conform to standards for minimum lot size applicable to the lots or units of land, and if all of the following requirements are satisfied:

a. At least one of the affected lots is not developed with a structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is only developed with one or more accessory structures, or is developed with a single primary structure that is partially sited on a contiguous lot or unit.

b. With respect to any affected lot, one or more of the following conditions exists:

(1) Comprises less than 5,000 SF in area at the time of the determination of merger;

(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;

(3) Does not meet current standards for sewage disposal and domestic water supply;

(4) Does not meet slope stability standards;

(5) Has no legal access that is adequate for vehicular and safety equipment access and maneuverability;

(6) Its development would create health or safety hazards; or

(7) Is inconsistent with The Ontario Plan and any applicable area plan, specific plan, or planned unit development (other than minimum lot size or density standards).

c. The affected lots, when merged, will not:

(1) Be inconsistent or create a conflict with The Ontario Plan, any applicable Area Plan or Specific Plan, or the provisions of this Development Code;

(2) Result in a conflict with the location of any existing structures;

(3) Deprive or restrict access to another lot; or

(4) Result in the creation of new lot lines.

3. The City may require the owner of any contiguous lots to initiate the merger of contiguous lots as a condition of any Development Plan or Conditional Use Permit approval.

C. **Application Filing, Processing and Hearing.** A Lot Merger application shall be filed and processed pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

D. **Notification of Intention to Merge Lots.**

1. Prior to merging any contiguous lots, the City Engineer shall mail a Notice of Intention to Merge ("NIM"), which notifies affected property owner(s) that the affected lots may be merged pursuant to the provisions of this Section. The NIM shall be sent by certified mail to the property owner(s) of record at the address(es) shown on the latest available assessment roll of the County of San Bernardino. The NIM shall include a statement that the property owner(s) may appeal the decision of the City Engineer to the Planning Commission to present evidence that the proposed Lot Merger does not meet the criteria for a merger. For the purpose of this Section, a property owner is any person holding any portion of title to any affected property.

2. The NIM shall be recorded with the San Bernardino County Recorder on the date that the notice is mailed to all property owners of record.

E. **Request for Hearing.** Within 30 days following the recordation of the NIM, the owner of the affected property may file a request with the City Engineer, for a hearing regarding the proposed Lot Merger.

F. **Procedure for Hearing.**

1. Upon receiving a request for a hearing, the City Engineer shall set a time, date, and location for a hearing to be conducted by the Appeal Authority, and shall notify the property owner of the time, date, and location of the hearing by certified mail. The hearing shall be conducted not more than 60 days following the City's receipt of the property owner's request for hearing but may be postponed by mutual consent of the City and the property owner.

2. During the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for Lot Merger specified by this Section.

3. At the conclusion of the hearing, the Appeal Authority shall make a determination as to whether the affected lots should be merged and shall so notify the property owner of its determination.

4. The Appeal Authority may approve or deny a Lot Merger on the basis of the application and the presented evidence, after considering and clearly establishing the following findings, and giving specific reasons in support of each finding:

a. The merged lots comply with the appropriate provisions of the Subdivision Map Act and all applicable City requirements for the merging of contiguous lots; and

b. The merged lots do not adversely affect the purpose and intent of The Ontario Plan, or the public health, safety, and welfare.

5. If the Appeal Authority determines that the affected lots shall be merged, the City Engineer shall cause the NIM, specifying the names of the recorded owner(s) and describing the affected real property, to be recorded with the San Bernardino County Recorder within 30 days following conclusion of the appeal hearing.

6. If the Appeal Authority determines that the affected lots shall not be merged, the City Engineer shall cause a Release of NIM to be recorded with the San Bernardino County Recorder, and a letter of notification shall be sent by certified mail to the property owner(s) of record.

G. Determination When No Hearing Is Requested. If within the 30 days following the recordation of the NIM specified in Subsection D (Request for Hearing) of this Section, the property owner does not file a request for a hearing, at any time thereafter, the City Engineer may make a determination whether or not the affected lots are to be merged. A NIM shall be recorded as provided for in Paragraph F.5 of this Section, no later than 90 days following the mailing of the NIM.

4.03.055: Administrative Exceptions

A. Purpose. The Administrative Exception is hereby established for the purpose of granting minor departures from the strict application of certain numerical development standards established by this Development Code, when the departure would result in superior site, landscape, or architectural design features that could not otherwise be incorporated into a development project under the strict application of the development standards contained in this Development Code.

B. Applicability.

a. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny an Administrative Exception application, and to impose reasonable conditions upon the approval of the application.

b. Administrative Exceptions may be approved for reductions of up to 10 percent from **[i]** minimum setback and separation requirements, excepting nonresidential setback requirements from property lines that are common with any residentially zoned property; and, **[ii]** off-street parking required for nonresidential land uses pursuant to Table 6.03-1 (Off-Street Parking Requirements). An Administrative Exception shall not be approved for reductions from minimum lot size, lot dimensions, landscape coverage, or for an increase in maximum density, floor area ratio, or the height of a structure.

C. Application Filing, Processing and Hearing.

1. An Administrative Exception shall be filed and processed pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

2. A hearing shall not be required; however, the owners of all properties having a property line common with the affected property shall be notified of the proposed Administrative Exception pursuant to Section 2.03.010 (Public Hearing Notification) of this Development Code and shall be invited to comment on the application.

D. Findings and Decision. An Administrative Exception shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and any comments received from property owners notified pursuant to Subparagraph C.3.b of this Section, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The approval of the Administrative Exception is necessary to the production of a comprehensive development, incorporating an enhanced environment and architectural excellence (e.g., appropriate variety of structure placement and orientation opportunities, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than would normally be possible under the strict application of the applicable development standards;

2. The approval of the Administrative Exception will allow for the inclusion of site, architectural, or landscape features that could not otherwise be incorporated into the design of the project under the strict application of the provisions of the applicable development standards; and

3. The approval of the Administrative Exception will not adversely affect the overall quality of development on the project site and will not adversely affect neighboring properties.

4. The proposed Administrative Exception is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and the purposes of any applicable Specific Plan or Planned Unit Development, and the purposes of this Development Code.

E. Conditions of Approval.

1. In approving an Administrative Exception, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

4.03.060: Fair Housing and Reasonable Accommodations

A. **Purpose.** Pursuant to Federal and State fair housing laws, the purpose of this Section is to provide a procedure whereby exceptions from specific applications of this Development Code may be considered and properly evaluated in order to assure that no person is discriminated against on the basis of race, color, religion, sex, sexual orientation, family status, marital status, disability, national origin, source of income, or ancestry, by being denied an equal opportunity to use and enjoy a dwelling and in order to maintain compliance with the purpose and intent of the Religious Land Use and Institutionalized Persons Act (RLUIPA)of 2000.

B. **Applicability.**

1. Pursuant to Table 2.02-1 (Review Matrix) of this Development Code, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Fair Housing and Reasonable Accommodation application and to impose reasonable conditions upon the approval of the application.

2. The Approving Authority may approve reasonable exceptions from the provisions of this Development Code, except that a Fair Housing and Reasonable Accommodation request shall not be approved that would allow the establishment of a land use that would not otherwise be allowed in the zoning district in which the affected property is located, or for increases in residential density.

C. **RLUIPA**. In furtherance of the purpose described in Subsection A (Purpose), deviations from the requirements and regulations specified in this Development Code may be approved if it is found that, consistent with the RLUIPA, enforcement of a regulation results in a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless it is determined that imposition of the burden on that assembly, institution, or person accomplishes furtherance of a compelling governmental interest where the burden is found to be the least restrictive means of furthering that compelling governmental interest.

D. **Application Filing and Processing.** A Fair Housing and Reasonable Accommodation application shall be filed and processed pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

E. **Findings and Decision.** A Fair Housing and Reasonable Accommodation request shall be acted upon by the Approving Authority based upon the information provided in the submitted application and evidence presented only after considering and clearly establishing all of the

below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The persons who will use the subject property are protected under federal and state fair housing laws;

2. The requested exception is necessary to make specific housing available to a person who will occupy the subject property and who is protected under federal and state fair housing laws;

3. The requested exception will not impose an undo financial or administrative burden upon the City; and

4. The requested exception will comply with all applicable Building and Fire Codes and will not result in a fundamental alteration of the planning, zoning and development laws and procedures of the City.

F. Conditions of Approval.

1. In approving a Fair Housing and Reasonable Accommodation application, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; ensure that the Reasonable Accommodation will comply with the findings required by Subsection E (Findings and Decision); and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

2. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

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Chapter 5.0:
Zoning and Land Use

Division 5.01—Zoning Districts and Boundaries
Division 5.02—General Land Use Provisions
Division 5.03—Supplemental Land Use Regulations

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Division 5.01—Zoning Districts and Boundaries

Sections:

5.01.000: Purpose
5.01.005: Establishment of Base Zoning Districts
5.01.010: Zoning Map Adoption
5.01.015: Zoning District Boundaries

5.01.000: Purpose

The purpose of this Division is to establish zoning districts to implement the goals of the community as stated in The Ontario Plan. The text and maps of the Policy Plan component of The Ontario Plan will provide additional guidance in the development and use of properties throughout the City.

5.01.005: Establishment of Base Zoning Districts

In order to carry out the purpose and provisions of this Development Code, the City is hereby divided into the following zoning districts:

A. Residential Zoning Districts.

1. AR-2 (Residential-Agricultural—0 to 2.0 DU/Acre) Zoning District. The AR-2 zoning district is hereby established to accommodate single-family residences on large lots, at a density range of 0 to 2.0 dwelling units per acre and allow for limited agricultural activities and animal keeping within a rural environment. The AR-2 zoning district is further intended to maintain a rural agricultural heritage and protect the area from suburban infringement, while maintaining a harmonious relationship between the rural and adjacent suburban land uses. The AR-2 zoning district is consistent with and implements the Rural Residential land use designation of the Policy Plan component of The Ontario Plan.

2. RE-2 (Rural Estate—0 to 2.0 DU/Acre) Zoning District. The RE-2 zoning district is hereby established to accommodate single-family residences on larger lots, at a density range of 0 to 2.0 dwelling units per acre, in a semi-rural environment where limited animal keeping is permitted. The RE-2 zoning district is consistent with and implements the Rural Residential land use designation of the Policy Plan component of The Ontario Plan.

3. RE-4 (Residential Estate—2.1 to 4.0 DU/Acre) Zoning District. The RE-4 zoning district is hereby established to accommodate single-family homes on estate-sized lots, in a suburban environment, at a density range of 2.1 to 4.0 dwelling units per acre. The RE-4 zoning district is consistent with and implements the Low Density Residential land use designation of the Policy Plan component of The Ontario Plan.

4. LDR-5 (Low Density Residential—2.1 to 5.0 DU/Acre) Zoning District. The LDR-5 zoning district is hereby established to accommodate single-family homes on individual lots, in a suburban environment, at a density range of 2.1 to 5.0 dwelling units per acre. The LDR-5 zoning district is consistent with and implements the Low Density Residential land use designation of the Policy Plan component of The Ontario Plan.

5. MDR-11 (Low-Medium Density Residential—5.1 to 11.0 DU/Acre) Zoning District. The MDR-11 zoning district is hereby established to accommodate a variety of attached and detached housing types, in a suburban environment, at a density range of 5.1 to 11.0 dwelling units per acre. The MDR-11 zoning district is consistent with and implements the Low-Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.

6. MDR-18 (Medium Density Residential—11.1 to 18.0 DU/Acre) Zoning District. The MDR-18 zoning district is hereby established to accommodate a variety of attached and detached housing types, in a suburban environment, at a density range of 11.1 to 18.0 dwelling units per acre. The MDR-18 zoning district is consistent with and implements the Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.

7. MDR-25 (Medium-High Density Residential—18.1 to 25.0 DU/Acre) Zoning District. The MDR-25 zoning district is hereby established to accommodate higher density residential developments, in a more urbanized environment, at a density range of 18.1 to 25.0 dwelling units per acre. The MDR-25 zoning district is consistent with and implements the Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.

8. HDR-45 (High Density Residential—25.1 to 45.0 DU/Acre) Zoning District. The HDR-45 zoning district is hereby established to accommodate high-density multiple-family developments in an urban environment, generally located within 1/2-mile of a transit corridor or station, at a density range of 25.1 to 45.0 dwelling units per acre. The HDR-45 zoning district is consistent with and implements the High Density Residential land use designation of the Policy Plan component of The Ontario Plan.

B. Commercial Zoning Districts.

1. CS (Corner Store) Zoning District. The CS zoning district is hereby established to accommodate pedestrian-oriented neighborhood retail and service establishments developed at a maximum intensity of 0.4 FAR, which would have few impacts to adjacent residential uses due to the types of uses allowed and their limited hours of operation. CS zoning district locations are within established or planned neighborhoods, generally along residential collector streets, and are intended to provide their goods and services within walking distance to most of their customers. This zoning district provides for a scale and character of development that tends to attract and promote a walk-in clientele. Development within the CS zoning district should maximize human scale design elements, while providing a sensitive transition between the allowed uses and neighboring residences, including the provision of adequate and properly sited parking (including allowances for on-street parking). Sites within this zoning district are typically small in size (less than 0.5-acre), are usually stand-alone land uses, and are intended to fit into and protect the residential pattern of development. The CS zoning district is consistent with and implements the Neighborhood Commercial land use designation of the Policy Plan component of The Ontario Plan.

2. CN (Neighborhood Commercial—0.4 Maximum FAR) Zoning District. The CN zoning district is hereby established to accommodate the development of convenience centers at a maximum intensity of 0.4 FAR and are intended to serve residents within a one to 2-mile radius, with some customers within walking distance. Intended uses are smaller scale, which support the local market rather than a citywide or regional market (i.e., the difference between a Best Buy and a Radio Shack). Given their proximity to residential uses, the hours and types of uses allowed within the CN zoning district may be limited either by ordinance or by conditions of approval. Uses may be standalone or within a center generally 10 to 15 acres in size. The CN zoning district is

consistent with and implements the Neighborhood Commercial land use designation of the Policy Plan component of The Ontario Plan.

3. CC (Community Commercial—0.4 Maximum FAR) Zoning District. The CC zoning district is hereby established to accommodate retail, office, and service uses developed at a maximum intensity of 0.4 FAR, which serve residents within a 5-mile radius. If located within close proximity to residential areas, the operation of the commercial land uses may be limited to protect the nearby sensitive uses. Commercial uses within the CC zoning district may be standalone or within centers generally 10 to 20 acres in size. The CC zoning district is consistent with and implements the General Commercial land use designation of the Policy Plan component of The Ontario Plan.

4. CR (Regional Commercial—0.4 Maximum FAR) Zoning District. The CR zoning district is hereby established to accommodate commercial and entertainment centers which are larger in size than would otherwise be accommodated in the CC zoning district, developed at a maximum intensity of 0.4 FAR. The zoning district is intended for intense, regional-serving commercial and entertainment uses, and is generally located adjacent to, or in close proximity to, freeways and arterial roadways that accommodate regional traffic. Uses may be standalone or within a center generally 15 or more acres in size. The CR zoning district is consistent with and implements the General Commercial and Office Commercial land use designations of the Policy Plan component of The Ontario Plan. Furthermore, the CR zoning district is consistent with and implements the Office Commercial land use designation of the Policy Plan component of The Ontario Plan; provided, (a) the property shall have a minimum of 350 lineal feet of freeway frontage along Interstate 10 or Interstate 15, and (b) the use of the property shall be restricted to automobile dealers (including new and used automobiles, light trucks and vans).

5. CCS (Convention Center Support Commercial) Zoning District. The CCS zoning district is intended to accommodate uses developed at a maximum intensity of 1.0 FAR, which predominantly serve the Ontario Convention Center, regional uses, and the special needs of leisure and business clientele who visit the City and surrounding region. The CCS zoning district is consistent with and implements the Hospitality land use designation of the Policy Plan component of The Ontario Plan.

6. OL (Low Intensity Office) Zoning District. The OL zoning district is hereby established to accommodate low-intensity office and support commercial uses developed at a maximum intensity of 0.75 FAR, which are typically located in close proximity to residential developments. Development within this zoning district is residential in scale and typically no more than 2 stories in height. Uses within this zoning district are generally limited in their hours of operation to limit their impact upon nearby residents, and include administrative and business support services, local branches of financial institutions, legal services, insurance services, real estate services, medical and dental services, and similar support services. The OL zoning district is consistent with and implements the Office/Commercial land use designation of the Policy Plan component of The Ontario Plan.

7. OH (High Intensity Office) Zoning District. The OH zoning district is hereby established to accommodate intense professional office and supporting uses developed at a maximum intensity of 0.75 FAR, and is intended to be applied in areas planned for more concentrated urban uses, or in key locations of potential mass transit, major intersections, or in close proximity to identified activity centers. The OH zoning district is consistent with and implements the Office/Commercial land use designation of the Policy Plan component of The Ontario Plan.

C. Mixed Use Zoning Districts.

1. MU-1 (Downtown Mixed Use) Zoning District.

a. The MU-1 zoning district is hereby established to accommodate a fairly intensive mixture of vertical and horizontal retail, entertainment, and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 DU/AC, with the most intensive uses envisioned along Euclid Avenue and Holt Boulevard. Development projects are intended to maintain a pedestrian friendly atmosphere, while at the same time enhancing the historic character of the area.

b. Furthermore, the MU-1 zoning district is established to: **[i]** recognize, protect, and enhance the visual character and quality of Ontario's historic downtown area as a historic resource; **[ii]** establish and recognize Ontario's historic downtown as the arts and entertainment mecca for the surrounding region, to include a wide range of allowed uses, such as shopping, restaurants, outdoor dining, cultural offerings, street fairs, artist festivals, galleries, work/live lofts, breweries, and artisan co-ops; **[iii]** recognize Holt Boulevard as a vital east-west link to Ontario's historic downtown, offering opportunities for vertical and horizontal mixed use developments consisting of market rate and below market rate housing, retail and offices, and work/live uses; and **[iv]** recognize Ontario's civic center for its significant outdoor spaces, amenities and services, which serve to enhance the historic downtown's shopping, dining, and living experiences.

c. In order to carry out the purposes and provisions of the Land Use component of The Ontario Plan and this Development Code, the MU-1 zoning district is hereby divided into four Land Use Areas. The boundaries of each Land Use Area (LUA) is shown in Figure 5.01-1 (MU-1 (Downtown Mixed Use) Zoning District Land Use Areas Map) of this Division, and their purposes are described below.

(1) LUA-1 (Euclid Avenue Entertainment) District—The Euclid Avenue Entertainment District is a central urban location intended to provide the vitality, amenities, and a range of entertainment, shopping, restaurant, outdoor dining, and cultural offerings. The District is further intended to promote a variety of dense housing options; enhanced public and private rights-of-way to improve pedestrian, bicyclist, and vehicular connectivity; and grow employment opportunities.

(2) LUA-2 (Arts) District—

(a) The Arts District is intended as a dynamic destination for locals and tourists, while creating a fulfilling urban experience energized by artistic, educational, and commercial participants. The focus of the Area is to increase the number of collaborated events and programs within the Area, with the intent to attract visitors, promote economic vitality, and boost revenue. Street fairs, artist festivals, restaurants, galleries, work/live lofts, breweries, and artisan co-ops will contribute to the physical and cultural diversity of the Arts District.

(b) The Arts District is divided into two subareas: Arts District North and Arts District South.

(i) Arts District North is intended to accommodate a mix of work/live lofts, artisan co-ops, restaurants, galleries, breweries, and other commercial uses intended to strengthen the economic base of the area.

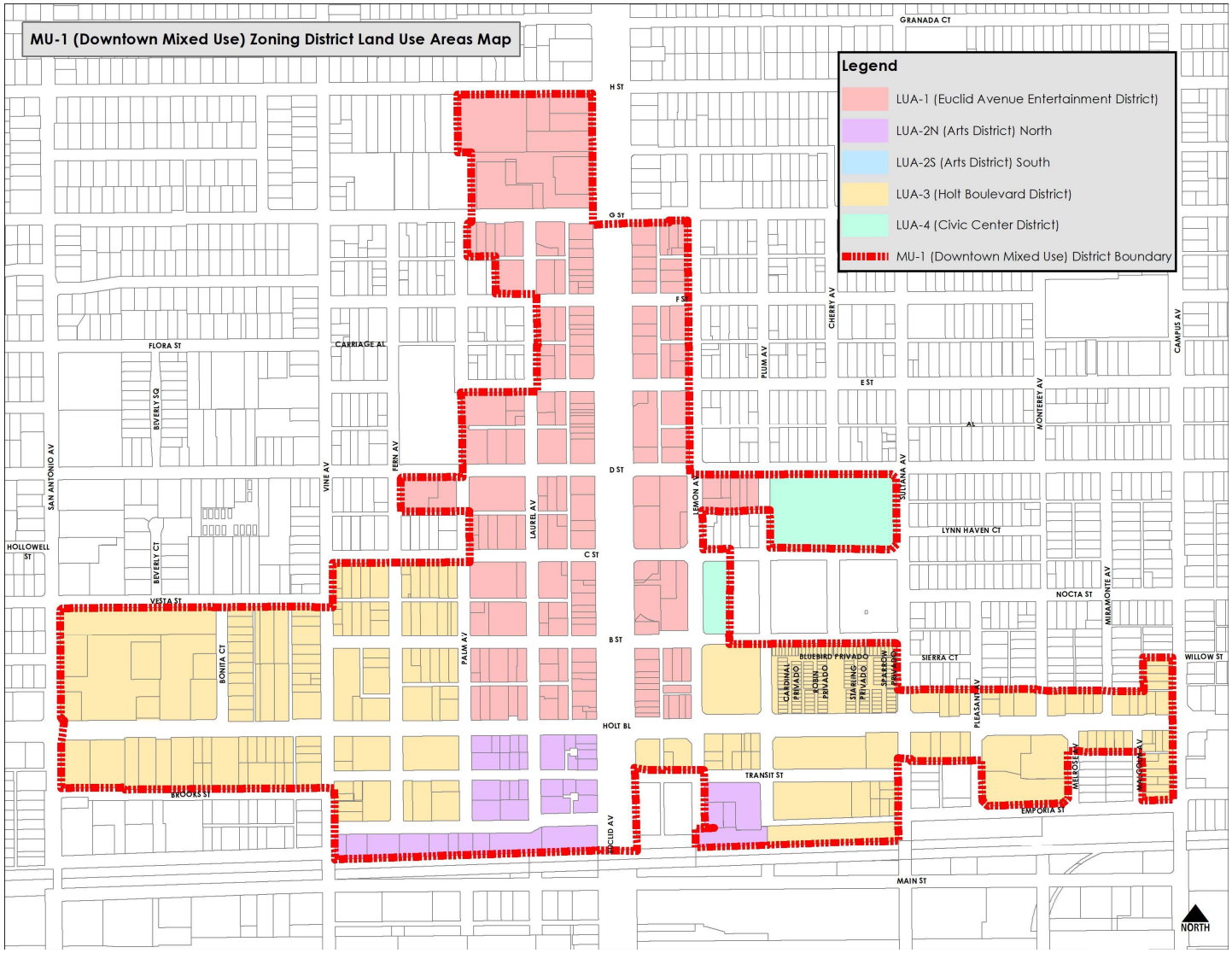

Figure 5.01-1: MU-1 (Downtown Mixed-Use) Zoning District Land Use Areas Map

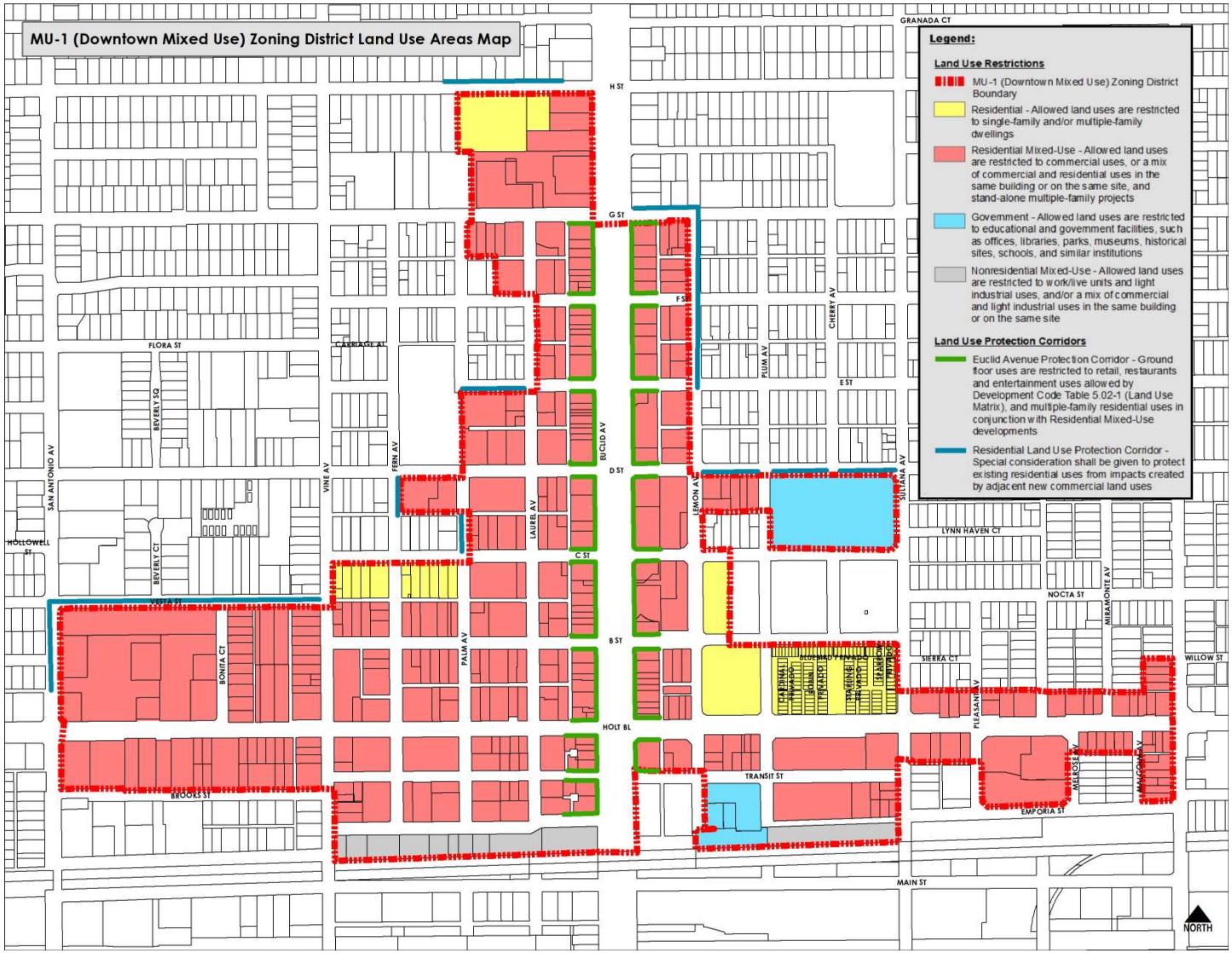

Figure 5.01-2: MU-1 (Downtown Mized Use) Zoning District Land Use Map

(ii) Arts District South is situated between Union Pacific and Southern Pacific Rail Lines, within an area not particularly suited to uses having a residential component (such as work/live lofts). Arts District South is envisioned to accommodate a mix of commercial, business park, and light industrial activities, which like Arts District North, will serve to stimulate the economic vitality of the area.

(3) LUA-3 (Holt Boulevard) District—Holt Boulevard is a vital east-west link to the downtown, particularly from Ontario International Airport, the Ontario Convention Center, and the nearby hospitality center. The Holt Boulevard District offers the most opportunity for development of market-rate and attainable housing. Mixed-use may be vertical or horizontal, with retail or live/work on the ground floor. Residents will have access to many downtown amenities, including shopping, public services, open space, and public transportation (Bus Rapid Transit or "BRT"). The District will be designed as a signature gateway to the City's historic downtown.

(4) LUA-4 (Civic Center) District—The Civic Center District's proximity to the Euclid Avenue Entertainment District will contribute to the community character and commercial vitality of Ontario's historic downtown area. People in need of City services at City Hall, the Public Library, or the Community Center, are potential shoppers and diners at downtown stores and restaurants. Furthermore, the Civic Center's significant outdoor spaces provide a link to downtown shopping, dining, streetscapes, and friendly pedestrian experiences.

d. To accomplish the objectives of the MU-1 (Downtown Mixed Use) zoning district, certain blocks have been imposed with use restrictions, as shown in Figure 5.01-2 (MU-1 (Downtown Mixed Use) Zoning District Land Use Map) of this Division.

e. The MU-1 zoning district, along with the Land Use Areas and Land Use Subdistricts established thereunder, is consistent with and implements the Downtown Mixed Use land use designation of the Policy Plan component of The Ontario Plan.

2. MU-3 (East Guasti Mixed Use) Zoning District. The MU-3 zoning district is hereby established to accommodate a mixture of low-rise (up to 5 stories) office and retail uses at an intensity of 1.0 FAR and residential uses at a density of 20 to 65 DU/AC, that will create identity and place within the southeast corner of the Guasti Mixed Use area. Approximately one-half of the MU-3 zoning district is developed with the historic San Secondo d'Asti Catholic Church. The remaining half of the area is intended for development with high-quality office, lodging, retail, and residential uses that respect the history of the adjacent Guasti Winery. The MU-3 zoning district is consistent with and implements the Guasti Mixed Use land use designation of the Policy Plan component of The Ontario Plan.

3. MU-6 (East Holt Mixed Use) Zoning District. The MU-6 zoning district is hereby established to accommodate the intensification of the Holt Boulevard Corridor with low-rise (up to 5 stories) buildings housing a mixture of retail and office uses at a development intensity of up to 1.0 FAR and 2.0 FAR, respectively, and residential uses at a density of 14 to 40 DU/AC. The intent of this zoning district is to create identity and place along the Holt Boulevard Corridor and provide a connection between the Downtown Mixed Use Area and the Ontario Airport Metro Center. The MU-6 zoning district is consistent with and implements the Holt Mixed Use land use designation of the Policy Plan component of The Ontario Plan.

4. MU-8B (Mountain/Fourth Mixed Use) Zoning District. The MU-8B zoning district is hereby established to accommodate a low-rise (up to 5 stories) mixture of retail uses at an intensity of 1.0 FAR and residential uses at a density of 20 to 75 DU/AC, that will create identity and place along the Mountain Avenue corridor and serve the surrounding residents. The MU-8B zoning district

is consistent with and implements the Mountain/Fourth Mixed Use Neighborhood Activity Hub land use designation of the Policy Plan component of The Ontario Plan.

5. MU-8C (West Holt Mixed Use) Zoning District. The MU-8C zoning district is hereby established to accommodate the intensification of the Holt Boulevard Corridor with low-rise (up to 5 stories) buildings housing a mixture of retail and office uses at a development intensity of up to 1.0 FAR and 2.0 FAR, respectively, and residential uses at a density of 14 to 40 DU/AC. The intent of this zoning district is to create identity and place along the Holt Boulevard Corridor and provide a connection between the Downtown Mixed Use Area and the Ontario Airport Metro Center. The MU-8C zoning district is consistent with and implements the Holt Mixed Use land use designation of the Policy Plan component of The Ontario Plan.

6. MU-8D (Euclid/Francis Mixed Use) Zoning District. The MU-8D zoning district is hereby established to accommodate a mixture of low-rise (up to 5 stories) retail uses at an intensity of up to 1.0 FAR, and residential uses at a density of 20 to 75 DU/AC, that will create identity and place along the Euclid Avenue corridor. The MU-8D zoning district is consistent with and implements the Euclid/Francis Mixed Use Neighborhood Activity Hub land use designation of the Policy Plan component of The Ontario Plan.

7. MU-8E (Euclid/Walnut Mixed Use) Zoning District. The MU-8E zoning district is hereby established to accommodate a low-rise (up to 5 stories) mixture of retail uses at an intensity of 1.0 FAR and residential uses at a density of 20 to 75 DU/AC, that will create identity and place along the Euclid Avenue corridor and serve the surrounding residents. The MU-8E zoning district is consistent with and implements the Euclid/Walnut Mixed Use Neighborhood Activity Hub land use designation of the Policy Plan component of The Ontario Plan.

D. Industrial Zoning Districts.

1. BP (Business Park) Zoning District. The BP zoning district is hereby established to accommodate industrial-serving commercial and office uses, and very light industrial uses, which may be developed at a maximum intensity of 0.6 FAR. Development within this zoning district is typically multi-tenant in nature; however, single-tenant buildings are not precluded. The BP zoning district is consistent with, and implements, the Business Park land use designation of the Policy Plan component of The Ontario Plan.

2. IP (Industrial Park) Zoning District. The IP zoning district is hereby established to accommodate a combination of commercial activity and light industrial uses, which may be developed at a maximum intensity of 0.6 FAR, and which support services to nearby industrial uses, technology centers, research and development, "clean" industry, and limited manufacturing activities. The IP zoning district is consistent with, and implements, the Business Park land use designation of the Policy Plan component of The Ontario Plan.

3. IL (Light Industrial) Zoning District. The IL zoning district is hereby established to accommodate lighter manufacturing and assembly activities, storage and warehousing activities, and other similar uses developed at a maximum intensity of 0.55 FAR. This zoning district is typically located within 500 feet of residentially zoned properties, public parks and schools, and mixed-use properties having a residential component and is intended to serve as a buffer between residentially zoned areas and heavier industrial zoning districts. Allowed uses are expected to have little or no impacts on nearby residential uses with regard to noise, odor, or hazards. The IL zoning district is consistent with, and implements, the Business Park and Industrial land use designations of the Policy Plan component of The Ontario Plan.

4. IG (General Industrial) Zoning District. The IG zoning district is hereby established to accommodate a wide range of manufacturing and assembly activities, storage and warehousing activities, and other similar uses developed at a maximum intensity of 0.55 FAR, which desire to locate in larger buildings and on larger sites. This zoning district is generally located away from residentially zoned properties, public parks and schools, and mixed-use properties having a residential component. The IG zoning district is consistent with, and implements, the Industrial land use designation of the Policy Plan component of The Ontario Plan.

5. IH (Heavy Industrial) Zoning District. The IH zoning district is hereby established to accommodate heavier manufacturing, assembly, storage, warehousing, and other similar industrial activities, as well as adult uses, which may have negative impacts when located near residential or other sensitive land uses, and which may be developed at a maximum intensity of 0.55 FAR. This zoning district is intended to be located away from residentially zoned properties, public parks and schools, and mixed-use properties having a residential component. The IH zoning district is consistent with, and implements, the Industrial land use designation of the Policy Plan component of The Ontario Plan.

E. Specialized Use Zoning Districts.

1. CIV (Civic) Zoning District. The CIV zoning district is hereby established to accommodate permanent public facilities such as City Hall, public libraries, museums, public and private schools and colleges/universities, police and fire stations, and other similar facilities that require significant public investment and are utilized by the public. The CIV zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan.

2. MHP (Mobile Home Park) Zoning District. The MHP zoning district is hereby established to accommodate communities consisting of mobile homes and manufactured housing at a density range of 5.1 to 11.0 dwelling units per acre. The MHP zoning district is consistent with, and implements, the Low-Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.

3. ONT (Ontario International Airport) Zoning District. The ONT zoning district is hereby established to accommodate Ontario International Airport and surrounding properties directly impacted by airport operations. This zoning district includes uses such as airport terminals (including commercial and service uses related to the terminals), car rental agencies, and airport-related industrial, and delivery uses developed at a maximum overall zoning district intensity of 0.55 FAR. The ONT zoning district is consistent with, and implements, the Ontario International Airport land use designation of the Policy Plan component of The Ontario Plan.

4. OS-C (Open Space-Cemetery) Zoning District. The OS-C zoning district is hereby established to accommodate cemetery sites. Cemeteries provide visual open space, but not recreational opportunities, and have unique characteristics and activities that warrant a separate zoning designation to address their operational characteristics. The OS-C zoning district is consistent with, and implements, the Open Space-Nonrecreation land use designation of the Policy Plan component of The Ontario Plan.

5. OS-R (Open Space-Recreation) Zoning District. The OS-R zoning district is hereby established to accommodate open space uses such as public parks and recreation centers. The OS-R zoning district is consistent with, and implements, the Open Space-Parkland and Open Space-Water land use designation of the Policy Plan component of The Ontario Plan.

6. PUD (Planned Unit Development) Zoning District. The PUD zoning district is hereby established to accommodate projects that require master plan approval pursuant to The Ontario Plan Policy Plan, which focuses on the character of the development, relationship of uses, public and private access, parking, pedestrian facilities, building form, integration with the roadways and pedestrian ways, public spaces, landscaping, amenities, and unique product types. The PUD zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan.

7. RC (Rail Corridor) Zoning District. The RC zoning district is hereby established to accommodate permanent rail or fixed transit corridors through the City and includes stations and ancillary facilities, railroad maintenance yards, and construction storage yards. The RC zoning district is consistent with, and implements, the Railroad land use designation of the Policy Plan component of The Ontario Plan.

8. SP (Specific Plan) Zoning District. The SP zoning district is hereby established to accommodate the adoption of Specific Plans pursuant to this Development Code. The SP zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan.

9. UC (Utilities Corridor) Zoning District. The UC zoning district is hereby established to accommodate flood control channels, retention and detention basins, electrical transmission corridors and landfills, and may include ancillary recreational facilities, such as public trails in conjunction with the primary use of the site. The UC zoning district is consistent with, and implements, the Open Space-Nonrecreational land use designation of the Policy Plan component of The Ontario Plan.

F. Overlay Districts.

1. AG (Agriculture) Overlay Zoning District. The AG Overlay zoning district is hereby established to accommodate the continuation of agricultural uses within the City, on an interim basis, until such time that development is slated to occur consistent with the Policy Plan component of The Ontario Plan and the underlying zoning district. Furthermore, it is the intent of this overlay zoning district is to permit continued agricultural use of properties or to establish general agricultural uses, including dairies, which are appropriate for areas of concentrated agricultural uses. The AG Overlay zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan.

2. EA (Euclid Avenue) Overlay Zoning District. The EA Overlay zoning district is intended to: **[i]** recognize, protect, and enhance the visual character and quality of Euclid Avenue as a major scenic and historic resource of the City; **[ii]** recognize and protect Euclid Avenue's position on the National Register of Historic Places; and **[iii]** recognize Euclid Avenue as a major contributor to Ontario's historic downtown area.

3. ES (Emergency Shelter) Overlay Zoning District. The ES Overlay zoning district is hereby established to accommodate Emergency Shelters, Supportive Housing, Transitional Housing, and Transitional Living Centers pursuant to the Housing Element of the Policy Plan component of The Ontario Plan, and GC Section 65583. The ES overlay district is consistent with, and implements, all land use designations of the Policy Plan component of The Ontario Plan.

4. MTC (Multimodal Transit Center) Overlay Zoning District. The MTC Overlay zoning district is hereby established to allow for the interim use of existing industrial buildings located in the Multimodal Mixed-Use land use designation, as shown on the Land Use Plan (Exhibit LU-01) of

The Ontario Plan, with general industrial land uses allowed in the IG zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Division, while at the same time preserving the City's vision for the development of a multi-modal transit center and supporting mixed-use development. The MTC Overlay zoning district is consistent with, and implements, the Multimodal Mixed-Use land use designation of the Policy Plan component of The Ontario Plan.

5. ICC (Interim Community Commercial) Overlay Zoning District. The ICC Overlay zoning district is hereby established to allow for the interim use of existing commercial buildings, which are nonconforming as to zoning and/or land use. Property in the ICC Overlay zoning district shall be subject to the land use requirements of the CN and CC zoning districts, as shown in Table 5.02-1 (Land Use Matrix) of this Division, while at the same time preserving the City's long term vision for the development and use of property consistent with the underlying Policy Plan (general plan) land use designation. The ICC Overlay zoning district is consistent with, and implements, all land use designations of the Policy Plan component of The Ontario Plan.

6. AH (Affordable Housing) Overlay Zoning District. The AH Overlay zoning district is hereby established to facilitate housing opportunities within the City of Ontario by means of the implementation of required rezone programs pursuant to the City's adopted Housing Element, where required for compliance with State Housing Element law.

7. CNO (Chino Airport) Overlay Zoning District. The CNO zoning district is hereby established to: **[i]** delineate the Airport Influence Area (AIA) for Chino Airport as the boundary of the CNO Overlay zoning district; **[ii]** adopt an airport land use compatibility plan for Chino Airport that is consistent with the 2011 Caltrans Airport Land Use Planning Handbook solely to address impacts within the boundaries of the City of Ontario; and **[iii]** promote compatibility between Chino Airport and the land uses that surround it. Property in the CNO Overlay zoning district shall be subject to the requirements of Reference I (Chino Airport Land Use Compatibility Plan) of this Development Code, which includes maps, criteria, and policy language to guide development within the Chino Airport AIA.

5.01.010: Zoning Map Adoption

The City Council hereby adopts the official zoning map of the City, entitled "City of Ontario Zoning Map" (hereafter referred to as "Zoning Map"). The Zoning Map is hereby incorporated into this Development Code by reference and shall be maintained on file in the office of the Planning Department. The boundaries of the zones as set forth on the Zoning Map are confirmed, adopted, and established, and may be amended pursuant to the requirements of Section 4.01.040 (Zone Changes) of this Development Code.

5.01.015: Zoning District Boundaries

When uncertainty exists as to the boundary of a district shown on the Zoning Map, the following regulations shall control:

A. Where a boundary line is indicated as following a street or alley, the boundary line shall be construed as following the centerline of the right-of-way;

B. Where a boundary line follows or coincides approximately with a lot line or property ownership line, the boundary line shall be construed as following the lot line or boundary line;

C. Where the boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, unless specifically indicated by dimensions on the Zoning Map, the boundary line shall be determined based on the scale of the Zoning Map;

D. Where uncertainty exists, the Zoning Administrator shall determine in writing, the location of the boundary in question, giving due consideration to the location indicated on the Zoning Map, the objectives of the Development Code, and the specific purposes for each district; and

E. Where a street or alley is officially vacated or abandoned, the area within the area of vacated street or alley on each side of the centerline shall be classified in the same zoning district as the adjoining property.

Division 5.02—General Land Use Provisions

Sections:

5.02.000: Purpose
5.02.005: Applicability
5.02.010: Allowed Land Uses, Activities and Facilities

5.02.000: Purpose

The purpose of this Division is to identify those land uses, activities and facilities that may be established in conjunction with any buildings, improvements, lots, or premises that are privately owned, leased, operated, or controlled within the zoning districts established by Section 5.01.005 (Establishment of Base Zoning Districts) of this Development Code, and is to serve as a guide for the establishment of publicly owned land uses, activities and facilities (see Subsection 1.01.015.F (City Properties) of this Development Code.

5.02.005: Applicability

A. Land Use Matrix.

1. Land and facilities thereon shall be developed, divided, and/or used only for those activities and facilities listed in Table 5.02-1 (Land Use Matrix) of this Division. Table 5.02-1 (Land Use Matrix) establishes uses that are permitted, conditionally permitted, administratively permitted, or expressly prohibited, within the zoning districts established by Section 5.01.005 (Establishment of Base Zoning Districts) and identified on the Zoning Map established by Section 5.01.015 (Zoning Map Adoption) of this Chapter. A use that is not specifically allowed by Table 5.02-1 (Land Use Matrix) shall be deemed a prohibited use unless otherwise allowed by the Zoning Administrator pursuant to Subsection C (Land Uses, Activities and Facilities Not Addressed by the Land Use Matrix) of this Section. Notwithstanding any other provision of this Development Code, a medical marijuana dispensary, as defined in Division 9.01 (Definitions) of this Development Code shall be a prohibited use in all zoning districts of the City (see Section 5.03.295 (Medical Marijuana Dispensary) of this Chapter).

2. Table 5.02-1 (Land Use Matrix) further establishes a hierarchy of land uses, activities, and facilities, based upon the North American Industry Classification System (NAICS) — the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy — and identifies the NAICS code for each industry sector (2-number code), subsector (3-number code), group (4-number code), subgroup (5-number code), and use (6-number code), as they are applicable to the City, allowing the user to effectively reference the NAICS Association web site to obtain definitions for each industry, along with background information and access to various NAICS reference files and tools.

B. Land Use Regulations, Operating Conditions, and Development Standards. The "Additional Regulations" column of Table 5.02-1 (Land Use Matrix) references the location of regulations, operating conditions, and/or development standards that are applicable to the corresponding land uses, activities and facilities.

C. Land Uses, Activities and Facilities Not Addressed by the Land Use Matrix. Land uses, activities, or facilities not addressed by Table 5.02.1 (Land Use Matrix) may be considered by the Zoning Administrator upon the request for a land use determination pursuant to Section 1.02.010 (Interpretations and Land Use Determinations) of this Development Code.

D. Specialized Use and Overlay Zoning Districts. Land uses, activities, and facilities within Specialized Use and Overlay Zoning Districts, which are not addressed in Table 5.02-1 (Land Use Matrix), shall be applied as follows:

1. PUD (Planned Unit Development) Zoning District. The PUD zoning district is established to accommodate the development and use of properties that require Planned Unit Development approval pursuant to Exhibit LU-05 (Additional Plans Map) of the Policy Plan component of The Ontario Plan. Land uses, activities, and facilities within the PUD zoning district shall only be allowed pursuant to the applicable Planned Unit Development document.

2. SP (Specific Plan) Zoning District. The SP zoning district is established to accommodate the adoption of Specific Plans pursuant to Exhibit LU-05 (Additional Plans Map) of the Policy Plan component of The Ontario Plan. All land uses, activities, and facilities within the SP zoning district shall only be allowed pursuant to the applicable Specific Plan document.

3. EA (Euclid Avenue) Overlay District. The EA Overlay District is established to protect Euclid Avenue as a major scenic and historic resource of the City. All land uses, activities, and facilities within the EA Overlay district shall be allowed pursuant to the requirements of the applicable underlying base zoning district.

4. ES (Emergency Shelter) Overlay District. The ES Overlay District is established to accommodate Emergency Shelters, Supportive Housing, Transitional Housing, and Transitional Living Centers within areas of the City predetermined by the Housing Element (contained within the Policy Plan component of The Ontario Plan), pursuant to GC Section 65583. Within the ES Overlay District, Emergency Shelters, Supportive Housing, Transitional Housing, and Transitional Living Centers are permitted by right of being within the correct zoning district, and are subject to the land use standards contained within Section 5.03.400 (Temporary Shelters) of this Chapter and the development standards and guidelines contained within (Division 6.01 (District Standards and Guidelines) of this Development Code, as applicable to the underlying base zoning district.

5. MTC (Multimodal Transit Center) Overlay District. The MTC Overlay District is established to allow for the interim use of existing buildings located within the overly district boundary (established pursuant to Paragraph 5.01.010.F.4 (MTC (Multimodal Transit Center) Overlay District) of this Development Code), while at the same time preserving the City's vision for development of a multi-modal transit center and supporting mixed-use development. To this end, the below-listed land uses shall be permitted within existing buildings located within the MTC Overlay District:

a. General warehousing, storage, and distribution trades;

b. Wholesale trades;

c. Retail trades, limited to 15 percent of the building GFA or 8,000 SF, whichever is less;

d. Office administrative and business support services; and

e. Other uses approved by the Zoning Administrator that are similar in nature to those uses listed in Subparagraphs B.5.a through d, above, provided all activities are wholly contained within the building and do not have the potential to negatively impact properties in the vicinity, or are consistent with the Vision and Policy Plan components of The Ontario Plan.

E. Mobile Business Activities not addressed by Table 5.02-1 (Land Use Matrix). Any mobile business activity that is not otherwise allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Division, or has been allowed by the Zoning Administrator following a request for a use determination pursuant to Section 1.02.010 (Interpretations and Land Use Determinations) of this Development Code, shall be expressly prohibited.

5.02.010: Allowed Land Uses, Activities and Facilities

A. Land Use Matrix (Table 5.02-1) Symbols. Land and facilities thereon shall only be developed, divided and/or used for those activities listed in Table 5.02-1 (Land Use Matrix) of this Division. The symbols shown in the Land Use Matrix shall have the following meanings:

1. "**P**" (permitted) shall mean the land use, activity, or facility within the specified zoning district is permitted by right of being in the proper zoning district, and is subject to each Development Code provision applicable to the specified zoning district and the standards for specific uses, activities, and facilities contained in Division 5.03 (Supplemental Land Use Regulations) of this Development Code.

2. "**C**" (conditionally permitted) shall mean the land use, activity, or facility within the specified zoning district is subject to the granting of a Conditional Use Permit pursuant to Section 4.02.025 (Conditional Use Permits) of this Development Code, and is subject to each Development Code provision applicable to the specified zoning district and the standards for specific uses, activities, and facilities contained in Division 5.03 (Standards For Specific Uses, Activities and Facilities).

3. "**A**" (administratively permitted) shall mean the land use, activity, or facility within the specified zoning district is subject to the granting of an Administrative Use Permit pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code, and is subject to Development Code provisions applicable to the specified zoning district and the standards for specific uses, activities and facilities contained in Division 5.03 (Standards For Specific Uses, Activities and Facilities).

4. **"---"** (prohibited) shall mean the land use, activity, or facility within the specified zoning district is expressly prohibited and shall not be allowed within the specified zoning district unless changed by Development Code Amendment.

B. Consistency with the Policy Plan (General Plan) Component of The Ontario Plan. No land use, activity or facility shall be permitted that is inconsistent with the objectives, polices, general land uses and programs specified in Policy Plan (General Plan) component of The Ontario Plan. A land use is consistent with The Ontario Plan if considering all of its aspects, it is found to further the objectives and policies of The Ontario Plan.

C. Table 5.02-1 (Land Use Matrix) Organization. The land uses addressed in Table 5.02-1 (Land Use Matrix) are organized as follows:

NAICS Codes	Land Uses, Activities and Facilities
	Residential
	Mixed Use
11	Commercial Agriculture
21	Mining, Quarrying, and Oil and Gas Extraction
22	Utilities
23	Construction
31-33	Manufacturing
42	Wholesale Trade
44-45	Retail Trade
48-49	Transportation and Warehousing
51	Information
52	Finance and Insurance
53	Real Estate, Rental and Leasing
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
56	Administrative and Support, and Waste Management and Remediation Services
61	Education Services
62	Health Care and Social Assistance
71	Arts, Entertainment and Recreation
72	Accommodation and Food Services
81	Other Services (except Public Administration)
92	Public Administration
	Temporary and Interim Land Uses, Buildings and Structures

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
	RESIDENTIAL																																				
	Animal Keeping (as an accessory use)																																				
	Birds																																				
	• *Fewer than 25 birds*	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	See residential animal keeping standards contained in Section 5.03.410 (Urban Agriculture).
	• *25 to 100 birds*	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
	• *More than 100 birds*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
	Cattle & Buffalo	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
	Exotic Pets	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	
	Horses	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
	Household Pets (limited to any combination of dogs, cats, potbellied pigs, rabbits, chinchillas, and other small, domesticated animals that are maintained for non-breeding purposes only)																																				
	• *4 or fewer pets*	P	P	P	P	---	---	---	---	---	---	---	P	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	P	---	P	---	---	---	---	---	See residential animal keeping standards contained in Section 5.03.410 (Urban Agriculture).
	• *5 to 8 pets*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
	• *More than 8 pets*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	Llamas, Alpacas, Burros, Donkeys, and Mules	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
	Ostriches, Emus, and Rheas	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
	Poultry and Fowl	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
	Rabbits and Chinchillas	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
	Swine	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
	Sheep, Goats, and Similar Livestock	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
	Caretaker Quarters (excludes Caretaker Quarters established in conjunction with Self-Storage Facilities (NAICS 493190))	---	---	---	---	---	C	C	C	C	---	C	---	---	---	---	---	---	---	---	---	---	---	C	---	C	C	C	P	---	---	---	---	---	---	---	
	Community Gardens, Urban Farms, and Related Uses	A	A	A	A	A	A	A	A	A	A	A	**A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	---	A	A	---	A	See community garden and urban farms standards contained in Section 5.03.410 (Urban Agriculture). ** Use shall be prohibited on property located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	Employee (Farmworker) Housing																																				
	6 or Fewer Beds	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.177 (Employee (Farmworker) Housing).
	7 – 36 Beds	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
	Home Occupations	A	A	A	A	---	---	---	---	---	---	---	A	A	A	A	A	A	A	A	A	A	A	---	---	---	---	---	A	---	A	---	---	---	---	---	See Section 5.03.240 (Home Occupations).
	Mobilehome Parks	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	See Section 5.03.295 (Mobilehome Parks).

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	***Land Uses, Activities, and Facilities*** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	***Additional Regulations***
	Residential Development Projects																																				
	Accessory Residential Structures (structures that are incidental to a primary single-family dwelling)																																				
	Accessory Dwelling Units	P	P	P	P	---	---	---	---	---	---	---	P	P	P	P	P	P	P	P	P	---	P	---	---	---	---	---	P	---	---	---	---	---	---	---	See Section 5.03.010 (Accessory Dwelling Units).
	Accessory Residential Structures (includes guesthouses, pool houses, freestanding recreation rooms, garages, carports, garden and tool sheds, and other ancillary buildings and structures determined appropriate by the Planning Director)	P	P	P	P	---	---	---	---	---	---	---	P	P	---	P	---	P	P	P	P	P	P	---	---	---	---	---	P	---	P	---	---	---	---	---	See Subsection B (Accessory Residential Structures) of Section 5.03.011.
	Multiple-Family Dwellings	---	---	P	P	---	---	---	---	---	---	---	P	P	---	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	See Table 6.01-3 (Multiple-Family Residential Development Standards).
	Single-Family Dwellings																																				
	• *Traditional Single-Family Residential Subdivisions*	P	P	P	P	---	---	---	---	---	---	---	P	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	See Section 5.03.365 (Single-Family Dwellings); See Table 6.01-1 (Traditional Single-Family Development Standards).
	• *Small Lot Traditional Single-Family Residential Subdivisions*	---	P	P	P	---	---	---	---	---	---	---	P	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.365 (Single-Family Dwellings); See Table 6.01-2A (Small Lot Traditional Residential Development Standards).
	• *Small Lot Alley-Loaded Single-Family Residential Subdivisions*	---	---	P	P	---	---	---	---	---	---	---	P	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.365 (Single-Family Dwellings); See Table 6.01-2B (Small Lot Alley-Loaded Residential Development Standards).
	• *Cluster Single-Family Residential Subdivisions*	---	---	P	P	---	---	---	---	---	---	---	P	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.365 (Single-Family Dwellings); See Table 6.01-2C (Cluster Single-Family Residential Development Standards).
	Small Lot Infill Subdivisions	---	---	P	P	---	---	---	---	---	---	---	P	P	---	P	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 6.01.010.F (Small Lot Infill Subdivisions).
	Senior Citizen Housing Developments	---	---	P	P	---	C	C	---	---	---	---	P	---	---	P	P	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.360 (Senior Citizen Housing Developments).
	Single Room Occupancy (SRO) Facilities	---	---	---	C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.370 (Single Room Occupancy (SRO) Facilities).
	Supportive Housing	P	P	P	P	---	C	C	---	---	---	---	C	C	C	C	C	C	C	C	C	C	C	---	---	P	C	---	---	C	C	---	---	---	---	---	See Section 5.03.405 (Transitional Shelters and Supportive Housing).
	MIXED USES																																				
	Nonresidential Mixed-Use Developments (development projects containing a mix of commercial and light industrial uses in the same building or on the same site)	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.285 (Mixed-Use Developments).
	Residential Mixed-Use Developments (development projects containing a mix of commercial and residential uses in the same building or on the same site)	---	---	---	---	---	C	C	---	---	---	---	P	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.285 (Mixed-Use Developments).
	Work/Live Units	---	---	---	---	---	---	---	---	---	---	---	C	C	C	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.425 (Work/Live Units).

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
11	**COMMERCIAL AGRICULTURE**																																				
111	**Commercial Crop Production and Farming** (except community gardens, urban farms, and marijuana cultivation)	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	P	P	P	P	P	See Section 5.03.410 (Urban Agriculture). ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	• *Community Gardens*	A	A	A	A	A	A	A	A	A	A	A	**A	A	A	A	A	A	A	A	A	A	A	A	A	A	---	---	A	A	A	---	A	A	A	A	
	• *Urban Farms*	A	A	A	A	A	A	A	A	A	A	A	**A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	---	---	A	A	A	A	
	• *Marijuana Cultivation*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See OMC Title 6, Chapter 18 for Marijuana Cultivation for Personal Use.
112	**Commercial Animal Production and Aquaculture**																																				
1121	**Cattle Ranching and Farming**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	See Commercial Animal Production Standards contained in Section 5.03.410 (Urban Agriculture).
1122	**Hog and Pig Farming**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
1123	**Poultry and Egg Production**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
1124	**Sheep and Goat Farming**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	
1125	**Aquaculture** *(includes the cultivation of freshwater and saltwater fish, crustaceans, mollusks, aquatic plants, algae, and other organisms)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
1129	**Other Animal Production**																																				
112910	*Apiculture (beekeeping and production)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	P	---	---	---	P	See Commercial Animal Production Standards contained in Section 5.03.410 (Urban Agriculture).
112920	*Horses and Other Equine Production*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	
112930	*Fur-Bearing Animal Production (limited to rabbits, chinchillas, and other similar small, fur-bearing animals)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	
112990	*All Other Animal Production, limited to the following:*																																				
	• *Kennels and Catteries (includes animals owned by the owner or occupant of the property, and those kept and/or boarded for remuneration)*																																				
	[1] *Fewer than 8 animals*	P	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	P	---	---	---	---	---	---	---	See Commercial Animal Production Standards contained in Section 5.03.410 (Urban Agriculture) and OMC Section 6-1.224 through Section 6-1.228 regarding commercial kennel licensing.
	[2] *8 or more animals*	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	C	---	---	---	---	---	---	---	
	• *Alpaca and Llama Farming*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	See Commercial Animal Production Standards contained in Section 5.03.410 (Urban Agriculture).
	• *Aviaries*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	
	• *Ostrich, Emu, and Rhea Farming*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	
115	**Support Activities for Agriculture**																																				
115111 115112 115113 115114 115115 115116	*Support Activities for Crop Production (includes cotton ginning; soil preparation, planting and cultivating; crop harvesting; postharvest crop activities; farm labor contractors and crew leaders; and farm management services)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
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2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
115210	*Support Activities for Animal Production*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	
21	**MINING, QUARRYING, AND OIL AND GAS EXTRACTION**																																				
211	**Oil and Gas Extraction**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
212	**Mining** (except oil and gas)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
213	**Support Activities for Mining**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
22	**UTILITIES**																																				
221	**Utilities**																																				
2211	**Electric Power Generation, Transmission and Distribution**																																				
221111	*Hydroelectric Power Generation*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
221112	*Fossil Fuel Electric Power Generation*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	C	---	---	---	---	
221113	*Nuclear Electric Power Generation*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
221114, 221115	*Solar and Wind Electric Power Generation*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	P	---	---	---	---	---	C	See Section 5.03.160 (Electric Power Generation, Solar and Wind).
221116, 221117, 221118	*Geothermal, Biomass, and All Other Electric Power Generation (excepting solar and wind electric power generation)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
221121 221122	*Electric Power Transmission, Control and Distribution (includes power transmission and control, and power distribution)*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	---	C	C	P	C	C	C	C	
23	**CONSTRUCTION**																																				
236, 237, 238	**Contractors** (limited to businesses whose primary activity is performing specific activities involved in building construction, engineering and capital improvement projects, or the preparation of sites for construction)																																				
	• *Completely within a Building*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	
	• *With Outdoor Storage (screened from public view)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	P	---	---	---	---	---	---	---	---	See Section 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors).
31-33	**MANUFACTURING**																																				
***	**Boutique/Artisan Small-Scale and Micro Manufacturing Facilities** (includes all types of small-scale businesses that produce tangible goods, such as but not limited to: textiles, hardware and hardware prototyping, woodworking, metal working, 3D printing, consumer product design and prototyping, nonalcoholic beverage production, local food production and packaging, soaps, perfumes and lotions. Businesses may provide products directly to the consumer and/or to other businesses)	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	*** NAICS number shall be established based upon the primary manufacturing land use type. See Section 5.03.037 (Artisan Small-Scale and Micro Manufacturing Facilities).
311	**Food Manufacturing**																																				
3111	**Animal Food Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
3112	**Grain and Oilseed Milling**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
3113	**Sugar and Confectionery Product Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
3114	**Fruit and Vegetable Preserving and Specialty Food Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
3115	**Dairy Product Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
3116	**Animal Slaughtering and Processing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
3117	**Seafood Product Preparation and Packaging**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
3118	**Bread and Tortilla Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.085 (Bread and Tortilla Manufacturing).
3119	**Other Food Manufacturing** (including snack foods, roasted nuts and peanut butter, coffee and tea, flavoring syrup and concentrate, seasoning and dressing, spice and extract, and all other miscellaneous food manufacturing)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.190 (Food Manufacturing, Other).
312	**Beverage and Tobacco Product Manufacturing**																																				
312111 312112 312113	**Beverage Manufacturing** (including soft drink, bottled water and ice manufacturing; however, excludes alcoholic beverage manufacturing)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
312120 312130 312140	**Alcoholic Beverage Manufacturing** (including breweries, wineries and distilleries, and related tasting rooms)																																				
	• *GFA less than 10,000 SF*	---	---	---	---	---	---	C	C	C	---	---	A	A	A	A	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.023 (Alcoholic Beverage Manufacturing).
	• *GFA 10,000 or More SF*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	
3122	**Tobacco Products Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	
313	**Textile Mills** (transforms basic fiber into fabric)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
314	**Textile Product Mills** (transforms fabric into product, except apparel)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	
315	**Apparel Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.035 (Apparel Manufacturing).
316	**Leather and Allied Product Manufacturing**																																				
3161	**Leather and Hide Tanning and Finishing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
3162	**Footwear Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.195 (Footwear Manufacturing).
3169	**Other Leather and Allied Product Manufacturing** (limited to manufacturing of luggage, handbags, purses, personal leather goods and other leather products)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.255 (Leather and Allied Product Manufacturing, Other).
321	**Wood Product Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
322	**Paper Manufacturing**																																				
3221	**Pulp, Paper, and Paperboard Mills**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
3222	**Converted Paper Product Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	---	---	---	---	---	
323	**Printing and Related Support Activities**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	
324	**Petroleum and Coal Products Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
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325	**Chemical Manufacturing**																																				
3251	**Basic Chemical Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
3252	**Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	
3253	**Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing**																																				
325311	*Fertilizer Manufacturing with on-site composting*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	See Section 5.03.187 (Fertilizer Manufacturing from Manure Operations (FMMO)); and Section 5.03.415 (Waste Treatment and Disposal—Composting and Anaerobic Digestion Facilities).
325314	*Fertilizer Manufacturing without on-site composting (limited to mixing of purchased materials)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	
325320	*Pesticide and Other Agricultural Chemical Manufacturing*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
3254	**Pharmaceutical and Medicine Manufacturing** (excludes biological product manufacturing—see NAICS 325414, below)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	C	P	---	---	---	P	---	---	---	---	See Section 5.03.325 (Pharmaceutical and Medicine Manufacturing).
325414	*Biological Product (except diagnostic) manufacturing*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
3255	**Paint, Coating, and Adhesive Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
3256	**Soap, Cleaning Compound, and Toilet Preparation Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	P	---	---	---	---	---	---	---	---	See Section 5.03.375 (Soap, Cleaning Compound, and Toilet Preparation Manufacturing).
3259	**Other Chemical Product and Preparation Manufacturing**																																				
325910	*Printing Ink Manufacturing*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
325920	*Explosives Manufacturing*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
325991	*Custom Compounding of Purchased Resins*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	
325992	*Photographic Film, Paper, Plate, and Chemical Manufacturing*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	
325998	*All Other Miscellaneous Chemical Product and Preparation Manufacturing (such as: activated carbon and charcoal, antifreeze preparations, electronic cigarette vapor refills, industrial salt, lighter fluids (e.g., charcoal, cigarette), matches and matchbooks, pyrotechnics (e.g., flares, flashlight bombs, signals), sugar substitutes (i.e., synthetic sweeteners blended with other ingredients) made from purchased synthetic sweeteners, swimming pool chemical preparations, and writing inks)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	
326	**Plastics and Rubber Products Manufacturing**																																				
3261	**Plastics Product Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.335 (Plastics Product Manufacturing).
3262	**Rubber Product Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
327	**Nonmetallic Mineral Product Manufacturing** (except glass and glass product manufacturing)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
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327211 327212 327213 327215	*Glass and Glass Product Manufacturing*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	
331	**Primary Metal Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	
332	**Fabricated Metal Product Manufacturing**																																				
3321	**Forging and Stamping**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	P	---	---	---	---	
3322	**Cutlery and Hand Tool Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	P	---	---	---	---	See Section 5.03.135 (Cutlery and Hand Tool Manufacturing).
3323	**Architectural and Structural Metals Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	P	---	---	---	---	
3324	**Boiler, Tank and Shipping Container Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	
3325	**Hardware Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	P	---	---	---	---	See Section 5.03.235 (Hardware Manufacturing).
3326	**Spring and Wire Product Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.385 (Spring and Wire Product Manufacturing).
3327	**Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	P	---	---	---	---	See Section 5.03.260 (Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing).
3328	**Coating (e.g., anodizing, electroplating, etc.), Engraving, Heat Treating, and Allied Activities** (except painting, powder coating, and polishing metal and metal products for the trade)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	
332812	*Painting, Powder Coating and Polishing Metal and Metal Products for the Trade*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	P	---	---	---	---	
3329	**Other Fabricated Metal Product Manufacturing**																																				
332911 332912 329913 332919	*Metal Valve Manufacturing*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	
332991	*Ball and Roller Bearing Manufacturing*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	P	---	---	---	---	
332992	*Small Arms Ammunition Manufacturing*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
332993	*Ammunition (except Small Arms) Manufacturing*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
332994	*Small Arms, Ordnance, and Ordnance Accessories Manufacturing, limited to the following:*																																				
	• *Small Arms Manufacturing*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
	• Other Ordnance and Accessories Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
332996	Fabricated Pipe and Pipe Fitting Manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing (such as: foil containers (except bags), industrial patterns, metal hair curlers, metal ironing boards, metal pallets, metal pipe hangers and supports, metal safes, metal vaults (except burial), permanent metallic magnets, portable metal ladders, sanitary ware (e.g., bathtubs, lavatories, sinks), metal and enameled metal, and steel wool)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	P	---	---	---	---	---	---	---	---	See Section 5.03.185 (Fabricated Metal Product Manufacturing, All Other Miscellaneous).
333	**Machinery Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	P	---	---	---	---	
334	**Computer and Electronic Product Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	See Section 5.03.115 (Computer and Electronic Product Manufacturing).
335	**Electrical Equipment, Appliance, and Component Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	See Section 5.03.165 (Electrical Equipment, Appliance, and Component Manufacturing).
336	**Transportation Equipment Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	
337	**Furniture and Related Product Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.215 (Furniture and Related Product Manufacturing).
339	**Miscellaneous Manufacturing**																																				
3391, 3399	**Medical Equipment and Supplies; Jewelry and Silverware; Sporting and Athletic Goods; Dolls, Toys and Games; Office Supplies; Signs; and All Other Miscellaneous Manufacturing**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.265 (Manufacturing, Miscellaneous).
42	**WHOLESALE TRADE**																																				
423	**Merchant Wholesalers, Durable Goods**																																				
4231	**Motor Vehicles and Motor Vehicle Parts and Supplies**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	P	---	---	---	---	
4232	**Furniture and Home Furnishings**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	
4233	**Lumber and Other Construction Materials**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
4234	**Professional and Commercial Equipment and Supplies**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	
4235	**Metals and Minerals (except Petroleum)**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
4236	**Household Appliances, and Electrical and Electronic Goods**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	
4237	**Hardware and Plumbing, and Heating Equipment and Supplies**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	
4238	**Machinery, Equipment and Supplies**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
4239	**Miscellaneous Durable Goods**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	
423910	*Sporting and Recreational Goods and Supplies*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	
423920	*Toy and Hobby Goods and Supplies*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	
423930	*Recyclable Materials (includes wholesale activity only; refer to NAICS 562920 (Material Recovery Facilities) for recovery/processing (recycling) activities)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	P	---	---	---	---	---	---	---	---	
423940	*Jewelry, Watches, Precious Stones, and Precious Metals*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
423990	*Other Miscellaneous Durable Goods, excepting ordnance and accessories (includes uses such as: firearms (except sporting), musical instruments, prerecorded audio and video tapes and discs, phonograph records, prerecorded compact discs (CDs) and digital video discs (DVDs), and timber and timber products (except lumber))*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	
424	**Merchant Wholesalers, Nondurable Goods** (excludes industrial gases, petroleum bulk stations and terminals, and fireworks and explosives merchant wholesalers)																																				
4241	**Paper and Paper Product Merchant Wholesalers**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
4242	**Drugs and Druggists' Sundries Merchant Wholesalers**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
4243	**Apparel, Piece Goods, and Notions Merchant Wholesalers**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
4244	**Grocery and Related Product Merchant Wholesalers**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
4245	**Farm Product Raw Materials Merchant Wholesalers**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
4246	**Chemical and Allied Product Merchant Wholesalers**, except as listed below:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
424690	*Explosives and Fireworks*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
424690	*Industrial Gases and Liquefied Gases (except petroleum gas)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
424690	*Welding Gases*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
4247	**Petroleum and Petroleum Products Merchant Wholesalers**, as listed below:																																				
424710	*Petroleum Bulk Stations and Terminals*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
424720	*Petroleum and Petroleum Products (except bulk stations and terminals)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
4248	**Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	
4249	**Miscellaneous Nondurable Goods Merchant Wholesalers**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	
425	**Wholesale Trade Agents and Brokers**																																				
425120	*Automobile auctions (wholesale auctions only)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
425120	*Business to Business Electronic Markets (via internet or other electronic means)*	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.090 (Business to Business Electronic Markets).
425120	*Durable and Nondurable Goods Agents and Brokers (office only)*	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.155 (Durable and Nondurable Goods Agents and Brokers).
425120	*Group Purchasing Organizations (acting as agents for goods distribution)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	
425120	*Petroleum Brokers (office only)*	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
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44-45	**RETAIL TRADE**																																				
441	**Motor Vehicle and Parts Dealers**																																				
4411	**Automobile Dealers**, limited to new and used automobiles, and light trucks and vans (includes vehicle sales, and ancillary motor vehicle repair and maintenance activities)																																				
441110	*New Vehicles*	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.040 (Automobile Dealers - New Vehicle Sales and Leasing, and Automobile Rental) and Section 5.03.305 (Motor Vehicle Dealers).
441120	*Used Vehicles*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers).
4412	**Other Motor Vehicle Dealers**																																				
441210	*Recreational Vehicles*	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers).
441222	*Boats*	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	
441227	*Motorcycles, Personal Watercraft, All Terrain Vehicles, and Other Similar Vehicles*	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	
4413	**Automotive Parts, Accessories and Tire Stores**																																				
441330	*Automotive Parts and Accessories (excludes automotive repair)*	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
441340	*Tire Stores*	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
444	**Building Materials, Garden Equipment and Supplies Stores**	---	---	---	---	---	---	P	P	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
445	**Food and Beverage Stores**																																				
4451	**Grocery and Convenience Stores**																																				
445110	*Supermarkets and Other Grocery Stores, Delicatessens (primarily retailing a range of grocery items and meats), Commissaries and Food Stores*	---	---	---	---	---	P	P	P	---	---	---	P	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
445131	*Convenience Stores (limited to 10,000 SF maximum)*	---	---	---	---	P	P	P	P	P	---	P	P	P	P	P	---	P	P	P	P	P	P	P	---	---	---	---	---	---	---	P	---	---	---	---	---	
445132	*Vending Machine Operators (retailing of merchandise through vending machines, as an ancillary business activity, within a fully enclosed building)*	---	---	---	---	P	P	P	P	P	P	P	P	---	---	P	---	---	P	P	P	P	P	P	P	P	P	P	---	P	---	P	---	---	---	---	---	
4452	**Specialty Food Stores**																																				
445230 445240 445250 445291 445292 445298	*Confectionary and Baked Goods, Confectionary and Nut Stores, Dairy Products, Ice Cream, Meat, Seafood, Produce (except farmers markets and certified farmers' markets), Soft Drink, Tea and Coffee, Water Stores, and All Other Specialty Foods*	---	---	---	---	P	P	P	P	P	---	P	P	P	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.125 (Convenience Markets and Specialty Food Stores).
445230	*Farmers Markets and Certified Farmers Markets*	---	---	---	---	C	C	C	C	---	---	---	C	C	C	---	C	C	---	C	---	---	C	---	---	---	---	---	C	C	---	---	---	C	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																									
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
4453	**Alcoholic Beverage Sales for Consumption Off-Premises**																																					
445320	*Alcoholic Beverage Sales for Consumption Off-Premises (except beer, wine, and liquor stores, see below)*	---	---	---	---	C	C	C	C	C	---	C	A	A	A	A	A	C	C	C	C	C	C	C	---	---	---	---	---	---	---	---	C	---	---	---	---	See Section 5.03.025 (Alcoholic Beverage Sales).
445320	*Beer, Wine, and Liquor Stores*	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	C	C	C	C	---	---	---	---	---	---	---	---	P	---	---	---	---	
449	**Furniture, Home Furnishings, Electronics, and Appliance Retailers**																																					
4491	**Furniture and Home Furnishings Stores**	---	---	---	---	---	P	P	P	---	---	---	P	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.210 (Furniture and Home Furnishings Stores).
4492	**Electronics and Appliance Stores**	---	---	---	---	---	P	P	P	---	---	---	P	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.175 (Electronics and Appliance Stores).
455	**General Merchandise Stores**																																					
4551	**Department Stores**	---	---	---	---	---	---	P	P	---	---	---	P	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
4552	**Warehouse Clubs, Supercenters, and Other General Merchandise Stores**																																					
455211	*Warehouse Clubs and Supercenters*	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	P	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
455219	*All Other General Merchandise Stores (includes dollar stores, general merchandise catalog showrooms (except catalog mail order), general stores, general merchandise trading posts, home and automobile supply stores, and variety stores)*	---	---	---	---	---	P	P	P	---	---	---	P	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	
456	**Health and Personal Care Stores**																																					
456110	*Pharmacies and Drug Stores*	---	---	---	---	P	P	P	P	---	P	P	P	---	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	See Section 5.03.330 (Pharmacies and Drug Stores). See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
	Marijuana Dispensaries	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.280 (Marijuana Dispensary).
456120	*Cosmetics, Beauty Supplies, and Perfume Stores*	---	---	---	---	P	P	P	P	---	---	---	P	---	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	
456130	*Optical Goods Stores*	---	---	---	---	P	P	P	P	---	---	P	P	---	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	
456191	*Food (Health) Supplement Stores*	---	---	---	---	---	P	P	P	---	---	---	P	---	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
456199	*All Other Health and Personal Care Stores (such as: hearing aids, medical equipment and supplies, personal mobility scooters, and prosthetics)*	---	---	---	---	---	P	P	P	---	---	P	P	---	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
457	**Gasoline Stations and Fuel Dealers**																																					
457110	*Gasoline Stations with Convenience Stores*	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	
457120	*Other Gasoline Stations, including Truck Stops*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	
457190	*Self-Serve and Full Service Gasoline Stations*	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	P	P	P	P	P	P	P	P	P	---	---	---	P	---	---	---	---	See Section 5.03.225 (Gasoline and Fueling Stations).
457190	*Automated Fueling Stations ("card lock" facilities)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	P	---	---	---	P	---	---	---	---	See Section 5.03.225 (Gasoline and Fueling Stations).

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																									
2022 NAICS Code	**Land Uses, Activities, and Facilities** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	**Additional Regulations**
457210	*Fuel Dealers (limited to the direct selling of alternative fuels, bottled gas, firewood, fuel oil, jet fuel bulk stations, and liquefied petroleum gas (LPG))*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	P	---	---	---	---	
458	**Clothing, Clothing Accessories, Shoes, and Jewelry Stores**	---	---	---	---	C	P	P	P	---	---	---	P	P	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
459	**Sporting Goods, Hobby, Book, and Musical Instrument Stores** (such as: sporting goods stores; hobby, toy, and game stores; sewing, needlework and piece goods (fabric and upholstery materials) stores; musical instrument and supplies stores; bookstores; and newsstands)	---	---	---	---	---	P	P	P	---	---	---	P	---	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
4591	**Sporting Goods, Hobby, and Musical Instrument Stores**	---	---	---	---	---	P	P	P	---	---	---	P	---	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
4592	**Book Stores and News Dealers**	---	---	---	---	---	P	P	P	---	---	---	P	---	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
4593	**Florists**	---	---	---	---	P	P	P	P	P	---	P	P	P	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	
4594	**Office Supplies, Stationery, and Gift Stores**	---	---	---	---	C	P	P	P	P	---	P	P	P	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	
4595	**Used Merchandise Stores** (except motor vehicles), limited to the following:																																				
459510	*Antique, Vintage and Collectibles Shops*	---	---	---	---	---	P	P	P	---	---	P	P	P	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
459510	*Consignment Shops*	---	---	---	---	---	P	P	P	---	---	---	P	P	P	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
459510	*Flea Markets and Swap Meets (indoor only)*	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
459510	*Precious Metals, Gemstones, Jewelry, and Similar Merchandise (includes purchase of previously owned merchandise, such as "cash for gold" stores)*	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	
459510	*Personal Property Donation Bins*	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.320 (Personal Property Donation Bins).
459510	*Thrift and Secondhand Stores, and Used Goods Stores*	---	---	---	---	---	---	P	---	---	---	---	P	P	P	P	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.400 (Thrift and Secondhand Stores, and Used Goods Stores).
4599	**Other Miscellaneous Stores**																																				
459910	*Pet and Pet Supplies Stores*	---	---	---	---	---	P	P	P	---	---	---	P	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
459920	*Art Dealers*	---	---	---	---	---	P	P	P	---	---	P	P	P	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
459930	*Manufactured (Mobile) Home Dealers, limited to the following:*																																				
	• *Without Display of Homes*	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	• *With Indoor Display of Homes (no outdoor display of homes permitted)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
459991	*Smoking/Vaping Retailers (includes cigar stores, cigarette stands, electronic cigarette stores, hookah supplies stores, smoking / vaping supplies stores, tobacco stores, and other similar facilities — In-store smoking and/or vaping shall be prohibited)*	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.245 (Hookah Establishments, Smoking / Vaping Lounges, and Smoking / Vaping Retailers).
459999	*All Other Miscellaneous Store Retailers, limited to the following:*																																				
	• *Art Supplies, Candles, Closet Organizers, Collectibles, Flowers, Home Security Equipment, Hot Tubs, Janitorial Supplies, Police Supplies, Religious Goods, Swimming Pool Supplies and Trophy Shops*	---	---	---	---	---	P	P	P	---	---	---	P	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	***Land Uses, Activities, and Facilities*** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	***AR-2 & RE-2***	***RE-4 & LDR-5***	***MDR-11, 18 & 25***	***HDR-45***	***CS***	***CN***	***CC***	***CR***	***CCS***	***OL***	***OH***	***LUA-1***	***LUA-2N***	***LUA-2S***	***LUA-3***	***LUA-4***	***MU-3***	***MU-6***	***MU-8B***	***MU-8C***	***MU-8D***	***MU-8E***	***BP***	***IP***	***IL***	***IG***	***IH***	***AG***	***CIV***	***MHP***	***ONT***	***OS-C***	***OS-R***	***RC***	***UC***	***Additional Regulations***
	• *Auction Houses*	---	---	---	---	---	---	---	C	---	---	---	**C	---	---	C	---	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	• *Industrial Retail Sales (limited to the ancillary retail sales of goods and/or product either manufactured, warehoused, or wholesaled on-site)*																																				
	[1] *≤ 15% of Building GFA Area or 8,000 SF, whichever is less*	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	
	[2] *> 8,000 SF or 15% of Building GFA*	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	C	C	C	C	C	---	---	---	P	---	---	---	---	
48-49	**TRANSPORTATION AND WAREHOUSING**																																				
481	**Air Transportation**, limited to the following:																																				
481111 481112	*Scheduled Passenger Air Transportation and Scheduled Freight Air Transportation (Airport Facilities)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	See Section 5.03.020 (Air Transportation).
481211 481212	*Nonscheduled Chartered Passenger Air Transportation and Nonscheduled Chartered Freight Air Transportation*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	
481219	*Other Nonscheduled Air Transportation (such as: aircraft charter services, aviation clubs, and privately-owned aircraft)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	
481219	*Helipad/Heliport*	---	---	---	---	---	---	---	P	C	---	C	---	---	---	---	---	C	---	---	---	---	---	---	---	---	P	P	---	P	---	P	---	---	---	---	
482	**Rail Transportation**																																				
482111 482112	*Line-Haul, Short-Line and Beltline Railroads*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	P	---	
484	**Truck Transportation** (includes general and specialized freight trucking)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	
485	**Transit and Ground Passenger Transportation**																																				
4851	**Urban Transit Systems** (includes public mixed-mode, commuter rail and bus transit passenger terminals and stations)	---	---	---	---	---	---	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C	
4853	**Taxi and Limousine Services**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	
4855	**Charter Bus Services**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	
4859	**Other Transit and Ground Passenger Transportation**																																				
485991	*Special Needs Transportation (such as: handicapped passenger transportation, paratransit transportation, pet transportation, senior citizen transportation, and special needs passenger transportation)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	
485999	*Other Transit and Ground Passenger Transportation (such as: airport limousine and shuttle services, and carpool and vanpool operations)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	P	---	---	---	---	
488	**Support Activities for Transportation**																																				
4881	**Support Activities for Air Transportation**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	
4882	**Support Activities for Rail Transportation** (includes servicing and maintenance facilities)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	C	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	***Land Uses, Activities, and Facilities*** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	*AR-2 & RE-2*	*RE-4 & LDR-5*	*MDR-11, 18 & 25*	*HDR-45*	*CS*	*CN*	*CC*	*CR*	*CCS*	*OL*	*OH*	*LUA-1*	*LUA-2N*	*LUA-2S*	*LUA-3*	*LUA-4*	*MU-3*	*MU-6*	*MU-8B*	*MU-8C*	*MU-8D*	*MU-8E*	*BP*	*IP*	*IL*	*IG*	*IH*	*AG*	*CIV*	*MHP*	*ONT*	*OS-C*	*OS-R*	*RC*	*UC*	***Additional Regulations***
488210	*Railroad Passenger Terminals (line-haul, short-line and belt-line railroads)*	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	C	C	C	---	P	---	P	---	---	P	---	
488210	*Railroad Equipment Maintenance Yards*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	C	---	
4884	**Support Activities for Road Transportation**																																				
488410	*Towing Services (see Motor Vehicle Storage (NAICS 493190) for vehicle storage requirements)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	
488490	*Bus Passenger Terminals (independent)*	---	---	---	---	---	---	C	C	C	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	
4885	**Freight Transportation Arrangement** (limited to shipping agents and brokers)	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.200 (Freight Transportation Arrangement).
491	**Postal Service** (limited to US Postal Service and contract services. See "Private Mail Centers and Postal Services and Supplies" (NAICS 561431) for commercial mail services)	---	---	---	---	P	P	P	P	P	P	P	**P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	---	P	---	P	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
492	**Couriers and Messengers**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	P	---	---	---	---	
493	**Warehousing and Storage**																																				
493110	*General Warehousing and Storage, limited to the following:*																																				
	• *Within a Wholly Enclosed Building*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	
	• *Outside Materials and Equipment Storage*																																				
	[1] *In conjunction with an allowed use*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	P	---	---	---	---	
	[2] *As a primary use of property*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	p	---	---	---	P	---	---	---	---	
493120	*Refrigerated Warehousing and Storage*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	P	---	---	---	---	
493190	*Other Warehousing and Storage, limited to the following:*																																				
	• *Bulk Petroleum Storage (tank farm)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
	• *Lumber Storage*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
	• *Motor Vehicle Storage*																																				
	[1] *Indoor Vehicle Storage*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	See Section 5.03.310 (Motor Vehicle Storage Facilities).
	[2] *Outdoor Vehicle Storage*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	C	---	---	---	P	---	---	---	C	
	• *Semi-Trailer Storage Yard Facilities*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	C	---	---	---	*C	See Section 5.03.357 (Semi-Trailer Storage Yard Facilities). * Subject to Planning Director approval. Shall be wholly located within an established industrial area and not located near any sensitive receptors.
51	**INFORMATION**																																				
512	**Motion Picture and Sound Recording Industries**																																				
5121	**Motion Picture and Video Industries**																																				

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
512110 512120	*Motion Picture and Video Production and Distribution*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	P	---	---	---	
512131	*Motion Picture and Video Exhibition (movie theaters, except drive-in theaters)*	---	---	---	---	---	---	C	P	P	P	---	**P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
512191	Teleproduction and Other Postproduction Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	
512199	Other Motion Picture and Video Industries (such as: booking agencies, film libraries, film laboratories and film restoration)	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	
5122	**Sound (Audio) Recording Facilities**	---	---	---	---	---	---	P	P	---	*P	*P	**P	P	P	P	---	*P	P	*P	*P	P	*P	P	P	P	P	*P	---	---	---	---	---	---	---	---	See Section 5.03.380 (Sound (Audio) Recording Facilities). * Only allowed incidental to a permitted or conditionally permitted land use. ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
513	**Publishing Industries** (except Internet—see Other Information Services)																																				
5131	**Newspaper, Periodical, Book, and Directory Publishers**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	P	P	---	---	---	---	---	---	---	---	
5132	**Software Publishers**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	
516	**Broadcasting** (except Internet—see Other Information Services)																																				
516110 516120	*Radio Broadcast Studios/Stations*	---	---	---	---	---	C	P	P	---	---	P	**P	P	P	P	---	P	---	C	P	C	P	P	P	P	P	---	---	---	---	P	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
516120	*Television Broadcast Studios/Stations*	---	---	---	---	---	C	P	P	---	---	P	**P	P	P	P	---	P	---	P	P	C	P	P	P	P	P	---	---	---	---	P	---	---	---	---	
517	**Telecommunications Facilities**																																				
517111	*Wired telecommunications Facilities*	C	C	C	C	C	P	P	P	P	P	P	**P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	---	P	P	P	P	See Section 5.03.420 (Wireless Telecommunications Facilities). ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
517112	*Wireless Telecommunications Facilities*	P	P	P	P	P	P	P	P	P	P	P	**P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	
5174	**Satellite Telecommunications Facilities**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	C	---	---	---	P	---	---	---	---	
5178	**All Other Telecommunications** (includes telecommunications resellers, radar station operations, and satellite telemetry operations and tracking stations)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	C	---	---	---	---	---	---	---	---	
518	**Data Processing, Hosting and Related Services**	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	See Section 5.03.140 (Data Processing, Hosting and Related Services).
519	**Libraries and Archives**																																				

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	***Land Uses, Activities, and Facilities*** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	***AR-2 & RE-2***	***RE-4 & LDR-5***	***MDR-11, 18 & 25***	***HDR-45***	***CS***	***CN***	***CC***	***CR***	***CCS***	***OL***	***OH***	***LUA-1***	***LUA-2N***	***LUA-2S***	***LUA-3***	***LUA-4***	***MU-3***	***MU-6***	***MU-8B***	***MU-8C***	***MU-8D***	***MU-8E***	***BP***	***IP***	***IL***	***IG***	***IH***	***AG***	***CIV***	***MHP***	***ONT***	***OS-C***	***OS-R***	***RC***	***UC***	***Additional Regulations***
519210	*Libraries and Archives*	C	C	C	C	C	P	P	P	P	P	P	**P	P	P	P	P	P	P	P	P	P	P	C	---	---	---	---	---	P	---	---	---	---	---	---		
52	**FINANCE AND INSURANCE**																																					
522	**Credit Intermediation and Related Activities**																																					
5221	**Depository Credit Intermediation** (limited to commercial banking, savings institutions, and credit unions)	---	---	---	---	---	P	P	P	P	P	P	**P	P	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.145 (Depository Credit Intermediation). See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities. ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
5222	**Nondepository Credit Intermediation** (such as: credit card issuing, sales financing, consumer and real estate lending, and secondary market financing, excluding pawn shops and pawn brokers)	---	---	---	---	---	---	P	P	---	P	P	---	---	---	P	P	P	P	P	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
522299	*Pawnshops and Pawnbrokers*	---	---	---	---	---	---	C	C	---	---	---	**C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
5223	**Activities Related to Credit Intermediation**																																					
522310	*Mortgage and Nonmortgage Loan Brokers*	---	---	---	---	---	P	P	P	P	P	P	**P	P	P	P	---	P	P	P	P	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
522320	*Financial Transactions Processing and Clearinghouse Activities*	---	---	---	---	---	---	P	P	---	---	P	**P	P	P	P	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
522390	*Other Activities Related to Credit Intermediation (limited to check cashing, money order issuance, money transmission and payday advance services)*	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.130 (Credit Intermediation-Related Activities).
523, 524, 525	**Securities, Commodity Contracts, and Other Financial Investments; Insurance Carriers; and Related Activities, Funds, Trusts, and Other Financial Vehicles**	---	---	---	---	---	P	P	P	---	P	P	**P	P	P	P	---	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
53	**REAL ESTATE RENTAL AND LEASING**																																					
531	**Real Estate**																																					
5311	**Real Estate Rental or Leasing**, except banquet halls	---	---	---	---	C	P	P	P	P	P	P	**P	P	---	P	---	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
531120	*Banquet Halls (standalone facilities)*	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.067(Banquet Facilities - Historic Properties) for administratively permitted banquet facility uses located on historically designated properties.

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																									
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
531130	*Self-Storage Facilities*	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	See Section 5.03.355 (Self-Storage Facilities).
5312	**Real Estate Agents and Brokers**	---	---	---	---	C	P	P	P	---	P	P	**P	---	---	P	---	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
5313	**Activities Related to Real Estate** (such as: escrow services, fiduciaries, listing services, property managers, and appraisers)	---	---	---	---	P	P	P	P	---	P	P	**P	---	---	P	---	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	
532	**Rental and Leasing Services**																																				
5321	**Automotive Equipment Rental and Leasing**																																				
53211	*Passenger Car Rental and Leasing*	---	---	---	---	---	---	C/P	C/P	C/P	---	---	---	---	---	---	---	---	C	---	C	C	C	C	C	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.040 (Automobile Dealers—New Vehicle Sales and Leasing, and Automobile Rental).
53212	*Truck, Utility Trailer, and Recreational Vehicle Rental and Leasing*	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	P	P	---	---	---	P	---	---	---	---	
5322	**Consumer Goods Rental** (limited to rental of consumer electronics and appliances, costumes, formal wear, furniture rental, home health equipment, musical instrument rental, party and banquet accessories, recreational goods, and video tapes and discs)	---	---	---	---	---	---	P	P	---	---	---	**P	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.120 (Consumer Goods Rental). ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
5323	**General Rental Centers** (limited to home and garden tool and equipment rental)	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	P	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.230 (General Rental Centers).
5324	**Commercial and Industrial Machinery and Equipment Rental and Leasing**	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	P	---	---	---	---	---	---	---	---	
54	**PROFESSIONAL, SCIENTIFIC, AND TECHNICAL SERVICES**																																				
541	**Professional, Scientific, and Technical Services, except Scientific Research and Development Services, and Veterinary and Animal Hospital Services** (such as legal, accounting, tax preparation, bookkeeping, payroll, architecture, engineering, and specialized design services; systems design; management, scientific, and technical consulting services; and advertising and public relations services)	---	---	---	---	---	---	P	P	P	P	P	**P	---	---	P	---	---	P	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
5417	**Scientific Research and Development Services**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	
5419	**Other Professional, Scientific, and Technical Services** (except veterinary and animal hospital services)	---	---	---	---	---	P	P	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	P	---	---	---	---	
541940	*Veterinary and Animal Hospital Services*	---	---	---	---	---	P	P	---	---	---	---	---	---	---	P	---	---	P	P	P	P	P	P	P	---	---	---	C	---	---	---	---	---	---	---	---	
55	**MANAGEMENT OF COMPANIES AND ENTERPRISES**																																				
551	**Management of Companies and Enterprises** (limited to offices of holding companies, and corporate, subsidiary, and regional managing offices)	---	---	---	---	---	P	P	P	P	P	P	**P	---	---	P	---	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																									
2022 NAICS Code	***Land Uses, Activities, and Facilities*** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	***Additional Regulations***
56	**ADMINISTRATIVE AND SUPPORT, AND WASTE MANAGEMENT AND REMEDIATION SERVICES**																																					
561	**Administrative and Support Services**																																					
5611, 5612	**Office Administrative Services and Facilities Support Services** (limited to services provided for others on a contract or fee basis)	---	---	---	---	---	P	P	P	P	P	P	**P	---	---	P	---	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
5613	**Employment Services** (limited to employment placement, executive search, and temporary employment services)	---	---	---	---	---	P	P	P	P	P	P	**P	---	---	P	---	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
5614	**Business Support Services**																																					
561410	*Document Preparation Services*	---	---	---	---	---	P	P	P	P	P	P	**P	---	---	P	---	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
561421 561422	*Telephone Answering Services and Call Centers*	---	---	---	---	---	---	P	P	---	---	P	---	---	---	---	---	P	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	
561431	*Private Mail Centers, and Postal Services and Supplies*	---	---	---	---	P	P	P	P	P	P	P	**P	---	---	P	---	P	P	P	P	P	P	P	P	---	---	---	---	---	---	P	---	---	---	---	
561439	*Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales)*	---	---	---	---	P	P	P	P	P	---	P	**P	---	---	P	---	P	P	P	P	P	P	P	---	---	---	---	---	---	---	P	---	---	---	---	
561440	*Collection Agencies*	---	---	---	---	---	---	P	P	---	P	P	**P	---	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
561450	*Credit Bureaus*	---	---	---	---	---	---	P	P	---	---	P	---	---	---	---	---	P	P	P	P	P	P	C	---	---	---	---	---	---	---	---	---	---	---	---	
561491 561492 561499	*Other Business Support Services (including repossession services, court reporting and stenotype services and all other business support services)*	---	---	---	---	---	---	P	P	---	P	P	**P	---	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
5615	**Travel Arrangement and Reservation Services**	---	---	---	---	---	P	P	P	P	P	P	**P	---	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	P	---	---	---	---	
5616	**Investigation and Security Services**	---	---	---	---	---	---	P	P	---	---	P	**P	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
5617	**Services to Buildings and Dwellings** (limited to exterminating and pest control, janitorial, landscaping, carpet and upholstery cleaning, building exterior and chimney cleaning, power washing, gutter cleaning, light building maintenance, parking lot cleaning and swimming pool maintenance services)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	See Section 5.03.180 (Exterminating Services).
5619	**Other Support Services** (limited to packaging and labeling services, convention and trade show organizers, and document shredding services)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	
562	**Waste Management and Remediation Services**																																					
5621	**Waste Collection**																																					
562111	*Solid Waste Collection, limited to the following*																																					
	• *Waste, Refuse and Garbage Collection Services (service yards)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	C	---	---	---	---	---	---	---	
	• *Waste Transfer Facilities*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	*P	---	---	---	---	---	---	* Use shall be allowed only when established as part of a publicly operated city yard facility.

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	**Land Uses, Activities, and Facilities** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	**Additional Regulations**
	• *Recycling Facilities (implements the California Beverage Container Recycling and Litter Reduction Act (PRC Section 14500 et seq.))*																																					
	[1] *Reverse Vending Machines*	---	---	---	---	---	A	A	A	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.340 (Recycling Facilities).
	[2] *Small Collection Facilities (a facility 500 SF or less in area, including Mobile Recycling Units, Bulk Reverse Vending Machines, Kiosk Type Units, and Unattended Containers)*	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	
	[3] *Large Collection Facilities (a facility greater than 500 SF in area)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	P	P	---	---	---	---	---	---	---	---	
	[4] *Processing Facilities*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	
	• *Salvage Facilities (such as automobile dismantling and metal salvage/recycling. See NAICS 562920, Material Recovery Facilities, for the recovery/processing (recycling) of waste materials)*																																					
	[1] *Within a Wholly Enclosed Building*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	See Section 5.03.350 (Salvage Facilities).
	[2] *With Outdoor Storage and/or Processing Activities*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
562112	*Hazardous Waste Collection, limited to the following:*																																					
	• *Hazardous Waste Collection and Storage Facilities (except household hazardous waste collection facilities)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
	• *Hazardous Waste Collection Services*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
	• *Household Hazardous Waste Collection Facility*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	*P	---	---	---	---	---	---	* Use shall be allowed only when established as part of a publicly operated city yard facility.
562119	*Other Waste Collection Services*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
5622	**Waste Treatment and Disposal**																																					
562211	*Hazardous Waste Treatment and Disposal*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
562212	*Solid Waste Landfill*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
562213	*Solid Waste Combustors and Incinerators*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
562219	*Other Nonhazardous Waste Treatment and Disposal (limited to composting facilities and anaerobic digestion; excludes fertilizer manufacturing—see NAICS 325314)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	See Section 5.03.415 (Waste Treatment and Disposal—Composting and Anaerobic Digestion Facilities).
5629	**Remediation and Other Waste Management Services**																																					
562910	*Remediation Services*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	
562920	*Material Recovery Facilities (MRF) (consists of the removal of recyclable materials from a waste stream)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities).
562920	• *Electronic Equipment Recycling*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	P	---	---	---	---	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities).

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	***Land Uses, Activities, and Facilities*** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	***AR-2 & RE-2***	***RE-4 & LDR-5***	***MDR-11, 18 & 25***	***HDR-45***	***CS***	***CN***	***CC***	***CR***	***CCS***	***OL***	***OH***	***LUA-1***	***LUA-2N***	***LUA-2S***	***LUA-3***	***LUA-4***	***MU-3***	***MU-6***	***MU-8B***	***MU-8C***	***MU-8D***	***MU-8E***	***BP***	***IP***	***IL***	***IG***	***IH***	***AG***	***CIV***	***MHP***	***ONT***	***OS-C***	***OS-R***	***RC***	***UC***	***Additional Regulations***
562920	• *Salvage Facilities (includes facilities for the recovery/processing (recycling) of waste materials. See NAICS 562111 for automobile dismantling and metal salvage/recycling facilities. See NAICS 327999 for concrete and asphalt crushing or grinding)*																																				
562920	***[1]*** *Within a Wholly Enclosed Building*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	**P**	**P**	---	---	---	---	---	---	---	---	See Sections 5.03.275 (Material Recovery Facilities) and 5.03.350 (Salvage Facilities).
562920	***[2]*** *With Outdoor Storage and/or Processing Activities*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	**C**	---	---	---	---	---	---	---	---	
562920	• *Tires and Scrap Rubber Recycling*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	**C**	**C**	---	---	---	---	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities).
562991	*Septic Tank and Related Services*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	**P**	**P**	---	---	---	---	---	---	---	---	
562998	*All Other Miscellaneous Waste Management Services (includes but is not limited to storm and catch basin cleaning services, grease trap cleaning services, sewer cleaning and rodding services, and tank cleaning and disposal services)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	**P**	**P**	---	---	---	---	---	---	---	---	
61	**EDUCATION SERVICES**																																				
611	**Educational Services**																																				
6111, 6112, 6113	**Elementary and Secondary Schools, Junior Colleges, and Colleges, Universities and Professional Schools** (also includes activities and facilities ancillary to, and/or serving, an educational service, such as, but not limited to, administrative offices, student and educator housing, libraries and museums, performing arts and sports facilities, eating facilities, medical clinics, etc.)																																				
	• *Public Schools*	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	****P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	---	---	---	---	---	**P**	**P**	**P**	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	• *Private Schools*	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	---	---	**C**	****C**	**C**	**C**	**C**	**C**	**C**	---	---	---	---	---	**C**	---	---	---	---	**C**	**C**	**C**	---	---	---	---	---	
6114	**Business Schools and Computer and Management Training**	---	---	---	---	---	---	**C**	**C**	---	---	---	---	---	---	---	**C**	---	---	---	**C**	---	**C**	**C**	**C**	**C**	---	---	---	**C**	---	---	---	---	---	---	
6115	**Technical, Trade, and Vocational Schools**	---	---	---	---	---	---	**C**	**C**	---	---	**C**	---	---	---	---	**C**	---	**C**	---	**C**	**C**	**C**	**C**	**C**	**C**	**C**	---	---	**C**	---	---	---	---	---	---	
6116	**Other Schools and Instruction**																																				
611610	*Fine Arts Schools (nonacademic instruction, including music, dance, performing arts, drama, photography, ceramics, painting, and sculpture)*																																				
	• *GFA less than 2,000 SF*	---	---	---	---	**C**	**P**	**P**	**P**	**P**	---	**P**	****P**	**P**	**P**	**P**	---	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	• *GFA 2,000 SF or more*	---	---	---	---	---	**C**	**C**	**C**	**C**	---	**C**	****C**	**C**	**C**	**C**	---	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	---	---	---	---	---	---	---	---	---	
611620	*Sports and Recreation Instruction (cheerleading, gymnastics, and martial arts)*																																				
	• *GFA less than 10,000 SF*	---	---	---	---	---	**P**	**P**	**P**	**P**	---	**P**	---	---	---	**P**	---	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	---	---	---	---	---	---	---	---	---	---	---	
	• *GFA 10,000 or More SF*	---	---	---	---	---	**C**	**C**	**C**	**P**	---	**C**	---	---	---	**C**	---	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	---	---	---	---	----	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																									
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
611691	*Exam Preparation and Tutoring Services*	---	---	---	---	---	---	P	P	---	P	P	**P	---	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
611692	*Automobile Driving School*	---	---	---	---	---	---	C	C	---	---	C	---	---	---	C	---	C	C	C	C	C	C	C	C	---	---	---	---	C	---	---	---	---	---	---	---	
611699	*Other Schools of Instruction (public speaking, survival training, and speed reading)*	---	---	---	---	---	---	C	C	---	---	C	C	---	---	C	---	C	C	C	C	C	C	C	C	---	---	---	---	C	---	---	---	---	---	---	---	
6117	**Educational Support Services** (limited to testing, evaluation, tutorial, and online education services)	---	---	---	---	---	---	P	P	P	P	P	P	---	---	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
62	**HEALTH CARE AND SOCIAL ASSISTANCE**																																					
621	**Ambulatory Health Care Services**																																					
6211, 6212, 6213, 6214, 6215, 6216	**Offices of Physicians and Dentists, Other Health Practitioners, Outpatient Centers, Laboratory Testing Services, Home Healthcare Services, and Community Clinics** (excludes massage establishments—see NAICS 812199)	---	---	---	---	---	P	P	P	P	P	P	P	---	---	P	---	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.02.270 (Massage Establishments and Services) for massage therapists or massage practitioners. Pursuant to Figure 5.01-2 (MU-1 (Downtown Mixed Use) Zoning District Land Use Map) and Section 6.01.035.B.2.c (Development Standards and Guidelines) uses that front on to Euclid Avenue are not permitted on the ground/first floor.
6219	**Other Ambulatory Health Care Services**																																					
621910	*Ambulance Services*	---	---	---	---	---	---	P	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	C	---	---	---	---	
621991	*Blood and Organ Banks*	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	
621999	*All Other Miscellaneous Ambulatory Health Care Services (limited to blood pressure screening, health screening, hearing testing, industrial clinics, pacemaker monitoring, physical fitness evaluation, and smoking cessation program services)*	---	---	---	---	---	P	P	P	---	P	P	**P	---	---	P	---	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	See Section 5.03.030 (Ambulatory Health Care Services—All Other Miscellaneous) ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
622	**Hospitals**	---	---	---	---	---	---	C	C	---	---	C	---	---	---	---	---	---	---	---	C	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	
623	**Nursing and Residential Care Facilities**																																					
6231	**Nursing Care Facilities** (includes State licensed facilities engaged in providing inpatient nursing and rehabilitative services by a permanent core staff of registered/licensed practical nurses who, along with other staff, provide nursing and continuous personal care services)	---	---	---	---	---	---	C	C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
6232	**Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities**																																				
623210	*Residential Intellectual and Developmental Disability Facilities (includes State licensed group homes, and intermediate care facilities primarily engaged in providing residential care services – room, board, protective supervision, and counseling services -- for persons diagnosed with intellectual and developmental disabilities)*																																				
	• *6 or fewer persons*	*P	*P	*P	*P	---	---	---	---	---	---	---	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	---	---	---	---	---	*P	---	---	---	---	---	---	---	* Allowed only in conjunction with an existing single-family residence.
	• *More than 6 persons*	C	C	C	C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	
623220	*Residential Mental Health and Substance Abuse Facilities (includes State licensed residential care and treatment – room, board, protective supervision, and counseling services -- for patients with mental health and/or substance abuse illnesses. Medical services may be provided incidental to counseling, mental rehabilitation, and support services offered)*																																				
	• *6 or fewer persons*	*P	*P	*P	*P	---	---	---	---	---	---	---	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	---	---	---	---	---	*P	---	---	---	---	---	---	---	* Allowed only in conjunction with an existing single-family residence.
	• *More than 6 persons*	C	C	C	C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	
6233	**Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly**																																				
623311	*Continuing Care Retirement Communities (includes State licensed facilities providing a range of residential personal care services with on-site nursing care facilities for: [1] the elderly and other persons that are unable to fully care for themselves, and/or [2] the elderly and other persons who do not desire to live independently)*																																				
	• *6 or fewer persons*	*P	*P	*P	*P	---	---	---	---	---	---	---	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	---	---	---	---	---	*P	---	---	---	---	---	---	---	* Allowed only in conjunction with an existing single-family residence. See Section 5.03.110 (Community Care Facilities for the Elderly—6 or Fewer Persons).
	• *More than 6 persons*	C	C	C	C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	See Section 5.03.105 (Community Care Facilities for the Elderly—More Than 6 Persons).
623312	*Assisted Living Facilities for the Elderly (includes State licensed facilities providing residential and personal care services without on-site nursing care facilities for: [1] the elderly and other persons that are unable to fully care for themselves, and/or [2] the elderly and other persons who do not desire to live independently)*																																				
	• *6 or fewer persons*	*P	*P	*P	*P	---	---	---	---	---	---	---	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	---	---	---	---	---	*P	---	---	---	---	---	---	---	* Allowed only in conjunction with an existing single-family residence. See Section 5.03.110 (Community Care Facilities for the Elderly—6 or Fewer Persons).
	• *More than 6 persons*	C	C	C	C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	See Section 5.03.105 (Community Care Facilities for the Elderly—More Than 6 Persons).

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																									
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
6239	**Other Residential Care Facilities for 6 or fewer persons** (includes facilities providing residential care services, such as: group homes for the hearing or visually impaired, child group foster homes, halfway group homes for ex-offenders, homes for unwed mothers, group homes for the disabled without nursing care, orphanages, etc.)	*P	*P	*P	*P	---	---	---	---	---	---	---	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	---	---	---	---	---	*P	---	---	---	---	---	---	---	* Allowed only in conjunction with an existing single-family residence. See Section 5.03.345 (Residential Care Facilities, Other—6 or Fewer Persons).
624	**Social Assistance**																																					
6241	**Individual and Family Services**																																					
624110	*Adoption Services, Child Guidance Agencies, Child Welfare Services, and Foster Care Placement Services*	---	---	---	---	---	P	P	P	---	P	P	---	---	---	---	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
624110	*Teen Outreach Services and Youth Centers*	---	---	---	---	---	P	P	---	---	---	---	---	---	---	P	P	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
624120	*Senior Citizen and Adult Community Centers*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	P	P	---	P	---	---	---	---	---	---	P	---	---	---	---	---	---	
624120	*Adult Daycare Services*																																					
	• *6 or Fewer Persons*	*P	*P	*P	*P	---	---	---	---	---	---	---	*P	*P	*P	*P	---	*P	*P	P*	*P	*P	*P	---	---	---	---	---	*P	---	---	---	---	---	---	---	* Allowed only in conjunction with an existing single-family residence.
	• *7 or More Persons*	---	---	C	C	---	C	C	---	---	C	---	---	---	---	C	---	---	---	---	---	---	---	C	---	---	---	---	---	---	C	---	---	---	---	---	
624190	*Other Individual and Family Services*	---	---	---	---	---	---	P	---	---	P	P	---	---	---	P	---	P	P	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
6242	**Community Food and Housing, Emergency and Other Relief Services**																																					
624210	*Community Food Services (limited to food banks, meal delivery programs, and fixed and mobile soup kitchens)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	C	---	---	---	---	---	---	---	---	---	
624221	*Temporary Shelters*																																					
	• *Emergency Shelters*	---	---	C	---	---	---	C	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	P	C	C	---	C	C	---	---	---	---	---	---	See Section 5.03.405 (Transitional Shelters and Supportive Housing).
	• *Low Barrier Navigation Centers*	---	---	---	---	---	P	P	---	---	---	---	P	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
	• *Transitional Housing*	P	P	P	P	---	---	C	---	---	---	---	P	P	P	P	P	P	P	P	P	P	P	---	---	P	C	C	---	C	P	---	---	---	---	---	
	• *Transitional Living Centers*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	
624229	*Other Community Housing Services (agencies and organizations)*	---	---	---	---	---	P	P	---	---	P	P	**P	---	---	P	P	P	P	P	P	P	P	P	---	---	---	---	---	P	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
624230	*Emergency and Other Relief Services (administrative services/activities only)*	---	---	---	---	---	---	P	---	---	P	P	**P	---	---	P	P	P	P	---	---	P	---	---	---	---	---	---	---	P	---	---	---	---	---	---	
6243	**Vocational Rehabilitation Services** (limited to vocational habilitation and rehabilitation, and workshops for persons with disabilities)	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	P	---	---	---	C	---	C	C	C	C	---	---	---	C	---	---	---	---	---	---	
6244	**Child Daycare Services**, limited to the following:																																					
624410	*Child Daycare Centers (Commercial Facilities)*	---	---	C	C	C	C	C	C	---	C	C	---	---	---	C	---	C	C	C	C	C	C	P	P	---	---	---	---	P	C	---	---	---	---	---	---	See Section 5.03.100 (Child Daycare Services).
624410	*Child Daycare Centers (Employer Provided Services)*	---	---	---	---	---	---	---	P	---	---	P	---	---	---	---	P	P	---	C	C	C	C	P	P	P	P	P	---	P	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	**Land Uses, Activities, and Facilities** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	**Additional Regulations**
624410	*Family Child Daycare Homes (up to 14 children)*	*P	*P	*P	*P	---	---	---	---	---	---	---	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	---	---	---	---	---	*P	---	*P	---	---	---	---	---	* Allowed only in conjunction with an existing residence, including a single-family dwelling, a townhouse dwelling, a dwelling unit within a single-family dwelling, a multiple-family dwelling, or a dwelling unit within a multiple-family dwelling. Furthermore, the dwelling may be rented, leased, or owned, and the child daycare provider shall reside in the dwelling. See Section 5.03.100 (Child Daycare Services).
71	**ARTS, ENTERTAINMENT AND RECREATION**																																				
711	**Performing Arts, Spectator Sports, and Related Industries**																																				
7111	**Performing Arts Companies**	---	---	---	---	---	---	---	C	C	---	---	C	C	C	C	---	C	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	
7112	**Spectator Sports**	---	---	---	---	---	---	---	C	C	---	---	C	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	
7113	**Promoters of Performing Arts, Sports, and Similar Events** (offices only)	---	---	---	---	---	---	P	P	P	P	P	**P	P	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
7114	**Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures** (offices only)	---	---	---	---	---	---	P	P	P	P	P	**P	P	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
7115	**Independent Artists, Writers, and Performers** (offices only)	---	---	---	---	---	---	P	P	P	P	P	**P	P	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
712	**Museums, Historical Sites, and Similar Institutions**																																				
7121	**Museums, Historical Sites, and Similar Institutions**																																				
712110	*Museums*	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	P	C	---	---	P	---	---	
712130	*Zoos and Botanical Gardens*	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	
713	**Amusement, Gambling, and Recreation Industries**																																				
7131	**Amusement Parks and Arcades**																																				
713110	*Amusement and Theme Parks*	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	
713120	*Amusement Arcades (limited to video and electronic game arcades, cyber cafes, and on-line and internet gaming facilities)*	---	---	---	---	---	---	C	C	---	---	---	C	---	---	C	---	---	C	---	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.220 (Game Arcades, Internet Cafes, On-Line Internet Gaming, and Similar Facilities).
7132	**Gambling Industries** (except Bingo conducted pursuant to Ontario Municipal Code Title 5, Chapter 18 (Bingo for Charity))	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
7139	**Other Amusement and Recreation Industries**																																				
713910	*Golf Courses and Country Clubs*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	
713940	*Fitness and Recreational Sports Centers (limited to health clubs and gyms, fitness and sports training facilities, tennis clubs, swim clubs and other similar activities and facilities)*																																				
	• GFA Less than 10,000 SF	---	---	---	---	---	P	P	P	P	---	P	**P	---	---	P	---	P	P	P	P	P	P	P	P	---	---	---	---	---	---	P	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	• GFA 10,000 or More SF	---	---	---	---	---	C	C	C	P	---	C	**C	---	---	C	---	C	C	C	C	C	C	C	C	C	C	---	---	---	---	C	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	***Land Uses, Activities, and Facilities*** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	***AR-2 & RE-2***	***RE-4 & LDR-5***	***MDR-11, 18 & 25***	***HDR-45***	***CS***	***CN***	***CC***	***CR***	***CCS***	***OL***	***OH***	***LUA-1***	***LUA-2N***	***LUA-2S***	***LUA-3***	***LUA-4***	***MU-3***	***MU-6***	***MU-8B***	***MU-8C***	***MU-8D***	***MU-8E***	***BP***	***IP***	***IL***	***IG***	***IH***	***AG***	***CIV***	***MHP***	***ONT***	***OS-C***	***OS-R***	***RC***	***UC***	***Additional Regulations***
713950	*Bowling Centers*	---	---	---	---	---	---	P	P	---	---	---	P	P	P	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	*C	---	---	* Privately operated facilities are conditionally permitted on publicly owned land.
713990	*Adult-Oriented Businesses*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	See Section 5.03.015 (Adult-Oriented Businesses).
713990	*Batting Cages -- Indoor*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	---	---	---	
713990	*Batting Cages -- Outdoor*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	---	C	---	---	
713990	*Billiard Parlors and Pool Halls*	---	---	---	---	---	---	C	C	---	---	---	C	---	---	C	---	---	C	C	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.075 (Billiard Parlors and Pool Halls).
713990	*Dancing, Dance Clubs, Dance Halls, Ballrooms, and Discotheques*																																				
	• GFA Less than 5,000 SF	---	---	---	---	---	---	C	C	---	---	---	*A	---	---	---	---	---	C	C	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	* In the MU-1 zoning district, dancing activities/facilities are administratively permitted only in conjunction with a bona fide full-service restaurant or alcoholic beverage manufacturer's tasting room.
	• GFA 5,000 or More SF	---	---	---	---	---	---	C	C	---	---	---	C	---	---	---	---	---	C	C	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	
713990	*Escape, Exit, Mystery, and Puzzle Rooms*	---	---	---	---	---	---	C	C	---	---	---	C	C	C	---	---	---	---	---	C	---	C	C	---	C	C	---	---	---	---	---	---	---	---	---	
713990	*Golf Driving Ranges, Miniature and Pitch-N-Put Golf Courses, and Practice Ranges*	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	
713990	*Hookah Establishments and Facilities*	---	---	---	---	---	C	C	---	---	---	---	**A	A	A	A	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations. See Section 5.03.245 (Hookah Establishments).
713990	*Live Entertainment (excludes adult-oriented establishments)*																																				
	• GFA Less than 5,000 SF	‡A	‡A	‡A	‡A	---	C	C	C	C	---	---	*A/ **C	*A/ **C	*A/ **C	*A/ **C	---	C	C	C	C	C	C	C	---	---	---	---	---	C	---	P	---	---	---	---	* In the MU-1 zoning district, live entertainment is administratively permitted only in conjunction with a bona fide full-service restaurant or alcoholic beverage manufacturer's tasting room. ** Standalone live entertainment activities/facilities shall be subject to Conditional Use Permit approval and shall be prohibited on property located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations. ‡ Allowed in residential zoning districts only in conjunction with a banquet facility in association with a historic property.
	• GFA 5,000 or More SF	---	---	---	---	---	C	C	C	C	---	---	**C	---	---	**C	---	C	C	C	C	C	C	C	---	---	---	---	---	C	---	C	---	---	---	---	
713990	*Off-Road Vehicle Riding Facilities (recreational)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
713990	*Open Space and Park Lands (publicly owned facilities)*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
713990	*Shooting and Archery Ranges and Galleries — Indoor Only*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	C	---	---	---	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	***Land Uses, Activities, and Facilities*** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	***AR-2 & RE-2***	***RE-4 & LDR-5***	***MDR-11, 18 & 25***	***HDR-45***	***CS***	***CN***	***CC***	***CR***	***CCS***	***OL***	***OH***	***LUA-1***	***LUA-2N***	***LUA-2S***	***LUA-3***	***LUA-4***	***MU-3***	***MU-6***	***MU-8B***	***MU-8C***	***MU-8D***	***MU-8E***	***BP***	***IP***	***IL***	***IG***	***IH***	***AG***	***CIV***	***MHP***	***ONT***	***OS-C***	***OS-R***	***RC***	***UC***	***Additional Regulations***
713990	*Simulated Racing (limited to go-carts, radio-controlled vehicles, and other similar facilities)*	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	---	---	*C	---	---	* Privately operated facilities are conditionally permitted on publicly owned land.
713990	*Simulated Shooting Games — Indoor Only (limited to laser tag and paint ball)*	---	---	---	---	---	---	C	C	---	---	---	C	---	---	C	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	
713990	*Skating Rinks and Parks (indoor only)*	---	---	---	---	---	---	C	C	---	---	---	---	---	---	C	---	---	---	---	C	---	C	C	C	---	---	---	---	---	---	---	---	---	---	---	---	
713990	*Smoking Lounges, Vape Lounges, and Other Similar Facilities (excluding hookah establishments)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
713990	*Stables (commercial riding)*	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	
72	**ACCOMMODATION AND FOOD SERVICES**																																					
721	**Accommodation (Lodging Facilities)**																																					
7211	**Traveler Accommodation**																																					
721110	*Hotels and Motels*	---	---	---	---	---	---	---	C	C	---	C	**C	---	---	C	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	See Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation). ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
721191	*Bed-and-Breakfast Inns*	C	C	C	C	C	C	C	C	---	C	C	**C	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	See Section 5.03.070 (Bed-and-Breakfast Inns). ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
721199	*All Other Traveler Accommodation*																																					
	• *Residence Inns*	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation).
	• *Cabins and Cottages*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
	• *Hostels*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
7212	**Recreational Vehicle (RV) Parks and Recreational Camps**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
7213	**Boarding, Lodging and Rooming Houses**	A	A	A	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	A	---	A	---	---	---	---	---	---	See Section 5.03.080 (Boarding, Lodging and Rooming Houses).
722	**Food Services and Drinking Places**																																					
7223	**Special Food Services**																																					
722310	*Food Service Contractors*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
722320	*Catering Services and Facilities*	---	---	---	---	---	---	P	---	P	---	---	P	P	P	P	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	
722330	*Mobile Food Services*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	See Section 5.03.290 (Mobile Food Services).

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	***Land Uses, Activities, and Facilities*** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	***AR-2 & RE-2***	***RE-4 & LDR-5***	***MDR-11, 18 & 25***	***HDR-45***	***CS***	***CN***	***CC***	***CR***	***CCS***	***OL***	***OH***	***LUA-1***	***LUA-2N***	***LUA-2S***	***LUA-3***	***LUA-4***	***MU-3***	***MU-6***	***MU-8B***	***MU-8C***	***MU-8D***	***MU-8E***	***BP***	***IP***	***IL***	***IG***	***IH***	***AG***	***CIV***	***MHP***	***ONT***	***OS-C***	***OS-R***	***RC***	***UC***	***Additional Regulations***
7224	**Drinking Places** (Alcoholic Beverage Sales for *On-Premises Consumption*)																																					
722410	*Drinking Places Other Than Bars, Cocktail Lounges, and Taverns (and other similar facilities)*																																					
	• *GFA less than 10,000 SF*	**‡A**	**‡A**	**‡A**	**‡A**	**C**	**C**	**C**	**C**	***C**	**---**	**C**	**A**	**A**	**A**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**---**	**---**	**C**	**---**	**P**	**---**	***C**	**---**	**---**	‡ Allowed in residential zoning districts only in conjunction with a banquet facility in association with a historic property or a not for profit homeowners association that maintains/operates a clubhouse or similar place of assembly for exclusive use by association members and their guests. * Allowed within the Ontario Sports Empire ancillary to restaurant and concession uses and subject to approval of an AUP. See Section 5.03.025 (Alcoholic Beverage Sales).
	• *GFA 10,000 or More SF*	**---**	**---**	**---**	**---**	**C**	**C**	**C**	**C**	***C**	**---**	**C**	**C**	**C**	**C**	**C**	**---**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**	**---**	**---**	**C**	**---**	**P**	**---**	***C**	**---**	**---**	
722410	*Bars, Cocktail Lounges, Nightclubs and Taverns, and Other Similar Facilities*																																					
	• *GFA less than 5,000 SF*	**---**	**---**	**---**	**---**	**---**	**---**	**C**	**C**	***C**	**---**	**C**	****A**	****A**	****A**	**C**	**---**	**C**	**C**	**C**	**C**	**C**	**C**	**---**	**---**	**---**	**---**	**---**	**---**	**---**	**---**	**P**	**---**	***C**	**---**	**---**	* Allowed within the Ontario Sports Empire ancillary to restaurant and concession uses and subject to approval of an AUP. ** Standalone bars, taverns, and other similar facilities shall be prohibited on property located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations. See Section 5.03.025 (Alcoholic Beverage Sales).
	• *GFA 5,000 or More SF*	**---**	**---**	**---**	**---**	**---**	**---**	**C**	**C**	***C**	**---**	**C**	****C**	**---**	**---**	**---**	**---**	**C**	**C**	**C**	**C**	**C**	**C**	**---**	**---**	**---**	**---**	**---**	**---**	**---**	**---**	**P**	**---**	***C**	**---**	**---**	
7225	**Restaurants and Other Eating Places**																																					
722511	*Full-Service Restaurants (includes ancillary banquet facilities — see NAICS 531120 for standalone banquet facilities)***	**---**	**---**	**---**	**---**	**---**	**P**	**P**	**P**	**P**	**---**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**---**	**---**	**---**	**P**	**---**	**P**	**---**	**P**	**---**	**---**	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities. ** Outdoor dining areas, both temporary and permanent, which are provided in addition to seating areas approved with the development of a building, may be permitted, subject to the approval of an Administrative Use Permit.
722513	*Limited-Service and Fast Food Restaurants***	**---**	**---**	**---**	**---**	**P**	**P**	**P**	**P**	**P**	**---**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**---**	**P**	**---**	**P**	**---**	**P**	**---**	**---**	
722514	*Cafeterias and Buffets***	**---**	**---**	**---**	**---**	**P**	**P**	**P**	**P**	**P**	**---**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**---**	**P**	**---**	**P**	**---**	**P**	**---**	**---**	
722515	*Snack and Nonalcoholic Beverage Bars***	**---**	**---**	**---**	**---**	**P**	**P**	**P**	**P**	**P**	**---**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**---**	**P**	**---**	**P**	**---**	**P**	**---**	**---**	
81	**OTHER SERVICES (EXCEPT PUBLIC ADMINISTRATION)**																																					
811	**Repair and Maintenance**																																					
8111	**Motor Vehicle Repair and Maintenance** (Note: See Motor Vehicle Storage (NAICS 493190) for vehicle storage requirements)																																					
811111	*Servicing Facilities (limited to retail-oriented services, such as emissions testing, battery replacement and other similar retail activities that involves the limited use of pneumatic tools or equipment that create noise impacts)*	**---**	**---**	**---**	**---**	**---**	**P**	**P**	**P**	**P**	**---**	**---**	**---**	**---**	**---**	**---**	**---**	**---**	**---**	**---**	**P**	**P**	**---**	**P**	**P**	**P**	**---**	**---**	**---**	**---**	**---**	**---**	**---**	**---**	**---**	**---**	See Section 5.03.065 (Automotive Repair and Maintenance—Servicing Facilities).

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	**Land Uses, Activities, and Facilities** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	**Additional Regulations**
811111	General Repair Facilities (includes general motor vehicle mechanical and electrical repair and maintenance of air conditioning, brake, cooling, electric, exhaust, fuel, and suspension systems; and engine, transmission, and drive train)																																					
	• Automobile, Light Truck and Van Repair and Maintenance	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	---	P	---	---	---	---	See Section 5.03.060 (Automotive Repair and Maintenance—General Repair Facilities).
	• Large Truck, Bus and Similarly Large Motor Vehicle Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	P	---	---	---	---	
811121	Automotive Body, Paint, and Interior Repair and Customization																																					
	• Automobile, Light Truck and Van Body, Paint, and Interior Repair and Customization	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	P	P	---	---	---	---	---	---	---	---	See Section 5.03.045 (Automotive Body, Paint, and Interior Repair and Customization—Minor Customization Work).
	• Minor Customization Work (limited to the "bolt-on" replacement or addition of parts only -- body and/or paint work is prohibited)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	P	P	---	---	---	P	---	---	---	---	
	• Large Truck and Bus Body, Paint, and Interior Repair and Maintenance	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	P	---	---	---	---	
	• Mobile Body and Paint Repair Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	P	P	---	---	---	---	---	---	---	---	See Section 5.03.050 (Automotive Body and Paint—Mobile Repair Services).
811122	Automotive Glass Replacement Shops (includes stationary and mobile services)	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	P	---	---	---	---	See Section 5.03.055 (Automotive Glass Replacement Shops).
811122	Automotive Window Tinting and Vehicle Wrapping	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	P	---	---	---	---	
811191	Automotive Oil Change and Lubrication Shops	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	P	P	P	P	P	P	P	P	---	---	---	---	---	---	P	---	---	---	---	
811192	Car Washes--Full-Service and Self-Service (excludes facilities ancillary to fueling stations)																																					
	• Automobiles, Light Trucks and Vans	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	C	---	---	C	---	---	C	---	---	---	---	---	---	P	---	---	---	---	
	• Trucks and Similarly Large Vehicles	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	P	---	---	---	---	
	• Mobile Washing and Detailing Services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	See Section 5.03.300 (Mobile Washing and Detailing Services).
811198	All Other Automotive Repair and Maintenance																																					
	• Emissions Testing (test only facilities), and Diagnostic Centers and Safety Inspection Services (without repair)	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	---	
	• Rustproofing and Undercoating Shops	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
	• Spray-On Bedliner Installation Shops	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
	• Tire Sales, Installation, and Repair (except retreading) Services	---	---	---	---	---	---	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
	• Plug-In Electric Vehicle (PEV) Charging Facilities (ancillary to an allowed land use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
	• *Electric Truck Vehicle Charging Facilities*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	*C	*C	*C	*C	*C	---	---	---	*C	---	---	---	---	See Section 5.03.163 (Electric Truck Vehicle Charging Facilities) * Electric vehicle supply equipment stations shall be reviewed by Building Permit. Discretionary review required for all ancillary site improvements unrelated to the supply equipment.
	• *Hydrogen Fueling Station*	---	---	---	---	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	
8112	**Electronic and Precision Equipment Repair and Maintenance**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	
8113	**Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance**	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	P	---	---	---	---	
8114	**Personal and Household Goods Repair and Maintenance**																																				
811411, 811412	*Home and Garden Equipment and Appliance Repair and Maintenance*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
811420	*Reupholsters and Furniture Repair*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	
811430	*Footwear and Leather Goods Repair*	---	---	---	---	---	P	P	P	---	---	---	**P	P	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
811490	*Other Personal and Household Goods Repair and Maintenance -- Without Retail Sales (limited to garment alteration and repair, gun repair, jewelry repair, key duplicating, musical instrument repair and tailor shops)*	---	---	---	---	---	P	P	P	---	---	---	**P	P	P	P	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
811490	*Boat Repair and Maintenance Services (no retail sales of new boats)*	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	---	---	---	---	---	---	
811490	*Motorcycle Repair and Maintenance Services (no retail sales of new motorcycles)*	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	P	---	---	---	---	---	---	---	---	---	
812	**Personal and Laundry Services**																																				
8121	**Personal Care Services**																																				
812111 812112 812113	*Barber Shops, Beauty Salons, Nail, and Skin Care Services*	---	---	---	---	P	P	P	P	---	---	---	**P	---	---	P	---	P	P	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
812191	*Diet and Weight Reducing Centers*	---	---	---	---	---	P	P	P	---	---	---	**P	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
812199	*Other Personal Care Services, limited to the following:*																																				

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	**Land Uses, Activities, and Facilities** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	**Additional Regulations**
	• *Body Art Services (includes tattooing, body piercing, and branding)*	---	---	---	---	---	---	C	---	C	---	---	**P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.390 (Tattoo, Body Piercing, Branding, and Permanent Cosmetics Application). ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	• *Chair Massage*	---	---	---	---	P	P	P	P	P	P	P	**P	---	---	P	---	---	---	P	P	---	P	---	---	---	---	---	---	---	---	P	---	---	---	---	See Section 5.03.270 (Massage Establishments and Services). ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	• *Color Consulting Services*	---	---	---	---	P	P	P	P	---	---	---	**P	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations. † Massage services are prohibited.
	• *Day Spas*	---	---	---	---	---	P	P	P	---	---	---	**†P	---	---	†P	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
	• *Hair Removal Services*	---	---	---	---	P	P	P	P	---	---	---	**P	---	---	P	---	---	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
	• *Hair Replacement Services*	---	---	---	---	P	P	P	P	---	---	---	**P	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
	• *Make-Up Salons (includes the application of permanent cosmetics)*	---	---	---	---	P	P	P	P	---	---	---	**P	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.390 (Tattoo, Body Piercing, Branding, and Permanent Cosmetics Application). ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	• *Massage Establishments*	---	---	---	---	---	---	A	---	A	---	---	**A	---	---	A	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.270 (Massage Establishments and Services). ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	• *Tanning Salons*	---	---	---	---	P	P	P	P	---	---	---	**P	---	---	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																									
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
	• *Wellness Centers*	---	---	---	---	---	---	P	---	P	---	---	**†P	†P	---	†P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	If ancillary massage services are proposed, refer to Section 5.03.270 (Massage Establishments and Services) for regulations. ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations. † Massage services are prohibited.
8122	**Death Care Services**																																					
812210	*Funeral Director Services (limited to office/retail only)*	---	---	---	---	---	P	P	P	---	---	P	**P	P	P	P	---	---	---	---	---	---	---	P	---	*P	*P	*P	---	---	---	---	P	---	---	---	See Section 5.03.205 (Funeral Director Services). * Allowed only as an ancillary use to Funeral Parlors and Mortuary Services. ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
812210	*Funeral Parlors and Mortuary Services (excludes funeral establishments)*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	P	---	---	---	
812210	*Funeral Establishments*	---	---	---	---	---	C	C	C	---	---	---	---	---	---	C	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	P	---	---	---	
812220	*Cemeteries restrictions*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
812220	*Crematories*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	C	---	---	---	
8123	**Drycleaning and Laundry Services**																																					
812310	*Coin-Operated Laundries and Drycleaners*	---	---	---	---	---	P	P	---	---	---	---	---	---	---	P	---	---	P	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
812320	*Drycleaning and Laundry Services (except Coin-Operated)*	---	---	---	---	---	P	P	P	P	---	---	**P	---	---	P	---	P	---	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities. ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
812331	*Linen Supply*	---	---	---	---	---	---	P	---	---	---	---	---	---	---	P	---	---	---	---	P	---	P	P	P	P	P	P	---	---	---	P	---	---	---	---	
812332	*Industrial Launderers*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	P	---	---	---	---	
8129	**Other Personal Services**																																					
812910	*Pet Grooming and Training Services*	---	---	---	---	---	P	P	P	---	---	---	**P	P	P	P	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
812910	*Pet Boarding and Sitting (animal daycare) Services, and Shelters*	---	---	---	---	---	C	C	C	---	---	---	---	---	---	C	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	P	---	*P	---	---	* Use shall only permit publicly operated Animal Shelters.

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																									
2022 NAICS Code	***Land Uses, Activities, and Facilities*** *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	***AR-2 & RE-2***	***RE-4 & LDR-5***	***MDR-11, 18 & 25***	***HDR-45***	***CS***	***CN***	***CC***	***CR***	***CCS***	***OL***	***OH***	***LUA-1***	***LUA-2N***	***LUA-2S***	***LUA-3***	***LUA-4***	***MU-3***	***MU-6***	***MU-8B***	***MU-8C***	***MU-8D***	***MU-8E***	***BP***	***IP***	***IL***	***IG***	***IH***	***AG***	***CIV***	***MHP***	***ONT***	***OS-C***	***OS-R***	***RC***	***UC***	***Additional Regulations***
812921	*Photofinishing*	---	---	---	---	---	P	P	P	---	---	---	**P	P	P	P	---	P	---	P	P	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
812930	Parking Lots and Parking Garages																																					
	• Commercial Facilities (pay to park)	---	---	---	---	---	---	C	C	C	---	C	C	C	C	C	C	C	C	C	C	C	C	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
	• Publicly-Owned Facilities	---	---	---	---	---	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	---	P	---	P	---	P	---	---	
	• Facilities Required in Conjunction with Allowed Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
812990	*Astrology, Fortunetelling, Numerology, Palmistry, Phrenology and Psychic Reading Services*	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
812990	*Funeral Planning Services (office only—excludes preparation of the dead for burial or interment, and the conducting of funeral services)*	---	---	---	---	---	P	P	P	---	P	P	**P	---	---	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
812990	*Party Planning Services*	---	---	---	---	---	P	P	P	P	P	P	**P	P	P	P	---	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
812990	*Personal Fitness Trainer*	---	---	---	---	---	P	P	P	P	P	P	**P	P	P	P	---	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	---	---	---	---	See Section 5.03.315 (Personal Fitness Trainer). ** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
812990	*Wedding and Funerary Chapels (excludes religious assembly)*	---	---	---	---	---	C	C	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
813	**Religious, Grantmaking, Civic, Professional and Similar Organizations**																																					
8131	**Religious Organizations**																																					
813110	*Religious Assembly*	C	C	C	C	C	C	C	---	C	---	---	---	C	C	C	---	C	C	C	C	C	C	C	C	---	---	---	---	C	C	---	---	---	---	---	---	
813110	*Monasteries, Convents and Other Similar Facilities*	---	---	C	C	---	---	C	---	---	---	---	---	---	---	---	---	C	C	C	C	C	C	---	---	---	---	---	---	---	C	---	---	---	---	---	---	
8132, 8133, 8134, 8139	**Grant-Making and Giving Services; Social Advocacy Organizations; Civic and Social Organizations; and Business, Professional, Labor, Political and Similar Organizations**																																					
	• *Offices Only*	---	---	---	---	---	---	P	P	---	P	P	**P	P	P	P	---	P	---	---	P	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	• *Assembly Facilities*	---	---	---	---	---	---	C	C	---	C	C	---	C	C	C	---	---	---	---	C	---	C	C	C	C	---	---	---	---	---	---	---	---	---	---	---	

Table 5.02-1: Land Use Matrix

		Residential Zoning Districts				Commercial Zoning Districts							Mixed Use Zoning Districts											Industrial Zoning Districts					Specialized Use and Overlay Zoning Districts								
													MU-1 Zoning District																								
2022 NAICS Code	Land Uses, Activities, and Facilities *Note: In addition to the requirements of this Table, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.*	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	LUA-1	LUA-2N	LUA-2S	LUA-3	LUA-4	MU-3	MU-6	MU-8B	MU-8C	MU-8D	MU-8E	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
92	**PUBLIC ADMINISTRATION**																																					
921	**Executive, Legislative, and Other General Government Support**	---	---	---	---	---	---	P	P	---	P	P	**P	P	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	P	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
922	**Justice, Public Order, and Safety Activities**																																					
922110	*Courts*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	
922120	*Police Protection (stations, substations, and storefront facilities)*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
922130	*Legal Counsel and Prosecution*	---	---	---	---	---	---	P	P	P	P	P	**P	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	P	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
922140	*Correctional Institutions*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
922150	*Parole Offices and Probation Offices*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	P	---	---	---	---	---	---	
922160	*Fire Protection*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
923	**Administration of Human Resource Programs** (limited to administrative offices for education, public health and veterans' affairs, and other similar facilities)	---	---	---	---	---	---	P	P	---	P	P	**P	P	P	P	P	P	P	P	P	P	P	---	---	---	---	---	---	P	---	---	---	---	---	---	** Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor (refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map) for locations.
	TEMPORARY AND INTERIM LAND USES, BUILDINGS, AND STRUCTURES																																					
	Temporary and Interim Land Uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures).
	Temporary and Interim Buildings, Structures, and Facilities																																					
	• *Fewer than 5 years*	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures).
	• *5 to 10 years*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	C	C	C	C	
	• *More than 10 years*	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	A	---	---	---	---	

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Division 5.03—Supplemental Land Use Regulations

Sections:

5.03.000: Purpose
5.03.005: Applicability
5.03.010: Accessory Dwelling Units
5.03.011: Accessory Residential Structures
5.03.015: Adult-Oriented Businesses
5.03.020: Air Transportation
5.03.023: Alcoholic Beverage Manufacturing
5.03.025: Alcoholic Beverage Sales
5.03.030: Ambulatory Health Care Services—All Other Miscellaneous Services
5.03.035: Apparel Manufacturing
5.03.037: Artisan Small-Scale and Micro Manufacturing Facilities
5.03.040: Automobile Dealers—New Vehicles Sales and Leasing, and Automobile Rental
5.03.045: Automotive Body, Paint, and Interior Repair and Customization—Minor Customization
5.03.050: Automotive Body and Paint—Mobile Repair Services
5.03.055: Automotive Glass Replacement Shops
5.03.060: Automotive Repair and Maintenance—General Repair Facilities
5.03.065: Automotive Repair and Maintenance—Servicing Facilities
5.03.067: Banquet Facilities - Historic Properties
5.03.070: Bed-and-Breakfast Inns
5.03.075: Billiard Parlors and Pool Halls
5.03.080: Boarding, Lodging, and Rooming Houses
5.03.085: Bread and Tortilla Manufacturing
5.03.090: Business to Business Electronic Markets
5.03.095: Caretaker Quarters
5.03.100: Child Daycare Services
5.03.105: Community Care Facilities for the Elderly—More Than 6 Persons
5.03.110: Community Care Facilities for the Elderly—6 or Fewer Persons
5.03.115: Computer and Electronic Product Manufacturing
5.03.120: Consumer Goods Rental
5.03.125: Convenience Markets and Specialty Food Stores
5.03.130: Credit Intermediation-Related Activities
5.03.135: Cutlery and Hand Tool Manufacturing
5.03.140: Data Processing, Hosting, and Related Services
5.03.145: Depository Credit Intermediation
5.03.150: Drive-Thru Facilities
5.03.155: Durable and Nondurable Goods Agents and Brokers
5.03.160: Electric Power Generation, Solar and Wind
5.03.163: Electric Truck Vehicle Charging Facilities
5.03.165: Electrical Equipment, Appliance, and Component Manufacturing
5.03.170: Electronic Shopping and Mail Order Houses
5.03.175: Electronics and Appliance Stores
5.03.177: Employee (Farmworker) Housing
5.03.180: Exterminating Services
5.03.185: Fabricated Metal Product Manufacturing, All Other Miscellaneous
5.03.187: Fertilizer Manufacturing from Manure Operations (FMMO)
5.03.190: Food Manufacturing, Other
5.03.195: Footwear Manufacturing

5.03.200: Freight Transportation Arrangement
5.03.205: Funeral Director Services
5.03.210: Furniture and Home Furnishings Stores
5.03.215: Furniture and Related Product Manufacturing
5.03.220: Game Arcades, Internet Cafes, On-Line Internet Gaming, and Similar Facilities
5.03.225: Gasoline and Fueling Stations
5.03.230: General Rental Centers
5.03.235: Hardware Manufacturing
5.03.240: Home Occupations
5.03.245: Hookah Establishments, Smoking/Vaping Lounges, and Smoking/Vaping Retailers
5.03.250: Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation
5.03.255: Leather and Allied Product Manufacturing, Other
5.03.257: Live Entertainment
5.03.260: Machine Shops, and Turned Product, Screw, Nut, and Bolt Manufacturing
5.03.265: Manufacturing, Miscellaneous
5.03.270: Massage Establishments and Services
5.03.275: Material Recovery Facilities (MRF)
5.03.280: Marijuana Dispensary
5.03.285: Mixed-Use Developments
5.03.290: Mobile Food Services
5.03.295: Mobilehome Parks
5.03.300: Mobile Washing and Detailing Services
5.03.305: Motor Vehicle Dealers
5.03.310: Motor Vehicle Storage Facilities
5.03.315: Personal Fitness Trainer
5.03.320: Personal Property Donation Bins
5.03.325: Pharmaceutical and Medicine Manufacturing
5.03.330: Pharmacies and Drug Stores
5.03.335: Plastics Product Manufacturing
5.03.340: Recycling Facilities
5.03.345: Residential Care Facilities, Other—6 or Fewer Persons
5.03.350: Salvage Facilities
5.03.355: Self-Storage Facilities
5.03.357: Semi-Trailer Storage Yard Facilities
5.03.360: Senior Citizen Housing Developments
5.03.363: Short Term Rentals
5.03.365: Single-Family Dwellings
5.03.370: Single Room Occupancy (SRO) Facilities
5.03.375: Soap, Cleaning Compound, and Toilet Preparation Manufacturing
5.03.380: Sound (Audio) Recording Facilities
5.03.385: Spring and Wire Product Manufacturing
5.03.390: Tattooing, Body Piercing, Branding, and the Application of Permanent Cosmetics
5.03.395: Temporary and Interim Land Uses, Buildings, and Structures
5.03.400: Thrift and Secondhand Stores, and Used Goods Stores
5.03.403: Single-Family Two-Unit Projects
5.03.405: Temporary Shelters and Supportive Housing
5.03.410: Urban Agriculture
5.03.415: Waste Treatment and Disposal—Composting and Anaerobic Digestion Facilities
5.03.420: Wireless Telecommunications Facilities
5.03.425: Work/Live Units

5.03.000: Purpose

The purpose of this Division is to provide operating, site planning and/or development standards for certain land uses allowed by Division 5.02 (Land Use) of this Development Code, and for activities and facilities that require special standards to mitigate their potential adverse impacts, thereby assuring a land use, activity, and/or facility of stable and desirable character, which is compatible with existing and future development and land uses in the vicinity, and protects the use and enjoyment of neighboring properties consistent with goals and policies of The Ontario Plan.

5.03.005: Applicability

A. The land uses, activities and facilities addressed by this Division shall be located in compliance with Division 5.02 (Land Use) of this Development Code.

B. The standards for specific uses, activities and facilities established by this Division shall supplement, and are required in addition to, the applicable development and subdivision regulations contained in Chapter 6.0 (Development and Subdivision Regulations) of this Development Code.

C. Each and every physical improvement required to be installed or constructed in conjunction with the establishment of a land use, activity or facility addressed by this Division, shall be completed prior to the commencement of the land use.

5.03.010: Accessory Dwelling Units

A. **Purpose.** The purpose of this Section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.

B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this Section will not be:

1. Deemed to be inconsistent with the City's general plan and zoning designation for the lot on which the ADU or JADU is located.

2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

3. Considered in the application of any local ordinance, policy, or program to limit residential growth.

4. Required to correct a nonconforming zoning condition, as defined in Subsection C.8, below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

C. **Definitions.** As used in this Section, terms are defined as follows:

1. Accessory Dwelling Unit (ADU). An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

a. An efficiency unit, as defined by HSC Section 17958.1; and

b. A manufactured home, as defined by HSC Section 18007.

2. Accessory Structure. A structure that is accessory and incidental to a dwelling located on the same lot.

3. Complete Independent Living Facilities. Permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multiple-family dwelling is or will be situated.

4. Efficiency Kitchen. A kitchen that includes each of the following:

a. A cooking facility with appliances.

b. A food preparation counter and storage cabinets that are of a reasonable size in relation to the JADU.

5. Junior Accessory Dwelling Unit (JADU). A residential unit that:

a. Is no more than 500 SF of interior livable space in size;

b. Is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure;

c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure;

d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling; and

e. It includes an efficiency kitchen, as defined in Subsection C.4, above.

6. Livable Space. A space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

7. Living Area. The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

8. Nonconforming Zoning Condition. A physical improvement on a property that does not conform with current zoning standards.

9. Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

10. Proposed Dwelling. A dwelling that is the subject of a permit application and that meets the requirements for permitting.

11. Public Transit. A location, including but not limited to a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

12. Tandem Parking. Two or more automobiles parked on a driveway or in any other location on a lot, lined up one behind one another.

D. **Approvals.** The following approvals apply to ADUs and JADUs created under this Section:

1. Ministerial ADU and Building Permits Required. If an ADU or JADU complies with each of the general requirements in Subsection E below, it is allowed with only a building permit.

2. Process and Timing.

a. *Completeness*.

(1) **Determination in 15 days.** The city will determine whether an application to create or serve an ADU or JADU is complete and will provide written notice of the determination to the applicant within 15 business days after the city receives the application submittal.

(2) **Incomplete Items.** If the city's determination under Subsection D.2.a.(1) above is that the application is incomplete, the city's notice must list the incomplete items and describe how the application can be made complete.

(3) **Cure.** After receiving a notice that the application is incomplete, the applicant may cure and address the items that were deemed by the city to be incomplete.

(4) **Subsequent Submittals.** If the applicant submits additional information to address incomplete items, within 15 business days of the subsequent submittal the city will determine in writing whether the additional information remedies all the incomplete items that the city identified in its original notice. The city may not require the application to include an item that was not included in the original notice.

(5) **Deemed complete.** If the city does not make a timely determination as required by this Subsection D.2.a, the application or resubmitted application is deemed complete for the purposes of Subsection D.2.c, below.

(6) **Appeal of incompleteness.** An applicant may appeal the City's determination that the application is incomplete by submitting a written appeal to the City Clerk. The Planning Commission will review the written appeal and affirm or reverse the completeness determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

b. *No discretion or hearing*. Ministerial permits for an ADU or JADU are considered and approved without discretionary review or a hearing.

c. *Deadline to approve or deny ministerial approvals*. The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a complete application. If the City has not approved or denied the complete application within 60 days, the application is deemed approved unless either:

(1) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or

(2) When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

d. *Denial*. If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by Subsection D.2.c, above.

e. *Appeal of denial*. An applicant may appeal the City's denial of the application by submitting a written appeal to the City Clerk. The Planning Commission will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

f. *Concurrent review of demolition*. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

3. Classes.

a. *Class 1: Statutorily Regulated*. Class 1 ADUs and JADUs are approved under Government Code Section 66323. If an ADU or JADU complies with each of the general requirements in Subsection E below, it is allowed in each of the scenarios provided in this Subsection D.3.a. An ADU and JADU approved under Subsection D.3.a.(1) may be combined with an ADU approved under Subsection D.3.a.(2), and ADUs approved under Subsection D.3.a.(3) may be combined with ADUs approved under Subsection D.3.a.(4).

(1) **Converted on Lot with Single-Family:** One ADU as described in this Subsection D.3.a.(1) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

(a) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.

(b) Has exterior access that is independent of that for the single-family dwelling.

(c) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

(d) The JADU complies with the requirements of Government Code Sections 66333 through 66339.

(2) **Limited Detached on Lot with Single-Family:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling, if the detached ADU satisfies each of the following limitations:

(a) The side- and rear-yard setbacks are at least 4 FT.

(b) The total floor area is 800 square feet of livable space or smaller.

(c) The peak height above grade does not exceed the applicable height limit in Subsection E.2 below.

(3) **Converted on Lot with Multiple-Family:** One or more ADUs within portions of existing multiple-family dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this Subsection 3.a.(3), at least one converted ADU is allowed within an existing multiple-family dwelling, up to a quantity equal to 25 percent of the existing multiple-family dwelling units.

(4) **Limited Detached on Lot with Multiple-Family:** No more than 2 detached ADUs on a lot with a proposed multiple-family dwelling, or up to 8 detached ADUs on a lot with an existing multiple-family dwelling, if each detached ADU satisfies all of the following:

(a) The side- and rear-yard setbacks are at least 4 FT. If the existing multifamily dwelling has a rear or side yard setback of less than 4 FT, the city will not require any modification to the multiple-family dwelling as a condition of approving the ADU.

(b) The peak height above grade does not exceed the applicable height limit provided in Subsection E.2, below.

(c) If the lot has an existing multiple-family dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

b. *Class 2: Locally Regulated***.** Class 2 ADUs are approved under Government Code Sections 66314–66322. Except for Class 1 ADUs approved under Subsection D.3.a above, all ADUs are subject to the standards set forth in Subsections E and F, below.

E. **General Requirements.** The following requirements apply to all Class 1 and Class 2 ADUs and JADUs:

1. Zoning.

a. A Class 1 ADU approved under Subsection D.3.a, above, may be created on a lot in a residential or mixed-use zoning district.

b. A Class 2 ADU approved under Subsection D.3.b, above, may be created on a lot that is zoned to allow single-family dwelling residential use or multiple-family dwelling residential use.

c. In accordance with Government Code Section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

2. Height.

a. Except as otherwise provided by Subsections E.2.b and E.2.c, below, a detached ADU created on a lot with an existing or proposed single-family or multiple-family dwelling unit may not exceed 16 FT in height.

b. A detached ADU may be up to 18 FT in height if it is created on a lot with an existing or proposed single-family or multiple-family dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to 2 additional feet in height (for a maximum of 20 FT) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

c. A detached ADU created on a lot with an existing or proposed multiple-family dwelling that has more than one story above grade may not exceed 18 FT in height.

d. An ADU that is attached to the primary dwelling may not exceed 25 FT in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this Subsection E.2.d may not exceed 2 stories.

e. For purposes of this Subsection E.2, height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.

3. Fire Sprinklers.

a. Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence.

b. The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

4. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

5. No Separate Conveyance. An ADU or JADU may be rented, but, except as provided in Government Code section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multiple-family lot).

6. Septic System. If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last 5 years or, if the percolation test has been recertified, within the last 10 years.

7. Owner Occupancy.

a. *ADU*. ADU's are not subject to an owner-occupancy requirement.

b. *JADUs*.

(1) **Generally**. As required by state law, JADUs are generally subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence.

(2) **Exception.** The owner-occupancy requirement in this Subsection E.7.b does not apply in either of the following situations:

(a) The JADU has separate sanitation facilities (i.e., does not share sanitation facilities with the existing primary dwelling unit structure).

(b) The property is entirely owned by another governmental agency, land trust, or housing organization.

8. **Deed Restriction.** Prior to issuance of a certificate of occupancy for a JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Planning Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:

a. The JADU may not be sold separately from the primary dwelling.

b. The JADU is restricted to the approved size and to other attributes allowed by this section.

c. The deed restriction runs with the land and may be enforced against future property owners.

d. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Planning Director, providing evidence that the JADU has in fact been eliminated. The Planning Director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Planning Director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of a JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

e. The deed restriction is enforceable by the Planning Director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

9. Building and Safety.

a. *Must Comply with Building Code*. Subject to Subsection E.10.b, below, all ADUs and JADUs must comply with all local building code requirements.

b. *No Change of Occupancy*. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or Community Improvement Division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this Subsection E.9.b prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this Section.

10. Certificate of Occupancy Timing.

a. *Generally*. No certificate of occupancy for an ADU or JADU may be issued before the certificate of occupancy is issued for the primary dwelling unit.

b. *Limited Exception for State-declared Emergencies*. Notwithstanding Subsection E.10.a above, a certificate of occupancy for an ADU may be issued before a certificate of occupancy for the primary dwelling if each of the following requirements are met:

(1) The County is subject to a proclamation of a state of emergency made by the California Governor on or after February 1, 2025.

(2) The primary dwelling was substantially damaged or destroyed by an event referenced in the Governor's state of emergency proclamation.

(3) The ADU has been issued construction permits and has passed all required inspections.

(4) The ADU is not attached to the primary dwelling.

F. **Specific ADU Requirements.** The following requirements apply only to Class 2 ADUs that are approved under Subsection D.2, above. This Subsection F does not apply to Class 1 ADUs or JADUs approved under Subsection D.1, above.

1. Maximum Size.

a. The maximum size of a detached or attached ADU subject to this Subsection F is 850 SF of interior livable space for a studio or one-bedroom unit and 1,000 SF of interior livable space for a unit with 2 or more bedrooms.

b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.

c. Application of other development standards in this Subsection F, such as lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in Subsection F.1.b, above, or front setback, lot coverage limit, or open-space requirement may require the ADU to have less than 800 SF of interior livable space.

2. Setbacks.

a. ADUs that are subject to this Subsection F must conform to 4-FT side and rear setbacks. ADUs that are subject to this Subsection F must maintain a minimum front yard

setback of 30 FT from arterial street rights-of-way and 20 feet from all collector and local street rights-of-way, subject to Subsection F.1.c, above.

b. No setback is required for an ADU that is subject to this Subsection F if the ADU is constructed in the same location and to the same dimensions as an existing structure.

3. Lot Coverage. No ADU subject to this Subsection F may cause the total lot coverage of the lot to exceed the maximum lot coverages shown in the Tables below, subject to Subsection F.1.c, above.

Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts				
	AR-2	RE-2	RE-4	LDR-5	MDR-11, MDR-18, MDR-25 & HDR-45
Maximum Lot Coverage	30%	40%		50%	60%

Small Lot Traditional and Alley-Loaded Single-Family Residential Development Standards

Requirements	Residential Zoning Districts		
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45
Maximum Lot Coverage	55%	60%	70%

Multiple-Family Residential Development Standards

Requirements	Residential Zoning Districts			
	MDR-11	MDR-18	MDR-25	HDR- 45
Maximum Project Coverage	60%			100%

4. Minimum Open Space. No ADU subject to this Subsection F may cause the total percentage of open space of the lot to fall below the minimum requirements specified below, subject to Subsection F.1.c, above.

a. *Small Lot Traditional and Alley-Loaded Development Projects, and Cluster Single-Family Development Projects.* Small lot traditional, small lot alley-loaded, and cluster single-family development projects that consist of more than 3 dwellings, shall devote a minimum of 20 percent of the project site to open space.

b. *Multiple-Family and Mixed-Use Development Projects.* Multiple-family development projects and the multiple-family residential portion of mixed-use development projects that consist of more than 3 dwellings, shall provide open space as follows:

Minimum Open Space Requirements for Multiple-Family and Mixed-Use Development Projects

Open Space Type	Zoning Districts		
	MDR-11 & MDR-18	MDR-25	HDR-45
Private Open Space	200 SF (40%)	150 SF (37.5%)	60 SF (20%)
Common Open Space	300 SF (60%)	250 SF (62.5%)	250 SF (80%)
Total Open Space	500 SF (100%)	400 SF (100%)	310 SF (100%)

5. Passageway. No passageway, as defined by Subsection C.9, above, is required for an ADU.

6. Off-Street Parking.

a. *Generally*. One off-street parking space is required for each ADU or bedroom, whichever is less. The parking space may be provided in setback areas or as tandem parking, as defined by Subsection C.12, above.

b. *Exceptions*. No parking under Subsection F.6.a, above, is required in the following situations:

(1) The ADU is located within one-half mile walking distance of public transit, as defined in Subsection C.11, above.

(2) The ADU is located within an architecturally and historically significant historic district.

(3) The ADU is part of the proposed or existing primary residence, or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the ADU.

(5) When there is an established car share vehicle stop located within one block of the ADU.

(6) When the permit application to create an ADU is submitted with an application to create a new single-family or multiple-family dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in Subsections F.6.b(1) through F.6.b(5), above.

c. *No Replacement*. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

7. Architectural Requirements.

a. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.

b. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

c. The exterior lighting must be limited to down-lights or as otherwise required by the City's Building or Fire Code.

d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.

e. The interior horizontal dimensions of an ADU must be at least 10 FT wide in every direction, with a minimum interior wall height of 7 FT.

f. No window or door of the ADU may have a direct line of sight to an adjoining residential property. Each window and door must either be located where there is no direct line of sight or screened using fencing, landscaping, or privacy glass to prevent a direct line-of-sight.

g. All windows and doors in an ADU less than 30 FT from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least 6 FT above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

8. Landscape Requirements. A Landscape Plan shall be submitted to the City, which provides for evergreen landscape screening, to include trees, shrubs, and groundcovers that shall be planted, permanently irrigated, and fully maintained, and which is located between an ADU and adjacent parcels, and where an ADU impacts a front yard and/or is subject to public views from a public or private street. Evergreen landscape screening must be planted and maintained between an ADU and adjacent parcels as follows:

a. At least one 15-gallon size screening shrubs shall be installed at every 5 linear feet of exterior ADU wall. Alternatively, a 6-FT high decorative masonry block wall may be constructed.

b. ADUs created by garage conversion, which results in the removal of the garage door, shall provide a minimum 3-FT wide foundation landscape planter for the full length of the wall wherein the garage door was removed, which shall be fully landscaped and irrigated, and permanently maintained.

c. All landscaping must be drought tolerant and California friendly.

d. Landscape and irrigation plans shall be prepared and submitted to the City for review and approval.

9. Historical Protections. An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

10. Allowed Stories. No ADU subject to this Subsection F may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under subparagraph E.2.d of this Section.

G. **Fees.** The following requirements apply to all Class 1 ADUs and JADUs and Class 2 ADUs that are approved under Subsections D.3.a or D.3.b, above.

1. Impact Fees.

a. No impact fee is required for a JADU or for an ADU that has less than 750 SF of interior livable space. For the purposes of this Subsection G.1, the term "impact fee" means a "fee" under the Mitigation Fee Act (Government Code Section 66000(b)) and a fee under the Quimby Act (Government Code Section 66477). "Impact fee" as used here does not include any connection fee or capacity charge for water or sewer service.

b. A JADU or ADU with less than 500 SF of interior livable space does not increase assessable space by 500 SF for purposes of Education Code Section 17620(a)(1)(C), and is therefore not subject to school fees under Education Code Section 17620.

c. Any impact fee that is required for an ADU that has 750 SF or more of interior livable space must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

2. Utility Fees.

a. If an ADU or JADU is constructed with a new single-family home, or if a detached new-construction ADU is being constructed on a lot with an existing single-family home, a separate utility connection directly between the ADU or JADU and the utility may be required. A connection fee and capacity charge may be required.

b. Except as described in Subsection G.2.a, JADUs and converted ADUs on a single-family lot that are created under Subsections D.3.a(1) above are not required to have a new or separate utility connection directly between the JADU or ADU and the utility. Nor is a connection fee or capacity charge required. Notwithstanding the rest of this paragraph, a direct utility connection is required for separate conveyance of an ADU when separate conveyance is allowed under this code.

c. Except as described in Subsection G.2.a, all ADUs that are not covered by Subsection G.2.b require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.

(1) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

(2) The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

H. Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

1. Generally. The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

2. Unpermitted ADUs constructed before 2020.

a. *Permit to Legalize*. As required by state law, the City may not deny a permit to legalize an existing, but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:

(1) The ADU or JADU violates applicable building standards; or

(2) The ADU or JADU does not comply with state ADU or JADU law or this ADU ordinance (Section 5.03.010).

b. *Exceptions.*

(1) Notwithstanding Subsection H.2.a, above the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the City makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code Section 17920.3.

(2) Subsection H.2.a, above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code Section 17920.3.

I. **Nonconforming ADUs and Discretionary Approval.** Any proposed ADU or JADU that would otherwise be allowed under this section but that does not conform to the objective design or development standards set forth in Subsections A through H of this Section may be allowed by the City, subject to a Conditional Use Permit issued in accordance with the other provisions of this Development Code.

5.03.011: Accessory Residential Structures

A. **Purpose.** The purpose of this Section is to establish standards for the construction and use of Accessory Residential Structures (other than Accessory Dwelling Units allowed pursuant to Section 5.03.010 of this Development Code) in conjunction with existing single-family dwellings located within single-family or multiple-family zoning districts. (Note: The construction and use of Accessory Residential Structures in conjunction with existing multiple-family dwellings shall be subject to the development standards applicable to the primary multiple-family dwellings.)

B. **Applicability.** For purposes of this Section, the herein established development standards shall apply to Accessory Residential Structures such as garages, carports, guesthouses, storage sheds, pool houses, recreation rooms, etc., which are incidental or subordinate to the primary dwelling.

C. **Definitions.** As used in this Section, the words or phrases listed below shall have the meanings thereafter specified:

1. Accessory Residential Structure. A structure that is incidental or subordinate to the primary dwelling on the same site, or the use of which is incidental or subordinate to the use of the primary dwelling of the site.

2. Attached Accessory Residential Structure. An Accessory Residential Structure that is joined to the primary dwelling by means of a shared common wall or is joined by a roof that extends the full width of the smaller of two connecting structures, creating a covered breezeway. An Attached Accessory Residential Structure is deemed to be attached to, and a part of, the primary dwelling.

3. Breezeway. A fully roofed, open passage that connects two buildings, such as a house and garage.

D. General Requirements. Accessory detached residential structures shall be developed pursuant to the following standards:

1. Accessory Residential Structures shall only be allowed on a lot containing a single-family dwelling, and may be attached to the primary dwelling, or may be an independent structure that is detached from the primary dwelling.

2. An Accessory Residential Structure that is attached to the primary residential structure shall contain no more than 50 percent of the gross floor area of the primary residential structure and shall be subject to the development standards applicable to the primary residential structure (refer to Section 6.01.010 (Residential Zoning Districts) of this Development Code).

3. An Accessory Residential Structure that is detached from the primary residential structure shall comply with the development standards contained in Table 5.03-1 (Development Standards for Accessory Residential Structures), below:

Table 5.03-1: Development Standards for Detached Accessory Residential Structures

Requirements	Residential Zoning Districts				Additional Regulations
	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	
A. Maximum Height					
1. Conditional Use Permit Required	35 FT				Note 1
2. Permitted by Right	16 FT				
B. Maximum Area					
1. Conditional Use Permit Required	As deemed appropriate by the Approving Authority				Note 2
2. Permitted by Right	650 SF/1,100 SF				Note 2
3. Guesthouses	650 SF				
C. Minimum Setbacks					
1. From Street Side Property Line	10 FT				Notes 3 and 4
2. From Interior Side Property Line	10 FT	0 FT/5 FT			Notes 3 and 5
3. From Rear Property Line					
a. Width of Structure ≤25 FT	5 FT				Note 3
b. Width of Structure >25 FT	10 FT				Note 3
4. From Alley Property Line (alley-facing garages only)	6 FT				Note 6
D. Minimum Separation Between Structures	6 FT				Note 3
E. Minimum Separation from Major Pipelines	50 FT				Note 7

Notes:

1. *Detached Accessory Residential Structures in excess of 16 FT in height shall require Conditional Use Permit (or Certificate of Appropriateness for structures on the Ontario Register of Historic Places) approval.*

2. *Detached accessory structures in excess of 650 SF in area shall require Conditional Use Permit or Certificate of Appropriateness approval, as applicable, except that the maximum area allowed without benefit of Conditional Use Permit or Certificate of Appropriateness approval may be increased to 1,100 SF to accommodate garage parking required for uses on the affected property pursuant to Table 6.03-1 (Off-Street Parking Requirements) of this Development Code.*

3. *For child play structures, doghouses, and other similar accessory structures, there shall be no minimum required setback or separation between buildings/structures; provided, the accessory structure is located within a side or rear yard area and is screened from public view.*

4. *Garages with vehicle doors facing a public street shall be setback a minimum of 20 FT behind the street property line (minimum 18 FT behind the street property line if an overhead rollup garage door is provided).*

5. *Within the MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts, the interior side setback shall be 5 FT for structures located 75 FT or less from the front property line, and 0 FT for structures located more than 75 FT from the front property line For a setback less than 3 FT, the Zoning Administrator may require that an easement be provided on the contiguous lot to ensure access to all sides of the structure for the purpose of building maintenance.*

6. *A detached garage that takes access from a public alley shall be setback a minimum of 6 FT from the property line that is common to the public alley, measured from the wall containing the vehicle access door.*

7. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*

    a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*

    b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*

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4. An Accessory Residential Structure that is detached from the primary residential structure shall be located on the rear one-half of the lot on which it is constructed.

5. The sum total of the area of all Accessory Residential Structures on a lot, excepting ADUs conforming to Section 5.03.010 (Accessory Dwelling Units) of this Division, shall be equal to no more than 50 percent of the GFA of the primary residential structure or 650 SF, whichever is greater. A Conditional Use Permit shall be required for properties where the sum total of all Accessory Residential Structures exceeds 50 percent of the GFA of the primary residential structure or 650 SF, whichever is greater.

6. An Accessory Residential Structure shall not contain a kitchen or cooking facilities (excluding outdoor kitchens and cooking facilities).

7. The size, footprint, height, bulk, and scale of an Accessory Residential Structure shall be compatible with the primary residential structure, and other Accessory Residential Structures in the surrounding neighborhood.

8. The area of an Accessory Residential Structure shall be the minimum necessary to house, shelter, or secure the use proposed within the structure; however, in no case shall the total gross floor area of all Accessory Detached Residential Structures on a lot exceed the floor area of the primary residential structure, excepting those accessory structures used for animal keeping purposes. In calculating the area of all Accessory Residential Structures on a lot, required parking within a garage shall be excluded from the calculation, up to a maximum of 3 covered parking stalls (maximum 651 SF).

9. Accessory Residential Structures shall match the primary residential structure with respect to architectural design and detailing, roof material and design, exterior color, exterior finish materials, window and door design, and design and placement of attic vents, excepting those Accessory Detached Residential Structures less than 120 SF in area, and those used solely for animal keeping purposes within the AR-2 and RE-2 zoning districts, and the AG Overlay district. For the purposes of this Section, Accessory Residential Structures intended solely for animal keeping purposes may also be used for the storage of vehicles, machinery, and equipment used in animal keeping.

10. No shipping container or other similar container shall be located on any residentially zoned property to accommodate the on-site storage of tools, vehicles, equipment, and other materials. This provision is not intended to prohibit the conversion of shipping containers into legally established buildings for habitable or non-habitable purposes.

11. Accessory Residential Structures shall not be located within front yards, street side yards of corner lots, or in front of the main dwelling.

12. An Accessory Residential Structure containing mechanical or other fixed equipment capable of creating a noise that is audible beyond the property line shall be placed a minimum of 5 FT from an interior side or rear property line.

13. An Accessory Residential Structure shall only be placed within the interior side or rear yard area of a lot.

14. A lot developed with an Accessory Residential Structure shall maintain a useable rear yard as follows:

a. A traditional single-family dwelling shall maintain a useable rear yard area having minimum dimension of 20 FT in any horizontal direction; and

b. A small lot single-family dwelling shall maintain a useable rear yard having a minimum dimension of 10 FT in any horizontal direction.

15. On a reversed corner lot, an Accessory Residential Structure shall comply with the following:

a. The Accessory Residential Structure located within the rear yard area shall not project beyond the minimum required front yard setback of the adjoining key lot, and shall be located no closer than 5 FT from the side property line of the key lot (rear property line of the reverse corner lot); and

b. The Accessory Structure shall be no closer to the rear property line than the minimum required side yard setback on the adjoining key lot.

E. **Guesthouses.** In addition to the standards applicable to Other Accessory Residential Structures contained in Subsection B of this Section, guesthouses shall comply with the following additional standards:

1. Not more than one Guesthouse shall be permitted per lot containing a primary single-family dwelling, and a Guesthouse shall not be constructed if an Accessory Dwelling Unit exists on the lot.

2. A Guesthouse shall be for the sole use of the family of the occupants of the main dwelling and persons employed on the premises, or for temporary use by non-paying guests for a period not to exceed 90 days within any 120-day period. In addition, Guesthouses shall not be rented or otherwise used as a separate, independent residence.

F. **Carports.** No Carport shall be allowed within a front or street side yard setback area. Carports shall not be permitted in lieu of a garage required pursuant to the provisions of Table 6.03-1 (Off-Street Parking Requirements) of this Development Code, unless otherwise permitted by this Section.

G. **Restrictive Covenant.** Prior to the issuance of a building permit for an Accessory Residential Structures, the Planning Director may require that a restrictive covenant running with the land, which is binding on the property owner and their successors in interest, be recorded with the office of the San Bernardino County Recorder, which specifies that the Accessory Residential Structure shall not be used as an independent dwelling unit. Furthermore, restrictions may be included that are intended to ensure on-going compliance with the provisions of this Subsection B.

5.03.015: Adult-Oriented Businesses

The following regulations shall govern the establishment and operation of adult-oriented businesses within the City:

A. **Purpose.** It is the intent of these Adult-Oriented Business regulations to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods, which can be brought about by locating Adult-Oriented Businesses in close proximity to each other or proximity to other incompatible uses such as schools, churches, and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of Adult-Oriented Businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above, can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of these Adult-Oriented Business regulations to establish reasonable and uniform regulations to ameliorate the harmful effects of Adult-Oriented Businesses or their close proximity to incompatible uses, while providing reasonable alternative avenues of communication.

Moreover, it is also the purpose of these Adult-Oriented Business regulations to facilitate regulation of Adult-Oriented Businesses and the performers that may be employed by such establishments pending resolution of the prior permitting issues raised in Baby Tam & Co., Inc. v. City of Las Vegas, 154 F.3d 1097 (9th Cir. 1998). The intent of the registration requirements contained in these Adult-Oriented Business regulations is to provide enforcement agencies with sufficient information to assist them in ensuring that criminal elements do not infiltrate Adult-Oriented Businesses, that minors are not employed by such establishments, and that the establishments will comply with the zoning and operational standards imposed by these Adult-Oriented Business regulations.

B. **Findings.** The City Council of the City of Ontario, California, hereby, finds as follows:

1. The City Council finds that various studies and court decisions presented to the City Council have determined that the establishment of Adult-Oriented Businesses is linked to increases in crime and other adverse effects. The City, in enacting this ordinance, more specifically finds that these studies provide convincing evidence that:

a. Adult-Oriented Businesses are linked to, and associated with, increases in crime rates in those areas in which they are located and in surrounding areas;

b. Both the proximity of Adult-Oriented Businesses to sensitive land uses and the concentration of Adult-Oriented Businesses tend to result in the blighting and deterioration of the areas next to which, and near which, they are located;

c. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by Adult-Oriented Businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that Adult-Oriented Businesses that are not regulated as to permissible locations often have a deleterious effect on nearby businesses and residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values;

d. Studies concerning increases in crime surrounding Adult-Oriented Businesses are further supported by the City's own experiences confirming an inordinate amount of police response calls to the City's two existing Adult-Oriented Businesses, "the Reel One" and "the Villa Theater." The police response statistics from the Ontario Police Department for the period from 1996 to 1998 indicate that City police have been called out to these locations over 70 times to investigate solicitation and prostitution activities, lewd conduct, indecent exposure, illegal drug use and possession, use of counterfeit money, thefts, burglaries, and other disturbances;

2. Based on the forgoing, the City Council finds and determines that special regulation of Adult-Oriented Businesses is necessary to ensure that their adverse secondary effects will not cause or contribute to an increase in crime rates or the blighting or deterioration of the areas in which they are located or surrounding areas. The need for such special regulations is based upon the recognition that Adult-Oriented Businesses not only cause adverse secondary effects, but also have seriously objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity to sensitive uses, thereby having a deleterious effect upon an adjacent area. It is the purpose and intent of these regulations to prevent or mitigate such adverse secondary effects;

3. The protection and preservation of the public health, safety and welfare require that certain distances be maintained between Adult-Oriented Businesses and other sensitive uses, including residential, religious and educational uses, as well as to minimize the adverse secondary effects between the proximity of Adult-Oriented Businesses and other Adult-Oriented Businesses and truck stops. Moreover, the locational requirements established by this Section do not unreasonably restrict the establishment or operation of constitutionally protected Adult-Oriented Businesses in the City. A sufficient and reasonable number of appropriate locations for the operation of Adult-Oriented Businesses will remain available after the enactment of these Adult-Oriented Business regulations.

4. The City Council also finds that locational criteria alone do not adequately protect the health, safety, and general welfare of the citizens of the City, and thus, certain requirements with respect to the ownership and operation of Adult-Oriented Businesses are in the public interest. In addition to the findings and studies conducted in other cities regarding increases in crime rates, decreases in property values, and the blighting of areas in which Adult-Oriented Business are located, the city Council also takes legislative notice of the facts recited in the case of *Kev, Inc., v. Kitsap County* (9th Cir. 1986) 793 F.2d 1053, and *Colacurcio v. City of Kent*, 1998 WL 848036 (9th

Cir.), regarding how live adult entertainment results in adverse secondary effects such as prostitution, drug dealing, and other law enforcement problems;

5. Zoning, permitting, licensing, and other police power regulations are legitimate, reasonable means of accountability to help protect the quality of life in the City and to help assure that owners, operators and performers of Adult-Oriented Businesses comply with reasonable regulations and are located in places that minimize the adverse secondary effects that naturally accompany the operation of Adult-Oriented Businesses;

6. The City Council recognizes that possible harmful effects on children and minors exposed to the secondary effects of Adult-Oriented Businesses, the deterioration of respect for family values, and the need and desire of children and minors to stay away from, and avoid, Adult-Oriented Businesses, which causes children to be fearful and cautions when walking through or visiting the immediate neighborhood of these businesses. The City Council desires to: minimize and control the adverse secondary effects associated with the operation of Adult-Oriented Businesses and thereby protect the health, safety, and welfare of the citizens of Ontario, and in particular, the health, safety, and welfare of children and minors in the City; protect the citizens from increased crime; preserve their quality of life; preserve property values and the character of surrounding neighborhoods and businesses; deter the spread of urban blight and protect against the threat to health from the spread of communicable and sexually transmitted diseases;

7. Nothing in these Adult-Oriented Business regulations is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use that violates any applicable City ordinance or any statute of the State of California relating to public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof;

8. The City Council further finds the following, in part, based upon its understanding of the judicial decisions and the reports, studies and other documents in the public record:

a. Evidence indicates that the existence of Adult-Oriented Businesses that permit nudity have been shown in some cities to increase the secondary effects of crime and decrease property values;

b. Evidence has demonstrated that Performers employed by Adult-Oriented Businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

c. Evidence indicates that performers at Adult-Oriented Businesses have been found to engage in acts of prostitution with patrons of the establishment;

d. Evidence indicates that fully enclosed booths, individual viewing areas, and other small rooms whose interiors cannot be seen from public areas of the Adult-Oriented Business regularly have been found to be used as locations for engaging in unlawful sexual activity; and

e. As a result of Subparagraphs B.8.a through d, above, and the increase in the incidence of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City Council has a substantial interest in adopting regulations that will reduce to the greatest extent possible, the possibility for the occurrence of casual sex acts at Adult-Oriented Businesses;

9. In regulating nudity and semi-nudity in Adult-Oriented Businesses, the City Council does not intend to proscribe the communication of erotic messages or any other communicative element or activity, but rather only to regulate nudity and semi-nudity in Adult-Oriented Businesses due to the adverse secondary effects associated therewith, including prostitution, sexual assault, and associated crimes;

10. The City Council further finds, as a wholly independent basis, that it has a substantial public interest in preserving societal order and morality, and that such interest is furthered by the regulation of nudity and semi-nudity in Adult-Oriented Businesses;

11. While the City Council desires to protect the rights conferred by the United States and California Constitutions on Adult-Oriented Businesses, it does so in a manner that ensures the continued and orderly development of property within the City and diminishes, to the greatest extent feasible, those undesirable secondary adverse effects which the Studies have shown to be associated with the development and operation of Adult-Oriented Businesses;

12. In enacting nudity and semi-nudity regulations pursuant to these Adult-Oriented Business regulations, the City Council declares that the regulations do not create or regulate a criminal offense, and the City Council has not provided a criminal penalty for a violation of these regulations;

13. The City Council finds that preventing the direct exchange of money between Performers and Patrons also reduces the likelihood of drug and sexual transactions occurring in Adult-Oriented Businesses;

14. Requiring a 10-FT separation between performers and patrons reduces the likelihood that these persons will negotiate narcotics sales, or negotiate for the purpose of engaging in sexual activities or obtaining sexual favors within the Adult-Oriented Businesses; and

15. Enclosed or concealed booths and dimly lit areas within Adult-Oriented Businesses greatly increase the potential for misuse of the premises, including unlawful conduct of a type that facilitates transmission of disease. Requirements that all indoor areas be open to view by management at all times and that adequate lighting be provided are necessary in order to reduce the opportunity for, and, therefore, the incidence of illegal conduct within Adult-Oriented Businesses, and to facilitate the inspection of the interior of the premises thereof by law enforcement personnel.

C. **Definitions.** As used in these Adult-Oriented Business regulations, the following words, terms, and phrases are defined as follows:

1. Applicant. A person who is required to file an application for a registration certificate under these Adult-Oriented Business regulations, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of an Adult-Oriented Business.

2. Bar. Any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.

3. Chief of Police. The Chief of Police of the City of Ontario or his or her designee.

4. City Council. The City Council of the City of Ontario.

5. Day. A calendar day and not business day. Whenever "day" is used to identify requirements of these Adult-Oriented Business regulations to be performed on a particular day, which day falls upon a holiday, Saturday or Sunday, the day for performance of the requirements of these Adult-Oriented Business regulations will be the next business day after the holiday, Saturday or Sunday.

6. Distinguished or Characterized by an Emphasis Upon. The dominant or essential theme of the object described by the phrase. For example, when the phrase refers to films "which are distinguished or characterized by an emphasis upon "the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas.

7. Establishment of an Adult-Oriented Business. Means and includes any of the following:

a. The opening or commencement of any Adult-Oriented Business as a new business;

b. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;

c. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business; or

d. The relocation of any Adult-Oriented Business.

8. Figure Model. Any person who, for pecuniary compensation, consideration, hire or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed, or otherwise depicted.

9. Health Officer. The Health Officer of the County of San Bernardino, or his or her duly authorized representative.

10. Nudity or State of Nudity. The showing of the human male or female genitals, pubic area, buttocks or anus with less than a full opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

11. Patron. A customer of an Adult-Oriented Business.

12. Permit. Any permit or registration certificate issued pursuant to these Adult-Oriented Business regulations.

13. Permittee. Any person to whom an Adult-Oriented Business registration certificate is issued.

14. Person. Any individual, partnership, copartnership, firm, association, joint stock company, corporation, or combination thereof, in whatever form or character.

15. Regularly Features. With respect to an adult theater, adult cabaret, adult arcade or adult motion picture theater, a regular and substantial course of conduct. Performances that

are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities, occur on 2 or more occasions within a 30 day period; 3 or more occasions within a 60 day period; or 4 or more occasions within a 180 day period shall, to the extent permitted by law, be deemed to be a regular and substantial course of conduct.

16. Religious Institution. A structure that is used primarily for religious worship and related religious activities.

17. School. Any child or daycare facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

18. Semi Nude or Semi-Nudity. State of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

19. Adult-Oriented Businesses. Any one of the following:

a. *Adult Arcade*. An establishment that, for any form of consideration, provides one or more still or motion picture projectors, or similar machines, for viewing by patrons and which shows films, computer generated images, motion pictures, video cassettes, slides, or similar photographic reproductions, more than 30 percent of which showings are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

b. *Adult Bookstore*. An establishment having a substantial and a significant portion of its business derived from the sale or rental of books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, video cassettes, slides, tapes, or other form of visual or audio representations that are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or sexually oriented merchandise. The fact that more than 30 percent of the establishment inventory is composed of such materials, 30 percent of its floor area is devoted to such materials, or that 30 percent of its gross income is derived from such materials, or that the establishment advertises itself as "adult" in nature, shall, to the extent permitted by law, be evidence that the establishment is an "Adult Bookstore."

c. *Adult-Oriented Business*. Any business establishment or concern which operates as an Adult Bookstore, Adult Video Store, Adult Arcade, Adult Cabaret, Adult Theater, Adult Motion Picture Theater, Adult Motel, Escort Agency, Massage Establishment, Modeling Studio, Sexual Encounter/Rap Studio, Sexual Novelty Store or any other business or concern that regularly features or offers to its patrons as a substantial significant portion of its business, products, merchandise, services, or entertainment that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities the regulation of which is preempted by State law. "Adult-Oriented Business" also includes any establishments, which as a regular and substantial course of conduct, provides or allows performers, models, or employees to appear in any public place dressed only in lingerie. "Adult-Oriented Business" does not include those uses, businesses or

activities of licensed professionals who are otherwise exempt from classification as a "Massage Establishment" pursuant to this Development Code.

d. *Adult Cabaret or Adult Theater.* A nightclub, restaurant, or business establishment that regularly features live performances that are distinguished or characterized by an emphasis upon the display of specified sexual activities; regularly featured persons who appear semi-nude; or that shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

e. *Adult Hotel or Motel.* A hotel, motel, or similar business establishment offering public accommodations for any form of consideration, which provides patrons with closed circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for less than a 6-hour period, or rents, leases, or lets any single room more than twice in a 24-hour period.

f. *Adult Motion Picture Theater.* A business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

g. *Escort Agency.* A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

h. *Massage Establishment.* An establishment having a fixed place of business where any person association, firm, or corporation engages in, conducts, or carries on or permits to be engaged in, conducted, or carried on, any business of giving Turkish, Russian, Swedish vapor, sweat, electric, salt, or any other kind of character of baths and where alcohol rubs, fomentations, baths, or manipulations of the body, or similar procedures, are given including acupressure clinics or establishments.

i. *Modeling Studio.* A business that regularly features, for pecuniary compensation, monetary, or other consideration, hire or reward figure models who, for the purposes of sexual stimulation of patrons, display specified anatomical areas to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling Studio" does not include schools maintained pursuant to standards set by the State Board of Education, or a studio or similar facility owned, operated or maintained by an individual artist or group of artists, that does not provide, permit, or make available "specified sexual activities."

20. Adult-Oriented Business Operator or Operator. A person who supervises, manages, inspects, directs, organizes, controls, or in any other way is responsible for or in charge of the premises of an Adult-Oriented Business, or the conduct or activities occurring on the premises thereof.

21. Adult-Oriented Business Performer or Performer. Any person who is an employee or independent contractor of the Adult-Oriented Business, and any person who, with or without any

compensation or other form of consideration, performs live entertainment dressed in no more than a state of semi-nudity for patrons of an Adult-Oriented Business.

22. Sexually Oriented Merchandise. Sexually oriented implements and paraphernalia, including, but not limited to: dildos, auto-sucks, sexually oriented vibrators, edible underwear, ben-wah balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas, and similar sexually oriented devices, or any other merchandise characterized by an emphasis on sexual activities or specified anatomical parts.

23. Sexually Oriented Merchandise. Sexually oriented implements and paraphernalia, including, but not limited to: dildos, auto-sucks, sexually oriented vibrators, edible underwear, ben-wah balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas and similar sexually oriented devices, or other merchandise characterized by an emphasis on sexual activities or specified anatomical parts.

24. Specified Anatomical Areas. Means and includes any of the following less than completely and opaquely covered human:

a. genitals or public region;

b. buttocks;

c. female breast below a point immediately above the top of the areola;

d. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

e. Any device, costume or covering that simulates any of the body parts included in Subparagraphs B.24.a or b, above.

25. Specified Sexual Activities. Means and include any of the following, whether performed directly or indirectly through clothing or other covering:

a. The fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breast;

b. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;

c. Masturbation, actual or simulated; or

d. Excretory functions as part of or in connection with any of the other activities described in Subparagraphs B.25.a through c, above.

26. Studies. The studies and reports prepared by other cities and judicial rulings referred to in Paragraph B.1 herein of these Adult-Oriented Business regulations, including studies and reports prepared by the City relating to the adverse secondary impacts of existing Adult-Oriented Businesses.

D. Minimum separation and locational requirements.

1. No Adult-Oriented Business shall be located within 1,500 FT of any property located within a residential or mixed-use zoning district, or any property located within a residential or mixed-use land use district of an adopted Specific Plan.

2. No Adult-Oriented Business shall be located within 1,000 FT of the following:

a. Any church, chapel, or similar place of worship, whether inside or outside of Ontario city limits;

b. Any school or daycare establishment, or public or private park or playground, whether inside or outside of Ontario city Limits;

c. Any retirement or convalescent hospital, whether inside or outside of Ontario city limits;

d. Any recreational facility, such as game arcade, bowling alley, skateboard rink, skating rink, or similar area where minors regularly congregate, whether inside or outside Ontario city limits;

e. City Hall, City offices, and other government buildings normally open to the public;

f. Libraries, whether inside or outside Ontario city limits; and

g. Any truck stops, whether inside or outside Ontario city limits.

3. No Adult-Oriented Business shall be located within 300 FT of another Adult-Oriented Business, whether inside or outside Ontario city limits;

4. For purposes of the regulations contained herein, all distances shall be measured in a straight line, without regard for intervening structures, from the nearest property line for which the Adult-Oriented Business is proposed to be located to the nearest property line of a use or district identified in these Adult-Oriented Business regulations.

E. Adult-Oriented Business Development and Performance Standards. The following development and performance standards shall be applicable to Adult-Oriented Businesses in the City:

1. No Adult-Oriented Business shall be operated in any manner that permits the observation of any materials or activities depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas from any public way or from any location outside the building or area of such establishment. No Adult-Oriented Business shall be operated in any manner that permits the observation of any live performance depicting, describing or relating to specified sexual activities or semi-nudity from any public way, or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.

2. All off-street parking area and premise entries of the Adult-Oriented Business shall be illuminated from dusk to closing hours of operation with a lighting system that provides an average maintained horizontal illumination of one footcandle of light, measured on the parking

surface or walkway. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the Adult-Oriented Business for the personal safety of patrons and employees, and to reduce the incidence of vandalism and criminal conduct.

3. The premises within which the Adult-Oriented Business is located shall provide sufficient sound-absorbing insulation so that noise generated inside the premises shall not be audible anywhere on any adjacent property or public right-of-way, or within any other building or other separate unit within the same building.

4. Except for those businesses also regulated by the California Department of Alcoholic Beverage Control, an Adult-Oriented Business shall be open for business only between the hours of 8:00 AM and 12:00 PM (midnight) on any particular day.

5. The building entrance to an Adult-Oriented Business shall be clearly and legibly posted with a notice indicating that persons under 18 years of age are precluded from entering the premises. The notice shall be constructed and posted to the satisfaction of the Chief of Police. No person under the age of 18 years shall be permitted within the premises at any time.

6. All indoor areas of the Adult-Oriented Business within which patrons are permitted, except restrooms, shall be open to view by the management at all times.

7. Any Adult-Oriented Business that is also an Adult Arcade that provides viewing area(s), shall comply with the following additional requirements:

a. Each Adult Arcade shall have at least one manager's station. It shall be the duty of the operator(s) to ensure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the Adult Arcade.

b. The interior of the Adult Arcade shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the Adult Arcade to which any patron is permitted access for any purpose, excluding restrooms. If the Adult Arcade has two or more manager's stations designated, then the interior of the Adult Arcade shall be configured in such a manner that there is an unobstructed view of each area of the Adult Arcade to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the manager's stations. The view required by this Subparagraph shall be by direct line of sight from the manager's station. There shall be a security system that visually records each viewing booth at all times that the business is open or occupied for business.

c. It shall be the duty of the operator(s) and also the duty of all employees present in the Adult Arcade to ensure that the individual viewing areas remain unobstructed by any doors, walls, persons, merchandise, display rack or other materials at all times and to ensure that no patron is permitted access to any area of the Adult Arcade that has been designated as an area in which patrons will not be permitted.

d. No individual viewing area may be occupied by more than one person at any one time. "Individual viewing area" shall mean a viewing area designed for occupancy by one person. Individual viewing areas of the Adult Arcade shall be operated and maintained without any hole or other opening, or means of direct communication, or visual or physical access between the interior spaces of two or more Individual viewing areas.

e. No individual viewing area shall contain booths, stalls, or partitioned portions of individual viewing area used for the viewing of sexually oriented material or other forms of entertainment having doors, curtains, or portal partitions, unless the individual viewing areas containing booths, stalls, or partitioned portions have at least one side open to the manager's station and is visible to the manager's station. Any booth, stall, or partitioned portion of an individual viewing area authorized under this subparagraph shall be constructed to allow 12 inches of open space between the bottom of the stall or partition and the floor. The open space shall remain unobstructed at all times.

f. The Adult Arcade shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, but such lighting shall not be of an intensity as to prevent the viewing of the sexually oriented material.

g. It shall be the duty of the operator(s) and all employees present at the Adult Arcade to ensure that the illumination described in Subparagraph E.7.f, above, is maintained at all times that any patron is present in the Adult Arcade.

h. The floors, seats, walls, and other interior portions of all booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booths shall be evidence of improper maintenance and inadequate sanitary controls.

8. All areas of the Adult-Oriented Business that are accessible to the public shall be illuminated at the following minimum footcandles, which shall be minimally maintained and evenly distributed at ground level, pursuant to Table 5.03-2 (Minimum Lighting Requirements for Adult-Oriented Businesses), below.

Table 5.03-2: Minimum Lighting Requirements for Adult-Oriented Businesses

Area	*Minimum Foot-Candles*
Bookstores and other retail establishments:	20
Theaters and cabarets (except during performances, at which time lighting shall be at least 1.25 foot-candles):	5
Arcades:	10
Motels/Hotels (in public areas):	20
Modeling Studios:	20

9. Patrons and employees shall not use the same restrooms. The Adult-Oriented Business shall provide and maintain separate restroom facilities for male patrons and employees, on the one hand, and female patrons and employees, on the other. Male patrons and employees shall be prohibited from entering any restroom for females, and female patrons and employees shall be prohibited from entering any restroom for males, except when an employee carries out duties of repair, maintenance, or cleaning of the restroom facilities. All restrooms shall be free from any sexually oriented materials. No restrooms shall contain television monitors or other motion picture or video projection, computers, recording, or reproduction equipment. The foregoing provisions of this Paragraph shall not apply to an Adult-Oriented Business that deals exclusively with sale or rental of sexually oriented materials that are not used or consumed on the premises, such as an Adult Bookstore or Adult Video Store, and which does not provide restroom facilities to its patrons or the public.

10. The following additional requirements shall pertain to Adult-Oriented Businesses that provide live performances in Adult Cabarets or Adult Theaters:

a. No person shall perform live entertainment for patrons of an Adult-Oriented Business except upon a stage at least 2 FT above the level of the floor, which is separated by a distance of at least 10 FT from the nearest area occupied by patrons, and no Patron shall be permitted within 10 FT of the stage while the stage is occupied by an Adult-Oriented Business performer.

b. The Adult-Oriented Business shall provide separate dressing room facilities for performers that are exclusively dedicated to the performers' use. No public access shall be permitted to any dressing room facility.

c. The Adult-Oriented Business shall provide an entrance and exit for performers that is separate from the entrance and exit used by patrons.

d. The Adult-Oriented Business shall provide access for performers between the stage and dressing rooms, which are completely separated from the patrons. If separate access is not physically feasible, the Adult-Oriented Business shall provide a minimum 3-FT wide walk aisle for performers between the dressing room area and the stage, with a railing, fence, or other barrier separating the patrons and the performers capable of, and which actually results in, preventing any physical contact on the premises of the Adult-Oriented Business.

e. No performer, either before, during, or after performances, shall have any physical contact with any Patron, and no patron shall have physical contact with any performer before, during, or after performances by a performer. This Subparagraph shall only apply to physical contact on the premises of the Adult-Oriented Business.

f. Fixed guardrails at least 30 inches in height shall be maintained establishing the separations between performers and patrons required by the herein-stated Adult-Oriented Business Development and Performance Standards.

g. No patron shall directly pay or give any gratuity to any performer, and no performer shall solicit any pay or gratuity from any patron.

11. No operator, owner, or other person with managerial control over an Adult-Oriented Business shall permit any person on the premises of an Adult-Oriented Business to engage in a live showing of any specified anatomical areas. This provision may not be complied with by applying an opaque covering simulating the appearance of the specified anatomical areas required to be covered. Notwithstanding any other penalties that may be provided in this Development Code or the Ontario Municipal Code, a violation of this Subparagraph shall be grounds for revocation of an Adult-Oriented Business registration certificate.

12. No Adult-Oriented Business performer on the premises of an Adult-Oriented Business shall engage in a live showing of any specified anatomical areas. This provision may not be complied with by applying an opaque covering simulating the appearance of the specified anatomical areas required to be covered. Notwithstanding any other penalties that may be provided in this Development Code or the Ontario Municipal Code, a violation of this Subparagraph shall be grounds for revocation of an Adult-Oriented Business registration certificate.

13. Adult-Oriented Businesses shall employ security guards in order to maintain the public peace and safety, and to prevent any illegal activity from occurring on the premises, based upon the following standards:

a. Adult-Oriented Businesses featuring live entertainment shall provide at least one security guard at all times while the business is open. If the occupancy limit of the premises is greater than 35 persons, an additional security guard shall also be on duty at all times while the business is open.

b. Security guards for other Adult-Oriented Businesses may be required if it is determined by the Chief of Police that their presence is necessary in order to maintain public peace and safety, and to prevent any illegal activity from occurring on the premises.

c. Security guards shall be charged with preventing violations of law and enforcing compliance by patrons of the requirements of these regulations. Each security guard shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state law. No security guard required pursuant to this Subparagraph shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.

14. The Adult-Oriented Business shall provide a security system that visually records and monitors all parking lot areas at all times that the business is open or occupied for business.

15. Views of parking areas and doorways of Adult-Oriented Businesses shall be unobstructed so as to allow visibility of these areas from public rights-of-way.

16. The Adult-Oriented Business shall comply with the City's sign regulations.

17. The Adult-Oriented Business shall comply with the development, parking, and design requirements of the underlying zone for the specific underlying use. All exterior areas of an Adult-Oriented Business, including buildings, landscaping, and parking areas shall be maintained in a clean and orderly manner.

F. Employment of and Services Rendered to Persons Under the Age of 18 Years Prohibited.

1. It shall be unlawful for any operator or other person in charge of any Adult-Oriented Business to employ any person who is not at least 18 years or age.

2. It shall be unlawful for any operator or other person in charge of any Adult-Oriented Business to permit to enter, or remain within the Adult-Oriented Business, any person who is under the age of 18.

G. Inspection and Operators. All operators shall permit the Chief of Police, representatives of the San Bernardino County Health Department, and the City of Ontario Fire Department to conduct unscheduled inspections of the premises of the Adult-Oriented Business for the purpose of insuring compliance with the laws, and the development and performance standards applicable to Adult-Oriented Businesses at any time it is occupied or opened for business.

H. Regulations Nonexclusive. The provisions of this Development Code regulating Adult-Oriented Businesses are not intended to be exclusive and compliance therewith shall not excuse

noncompliance with any other regulations pertaining to the operation of businesses as adopted by the City Council.

5.03.020: Air Transportation

A. Site and Building Development Standards within the ONT (Ontario International Airport) Zoning District. To facilitate the further development of Ontario International Airport and surrounding properties directly impacted by airport operations, all development within the ONT zoning district shall be designed and constructed pursuant to the site and development standards of the IG zoning district, except as follows:

1. The FAR calculation for development projects within the ONT zoning district shall be based on the ratio of gross cumulative building area to overall land area of the ONT zoning district; and

2. The Planning Director shall have the authority to approve deviations from minimum landscape coverage, minimum building setbacks, and maximum building height standards when it can be found and clearly established that such deviation is necessary due to identified site conditions.

B. Helipads/Heliports. Within the CR, IG, and IH zoning districts, helipad/heliport facilities shall be allowed only in conjunction with a permitted or conditionally permitted land use. Standalone helipad/heliport facilities shall be prohibited, except within the ONT zoning district.

5.03.023: Alcoholic Beverage Manufacturing

The following regulations shall govern the establishment and operation of alcoholic beverage manufacturing uses and activities, as follows:

A. Alcoholic Beverage Manufacturing in the MU-1 (Downtown Mixed Use) Zoning District. Alcoholic beverage manufacturing facilities established within LUA-1, LUA-2 North, and LUA-2 South areas of the MU-1 zoning district shall comply with the following:

1. Land use approval shall be subject to the approval of an Administrative Use Permit pursuant to the requirements of Section 4.03.015 (Administrative Use Permits) of this Development Code;

2. The GFA of an alcoholic beverage manufacturing facility shall be less than 10,000 SF;

3. An alcoholic beverage manufacturer shall not be permitted unless the licensed alcoholic beverage manufacturer also sells alcoholic beverages to consumers for consumption on the premises, within a tasting room that complies with Subsection D of this Section, or in a bona fide restaurant that is located on the licensed premises, or at a bona fide restaurant that is contiguous to the licensed premises;

4. No video, electronic or other amusement devices or games shall be permitted;

5. Outdoor storage in conjunction with an alcoholic beverage manufacturer shall be prohibited.

B. Sewer Study May Be Required for Alcoholic Beverage Manufacturers in the MU-1 (Downtown Mixed Use) Zoning District. Alcoholic beverage manufacturing facilities established within the CC, CR and CCS zoning districts shall comply with the following:

1. Land use approval shall be subject to the approval of a Conditional Use Permit pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) of this Development Code;

2. The GFA of an alcoholic beverage manufacturer shall be less than 10,000 SF;

3. An alcoholic beverage manufacturer shall not be permitted unless the licensed alcoholic beverage manufacturer also sells alcoholic beverages to consumers for consumption on the premises, within a tasting room that complies with Subsection D of this Section, or in a bona fide restaurant that is located on the licensed premises, or at a bona fide restaurant that is contiguous to the licensed premises.

4. No video, electronic or other amusement devices or games shall be permitted.

5. Outdoor storage in conjunction with an alcoholic beverage manufacturer shall be prohibited.

C. Conditional Use Permit Required for Tasting Rooms in the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) Zoning Districts. Within the IL, IG and IH zoning districts, the establishment of a tasting room in conjunction with an alcoholic beverage manufacturer shall require the approval of a Conditional Use Permit pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) of this Development Code. Tasting rooms shall be designed in compliance with the requirements of Subsection D of this Section.

D. Tasting Rooms Not to Exceed 1,000 SF Unless Otherwise Permitted by a Conditional Use Permit. A tasting room shall not exceed 1,000 SF in area, except that within the MU-1 zoning district, tasting rooms in excess of 1,000 SF may be permitted by Conditional Use Permit approval. The tasting room floor area shall include any indoor area within the alcoholic beverage manufacturing licensed premises where alcoholic beverages are consumed, including any bar and seating areas, but shall exclude restrooms serving the tasting room and any outdoor patio areas. Outdoor patio areas may be permitted, provided they are not located in any required parking space or access way, and do not exceed 1,000 SF in total area.

E. Use of Grain Silos. A grain silo may be located outside of a building occupied by an alcoholic beverage manufacturing use, which shall comply with the following:

1. The grain silo shall not be located in any required parking space, driveway or drive aisle, or situated so as to adversely affect the pedestrian path of travel.

2. One sign identifying the alcoholic beverage manufacturing use may be placed on the grain silo, having a maximum area of 9 SF. The silo sign is permitted in addition to any wall signs or monument signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Development Code.

F. Outdoor Utility Equipment Shall Be Completely Screened. Outdoor utility equipment associated with an alcoholic beverage manufacturing use shall be completely screened from public view.

G. Property Shall Be Permanently Maintained. The real property upon which an alcoholic beverage manufacturing use is operated shall be permanently maintained in an orderly fashion by the provision of regular landscape maintenance, removal of trash and debris, and removal of graffiti within 24 hours from the time of occurrence.

H. Roof-Mounted or Ground-Mounted Mechanical Equipment Shall Be Completely Screened. Any proposed roof-mounted or ground-mounted mechanical equipment shall be completely screened from public view. Equipment screening information shall be specifically shown on the plans submitted for building permit issuance.

I. Security Plan Required. A security plan, in a form satisfactory to the Ontario Police Department, shall be submitted to and approved by the Police Chief prior to building permit issuance. The security plan shall be formulated to deter unlawful conduct of employees and patrons, to promote the safe and orderly assembly and movement of persons and vehicles, and to prevent disturbances to surrounding land uses and the neighborhood in general, by excessive noise created by patrons entering or leaving the alcoholic beverage manufacturer's licensed premises.

J. On-Site Lighting Required to Provide a Safe and Secure Environment. Parking lots, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings occupied by an alcoholic beverage manufacturing use shall be provided with enough lighting to illuminate and make clearly visible, the presence of any person on or about the alcoholic beverage manufacturer's licensed premises during the hours of darkness, and shall provide a safe and secure environment for all persons, property, and vehicles on and around the premises.

K. Admission Fee, Cover Charge, and Minimum Purchase Requirements. It shall be unlawful to require the payment of an admission fee or cover charge or require a minimum purchase.

L. Alcoholic Beverage Signs Required. Signs shall be posted inside the business, near the exit door, which states "NO ALCOHOLIC BEVERAGE ALLOWED BEYOND THIS POINT."

M. Maximum Occupancy Load Shall Not Be Exceeded. The number of persons shall not exceed the maximum occupancy load as determined by the Ontario Fire Department. Signs indicating the maximum occupant load shall be posted in a conspicuous place on an approved sign near the main exit from the room.

N. No Live Entertainment or Dancing Permitted without First Obtaining Land Use Approval. There shall be no live entertainment or dancing permitted on the alcoholic beverage manufacturer's licensed premises at any time, without first obtaining land use approval for the activities pursuant to the requirements of this Development Code.

O. Display of Alcoholic Beverages. The display of alcoholic beverages shall not be located outside of a building or within 5 FT of any public entrance to the building.

P. Alcoholic Beverages Distributed By Competing Alcoholic Beverage Manufacturers Shall Not Be Served. An alcoholic beverage manufacturer shall not serve brands of alcoholic beverages distributed by a competing alcoholic beverage manufacturer. The alcoholic beverages served shall be limited to the products that are authorized to be sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control.

5.03.025: Alcoholic Beverage Sales

A. Purpose. The purpose of this Section is to establish standards governing the establishment and operation of alcoholic beverage sales within the City.

B. Applicability.

1. Conditional Use Permit and/or Administrative Use Permit Required.

a. The retail sales of alcoholic beverages, whether intended for consumption on or off the premises wherein the beverage is sold, shall require the approval of a Conditional Use Permit pursuant to Development Code Section 4.02.015 (Conditional Use Permit), or the approval of an Administrative Use Permit pursuant to Development Code Section 4.03.015 (Administrative Use Permits), as applicable, prior to the establishment of the use, excepting temporary alcoholic beverage sales allowed by Paragraph B.2, of this Section.

b. The violation of any provision of this Section shall be grounds for, and may result in, the modification or revocation of such Conditional Use Permit by the City, pursuant to Division 2.05 (City Initiated Modification or Revocation) of this Development Code.

c. A Conditional Use Permit and/or Administrative Use Permit for alcoholic beverage sales may be granted only in conjunction with, and shall be ancillary to, those legally established land uses identified in Subsections D (Alcoholic Beverage Sales for Consumption on the Premises) and E (Alcoholic Beverage Sales for Consumption off the Premises) of this Section.

2. Alcoholic Beverage Sales and/or Tasting in Conjunction with a Temporary Activity. Temporary alcoholic beverage sales and/or tasting may be allowed, provided an Administrative Use Permit issued pursuant to Section 4.03.015 (Administrative Use Permit) of this Development Code is first obtained prior to the establishment of the temporary activity, and the temporary activity is in full compliance with Subsection D (Temporary Alcoholic Beverage Sales) of Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures) of this Division.

3. Undue Concentration of Alcoholic Beverage Licenses within a Census Tract. A Conditional Use Permit for the retail sale of alcoholic beverages shall not be issued for a business located within a census tract that has been determined to contain an undue concentration of alcoholic beverage licenses, as defined in BPC Section 23958.4, unless a determination of public convenience or necessity is made by the Reviewing Authority pursuant to Subsection F (Public Convenience or Necessity Determination) of this Section.

C. Compliance with State of California Department of Alcoholic Beverage Control (ABC) Regulations. Any business engaging in the retail sales of alcoholic beverages shall first obtain the appropriate retail license from ABC and shall operate such business in strict compliance with the Alcoholic Beverage Control Act (commencing with BPC Section 23000 et seq.), and all applicable ABC rules, regulations, and orders.

D. Alcoholic Beverage Sales for Consumption on the Premises (On-Sale Alcoholic Beverage Sales). On-sale alcoholic beverage sales comprises establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption on the premises in which they are sold. Typical uses include, but are not limited to, bars, brew pubs, nightclubs, wine bars, and restaurants that serve alcoholic beverages.

Establishments engaged in on-sale alcoholic beverage sales shall comply with the following:

1. Conditional Use Permit approval shall be required for an on-sale alcoholic beverage sales activity, and/or for the on premise tasting of any alcoholic beverage in conjunction with a legally established and ABC-licensed wine grower, beer manufacturer, brandy manufacturer, or distilled spirits manufacturer, except that within the MU-1 (Historic Downtown Mixed Use) zoning district, Administrative Use Permit approval shall be obtained from the City prior to establishing an on-sale alcoholic beverage sales use or activity.

2. Any business engaged in on-sale alcoholic beverage sales or on-premises tasting of any alcoholic beverage in conjunction with a legally established and ABC-licensed wine grower, beer manufacturer, brandy manufacturer, or distilled spirits manufacturer, shall not allow any alcoholic beverage to be consumed outside of the enclosed building, except within an outdoor area that has been designed to be separated from direct public contact/access by a wall, fence or other barrier acceptable to the City. The design of said outdoor area and required wall, fence or other barrier shall be subject to review and approval by the Planning Director and Police Chief.

E. Alcoholic Beverage Sales for Consumption off the Premises (Off-Sale Alcoholic Beverage Sales). Off-sale alcoholic beverage sales comprises establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment for consumption off the premises in which they are sold. Typical uses include, but are not limited to, convenience stores, grocery stores, and liquor stores.

Establishments engaged in off-sale alcoholic beverage sales shall comply with the following:

1. Conditional Use Permit approval shall be required for off-sale alcoholic beverage sales.

2. Establishments engaged in the concurrent sale of motor vehicle fuel with alcoholic beverage sales shall comply with all of the following conditions pursuant to BPC Section 23790.5:

a. No beer or wine shall be displayed within 5 FT of the cash register or the front door unless it is in a permanently affixed cooler.

b. No advertisement of alcoholic beverages shall be displayed at motor fuel islands;

c. No sale of alcoholic beverages shall be made from a drive-up window;

d. No display or sale of beer or wine shall be made from an ice tub;

e. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows; and

f. Employees on duty between the hours of 10 PM and 2 AM who sell beer or wine shall be at least 21 years of age.

3. The on-premises consumption of an alcoholic beverage shall be prohibited.

F. Public Convenience or Necessity Determination. BPC Section 23958.4 provides that the City shall have authority to review a retail alcoholic beverage license application proposed within an area having an "undue concentration" (high density of alcoholic beverage sales locations) of licenses; determine whether public convenience or necessity would be served by license issuance; and inform ABC of the determination.

1. Purpose. The purpose of this Subsection is to establish a procedure by which the public convenience or necessity may be determined, as provided by State law, and establish the criteria by which the determination shall be made.

2. Applicability. In considering a Conditional Use Permit or Administrative Use Permit (as applicable) application for alcoholic beverage sales, it shall be the responsibility of the Reviewing Authority prescribed by Table 2.02-1 (Review Matrix) of this Development Code, to make a determination of public convenience or necessity, if required pursuant to this Subsection.

3. Determining Public Convenience or Necessity for On-Sale Alcoholic Beverage Sales Licenses. Within a census tract having an undue concentration of on-sale ABC licenses, whether the public convenience or necessity would be served by an ABC license issuance shall be determined as follows:

a. *Alcoholic Beverage License Issuance in Conjunction with a Bona Fide Restaurant.* The issuance of an alcoholic beverage license in conjunction with a bona fide restaurant is hereby deemed to be provided as convenience to business patrons. The Reviewing Authority shall, therefore, establish that the public convenience would be served by the issuance of an ABC license in such cases;

b. *All Other On-Sale Alcoholic Beverage Licenses.* For all other on-sale alcoholic beverage licenses, the Approving Authority shall determine whether public convenience or necessity would be served by ABC license issuance on a case-by-case basis, upon a thorough review of the facts pertaining to the proposed use.

4. Criteria for Determining Public Convenience or Necessity for Off-Sale Alcoholic Beverage Sales Licenses. Within a census tract having an undue concentration of off-sale ABC licenses, the City desires to strike a balance between the number of off-sale ABC licenses and the convenience of business patrons. Consequently, the Approving Authority is hereby granted authority to make determinations of public convenience and necessity, and shall rely upon the following factors in making such determinations:

a. The proposed retail alcohol license is not located within a high crime area, which is defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole), including but not limited to disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all BPC violations, drug violations, and driving while intoxicated or under the influence;

b. The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building GFA containing the business) of an existing or proposed sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools;

public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate;

c. The anticipated amount (percentage) of retail sales to be derived from alcoholic beverages is clearly incidental to the primary land use, making-up no more than one-third of anticipated gross retail sales;

d. If the business for which the retail alcoholic beverage license application is proposed is a grocery store, it shall contain at least 12,000 SF of GFA;

e. No more than 10 percent of the retail business' GFA shall be devoted to alcoholic beverage display and sale;

f. At least 10 percent of the retail business' GFA shall be devoted to food display and sales. (Note: Food preparation areas shall not be counted toward the food sales floor area calculation); and

g. The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including but not limited to property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.

5. Criteria for Determining Public Convenience or Necessity for Off-Sale Alcoholic Beverage Sales in Conjunction with Alcoholic Beverage Manufacturing Uses. Within a census tract having an undue concentration of off-sale ABC licenses, the Reviewing Authority is hereby granted authority to make determinations of public convenience and necessity for off-sale alcoholic beverage sales in conjunction with an alcoholic beverage manufacturing uses, and shall rely upon the following factors in making such determinations:

a. The proposed alcoholic beverage manufacturing use is not located within a high crime area, which is defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole), including but not limited to disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all BPC violations, drug violations, and driving while intoxicated or under the influence;

b. The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building GFA containing the business) of an existing or proposed residential or sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate;

c. The retail sales of alcoholic beverages is ancillary to the primary alcoholic beverage manufacturing use; and

d. The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including but not limited to

property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.

G. Deemed Approved Alcoholic Beverage Sales Regulations. The provisions of this Subsection shall be known as the Ontario Deemed Approved Alcoholic Beverage Sales Regulations.

1. Purpose. The general purposes of the Deemed Approved Alcoholic Beverage Sale Regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of the citizens of the City by requiring that alcoholic beverage sales commercial activities that were legal nonconforming Activities immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations are operated to achieve the following objectives:

a. Protect residential, commercial, industrial, and civic areas from nuisance, and minimize the adverse impacts of nonconforming and incompatible uses;

b. Provide opportunities for Alcoholic Beverage Sale Activities to operate in a mutually beneficial relationship to each other, and to other commercial and civic services;

c. Provide mechanisms to address problems often associated with the public consumption of alcoholic beverages, such as litter, loitering, graffiti, unruly behavior, and escalated noise levels;

d. Assure that Alcoholic Beverage Sale Commercial Activities are not the source of undue public nuisances in the community;

e. Encourage properly maintained alcoholic beverage sale establishments so that negative impacts generated by these activities are not harmful to the surrounding environment in any way; and

f. Monitor deemed approved activities to ensure they do not substantially change in mode or character of operation.

2. Applicability.

a. The Deemed Approved Alcoholic Beverage Sale regulations shall be applicable, to the extent permissible under other laws, to the following:

(1) All Legal Nonconforming Alcoholic Beverage Sale Commercial Activities within the City;

(2) The Nonconforming Use provisions contained in Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs) of this Development Code; and

(3) A Conditional Use Permit operated pursuant to its conditions of approval.

b. Whenever any provision of the Deemed Approved Alcoholic Beverage Sale regulations and any other provision of law, whether set forth in this Development Code, or in any other law, ordinance, or resolution of any kind, imposes overlapping or contradictory regulations, or contain restrictions covering any of the same subject matter, the provision that is

more restrictive, or imposes a higher standard, shall control, except as otherwise expressly provided by the Deemed Approved Alcoholic Beverage Sale Regulations.

3. Zoning Administrator. The Zoning Administrator shall conduct public hearings and make recommendations intended to encourage and achieve the compliance of particular sites with the provisions of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section, as appropriate. This Paragraph is not intended to restrict the powers and duties otherwise pertaining to other City officers or bodies, in the field of monitoring and ensuring the harmony of Alcoholic Beverage Sale Commercial Activities in the City. These parties shall have the powers and duties assigned to them by the Development Code, by the zoning regulations, by other codes and ordinances, or by valid administrative authority.

4. Definitions. For the purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

a. *Alcoholic Beverage*. Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, which contains 0.5 percent or more of alcohol by volume and which is fit for beverage purposes, either alone or when diluted, mixed, or combined with other substances, and sales of which requires an ABC license.

b. *Alcoholic Beverage Sales Commercial Activity*. The retail sale, for on-site or off-site consumption, of liquor, beer, wine, or other alcoholic beverages at establishments including but not limited to stores, liquor stores, specialty wine shops, restaurants, restaurant/bars, bars, taverns, brew pubs, cabarets, and businesses with temporary or permanent licenses from ABC to sell alcoholic beverages to the general public.

c. *Deemed Approved Activity*. Any Legal Nonconforming Alcoholic Beverage Sales Commercial Activity, as defined in this section, where the activity was in existence immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section. These activities shall be considered a Deemed Approved Activity as long as the establishment conducting the Deemed Approved Activity complies with the provisions of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section.

d. *Deemed Approved Status*. The permitted use of land for a Deemed Approved Activity. Deemed Approved Status replaces legal nonconforming status with respect to Alcoholic Beverage Sales Commercial Activity.

e. *Illegal Activity*. An activity that has been finally determined to be in noncompliance with the Deemed Approved performance standards contained in Paragraph G.6 (Performance Standards and Deemed Approved Activities), of this Section. Such an activity shall lose its Deemed Approved Status and shall no longer be considered a Deemed Approved Activity.

f. *Legal Nonconforming Alcoholic Beverage Sales Commercial Activity (Legal Nonconforming Activity)*. An Alcoholic Beverage Sales Commercial Activity that was a nonconforming use pursuant to the Nonconforming Use regulations contained in Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs) of this Development Code, and for which a valid ABC license had been issued and used in the exercise of the rights and privileges conferred by the license, at a time immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations. The Activity shall be considered a Deemed Approved Activity, and shall no longer be considered a Legal Nonconforming Activity, except the Activity shall be subject

to those zoning regulations relating to nonconforming uses as specified in Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs), as of the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations.

g. *Low-End Fortified Wine*. A class of inexpensive fortified wines. In contrast to table wine, which may be enjoyed as an accompaniment to a meal, or high-end fortified wine, enjoyed as an aperitif, low-end fortified wines are generally considered suitable only for intoxication.

h. *Off-Sale Alcohol Outlet*. An establishment that conducts retail sales of Alcoholic Beverages for consumption off the premises where sold.

i. *On-Sale Alcohol Outlet*. An establishment that conducts retail sales of Alcoholic Beverages for consumption on the premises where sold.

j. *Performance Standards*. Regulations prescribed in the Deemed Approved Performance Standards contained in Paragraph G.6 (Performance Standards and Deemed Approved Activities) of this Section, regulating the business practice, activities and land use for locations with Deemed Approved Status, or those further requirements imposed by the Zoning Administrator to achieve these goals. Performance Standards constitute requirements that shall be complied with by an establishment in order for the establishment to retain its Deemed Approved Status.

k. *Premises*. The building and land surrounding it considered as a single business engaged in Alcoholic Beverage Sales Activities. The premises shall include parking areas, outdoor patios and similar features.

l. *Supplemental Conditions of Approval*. Those requirements imposed by the Zoning Administrator following a public hearing conducted pursuant to the provisions of Paragraph G.8 (Violations of Performance Standards, Supplemental Conditions of Approval, or Other Provisions of this Article—Public Hearing) et seq. of this Section. Supplemental Conditions of Approval constitute requirements that shall be complied with by an establishment in order for the establishment to retain its Deemed Approved Status.

5. Automatic Deemed Approved Status.

a. All Alcoholic Beverage Sales Commercial Activities that were Legal Nonconforming Activities immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations shall automatically become Deemed Approved Activities as of the effective date of the Deemed Approved Alcoholic Beverage Sale regulations and shall no longer be considered Legal Nonconforming Activities.

b. Each establishment with Deemed Approved Status shall retain its Deemed Approved Status; provided, it complies with the Deemed Approved performance standards as set forth in Paragraph G.6 (Performance Standards and Deemed Approved Activities) of this Section, or as promulgated by the Zoning Administrator. However, any change in the State Department of Alcoholic Beverage Control license type, revocation of the ABC license, or a substantial physical change of character of the establishment, as defined in CCR Title 4, Section 64.2(b), shall terminate the Deemed Approved Status for the establishment and shall thereafter require a Conditional Use Permit or other applicable entitlements allowing Alcoholic Beverage Sales Commercial Activity to continue the activity.

c. If any establishment with Deemed Approved Status discontinues operation, is suspended from operations, or surrenders the premises for more than 90 consecutive days, the Deemed Approved Status is subject to revocation per the requirements of Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs) of this Development Code. Any subsequent Alcoholic Beverage Sales Commercial Activity may only be resumed upon the granting by the City of a Conditional Use Permit allowing such Activity. Revocation of Deemed Approved Status pursuant to this Section may be made following a public hearing by the Zoning Administrator pursuant to the provisions of Paragraph G.8 (Violations of Performance Standards, Supplemental Conditions of Approval or Other Provisions of this Article – Public Hearing) et seq. of this Section.

6. Performance Standards and Deemed Approved Activities. A Deemed Approved Activity shall retain its Deemed Approved Status only if it conforms to each of the following Deemed Approved Performance Standards:

a. The Deemed Approved Activity shall not result in adverse impacts to the health, peace or safety of persons residing or working in the surrounding area;

b. The Deemed Approved Activity shall not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;

c. The Deemed Approved Activity shall not result in nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, sales to minors, curfew violations, lewd conduct, or police detentions and arrests;

d. The Deemed Approved Activity shall comply with all applicable provision of any local, state, or federal regulation, ordinance or statute, including but not limited to those of the ABC, BPC Sections 24200, 24200.6 and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business taxes and alcohol sales administrative program fees imposed pursuant to the OMC; and

e. The upkeep and operating characteristics of the Deemed Approved Activity shall be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

7. Notification to Owners of Establishments Conducting Deemed Approved Activities. The Zoning Administrator shall notify the owner of each establishment conducting a Deemed Approved Activity, and the property owner, if different from the Deemed Approved Activity, of the establishment's Deemed Approved Status. The notice shall be sent via certified mail return receipt requested; shall include a copy of the performance standards contained in Paragraph G.6 (Performance Standards and Deemed Approved Activities), above, with the requirement that these be posted in a conspicuous and unobstructed place, which is visible from the entrance of the establishment for public review; notification that the establishment is required to comply with all performance standards; that a review fee is required, as adopted by separate resolution of the City Council, and the amount of the fee that is required to be paid; and that the activity is required to comply with all other aspects of the Deemed Approved Alcoholic Beverage Sale Regulations. Should the notice be returned, it shall then be sent via regular U.S. Mail.

8. Violations of Performance Standards, Supplemental Conditions of Approval or Other Provisions of this Article—Public Hearing.

a. Upon receipt of a complaint that an establishment conducting a Deemed Approved Activity is in violation of the Performance Standards set forth in Paragraph G.6 (Performance Standards and Deemed Approved Activities) of this Section, or other conditions promulgated by the Zoning Administrator, or any other provision of these Deemed Approved Alcoholic Beverage Sales Regulations, and once it is reasonably determined by the City that the violations have occurred, or are occurring, then the Deemed Approved Status of the establishment in question shall be reviewed by the Zoning Administrator at a public hearing. Notification of the public hearing shall be provided pursuant to Paragraph G.10 (Notification of Public Hearing) of this Section.

b. The purpose of the public hearing is for any interested party to submit evidence to the Zoning Administrator concerning whether the operating methods of the establishment conducting the Deemed Approved Activity is violating the Performance Standards, Supplemental Conditions of Approval, other provisions of these Deemed Approved Alcoholic Beverage Sales Regulations, or are causing a nuisance in the area surrounding the establishment. Within 10 days of completion of the hearing, the Zoning Administrator shall render a written decision. The Zoning Administrator's decision may allow the Deemed Approved Status to continue for the establishment in question, to impose Supplemental Conditions of Approval pursuant to Paragraph G.9 (Supplemental Conditions of Approval) of this Section, that are, in the judgment of the Zoning Administrator, necessary to ensure compliance with the Performance Standards or the provisions of these Deemed Approved Alcoholic Beverage Sales Regulations, or to suspend or revoke the establishment's Deemed Approved Status. The decision of the Zoning Administrator shall be based upon information and evidence submitted by staff, evidence submitted by the business establishment owner and evidence submitted by any other interested parties. Supplemental Conditions of Approval shall be made a part of the Deemed Approved Status, and the establishment shall be required to comply with these Supplemental Conditions of Approval in order to retain its Deemed Approved Status. The determination of the Zoning Administrator shall become final 10 calendar days after the date of decision, unless appealed to the Planning Commission pursuant to Division 2.04 (Appeals) of this Development Code.

9. Supplemental Conditions of Approval.

a. The Zoning Administrator may impose Supplemental Conditions of Approval relating to one or more of the following (may not apply to Wineries with a Type 02 ABC license):

(1) Entertainment uses, activities, or amusement devices on the premises;

(2) Separation, monitoring, or design of area devoted to alcohol sales;

(3) Security measures for both the interior and exterior of the premises;

(4) Lighting, litter, trash receptacles, graffiti or nuisance abatement, or other similar requirements; or

(5) Maintenance.

b. Specific Supplemental Conditions of Approval that may be imposed, include, but are not limited to, the following:

(1) **Sound Walls.** If the Deemed Approved Activity abuts residential areas, a sound wall may be required between the establishment conducting the Deemed Approved Activity and the abutting residential areas. The sound wall shall comply with all state and local requirements for construction and location and shall not obstruct the view of the building and parking areas from the street. Vegetation may be required to be planted along the sound wall to improve the appearance of the sound wall.

(2) **Trash Receptacles.** Permanent, non-flammable trash receptacles, may be required to be located at convenient locations, appropriately screened from view, outside the establishment and in the establishment's parking area (if any). The operators of the business may be required to remove on a daily basis, or more frequently if needed to maintain a litter-free environment, all trash from these receptacles and from the sidewalk adjacent to the establishment. The operators of the business also may be required to remove, at least three times per week, all trash originating from its establishment deposited on public property within 250 FT of any boundary of its premises.

(3) **Pay Telephones.** Pay telephones on the site of the establishment may either be (a) prohibited; or (b) required to be of the type that only allow outgoing calls and be located in a visible and well-lighted location.

(4) **Program.** A "complaint response-community relations" program established and maintained by the establishment conducting the Deemed Approved Activity may be required. The program may include the following:

(a) Posting at the entry of the establishment providing the telephone number for the area commander of the local law enforcement substation to any requesting individual.

(b) Coordinating efforts with the Police Department to monitor community complaints about the establishment's activities.

(c) Having a representative of the establishment meet with neighbors or the applicable neighborhood association on a regular basis and at their request, attempt to resolve any neighborhood complaints regarding the establishment.

(5) **Activities.** If appropriate, the following activities may be prohibited on the premises: pool or billiard tables, pinball games, arcade style video or electronic games, or coin-operated amusement devices.

(6) **Prohibited Products.** To discourage nuisance activities, an Off-Sale Alcohol Outlet may be prohibited from selling one or more of the following products or may be required to sell products in the manner prescribed below:

(a) Malt beverage products with alcohol content greater than 5-1/2 percent by volume;

(b) Wine with an alcoholic content greater than 18 percent by volume. No sales of low-end fortified wine are permitted;

(c) Containers of beer or malt liquor larger than 39 ounces;

(d) Distilled spirits in bottles or containers smaller than 375 milliliters;

(e) Cooler products, either wine- or malt-beverage-based, in less than manufacturer pre-packaged multi-unit quantities;

(f) No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than manufacturer pre-packaged multi-unit quantities;

(g) Wine in less than 750 milliliter volume containers, specialty wine products in less than 375 milliliter volume containers, or in less than manufacturer pre-packaged multi-unit quantities; and/or

(h) Wine coolers, beer coolers, or pre-mixed distilled spirit cocktails shall be sold in manufacturer pre-packaged multi-unit quantities. No sales of single containers of wine coolers, beer coolers, or pre-mixed spirit cocktails are permitted.

(7) **Alcoholic Beverage Sales/Delivery Restricted to Building Confines.** The sales and/or delivery of alcoholic beverages shall be restricted to and within the confines of the building portion of the premises.

(8) **Alcoholic Beverage Sales/Delivery through a Pass-Through Window.** The sales and/or delivery of alcoholic beverages through any pass-through window is prohibited.

(9) **Exterior Advertising or Signage that Promotes or Indicates the Availability of Alcohol Beverages.** There shall be no exterior advertising or sign of any kind or type (other than business identification), including advertising directed to the exterior from within, promoting or indicating the availability of alcohol beverages (interior displays of alcoholic beverages or signs that are clearly visible to the exterior shall constitute a violation of this condition).

(10) **Chilled Alcoholic Beverages.** An Off-Sale Alcohol Outlet may be prohibited from maintaining refrigerated or otherwise chilled alcoholic beverages on the premises.

(11) **Hours of Operation.** In an On-Sale or Off-Sale Alcohol Outlet, the sale of alcoholic beverages may be restricted to certain hours of each day of the week and may be limited further by ABC.

(12) **Paper or Plastic Cups.** In Off-Sale Alcohol Outlets, the sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging may be prohibited.

(13) **Signs.** The following signs may be required to be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:

(a) "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age"; and

(b) "It is illegal to possess an open container of alcohol in the vicinity of this establishment."

(14) Presentation of Documents. A copy of all Conditions of Approval and the California Department of Alcoholic Beverage Control license may be required to be kept on the premises and presented to any law enforcement officer or authorized state or county official upon request.

(15) Mitigating Alcohol-Related Problems. The establishment may be required to operate in a manner appropriate with mitigating alcohol-related problems that negatively impact those individuals living or working in the neighborhood, including but not limited to: sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug dealing, drug use, loud noise, and litter.

(16) Employee Training. The owners and all employees of the Deemed Approved Activity may be required to attend a Deemed Approved regulations training class and to complete an approved course in "responsible beverage service training." Owners and employees of the Deemed Approved Activity may thereafter be required to attend these training classes once every three years. All salesclerks in On-Sale Alcohol Outlets and Off-Sale Alcohol Outlets may be required, within 90 days of the beginning of employment, to attend these same classes. The establishment may be required to provide evidence of the employee's completion of this training to city, county or state authorities within 10 days following completion of training.

(17) Drug Paraphernalia. An Off-Sale Alcohol Outlet may be prohibited from selling drug paraphernalia products as defined in HSC Section 11014.5 and Section 11364.5. "Drug Paraphernalia" means all equipment, products and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act (commencing with HSC Section 11000).

(18) Loitering. The establishment's operators or employees may be required to discourage loiterers and to ask persons loitering longer than 15 minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.

(19) Security Cameras. A minimum of two 24-hour time-lapse security cameras may be required to be installed and properly maintained on the exterior of the building at locations recommended by the Police Department. All criminal and suspicious activities recorded on this surveillance equipment shall be reported to local law enforcement. To the extent allowed by law, the establishment's operators may be required to provide any tapes or other recording media from the security cameras to the police department.

(20) Prohibited Vegetation. No exterior vegetation may be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.

(21) Security Guards. An establishment may be required to retain a specified number of security guards. The number of security guards shall vary based upon the specific facts and circumstances of each establishment's site and operation. All security guards shall have all required state and City permits and licenses.

c. An On-Sale Alcohol Outlet may also be required to comply with the following supplemental conditions:

(1) Sales and delivery of alcoholic beverages to customers shall be made from behind a counter or bar where an establishment employee will obtain the product;

(2) No self-service of alcoholic beverages will be permitted. This does not include pouring the beverage for oneself or another after an establishment employee has served the alcoholic beverage to a patron;

(3) Sales, delivery and consumption of alcoholic beverages shall be restricted to and within the confines of the building portion of the premises or other approved areas, such as enclosed patios;

(4) The premises shall be maintained as a bona fide food restaurant, as defined by applicable provisions of the BPC, and shall provide a menu containing an assortment of foods normally offered in such restaurants; and

(5) No alcoholic beverages shall be consumed on any property adjacent to the premises under the control of the On-Sale Alcohol Outlet.

10. Notification of Public Hearing.

a. The Zoning Administrator shall notify the owner of each establishment conducting the Deemed Approved Activity, and shall notify the property owner, if different from the Deemed Approved Activity, of the time and place of the public hearing. The notice shall be personally delivered or sent via certified mail return receipt requested and shall include notification that the Deemed Approved Status of the establishment conducting the Deemed Approved Activity will be considered before the Zoning Administrator. The public hearing notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within 300 FT of the subject property. No notice shall be given less than 10 days prior to the date set for the hearing if such is to be held. Fees for notification shall be pursuant to Paragraph G.11 (Annual Inspection Applicability) of this Section and paid for by the establishment in question that is conducting Deemed Approved Activity.

b. Notice by mail is deemed given on the date the notice is placed into the U.S. Mail system.

11. Annual Inspection Applicability. Annual inspections shall be conducted at all alcohol sales facilities, including all existing On-Sale and Off-Sale Deemed Approved facilities, as well as existing and future On-Sale and Off-Sale alcohol sales facilities operating under a Conditional Use Permit.

12. Fees Schedule. Fees including annual inspection, appeal, and reinspection fees shall be pursuant to the City master fee schedule.

13. Official Action. All officials, departments, and employees of the City, which are vested with the authority to issue permits, certificates, or licenses, shall adhere to, and require conformance with, the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section.

14. Violations and Penalties.

a. *Violations of Deemed Approved Alcoholic Beverage Sale Regulations*. Any person who violates, causes, or permits another person to violate any provision of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section is guilty of either an infraction or misdemeanor, as determined by OMC Section 1-2.01 (Punishment for Violation). Either any person convicted of an infraction or misdemeanor under the provision of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section shall be punished by a fine, imprisonment, or both, according to state law.

b. *Separate Offenses for Each Day*. Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of these regulations is committed, continued, permitted, or caused by such violator and shall be punishable accordingly.

c. *Any Violation a Public Nuisance*. In addition to the penalties provided in this section, any use or condition caused or permitted to exist in violation of any of the provisions of these regulations shall be and is declared to be a public nuisance and may be abated as such by the City.

d. *Injunction as Additional Remedy*. Any violation of any provision of these regulations shall be and is declared to be contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.

e. *Administrative Penalties.* In addition to any other penalties provided in this section, a person who violates, causes, or permits another person to violate any provision of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section may be issued an administrative citation pursuant to the provisions of OMC Title 1, Chapter 5 (Administrative Citations). Violations of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section are subject to the "health and safety penalties" listed in OMC Section 1-5.04 (Amount of Fines).

f. *Assessment of Additional Penalties*. There will be no additional penalties assessed to owners other than those provided above.

g. *Liability for Expenses.* In addition to the punishment provided by law, a violator is liable for such costs, expenses, and disbursements paid or incurred by the City or any of its contractors in correction, abatement, and prosecution of the violation. Reinspection fees to ascertain compliance with previously noticed or cited violations shall be charged against the owner of the establishment conducting the Deemed Approved Activity or owner of the property where the establishment is located. Fees shall be in the amount described in Paragraph G.11 (Annual Inspection Applicability) of his Section, for charged reinspections. The inspection official shall give the owner or other responsible party of such affected premises a written notice showing the itemized cost of such chargeable service and requesting payment thereof. Should the bill not be paid in the required time, the charges shall be placed as a lien against the property.

15. Enforcement. The City shall designate the appropriate personnel to enforce the provisions of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section.

16. Inspection and Right of Entry. The officials responsible for enforcement of the provisions of the Deemed Approved Alcoholic Beverage Sale Regulations set forth in this Section, other provisions of the Development Code, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner, whenever they have cause to suspect a violation of any provision of the

Deemed Approved Alcoholic Beverage Sale Regulations, or whenever necessary to the investigation of violations to the Deemed Approved performance standards or conditions of approval prescribed in these regulations. All inspections shall be conducted in compliance with the Fourth Amendment to the United States Constitution.

H. Entertainment Zones.

1. Purpose. The purpose of this Chapter is to establish a process by which to create Entertainment Zones within the City of Ontario, as authorized by Section 23039.5 of the California Business and Professions Code, where people can buy open container drinks (alcoholic drinks "to-go") from local bars, restaurants, wineries, and breweries and enjoy them outside in common spaces like plazas, sidewalks, and streets during certain hours for the purposes of creating active, commercial corridors, catalyze broader economic stimulus and ensure equitable program benefits while making Ontario a vibrant cultural hub.

2. Definitions. For the purposes of this Chapter, the following definitions shall apply:

a. *ABC*. Means the California Department of Alcoholic Beverage Control.

b. *Entertainment Zone*. Has the meaning set forth in Section 23039.5 of the California Business and Professions Code, as may be amended from time to time.

c. *Entertainment Zone Event*. Means an event or activation which occurs within the boundaries of an Entertainment Zone established in accordance with this Chapter and the Management Plan for the Entertainment Zone.

d. *Licensee*. Means any person, business, or other entity duly licensed to sell alcoholic beverages.

e. *Management Plan*. Means a plan approved by the Community Development Agency for the management and regulation of an Entertainment Zone.

3. Entertainment Zone.

a. *Capital City Entertainment Zone*.

(1) The area bounded by Ontario Center Parkway to the north, the Arena Parking Lots B and C to the south, the Arena to the west, and the Adept Lot A Development to the east has been identified as the Capital City Plaza – Phase I. The Capital City Entertainment Zone includes all areas within the public plaza as identified in Figure 5.03-1, excluding parking lots, parking structures, public streets, and public sidewalks, and is hereby designated as the Capital City Entertainment Zone under Sections 23039.5 and 25690 of the California Business and Professions Code.

(2) Outdoor consumption of alcoholic beverages within the Capital City Entertainment Zone is authorized 7 days a week between the hours of 8:00 AM and 2:00 AM, so long as at least one licensee within the boundaries of the Entertainment Zone is permitted to sell alcoholic beverages during those hours for consumption on the premises. Hours of operation are subject to any additional limitations imposed by any ABC permit or license and by the Management Plan for the Entertainment Zone.

(3) Off-site sale of open alcoholic containers by a participating holder of an ABC license or permit may consist of beer, wine, and/or distilled spirits subject to the conditions and limitations imposed on the establishment by their local entitlements or ABC privileges, and any additional limitations imposed by the Management Plan for the Entertainment Zone.

Figure 5.03-1: Capital City Entertainment Zone

b. *Ontario Sports Empire Entertainment Zone*.

(1) The area bounded by Riverside Drive to the north, Chino Avenue to the south, Vineyard Avenue to the west, and ONT Stadium to the east has been identified as the Ontario Sports Empire. The Ontario Sports Empire Entertainment Zone includes all areas within the public plaza as identified in Figure 5.03-2, excluding parking lots, parking structures, public streets, and public sidewalks, and is hereby designated as the Ontario Sports Empire Entertainment Zone under Sections 23039.5 and 25690 of the California Business and Professions Code.

(2) Outdoor consumption of alcoholic beverages within the Ontario Sports Empire Entertainment Zone is authorized 7 days a week between the hours of 8:00 AM and 2:00 AM, so long as at least one licensee within the boundaries of the Entertainment Zone is permitted to sell alcoholic beverages during those hours for consumption on the premises. Hours of operation are subject to any additional limitations imposed by any ABC permit or license and by the Management Plan for the Entertainment Zone.

(3) Off-site sale of open alcoholic containers by a participating holder of an ABC license or permit may consist of beer, wine, and/or distilled spirits subject to the conditions and limitations imposed on the establishment by their local entitlements or ABC privileges, and any additional limitations imposed by the Management Plan for the Entertainment Zone.

Figure 5.03-2: Ontario Sports Empire Entertainment Zone

4. Controls and Compliance with Laws.

a. All licensees and organizations sponsoring or selling alcoholic beverages within an Entertainment Zone shall comply with all applicable state and local laws and regulations, including, but not limited to, the following:

(1) All applicable ABC license and permitting requirements;

(2) Sections 23357, 23358, and 23396 of the California Business and Professions Code, as may be amended from time to time;

(3) All other laws governing the sale and consumption of alcoholic beverages and all permits and licenses issued pursuant thereto;

(4) Applicable road closure regulations and procedures;

(5) Applicable Special and Temporary Event laws, policies, and regulations; and

(6) Any applicable Administrative Regulations issued by the City pursuant to this Chapter, including conditions set forth in the Management Plan for the Entertainment Zone.

b. During an Entertainment Zone event, open alcoholic beverages may be consumed on any public street, avenue, sidewalk, stairway, alley, or thoroughfare within an Entertainment Zone, subject to the Ontario Municipal Code Section 5-11.02 "Public consumption of alcoholic beverages and possession of any open alcoholic beverage container," and other restrictions imposed by State or local law.

c. All open alcoholic beverages shall be purchased only from a premises located within the Entertainment Zone that is authorized under California Business and Professions Code Section 23357, 23358, or 23396, as may be amended from time to time, to permit consumers to leave the premises with open containers of alcoholic beverages for consumption off the premise, or an organization that is authorized by an ABC special event permit or license to make such sales within the Entertainment Zone.

d. No alcoholic beverages purchased at a participating licensed premises may leave the premises in an open glass or metal container.

e. Delivery of alcoholic beverages to consumers within the Entertainment Zone by a participating licensee or third party delivery service is prohibited.

5. Implementation.

a. Upon the establishment or modification of an Entertainment Zone, the Community Development Agency is authorized to and shall do the following:

(1) In consultation with the Police Department, provide the following information to ABC, pursuant to Section 25690 of the California Business and Professions Code:

(a) A copy of the ordinance establishing or modifying the Entertainment Zone;

(b) Information as may be necessary to identify the boundaries of the Entertainment Zone;

(c) The days and hours of operation of the Entertainment Zone;

(d) The types of alcoholic beverages permitted within the Entertainment Zone; and

(e) The approved non-glass and non-metal containers in which alcoholic beverages may be authorized.

(2) Issue a Management Plan for the Entertainment Zone as follows:

(a) The Management Plan shall establish the process or procedure to readily identify individuals purchasing or consuming alcoholic beverages within the Entertainment Zone as being 21 years of age or older;

(b) The Management Plan may include requirements not otherwise imposed by State or local law, but which are nonetheless enforceable pursuant to Subsection 6 (Administrative Regulations) of this Section; and

(c) Upon issuance or revision of a Management Plan, the Community Development Agency shall transmit a copy of the Plan to ABC.

(3) Any holder of an ABC license or permit that wishes to allow customers to leave the premises with open containers of alcoholic beverages for consumption off the premises within the Entertainment Zone shall provide to the Community Development Agency a copy of the notice provided to ABC under Section 23357, 23358, or 23396 of the California Business and Professions Code, as applicable, at the same time such notice is provided to ABC. In addition, participating licensees may be required to submit a participation agreement to the City notifying the City of their intent to participate in the Entertainment Zone.

6. Administrative Regulations.

a. The Executive Director of the Community Development Agency may adopt administrative regulations to implement the provisions of this Chapter, including, but not limited to, application procedures, permit conditions and requirements, and health and safety measures. The Director may revise these regulations from time to time as it deems appropriate. The Entertainment Zone Management Plan shall be considered an enforceable administrative regulation.

b. No person shall fail to comply with the City's administrative regulations.

7. Periodic Review. The City, in conjunction with local law enforcement, shall review the operation of each Entertainment Zone 6 months after its activation and every 2 years following its adoption to ensure the Entertainment Zone is being maintained in a manner that protects the health and safety of the general public. Any reports made during the review shall be made available to ABC upon request.

8. Enforcement.

a. Any person who violates any provision of this Chapter, including any administrative regulations, shall be guilty of a misdemeanor, which shall be punishable by a fine not exceeding $1,000 dollars per violation or by imprisonment in the County Jail for a period not exceeding 6 months or by both such fine and imprisonment pursuant to Ontario Municipal Code Section 1.2.01, "Punishment for violation."

b. Any person who violates this Chapter, including any administrative regulations, shall be subject to administrative fines and administrative penalties pursuant to Ontario Municipal Code Volume 1, Chapter 5, "Administrative Citations."

c. Any participating licensee who violates this Chapter may be subject to suspension or revocation of their right to participate in the Entertainment Zone. The City may promulgate administrative regulations to implement this Section.

d. Any person convicted of violating this Chapter in a criminal case, or found to be in violation of this Chapter in a civil or administrative case brought by a law enforcement agency, shall be ordered to reimburse the City and other participating law enforcement agencies their full investigative costs.

5.03.030: Ambulatory Health Care Services—All Other Miscellaneous Services

The following standards shall govern the establishment and operation of "all other miscellaneous ambulatory health care services":

A. "All other miscellaneous ambulatory health care services" shall include blood pressure screening, health screening, hearing testing, industrial clinics, pacemaker monitoring, physical fitness evaluation, and smoking cessation program services.

B. Within the OL zoning district, operating hours shall be limited to 7:00 AM to 7:00 PM, daily.

C. Within the MU-1 zoning district, the use shall not be allowed on the ground floor of storefronts that directly front on to Euclid Avenue.

D. Within the BP, IP, IL, IG, and ONT zoning districts, services shall only be limited to industrial clinics.

5.03.035: Apparel Manufacturing

Within the BP and IP zoning districts, the development of new apparel manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.037: Artisan Small-Scale and Micro Manufacturing Facilities

The following standards shall govern the establishment and operation of "boutique/artisan small-scale and micro manufacturing facilities":

A. Boutique/artisan small-scale and micro manufacturing facilities shall not exceed 10,000 SF in GFA;

B. Storage of materials and production activities shall be maintained within a completely enclosed structure; and

C. The use shall not include the bulk storage of flammable materials for use or sale, or the bulk storage of hazardous waste.

5.03.040: Automobile Dealers—New Vehicles Sales and Leasing, and Automobile Rental

A. **Automobile Dealers—New Vehicles Sales and Leasing.** For new automobile dealers, up to a maximum of 49 percent of the total number of vehicles on-site at any one time, which are available for sale or lease, may consist of previously owned vehicles.

B. Vehicle Rental and Leasing.

1. Passenger car and light truck, utility trailer, recreational vehicle and truck rental and leasing may be conditionally permitted as a freestanding land use pursuant to Table 5.02-1 (Land Use Matrix).

2. Passenger car and light truck rental shall be permitted by right pursuant to Table 5.02-1 (Land Use Matrix), when established in conjunction with, and ancillary to, new motor vehicle sales, motor vehicle general repair facilities, motor vehicle body and paint facilities, or full-service hotels.

3. It is intended that passenger car, truck, utility trailer, and recreational vehicle rental facilities allowed pursuant to Table 5.02-1 (Land Use Matrix), shall be permitted to maintain an on-site rental vehicle fleet, provided adequate off-street parking facilities are provided pursuant to the requirements of Division 6.03 (Off-Street Parking and loading) of this Development Code.

5.03.045: Automotive Body, Paint, and Interior Repair and Customization—Minor Customization

Minor customization work shall be limited to the "bolt-on" replacement or addition of parts only. No body or paintwork shall be permitted, except as may be allowed pursuant to Section 5.03.050 (Automotive Body and Paint—Mobile Repair Services) of this Division.

5.03.050: Automotive Body and Paint—Mobile Repair Services

The following standards shall govern the establishment and operation of mobile automotive body and paint repair services:

A. The mobile operation shall be based at a fixed location within the City pursuant to Table 5.02-1 (Land Use Matrix). The use shall not be licensed as a home occupation.

B. Comply with all applicable requirements of the South Coast Air Quality Management District (SCAQMD). Compliance with SCAQMD regulations shall be demonstrated to the Planning Department prior to business license issuance by the City.

C. Mobile body and paint repair services shall be limited to minor dent and blemish removal/repair on motor vehicles, and the performing of minor reparative and touch-up painting to damaged or blemished areas of motor vehicles.

D. Mobile body and paint repair services shall only be performed for automobile dealerships, car rental agencies and fleet vehicle operators, within zoning districts allowing these land uses. Repair services shall not be provided to individuals.

E. All work shall be performed within areas that are completely screened from public view.

F. Paint shall be applied using a high volume, low pressure coating delivery and application system utilizing a turbine motor to produce high volumetric flow rates at a low pressure, not to exceed 5 pounds per square inch.

G. Prior to business license issuance, the business owner or operator shall provide to the Planning Department for review and approval, written policies and procedures and for:

1. The storage, use and disposal of cleaning solvents and thinners used in conjunction with painting and repair activities pursuant to federal, state, county and local laws, regulations, ordinances and orders;

2. The recording of daily use of solvents, thinners, coating materials and formulations used in conjunction with painting and repair activities;

3. The packaging, handling and transportation of hazardous materials used in conjunction with painting and repair activities;

4. The control of solids and liquids produced during grinding, sanding or coating, to prevent contact with the ground and potentially contaminating storm water runoff;

5. The storage, handling and disposal of hazardous wastes created as a result of painting and repair activities, pursuant to federal, state, county and local laws, regulations, ordinances and orders; and

6. Workspace safety and organization.

H. As a condition of business operations, the licensee shall fully comply with the approved policies and procedures established by Subsection G of this Section, and shall consent to the following requests by the authorized representatives of the City's Police Department, Fire Department, Planning Department, Engineering Department or Code Enforcement Officers, during regular business hours, for the purpose of making reasonable unscheduled inspections to observe and enforce compliance with the applicable regulations, laws, and provisions of this Ordinance:

1. Review of business records pertaining to the daily use of solvents, thinners, coating materials and formulations used in conjunction with painting and repair activities;

2. Observation of vehicle repair and painting activities; and

3. Inspection of vehicles, materials and equipment used in conjunction with painting and repair activities.

I. Failure to comply with the mobile body and paint repair services standards contained in this Section may result in business license revocation by the City.

5.03.055: Automotive Glass Replacement Shops

The following standards shall govern the establishment and operation of automotive glass replacement shops:

A. Automotive glass replacement shops shall include both stationary and mobile services.

B. Mobile services shall be licensed to a fixed location within the City and shall not be licensed as a home occupation.

5.03.060: Automotive Repair and Maintenance—General Repair Facilities

Automotive general repair facilities shall include mechanical and electrical repair such as air conditioning, brake, cooling, electric, exhaust, and suspension systems repair, and engine, transmission, and drive train repair and maintenance activities.

5.03.065: Automotive Repair and Maintenance—Servicing Facilities

Automotive servicing facilities shall include mechanical and electrical retail-oriented services such as emissions testing, battery replacement and other similar retail activities that do not involve the use of pneumatic tools or equipment that create noise impacts.

5.03.067: Banquet Facilities - Historic Properties

The following standards shall govern the establishment and operation of banquet facilities on historically designated properties that are located outside of zoning districts that would otherwise allow the activity:

A. A banquet facility shall be allowed in all zoning districts within a commercial structure or on property designated as a local historic landmark, or a contributing structure within a designated historic district, established pursuant to Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservations Areas) of this Development Code, and shall be subject to the regulations therein during the life of the permit, except that no banquet facility shall be allowed in the MU-1 (Downtown Mixed Use) zoning district.

B. The minimum number of parking spaces required shall be provided pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code. A parking demand study may be prepared by a qualified traffic consultant or engineer to support a reduction in the required number of parking spaces. The intent is to provide lower, flexible parking standards wherever possible and appropriate. Consideration shall be given to shared parking systems, on and off-street parking resources, compatibility with historic patterns of development, and the availability of mass transit resources.

C. Live entertainment shall be prohibited. Request for live entertainment shall require conditional use permit approval by the Zoning Administrator. Karaoke, DJs, live musical acts, and other similar forms of entertainment are considered live entertainment. Amplified prerecorded music may be permitted; however, the sound emitted from the premises shall not be audible beyond the property lines of the business establishment.

D. Alcohol beverage sales shall be allowed subject to the approval of a Conditional Use Permit issued pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) and Section 5.03.025 (Alcoholic Beverage Sales) of this Development Code.

E. The applicant shall comply with all applicable building code regulations related to the change of use of the structure to a banquet facility.

5.03.070: Bed-and-Breakfast Inns

The following standards shall govern the establishment and operation of bed-and-breakfast inns:

F. A bed-and-breakfast inn shall be allowed only within a structure designated as a local historic landmark, or a contributing structure within a designated historic district, established pursuant to Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservations Areas) of this Development Code, and shall be subject to the regulations therein during the life of the permit.

G. The inn structure shall serve as the primary residence of the bed-and-breakfast inn owner(s), or the majority shareholder if the facility is owned by a corporation.

H. The bed-and-breakfast inn shall be accessory to the residential use of the property.

I. The lot upon which the bed-and-breakfast inn is operated shall conform to the standards of the zoning district in which it is located, and the applicable land use and operational requirements of this Development Code.

J. No long-term rental of rooms shall be permitted. The maximum length of stay for any guest shall be 14 days within any 30-day period.

K. Guests may check in only between the hours of 9:00 AM and 9:00 PM.

L. Breakfast shall be the only full meal served, excepting light snacks and refreshments, and may only be served to guests of the bed-and-breakfast inn. Restaurants are prohibited, and no cooking facilities shall be allowed within any guestroom.

M. The applicant shall comply with all applicable building code regulations related to the change of use of the structure to a bed-and-breakfast inn.

5.03.075: Billiard Parlors and Pool Halls

The following standards shall govern the establishment and operation of billiard parlors and pool halls:

A. All billiard and pool tables are to be located so as to be visible at all times by one or more employees of the business.

B. Unless otherwise specifically approved by Conditional Use Permit, billiard and pool tables shall be limited to a size not typically used for regular professional tournament play (9 FT long by 4.5 FT wide), as established by the World Billiard Congress, World Pool-Billiard Association, American Pool Players Association, and other similar professional organizations.

C. Billiard parlors and pool halls shall be located a minimum of 300 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

D. Minors shall not be permitted to enter or remain in a billiard parlor and pool hall during the following periods, unless accompanied by a parent or legal guardian:

1. Monday through Friday, between 8:00 AM and 3:00 PM, or after 10:00 PM; and Saturday and Sunday, after 10: 00 PM.

2. The weekday daytime hours of restriction shall not apply to school vacation days or holidays, as established by any public school district or private elementary, middle (junior high) or high school operating within the City.

3. Notice of the herein specified hours of restriction for minors shall be posted at the facilities entrance(s), in lettering of at least 2 inches in height.

E. The establishment shall not be open to customers, patrons, or any member of the public between the hours of 2:00 AM and 6:00 AM.

F. "No Loitering" signs shall be posted at the front and rear of the business.

G. The facility shall have a minimum of one managing employee at least 21 years of age during all working hours.

H. Occupancy shall not exceed the number required under the City's building and fire codes, and the maximum occupancy load shall be posted at the main entrance.

I. The establishment shall maintain and operate a video surveillance system during all business hours, which is capable of storing a minimum of 186 hours (7 days) of video surveillance.

1. The video surveillance system shall cover the entire interior of the premises and all entrances and exits of the establishment and shall be capable of delineating upon playback of the system, the activity and physical features of persons or areas within the premises.

2. The business owner shall permit City Police and/or Code Enforcement officers to inspect the stored video surveillance during normal business hours, upon demand.

3. The video surveillance system shall be maintained in good working order.

4. A sign shall be posted inside and at the entrances to the establishment indicating that the premises are under video surveillance.

J. The business owner shall submit and receive approval of a Fire Exit Plan from the Fire Department. The plan shall address all requirements of the City's building and fire codes, including, but is not limited to, showing all necessary dimensions, equipment location, aisle locations/path of travel, building exiting, and panic hardware.

K. Window areas shall not be covered or made opaque in any way. All windows and entrances shall be unobstructed at all times so as to allow an unimpaired line-of-sight by police officers.

L. The Chief of Police is hereby authorized to require the business owner/operator provide a security guard on the premises in the event that there are significant calls for service relating to assaults, gang-related activity, weapons offenses, disturbances, juvenile related crime and

truancy, or other good causes. The decision of the Chief of Police may be appealed to the City Council pursuant to Division 2.04 (Appeals) of this Development Code.

M. No exterior pay phones shall be allowed on a property containing a billiard parlor or pool hall.

5.03.080: Boarding, Lodging, and Rooming Houses

The following standards shall govern the establishment and operation of boarding, lodging and rooming houses:

A. All boarding, lodging, and rooming houses shall require the submittal and approval of an Administrative Use Permit or Conditional Use Permit, and business license, prior to establishing the use.

B. The application submitted for approval of a boarding, lodging, or rooming house shall identify whether any boarders are currently Federal, State, or Youth Authority parolees. That information shall be provided by the landlord to each lessee or renter upon signing a lease or other rental agreement. Owners and/ or operators of approved boarding, lodging or rooming houses shall update the information required by this Section anytime a person that is a Federal, State, or Youth Authority parolee is provided accommodation in the approved boarding, lodging, or rooming house.

C. Boarding, lodging, or rooming houses shall be operated and maintained in full compliance with all applicable requirements of this Development Code and the Ontario Municipal Code, prior to the issuance of an Administrative Use Permit or Conditional Use Permit authorizing the use, and at all times following permit issuance. Violation of any local, State, or Federal laws by individual boarders while on the premises, shall be grounds for revocation of the permit, including but not limited to violations of PC Section 3003.5.

D. No boarding, lodging, or rooming house shall be maintained as a nuisance.

E. The violation of any provision of this Section shall be grounds for revocation of the Administrative Use Permit or Conditional Use Permit authorizing the boarding, lodging, or rooming house use. In revoking an Administrative Use Permit or Conditional Use Permit, the procedures contained in Division 2.05 (City Initiated Modification or Revocation) of this Development Code shall be followed.

F. All boarding, lodging, and rooming houses shall be required to pay to the City, an administrative fee in an amount determined by separate resolution of the City Council, to cover the costs of Administrative Use Permit or Conditional Use Permit review and issuance, and inspection of the facilities.

G. Boarding, lodging, and rooming houses may provide rented, leased, or subleased accommodations for occupancy by no more than 6 individuals, excluding a resident owner, agent, or manager. The operator may seek relief from the strict application of this provision by submitting a request for reasonable accommodation pursuant to Section 4.02.035 (Fair Housing and Reasonable Accommodation) of this Development Code.

5.03.085: Bread and Tortilla Manufacturing

Within the IP zoning district, bread and tortilla manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.090: Business to Business Electronic Markets

Within the BP zoning district, the development of business to business electronic markets shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) developments.

5.03.095: Caretaker Quarters

The following standards shall govern the establishment and operation of caretaker quarters:

A. Caretaker quarters may be allowed in conjunction with, and accessory to, an allowed land use, when determined by the Reviewing Authority to be essential to providing 24-hour on-site property security and surveillance.

B. Caretaker quarters shall not exceed 600 SF in gross floor area and shall contain no more than one bedroom.

C. Caretaker quarters shall be for occupancy by the business owner or an employee of the business.

5.03.100: Child Daycare Services

The following standards shall govern the establishment and operation of child daycare services:

A. Child Daycare Centers.

1. No City permit for a child daycare center shall be effective until satisfactory evidence has been provided to the City demonstrating that all necessary State licenses and permits have been obtained.

2. Child daycare centers shall not be allowed in conjunction with a residential land use.

3. Within industrial zoning districts, child daycare centers shall be limited to employer-provided services, which are only for employee use. Such centers may also be established by a group of industrial businesses, which are located within close proximity, to serve their employees at an on-site or off-site location.

4. Comply with all fire and life safety standards required by the State Fire Marshall and the Ontario Fire Department.

5. All areas designated for active play, or any play structures, shall only be permitted within a side yard or rear yard area. In addition, all play areas shall be enclosed by a 6 FT high decorative fence or wall. Property line fences or walls may be used to fulfill this requirement.

6. Landscaping and decorative masonry block walls shall be used to buffer noise inside and rear yard areas when abutting a residential zoning district.

7. Outdoor play areas shall be located at least 25 FT from any residential structure located on an abutting residentially zoned lot.

8. Any swimming pool, pond, wading pools, or similar bodies of water greater than 18 inches in depth shall be fully enclosed by a minimum 5 FT high non-climbable fence. Additionally, all entrances and exits shall have self-closing and latching gates. All latches shall be located at least 54 inches above adjacent grade.

9. All trash receptacles and air-conditioning units located outdoors and adjacent to any play area shall be fully enclosed by a wall or fence.

10. A daycare center shall not be located within any area in which the measurable exterior noise level is 65 CNEL or greater.

B. Family Child Daycare Homes.

1. To prevent over concentrations of family child daycare homes that would impair the integrity of residential neighborhoods, a minimum 300-FT separation shall be provided between dwellings licensed with the California Department of Social Services as a family child daycare home. The distance between any structure used as a family child daycare home and another structure used as a family child daycare home shall be measured in a straight line, without regard to intervening structures, from the closest property line of the structure used as a family child daycare home to the closest property line of another structure used as a family child daycare home.

2. A family child daycare home shall be clearly incidental and subordinate to the primary residential use of the dwelling.

3. No family child daycare home shall commence until all necessary licenses and permits have first been obtained from the California Department of Social Services.

5.03.105: Community Care Facilities for the Elderly—More Than 6 Persons

The following standards shall govern the development and/or operation of community care facilities for the elderly, which are designed for occupancy by more than 6 persons:

A. Within residential and mixed-use zoning districts, the maximum density of a community care facility for the elderly that incorporates shared or common kitchen facilities, if proposed at a density greater than allowed by the underlying zoning district, shall be determined based upon a study of equivalent impact, assessing factors of traffic generation, water usage, and sewerage generation, in comparison to a multiple-family residential development on the same site, constructed at maximum density. Applicants for community care facilities for the elderly shall be responsible for all City costs incurred in preparation of the study.

B. Within commercial zoning districts, the maximum allowed density of a community care facility for the elderly shall be based a study of equivalent impact, assessing traffic/transportation, water usage, and sewerage generation, in comparison to a typical commercial development on the same site. Applicants for community care facilities for the elderly shall be responsible for providing appropriate traffic, water usage and sewerage generation information to the City to assist in determining allowed densities.

C. Community care facilities for the elderly should be located where public transit linkages are available, such as bus or transit facilities on or adjacent to the site, regular shuttle service to a regular transit route, or equivalent alternative methods as approved by the Planning Director.

D. A minimum of 75 SF of private open space and 75 SF of common open space shall be provided per dwelling or room used for dwelling purposes. Common spaces shall be provided with recreation room(s), swimming pools, lawn bowling courts and similar recreational facilities, based upon the size of proposed facility and the anticipated needs of its occupants.

E. Common or individual laundry, eating and/or kitchen facilities may be provided.

F. Occupancy of a community care facility for the elderly may be age restricted by means of a deed restriction or an agreement acceptable to the City Attorney.

G. Occupancy of community care facility for the elderly shall not be granted by the City until satisfactory evidence has been provided to the City demonstrating that all necessary State licenses and permits have been obtained for the use.

5.03.110: Community Care Facilities for the Elderly—6 or Fewer Persons

Community care facilities for the elderly, for 6 or fewer persons, may only be established in conjunction with a single-family dwelling.

5.03.115: Computer and Electronic Product Manufacturing

Within the IP zoning district, the development of new computer and electronic product manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.120: Consumer Goods Rental

The following standards shall govern the establishment and operation of consumer goods rental services:

A. Consumer goods rental services shall include the rental of consumer electronics and appliances, costumes, formal wear, furniture rental, home health equipment, musical instrument rental, party and banquet accessories, recreational goods, and video tapes and discs.

B. Outdoor storage shall be prohibited in conjunction with consumer goods rental services.

5.03.125: Convenience Markets and Specialty Food Stores

The following standards shall govern the establishment and operation of convenience markets and specialty food stores:

A. Within the CS zoning district, hours of operation shall be limited to between 7:00 AM and 10:00 PM, daily.

B. All convenience markets and specialty food stores that sell prepared or prepackaged food items shall provide and maintain outdoor trash receptacles adjacent to the business entry, for use by customers.

C. Where a convenience market or specialty food store abuts a residential zoning district, no commercial loading activity is permitted between the hours of 7:00 PM and 7:00 AM.

5.03.130: Credit Intermediation-Related Activities

The following standards shall govern the establishment and operation of credit intermediation-related activities:

A. Credit intermediation-related activities include check cashing, money order issuance, money transmission and payday advance services.

B. Within the MU-1 zoning district, credit intermediation-related activities shall only be allowed in conjunction with a permitted or conditionally permitted land use, Standalone credit intermediation-related activities within the MU-1 zoning district shall be prohibited.

5.03.135: Cutlery and Hand Tool Manufacturing

Within the IP zoning district, the development of new cutlery and hand tool manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.140: Data Processing, Hosting, and Related Services

Within the OL and OH zoning districts, data processing, hosting, and related services shall only be allowed in conjunction with a permitted or conditionally permitted land use. Standalone data processing, hosting, and related services shall be prohibited within these zoning districts.

5.03.145: Depository Credit Intermediation

The following standards shall govern the establishment and operation of depository credit intermediation uses:

A. Depository credit intermediation shall include commercial banking, savings institutions, and credit unions.

B. Drive-thru facilities in conjunction with depository credit intermediation shall be permitted subject to the provisions of Section 5.03.150 (Drive-Thru Facilities) of this Division.

5.03.150: Drive-Thru Facilities

The following standards shall govern the establishment and operation of drive-thru facilities, and are intended to result in facilities that are well designed, encourage pedestrian activity, and enhance the commercial areas in which they located:

A. Location Standards.

1. Drive-thru facilities shall be permitted in conjunction with the below-listed land uses, except that such facilities located within the MU-1(Downtown Mixed-Use) zoning district shall not be visible from Euclid Avenue, as demonstrated in Figure 5.03-2 (Drive-Thru Facility Street-Oriented Example Site Plan), below.

a. Pharmacies and Drug Stores;

b. Banks and Credit Unions;

c. Restaurants and other eating places;

d. Drycleaning and Laundry Services; and

e. Other land uses deemed appropriate by the Zoning Administrator, as determined pursuant to the procedures established in Section 1.02.010 (Interpretations and Land Use Determinations) of this Development Code.

2. Drive-thru facilities shall not disrupt the pedestrian activity of adjacent or nearby commercial uses or commercially zoned property. Furthermore, drive-thru facilities shall not interfere with the normal use of adjoining properties or the potential for a planned commercial development.

B. Development Standards. Uses incorporating drive-thru facilities shall comply with each of the following development standards:

1. Lot Area. Drive-through businesses shall be located on lots having a minimum area of one-acre. This area may be reduced when the business is within an integrated shopping center.

2. Lot Coverage. The lot coverage shall not exceed 40 percent of the lot area.

3. Floor Area.

a. The minimum GFA for a building incorporating a drive-thru shall be 2,000 SF (including gross floor area of the building and associated outdoor seating areas), with a minimum interior floor area of 1,500 SF.

b. A building incorporating a drive-thru may have a GFA less than 2,000 SF subject to the approval of a Conditional Use Permit by the Zoning Administrator, provided that the building is proposed to be located within an existing retail shopping center.

4. Setbacks.

a. Setbacks shall be provided pursuant to the requirements of the underlying zoning district in which the drive-thru facility is proposed.

b. A minimum 25-FT landscaped setback shall be maintained between any drive-thru facility, including drive-up windows, drive-thru lane and menu/order stations, and any adjacent residentially zoned property or residential land use.

c. The building shall maintain a minimum 20-FT landscaped setback from street property lines. Design elements, such as trellises, may encroach into the setback when well-integrated with the landscape.

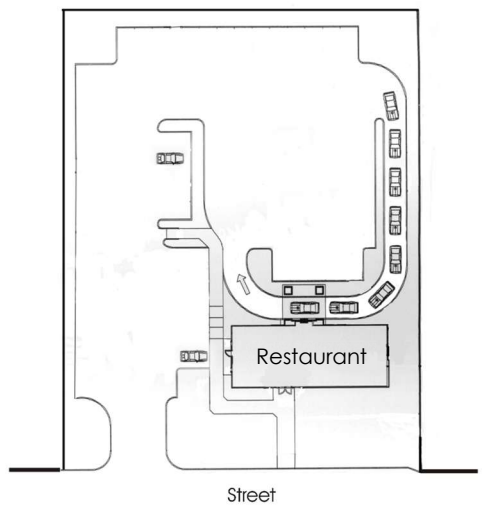

Figure 5.03-2: Drive-Thru Facility Street-Oriented Example Site Plan

5. Building Orientation. Buildings incorporating drive-thru facilities shall be oriented toward the street, as demonstrated in Figure 5.03-2 (Street-Oriented Example Site Plan).

6. Access. Each developed site shall not have more than one drive approach per street frontage. Drive-thru ingress and egress aisles shall not take direct access from a public street or thoroughfare, but instead shall take access from a parking area or on-site drive aisle, as demonstrated in Figure 5.03-2 (Street-Oriented Example Site Plan).

7. Building Height. Buildings with drive-thru facilities shall not exceed a height of 35 FT.

8. Site Design.

a. Buildings shall be oriented toward the street, with drive-thru lanes, pick-up windows, and off-street parking facilities oriented toward the rear yard or side yard areas.

b. Decorative low garden walls shall be provided to screen the parking lot and drive-thru aisle from view of the public street.

c. All service and loading areas shall be screened from public view, to the extent possible.

d. Restrooms shall not be accessed from outside the structure.

e. Ladders for roof access shall be mounted on the inside of the building or shall be completely concealed from public view.

f. The site design shall minimize pedestrian/vehicle conflicts by creating opportunities for courtyards, plazas, outdoor dining, and landscaped pathways that promote safe and convenient pedestrian movement.

9. Drive-Thru Lane Design.

a. Drive-thru lanes in conjunction with restaurants shall have a minimum length of 144 FT, measured from entry to pick-up window, which accommodates a minimum of 6 vehicles. (Note: The Planning Director may require an increased drive-thru stacking length to accommodate businesses known to generate a higher drive-thru demand.)

b. Drive-thru lanes shall have a minimum width of 11 FT on straight sections and 12 FT on curved sections.

c. Drive-thru lanes shall be screened from view of a public street through building orientation, landscaping, low screen walls, and trelliswork.

C. Maintenance.

1. The premises shall be kept clean, and the operator shall make all reasonable efforts to see that no trash or litter originating from the use is deposited on adjacent properties.

2. Adequate trash containers shall be provided, and, on a daily basis, employees shall be required to pick up trash originating from the site, both on site and within 50 FT of the perimeter of the site.

3. No undesirable odors shall be generated on-site.

4. All merchandise, wares, crates in the form of temporary and permanent storage, displays, and goods offered for sale shall be maintained wholly within the building. Storage of any kind shall be contained completely within an enclosed structure.

D. Noise. Noise emanating from sound systems, including intercom and public address systems, shall not be audible beyond the property line.

E. Signs. All signs shall conform to the sign provisions of Division 8.1 (Sign Regulations) of this Development Code. Facilities within an integrated shopping center or plan shall comply with the uniform sign program as established in the center. Menu signs will be limited to two 6-FT high signs, having a maximum area of 36 SF each. Menu board signs shall not obscure vehicular visibility.

F. Design Guidelines. The following design guidelines are intended as a reference to assist the designer in understanding the City's goals and objectives for high quality commercial development. The guidelines compliment the mandatory development standards contained in Subsection B (Development Standards), above, by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations.

The design guidelines are general in nature and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's development review process to encourage the highest level of design quality, while at the same time providing the flexibility necessary to encourage creativity on the part of the project designer(s). However, unless there is a compelling reason, these design guidelines shall be observed.

1. Architecture.

a. *Style*. The construction of the building should depict a specific architectural style by distinctive elements and features consistent with the chosen style. Accessory structures should portray the style through their features as well. The style of the building should also reflect and complement the styles of surrounding commercial buildings. Architectural treatment should

be employed over the entire building exterior (360-degree architecture), and the building should be individually designed for its site. The use of standardized corporate architectural styles is highly discouraged.

b. *Materials.* A variety of quality building materials should be incorporated into the building, such as brick, finished wood, natural stone, tinted/textured concrete masonry, and ceramic tile, which have a substantial and long-lasting appearance. Veneers having a prefabricated or false appearance shall not be used.

c. *Structure*. Drive-up windows should be covered by a structure that reflects the style of the building and is substantial in character; however, it should remain subsidiary to the main structure. Entries should project 10 to 12 FT from the building in order to add depth and variation to the façade.

d. *Entry Design.* Gables, awnings, sign locations, or other features should clearly express the location of doorways. Greater attention should be given to materials and detailing adjacent to entries.

e. *Arcades and Awnings.* Outdoor arcades are encouraged to protect pedestrians from summer heat and winter rain. Where an arcade is not provided, a separate awning or other architectural feature should be used for each business to enhance the individual identity of small shops. Because they can quickly deteriorate, canvas awnings are discouraged, or should be properly maintained.

f. *Roof Forms.* Roof forms should reflect the architectural style and internal organization of buildings. Hipped and gable roofs are encouraged. Flat roof parapets should be accompanied by a cornice or other shadow-creating detail at its "top."

g. *Drive-Up Windows.* Construct roofs or trellises over drive-up windows. Posts supporting roofs or trellises should be substantial in appearance and fully integrated into the architecture of the building. The stacking area for drive-up windows should be screened from the street through a combination of low walls and landscaping.

h. *Lighting*.

(1) On-site lighting shall be directed away or shielded from adjacent freeways, roads, streets, and adjacent properties. All exterior lighting shall be of an indirect nature, coming from under eaves and canopies, or at ground level, with in landscaped areas.

(2) Exterior lighting fixtures should be a decorative and reinforce the architectural style of the building.

(3) Light standards less than 15 FT in height (including lighting bollards) should illuminate all street sidewalks and connecting walkways and are encouraged throughout the project.

i. *Landscaping*.

(1) The minimum amount of on-site landscaping, including defined plazas and courtyards, shall equal 15 percent of the net lot area. Landscaping should be used on the site to show transition from adjacent uses, define a circulation pattern on the lot, screen the

parking lot from the street, highlight entries, provide shade for parking as well as outdoor seating areas, and to soften the appearance of the building.

(2) At a minimum, landscaping shall include 15-gallon trees planted no more than 20 FT on center, within minimum 5-FT wide planters. A suitable plant material (grasses, ivy, etc.) should be used as ground cover. Minimum 10-FT wide planters containing a combination of hedges and low walls shall be used to screen drive-thru lanes from view of public streets.

(3) Pedestrian walkways should not intersect drive-thru lanes; however, in the event this occurs, adequate visibility for pedestrians and vehicles shall be provided, and pedestrian crossings shall be clearly marked with signs.

j. *Play Structures.*

(1) Play structures should be placed indoors, becoming an integral part of the architecture, yet remaining a subordinate element. If located outside, play structures shall be oriented away from the public street and properly screened, and shall be no more than 11 FT in height.

(2) Indoor restaurant playground facilities shall be ancillary to the restaurant use. Scale and massing shall not dominate the main structure and the height of the playground facility shall not exceed the height of the main roof of the main structure.

5.03.155: Durable and Nondurable Goods Agents and Brokers

Within the BP and IP zoning districts, business to business electronic markets shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.160: Electric Power Generation, Solar and Wind

Solar and wind electric power generation facilities, with ancillary ground mounted battery storage systems, shall only be allowed in conjunction with a permitted or conditionally permitted land use, except that standalone facilities shall be allowed within the CIV, IH, and UC zoning districts.

5.03.163: Electric Truck Vehicle Charging Facilities

A. **Purpose.** The purpose of this Section is to establish standards governing the design, establishment, and operation of Electric Truck Vehicle Charging Facilities. Electric vehicle supply equipment includes chargers, conduit, charging ports, cables, electrical and data supply systems whose permitting is subject to approval pursuant to Ontario Development Code Chapter 9 "Electric Vehicle Charging Stations" and California Government Code Section 65850.7(4)(b). Any buildings, facilities, accessory structures, improvements, lots or premises that are not defined as electric vehicle supply equipment pursuant to Government Code Section 65850.7 are subject to the underlying zoning regulations as defined in this section and Chapter 5.0 of the Ontario Development Code. The purpose of these regulations is to provide adequate and convenient areas for electric truck charging in industrial zones. The intent of these regulations is to minimize visual impacts to adjacent properties and public rights-of-way and to protect public health, safety

and welfare within the City by controlling the number, size, overall operation and location of these facilities.

B. Definitions. For the purposes of administration and enforcement of this Section, the words or phrases listed below shall have the meanings thereafter specified:

1. Electric Charging Stall. A vehicle parking space positioned in front of an electrical vehicle charging port and/or pedestal.

2. Electric Commercial Vehicle. A commercial vehicle, typically part of a fleet, that contains a battery-powered electric motor and is primarily used for small cargo transportation, utility vehicles, product deliveries, etc.

3. Electric Tractor Vehicle. A commercial semi-truck vehicle that contains a heavy-duty battery-powered electric motor and is primarily used for transporting semi-trailers.

4. Electric Truck Vehicle Charging Facility. A type of fueling station facility comprised of an outdoor lot or parcel of land that is designed, operated, and maintained for the purpose of providing electric vehicle charging infrastructure, including charging ports and associated equipment, to serve battery-electric trucks.

5. Electric Vehicle Charging Station. Any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code (Part 3 of Title 24 of the California Code of Regulations), as it reads on the effective date of application pursuant to Government Code Section 65850.7, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle. Buildings, canopies, and accessory structures unrelated to the supply equipment that delivers electricity into a plug-in electric vehicle are not considered a part of the electric vehicle supply equipment and are subject to discretionary review.

C. Minimum Separation and Locational Requirements.

1. The siting of Electric Truck Vehicle Charging Facilities shall comply with all applicable Federal, State, and local regulations, including required setbacks and separation distances from sensitive land uses (as provided in BPC Section 23789), and shall conform to applicable design guidelines to ensure compatibility with adjacent uses and surrounding environments.

2. Buildings shall not be demolished to accommodate the development of an Electric Truck Vehicle Charging Facility.

3. Electric Truck Vehicle Charging Facilities shall not be located on sites previously improved with industrial structures within the last 10 years.

4. Electric Truck Vehicle Charging Facilities shall be located a minimum 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property containing the use, from any other Electric Truck Vehicle Charging Facility.

D. Site Development Standards.

1. Lot Area. Electric Truck Vehicle Charging Facilities shall be located on lots having a minimum lot area of 3 acres.

2. Parking and Access.

a. Dedicated parking stalls shall be provided to accommodate ancillary operational functions associated with the facility, including but not limited to, manned security, site maintenance, and equipment servicing. The required number of parking stalls shall be determined by the Planning Director based on the scope and nature of such operations.

b. All drive-aisles, truck charging stalls, and ancillary parking areas shall be improved with a permanent asphalt or concrete pavement surface. No areas within a developed site shall be left in an unfinished state; all remaining portions of the site shall be treated with permanent surface materials or permanent landscaping materials, inclusive of an approved irrigation system.

c. Sufficient space shall be provided to accommodate all maneuvering, queuing, stacking, and parking of vehicles and trailers on-site. No queuing or stacking shall occur on adjacent properties or streets.

d. On-site directional signage shall be provided to ensure the safe and efficient circulation of vehicles entering, exiting, and maneuvering within the facility and shall be in conformance with Development Code.

3. Minimum Standards for Electric Truck Vehicle Charging Facility Stalls and Drive Aisles.

a. The dimension of electric charging stalls and drive aisles shall be as follows:

(1) Tractor only – 12 FT wide by 25 FT long.

(2) Tractor with Semi-trailer – 12 FT wide by 75 FT long.

(3) Drive Aisles – Minimum 50 FT wide.

b. A truck maneuvering area equal to the width of the semi-trailer parking stall and a minimum of 120 FT in depth shall be provided in front of stalls, and, at a minimum, the maneuvering area shall be designed to accommodate the minimum practical turning radius of a 55-FT semi-trailer and tractor combination. Deviations from this minimum maneuvering standard may be permitted if it can be shown that the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific use; however, in permitting such deviation(s), a covenant of restriction to run with the land shall be required, which specifies limitations relating to truck size and/or type. Larger maneuvering areas shall be required if the use of a larger semi-trailer and tractor combination is proposed.

4. Screening.

a. All tractors and vehicles within an Electric Truck Vehicle Charging Facility shall be completely screened from public view, including oblique views, by a combination of buildings and/or solid screen walls in accordance with the standards set forth in this Section.

b. Required screen walls shall be constructed of one or more of the following approved materials:

(1) *Decorative Concrete Masonry Block*. Slumpstone or split-face block, or precision block with a stucco, plaster, or cultured stone.

(2) *Decorative Concrete Tilt-Up Wall*. Precast concrete panels incorporating a combination of paint and architectural detailing, including raised patterns, reveals, and/or trim lines.

c. Screen walls shall be of sufficient height to fully conceal all vehicles, trucks and trailers from public rights-of-way and adjacent properties, to a minimum height of 8 FT and maximum height of 14 FT as measured from the highest finished grade. To reduce visual impacts of the wall from public rights-of-way, solid walls surrounding Electric Truck Vehicle Charging Facilities that are at grade or above the grade of an adjacent street shall incorporate a berm/slope along the entire length of the wall, ensuring that no more than 8 FT of the wall is visible from public view. Such slopes shall not exceed a 3:1 ratio.

d. A combination of 14-FT-tall fencing and a 5-FT-wide landscaping planter may be provided in lieu of solid screening walls along the interior property lines in areas where the site is not visible to the public. A combination of trees and shrubs shall be provided to ensure adequate screening.

e. Screen walls shall not be located within any required front yard or street side yard building or landscape setback area.

f. Access gates and doors may be constructed of open wrought iron if a perforated metal screen or other durable material is incorporated into the design that obscures views through the gate.

g. Anti-graffiti coating or equivalent measures to prevent graffiti shall be provided for all solid screen walls.

h. A line-of-sight analysis demonstrating that all trailers are screened from view from all adjacent public rights-of-way shall be required with all development applications. For the purpose of the line-of-sight analysis, the assumed height of the trailers to be stored shall be 13.5 FT.

5. Electric Charging Ports and Pedestals. Electric charging ports and/or pedestals shall be protected from potential vehicle impacts. The charging equipment shall be installed on raised 6-IN curb islands with bollards or comparable barrier.

6. Ancillary Structures and Equipment. Ancillary structures and equipment, including but not limited to canopies, amenity buildings, restrooms, back-up generators, and guard shacks, shall be designed to be compatible with the surrounding buildings, overall project site design and screen walls, and to minimize its visual impact from public view.

7. Landscape.

a. All Electric Truck Vehicle Charging Facilities shall incorporate a minimum 20-FT-deep landscaped setback along all street frontages with a combination of trees, shrubs, and groundcover. More restrictive landscape setbacks may be required as stated in other governing documents.

b. Street trees shall be spaced 30' on center. On-site trees shall be planted every 30' on center within all landscape planters on-site. Two rows of trees shall be provided within all landscape setbacks adjacent to public streets.

c. Refer to Division 6.05 (Landscaping) for landscape standards.

E. Operating Requirements. Electric Truck Vehicle Charging Facilities shall comply with the following operating standards:

1. Prohibited Uses and Activities.

a. Vehicle, trailer, or equipment storage;

b. Vehicle maintenance or repair;

c. Overnight Parking;

d. Vehicle parking in required setbacks;

e. Vehicle parking in charging stalls while not actively using the charging ports; and

f. Shower facilities.

2. Truck Route Plan and Facility Access. An operations and truck route plan shall be submitted for review and approval as part of the Building Permit and/or Conditional Use Permit and Development Plan applications. The plan shall describe the operational characteristics of the proposed use, including but not limited to, hours of operation, number of employees, types of vehicles that would use the facility, and the proposed truck routing to and from the facility to designated truck routes that avoids passing residential, educational, park and open space intended for public park and recreational use areas to the greatest extent feasible. The plan shall also include physical and operational measures for preventing truck queuing, stopping, and parking on public streets.

3. Electrical Service and Capacity. Electric Truck Vehicle Charging Facilities shall obtain assurance from electric utility providers that the Facility's electricity demands can be provided. This assurance shall be documented and a copy provided to the City as part of the Facility's Building Permit application for Electric Vehicle Charging Station as described in 5.03.163.B.5.

4. Weight Limits. Within commercial zoning districts, vehicles that weigh 10.000 pounds or more are prohibited. This weight limit does not apply to industrial zoning districts.

5. Security.

a. Electric Truck Vehicle Charging Facilities shall provide manned security personnel during operating hours.

b. Electric Truck Vehicle Charging Facilities shall be secured and incorporate security cameras that are connected to the City's enforcement system to the satisfaction of the Police Chief.

c. Electric Truck Vehicle Charging Facilities shall be illuminated entirely every night, from dusk until dawn, with a minimum of one foot candle across the site. Light fixtures shall be arranged or shielded so as not to spill light onto neighboring properties.

F. **Base Zoning District.** All Electric Truck Vehicle Charging Facilities shall comply with all requirements of the base zoning district that are applicable to the design and use of charging facilities.

G. **Development Agreement.** Electric Truck Vehicle Charging Facilities shall be required to enter into a Development Agreement with the City pursuant to Section 4.01.015 of the Ontario Development Code.

H. **Discretionary Review.** Ancillary site improvements to Electric Truck Vehicle Charging Facilities, as defined in Section 5.03.763.D.6, shall require review and approval of a Development Plan Application and a Conditional Use Permit Application by the Planning Commission, pursuant to Sections 2.02.005 and 4.02.025 of the Ontario Development Code.

5.03.165: Electrical Equipment, Appliance, and Component Manufacturing

Within the IP zoning district, electrical equipment, appliance, and component manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.170: Electronic Shopping and Mail Order Houses

A. Within the IP, IL, IG, and IH industrial zoning districts, direct business to consumer sales via the internet, direct mail, or telephone shall only be allowed ancillary to a permitted or conditionally permitted land use, such as manufacturing, warehousing, wholesaling, and/or distribution activities.

B. Standalone (office only) business to consumer sales via the internet, direct mail, or telephone shall be allowed as a primary land use only within the CN, CC, CR, OL, and OH commercial zoning districts; the MU-1, MU-2, and MU-11 mixed-use zoning districts; and the BP industrial zoning district.

5.03.175: Electronics and Appliance Stores

Within the CN zoning district, only small-scale (GFA of 5,000 SF or less) electronics and appliance stores may be established.

5.03.177: Employee (Farmworker) Housing

Where allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, Employee (Farmworker) Housing units and complexes shall be subject to the below-listed requirements. Pursuant to California Health and Safety Code Section 17021.8, the City shall ministerially process complete applications for qualifying employee/farmworker housing in the AG overlay district within 30 days from the date of submittal.

A. General Requirements.

1. Every person, or agent, or officer thereof, which constructs, operates, or maintains Farmworker Housing, shall comply with the requirements of this Section, and all applicable health, safety, and building codes and standards.

2. Farmworker Housing shall be designed, constructed, and maintained in conformance with the Employee Housing Act (commencing with HSC Section 17000), CCR Tiles 24 and 25, and the California Building Code.

3. A Farmworker Housing unit providing accommodations for 6 or fewer employees, or for one employee and their respective household, shall be deemed a single-family structure and shall be permitted in the same manner as other single-family structures of the same type in the same zone.

4. A Farmworker Housing Complex consisting of up to 36 beds in a group quarters, or 12 units or spaces designed for use by a single family or household, shall be deemed an agricultural use and shall be permitted in the same manner as other agricultural uses in the same zone in zones where agricultural uses are permitted.

5. Farmworker Housing shall not include hotels, motels, boarding houses, bed and breakfast inns, rooming houses, dormitories, or other similar uses that would imply that the employee housing is a business run for profit or differs in any way from a single-family dwelling or an agricultural use.

6. Farmworker housing provided by the employer and maintained in connection with the work, or place where work is being performed, shall comply with all provisions of HSC Section 17008(a). Farmworker housing not maintained in connection with any workplace, and provided by someone other than an agricultural employer, shall comply with all provisions of HSC Section 17008(b).

7. Farmworker Housing for agricultural employees and their families shall be allowed subject to the same fees applicable to any other agricultural use. In the event the Farmworker Housing is converted to another use, the units shall be subject to all applicable Development Code standards in existence at the time of conversion. For the purposes of this Section, the term "agricultural employee" shall mean a person who works full or part-time (24 or more hours per week) in the service of bona fide commercial agricultural operations, in any of the branches of farming

8. All Farmworker Housing shall comply with all City regulations and permitting requirements, including but not limited to building construction, sewage disposal, water supply, NPDES, and storm water quality control, prior to occupancy of the housing units.

9. No person shall construct, reconstruct, erect, install, relocate, or alter any building used for human habitation, building accessory thereto, or other housing accommodations, intended to be used for Farmworker Housing, or any electrical, mechanical, or plumbing equipment installed in Farmworker Housing, without first obtaining all necessary City permits.

10. Farmworker housing is not required to be located on the same site as the qualifying agricultural operation where the farmworkers are employed.

B. Farmworker Dwelling Units.

1. Housing for up to 6 agricultural employees or one farm employee and his or her household is an allowed use in the AG Overlay District and all residential and mixed use zoning districts that allow single-family dwellings.

2. A farmworker dwelling unit is subject to all requirements relevant to this Development Code, which are applicable to single-family dwellings, including but not limited to site and building development standards, off-street parking requirements, security standards, wall and fencing requirements, and landscaping requirements. At least one off-street parking space shall be provided for each dwelling unit.

3. A farmworker dwelling unit provided pursuant to Paragraph B.4, below, shall not be required to be located on the same site as the qualifying agricultural operation where the farmworkers are employed.

4. A farmworker dwelling unit shall meet the standards for single-family dwellings contained in Section 6.01.010 (Residential Zoning Districts) of this Development Code, and applicable requirements of the Ontario Building Code.

5. A farmworker dwelling unit shall not be subdivided from the primary lot on which it is located.

6. At least one off-street parking space shall be provided for each farmworker dwelling unit.

C. Farmworker Housing Complex.

1. A farmworker housing complex, with up to 36 beds in group quarters or 12 units designed for use by single families or households, which comply to the standards for single-family dwellings contained in Section 6.01.010 (Residential Zoning Districts) of this Development Code, is an allowed use in the AG Overlay District.

2. A minimum of 50 SF of floor area shall be provided for sleeping purposes for each occupant of group living quarters, such as barracks and bunkhouses, within a farmworker housing complex.

3. At least one off-street parking space shall be provided for each dwelling unit, or one parking space for each 3 beds, whichever is greater, plus one off-street parking space for each farmworker housing complex employee.

D. Farmworker Verification.

1. All new permanent farmworker dwelling units and farmworker housing complexes shall require the completion of a Farmworker Housing Verification Form prior to building permit application submittal.

2. The Farmworker Housing Verification Form shall include information regarding the housing type, number of dwelling units or beds, length of occupancy, number of occupants, occupants' employment information, and, for farmworker housing for 5 or more workers, proof that a permit to operate from HCD has been obtained and maintained.

3. The verification form shall be submitted annually, by May 15th of each year, to the Planning Director, in a form acceptable to the Planning Director, that all the dwelling units or sleeping quarters are being rented to, and occupied by, persons who meet the following agricultural employee employment criteria:

a. Tilling and cultivation of the soil associated with commercial crop production;

b. Raising, production, and cultivation of commercial livestock for the production of food and/or fiber;

c. Growing and harvesting of any commercial agricultural or horticultural commodities;

d. Commercial raising of bees, fur-bearing animals or poultry;

e. Preparation and processing of farm products for market; or

f. Timber or forestry operations.

4. At a minimum, the verification form shall contain the following information:

a. Entity responsible for housing maintenance and upkeep;

b. Description of whether the housing will be based on a permanent, temporary, and/or seasonal basis;

c. Total number of people to be housed on-site at any one time;

d. Description of the housing, including, whether the structures will be permanent and/or temporary, intended as units for families, one person or several persons, and cost of the units and utilities to the workers;

e. Location(s) where the employees will work;

f. Assessment of how much water will be used by the proposed development and description of how water is proposed to be supplied to the housing and how the water system complies with all applicable state and local potable water supply requirements; and

g. Description of the sewage disposal method, such as septic systems, to be used to service the housing, and how the sewage disposal method complies with all applicable state and local potable water supply requirements.

E. Location of Housing.

1. Farmworker housing shall be located no less than 75 FT from barns, pens, or other structures that house livestock or poultry.

2. Farmworker housing shall be located off prime and productive agricultural land, unless no other alternative locations exist on-site.

F. **Maximum Floor Area for Farmworker Dwelling Units.** The maximum floor area allowed for a farmworker dwelling unit shall be 650 SF. As used in this Paragraph, the term "floor area" shall mean the living area of a dwelling, exclusive of any garage or carport, which is measured from the outside surfaces of exterior walls or walls between living areas and a garage.

G. **Removal of Housing.** Farmworker housing is subject to removal (or conversion to another approved use) within 45 days following cessation of the agricultural employment for which the farmworker dwelling units are needed. This provision shall not apply if it can be shown that elimination of the agricultural use for no more than 24 months is related to the long-term functioning of agriculture on the site(s) used to establish the farmworker housing need (e.g., crop rotation, disease, replanting, etc.).

H. **State Reporting Requirements.** Farmworker housing for 5 or more employees is subject to permitting requirements of the California Employee Housing Act. The property owner shall obtain and maintain all required permits from HCD, pursuant to the Employee Housing Act and CCR, Title 25, Division 1, Chapter 1, Section 600 through Section 940, prior to the occupancy of the farmworker housing units. A copy of the HCD permit shall be provided to the Planning Director within 14 days following permit issuance, or at the time of building permit application submittal, whichever is earlier.

I. **Maximum Number of Housing Units Allowed.** No more than 36 beds in a group quarters or 12 farmworker dwelling units or spaces designed for use by a single family or household shall be allowed on a single lot of record. The Planning Commission may authorize additional beds or units, or a combination thereof, by issuance of a Conditional Use Permit pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code, based upon specific findings that document the necessity for the number of approved beds and/or farmworker dwelling units requested.

J. **Facilities to Accommodate Recreational Vehicles, Tents or Other Mobile Camping Equipment.**

1. Permits for the installation of appropriate permanent facilities to accommodate mobilehomes and recreational vehicles shall be obtained from the City prior to installation.

2. The use of tents, recreational vehicles, or other mobile camping equipment by farmworkers shall not occur for a period of more than 30 days within any 180-day period. Incidental camping shall be conducted so as not to create any health, fire, or other safety hazards. For 5 or more workers, a permit to operate from HCD shall be obtained and maintained.

5.03.180 Exterminating Services

The following standards shall govern the establishment and operation of exterminating services:

A. A copy of the Emergency Business Contingency Plan and/or Risk Management Prevention Program filed with the San Bernardino County Fire Department shall be filed with the Ontario Fire Department. No changes in practices or procedures, or the type and/or maximum quantity of material shall occur without first notifying the Ontario Fire Department and appropriate amendments made to the Business Emergency/Contingency Plan and/or Risk Management Prevention Program on file with the San Bernardino County Fire Department.

B. The outdoor storage of hazardous chemicals or materials is prohibited. Furthermore, the storage of chemicals or service trucks within a 100-year flood zone shall be prohibited.

C. The storage and handling of hazardous materials shall be limited to those quantities specified in the City's building and fire codes.

D. At all times, all operations shall be in full compliance with all federal, state and local regulations pertaining to containment, including restricting use/storage to designated areas, stacking height limitations of materials, and the provision of appropriate pre-approved containment walls where required.

E. A list of all types and amounts of chemical used or stored on the site shall be submitted to the Ontario Engineering Department as well as a Chemical Spillage Control Plan.

F. Hazardous chemicals and their containers shall be disposed of at an approved hazardous materials disposal site and not in City sewers or within solid waste dumpsters.

G. Individuals and firms operating businesses relating to exterminating services shall be licensed by the State of California according to their particular discipline.

H. Access to and the handling of hazardous chemicals and materials shall be limited to properly trained and authorized personnel.

5.03.185: Fabricated Metal Product Manufacturing, All Other Miscellaneous

Within the BP and IP zoning districts, the development of all new "all other miscellaneous fabricated metal product manufacturing" shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.187: Fertilizer Manufacturing from Manure Operations (FMMO)

The following standards shall govern the establishment and operation of Fertilizer Manufacturing from Manure Operation (FMMO):

A. All driveways and employee parking areas shall be paved to create an all-weather surface, to the satisfaction of the Planning Director and City Engineer.

B. Inorganic chemical additives shall be limited to 10 percent of the total FMMO raw material inventory.

C. The FMMO establishment and operation shall comply with the rules, regulations and orders of all appropriate regulatory agencies including but not limited to the South Coast Air Quality Management District and the Regional Water Quality Control Board.

D. FMMO stockpile areas shall be enclosed by a minimum 8-FT high wall or fence, and shall be fully screened with closely spaced, fast-growing trees, upon review and approval by the Planning Director.

E. Except for the stockpiling of raw materials, all FMMO operations, including screening, grinding, mixing, adding, and sacking, shall be wholly contained inside a building.

F. All FMMO windrows/stockpiles shall confine their rainstorm runoff waters so they do not drain onto adjoining properties and public rights-of-way.

G. Appropriate facilities shall be installed to collect or divert drainage from surrounding lands, away from stockpile areas.

H. FMMO windrows/stockpiles shall be at least 120 FT from street property lines and 35 FT from interior side and rear property lines.

I. FMMO windrows/stockpiles shall not exceed a 25 FT in height, 150 FT in width, and 250 FT in length; however, the Approving Authority may require a lesser maximum stockpile dimensions so as not to cause a nuisance to neighboring properties and/or to protect the public health and safety.

J. Windrows/stockpiles shall be separated from adjacent stockpiles by approved apparatus roads, minimum 20 FT in width.

K. FMMO stockpiles and/or any processing of manure shall not occur within 150 FT of a milking barn or milk house of a producer dairy, or a dwelling on adjoining property. The Approving Authority may require greater distances upon determining the direction and magnitude of prevailing winds at the site.

L. Approved material-handling equipment shall be maintained on-site for moving windrow/stockpile materials during emergency or firefighting operations.

M. The FMMO owner or operator shall develop and submit a plan to the Ontario Fire Department Fire Prevention Bureau for review and approval, which shall include, but not be limited to, methods and policies for:

1. Monitoring, controlling and extinguishing spot fires;

2. Emergency contact information for personnel who are able to respond to the FMMO location 24 hours a day, 7 days a week;

3. On-site equipment to assist with firefighting operations (e.g., dozers, water tenders, large tractors, etc.); and

4. Special considerations for fire safety during extreme weather conditions.

N. Noise levels from the FMMO shall not exceed local ambient levels found for general agricultural uses, when adjoining occupied dwellings.

O. Vehicles carrying materials to and from the site, shall be adequately covered to confine the contents and prevent materials from being windblown or otherwise scattered.

P. No public nuisance shall occur as a result of the FMMO establishment and operation.

5.03.190: Food Manufacturing, Other

The following standards shall govern the establishment and operation of "other food manufacturing" facilities:

A. "Other food manufacturing" shall include snack foods, roasted nuts and peanut butter, coffee and tea, flavoring syrup and concentrate, seasoning and dressing, spice and extract, and all other miscellaneous food manufacturing.

B. Within the BP and IP zoning districts, the development of new "other food manufacturing" shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.195: Footwear Manufacturing

Within the BP and IP zoning districts, the development of all new footwear manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.200: Freight Transportation Arrangement

Freight transportation arrangement shall include shipping agents and brokers. Within the BP and IP zoning districts, such use shall be limited to offices only. Within the IG and IH zoning districts, freight transportation arrangement shall only be allowed as an ancillary use to a truck transportation use (NAICS 448).

5.03.205: Funeral Director Services

Within the IL, IG, and IH zoning districts, funeral director services shall only be allowed as an ancillary use to funeral parlors, mortuaries and embalming services.

5.03.210: Furniture and Home Furnishings Stores

Within the CN zoning district, only small-scale (GFA of 5,000 SF or less) furniture and home furnishings stores may be established.

5.03.215: Furniture and Related Product Manufacturing

Within the IP zoning district, the development of new furniture and related product manufacturing (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) shall be limited to small-scale manufacturers.

5.03.220: Game Arcades, Internet Cafes, Internet Gaming, and Similar Facilities

The following standards shall govern the establishment and operation of any business with a primary business activity consisting of the operation of game arcades, cyber cafes, internet gaming, and similar facilities:

A. All video games, pinball machines, computers, gaming stations and similar devices are to be located so as to be visible at all times by one or more employees of the business.

B. Game arcades, cyber cafes, internet gaming, and similar facilities shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from a public or private elementary, middle (junior high) or high school, public park, recreation center, sports park, or any other similar facility where minors (persons under 18 years of age) regularly congregate.

C. Minors shall not be permitted to enter or remain in a game arcade, cyber cafe, on-line internet gaming facility, or any similar facility during the following periods, unless accompanied by a parent or legal guardian:

1. Monday through Friday, between 8:00 AM and 3:00 PM, or after 10:00 PM; and Saturday and Sunday, after 10:00 PM.

2. The weekday daytime hours of restriction shall not apply to school vacation days or holidays, as established by any public school district or private elementary, middle (junior high) or high school operating within the City.

3. Notice of the herein specified hours of restriction for minors shall be posted at the facilities entrance(s), in lettering of at least 2 inches in height.

D. The establishment shall not be open to customers, patrons or any member of the public between the hours of 12:00 AM and 7:00 AM.

E. "No Loitering" signs shall be posted at the front and rear of the business. In addition, a waiting area with not less than 8 seats shall be provided for customers waiting to use a computer or game/gaming station. No outside waiting or seating area is permitted.

F. No person shall be permitted to consume or sell alcohol on the premises.

G. Employees shall be at least 21 years of age. There shall be a minimum of one employee managing the facility during all working hours. If the business has more than 20 games/gaming stations or computers, the business is required to add one additional employee for every additional 20 computers, or portion thereof, and for every 20 computers thereafter, or any portion thereof. During each employee's working hours, the employee shall wear a badge identifying the business and the employee's full name.

H. Occupancy shall not exceed that required under the City's building and fire codes, and the maximum occupancy load shall be posted at the main entrance.

I. The establishment shall maintain and operate a video surveillance system during all business hours, which is capable of storing a minimum of 186 hours (7 days) of video surveillance.

1. The video surveillance system shall cover the entire interior of the premises and all entrances and exits of the establishment and shall be capable of delineating upon playback of the system, the activity and physical features of persons or areas within the premises.

2. The business owner shall permit City Police and/or Code Enforcement officers to inspect the stored video surveillance during normal business hours, upon demand.

3. The video surveillance system shall be maintained in good working order.

4. A sign shall be posted inside and at the entrances to the establishment indicating that the premises are under video surveillance.

J. The business owner shall submit and receive approval of a Fire Exit Plan from the Fire Department. The plan shall address all requirements of the City's building and fire codes, including, but is not limited to, showing all necessary dimensions, equipment location, aisle locations/path of travel, building exiting, and panic hardware.

K. Any display of or access to adult-oriented materials for minors is prohibited. Access to adult-oriented materials, if permitted by the business owner, shall be limited to the hours of 10:30 PM to 12:00 AM.

L. Window areas shall not be covered or made opaque in any way. All windows and entrances shall be unobstructed at all times so as to allow an unimpaired line-of-sight by police officers.

M. The Chief of Police is authorized to require a specific owner/operator to provide a security guard on the premises in the event that there are significant calls for service relating to assaults, gang-related activity, weapons offenses, disturbances, juvenile related crime and truancy, or other good causes. The decision of the Chief of Police may be appealed to the City Council pursuant to Division 2.04 (Appeals) of this Development Code.

N. No exterior pay phones shall be permitted.

O. No gaming tournaments for cash prizes shall be permitted.

5.03.225: Gasoline and Fueling Stations

The below-listed standards shall govern the establishment and operation of gasoline and fueling stations and are intended to result in facilities that are well-designed, appropriate in scale, and enhance the surrounding community.

A. **Self-Serve and Full Service Fueling Stations.** The following standards shall govern the establishment and operation of self-serve and full service fueling stations:

1. A service station shall only be located at:

a. The intersection of 2 arterial streets;

b. The intersection of an arterial and collector street; or

c. The intersection of an arterial street and a freeway.

2. The project site shall have a minimum area of 22,500 SF.

3. The project site shall have a minimum width and depth of 150 FT.

4. The project site shall not have more than one access per street frontage.

5. Landscaping shall comprise a minimum of 20 percent of the site area.

6. Provide enhanced pavement sections to relieve visually dominant asphalt surfaces.

7. A self-serve or full service fueling station may include a fully automated car wash (e.g., roll-over or express car wash), which is incidental to the primary fueling station activity.

8. An automated car wash which is ancillary to a self-serve or full service fueling station shall be setback a minimum of 100 FT from any residential zoning district or any residential dwelling in a mixed-use project.

9. A full-service fueling station may include general repair and servicing facilities (maximum 2 service bays), and automotive parts, accessories and tire sales, which is incidental to the primary fueling station activity.

B. Automated Fueling Facilities. The following standards shall govern the development and/or operation of automated fueling facilities:

1. Automated (card lock) fueling facilities shall be located with least one street frontage on an arterial street.

2. Automated (card lock) fueling facilities shall not locate within 1,000 FT of a residential zoning district and shall not interfere with the normal use of adjoining properties.

3. The project site shall have a minimum area of 40,000 SF.

4. Automated (card lock) fueling facilities located at the intersection of two street shall not have more than one access per street frontage. Mid-block facilities may be allowed two accesses on the same street.

5. Landscaping shall comprise a minimum of 40 percent of the site area.

6. All pump island areas shall be covered by a canopy, which shall not exceed 17 FT in overall height.

C. Conversion of Gasoline and Fueling Stations. A property originally improved as a gasoline or fueling station, and which is proposed to be converted so as to facilitate another allowed use, shall require upgrading and remodeling of the gasoline or fueling station. Necessary upgrading and remodeling shall include, but is not limited to, the following:

1. Removal of all fuel appurtenances;

2. Removal of canopies;

3. Removal of pump islands;

4. Removal of fuel storage tanks;

5. Removal of overhead doors;

6. Additional off-site street improvements or modification of existing improvements to conform to access requirements in effect at the time of conversion;

7. Exterior remodeling of the building;

8. Additional on-site landscaping and parking improvements to conform with requirements in effect at the time of conversion; and

9. Conformance with all standards and guidelines contained in this Development Code, which are applicable to the base zoning district.

5.03.230: General Rental Centers

The following standards shall govern the establishment and operation of general rental centers:

A. General rental centers shall include home and garden tool and equipment rental services.

B. Within commercial and mixed-use zoning districts, general rental centers shall only be allowed in conjunction with "Building Materials, Garden Equipment and Supplies Stores," Standalone general rental centers shall be prohibited within these zoning districts.

C. All outdoor storage of equipment shall be screened from public view.

5.03.235: Hardware Manufacturing

Within the IP zoning district, hardware manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.240: Home Occupations

A. **Purpose.** The purpose of these provisions is to allow for the operation of home-based businesses that are incidental to and compatible with residential land uses. A Home Occupation represents a legal income producing activity by the occupant of a residential dwelling unit.

B. **Applicability.**

1. License Required. No person shall engage in a Home Occupation unless such person holds a valid business license issued by the City.

2. Prohibited Uses. The following list represents example uses that are not considered to be incidental to and/or compatible with residential activities, and for which a Home Occupation permit shall not be issued:

a. Gun/munitions repair or sales;

b. Ammunition loading or sales;

c. Barber and beauty shops;

d. Businesses involving the harboring, training, breeding, raising or grooming of cats, dogs or other animals on the premises, except as otherwise permitted in the AR-2 zoning district;

e. Carpentry and cabinet making;

f. Medical and dental offices or clinics;

g. Repair or fix-it shops;

h. Storage of equipment, materials and other accessories to the construction or service trades;

i. Motor vehicle repair (body or mechanical), upholstery or painting;

j. Welding or machining;

k. On-site sales of motor vehicles (new or used);

l. Massage services, excepting out-call services; and

m. Any other use determined by the Zoning Administrator that is not incidental to and/or compatible with residential activities.

C. Operating Requirements. Home Occupations shall comply with the following operating standards:

1. A Home Occupation shall be clearly incidental and subordinate to the primary residential use.

2. Only the occupants of the dwelling may engage in the Home Occupation.

3. Not more than one client/customer shall visit the premises at any one time, excepting in-home educational activities, including but not limited to music lessons, academic tutoring, or religious instruction, provided no more than 3 students are present at any one time and each of the operating requirements enumerated herein are complied with.

4. There shall be no change in the outward appearance of the premises.

5. There shall be no advertising that identifies the Home Occupation by street address.

6. The Home Occupation shall be conducted within an enclosed structure, completely confined to one room of the dwelling and occupying no more than 10 percent of the GFA of the dwelling, except as follows:

a. Floriculture may be conducted outdoors in conjunction with a single-family dwelling located in the appropriate zoning district. All activities shall take place within the rear one-half of the lot and occupy no more than 10 percent of the net lot area.

b. Within the AR-2 zoning district, kennels and catteries (limited to fewer than 8 animals) shall be conducted in conjunction with a single-family residential land use, within the rear one-half of the lot, and all applicable requirements of Section 5.03.410.C (Animal Keeping and Production) of this Division shall be complied with.

c. Permitted accessory residential structures may be utilized for storage or workspace, provided the items being stored are contained completely within the structure, and use of the accessory residential structure maintains that the Home Occupation is incidental and subordinate to the primary residential use.

7. Only one vehicle specifically associated with the Home Occupation, no larger than a one-ton pick-up truck or van, may be maintained on the property.

8. There shall be no use or storage of materials, chemicals, compounds or equipment not typically recognized as being part of a normal household or hobby use.

9. Activities conducted, and equipment or material used, shall not change the fire safety or occupancy classifications of the premises.

10. Cottage Food Operations shall be conducted consistent with State law operating requirements and shall only involve products contained on the Approved Cottage Foods list maintained by the California Department of Public Health.

11. The Home Occupation shall not generate vehicular or pedestrian traffic in greater volumes than normal in a residential neighborhood.

12. The Home Occupation shall not involve the use of commercial vehicles for delivery of materials either to or from the premises, excepting the use of standard parcel delivery services.

13. No equipment or processes shall be used that creates noise, odor, smoke, glare, dust, fumes, vibration, or result in interference with radio or television reception detectable to the normal senses outside the dwelling unit in which the Home Occupation is conducted.

14. If the Home Occupation is to be conducted on rental property, the property owner's written authorization shall be provided on the home occupation application.

15. No Home Occupation shall be conducted without a current City business license.

D. Internet, Direct Mail, and Telephone Retail Sales.

1. Direct business to consumer retail sales via internet, direct mail or telephone, including wine sales (Type 85 ABC license) conducted pursuant to BPC Sections 23393.5, 23661.7, 24045.18, 25503.56, and 25503.9, shall be permitted as a Home Occupation.

2. No items intended for retail sale shall be stored on the premises, or packaged and shipped from the premises, in quantities greater than typical for single-family dwellings.

3. The business premises shall not be open to the public for the purchase or pickup of retail items.

E. **Change in Information or Circumstance.** If during the life of a home occupation, the applicant has any change in information or circumstance concerning the original application, notification shall be made to the Planning Department, in writing, within 30 days of the change occurring.

F. **Inspections.** Authorized representatives of the City's Planning Department, Police Department, Building Department, Fire Department, and/or Code Enforcement Officers shall have the right to enter the property upon which a home occupation permit has been granted, during normal business hours, for the purpose of making reasonable unscheduled inspections to observe and enforce compliance with applicable regulations, laws and provisions of this Development Code and the Ontario Municipal Code.

5.03.245: Hookah Establishments, Smoking/Vaping Lounges, and Smoking/Vaping Retailers

The following standards shall govern the establishment and operation of hookah establishments:

A. **Purpose.** The purpose of this Section is to help mitigate negative impacts associated with smoking and vaping uses, in order to serve the public health, safety, and welfare of City residence, and City businesses and their patrons. Furthermore, this Section is specifically intended to reduce the impact of smoking and vaping uses on minors, as an abundance of such uses increases the potential for minors to associate smoking and vaping with a normative lifestyle.

B. **Applicability.** All smoking and vaping businesses throughout the City shall comply with the regulations and requirements of this Section.

C. **Definitions.** For the purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

1. Electronic Cigarette (E-Cigarette). An electronic device, which is typically battery-operated, designed to deliver a nicotine-based liquid, or other substance, that is vaporized and then inhaled (called "vaping"), simulating the experience of smoking tobacco. Such devices are manufactured to resemble traditional tobacco cigarettes, cigars, pipes, or even everyday items, such as pens or USB memory sticks. The term includes any such device manufactured, distributed, marketed, or sold as an electronic cigarette or e-cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. The term does not include any medical inhaler prescribed by a licensed physician.

2. Hookah Establishments. Any facility or location whose business operation, whether a primary or accessory use, is characterized as a commercial establishment where patrons gather to share in the smoking of flavored tobacco (shisha) from a communal hookah, including but not limited to establishments known variously as a hookah lounge or bar, or shisha bar or den, including smoking cigars or establishing cigar bars.

3. Hookah. A single or multi-stemmed instrument for smoking flavored tobacco (or shisha), whose vapor or smoke is passed through a water basin before inhalation.

4. Smoking/Vaping Lounge. Any facility or location whose business operation, whether a primary or accessory use, is characterized by the sale, offering, and/or preparation of

smoking tobacco, electronic cigarettes, or similar products, including but not limited to establishments known variously as smoking lounges, and vaping lounges, excluding cigars and cigar bars.

5. Smoking/Vaping Retailer. A smoke shop, tobacco store, electronic cigarette retailer, or any other retail business where more than 25 percent of the gross floor area is dedicated to the sale of tobacco or tobacco products, electronic cigarettes, or related products, for consumption off the premises.

D. Operating Requirements. Hookah establishments, smoking/vaping lounges, and smoking/vaping retailers shall comply with the following operating standards:

1. Hookah Establishments. The following standards shall govern the establishment and operation of hookah establishments:

a. A standalone hookah establishment may be established within an outside patio area that is open to the sky.

b. A hookah establishment shall not be established in conjunction with live entertainment.

c. A hookah establishment shall not be established in conjunction with a bar, nightclub, sit-down restaurant, or in conjunction with an ABC licensed bona fide eating establishment.

d. A hookah establishment shall maintain a valid tobacco retail license pursuant to Business and Professions Code Section 22971.7, et seq., and operate in compliance with all applicable State laws and regulations pertaining to smoking facilities (limitation on numbers of paid staff shall meet CAL-OSHA requirements for air filtration and circulation and meets fire standards for smoking lounges).

e. A hookah establishment shall dispose of ash and coals pursuant to the requirements of the Ontario Fire Department.

f. A hookah establishment with an outside patio area that is open to the sky shall be located a minimum of 500 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

g. A hookah establishment shall not be established with an outside patio area when located in mixed use zoning districts with a vertical separation between land uses (i.e., residential units located above commercial land uses).

h. An indoor hookah establishment meeting CAL-OSHA requirements for air filtration and circulation is not subject to the above 500 FT separation requirement from residentially zoned property or sensitive land uses.

i. A hookah establishment shall be located a minimum of 500 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any other hookah establishment, or a smoking/vaping lounge.

j. A hookah establishment shall be located a minimum 1,320 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any smoking/vaping retailer.

2. Smoking/Vaping Lounges. The establishment and operation of smoking/vaping lounges shall be prohibited, excepting hookah establishments established pursuant to Paragraph D.1 (Hookah Establishments) of this Section.

3. Smoking/Vaping Retailers. The following standards shall govern the establishment and operation of smoking/vaping retailers:

a. A smoking/vaping retailer shall be located a minimum of 1,320 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any residentially zoned property or sensitive land use, including residential land uses within mixed use developments, hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate; and

b. A smoking/vaping retailer shall be located a minimum of 1,320 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any other smoking/vaping retailer, or a hookah establishment.

c. No smoking/vaping shall be permitted in conjunction a smoking/vaping retailer.

5.03.250: Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation

The following standards shall govern the establishment, construction, and operation of hotels, motels, residence inns, and other similar traveler accommodation:

A. Kitchens, kitchenettes, and Other Cooking Facilities. Kitchens, kitchenettes, and other cooking facilities shall not be permitted within guestrooms, excepting the manager's unit and residence inns.

B. Minimum Number of Guestrooms Required. A hotel, motel, residence inn, or other similar traveler accommodation shall contain no fewer than 6 guest rooms.

C. Market Feasibility Report Required. A Conditional Use Permit application to establish a hotel, motel, residence inn, or other similar traveler accommodation, shall be accompanied by a market feasibility report prepared by a professional economist, and shall include the following information:

1. A complete listing of proposed facilities, amenities, and services (i.e.: number and type of rooms, meeting space square footage, recreational amenities, business services such as data ports-workstations-etc., refrigerators in room, laundry service, restaurant-coffee shop-food service, etc.);

2. History of proposed developer and potential operators (i.e.: years in business, principals, capitalization, experience, listing of projects, number of units owned, average rates charged, occupancy rates, etc.);

3. Analysis of economic environment projecting likely future economic conditions as they relate to the operation of the subject hotel;

4. Subjects competitive market (i.e.: identification of their market, 3 and 5 year history of occupancy-average daily rate-revenue per available room trends for that market, estimated share of the market the hotel will capture during the first five years of operation, etc.);

5. Analysis of the economic impacts on existing hotel markets within Ontario (i.e.: estimate of the dilution of the market due to addition of proposed hotel, etc.). Note: new hotel projects should only be approved if competitive market occupancy remains at or above 65 percent for a five year projection period;

6. Relationship to demand generators (i.e.: airport, convention center, corporate market, shopping, and entertainment); and

7. Public cost/revenue projections.

D. **Minimum Amenity Package.** No Development Plan and/or Conditional Use Permit shall be approved for a hotel, motel, residence inn, or other similar traveler accommodation, unless the following amenities are provided:

1. Each guestroom shall include voicemail, wired or wireless internet access, desk with chair, hairdryer, retractable magnifying (10X) and lighted makeup mirror, iron and ironing board, high definition television, and alarm clock or wake-up service;

2. Minimum of 15 SF of meeting space per guestroom for limited –service hotels and 30 SF for full-service hotels;

3. The following minimum active and passive leisure amenities shall be provided:

a. A swimming pool, except that the Approving Authority may approve smaller boutique hotels, motels, residence inns, or other similar travel accommodations having fewer than 75 rooms, with alternate amenities, such as, but not limited to:

(1) A full-service restaurant or café;

(2) Highly amenitized guest rooms, which exceed the minimum amenities required by Paragraph D.1, above;

(3) Meeting space, which substantially exceeds the minimum requirements of Paragraph D.2, above;

(4) Highly detailed architectural features that reflect an established architectural style identified in Reference C (Architectural Styles) of this Development Code; and/or

(5) Other amenities acceptable to the Approving Authority; and

b. A whirlpool/spa; or a furnished cabana containing items such as lighting, ceiling fans, tables, chairs, sofas, lounge chairs, and fire pit;

c. A fitness room; and

4. A full-service restaurant shall be provided in conjunction with a full-service hotel and a guest courtesy lounge (for light meals and snacks) shall be provided with limited-service hotels.

E. Occupancy of Accommodations.

1. No guestroom shall be rented for a period exceeding 30 consecutive calendar days, counting portions of calendar days as full days.

2. No guestroom shall be rented for less than one 24-hour period.

F. Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation Located in the SP (Specific Plan) Zoning District. Hotels, motels, residence inns, and other similar traveler accommodations that are located in the SP (Specific Plan) zoning district shall be subject to Conditional Use Permit approval.

G. Full-Service Exemption: A full-service upscale hotel is exempt from the requirements of Section 5.03.250 (Hotels, Motels, and Other Similar Traveler Accommodation) of this Division. For the purposes of this exemption, a full-service upscale hotel is defined as a lodging establishment that provides a comprehensive range of on-site amenities and guest services that extend beyond standard overnight accommodations. At a minimum, the establishment shall provide on-site dining facilities, such as a full-service restaurant or café. In addition, the establishment shall provide at least 4 of the following amenities and services: a bar or lounge, room service, meeting or event space, fitness center, spa services, concierge service, guest laundry, and valet service.

5.03.255: Leather and Allied Product Manufacturing, Other

The following standards shall govern establishment and operation of "other leather and allied product manufacturing" facilities:

A. "Other leather and allied product manufacturing" shall include the manufacture of luggage, handbags, purses, personal leather goods, and other leather products.

B. Within the BP and IP zoning districts, the development of new "other leather and allied product manufacturing" shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.257: Live Entertainment

The following standards shall govern the establishment and operation of live entertainment facilities:

A. No person, firm, partnership, corporation, company, or non-profit or charitable organization shall conduct any entertainment, without first making application to the City and

obtaining a Conditional Use Permit or Administrative Use Permit, as applicable, to do so, nor shall any person conduct the same during the time while a permit to do so is revoked.

B. Any modifications or revisions to the live entertainment provided under a Conditional Use Permit or Administrative Use Permit shall require City approval.

5.03.260: Machine Shops, and Turned Product, Screw, Nut, and Bolt Manufacturing

Within the IP zoning district, the development of new machine shops, and turned product, screw, nut, and bolt manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.265: Manufacturing, Miscellaneous

Within the IP zoning district, the development of new "miscellaneous manufacturing" shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.270: Massage Establishments and Services

The following provisions shall govern Massage Establishments and/or any business providing massage services, or any person that administers massage for financial or other consideration, or acts in the capacity of a Massage Practitioner or Massage Therapist:

A. **Requirements for Massage Establishments and Massage Services for Compensation.** No person shall provide massage services for compensation or engage in the business of massage, or administer massage or provide services as a Massage Therapist or Massage Practitioner, unless such person holds a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600, et seq.

B. **Massage Establishment Operational Requirements.** Every Massage Establishment shall maintain facilities meeting the following requirements:

1. If wet and dry heat rooms, steam and vapor rooms or cabinets, toilet rooms, shower rooms, bathrooms, tanning booths, whirlpool baths, or pools are offered, they shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open. Bathtubs shall be thoroughly cleaned and disinfected. All walls, ceilings, floors, and other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition.

2. Instruments for performing massage shall not be used on more than one patron unless they have been sterilized using sterilizing methods approved by the San Bernardino County Health Department.

3. All employees, including Massage Practitioners and/or Massage Therapists, shall be clean, and shall be clothed in a manner consistent with the Massage Therapy Act, BPC Division 2, Chapter 10.5 (commencing with Section 4600).

4. No person shall enter, be or remain in any part of a Massage Establishment while in possession of, consuming or using any alcoholic beverage or drugs, except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, manager or permittee shall not permit any such person to enter or remain upon such premises.

5. No massage service may be carried on within any cubicle, room, booth or any area within a Massage Establishment which is not immediately accessible to supervisory, safety or inspection personnel during all hours of operation.

6. No Massage Establishment employing Massage Therapists shall be equipped with tinted or "one-way" glass in any room or office.

7. Pads used on massage tables, or on other furniture upon which massage services are performed, shall be covered with a durable, washable plastic or other waterproof material acceptable to the City.

8. A list of all Massage Therapy services and their costs shall be posted in an open and conspicuous place near the entrance of the Massage Establishment. No Massage Establishment Owner or Manager shall permit, and no employee or independent contractor of the Massage Establishment shall offer to perform, any Massage Therapy services, or charge any fees, other than those posted.

9. No portion of the Massage Establishment will be used for overnight stay or residential purposes.

10. No Massage Establishment shall be opened at the same address where a Massage Establishment was closed and/or revoked in violation of any provision of this Chapter, or for any violation of Federal, State, or local laws, for at least 24 months at location(s) where the closure(s) occurred.

11. A sign at least 8.5 inches by 11 inches in size, containing the following written notice in minimum 16-point font, shall be posted in a conspicuous place in the Massage Establishment, displayed in English, Vietnamese, Mandarin, Spanish, Cantonese, and Korean, and easy to read by any person entering the premises:

> **If you or someone you know is being forced to engage in any activity and cannot leave – whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity – call the National Human Trafficking Hotline at 1-888-373-7888 or the Coalition to Abolish Slavery and Trafficking (CAST) 1-888-KEY-2-FREE or 1-888-539-2373 to access help and services. Victims of slavery and human trafficking are protected under United States and California Law.**
>
> **These hotlines are:**
> - **Available 24 hours a day, 7 days a week.**
> - **Toll-free.**
> - **Operated by nonprofit, nongovernmental organizations.**
> - **Anonymous and confidential.**
> - **Accessible in more than 160 languages.**
> - **Able to provide help, referral to services, training, and general information.**

C. **Massage Establishment Hours of Operation.** Massage Establishment hours of operation shall be limited to 8:00 AM to 10:00 PM of the same day.

D. Outcall Massages. No Massage Therapy shall be conducted in a hotel or motel room, or in the private residence of the Massage Therapist.

E. Minimum Separation Between a Massage Establishment and Sensitive Land Uses. Maintain a minimum 300-FT separation between a Massage Establishment and any sensitive land use, including schools, preschools, child daycare facilities, or parks.

F. Right of Authorized Representatives to Enter a Massage Establishment. As a condition of business license issuance for a Massage Establishment, the permittee shall consent to the right of authorized representatives of the City's Police Department, Building Department, Fire Department, Code Enforcement Officers or San Bernardino County Health Department to enter the Massage Establishment during regular business hours for the purpose of making reasonable unscheduled inspections, to observe and enforce compliance with applicable regulations, laws, and provisions of this Development Code.

The following notice shall be posted in a conspicuous place in the Massage Establishment. The notice must be easy to read by any person, must be displayed in English and Spanish, and must be visible to anyone entering the Massage Establishment:

> **NOTICE TO ALL PATRONS: THIS MASSAGE ESTABLISHMENT AND THE MASSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY AUTHORIZED CITY OF ONTARIO PERSONNEL WITHOUT PRIOR NOTICE**.

G. Business Owner Required to Maintain a List of all Employees and Independent Contractors, and Their CAMTC or City Certifications. As a condition of business license issuance for a Massage Establishment, the business owner shall provide a list of all employees and independent contractors and their CAMTC or City certifications. The business owner shall notify the City should this information change. Additionally, with the annual renewal of their business license, the business owner shall provide an updated list of all employees and their certifications.

H. Institutions or Classes of Individuals Not Applicable to this Section. The provisions of this section pertaining to massage services shall not apply to the following institutions or classes of individuals, while engaged in the performance of the duties of their respective professions:

1. Hospitals, nursing homes, sanatoriums or other similar health facilities duly licensed by the State;

2. Recognized schools of massage;

3. Physicians, surgeons, chiropractors, osteopaths, or physical therapists, who are duly licensed to practice their respective professions in the State, or other persons licensed to practice any healing art pursuant to BPC Section 500, et seq.;

4. Nurses registered under the laws of the State;

5. Barbers, cosmetologists, beauticians, and manicurists who are duly licensed under the laws of the State while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, scalp, hands and/or feet of the customer client;

6. Coaches and trainers in accredited high schools, junior colleges, and colleges or universities, acting within the scope of their employment; and

7. Trainers of amateur, semi-professional or professional athletes or athletic teams.

I. **Chair Massage Services.** The following operational requirements shall apply to the location, establishment, and operation of Chair Massage Services:

1. Any person, corporation or partnership wishing to perform chair massage in the City shall first be doing business at a fixed location in the City, having a valid business license, or a valid home occupation pursuant to the "home occupations" provisions of this Division.

2. Chair massage services may be performed only by a person with a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600, et seq., or a valid City Massage Therapist permit.

3. Chair massage services may only be offered at nonresidential places of business within the CS, CN, CC, CR, CCS, OL, OH, MU-1, and ONT zoning districts and the California Commerce Center North (Ontario Mills) Specific Plan.

4. A Massage Therapist offering chair massage shall have a signed contract for service at each location the service is provided. A copy of such contract shall be provided for inspection upon demand, to any City official with responsibility for enforcement of this Section. The contract shall specify the location, days, and times the service is to be offered.

5. Chair massage shall be offered at a set time and day at each location and shall not be offered at any other time. Such service shall only be conducted between the hours of 8:00 AM and 10:00 PM of the same day.

J. **Unlawful Conduct.** The following actions shall constitute unlawful conduct as they pertain to the location, establishment, and operation of Massage Establishments and Services:

1. It shall be unlawful for any person, for financial or other consideration, to massage any other person, or give or administer any bath, or give or administer any of the other services set forth in this Development Code for immoral purposes, or in a manner intended to arouse, appeal to, or gratify the lust or passions or sexual desires.

2. It shall be unlawful for any Massage Therapist to massage the genital area of any patron or the breasts of any female patron or for any responsible managing officer in charge of the premises of a Massage Establishment to allow or permit such massage.

3. It shall be unlawful for a person serving as a Massage Therapist to be clothed in a manner inconsistent with the Massage Therapy Act, BPC Division 2, Chapter 10.5 (commencing with BPC Section 4600). Massage Therapists shall maintain their permit identification card clearly visible on their person during business hours.

4. It shall be unlawful for a Massage Therapist issued a permit by the City in accordance with Paragraph A.2 of this Section, to perform any massage service at any location other than that location specified on the Massage Therapist's permit. If during the life of a permit, the applicant has any change in information concerning the original application, notification shall be made to the Zoning Administrator, in writing, within 30 days of the change.

5. It shall be unlawful for any owner, manager, operator, responsible managing employee, or permittee in charge of or in control of a Massage Establishment to employ or permit a person to act as a Massage Therapist who is not in possession of a valid, unrevoked Massage Therapist permit issued pursuant to Paragraph A.2 of this Section, or a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600, et seq.

6. It is unlawful for any Massage Establishment, Massage Therapist or Massage Practitioner to provide, or to offer to provide, out-call massage services in the City. For the purpose of this provision, the term "out-call massage services" shall mean to engage in or carry on massage, not at a fixed location, but at a location designated by the customer or client. "Out-call massage services" shall not include chair massage services conducted pursuant to Subsection G (Institutions or Classes of Individuals Not Applicable to this Section) of this Section.

K. **Violations and Penalties.** The following violations and penalties shall apply to the location, establishment, and operation of Massage Establishments and Services:

1. Every person, except those persons who are specifically exempted by the massage services provisions pursuant to division F herein, whether acting as an individual, owner, employee of the owner, or operator or employee of the operator, or whether acting as a mere helper for the owner, employee, or operator, or whether acting as a participant or worker in any way who gives massages or conducts a Massage Establishment or room, or who gives or administers, or who practices the giving or administering of steam baths, electric light baths, electric tub baths, shower baths, sponge baths, vapor baths, fomentations, sunbathes, mineral baths, alcohol rubs, Russian, Swedish, or Turkish baths, or any other type of baths, salt glows, or any type of therapy, or who does or practices any of the other services or acts set forth in these provisions, without first obtaining a valid, unrevoked Massage Therapist permit issued pursuant to Paragraph A.2 of this Section, or a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600, et seq., or who shall violate any operational standard of the massage services provisions, shall be guilty of a misdemeanor.

2. Any owner, operator, manager, or permittee in charge or in control of a Massage Establishment who knowingly employs a person performing as a Massage Therapist, as defined in this Development Code, who is not in possession of a valid, unrevoked Massage Therapist permit issued pursuant to Paragraph A.2 of this Section, or a valid Massage Practitioner or Massage Therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to BPC Section 4600 et seq., or who allows such an employee to perform, operate, or practice within such a place of business shall be guilty of a misdemeanor.

3. Any owner, operator, manager, or permittee in charge or in control of a Massage Establishment under this Development Code shall be a Responsible Person. "Responsible Person" shall mean a person who causes a violation of this Development Code or the Ontario Municipal Code to occur, or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee, or independent contractor causes a violation to occur, or allows a violation to exist or continue. A Responsible Person shall be liable for the violation of his or her agent, employee, or independent contractor. For the purposes of this Development Code, there may be more than one Responsible Person for a violation.

4. Any Massage Establishment operated, conducted, or maintained contrary to the provisions of this Development Code shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the City may, in addition to or in lieu of prosecuting a criminal action hereunder, commence actions or proceedings for the abatement, removal, and enjoinment

thereof in the manner provided by law and shall take such other steps and apply to such courts as may have jurisdiction to grant such relief as will abate or remove such Massage Establishment and restrain and enjoin any person from operating, conducting or maintaining a Massage Establishment contrary to the provisions of this Development Code.

5. Any violation of any of the provisions of this Development Code shall be subject to punishment for violation in accordance with the penalty provisions set forth in OMC Title 1, Chapter 2 (Penalty Provisions). Punishment for any violation of any of this Development Code's provisions shall be in accordance with the Ontario Municipal Code punishment and fine provisions as set forth in OMC Section 1-2.01 (Punishment for Violation).

5.03.275: Material Recovery Facilities (MRF)

All activities associated with a MRF shall be wholly contained within a fully enclosed building, excepting salvage facilities (such as automobile dismantling and metal salvage/recycling) established in compliance with the requirements of Section 5.03.350 (Salvage Facilities) of this Division, which may be allowed outside with the approval of a Conditional Use Permit.

5.03.280: Marijuana Dispensary

Notwithstanding any other provision of this Development Code, a Marijuana Dispensary, as defined in Division 9.01 (Definitions) of this Development Code, shall be a prohibited use in all zoning districts of the City, as follows:

A. The operation of any marijuana dispensary within the City is hereby declared a public nuisance and shall be abated pursuant to all available remedies. Violations of this Section may be enforced by any applicable law.

B. No person shall deliver marijuana or marijuana-infused products, such as tinctures, baked goods or other consumable products, to any location within the City from a marijuana dispensary, regardless of whether the marijuana dispensary from which the delivery originated is within the City, or engage in any effort to locate, operate, own, lease, supply, allow to be operated, or aid, abet, or assist in the operation of any marijuana dispensary in the City.

C. No person shall deliver marijuana or marijuana-infused products with such delivery originating from any marijuana dispensary located within the City, regardless of whether the delivery destination is within the City.

5.03.285: Mixed-Use Developments

A. **Residential Mixed-Use Projects.** The following standards shall govern the development of residential mixed use projects consisting of single-family and/or multiple-family dwellings constructed in conjunction with a variety of complementary commercial land uses as may be allowed within the base zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, including office, retail, public, or entertainment uses, in a fully integrated development project having functional interrelationships and a cohesive physical design:

1. Residential Mixed-Use Developments Subject to the Standards and Guidelines of the Base Zoning District. The site and building(s) of a residential mixed use development project shall be designed and constructed pursuant to, and consistent with, the development standards (e.g., FAR, landscape coverage, lot size, setbacks and separations, etc.) and design guidelines of the base zoning district.

2. Residential Mixed-Use Developments within Commercial Zoning Districts.

a. As allowed within commercial zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, dwellings may be constructed on the upper floors of commercial buildings containing office, retail, public and/or entertainment uses, or behind commercial buildings containing such uses, at or above ground level.

b. To ensure that the residential portion of a mixed use development is no more intense than the commercial development that would otherwise be allowed, the maximum residential density shall be determined based upon an Equivalent Impact Study (EIS) prepared for the project, which assesses the maximum allowed residential density based upon the comparable traffic generation, water usage, and sewerage generation of the maximum allowed commercial floor area.

c. The applicant for a mixed-use development project shall be responsible for all City costs incurred in preparing the EIS.

3. Residential Mixed-Use Developments within Mixed Use Zoning Districts. Residential mixed-use development projects within mixed-use zoning districts shall be developed pursuant to the requirements of Section.6.01.020 (Mixed Use Zoning Districts) of this Development Code and the Policy Plan component of The Ontario Plan.

B. **Nonresidential Mixed-Use Projects.** The following standards shall govern the development of nonresidential mixed use projects consisting of commercial land uses constructed in conjunction with a variety of complementary light industrial and business park land uses as may be allowed within the base zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, in a fully integrated development project having functional interrelationships and a cohesive physical design:

1. Nonresidential Mixed-Use Developments Subject to the Standards and Guidelines of the Base Zoning District. The site and building(s) of a nonresidential mixed use development project shall be designed and constructed pursuant to, and consistent with, the development standards (e.g., FAR, landscape coverage, lot size, setbacks and separations, etc.) and design guidelines of the base zoning district.

2. Nonresidential Mixed-Use Developments within Industrial Zoning Districts.

a. As allowed within industrial zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, commercial land uses may be constructed on the upper floors of industrial buildings, or behind industrial buildings containing such uses, at or above ground level.

b. To ensure that the nonresidential portion of a mixed use development is no more intense than the industrial development that would otherwise be allowed, the maximum residential density shall be determined based upon an Equivalent Impact Study (EIS) prepared for the project, which assesses the maximum allowed residential density based upon the comparable

traffic generation, water usage, and sewerage generation of the maximum allowed industrial floor area.

c. The applicant for a mixed-use development project shall be responsible for all City costs incurred in preparing the EIS.

3. Nonresidential Mixed-Use Developments within Mixed-Use Zoning Districts. Within mixed use zoning districts, nonresidential mixed-use developments shall be developed pursuant to the requirements of Section.6.01.020 (Mixed Use Zoning Districts) of this Development Code and the Policy Plan component of The Ontario Plan.

5.03.290: Mobile Food Services

The following standards shall govern the design and establishment of mobile food services:

A. Mobile food services shall only be allowed in conjunction with a temporary event approved pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code.

B. All mobile food services shall display a current San Bernardino County Department of Environmental Health Services operating decal and/or permit, and inspection letter grade.

C. Mobile food service wastewater shall not be discharged to the ground or to a storm drain.

D. Restroom facilities for mobile food service employees, which shall include facilities for washing hands, shall be provided.

5.03.295: Mobilehome Parks

The following standards shall govern the design and establishment of mobilehome parks:

A. **Allowed within the MHP Zoning District.** Mobilehome parks shall only be established within the MHP zoning district.

B. **Site Development Standards.**

1. Project Area. The minimum project area shall be 3.0 acres.

2. Density. The maximum residential density shall not exceed 11.0 dwelling units/acre.

3. Common Open Space and Recreation Areas. A minimum of 300 SF of common recreational open space per mobilehome pad shall be provided. Common recreation amenities shall be provided pursuant to the minimum requirements prescribed for multiple-family developments in Subparagraphs 6.01.010.E.2.c (Active Open Space Area) and d (Passive Open Space Area) of this Development Code.

4. Project Entries. The mobilehome park entrance shall be delineated with enhanced paving treatment (e.g., color pigmented concrete, interlocking pavers, and stamped concrete) and intensified landscaping, including elements such as specimen-sized trees, decorative low garden walls, raised planters, and alluvial rockscapes.

5. Walls and Fences.

a. Decorative walls, fences, and gates shall be provided along the project perimeter.

b. All private open space areas shall be delineated by a decorative fence or wall.

c. All walls and fences shall be designed, constructed, and maintained pursuant to Division 6.02 (Walls, Fences and Obstructions) of this Development Code.

6. Off-Street Parking. Off-street parking facilities shall be provided pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code.

7. Landscaping. Landscaped areas shall be designed, installed, and maintained pursuant to Division 6.05 (Landscaping) of this Development Code.

8. Signs. All signs shall be designed, installed, and maintained consistent with the provisions of Division 8.1 (Sign Regulations) of this Development Code.

C. Building Development Standards.

1. Minimum Building Separations. Minimum building and structure separations shall be maintained pursuant to Table 5.03-4 (Minimum Mobilehome Building Separation Requirements), below.

Table 5.03-3: Minimum Mobilehome Building Separation Requirements

Setback Area	*Minimum Yard Dimension***
Side to side:	20 FT
End to side:	15 FT
End to end:	10 FT
Front to front (across access drive):	36 FT
Mobilehome to any other building, excepting detached garage or accessory structure:	15 FT
Mobilehome to detached garage or accessory structure:	5 FT

Note:

** *For the purpose of determining minimum separation requirements, awnings, overhangs, enclosed porches, and similar structures shall be deemed a part of the mobilehome unit and shall not be allowed to encroach into a required yard area.*

D. Mobilehome Exterior Design and Finishes. The exterior of mobilehomes shall resemble conventionally built single-family homes to the fullest extent feasible. To this end, each mobilehome shall incorporate the following design features:

1. Skirting or Supporting Pad Required. The tongue or hitch each mobilehome shall be removed or suitably screened, and each mobilehome shall be equipped with skirting to screen all foundation jacks and other supporting structure, or a supporting pad shall be provided that is designed to give the appearance that the mobilehome is placed on-grade.

2. Roof Overhang. A minimum roof overhang of one FT shall be provided.

3. Roof Material. Roof material shall consist of wood shingle or shakes, architectural grade asphalt shingles, or concrete or clay tiles.

4. Exterior Wall Finishes. Exterior wall finishes shall include wood, stucco, masonry, natural stone, or other suitable materials as determined by the Planning Director. All exterior wall finishes and skirting required pursuant to Paragraph D.1 (Skirting or Supporting Pad Required), above, shall extend to the ground, except when a solid concrete or masonry perimeter foundation is used, in which case, the exterior material shall extend below the top of the foundation.

E. **Utilities.** All on-site utilities to individual mobilehomes shall be located underground.

5.03.300: Mobile Washing and Detailing Services

The following standards shall govern the establishment of mobile washing and detailing services:

A. All mobile washing and detailing services shall be licensed to a fixed location within the City.

B. A mobile washing and detailing service may be licensed as a home occupation, provided no washing or detailing of vehicles is performed on the premises, excepting personal vehicles of the home occupant.

C. Mobile car washing and detailing shall be considered an incidental use related to the permitted principal land use in any zoning district upon which the activity takes place. A city business license and any applicable permits related to wastewater or environmental protection must be obtained. The following operational requirements shall apply to all mobile car washing and detailing uses:

1. Operators are prohibited from engaging in washing the exterior of a vehicle at the following locations:

a. On any public street or public right-of-way;

b. On any vacant unimproved lot; and

c. On any landscaped area of a lot.

2. Mobile car washing and detailing businesses operating in nonresidential zoning districts shall not operate within 300 FT of a boundary of a residential zoning district and/or residential structure, excepting residential structures within mixed-use zoning districts.

3. Hours of operation in residential zoning districts shall be limited to Monday through Saturday, 8:00 AM to 7:00 PM, and Sunday, 9:00 AM to 6:00 PM Hours of operation in nonresidential zoning districts shall be limited to Monday through Sunday, 8:00 AM to 7:00 PM.

4. In nonresidential zoning districts, mobile car washing and detailing businesses shall not operate at the same location and/or at the same property for more than 5 hours during the permitted hours of operation (as identified above).

5. In nonresidential zoning districts, mobile car washing and detailing businesses shall not service more than 20 vehicles per location per week.

6. Operators shall maintain noise levels below the levels provided in Title 5 (Chapter 29: Noise) of the Municipal Code.

7. The operator of a mobile car washing and detailing business shall obtain and have evidence of the authorization of the property owner (or the property owner's authorized representative) to operate prior to commencement of operations and throughout the duration of the activities.

8. At all times, operators shall either contain wastewater for disposal off site or divert wastewater to a sanitary sewer on site to the satisfaction of the City Engineer.

5.03.305: Motor Vehicle Dealers

The following standards shall govern the establishment and operation of new or used motor vehicle dealers, including automobiles, light trucks and vans (rated at one ton or less), and recreational vehicles, motorcycles, watercraft, all-terrain vehicles, and other similar motor vehicles:

A. Motor vehicle servicing, repair, and maintenance activities shall be performed within a wholly enclosed building. Service bay doors shall be located so as not to be visible from any public or private street, or office, retail sales and off-street parking facilities on adjoining lots.

B. There shall be no outside storage of inoperable motor vehicles or motor vehicle parts.

C. Prior to the issuance of a business license by the City, a site plan shall be submitted to the Planning Department for review and approval, which demonstrates compliance with the following:

1. Motor vehicle display areas shall meet the minimum parking setback requirements of the zoning district in which the use is located, and the design standards for off-street parking facilities contained in Division 6.03 (Off-Street Parking and Loading) of this Development Code. Setback areas shall be fully landscaped and provided with an automatic irrigation system.

2. A vehicle loading and unloading area shall be provided for each vehicle sales facility. The loading area shall be clearly demarcated by signs and pavement markings. The loading area shall not encroach into required parking areas or block fire access lanes, and shall occur on-site, at a location approved by the Fire Department. On-street vehicle loading and unloading shall be prohibited.

D. Automobile dealers providing vehicle service and repair shall provide a minimum of 6 queuing (waiting) spaces for service write-ups, which shall not encroach into required parking or loading spaces.

E. The retail sales of motor vehicles from a residentially zoned property shall be prohibited as a Home Occupation.

F. Motor vehicle sales on any property with shared parking facilities shall only be permitted if all vehicle sales, display, and storage areas are located within a fully enclosed building.

G. Motor vehicle sales as a temporary sales event shall only be permitted pursuant to the requirements for "temporary and interim uses" contained in this Division. The motor vehicle retailer shall be licensed to a fixed motor vehicle sales location in the City.

5.03.310: Motor Vehicle Storage Facilities

The following standards shall govern the establishment and operation of motor vehicle storage facilities:

I. For the purposes of administration and enforcement of this Section:

1. Any motor vehicle maintained on a property for 72 or more consecutive hours shall be deemed to be "stored."

2. Motor vehicle storage shall include the keeping of automobiles, trucks, vans, recreational vehicles and watercraft, motorcycles, trailers, forklifts, and any inoperative vehicle, regardless of vehicle type.

J. The indoor storage of motor vehicles shall comply with all applicable requirements of the fire and building codes.

K. All vehicles stored outdoors shall be screened from public view by a minimum 8-FT high decorative masonry block wall.

L. All vehicles stored outdoors shall comply with all requirements of the base zoning district, which are applicable to the design and use of outdoor storage areas.

5.03.315: Personal Fitness Trainer

Within the IP, IL, and IH zoning districts, a personal fitness trainer shall only be allowed to establish in conjunction with fitness and recreational sports centers (NAICS 713940).

5.03.320: Personal Property Donation Bins

A. Welfare and Institutions Code Division 1, Chapter 2 (commencing with Section 150) allows a city, county, or city and county to impose requirements on the solicitation and sale of salvageable personal property within its jurisdiction.

B. The following regulations shall govern the establishment and operation of salvageable personal property collection boxes/bins within the City:

1. The provisions of Welfare and Institutions Code Division 1, Chapter 1.8 (commencing with Section 148) and Chapter 2 (commencing with Section 150), which governs the acquisition and disposition of salvageable personal property for charitable purposes, and unattended collection bins, respectively, shall be complied with.

2. Salvageable personal property collection bins may only be established in conjunction with a host business, subject to Conditional Use Permit approval pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code.

3. Collection bins shall be constructed and maintained with durable, waterproof, and rustproof material, and shall be fully enclosed.

4. Collection bins shall be clearly marked to identify the type of materials that may be deposited.

5. Collection bins shall be swept and maintained in a in a clean, litter-free condition, on a daily basis.

6. Collection bins shall be setback a minimum of 30 FT from any arterial street property line, and 20 FT from any collector or local public street property line, and shall not obstruct pedestrian or vehicular circulation.

7. The occupation of parking spaces by salvageable personal property collection bins shall not reduce available parking spaces below the minimum required for the host business pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code.

8. Collection bins shall not encroach upon any existing landscaped areas, unless replaced elsewhere on the site.

9. Additional landscaped areas and architectural elements, such as vertical and horizontal decorative trellises, seat walls, and raised planters, may be required by the Approving Authority to screen collection bins.

5.03.325: Pharmaceutical and Medicine Manufacturing

Within the BP and IP zoning districts, the development of new pharmaceutical and medicine manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.330: Pharmacies and Drug Stores

Drive-thru facilities in conjunction with pharmacies and drug stores shall be permitted subject to the provisions of Section 5.03.165 (Drive-Thru Facilities) of this Division.

5.03.335: Plastics Product Manufacturing

Within the IP zoning district, the development of new plastics product manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.340: Recycling Facilities

The purpose of this Section is to implement the California Beverage Container Recycling and Litter Reduction Act (PRC Section 14500, et seq.). The following standards shall govern the establishment and operation of recyclable container collection facilities:

A. Reverse Vending Machines. Reverse vending machines may be established in conjunction with a host business for the collection of post-consumer beverage containers pursuant to the California Beverage Container Recycling and Litter Reduction Act, and shall comply with the following:

1. Reverse vending machines shall be established pursuant to the requirements of this Development Code, and the building and fire codes of the City.

2. Reverse vending machines shall be located within 30 FT of the entrance of the host business and shall not obstruct pedestrian or vehicular circulation.

3. Reverse vending machines shall be constructed and maintained with durable waterproof and rustproof materials and shall be covered.

4. Reverse vending machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and telephone number of the operator or manager if the facilities become inoperable.

5. Reverse vending machines shall be limited to 3 machines for each host business.

6. Reverse vending machines shall occupy a maximum of 50 SF per installation, including any protective enclosure, and shall not exceed 9 FT in height.

7. Reverse vending machines shall not occupy parking spaces required for the host business pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code, nor shall it encroach upon any landscaped area.

8. Reverse vending machines shall be maintained in a clean, litter-free condition.

9. The operating hours of reverse vending machines shall be the same as the host business.

10. Reverse vending machines shall be illuminated to ensure comfortable and safe operation if open between dusk and dawn.

B. Small Collection Facilities. Small collection facilities may be established in conjunction with a host business for the collection of post-consumer beverage containers pursuant to the California Beverage Container Recycling and Litter Reduction Act, and shall comply with following:

1. Small collection facilities shall occupy a maximum area of 500 SF and shall be established in conjunction with a host business at a fixed location within the City, which complies with this Development Code, and the building and fire codes of the City.

2. Small collection facilities shall be constructed and maintained with durable, waterproof and rustproof material, with fully enclosed materials storage containers.

3. Small collection facilities shall be clearly marked to identify the type of recyclables that may be deposited.

4. The name and telephone number of the owner or manager, and the hours of operation of small collection facilities shall be conspicuously posted.

5. Small collection facility sites shall be swept and maintained in a in a clean, litter-free condition on a daily basis.

6. Small collection facilities shall be setback a minimum of 20 FT from any public street right-of-way and shall not obstruct pedestrian or vehicular circulation.

7. Small collection facilities shall not operate power-driven sorting or consolidating equipment, such as crushers, shredders, balers, or other mechanized equipment.

8. Use of the facility for deposit of solid waste or hazardous waste is prohibited.

9. The operating hours of small collection facilities with attendants shall be the same as the host business, except that facilities located within 100 FT of property zoned for, or occupied by, residential land uses shall only be operated between the hours of 9:00 AM and 7:00 PM.

10. Small collection facilities without attendants shall be located at least 30 FT from any property zoned for, or occupied by, residential land uses, unless the facility is located within an established service area/corridor and, for sound attenuation purposes, a minimum 6-FT high masonry block wall has been constructed between the small collection facility and the residential land use(s).

11. Mobile recycling facilities shall have an area clearly marked to prohibit other vehicular parking during the hours when the mobile unit is scheduled to be present.

12. The occupation of parking spaces by a small collection facility and any attendant shall not reduce available parking spaces below the minimum required for the host business pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code, unless the facility is located within one-half mile of a supermarket. A reduction in required parking spaces may be allowed to accommodate a small collection facility pursuant to Table 5.03-5 (Small Collection Facility Maximum Parking Reduction), below.

Table 5.03-4: Small Collection Facility Maximum Parking Reduction

Required Number of Parking Spaces	Parking Space Reduction
0 to 25 spaces:	0 spaces
26 to 35 spaces:	2 spaces
36 to 49 spaces:	3 spaces
50 to 99 spaces:	4 spaces
100 or more spaces:	5 spaces

13. Small collection facilities shall not encroach upon any existing landscaped areas, unless replaced elsewhere on the site. Furthermore, additional landscaped areas and architectural elements, such as vertical and horizontal decorative trellises, seat walls, and raised planters, may be required to screen collection containers.

C. Large Collection Facilities. Large collection facilities may be established for the collection of post-consumer beverage containers pursuant to the California Beverage Container Recycling and Litter Reduction Act, and shall comply with following:

1. Large collection facilities shall occupy an area of more than 500 SF and shall not be appurtenant to a host use.

2. Large collection facilities shall not be located within 500 FT of property zoned, planned or occupied for residential land uses.

3. All processing activities shall be within a fully enclosed building.

4. Large collection facilities shall be screened from public view by buildings or decorative masonry block walls, which are of sufficient height to completely screen all loading, processing, and storage activities/facilities. All gates shall be view obstructing.

5. All materials stored outside shall be maintained within fully enclosed containers that are secured and maintained in good condition. Storage containers for flammable materials shall be constructed of nonflammable materials. Oil storage shall be in containers approved by the Ontario Fire Department.

6. Large collection facilities shall be swept and maintained in a in a clean, litter-free condition on a daily basis, and shall be secured from unauthorized entry and removal of materials when unattended.

7. Large collection facilities shall provide adequate area on-site to accommodate a minimum of 6 vehicles, or the anticipated peak customer volume, whichever is higher, to circulate and deposit recyclable materials.

8. Containers provided for after-hours donation shall be located at least 50 FT from any property zoned, planned or occupied for residential use. Containers shall be of sturdy, rustproof construction, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of material. Containers shall be located at least 10 FT from any building.

9. Donation containers shall be clearly marked to identify the type of material that may be deposited. Notices shall be conspicuously posted stating that no material shall be left outside of donation containers.

10. The name and telephone number of the owner or manager, and the hours of operation of large collection facilities shall be conspicuously posted.

11. Large collection facilities may operate power-driven processing equipment, including aluminum foil and can compacting, baling, shredding, or other similar light processing activities necessary for efficient temporary storage and shipment of materials, as may be approved by the Planning Director.

12. The business owner and the property owner, if different from the business owner, shall cause the removal of all recyclable materials that have accumulated, or are deposited, on the site, on a regular basis, but no less than annually. Upon failure to remove the recyclable materials, the City may deem the land use and the property thereon to be abandoned and may enter the property for the purpose of removing the recyclable materials. The business owner and the property owner, if different from the business owner, shall be responsible for payment to the City, all costs borne by the City related to the enforcement of this Paragraph.

D. Processing Facilities. Processing facilities may be established for the recycling of post-consumer beverage containers pursuant to the California Beverage Container Recycling and Litter Reduction Act, which are purchased from recycling centers located within the state of California. Processing facilities are not intended for the acceptance of donated or purchased post-consumer food and beverage containers from the general public. Processing facilities shall comply with following:

1. A processing facility shall not accept donated post-consumer food and beverage containers, nor shall it purchase such materials, from the public; however, a processing facility shall not be precluded from operating on the same site with, or in conjunction with, a collection facility, provided each activity is located within the correct zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

2. Processing facilities shall not be located within 500 FT of any property zoned or planned for, or occupied by, residential land uses.

3. All processing activities, including collection, processing, and storage, shall be conducted within a fully enclosed building.

4. Processing facilities shall be screened from public view by buildings or decorative masonry block walls, which are of sufficient height to completely screen all loading, processing, and storage activities/facilities. All gates shall be view obstructing.

5. Processing facilities may operate power-driven processing equipment for the purpose of baling, briquetting, crushing, compacting, grinding, shredding, sorting, or other similar processing activities. Processing facilities shall not shred, compact, or bale ferrous metals, excepting food and beverage containers.

6. Processing facilities shall be maintained in a in a clean, litter-free condition on a daily basis, and shall be secured from unauthorized entry and removal of materials when unattended.

7. A processing facility owner and the property owner, if different from the business owner, shall cause the removal of all recyclable materials that have accumulated, or are deposited, on the site, on a daily basis. Upon failure to remove the recyclable materials, the City may deem the land use and the property thereon to be abandoned and may enter the property for the purpose of removing the recyclable materials. The facility owner, and the property owner, if different from the business owner, shall be responsible for payment to the City, all costs borne by the City related to the enforcement of this Paragraph.

5.03.345: Residential Care Facilities, Other—6 or Fewer Persons

"Other residential care facilities" for 6 or fewer persons may only be established in conjunction with a single-family dwelling.

5.03.350: Salvage Facilities

The following standards shall govern the establishment and operation of salvage facilities for the purpose of reclaiming recyclable equipment, materials, and parts, from home appliances, commercial and industrial machinery, motor vehicles, and other similar recyclable items acceptable to the Approving Authority:

A. Salvage facilities shall be located a minimum of 300 FT from any residentially zoned lot.

B. Loading and processing activities, and stored vehicles, materials, and equipment, shall be completely screened from public view and view from adjoining lots, by buildings and/or decorative masonry block walls with view-obstructing gates.

C. Loading, processing, and storage activities shall not be conducted within a required setback area.

D. All setbacks from a street property line shall be fully landscaped and permanently maintained, excepting those areas necessary for pedestrian or vehicular access.

E. All sorting, compaction, shredding, grinding, crushing, and other similar processing activities, shall be conducted within a completely enclosed structure designed to minimize noise and dust generated by the activities.

F. All existing salvage facilities, regardless of the zoning district in which they are located, shall conform with the requirements of this Section within one-year following notification by the Planning Director of the pending amortization of the use. The Planning Commission may abrogate the requirements of this Subsection because unusual circumstances exist with regard to the site or its location, which makes full compliance with the requirements of this Section impracticable.

5.03.355: Self-Storage Facilities

A self-storage facility may exceed the maximum FAR of the zoning district in which it is located, provided that the facility, at its proposed maximum buildout, has been proven to be no more intense than other permitted land uses in the same general vicinity and the same zoning district. To this end, an Equivalent Impact Study (EIS) shall be prepared for the proposed self-storage

facility, which shall determine its maximum allowed gross floor area based upon the comparable traffic generation of other existing permitted land uses in the same general vicinity and the same zoning district, constructed at the maximum allowed FAR of the zoning district.

5.03.357: Semi-Trailer Storage Yard Facilities

A. Purpose. The purpose of this Section is to establish standards governing the design, establishment, and operation of Semi-Trailer Storage Yard Facilities. The purpose of these regulations is to provide adequate and convenient areas for outdoor storage of semi-trailers in industrial zoning districts. The intent of these regulations is to minimize visual impacts on adjacent properties and public rights-of-way and to protect public health, safety and welfare.

B. Definitions. For the purposes of administration and enforcement of this Section, the words or phrases listed below shall have the meanings thereafter specified:

1. Semi-Trailer. A type of trailer that is designed to be towed by a truck (specifically a tractor) and does not have a front axle.

2. Semi-Trailer Storage Yard. A type of outdoor storage use whereby an outdoor lot, lot area, or parcel of land used, is designed and maintained primarily for the purpose of storing and parking semi-trailers.

3. Shipping Container. A large, standardized metal box used to store and transport goods across ships, trucks, and trains.

C. Minimum Separation and Locational Requirements.

1. Semi-Trailer Storage Yard Facilities shall be located on vacant land in industrial zoning districts. For the purposes of this section, vacant land shall be any site that is currently vacant and has not had any buildings demolished over the past 10 years.

2. Buildings shall not be demolished to accommodate the development of a Semi-Trailer Storage Yard Facility.

3. Semi-Trailer Storage Yard Facilities shall not be located within close proximity (1,000 FT or less, as measured in a straight line from any point along the outer boundaries of the property containing the Semi-Trailer Storage Yard Facility) to any residentially zoned property or existing or proposed sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility.

4. Semi-Trailer Storage Yard Facility locations shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property containing the use, from any other outdoor vehicle and semi-trailer storage yard facility.

D. Site Development Standards.

1. Lot Area. Semi-Trailer Storage Yard Facilities shall be located on lots having a minimum area of 3-acres.

2. Parking and Access.

a. Parking shall be provided for any ancillary use associated with a Semi-Trailer Storage Yard Facility use in accordance with Chapter 6.03 (Off-Street Parking and Loading) of this Development Code or an applicable specific plan.

b. All drive-aisles and semi-trailer parking areas shall be improved with a permanent asphalt or concrete pavement surface. No areas within a developed site shall be left in an unfinished state; all remaining portions of the site shall be treated with permanent surface materials or permanent landscaping materials, inclusive of an approved irrigation system.

c. Sufficient space shall be provided to accommodate all maneuvering, queuing, stacking, loading, unloading, and parking of vehicles on-site. No queuing, stacking, loading, unloading, and parking of vehicles shall occur on adjacent properties or streets.

d. On-site directional signage shall be provided to ensure the safe and efficient circulation of vehicles entering, exiting, and maneuvering within the facility and shall be in conformance with Development Code.

3. Minimum Standards for Semi-Trailer Storage Yard Facility Parking Spaces and Drive Aisles.

a. The dimension of parking space and drive aisles shall be as follows:

(1) Tractor Parking Stall – 12 FT wide by 25 FT long

(2) Semi-Trailer (unhitched) Parking Stall – 12 FT wide by 55 FT long

(3) Drive Aisles – Minimum 50 FT wide

b. A truck maneuvering area equal to the width of the semi-trailer parking stall and a minimum of 120 FT in depth shall be provided in front of stalls, and, at a minimum, the maneuvering area shall be designed to accommodate the minimum practical turning radius of a 55-FT semi-trailer and tractor combination. Deviations from this minimum maneuvering standard may be permitted if it can be shown that the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific use; however, in permitting such deviation(s), a covenant of restriction to run with the land shall be required, which specifies limitations relating to truck size and/or type. Larger maneuvering areas shall be required if the use of a larger semi-trailer and tractor combination is proposed.

4. Screening.

a. All stored semi-trailers shall be completely screened from public view, including oblique views, by a combination of landscaping and solid screen walls in accordance with the standards set forth in this Section.

b. Required screen walls shall be constructed of one or more of the following approved materials. Screen wall materials and finishes shall be compatible with the architectural character of the surrounding development:

(1) *Decorative Concrete Masonry Block*. Slumpstone or split-face block, or precision block with a stucco, plaster, or cultured stone.

(2) *Decorative Concrete Tilt-Up Wall*. Precast concrete panels incorporating a combination of paint and architectural detailing, including raised patterns, reveals, and/or trim lines.

c. Screen walls shall be of sufficient height to fully conceal all vehicles, trucks and trailers from public rights-of-way and adjacent properties, to a minimum height of 8 FT and maximum height of 14 FT as measured from the highest finished grade. To reduce visual impacts of the wall from public rights-of-way, solid walls surrounding Semi-Trailer Storage Yard Facilities that are at grade or above the grade of an adjacent street shall incorporate a berm/slope along the entire length of the wall, ensuring that no more than 8 FT of the wall is visible from public view. Such slopes shall not exceed a 3:1 ratio.

d. Screen walls shall not be located within any required front yard or street side yard building or landscape setback area.

e. Access gates and doors may be constructed of open wrought iron if a perforated metal screen or other durable material is incorporated into the design that obscures views through the gate.

f. Anti-graffiti coating or equivalent measures to prevent graffiti shall be provided for all solid screen walls.

g. A line-of-sight analysis demonstrating that all trailers are screened from view from all adjacent public rights-of-way shall be required with all development applications. For the purpose of the line-of-sight analysis, the assumed height of the trailers to be stored shall be 13.5 FT.

5. Ancillary Structures and Equipment.

a. Ancillary structures and equipment, including but not limited to canopies, amenity buildings, restrooms, back-up generators, and guard shacks, shall be designed to be compatible with the surrounding buildings, overall project site design and screen walls, and to minimize its visual impact from public view.

b. All buildings, including amenity buildings, restrooms, guard shacks, etc., shall be constructed with permanent utility connections.

5. Landscape.

a. All outdoor Semi-Trailer Storage Yard Facilities shall incorporate a minimum 20-FT-deep landscaped setback along all street frontages with a combination of trees, shrubs, and groundcover, or the required building setback for the underlying zoning district, whichever is more. Parking of motor vehicles is not permitted within the required setback area.

b. Street trees shall be spaced 30' on center. On-site trees shall be planted every 30FT on center within all landscape planters on-site. Two rows of trees shall be provided within all landscape setbacks adjacent to public streets.

c. Refer to Division 6.05 (Landscaping) for landscape standards.

E. **Operating Requirements**. Truck and Semi-Trailer Storage Yard Facilities shall comply with the following operating standards:

1. Prohibited Uses and Activities.

a. Vehicle or trailer maintenance or repair;

b. Occupying stored vehicles or trailers;

c. Parking in required setbacks;

d. Shower facilities;

e. Food sales or food vending;

f. Storage of materials and/or merchandise in semi-trailers; and

g. Storage of shipping containers.

2. Truck Route Plan and Facility Access. An operations and truck route plan shall be submitted for review and approval as part of the Conditional Use Permit and Development Plan application. The plan shall describe the operational characteristics of the proposed use, including but not limited to, hours of operation, number of employees, and types of items to be stored at the site. The plan shall demonstrate the proposed truck routing to and from the facility to designated truck routes that avoids passing residential, educational, park and open space intended for public park and recreational use areas to the greatest extent feasible. The plan shall also include physical and operational measures for preventing truck queuing, stopping, and parking on public streets.

3. All semi-trailers stored at the facility shall be maintained in operable and movable condition (i.e. "road ready"). Semi-trailers that have flat tires, missing wheel(s), lack valid registration, etc. are not valid for storage at the facility and shall be promptly removed from the property.

4. Security.

a. All Semi-Trailer Storage Yard Facilities shall be secured and incorporate security cameras that are connected to the City's enforcement system to the satisfaction of the Police Chief.

b. All Semi-Trailer Storage Yard Facilities shall be illuminated entirely every night, from dusk until dawn, with a minimum of one foot candle across the site. Light fixtures shall be arranged or shielded so as not to spill light onto neighboring properties.

c. Semi-Trailer Storage Yard Facilities containing 100 or more semi-trailer storage parking stalls shall have 24-hour manned security on-site.

F. **Base Zoning District.** All Semi-Trailer Storage Yard Facilities shall comply with all requirements of the base zoning district, which are applicable to the design and use of outdoor storage areas.

G. **Development Agreement**. Semi-Trailer Storage Yard Facilities shall be required to enter into a Development Agreement with the City pursuant to Section 4.01.015 of the Ontario Development Code.

H. **Discretionary Review.** Semi-Trailer Storage Yard Facilities shall require review and approval of a Development Plan Application and a Conditional Use Permit Application by the Planning Commission, pursuant to Sections 2.02.005 and 4.02.025 of the Ontario Development Code.

5.03.360: Senior Citizen Housing Developments

A. **Purposes.** The purpose of this Section is to establish minimum standards, regulations and incentives for the development of senior citizen housing, and low income senior citizen housing within the City's commercial zoning districts, in a manner that is consistent with the Policy Plan component of The Ontario Plan, this Development Code, and State Density Bonus Law (GC Section 65915).

B. **Applicability.** Senior Citizen Housing Developments shall be allowed on property located pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

C. **Definitions.** For purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings thereafter specified:

1. Affordable Housing Cost for Owner Occupied Low Income Household. The affordable housing costs as defined in HSC Section 50052.5, exclusive of subdivision (a).

2. Affordable Housing Cost for Owner Renter Occupied Low Income Household. The affordable housing costs as defined in HSC Section 50053, exclusive of subdivision (a).

3. Affordable Housing Cost for Owner Occupied Very Low Income Household. The affordable housing costs as defined in HSC Section 50052.5, exclusive of subdivision (a).

4. Affordable Housing Cost for Owner Renter Occupied Very Low Income Household. The affordable housing costs as defined in HSC Section 50053, exclusive of subdivision (a).

5. Density Bonus Waivers and Modifications. Those waivers and modifications of City development standards granted by City to Owner of a senior citizen housing development defined as conditions affecting the physical location or type of construction of the senior citizen housing development structure and do not include use restrictions, procedural requirements, and fees as more particularly described in GC Section 65915(o)(1).

6. Low Income Households (Lower Income Households). Households, as defined in HSC Section 50079.5, paying Affordable Housing Costs or Affordable Rents for a Senior Citizen Housing unit.

7. Very Low Income Households. Households, as defined in HSC Section 50105 paying Affordable Housing Costs or Affordable Rents for a Senior Citizen Housing unit.

D. **Base Density.** Within residential zoning districts, the base density for a Senior Citizen Housing Development shall be pursuant to the development standards of the respective zoning district. Within nonresidential zoning districts, the base density for a Senior Citizen Housing Development shall be as follows:

Base Density *(in DU/Acre)*	**Districts**			
	CN	**CC**	**MU-1**	**MU-6**
	25	25	25	25

E. Density Bonus.

1. In addition to the base density provided by Subsection D, above, senior citizen housing developments within residential zoning districts shall be eligible for a density bonus as provided in State density bonus law, as prescribed in Subsection 6.01.010.G (Density Bonus and Other Incentives) of this Development Code. Nonresidential zoning districts shall be eligible for a density bonus as provided in State density bonus law, as follows:

Density Bonus *(in percentage/units)*	**Districts**			
	CN	**CC**	**MU-1**	**MU-6**
	20%	20%	20%	20%

2. For senior citizen housing developments using the density bonus provisions of State density bonus law, a density bonus regulatory agreement securing the use of the senior citizen housing development by qualified senior citizens shall also be required. The density bonus regulatory agreement shall be recorded against the property and shall be in a form acceptable to the City Attorney.

3. The density bonus provisions shall apply to senior citizen housing developments consisting of 5 or more dwelling units, exclusive of a caretaker's unit. All density calculations resulting in fractional units shall be rounded up to the next whole number.

4. Pursuant to State density bonus law, applicants for senior citizen housing developments may request certain waivers and modifications of the City's development standards. For purposes of considering such requests for waivers and modifications of development standards, the "development standards" shall be defined as conditions affecting the physical location or type of construction of the senior citizen housing project, and do not include use restrictions, procedural requirements, and fees as more particularly described in GC Section 65915(o)(1).

5. Use of the senior citizen housing development for use by senior citizen households shall be secured via use of covenants and/or agreements recorded against the property in a form acceptable to the City Attorney.

F. Affordability Bonus for Senior Citizen Housing Developments.

1. In addition to the base density provided by Subsection D and the density bonus authorized by Subsection E of this Section, senior citizen housing developments shall be eligible for an additional density bonus of 10% above the total number of units that can be constructed (base density plus density bonus) whenever an applicant makes at least 50% of the additional units affordable (affordable rental units or affordable for-sale housing) to very low and/or low income senior citizen households. In example, a senior citizen housing development that is entitled to construct 100 units, may construct 10 additional units when it makes 5 of those units available to very low and/or low income senior citizen households.

2. All density calculations resulting in fractional units shall be rounded up to the next whole number, including the determination of affordable units. Use of the affordability bonus provided in this Section shall be subject to the senior citizen housing development meeting the development standards contained in this Section.

3. Affordability of the units for very low and/or low income senior citizen households shall be secured via use of covenants and/or agreements for a minimum term of 45 years for ownership units and 55 years for rental units. The affordability covenants/agreement shall be in a form acceptable to the City Attorney.

G. Senior Citizen Housing Locational Criteria. A request for Conditional Use Permit approval of a senior citizen housing development shall be reviewed pursuant to the extent to which the senior citizen housing development substantially complies with each of the following locational criteria:

1. Transit Amenities. The site is within one-quarter mile of a transit station, rail station, commuter rail station or bus station, or bus stop with service at least every 30 minutes during the hours of 7:00 AM to 9:00 AM, and 4:00 PM to 6:00 PM.

2. Parks and Open Space. The site is within one-quarter mile of a public park (not including school grounds, unless there is a bona fide, formal joint use agreement between the City and the school district providing availability to the general public of the school grounds and/or facilities) or a community center, senior citizen center, or other facility offering daily services specifically designed for senior citizens, which is open to the general public.

3. Library. The project site is within one-quarter mile of a public library, or senior or community center, which contains a library.

4. Daily Shopping Opportunities. The project site is within one-quarter mile of a grocery store/supermarket where staples, fresh meat, and fresh produce are sold.

5. Medical Facilities. The project site is within one mile of a medical clinic or hospital (not merely a private doctor's office).

6. Pharmacy. The project site is within one mile of a pharmacy or supermarket containing an interior pharmacy.

H. Senior Citizen Housing Development Amenities. A request for Conditional Use Permit approval of senior citizen housing development shall be reviewed pursuant to the extent to which the senior citizen housing development substantially complies with one or more of the following development amenities:

1. High speed internet service is provided in each unit (free of charge to the tenants) or within a group activity room within the senior citizen housing development.

2. The senior citizen housing development will provide a bona fide service coordinator available on the premises to assist with activities of daily living, or provision of counseling services, social event planning, and/or concierge service.

3. The Senior Citizen Housing Development will provide exercise facilities on the premises.

I. **Senior Citizen Dwelling Unit Standards.** Notwithstanding any other provision of this Section, the minimum floor area for each residential unit for senior citizen use shall be as follows:

1. Bachelor or studio-type dwelling units: Four hundred fifty (450) SF;

2. One-bedroom dwelling units: Five hundred fifty (550) SF; and

3. Two-bedroom dwelling units: Six hundred fifty (650) SF.

J. **Senior Citizen Development Parking Standards.** Notwithstanding any other provision of this Development Code, the number of parking spaces required to be provided for senior citizen housing developments may be as low as 0.25 spaces per rental dwelling unit and as high as 1.0 space per for-sale dwelling unit. The actual ratio shall be determined at the time of project approval for the use and shall be based upon a parking demand study to be prepared by a qualified traffic consultant or engineer. Ten percent of the parking spaces provided shall be designated as parking for the physically impaired ("handicapped parking spaces"). In determining the number of parking spaces required, the following factors, as well as any other relevant factors, shall be considered:

1. The number of employees required by the use, whether such employees will reside on the premises, and hours during which any nonresident employees will be employed;

2. The availability of public transportation;

3. Whether residents of the use will be eligible for government rent subsidies;

4. The degree to which on-site provision of services and facilities will affect the need of residents to leave the site; and

5. The proximity of facilities and services to the site. Where appropriate, employee parking on the site shall be separately identified and shall be available only to employees.

6. **Other Development Standards.** Except as provided by this Section, additional development standards for senior citizen housing developments shall be those applicable to residential uses in such underlying zoning districts.

5.03.363: Short Term Rentals

A. **Definitions.** As used in this Section, the words or phrases listed below shall have the meanings thereafter specified:

1. Booking transaction. Any reservation or payment service provided by a person who facilitates a short-term rental, home sharing, or similar transaction between a prospective guest and a host.

2. Director. The finance director of the City of Ontario.

3. Dwelling unit. A structure or portion thereof which is used for human habitation.

4. Guest. A person who rents a short-term rental for a period of less than 30 days.

5. Group. A single guest or any number of guests who are occupying a short-term rental on a single rental agreement.

6. Host. A person engaged in providing short-term rental at their primary residence.

7. Hosted stay. Short-term rental activity whereby the host remains on the site of his or her primary residence throughout the duration of the guest's stay, expect during daytime and/or work hours.

8. Hosting platform. A marketplace in whatever form or format which facilitates the short-term rental activity, through advertising, match-making, or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

9. Primary residence. The dwelling unit used as the permanent residence or usual place of return for housing by the host. A person may have only one primary residence.

10. Short-term rental. A dwelling unit, or any portion thereof, that is rented by the host to another party for a period of not more than 30 consecutive days in exchange for any form of monetary or non-monetary consideration, including trade, fee, swap or any other consideration in lieu of cash payment. Hosted stays, Un-hosted stays, and vacation rentals are types of short-term rental.

11. Transient occupancy tax or "TOT". The tax imposed on occupancies of 30 consecutive calendar days or less under Chapter 6 of Title 3 of the Ontario Municipal Code.

12. Un-hosted stay. A short-term rental activity whereby the host remains off the site of his or her primary residence-site for some or all of the duration of the guest's stay.

13. Vacation rental. A dwelling unit that is not a primary residence, and which is available for temporary lodging, for compensation or any form of consideration. The term "vacation rental" shall not include: single-room occupancy buildings, bed and breakfast inns, hotels, a dwelling unit for which a tenant has a month-to-month rental agreement and the rental payments are made on a monthly basis, or corporate housing.

B. **Permit required for authorized short-term rental.** No person, either for themselves or any other person, shall cause, allow, conduct, permit, maintain, or facilitate short-term rental at any dwelling unit within the city without first obtaining a short-term rental permit pursuant to this chapter, and complying with all other applicable provisions of this code. A short-term rental permit shall only be issued to authorize hosted stays and un-hosted stays. Vacation rentals are prohibited.

C. **Permit application.** To apply for a short-term rental permit, a person seeking to become a host must file an application with the City, accompanied by a nonrefundable processing fee in an amount established by resolution of the city council. The application shall be in a form prescribed by the City and shall contain, at a minimum, the following:

1. The legal name, current address and telephone number of the applicant;

2. Address of the short-term rental property, and if applicable, location telephone number;

3. An index of all residents of the property with name and date of birth, juveniles may be listed by title and age only;

4. A diagram of the property indicating areas intended for use as short-term rental;

5. Documentation indicating the number of bedrooms within the dwelling unit, such as a record from the County Assessor's Office;

6. A parking plan indicating sufficient lawful parking on the property for all vehicles belonging to residents and one additional space for each bedroom of the house to be used for short-term rental;

7. Evidence that the applicant has applied for and is in the process of obtaining a business license pursuant to Chapter 1 of Title 3 of the Ontario Municipal Code;

8. A home occupation permit pursuant to Section 5.03.240 of the Ontario Development Code is not required;

9. Emergency contact information for 24-hour response within 30 minutes;

10. Certification by the applicant that the information contained in the application is true to his or her knowledge and belief;

11. Documentation establishing that the dwelling unit proposed to be used as a short-term rental is the host's primary residence. Such documentation shall include at least two of the following and be in the name of the host: Motor vehicle registration, driver's license, voter registration, or tax documents showing the residential unit as the residence of the host;

12. Two passport size photographs of the applicant; and

13. Any other information required by regulations promulgated pursuant to this chapter or deemed necessary by the director.

D. **Application investigation and criteria for approval or denial or permit.** Upon receipt of a completed application, the City, shall cause an investigation of the applicant and the application as submitted. The investigation shall be completed in a timely manner as follows and the applicant shall be notified of the result in writing in a timely manner:

1. The applicant shall be required to pay the established fees for such service in addition to the permit fee.

2. Inspection of the property by city staff shall be scheduled within 30 days of application. Annual inspections will be required upon renewal of a short-term rental permit.

3. If, as a result of this investigation, the applicant is found to satisfy all of the requirements of Section 5.03.063.D., and no grounds for denial exist, the application shall be approved, and a short-term rental permit shall be issued to the applicant. The permit shall contain the name, address of the permittee, a description of the short-term rental to be offered, the date of issuance and term of the permit, photograph of the permittee, and the signature of the Planning Director or his or her designee.

4. A short-term rental permit application may be denied for any of the following reasons:

a. Information contained in the application, or supplemental information requested from the applicant, is false or misleading in any material detail;

b. The applicant failed to provide a complete application, after having been notified of the requirement to produce additional information or documents;

c. The applicant is delinquent in payment of any city or county taxes, fines, or penalties in relation to short-term rental;

d. The applicant has previously held a short-term rental permit which was revoked by the city during the year prior to the application;

e. The applicant has failed to pay any previous administrative fines, remediate any other violations, and/or complete any other alternative disposition associated with a previous violation of this chapter; or

f. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in Section 5.03.363.1.

If the permit application is denied, written notice of such denial and the reasons therefore shall be provided to the applicant.

E. **Permit expiration and renewal.** A short-term rental permit shall be valid for 12 months from the date of issuance and shall expire and become null and void on the first anniversary date of its issuance. A person may apply for a permit renewal on a form provided by the city prior to the expiration of his or her active short-term rental permit and upon successfully completing an inspection by city staff. The applicant shall be required to pay the administrative fee for the permit renewal fee in the amount established by city council resolution at the time the renewal application is filed. In addition, the applicant shall renew their business license. Failure of the applicant to submit a complete application prior to the expiration date of the existing short-term rental permit shall be a basis for denial of the renewal.

F. **Permit revocation.** Two (2) violations of any provision of this chapter or this code within one year by any applicant, occupant, responsible person, local contact person, owner, or owner's authorized agent or representative, with respect to any one residential dwelling shall result in an immediate suspension of the short-term vacation rental permit. A revocation under this section may be appealed in accordance with the procedure set forth in Section 5.03.363(G), below.

G. **Appeals.** Any person whose short-term rental permit is denied or revoked may file an appeal of the decision in writing with the city clerk within 15 days following the date of the director's decision stating the grounds for said appeal. The appellant shall pay a non-refundable fee in an amount established by resolution of the city council for such appeal. The city clerk shall schedule an appeal hearing with the city manager or his or her designee within 15 days of an appeal being filed. The decision of the city manager or the designee shall be final.

H. Permits nontransferable. A short-term rental permit granted pursuant to this chapter shall not be transferable to another person, parcel number, or to another property owner. Said permit shall not run with the land or property to which it applies.

I. Operating requirements. Short-term rental hosts shall comply with the following requirements:

1. The host shall be:

a. The property owner or the spouse, parent, or adult child of the property owner.

b. A tenant of the property who has occupied the property as his or her primary residence prior to making application for a short-term rental permit and who has submitted written authorization from the property owner to operate short-term rental at the residence.

2. The dwelling unit shall be the primary residence of the host.

3. The dwelling unit must be located within the following zones: AR-2, RE-2, RE-4, LDR-5, MDR-11, MDR-18, MDR-25, HDR-45, LUA-3, MU-2, MU-1, MU-3, MU-6, MU-8B, MU-8C, MU-8D and MU-8E, including residential and mixed-use zoning districts within specific plan and planned unit development areas. Dwelling units are not permitted to be used as short-term rentals in any other zones.

4. All advertising for the dwelling unit as a short-term rental that is displayed on a hosting platform or other media shall display the number of the current and valid permit as issued by the city, a street-view photo of the front of the house and the maximum number of guests based on the occupancy limit set forth in subsection 1.5.

5. The dwelling unit's occupancy, including the host, other residents of the dwelling unit, and guests, during a short-term rental shall not exceed two times the number of bedrooms of the dwelling unit.

6. The short-term rental permit shall be conspicuously displayed in each area of the dwelling unit available for occupancy.

7. Any accessory dwelling unit subject to a covenant that specifically prohibits rentals of 30 days or less may not be used as a short-term rental.

8. A single dwelling unit shall be limited to two groups of any number concurrently or two concurrent booking transactions.

9. The short-term rental shall comply with all applicable provisions of this Code and State law.

10. Conditions that cause a public nuisance, as defined by this code or state law, are prohibited at the dwelling unit during a short-term rental.

11. Un-hosted stays shall be limited to a total of 90 days within a calendar year at the same dwelling unit. Hosted stays shall not be limited.

12. Excessive traffic to and from the short-term rental that significantly impairs the quiet enjoyment of neighboring properties is prohibited.

13. Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. The amplification of sound by any device outside the short-term rental is prohibited. Quiet hours during which noise must be restricted to the interior of the short-term rental shall be between 10:00 PM and 7:00 AM the following morning.

14. The obstruction of any public right-of-way, road, street, highway, or private road by occupants of the unit is prohibited.

15. No event, including a conference, wedding, fundraiser, or similar gathering, or any commercial event, may be held at a short-term rental.

16. The permittee shall install at least one public-facing camera at or near the front entrance of the home that enables the host or manager to remotely monitor the number of individuals entering the home and activity in the front yard. The permittee shall install at least one public-facing camera over the garage of the home that enables the host or manager to remotely monitor the activity in the front driveway and street in front of the residence. The permittee shall maintain video recordings from both required cameras for a minimum of 30 days.

17. A permittee shall, for a period of at least one year after the date of each stay, keep written rental records that document the following information:

a. All dates on which the permittee rented the short-term rental to one or more guests;

b. The name and contact information for each renter; and

c. The license plate(s) of vehicles associated with the renter stored at or near the short-term rental during their stay.

18. Short-term rentals, within those neighborhood communities with established Homeowner Associations (HOAs), shall comply with any HOA Short-Term Rental provisions and/or regulations.

19. Off-street parking spaces shall be provided on the property sufficient for all vehicles associated with the short-term rental property or its occupants in accordance with the Ontario Development Code Section 6.03.015. Parking is allowed only in designated driveways and garages. The maximum number of vehicles at a Short-Term rental property at any time is equivalent to the minimum number of parking spaces required for that property.

J. Hosting platform requirements.

1. Hosting platforms shall be responsible for collecting all applicable TOTs and remitting the same to the city. TOT remittance is due monthly, in accordance with Chapter 6 of Title 3 of the Ontario Municipal Code. The hosting platform shall be considered a managing agent of the host for purpose of TOT collections and remittance responsibilities as set forth in Chapter 6 of Title 3 of the Ontario Municipal Code.

2. Subject to applicable laws, hosting platforms shall disclose to the city on a regular basis each short-term rental listing located in the city, the names of the persons responsible for

each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.

3. Hosting platforms shall require hosts to include the city-issued registration number in their listing(s), in a format designated by the city. Upon notice from the city that a listing is non-compliant, hosting platforms shall cease any short-term rental booking transactions for said listing(s) within five business days. A hosting platform shall not complete any booking transaction for a residential property or unit subject to a city notice until notified by the city that the residential property or unit is in compliance with the local registration requirement.

4. Hosting platforms shall not collect or receive a fee, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to a vacation rental or unregistered short-term rental, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the dwelling unit.

5. A hosting platform operating exclusively on the internet, which operates in compliance with subsections 1., 2., 3., and 4. above, shall be presumed to be in compliance with this chapter.

6. The provisions of this section shall be interpreted in accordance with otherwise applicable state and federal law(s) and will not apply if determined by the city to be in violation of, or preempted by, any such law(s).

K. Enforcement and penalties.

1. Operating a short-term rental without a valid short-term rental permit and business license is prohibited. Advertising shall be considered prima facie evidence of operation. Additional evidence of operation may include, but shall not be limited to, guest testimony, online reviews, rental agreements, receipts, or any other information deemed relevant by the city.

2. A violation of this chapter shall constitute a public nuisance, which may be abated by any means provided by law, including, but not limited to, injunctive relief, issuance of administrative fines pursuant to Chapter 2 of Title 1 of the Ontario Municipal Code, and shall also constitute a misdemeanor punishable pursuant to Chapter 2 of Title. The city may issue an administrative citation to any applicant, occupant, responsible person, local contact person, owner, owner's authorized agent or representative, or hosting platform of this code, if there is any violation of this chapter committed, caused or maintained by any of the above parties. Nothing in this section shall preclude the city from also issuing a citation upon the occurrence of the same offense on a separate day.

3. An administrative citation may impose a civil penalty for one (1) or more violations of this chapter in the maximum amount allowed by state law or this code. A civil penalty issued in accordance with this code shall be in the amount of one thousand dollars ($1,000.00) for the first violation, two thousand dollars ($2,000.00) for the second violation, and three thousand dollars ($3,000.00) for the third and all subsequent violations.

4. Each and every day, or portion thereof, a violation of this chapter exists shall constitute a separate and distinct violation.

5. The remedies provided herein are intended to be cumulative and may be used in lieu of or in addition to any other remedy provided by this chapter or other law."

5.03.365: Single-Family Dwellings

Within the MDR-25 and HDR-45 zoning districts, single-family dwellings shall only be allowed:

A. On legally established lots having a gross area that is less than the minimum required by the base zoning district pursuant to Table 6.01-3 (Multiple-Family Residential Development Standards); and

B. On legally established lots having a gross area that results in a density calculation of less than the allowed density range for the base zoning district pursuant to Table 6.01-3 (Multiple-Family Residential Development Standards) of this Development Code.

5.03.370: Single Room Occupancy (SRO) Facilities

The following standards shall govern the establishment and operation of SRO facilities:

A. A minimum of one full common kitchen shall be provided on each floor (story) if full kitchens are not provided within each unit. For the purposes of this provision, a full kitchen shall include a range or stove and oven, sink, and refrigerator.

B. If complete bathrooms are not provided in each unit, shared showers shall be provided at a ratio of one shower for each 8 residents, or fraction thereof, on the same floor. Lockers shall be provided for use of the residents.

C. An SRO facility shall not be located within 500 FT, as measured in a straight line from any point along the outer boundaries of the property, of any existing SRO facility.

D. A comprehensive management plan shall be submitted including the company or agency responsible for resident selection, day-to-day maintenance of the facility, proposed security arrangements and background information and references for the proposed management company or agency.

5.03.375: Soap, Cleaning Compound, and Toilet Preparation Manufacturing

Within the IP zoning district, the development of new soap, cleaning compound, and toilet preparation manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.380: Sound (Audio) Recording Facilities

Within the OL, OH and IH zoning districts, sound (audio) recording facilities shall only be allowed in conjunction with a permitted or conditionally permitted land use. Standalone sound recording facilities within these zoning districts shall be prohibited.

5.03.385: Spring and Wire Product Manufacturing

Within the IP zoning district, the development of new spring and wire product manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

5.03.390: Tattooing, Body Piercing, Branding, and the Application of Permanent Cosmetics

The below-listed standards shall govern the establishment and operation of body art services in the City. For the purposes of this section, "body art services" shall mean tattooing, body piercing, branding, or the application of permanent cosmetics, excepting the piercing of an ear with a disposable, single-use, presterilized stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

A. Every person and every business engaged in body art and/or permanent cosmetics services shall comply with all applicable provisions of the Safe Body Art Act (HSC Section 119300 et seq.).

B. Every person and every business engaged in body art and/or permanent cosmetics services shall obtain a health permit from the San Bernardino County Division of Environmental Health Services prior to commencement of the business activity.

C. A person proposing to construct, remodel, or revise a body art and/or permanent cosmetics facility shall first submit plans to the Ontario Planning Department and the San Bernardino County Division of Environmental Health Services for review and approval, prior to construction.

D. A body art services business located in the MU-1 (Downtown Mixed Use) zoning district shall not be located within 0.25-mile, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any other body art services business. Refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map for locations.

5.03.395: Temporary and Interim Land Uses, Buildings, and Structures

The following temporary and interim land uses shall be allowed upon the issuance of an Administrative Use Permit by the City pursuant to Section 4.03.015 (Administrative Use Permit) of this Development Code:

A. **Interim Farming Activities on Vacant or Underdeveloped Lands.** Farming activities may be established and operated as an interim use on vacant or underdeveloped lands pursuant to the requirements of Subsection 5.03.405.F (Urban Farms) of this Division.

B. **Model Homes.** The following standards shall govern the design and establishment of model homes:

1. Access shall meet the requirements of the Americans with Disabilities Act.

2. Any "trap" fencing shall be located on private property.

3. Any garage used as a sales office shall be converted back to a garage prior to dwelling occupancy.

4. A model complex consisting of 3 or more model homes shall develop and improve a separate lot to accommodate off-street parking, which shall be provided pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code.

5. Subdivisions of 8 or more dwellings having at least one model home that is landscaped, shall demonstrate by installed landscape and irrigation, the principles of water-efficient landscaping and irrigation.

6. The developer of model homes constructed prior to the recordation of a final map for the subdivision containing the model homes, shall enter into a model home agreement with the City, in a form satisfactory to the City Attorney, to ensure that the model homes will not be sold prior to recordation of the final map, and that the model homes will be demolished and removed should the final map not record within a period acceptable to the City.

7. The project proponent shall remove the model homes and their appurtenances from the affected property within 30 days following the expiration of the Administrative Use Permit.

8. In approving a model home facility, the Reviewing Authority may require the installation of certain minimum improvements, such as paved parking, lighting and landscaping, and other improvements necessary to ensure and protect the public health, safety, and welfare.

9. To ensure removal of model homes and their appurtenances within the required period, the Reviewing Authority may require the project proponent provide a performance guarantee pursuant to Division 2.06 (Performance Guarantees) of this Development Code, in the amount of $10,000. The performance guarantee may be utilized by the City to pay any fees and costs incurred by the City, which is associated with the enforcement of Paragraphs A.1 through 8, above, and any conditions of Administrative Use Permit approval imposed by the Reviewing Authority.

C. **Street Fairs.** Street fairs may be allowed within any commercial or mixed-use zoning district.

D. **Temporary Alcoholic Beverage Sales.** Temporary alcoholic beverage sales for consumption on the premises may be allowed within nonresidential zoning districts in conjunction with a temporary activity, display, or event for which an Administrative Use Permit is granted pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code.

E. **Temporary Buildings and Structures.** Temporary buildings and structures, including but not limited to trailers and prefabricated ("modular") buildings, and appurtenances thereto, may be allowed within any residential, commercial, mixed-use, industrial, specialized use, or overlay zoning district, subject to the following:

1. The Planning Director may approve temporary buildings and structures for an initial 2-year period, which shall be granted pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code. The time in which the approval expires may be extended by the Reviewing Authority for a maximum of 2 one-year periods.

2. Temporary buildings and structures requested for periods in excess of the maximum 4 years allowed pursuant to Paragraph E.1, above, may be allowed for periods not to exceed a

total of 10 years, subject to Conditional Use Permit approval, granted pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code.

3. In approving temporary buildings and structures, the Reviewing Authority may require the installation of certain minimum improvements, such as paved parking, lighting and landscaping, and other improvements necessary to ensure and protect the public health, safety, and/or welfare.

4. The project proponent shall remove the temporary building(s) or structure(s), and any appurtenances thereto, from the affected property within 30 days following the expiration of project approval.

5. To ensure removal of a temporary building or structure, and all appurtenances thereto, within the required period, the Reviewing Authority may require the project proponent provide a performance guarantee pursuant to Division 2.06 (Performance Guarantees) of this Development Code, in the amount of $10,000. The performance guarantee may be utilized by the City to pay any fees and costs incurred by the City, which is associated with the enforcement Paragraphs F.1 and F.3, above, and any conditions of Administrative Use Permit or Conditional Use Permit approval, as applicable, imposed by the Reviewing Authority.

F. **Temporary Facilities.** Temporary facilities, such as parking lots for interim use, may be allowed within any residential, commercial, mixed-use, industrial, specialized use, or overlay zoning district, subject to the following:

1. The Planning Director may approve temporary facilities for an initial 2-year period, which shall be granted pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code. The time in which the approval expires may be extended by the Planning Director a maximum of 2 one-year periods.

2. Temporary facilities requested for periods in excess of the maximum 4 years allowed pursuant to Paragraph E.1, above, may be allowed for periods not to exceed a total of 10 years, subject to Conditional Use Permit approval, granted pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code.

3. In approving a temporary facility, the Reviewing Authority may require the installation of certain minimum improvements, such as paved parking, lighting and landscaping, and other improvements necessary to ensure and protect the public health, safety, and/or welfare.

4. The project proponent shall remove the temporary facility and all appurtenances thereto from the affected property within 30 days following the expiration of the Administrative Use Permit.

5. To ensure removal of a temporary facility and all appurtenances thereto within the required period, the Reviewing Authority may require the project proponent provide a performance guarantee pursuant to Division 2.06 (Performance Guarantees) of this Development Code, in the amount of $10,000. The performance guarantee may be utilized by the City to pay fees and costs incurred by the City, associated with the enforcement of Paragraphs E.1 and E.3, above, and any conditions of Administrative Use Permit or Conditional Use Permit approval, as applicable, imposed by the Reviewing Authority.

G. Temporary Outdoor Activities, Displays, Events, and Sales. Temporary outdoor sales, displays, and activities may be allowed within any commercial, mixed-use, industrial, or specialized use zoning district, and within residential zoning districts in conjunction with a legally established religious assembly land use, subject to the approval of an Administrative Use Permit pursuant to Section 4.03.015 (Administrative Use Permit) of this Development Code, and are further classified as follows:

1. Retail Sales Events and Other Similar Business Events. Retail sales events and other similar business events, including but not limited to special outdoor sales, sidewalk sales, and parking lot sales, are subject to the following:

a. A retail sales event or other similar business event shall only be allowed in conjunction with a legally established business that has been operated for a period of at least 180 days prior to the retail sales event or other similar business event.

b. Retail sales events and other similar business events shall be limited to a maximum of 10 events per calendar year (maximum of 20 days/calendar year), for each commercial center, office, or industrial/business park complex. Each event may occur for a maximum of 2 consecutive days and each additional event (maximum of 2 consecutive days) after the initial event shall count towards the 10-event annual maximum, even when events are held on consecutive days. The annual event maximum shall apply collectively to all tenants within the commercial center, office, or industrial/business park complex. For the purposes of this section, a commercial center, office or industrial/business park complex shall be considered a single site, regardless of the number of parcels, property owners, or tenants within the development area.

c. The outdoor display of merchandise shall be restricted to an area directly adjacent to the business' exterior storefront; however, in the case of shopping centers, when it is not practical for the outdoor display area to be located directly adjacent to the business front, the sale area shall be located in an area as close as practically possible, to the business' exterior storefront.

d. The display of merchandise shall not impede pedestrian or vehicular circulation.

e. All merchandise, materials, signs, and debris shall be removed from the outdoor area by 9:00 AM following the last day of the retail sales event.

2. Holiday Retail Sales. Holiday retail sales include Christmas tree and pumpkin sales, and shall be limited to 30 days duration, 2 times per calendar year, for each business location.

3. Shows and Exhibits. Religious, historic, patriotic, or other similar outdoor displays may be permitted within a yard, parking lot or landscaped area, by or for the benefit of nonprofit organizations, subject to the following:

a. Shows and exhibits shall be limited to 30 days duration within any 90-day period.

b. The show or exhibit shall not impede pedestrian or vehicular traffic.

c. Shows and exhibits shall not be conducted within 1,000 FT of any residential land use, as measured in a straight line from any point along the outer boundaries of the property containing the show or exhibit. This separation requirement may be reduced by the Planning

Director, provided the type and size of event proposed could in no way adversely affect residential land uses.

d. All equipment, materials, signs, and debris shall be removed from the outdoor area by 9:00 AM following the last day of the display.

4. Amusement and/or Sporting Events. Bazaars, circuses, carnivals, rodeos, pony rides and other similar temporary amusement and/or sporting events may be permitted, subject to the following:

a. Events shall be limited to 2 periods of 7 days duration per calendar year, for each event location. The 2 event periods may be used consecutively.

b. Events shall not be conducted within 1,000 FT of any residential zoning district, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the event. This separation requirement may be reduced by the Planning Director, provided the type and size of event proposed could in no way adversely affect residential land uses.

c. All equipment, materials, signs, and debris shall be removed from the event location by 9:00 AM following the last day of the event.

5. Tent Revivals. Tent revivals and other similar temporary events involving the large assemblage of people and/or equipment within a temporary structure or in the open air, may be permitted, subject to the following:

a. Tent revivals shall be limited to 2 periods of 7 days duration per calendar year, for each event location. The 2 event periods may be used consecutively.

b. Tent revivals shall not be conducted within 1,000 FT of any residential land use, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the tent revival. This separation requirement may be reduced by the Planning Director, provided the type and size of event proposed could in no way adversely affect residential land uses.

c. All equipment, materials, signs, and debris shall be removed from the event location by 9:00 AM following the last day of the event.

6. Charitable and Fund Raising Events. Fund raising events for charitable organizations and other non-profit organizations, such as churches, schools, clubs, and other similar organizations, may be permitted to hold special outdoor fund raising events, hosted by and in conjunction with a legally established commercial or industrial land uses, subject to the following:

a. Charitable and fund raising events shall be limited to 12 events per calendar year per location, not to exceed one event per month. Events shall be limited to a maximum of 4 days duration.

b. Charitable and fund raising events shall be restricted to an area directly adjacent to the host business' exterior; however, when it is impractical for the event to be located directly adjacent to the host business, such as in the case of a commercial shopping center, the event shall be located in an area as close as practically possible to the host business' exterior.

c. Charitable and fund raising events shall not impede pedestrian or vehicular circulation.

d. All equipment, materials, signs, and debris shall be removed from the event location by 9:00 AM following the last day of the event.

H. **Temporary Produce Stands.** Temporary produce stands may be established and operated pursuant to the requirements of 5.03.410.E.2.d (Community Garden On-Site Produce Sales) and 5.03.410.F.d.2 (Urban Farm On-Site Produce Sales) of this Division.

I. **Temporary Real Estate Sales, Lease and Rental Offices.** Temporary real estate sales, lease, and rental offices may be allowed within any residential, commercial, mixed-use, industrial, specialized use, or overlay zoning district, subject to the following:

1. A temporary real estate sales, lease, or rental office shall be located a minimum of 200 FT from any existing dwelling outside of the subdivision or development project.

2. A temporary real estate sales, lease, or rental office may be established within a model dwelling, or within a temporary structure specifically designed for the use and approved pursuant to Subsection E (Temporary Office Structures) of this Section.

3. A certificate of occupancy for a temporary real estate sales, lease, or rental office shall not be issued until after a subdivision has been recorded with the San Bernardino County Recorder, or a building permit has been issued for a multiple-family development project.

4. Temporary real estate sales, lease, or rental offices shall be removed from the site within 30 days following the sale, lease, or rental of the last dwelling unit.

5. Comply with all provisions of Division 8.1 (Sign Regulations) pertaining to temporary real estate sales, lease, and rental signs.

J. **Temporary Wireless Telecommunications Facilities.** Temporary wireless telecommunications facilities may be allowed to fulfill short-term wireless capacity and/or coverage needs of the community, resulting from special activities or events for which a Temporary Use Permit has been approved, or to serve areas experiencing short-term population increases which the existing wireless telecommunications system cannot adequately support, such as seasonal retail sales, and other City-supported activities/events.

1. The Planning Director may approve short-term temporary wireless telecommunications facility pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code. Should the City determine that a temporary wireless telecommunications facility is needed to fulfill the short-term wireless capacity and coverage needs of the community, an application for the short-term temporary wireless telecommunications facility, and applicable processing fees, shall be submitted for review and approval by the City. Furthermore, the following shall be imposed as a condition of application approval:

a. The short-term temporary wireless telecommunications facility may remain in place for a period of 90 days from date of installation. The time in which the approval expires may be extended for a maximum of 2 periods of 90 days duration, each, for a total of 270 days.

b. Engineered plans and drawings (if required) to erect the temporary wireless telecommunications facility are to be submitted to the Building and Planning Departments for review and approval. All applicable building permits shall be required.

c. If a generator is to be provided to operate or provide backup power to the temporary wireless telecommunications facility, all applicable requirements of OMC Chapter 29 (Noise) of Title 5 (Public Welfare, Morals and Conduct) shall be complied with.

An agreement with the City and the posting of a $10,000 bond shall be required for any short-term temporary wireless telecommunications facility. The agreement shall state the applicant's concurrence with the temporary nature of the permit and the acceptance of the conditions of approval. The bond shall secure the applicant's obligations to immediately remove approved facility upon expiration of the use permit. (Note: The bond requirement may be waived by the Development Agency Director.)

K. **Temporary Truck Parking Facilities.** Temporary truck parking facilities for interim use, may be allowed within the IND (Industrial), BP (Business Park), and GC (General Commercial) Policy Plan land use designations, and the AG (Agricultural) zoning district, subject to the following:

1. Temporary truck parking facilities may be allowed in the general area south of Schaefer Avenue, north of Merrill Avenue, east of Euclid Avenue, and west of the Cucamonga Creek Flood Control Channel.

2. Temporary truck parking facilities shall only be allowed on owner occupied parcels.

3. The Planning Director may approve temporary truck parking facilities for an initial 2-year period, which shall be granted pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code. The time in which the approval expires may be extended by the Planning Director a maximum of 2 one-year periods.

4. Temporary truck parking facilities requested for periods in excess of the maximum 4 years allowed pursuant to Paragraph K.3, above, may be allowed for periods not to exceed a total of 10 years, subject to Conditional Use Permit approval, granted pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code.

5. In approving a temporary truck parking facility, the Reviewing Authority may require the installation of certain minimum improvements, such as paved parking, lighting and landscaping, and other improvements necessary to ensure and protect the public health, safety, and/or welfare.

6. The project proponent shall remove the temporary truck parking facility and all appurtenances thereto from the affected property within 30 days following the expiration of the Administrative Use Permit.

7. To ensure removal of a temporary truck parking facility and all appurtenances thereto within the required period, the Reviewing Authority may require the project proponent provide a performance guarantee pursuant to Division 2.06 (Performance Guarantees) of this Development Code, in the amount of $10,000. The performance guarantee may be utilized by the City to pay fees and costs incurred by the City, associated with the enforcement of Paragraphs K.3 and K.5, above, and any conditions of Administrative Use Permit or Conditional Use Permit approval, as applicable, imposed by the Reviewing Authority.

5.03.400: Thrift and Secondhand Stores, and Used Goods Stores

The on-site collection of salvageable personal property in conjunction with thrift and secondhand stores, and used goods stores, shall be prohibited, except as allowed by Section 5.03.320 (Personal Property Collection Bins) of this Division.

5.03.403: Single-Family Two-Unit Projects

A. **Purpose.** The purpose of this Section is to allow and appropriately regulate Single-Family Two-Unit Projects pursuant to GC Section 65852.21.

B. **Definition**. A "Single-Family Two-Unit Project" means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot pursuant to the requirements of this Section.

C. **Application**.

1. Only individual property owners may apply for a Two-Unit Project. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Section 214.15).

2. An application for a Two-Unit Project shall be submitted on a City application form.

3. The applicant shall obtain a certificate of compliance with the Subdivision Map Act for the lot and provide the certificate with the application.

4. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days following application submittal.

5. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this Section of the Development Code, pursuant to applicable law. The City council may establish and change the fee by resolution. The fee shall be paid with the application.

D. **Approval**.

1. An application for a Two-Unit Project is approved or denied ministerially, by the Planning Director, without discretionary review.

2. The ministerial approval of a Two-Unit Project does not take effect until the City has confirmed that all required documents have been recorded, such as the deed restriction and easements.

3. The approval shall require the owner and applicant to hold the City harmless from all claims and damages related to the approval and its subject matter.

4. The approval shall require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this Development Code.

E. **Requirements**. A Two-Unit Project shall satisfy all of the following requirements:

1. Subdivision Map Act (SMA) Compliance. The lot shall have been legally subdivided.

2. Zoning District. The lot is in a single-family residential zoning district. For the purpose of this Section, a site likely qualifies as being in a single-family residential zone if the general plan designation or zoning classification allows single-family uses as a primary use and multiple-family uses are prohibited.

3. Lot Location. Pursuant to the GC Section 65913.4(a)(6)(B) through (K), the lot to be split shall not be located on a site that is any of the following:

a. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.

b. A wetland.

c. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

d. A hazardous waste site that has not been cleared for residential use.

e. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.

f. Within a 100-year flood hazard area, unless the site has either:

(1) Been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or

(2) Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

g. Within a regulatory floodway, unless all development on the site has received a no-rise certification.

h. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.

i. Habitat for protected species.

j. Land under conservation easement.

4. Not Historic. The lot shall not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark, or as a historic property or district.

5. No Impact on Protected Housing. The Two-Unit Project shall not require or include the demolition or alteration of any of the following types of housing:

a. Housing that is income-restricted for households of moderate, low, or very low income.

b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.

c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (GC Sections 7060–7060.7) at any time in the 15 years prior to submission of the Urban Lot Split application.

d. Housing that has been occupied by a tenant in the last 3 years. The applicant and the owner of a property for which an Urban Lot Split is sought shall provide a sworn statement as to this fact with the application for the tentative parcel map. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the City may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

6. Unit Standards.

a. *Quantity*.

(1) No more than two dwelling units of any kind may be built on a lot that results from an Urban Lot Split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created pursuant to Section 5.03.403 (Two-Unit Projects) of this Development Code, or an ADU or JADU created pursuant to State law and Section 5.03.010 (Accessory Dwelling Unit) of this Development Code.

(2) A lot that is not created by an Urban Lot Split may have a Two-Unit Project as provided by this Section, plus any ADU or JADU that shall be allowed pursuant to State law and Section 5.03.010 (Accessory Dwelling Unit) of this Development Code.

b. *Unit Size*.

(1) The total floor area of each primary dwelling that is developed under this Section shall be a minimum of 500 SF in area and a maximum of 800 SF in area.

(2) A primary dwelling that was legally established on the lot prior to the Two-Unit Project and is larger than 800 SF is limited to the lawful floor area at the time of the Two-Unit Project. The unit may not be expanded.

(3) A primary dwelling that was legally established prior to the Two-Unit Project and is smaller than 800 SF may be expanded to 800 SF after or as part of the Two-Unit Project.

c. *Height Restrictions*.

(1) On a lot that is larger than 2,000 SF, no new primary dwelling unit may exceed one-story or 16 FT in height, measured from grade to peak of the structure.

(2) On a lot that is smaller than 2,000 SF, no new primary dwelling unit may exceed two-stories or 22 FT in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story in height shall be stepped back by an additional 5 FT from the ground floor; no balcony deck or other portion of the second story may project into the stepback.

(3) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot with a Two-Unit Project.

d. *Demo Cap*. The Two-Unit Project shall not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last 3 years.

e. *Lot Coverage*. This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 SF each, as required by the underlying zoning district.

f. *Setback Requirements*.

(1) **Generally**. All setbacks shall conform to the minimum requirements of the underlying zoning district.

(2) **Exceptions**. Notwithstanding subpart E.6.f above:

(a) Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

(b) Cannot Preclude Construction of Two 800-SF Units and 4-FT Side/Rear Setbacks. The setbacks imposed by the underlying zoning district shall yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 SF in floor area; but in no event may any structure be less than 4 FT from a side or rear property line.

(3) **Front Setback Area**. Notwithstanding any other part of this code, dwellings that are constructed under this Section shall conform to the front setback requirement of the underlying zoning district. The front setback area shall:

(a) Be kept free from all structures greater than 3 FT high; and

(b) Allow for vehicular and fire-safety access to the front structure.

g. *Parking*. Each new primary dwelling unit shall have at least one off-street parking space per unit within a fully enclosed garage having a minimum interior clear area measuring 10 FT in width and 20 FT in length, unless one of the following applies:

(1) The lot is located within one-half mile walking distance of either:

(a) A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours, or

(b) A site that contains:

(i) An existing rail or bus rapid transit station,

(ii) A ferry terminal served by either a bus or rail transit service, or

(iii) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

(2) The site is located within one block of a permanently established car-share vehicle pickup/drop-off location.

h. *Architecture*.

(1) If there is a legal primary dwelling on the lot that was established before the Two-Unit Project, any new primary dwelling unit shall match the existing primary dwelling unit with respect to exterior materials, finishes, color, and dominant roof pitch. The dominant roof pitch means the slope shared by the largest portion of the roof.

(2) If there is no legal primary dwelling on the lot before the Two-Unit Project, and if two primary dwellings are developed on the lot, the dwellings shall match each other with respect to exterior materials, finishes, color, and dominant roof pitch. The dominant roof pitch means the slope shared by the largest portion of the roof.

(3) All exterior lighting shall be limited to down-lights.

(4) No window or door of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property. Decorative masonry block walls, dense landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

(5) If any portion of a dwelling is less than 30 FT from a property line that is not a public street right-of-way line, then all windows and doors in that portion shall either be (for windows) clerestory with the bottom of the glass at least 6 FT above the finished floor, or (for windows and doors) utilize frosted or obscure glass.

i. *Walls, Fences, and Obstructions*.

(1) A lot comprising a Two-Unit Project shall be provided with 6-FT high decorative masonry block walls (reduced to 3 FT in height within front setback areas) at the following locations:

(a) Interior side and rear lot lines of each lot; and

(b) Street side property lines and along the rear property line of through lots, setback a minimum of 5 FT behind the sidewalk.

(2) The construction and maintenance of walls, fences, and other obstructions shall comply with the requirements of Chapter 6.0 (Development and Subdivision Regulations), (Division 6.02 (Walls, Fences, and Obstructions) of this Development Code.

j. *Landscaping*. A lot comprising a Two-Unit Project shall be fully landscaped and provided with a permanent automatic irrigation system pursuant to the requirements Chapter 6.0 (Development and Subdivision Regulations), Division 6.05 (Landscaping) of this Development Code.

k. *Nonconforming Conditions*. A Two-Unit Project shall be approved only if all nonconforming zoning conditions are corrected.

l. *Utilities*.

(1) Each primary dwelling unit on the resulting lots shall have its own direct utility connection to the utility service provider.

(2) Each primary dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system shall first have a percolation test completed within the last 5 years or, if the percolation test has been recertified, within the last 10 years.

m. *Building & Safety*. All structures built on a lot comprising a Two-Unit Project shall comply with all current local building standards. A project under this Section is a change of use and subjects the whole of the lot, and all structures, to the City's current code.

7. Fire-Hazard Mitigation Measures. A lot in a very high fire hazard severity zone shall comply with each of the following fire-hazard mitigation measures:

a. It shall have direct access to a public street right-of-way with a paved street with a width of at least 40 FT. The public street right-of-way shall have at least two independent points of access for fire and life safety to access and for residents to evacuate.

b. All dwellings on the site shall comply with current fire code requirements for dwellings in a very high fire hazard severity zone.

c. All enclosed structures on the site shall have fire sprinklers.

d. All sides of all dwellings on the site shall be within a 150-FT hose-pull distance from either the public street right-of-way or of an onsite fire hydrant or standpipe.

e. If the lot does not have a swimming pool, the lot shall have a water reservoir of at least 5,000 gallons per dwelling, with fire-authority approved hookups compatible with fire-authority standard pump and hose equipment.

8. Separate Conveyance.

a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.

b. Condominium airspace divisions and common interest developments are prohibited.

c. All fee interest in a lot and all dwellings on the lot shall be held equally and undivided by all individual property owners.

9. Regulation of Uses.

a. *Residential-Only*. No non-residential use is permitted on the lot.

b. *No Short Term Rentals*. No dwelling unit on a lot comprising a Two-Unit Project shall be rented for a period of less than 30 days.

c. *Owner Occupancy*. Unless the lot comprising a Two-Unit Project was formed by an Urban Lot Split, the individual property owners of a lot with a Two-Unit Project shall occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

10. Notice of Construction.

a. At least 30 business days before starting any construction of a Two-Unit Project, the property owner shall give written notice to all the owners of record of each of the adjacent residential parcels, which notice shall include the following information:

(1) Notice that construction has been authorized,

(2) The anticipated start and end dates for construction,

(3) The hours of construction,

(4) Contact information for the project manager (for construction-related complaints), and

(5) Contact information for the Building & Safety Department.

b. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this Section. This notice requirement is purely to promote neighborhood awareness and expectation.

11. Deed Restriction. The owner shall record a deed restriction, acceptable to the City, that does each of the following:

a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.

b. Expressly prohibits any non-residential use of the lot.

c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.

d. If the lot is not created by an Urban Lot Split: Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.

e. States that the property is formed by an Urban Lot Split and is therefore subject to the City's Urban Lot Split regulations, including all applicable limits on dwelling size and development.

F. Specific Adverse Impacts.

1. Notwithstanding anything else in this Section, the City may deny an application for a Two-Unit Project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

2. The term "specific adverse impact" has the same meaning as in GC Section 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).

3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

G. Remedies. If a Two-Unit Project violates any part of this Development Code or any other legal requirement:

1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.

2. The City may:

a. Bring an action to enjoin any attempt to sell, lease, or finance the property.

b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to $10,000, or both; or a misdemeanor.

d. Record a notice of violation.

e. Withhold any or all future permits and approvals.

f. Pursue all other administrative, legal, or equitable remedies that are allowed by law, this Development Code, or the City's Municipal Code.

5.03.405: Temporary Shelters and Supportive Housing

The following standards shall govern the establishment and operation of Supportive Housing for the homeless families, persons with disabilities and homeless youth, and Temporary Shelters, including Emergency Shelters, Low Barrier Navigation Centers, Transitional Housing, and Transitional Living Centers.

A. General Requirements.

1. No portion of any Temporary Shelter or Supportive Housing facility shall be located within 300 FT of another such facility that is constructed, or that is approved for construction.

2. Temporary Shelters and Supportive Housing facilities shall observe State and Federal Fair Housing regulations and standards.

3. No more than one Federal, State, or Youth Authority parolee shall be allowed to live in a Temporary Shelter or Supportive Housing facility.

4. An application submitted for approval of a Temporary Shelter or Supportive Housing facility shall identify whether any boarders are currently Federal, State, or Youth Authority parolees. Owners and/or operators of Temporary Shelters and Supportive Housing facilities shall update the information required by this Section anytime a person that is a Federal, State, or Youth Authority parolee is provided accommodations at the facility.

5. All Temporary Shelters and Supportive Housing facilities shall require boarders to sign a Crime Free Lease Addendum as part of their lease or rental agreement (as applicable), which provides that any criminal violations perpetrated by boarders shall be grounds for termination of the written or oral lease, sublease, or agreement under which they reside at the temporary/transitional shelter or housing.

6. Temporary Shelters and Supportive Housing facilities shall be operated in full compliance with all applicable requirements of this Development Code. Violation of any local, State, or Federal laws by individual boarders while on the premises shall be grounds for Conditional Use Permit (if applicable) and/or business license revocation, including but not limited to, violations of PC Section 3003.5.

7. No Temporary Shelter or Supportive Housing facility shall be maintained as a nuisance. The conduct of any Temporary Shelter or Supportive Housing facility within the City, in violation of any of the terms of this Article or other applicable provisions of this Development Code found and declared to be a public nuisance, and the City Attorney or the District Attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinment thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such Temporary Shelter or Supportive Housing facility, and restrain and enjoin any person from conducting, operating or maintaining a Temporary Shelter or Supportive Housing facility contrary to the provisions of this Article or Development Code.

8. Any owner, operator, manager, employee or independent contractor of a Temporary Shelter or Supportive Housing facility violating or permitting, counseling, or assisting the violation of any of the provisions of this Article or applicable provisions of this Development Code regulating Temporary Shelters and Supportive Housing facilities shall be subject to any and all civil and criminal penalties pursuant to OMC Title 1, Chapter 2 (Penalty Provisions), and/or administrative citations pursuant to OMC Title 1, Chapter 5 (Administrative Citations). All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

9. For those Temporary Shelters and Supportive Housing facilities that require Conditional Use Permit approval pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, violation of any of provision of this Section, or the Conditional Use Permit authorizing the Temporary Shelter or Supportive Housing facility, shall be grounds for revocation of the Conditional Use Permit pursuant to the provisions of Division 2.05 (City Initiated Modification or Revocation) of this Development Code.

10. Temporary Shelters shall be prohibited within ALUCP safety zones.

11. Temporary Shelters and Supportive Housing facilities shall be in compliance with all requirements of this Development Code at all times, as well as any applicable provisions of the Ontario Municipal Code, including obtaining any other permits or licenses, such as building permits or a business license, required before establishing, expanding or maintaining the use.

B. **Emergency Shelters.** When allowed by Table 5.02-1 (Land Use Matrix) of this Development Code, Emergency Shelters shall be subject to the following standards:

1. The maximum length of stay for an Emergency Shelter client shall be 6 months.

2. On-site management shall be provided during the hours that the Emergency Shelter is in operation.

3. On-site security shall be provided during the hours that the Emergency Shelter is in operation.

4. No more than 20 client/tenant beds shall be allowed within any privately operated Emergency Shelter.

5. A publicly operated Emergency Shelter shall be permitted a maximum of 50 client/tenant beds, any increase in client/tenant beds is subject to Planning Director review and approval.

6. An intake waiting area equal to a minimum of 10 SF for each client/tenant bed shall be provided.

7. The exterior of the intake waiting areas shall be screened from public view by a 6-FT high decorative masonry block wall and appropriate landscaping.

8. A storage area for use by clients/tenants shall be provided at a rate of 7 SF for each client/tenant bed. A storage area is not required to be provided adjacent to the respective client/tenant bed.

9. An emergency shelter shall provide lavatory, toilet, and shower facilities adequate for the number of clients/tenants served; however, a minimum of one such facility shall be provided for each 15 client/tenant beds.

10. An emergency shelter shall not be required to provide more than 1.0 parking space per employee, or the required parking for other residential or commercial land uses within the same zoning district as it is located, whichever is less.

5.03.410: Urban Agriculture

A. **Purpose.** The purpose of these urban agriculture regulations is to create a more sustainable and secure local food system by increasing opportunities to grow and sell food within all zoning districts of the City.

B. **Applicability.** The urban agriculture regulations established by this Section govern the establishment and operation of agricultural activities and facilities within all zoning districts of the City. The regulations established by this Section recognize 5 different urban agricultural activities, including Animal Keeping and Production; Commercial Crop Production and Farming; Community Gardens; Urban Farms; and On-Site Produce Sales Stands.

C. **Animal Keeping and Production.**

1. Residential Animal Keeping.

a. *Allowed Activities/Facilities.* Residential animal keeping shall be maintained only as an ancillary use to single-family dwellings, and shall be maintained only for noncommercial hobby or show purposes, or for the personal enrichment of City residents, as follows:

(1) **Residential Zones.** Residential animal keeping is permitted by right within the AR-2 and RE-2 zoning districts in conjunction with a single-family dwelling. Furthermore, the keeping of 4 or fewer household pets is permitted by right within all residential and mixed-use zoning districts, and within the AG and MHP zoning districts, in conjunction with a single-family or multiple-family dwelling.

(2) **Commercial Zones.** Residential animal keeping is prohibited within all commercial zoning districts.

(3) **Mixed-Use Zones.** Residential animal keeping is limited to the keeping of household pets within all mixed-use zoning districts.

(4) **Industrial Zones.** Residential animal keeping is prohibited within all industrial zoning districts.

(5) **Specialized Use Zones.** Residential animal keeping is permitted by right within the AG zoning district. Furthermore, the keeping of 4 or fewer household pets is permitted within the MHP zoning district.

b. *Land Use Standards.* The following standards govern residential animal keeping activities and facilities:

(1) **General Requirements.**

(a) Animals At Large—It shall be unlawful for any person within the City having the care, charge, control, or possession of any animal, fowl or bird to permit it to be, remain, go, or run at large upon any public street, alley, or unenclosed lot or land in the City, except dogs on leashes, cats, racing homing pigeons during runs, an animal in a vehicle, or a horse mounted or led by a responsible person. Animals shall be secured by a fence or wall at least 5 FT in height when out of doors.

(b) Sanitation of Premises—

(i) Every person owning or occupying property within the City upon which any animal, fowl, or bird is kept shall maintain the property and any stable, barn, stall, pen, coop, building, or place thereon in which animals are kept, in a clean and sanitary condition so as not to be detrimental to the public health.

(ii) Proper management of animal waste shall be carried out pursuant to all requirements of the State Regional Water Quality Control Board or regulating agency.

(c) Proximity of Animals to Yards, Property Lines, Dwellings and Residential Accessory Structures—

(i) It shall be unlawful in residential zones of the City to keep any animal, except household pets, within 20 FT of any property line.

(ii) It shall be unlawful for any person to keep any animal, other than household pets, within 50 FT (70 FT for swine) of any structure, other than that of the owner, which is used for human habitation, or for educational, health care, social assistance, religious assembly, food service, or governmental purposes, except as allowed by Subparagraph (iii), below.

(iii) It shall be unlawful for any person to keep any hobby, show or game bird, fowl, or rabbit, other than a household pet, within 30 FT of any structure, other than that of the owner, which is used for human habitation, or for educational, health care, social assistance, religious assembly, food service, or governmental purposes.

(iv) No animal is to be stabled, kept, or maintained in any front or street-side yard area.

(d) Nonconforming Animal Keeping Activities. Animal keeping that becomes non-conforming by reason of new development on neighboring properties may be continued; provided, the nonconforming activity maintains compliance with the provisions of Division 3.01 (Nonconforming Lots, Land Uses and Structures) of the Ontario Development Code.

(e) Maximum Animal Keeping Densities. Table 5.03-6 (Maximum Animal Keeping Densities as an Accessory Use), below, establishes the maximum number of animals that may be maintained on a lot, provided the particular animal type is allowed pursuant to Table 5.01-1 (Land Use Matrix) of the Ontario Development Code. The maximum animal densities are based upon net lot area; however, any portion of a lot used to qualify one animal type shall not be used to qualify another animal type.

Table 5.03-5: Maximum Animal Keeping Densities as an Accessory Use

Animal Type	Maximum Animal Density
A. Birds	One animal for each 1,000 SF of lot area, except that within the AR-2 zoning district, maximum animal density may be increased as determined by a Conditional Use Permit
B. Cattle and Buffalo	One animal for each 6,000 SF of lot area
C. Exotic Pets	As determined by Conditional Use Permit
D. Horses	One animal for each 6,000 SF of lot area
E. Household Pets	Pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, not to exceed 8 animals
F. Llamas, Alpacas, Burros, Donkeys, and Mules	One animal for each 4,000 SF of lot area
G. Ostriches, Emus, and Rheas	One animal for each 6,000 SF of lot area
H. Poultry and Fowl	One animal for each 1,000 SF of lot area
I. Rabbits and Chinchillas	One animal for each 1,000 SF of lot area
J. Swine	One animal for each 20,000 SF of lot area, not to exceed 3 animals
K. Sheep, Goats (female only), and Similar Livestock	One animal for each 3,600 SF of lot area

(2) **Keeping of Exotic Pets.** The keeping of exotic pets shall be allowed only in conjunction with, and accessory to, a single-family dwelling, subject to the following standards:

(a) The keeping of exotic animals shall require approval of a Conditional Use Permit pursuant to Section 4.02.025 (Conditional Use Permits) of the Ontario Development Code.

(b) The approval of a Conditional Use Permit for an exotic animal shall not be effective until the Reviewing Authority receives written evidence that the applicant has obtained a permit from the State Department of Fish and Game, if required.

(c) The keeping of an exotic animal shall comply with all applicable Federal and State laws and requirements.

(3) **Keeping of a Potbellied Pig.** The keeping of a potbellied pig as a household pet shall only be allowed in the AR-2, RE-2, RE-4, and LDR-5 zoning districts, in conjunction with, and ancillary to, a traditional single-family dwelling, subject to the following standards:

(a) For the purposes of this Section, the term "potbellied pig" shall mean a domesticated miniature Vietnamese, Chinese, or Asian potbellied pig, not exceeding 90 pounds in weight and 18 inches in height (measured at the shoulder) and characterized by a swayed back and straight tail.

(b) Potbellied pigs shall be provided with a fenced yard designed to assure confinement of the animal when kept outside. Yard areas shall be maintained in a clean, safe, and odor-free condition.

(c) There shall be no more than one potbellied pig permitted on a lot.

(d) Potbellied pigs shall be licensed in the same manner as dogs, subject to the same restrictions and penalties, pursuant to the provisions of OMC Title 6 (Sanitation and Health).

(e) The breeding of potbellied pigs shall not be permitted. All potbellied pigs shall be spayed or neutered.

(f) Prior to licensing of a potbellied pig, veterinary certification shall be required stating:

(i) The pig is spayed or neutered;

(ii) The pig is in good health and has received all necessary vaccinations; and

(iii) The height and weight of the potbellied pig.

(g) All male potbellied pigs 2 years of age or older shall have their tusks removed.

(h) While outside the owner's premises or property, potbellied pigs shall be restrained by a harness and leash, or other similar restraint, no more than 6 FT in length.

(4) **Male Goats.** It shall be unlawful to keep any male goat that is not neutered.

(5) **Poisonous or Otherwise Dangerous Reptiles.** It shall be unlawful to keep any poisonous or otherwise dangerous reptile, as determined by the Zoning Administrator.

(6) **Crowing Fowl.** It shall be unlawful for any person to keep any crowing rooster, peacock, guinea fowl, or any other fowl that by sound or cry shall unreasonably disturb the peace and quiet of a neighborhood.

2. Commercial Animal Production.

a. *Allowed Activities/Facilities.* Commercial animal production includes cattle ranching and farming; sheep and goat farming; aquaculture; apiculture, horse, and other equine production; fur-bearing animal production; kennels and catteries, alpaca, and llama production; aviaries; ostrich, emu and rhea production; and support activities for animal production. Commercial animal production is allowed as a primary use of land, as follows:

(1) **Residential Zones.** Commercial animal production is prohibited within residential zoning districts, except that within the AR-2 zoning district, kennels and catteries having fewer than 8 animals shall be permitted as a Home Occupation pursuant to the requirements of the Section 5.03.240 of this Development Code.

(2) **Commercial Zones.** Commercial animal production is prohibited within commercial zoning districts, except that kennels and catteries, for the purpose of boarding only, shall be allowed within the CC and CR zoning districts in conjunction with veterinary and/or

animal hospital services (NAICS 541940), pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

(3) **Mixed-Use Zones.** Commercial animal production is prohibited within mixed-use zoning districts.

(4) **Industrial Zones.** Commercial animal production is prohibited within industrial zoning districts, except that kennels and catteries shall be allowed within the IL and IH zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

(5) **Specialized Use Zones.** Commercial animal keeping is conditionally permitted (requires Conditional Use Permit approval pursuant to the requirements of Section 4.02.015 of this Development Code) within the AG zoning district on lots no less than 2 acres in area (20,000 SF for farms exclusively for small animal keeping), except apiculture (bee keeping and production), which is permitted by right within the AG, ONT, and UC zoning districts.

b. *Land Use Standards.* The following standards shall govern the development and/or operation of facilities for commercial animal production and related uses:

(1) **Minimum Lot Area.** Animal keeping for animal production and related uses (excludes kennels and catteries, for the purpose of boarding only, in conjunction with veterinary and/or animal hospital services) shall be on a lot of no less than 2 acres in area, except that farms exclusively for small animal keeping, including apiaries, aviaries, rabbit, chinchilla, or other similar small raising, shall be permitted on lots of no less than 20,000 SF in area.

(2) **Animals At Large.** It shall be unlawful for any person within the City of Ontario, which has the care, charge, control, or possession of any animal, fowl or bird to permit it to be, remain, go, or run at large upon any public street, alley, or unenclosed lot or land in the City, except dogs on leashes, cats, racing homing pigeons during runs, an animal in a vehicle, or a horse mounted or led by a responsible person.

(3) **Sanitation of Premises.**

(a) Every person owning or occupying property within the City upon which any animal, fowl, or bird is kept shall maintain the property and any stable, barn, stall, pen, coop, building, or place thereon in which animals are kept, in a clean and sanitary condition so as not to be detrimental to the public health.

(b) Proper management of animal waste shall be carried out pursuant to all requirements of the State Regional Water Quality Control Board or regulating agency.

(4) **Hitching and Tethering Animals.** It shall be unlawful to hitch, tie, or otherwise fasten any horse, cow, or other animal to any tree or shrub within the City, or to tether or hitch for feeding any animal so as to allow the animal to cross any street, sidewalk, or alley within the City.

(5) **Proximity of Animals to Yards, Property Lines, Dwellings and Residential Accessory Structures, and Water Wells.**

(a) It shall be unlawful in residential zones of the City to keep any animal, other than household pets, within 20 FT of any property line.

(b) It shall be unlawful for any person to keep any animal, other than household pets, within 50 FT of any structure, other than that of the owner, which is used for human habitation, or for educational, health care, social assistance, religious assembly, food service, or governmental purposes, except as allowed by Subparagraph (c), below.

(c) It shall be unlawful for any person to keep any hobby, show or game bird, fowl, or rabbit, other than a household pet, within 30 FT of any structure, other than that of the owner, which is used for human habitation, or for educational, health care, social assistance, religious assembly, food service, or governmental purposes.

(d) No animal is to be stabled, kept, or maintained in any front or street-side yard area.

(e) No animals shall be kept within 100 FT of any domestic water well.

(f) Any new animal feed trough, corral/pen, dairy/feed lot, including manure stockpiles and related wastewater detention basins, shall maintain a minimum 500-FT separation from the boundary of any residential or non-residential subdivision map recorded after January 31, 2000. A reduction in the separation requirement may be considered for facilities with proven means of reducing odors, such as covering lagoons, substituting concrete-lined pits for lagoons, and employing recommended ventilation systems for animal confinement buildings. Consideration of alternative setbacks shall be subject to consultation with qualified agricultural engineers to ensure that the measure will reliably accomplish the intended purpose.

(g) A minimum 100-FT separation shall be maintained between any new residential or nonresidential development, or any structure used for public assembly, and any existing animal feed trough, corral/pen, or an existing dairy/feed lot, including manure stockpiles and related wastewater detention basins. The separation requirement may be satisfied by off-site easements acceptable to the Planning Director.

(6) **Nonconforming Animal Keeping Activities.** Areas used for animal keeping that become non-conforming by reason of new development on neighboring properties, may be continued indefinitely; provided, that the nonconforming animal keeping activity maintains compliance with the provisions of Division 3.01 (Nonconforming Lots, Land Uses and Structures) of the Ontario Development Code.

(7) **Maximum Animal Keeping Densities.** Table 5.03-7 (Maximum Animal Keeping Densities for Animal Production), below, establishes the maximum number of animals that may be maintained on a lot, provided the particular animal type is allowed pursuant to Table 5.01-1 (Land Use Matrix) of the Ontario Development Code. The maximum animal densities are based upon net lot area; however, any portion of a lot used to qualify one animal type shall not be used to qualify another animal type.

Table 5.03-6: Maximum Animal Keeping Densities for Animal Production

Animal Type	Maximum Animal Density
A. Alpacas or Llamas	One for each 4,000SF of lot area
B. Cattle or Buffalo (raised for nondairy purposes)	One animal for each 6,000 SF of lot area
C. Dairy Cattle	As permitted by Reviewing Authority **[1]**
D. Fish	One pond for each acre of lot area, not to exceed 4 ponds per lot. Each pond shall not exceed 0.5-acre in surface area.
E. Goats	
1. Female	One animal for each 3,000 SF of lot area
2. Male	
a. Lots less than 10 acres in area	One
b. Lots 10 or more acres in area	One animal for each 5 acres of lot area, not to exceed 4 animals
F. Horses and Other Equine	One animal for each 6,000 SF of lot area
G. Kennels and Catteries	One animal for each 3,000 SF of lot area
H. Ostriches, Emus and Rheas	One animal for each 6,000 SF of lot area
I. Rabbits and Chinchillas	50 animals for each 10,000 SF of lot area, not to exceed 200 animals
J. Sheep and similar livestock	One animal for each 3,000 SF of lot area

Notes:

[1] New or expansions to existing dairy or other animal confinement facilities are considered on a case-by-case basis, subject to Conditional Use Permit approval. Animal density shall be determined by Reviewing Authority, which may impose special operational conditions, requirements, or standards, as deemed necessary to insure the public health and safety. Animal density shall be based on measures to prevent the unacceptable nitrification or salt pollution of soils, and the pollution of groundwater by nitrates and salts emanating from the facility as defined by the Regional Water Quality Control Board.

3. Aquaculture Production.

a. Aquaculture production shall be primarily for the commercial sale of freshwater and saltwater fish, crustaceans, mollusks, aquatic plants, algae, and other organisms under controlled conditions for food.

b. In the IG and IH zoning districts, aquaculture production shall be limited to building integrated aquaculture that incorporates a holistic design approach that efficiently integrates a closed-loop aquaculture system within the built industrial environment. Pond or pen-based aquaculture systems that are not wholly contained within a building shall be prohibited.

D. Commercial Crop Production and Farming. Commercial Crop Production and Farming is a use in which plants and their products are grown for sale, intended for widespread distribution to wholesalers or retail outlets. Commercial Crop Production and Farming includes oilseed and grain farming; vegetable and melon farming; fruit and tree nut farming; greenhouse, nursery and floriculture production; and other crop farming.

1. Allowed Activities/Facilities. Commercial Crop Production and Farming is allowed as a primary or ancillary use of land, and as an interim land use on vacant and underdeveloped properties, as follows

a. Residential Zones. Commercial Crop Production and Farming is conditionally permitted (requires Conditional Use Permit approval pursuant to the requirements of Section 4.02.015 of this Development Code) within the AR-2 and RE-2 zoning districts and is prohibited within all other residential zoning districts, excepting community gardens and urban farms allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

b. Commercial Zones. Commercial Crop Production and Farming is prohibited within commercial zoning districts, excepting community gardens and urban farms allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

c. Mixed-Use Zones. Commercial Crop Production and Farming is prohibited within mixed-use zoning districts, excepting community gardens and urban farms allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

d. Industrial Zones. Commercial Crop Production and Farming shall be allowed within the IL, IG, and IH zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

e. Specialized Use Zones. Commercial Crop Production and Farming shall be allowed within specialized use and overlay zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

2. Land Use Standards. The following standards shall govern the establishment and operation of Commercial Crop Production and Farming:

a. *Operational Standards.* The following standards shall govern the operation of Commercial Crop Production and Farming:

(1) A Commercial Crop Production and Farming operation shall not sell plants and produce grown on-site or operate an On-Site Produce Sales Stand, excepting Community Gardens established pursuant to Subparagraph E.2.d (Community Garden On-Site Produce Sales) and Subparagraph F.2.d (Urban Farm On-Site Produce Sales) of this Section.

(2) A Commercial Crop Production and Farming operation shall be designed and maintained to ensure that irrigation and storm water will not drain to adjacent properties or the public right-of-way.

(3) A Commercial Crop Production and Farming operation shall be designed and maintained to prevent dust and other fugitive particles from leaving the site.

(4) A Commercial Crop Production and Farming operation shall be designed and maintained to prevent the uninhibited growth of weeds and the accumulation of debris.

(5) Refuse storage containers, serviced by the City, shall be provided and screened from the public right-of-way. The requirement and placement of storage containers shall be determined by the City.

(6) A storage area for tools, equipment and other materials shall be enclosed and located outside of designated front yard and street side yard setback areas. Storage buildings shall not exceed 120 SF in area and 14 FT in height.

(7) The hours of operation shall be limited to the hours between 7:00 AM and dusk.

(8) Lighting for the site shall be reviewed and approved by the Planning and Police Departments. Light shall be for general security and not for nighttime operations.

b. *Composting.* The on-site composting of site-generated refuse shall be prohibited.

E. Community Gardens. Community Gardens include small-scale crop production and farming by individuals on multiple plots, or food and/or ornamental crop production on larger plots, which is maintained and grown by volunteers or community groups as a form of recreation, education, and/or community charity. (Note: To ensure the sustainability of a Community Garden, up to 49 percent of the Community Garden may consist of an Urban Farm established in compliance with Subsection F (Urban Farm) of this Section).

1. Allowed Activities/Facilities. Community Gardens are allowed as an interim land use on vacant or underdeveloped land, or as a long-term ancillary land use, as follows:

a. *Residential Zones.* Community Gardens are administratively permitted within all residential zoning districts.

b. *Commercial Zones.* Community Gardens are administratively permitted within all commercial zoning districts.

c. *Mixed-Use Zones.* Community Gardens are administratively within all mixed-use zoning districts.

d. *Industrial Zones.* Community Gardens are administratively permitted within the BP, IP and IL zoning districts. Within the IG and IH zoning districts, Community Gardens shall be prohibited as a permanent use of land; however, the use may be administratively permitted as an interim land use on undeveloped or underdeveloped properties

e. *Specialized Use Zones.* Community Gardens are administratively permitted within all specialized use and overlay zoning districts.

2. Land Use Standards. The following standards shall govern the establishment and operation of Community Gardens:

a. *General Provisions.* Community Garden approval is subject to the granting of an Administrative Use Permit filed pursuant to Section 4.03.015 (Administrative Use Permits) of the Ontario Development Code, and the requirements of this Section. The Administrative Use Permit application shall include a copy of all contract templates that will be utilized between the garden owner/manager and all garden participants. The templates shall include plot maintenance requirements, fee requirements, and any other requirements that would be imposed on the participants of the Community Garden.

b. *Development Standards for Community Gardens.* Community Gardens shall comply with the following operational standards:

(1) The on-site sale of produce for profit is strictly prohibited.

(2) The site shall be designed and maintained to ensure that water will not drain to adjacent properties or the public right-of-way.

(3) The site will be designed and maintained to prevent dust and other fugitive particles from leaving the Community Garden.

(4) Community Gardens shall not use non-organic pesticides or herbicides.

(5) The site shall be designed and maintained to prevent the uninhibited growth of weeds and the accumulation of debris.

(6) Permanent open fencing shall be provided around the perimeter of a Community Garden, such as chainlink, and shall be consistent with the fencing standards of the zoning district in which the Community Garden is located. Furthermore, fenced Community Gardens shall have at least one access gate, and fencing shall be affixed to the ground with steel posts anchored in a concrete footing.

(7) A landscape screen may be provided along street frontages through the use of vines or espalier fruit trees to provide an attractive visual buffer from the public right-of-way.

(8) A minimum 4-FT wide walkway shall be provided from the public right-of-way to the Community Garden. The walkway shall be clearly marked and made from a decorative compacted material, such as decomposed granite, or a decorative pervious surface, such as concrete pavers.

(9) Refuse storage containers, serviced by the City, shall be provided and screened from the public right-of-way. The requirement and placement of storage containers shall be determined by the City during the Administrative Use Permit review process.

(10) Any storage area for tools, equipment and other materials shall be enclosed and located outside of designated front yard and street side yard setback areas. Storage buildings shall not exceed 120 SF in area and 14 FT in height. The use of metal shipping containers shall not be permitted.

(11) A water meter and hose bibs shall be provided for the site and shall be consistent with all applicable landscape regulations. Standard water rates will be applied to Community Gardens.

(12) The hours of operation shall be limited to the hours between 7:00 AM and dusk, or as set forth in the Administrative Use Permit for the Community Garden. The property should be locked and secure during non-operating hours.

(13) Lighting for the site shall be reviewed and approved by the Planning and Police Departments. Light shall be for general security and not for nighttime operations.

(14) Maintenance of the Community Gardens shall not involve the use of commercial or industrial grade machinery and powered equipment without prior approval by the City's Planning Department (only mechanical equipment designed for household use should be used). The use of tractors, excavators, etc., may be limited by the Administrative Use Permit issued for the Community Garden.

(15) Approval by a homeowner or property owner association (if any) shall be provided prior to the issuance of an Administrative Use Permit for a Community Garden.

c. *Composting*. The composting of site-generated refuse is an excellent method for providing sustainable fertilization of Community Gardens. Materials from off-site sources shall be limited to green waste (no manure from off-site sources shall be used for composting purposes). Facilities that choose to engage in composting shall provide a Composting Plan with their Administrative Use Permit application (required pursuant to Subparagraph E.2.a (General Provisions) of this Section), and shall comply with each of the following standards:

(1) A compost pile and composting facilities shall be located at least 20 FT from any interior property line and shall not be located within any front or street side yard setback area.

(2) A compost pile shall be located at least 50 FT from any habitable structure.

(3) A compost pile and composting facilities shall be screened and/or hidden from public view and shall not exceed 5 FT in height.

(4) Composting activities shall be conducted in a manner that does not create a nuisance (generation of noise, odors, insects, etc.) nor impact the public health, safety or welfare of the area surrounding the Community Garden, and/or Community Garden participants.

(5) The scale of the composting activity shall be consistent with the fertilizer requirements for the Community Garden the composting activity is intended to serve.

d. *Community Garden On-Site Produce Sales.*

(1) An On-Site Produce Sales Stand may be permitted by issuance of the Administrative Use Permit for the Community Garden.

(2) An On-Site Produce Sales Stand shall be operated by a non-profit organization and are intended to be small in scale and designed to benefit residents and businesses immediately surrounding the Community Garden. Furthermore, On-Site Produce Sales Stands may be used as a marketing tool to encourage new Community Garden participants, and to offset the costs of maintaining and operating a Community Garden. Community Gardens that choose to operate an On-Site Produce Sales Stand shall submit a Produce Sales Stand Operation Plan with their Administrative Use Permit application.

(3) An On-Site Produce Sales Stand established and operated in conjunction with a Community Garden shall comply with each of the following standards:

(a) The produce sales stand shall be located on the same site as the Community Garden established pursuant to this Section.

(b) At least 51 percent of the produce sold at the produce sales stand shall be grown on-site or at other Community Gardens located within the City, which have been established pursuant to this Section. The balance of the produce sold at the stand may be grown outside the City, at a facility holding a County Certified Producer Permit.

(c) All proceeds from the produce sales stand shall directly benefit the Community Garden program; however, a nominal amount of proceeds, not to exceed 10 percent of gross revenues, may be used to supplement the overhead costs of the non-profit organization that operates the sales stand.

(d) The applicant shall provide information on the non-profit organization that will operate the garden and shall include a copy of the Internal Revenue Service 501(c)(3) non-profit status form.

(e) The non-profit organization operating the produce sales stand shall be responsible for obtaining all necessary food and health licenses, and permits issued by the State and County.

(f) One produce sales stand shall be permitted on lots greater than 20,000 SF in area. The floor area of the stand shall not exceed 120 SF, and it shall not have a permanent foundation.

(g) The produce sales stand shall be removed by the property owner(s), at their expense, upon termination of the host Community Garden.

(h) The produce sales stand shall not be located within a public right-of-way.

(i) The produce sales stand shall be setback a minimum of 20 FT from any street property line (public right-of-way), or side or rear property line.

(j) The off-street parking area for the produce sales stand shall be improved with compacted gravel or other material approved by the City, to control dust and erosion, and provide an all-weather driving surface.

(k) Adequate provision for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Planning Director and City Engineer.

F. Urban Farms. Urban Farms are smaller-scale private farming operations in which plants and their products are grown and sold (on-site and/or off-site) for profit. Urban Farms include, but are not limited to, strawberry fields, flower and vegetable raising orchards, and vineyards. Additionally, Urban Farms may include items grown or produced as an ancillary activity to established land uses, such as, but not limited to, food service uses, including restaurants and special food services. Items not grown or produced on-site shall not be sold on-site, except in conjunction with an allowed retail store. (Note: An Urban Farm may be established and operated ancillary to a Community Garden pursuant to Subsection E (Community Gardens) of this Section.)

1. Allowed Activities/Facilities. Urban Farms are allowed as an interim land use on vacant or underdeveloped property, and as an ancillary activity to established food service uses, including but not limited to restaurants and special food services that grow spices, seasonings, or produce on-site, for use in their business operations. Plants and their products grown on-site may be sold on-site and/or off-site. Allowed activities/facilities are as follows:

a. *Residential Zones.* Urban Farms are administratively permitted within all residential zoning districts, as an interim land use on vacant lands.

b. *Commercial Zones.* Urban Farms are administratively permitted within all commercial zoning districts, as an interim land use on vacant lands, or as an ancillary activity to a legally established food service use.

c. *Mixed-Use Zones.* Urban Farms are administratively within all mixed-use zoning districts, as an interim land use on vacant lands, or as an ancillary activity to a legally established food service use.

d. *Industrial Zones.* Urban Farms are administratively permitted within all industrial zoning districts, as an interim land use on vacant or underdeveloped lands.

e. *Specialized Use Zones.* Urban Farms are administratively permitted within specialized use and overlay zoning districts, except within the MHP zoning district, wherein the land use is prohibited.

2. Land Use Standards. The following standards shall govern the establishment and operation of Urban Farms:

a. *General Provisions.* Urban Farm approval is subject to the granting of an Administrative Use Permit filed pursuant to Section 4.03.015 (Administrative Use Permits) of this Development Code, and the requirements of this Section.

b. *Operational Standards.* The following standards shall govern the establishment and operation of Urban Farms:

(1) An Urban Farm may sell plants and produce grown on-site in compliance with the "On-Site Produce Sales Stands" (see Subsection G of this Section) standards listed below.

(2) An Urban Farm shall be designed and maintained to ensure that irrigation and storm water will not drain to adjacent properties or the public right-of-way.

(3) An Urban Farm shall be designed and maintained to prevent dust and other fugitive particles from leaving the site.

(4) An Urban Farm shall be designed and maintained to prevent the uninhibited growth of weeds and the accumulation of debris.

(5) A fence may be required around the perimeter of an Urban Farm, as set forth by the Administrative Use Permit. Fencing shall comply with the standards of the zoning district in which the Urban Farm is located. Fencing located adjacent and parallel to a street shall be of an open design to allow for views into the site, shall have at least one access gate. Fences shall be affixed to the ground with steel posts anchored in a concrete footing.

(6) A landscape screen may be required along street frontages, as set forth in the approved Administrative Use Permit, through the use of vines or espalier fruit trees, to provide an attractive visual buffer from the public right-of-way.

(7) Refuse storage containers, serviced by the City, shall be provided and screened from the public right-of-way. The requirement and placement of storage containers shall be determined by the City during the Administrative Use Permit review process.

(8) A storage area for tools, equipment and other materials shall be enclosed and located outside of designated front yard and street side yard setback areas. Storage buildings shall not exceed 120 SF in area and 14 FT in height.

(9) A water meter and appropriate hose bibs shall be provided for the site and shall be consistent with all applicable landscape regulations.

(10) The hours of operation shall be limited to the hours between 7:00 AM and dusk, or as set forth in the Administrative Use Permit.

(11) Lighting for the site shall be reviewed and approved by the Planning and Police Departments. Light shall be for general security and not for nighttime operations.

(12) The use of commercial grade machinery and powered equipment, such as tractors, tillers, or excavators, may be limited by the Administrative Use Permit, based upon the Urban Farm location and its proximity to, and impact on, neighboring sensitive land uses.

(13) Approval by a homeowner or property owner association, if any, shall be provided prior to the issuance of an Administrative Use Permit for an Urban Farm.

c. *Composting*. The composting of site-generated refuse is an excellent method for providing sustainable fertilization of Urban Farms. Facilities that choose to engage in composting shall provide a Composting Plan with their Administrative Use Permit application (required pursuant to Subparagraph F.2.a (General Provisions) of this Section), and shall comply with the composting standards set forth in the "Community Gardens" requirements (see Subparagraphs E.2.c(1) through (5) of this Section).

d. *Urban Farm On-Site Produce Sales Stands.*

(1) An On-Site Produce Sales Stand may be permitted by issuance of the Administrative Use Permit for the Urban Farm.

(2) An On-Site Produce Sales Stand established and operated in conjunction with an Urban Farm shall comply with all of the following standards:

(a) The produce sales stand shall be located on the same site as the Urban Farm it serves.

(b) The operator of the produce sales stand shall be responsible for obtaining all necessary food and health licenses, and permits issued by the State and/or County.

(c) The produce sales stand shall only be used for the retail sales of plants or products that are grown on-site.

(d) One produce sales stand shall be permitted on lots greater than 20,000 SF in area. The floor area of the stand shall not exceed 120 SF, and it shall not have a permanent foundation.

(e) The produce sales stand shall be removed by the property owner(s), at their expense, upon termination of the host Community Garden or Urban Farm.

(f) The produce sales stand shall not be located within a public right-of-way.

(g) The produce sales stand shall be setback a minimum of 20 FT from any street property line (public right-of-way), or side or rear property line.

(h) The off-street parking area for the produce sales stand shall be improved with compacted gravel or other material approved by the City, to control dust and erosion, and provide an all-weather driving surface.

(i) Adequate provision for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Planning Director and City Engineer.

5.03.415: Waste Treatment and Disposal—Composting and Anaerobic Digestion Facilities

The following standards shall govern the establishment and operation of composting and anaerobic digestion facilities:

A. Any new Dairy for which a Conditional Use Permit is required, shall not be located within 100 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

B. A Manure Only Composting Facility shall not be located within 0.25-mile, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

C. A Green Waste or combination Green Waste and Manure Composting Facility shall not be located within 0.50 mile, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

D. A 100-FT setback shall be maintained between a project's perimeter property line and any material being composted or anaerobic digester on the project site.

E. A Conditional Use Permit application for a Composting or Anaerobic Digestion Facility shall be submitted with a traffic study, which analyzes the impacts of project generated truck traffic on traffic from residential development in the area and the surrounding roadway system, and recommends measures to mitigate identified impacts to a level of non-significance and appropriate routes to freeways.

F. The following shall be considered for inclusion as conditions of approval, as appropriate, for any Composting or Anaerobic Digestion Facility requiring Conditional Use Permit approval:

1. Maintain good air flow through the compost material;

2. Turn compost based on temperature, not a schedule;

3. Restrict material movement to times when the potential for winds are low and general population is least (i.e., when people are indoors or away from their homes, and not on weekends);

4. Minimize disturbance of dusty areas by equipment;

5. Minimize dust by adding moisture to material when moving or turning, and regularly water dirt roadways, dry material, and unused areas;

6. Berms (defined as earthen mounds constructed along the perimeter of a composting site to minimize sight into the property and reduce debris from blowing off-site) shall be maximum 15 FT in height, and in no case higher than the allowed material rows;

7. Berms shall be set back minimum 10 FT behind a street property line and minimum 5 FT from all other property lines, or one-half the height of the berm, whichever is greater;

8. Berms shall be comprised primarily of soil, and shall have a slope not to exceed a 2:1 ratio (horizontal to vertical (h:v)). Berms can be as steep as 1.5:1, if properly evaluated, with appropriate calculations, by the City Engineer; and

9. The surface of the outside portions of the slopes (facing a public street) should have properly installed and maintained landscaping or hydro seeding with jute matting to prevent erosion or sloughing.

5.03.420: Wireless Telecommunications Facilities

The following regulations shall govern the establishment and operation of wireless telecommunications facilities:

A. **Review of Wireless Telecommunications Facilities.** All applications for wireless telecommunication facilities are subject to a 3-tier review process established by this Section. The Planning Director shall have the discretion to determine the design and level of review requirements for projects proposed in specific plan areas, based upon the similarity of the specific plan's land use designation to the citywide zoning districts.

1. Tier 1 Review. The following applications for wireless telecommunications facilities shall be reviewed and acted upon utilizing the Building Department's plan check review process:

a. A wireless telecommunications facility integrated into a building/structure design;

b. A roof-mounted wireless telecommunications facility that is less than 10 FT in height, which is architecturally screened from view and is located within a nonresidential zoning district;

c. The establishment of small cell wireless telecommunications facilities, which conform to the following conditions:

(1) Small cell wireless telecommunications facilities should be attached to existing City light standards; however, if new or replacement light standards are necessary, concrete of steel poles shall be used, which match poles in the surrounding area and is consistent with current City standards. The use of new or existing wood poles shall not be permitted.

(2) Small cell wireless telecommunications facilities shall be limited to single-carrier facilities.

(3) All transmission equipment, excluding antennas and remote radio units, shall be placed underground, to the extent possible, in a manner consistent with City regulations. To the extent that the project proponent determines that all transmission equipment cannot be placed underground, the project proponent shall provide written supporting justification to the City, which excludes the cost of equipment undergrounding, for review and approval by the Planning Director and City Engineer.

(4) Small cell wireless telecommunications facilities shall be erected to a height no greater than the height of surrounding light standards, not to exceed a total of 35 FT, including antennas, lightning rods, or other extensions.

(5) Supporting equipment, such as cabling and conduits, shall be concealed within the pole so as not to be visible to the public. All other equipment such as antennas, enclosures, brackets, equipment boxes, etc., shall be painted to match pole.

(6) A Small Cell Wireless Telecommunications Facilities Agreement by and between the City and the project proponent shall be prepared, and reviewed and approved by the City Council, prior to encroachment permit issuance by the City for the installation of small cell telecommunications facilities.

d. The alteration or expansion of existing wireless telecommunications facilities, or collocation of additional facilities with an existing wireless telecommunications facility, in any zoning district, that does not exceed the below-listed thresholds, the calculation for which shall be cumulative over time, following the initial approval of the telecommunications facility:

(1) The height of the existing antenna array is increased by no more than 20 percent or 20 FT, whichever is greater; however, no such increase in height shall be permitted to exceed the maximum height limit prescribed in this Section;

(2) The existing facility is increased by no more than 4 new equipment cabinets;

(3) The new facility will not have an additional protrusion more than 20 percent greater than the existing tower width; and

(4) Installation of the new facility will not require excavation outside existing leased or owned property and current easements. The calculation for such modifications shall be cumulative over time following the initial approval of the telecommunications facility. No such modification shall be permitted if the antenna array will exceed the maximum height prescribed by this Section (refer to Subparagraphs E.6.a and E.6.b of this Section).

2. Tier 2 Review.

a. A proposed wireless telecommunications facility meeting each of the following criteria shall require Development Plan approval pursuant to Section 4.02.025 (Development Plans) of this Development Code:

(1) The facility is located within a nonresidential zoning district;

(2) The facility is more than 500 FT from a residential zoning district, as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility;

(3) The facility complies with all development standards of this Section and the applicable zoning district;

(4) The facility is of a stealth design so as not to be recognized as a telecommunications facility; and

(5) All support equipment to the proposed facility is located within a completely enclosed structure or is otherwise screened from public view.

b. A new wireless telecommunications facility proposed within a nonresidential zoning district, which is to be collocated with an existing wireless telecommunications facility and complies with all development standards of this Section and the applicable zoning district, shall be reviewed and acted upon by the Development Advisory Board.

3. Tier 3 Review. A proposed wireless telecommunications facility meeting one or more of the following criteria shall require Development Plan approval pursuant to Section 4.02.025 (Development Plans) of this Development Code:

a. Wireless telecommunications facilities not meeting the above-stated Tier 1 or Tier 2 review criteria;

b. Wireless telecommunications facilities located 500 FT or less (as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility) from a residential zoning district;

c. All nonstealth wireless telecommunications facilities;

d. Wireless telecommunications facilities proposed in the AG Overlay District, excepting those facilities meeting the Tier 1 review criteria, above. In addition to requiring Development Plan approval, wireless telecommunications facilities proposed in the AG Overlay District shall also require Conditional Use Permit approval pursuant to Table 5.02-1 (Land Use Matrix) and Paragraph C.1.f (Conditionally Permitted Uses) of Section 6.01.035 (Overlay Zoning Districts) of this Development Code;

e. Wireless telecommunications facilities creating more than a minimal visual impact on surroundings, as determined by the Planning Director. In determining whether more than a minimal visual impact exists, the Planning Director shall consider the facility's location and size, the view of the facility from the public street and neighboring properties, and the contrast between the facility and other external structural equipment. The applicant may be required to perform tests that would replicate the height of a proposed facility in order to adequately assess potential visual impacts;

f. Wireless telecommunications facilities located within line-of-sight of any scenic corridor identified by the Policy Plan component of The Ontario Plan; and

g. Wireless telecommunications facilities that include a request for an increase in height, which exceeds the maximum height provisions established by Paragraph E.5 of this Section. The Reviewing Authority may consider an increase in height if the strict application of Paragraph E.5 of this Section would prevent a provider of wireless telecommunications services from attaining adequate coverage to a service area due to practical difficulties beyond the control of the service provider. The service provider shall clearly demonstrate the nature of the problem, and that no other reasonable alternative is available to provide adequate coverage to the service area.

B. Additional Submittal Requirements.

1. In addition to the general submittal requirements for plan checks, wireless telecommunication facilities requiring Development Plan and/or Conditional Use Permit approval shall provide the plans and information required by the *Minimum Filing Requirements Checklist* and the *Plan Preparation Guidelines and Minimum Plan Contents Checklist* of the General Application Packet.

2. The City may contract with an independent radio frequency engineering consultant, or other qualified professional with knowledge and expertise regarding wireless telecommunication systems, to verify applicant's technical assertions. Such verification may include, but is not limited to, issues related to transmission coverage requirements, required height of facilities, technical limitations related to collocating facilities, evaluation of new technologies that are available and the potential for interference with other facilities, such as public safety radio communications systems. All costs associated with verification shall be borne by the applicant.

C. Performance Standards for Wireless Telecommunications Facilities. The operator of a wireless telecommunications facility and/or the owner of the property upon which the facility is located is responsible for compliance with the following:

1. No existing or future wireless telecommunications facility shall interfere with any public safety radio communications system including but not limited to the 800 MHz radio system operated by the West End Communication Authority (WECA), which provides public safety

communications during emergencies and natural disasters. Pursuant to GC Section 38771, a violation of this standard constitutes a public nuisance.

2. If any wireless telecommunications facility is found to interfere with a public safety radio communications system, or any system facilitating the transmission or relay of voice or data information for public safety, the carrier and/or property owner shall immediately cease operation of the radio channel(s) causing system interference. Operation of an offending wireless telecommunications facility shall only be allowed to resume upon removal, or other resolution, of the interference, to the satisfaction of the City.

Any request for an increase in antenna height that would exceed the maximum height provisions established by Paragraph E.6 of this Section in order to resolve interference conflicts with a public safety radio communications system, shall only be considered by the City after the facility operator and/or property owner have sufficiently demonstrated that all feasible methods of eliminating the conflict have been considered.

3. A wireless telecommunications facility, including poles, antennas, materials used to camouflage or stealth the facility, and equipment buildings and enclosures, shall be maintained in a manner so as to ensure that the facility will maintain its original appearance. In the event that over time, with exposure to wind, rain, sunlight, etc., any part of the facility begins to flake, pit, fade, discolor, disintegrate, or otherwise not maintain its original appearance as initially constructed, as determined by the Planning Director, it shall be repaired/replaced at the sole expense of the carrier.

4. The inspection and approval of a wireless telecommunications facility shall be received from the Planning Department prior to Building Department final inspection and the establishment/release of permanent electrical power to the facility.

5. Wireless telecommunications facilities, including landscaping and surface areas, shall be continuously maintained free of weeds, debris, litter, and temporary signage. All graffiti shall be removed from the premises within 48 hours of discovery.

D. **Location Guidelines and Criteria.** All applications for wireless telecommunications facilities are subject to the following location guidelines and criteria:

1. The preferred order of location for wireless telecommunications facilities is: industrial zoning districts, followed in descending order by commercial, mixed-use, and residential zoning districts. If proposed within an established specific plan area, the preferred order of location, listed in descending order, is:

a. Industrial zoning/land use districts;

b. Business park zoning/land use districts;

c. Commercial zoning/land use districts;

d. Mixed Use zoning/land use districts; and

e. Residential zoning/land use districts.

2. Wireless communications facilities located within residential zoning districts shall be allowed only in conjunction with a nonresidential land use, such as, but not limited to, a church, fire station, park, or school.

3. Wireless telecommunications facilities may be located in close proximity to each other; provided, they utilize a stealth design, meet the height requirements of this Section, and are compatible with surrounding development. Wireless telecommunication facilities that are nonstealth in design shall be located a minimum of 1,000 FT from any other nonstealth wireless telecommunication facility, as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility.

4. Wireless telecommunication facilities shall not be located within any front or street side setback area.

5. Wireless telecommunications facilities shall not be located so as to create a nonconforming condition, such as reductions in parking, landscaping, loading zones or other applicable development standards.

6. Wireless telecommunications facilities shall be located where existing vegetation, structures, and/or topography provide the greatest amount of screening. Where insufficient screening exists, additional screening shall be provided through the installation of dense landscaping, installation of enhanced architectural treatments, or relocation of the facility so that the massing of existing buildings or vegetation will provide adequate screening. Support structures shall be constructed of galvanized steel and painted an unobtrusive color to neutralize and blend with surroundings or be of a stealth design.

E. **Development Standards.** It is a goal of the City that wireless telecommunications facilities be developed in harmony with the surrounding environment so as to be as unobtrusive as possible. This is especially true when located in visually prominent locations (e.g., along major thoroughfares, at entry points into the City, near high activity areas, etc.). The following guidelines are intended to ensure that the design of wireless telecommunications facilities is compatible with the community:

1. Wireless telecommunications facilities should:

a. Be collocated with another facility, where possible;

b. Be stealth in design, or building/structure or roof mounted as an integral architectural element on an existing structure; and

c. Utilize state-of-the-art wireless technology.

2. Wireless telecommunications facilities shall meet all applicable zoning and setback regulations of the zoning district in which they are located.

3. Wireless telecommunications facilities shall be installed and maintained in full compliance with all Federal, State and local codes and standards.

4. All proposed nonstealth facilities shall be designed to accommodate co-location of 2 or more service providers. To the extent possible, stealth facilities shall also be designed to accommodate co-location of facilities.

5. The height of wireless telecommunications facility support structures shall be the minimum necessary to provide adequate user coverage; however, an antenna or its support structure shall not exceed the maximum allowed height for wireless telecommunications facilities set forth below, except as provided for in Subparagraph A.3.f of this Section. The height of stealth design "tree" monopoles shall be measured to the top of the antenna arrays, with the branches/fronds extending above antenna arrays, to create a natural appearance.

6. The maximum height for wireless telecommunications facilities shall be as follows:

a. Freestanding single-carrier facilities shall not exceed 55 FT in height;

b. Freestanding collocated facilities (two or more carriers) shall not exceed 75 FT within the IL (Light Industrial), IG (General Industrial), and IH (Heavy Industrial) zoning districts, and 65 FT in height within all other zoning districts; and

c. Roof-mounted or building-mounted facilities shall not exceed 10 FT above the height of the building.

7. Prior to the issuance of a building permit for a wireless telecommunications facility, the carrier shall submit a Federal Aviation Administration determination for the proposed facility. Safety lighting or colors, if prescribed by the City or other approving agency, such as the Federal Aviation Administration, may be required for support structures.

8. Wireless communications facilities located within residential zoning districts shall be of stealth design.

9. All accessory equipment associated with the wireless telecommunications facility shall be screened from public view by a decorative fence, wall, landscaping, berming or a combination thereof, or shall be located within a building, enclosure or underground vault, which is designed, colored and textured to match the architecture of adjacent buildings or blend in with surrounding development.

10. All utilities associated with wireless telecommunications facilities shall be undergrounded. Cable connections from equipment structures to any antennae shall not be visible by the public.

11. The design of stealth wireless telecommunications facilities shall be compatible with the surrounding neighborhood. Stealth designs include building mounted designs and freestanding designs. Examples of building mounted designs include architecturally screened roof mounted facilities, facilities attached to a building/structure, bell towers, clock towers, or steeples, installation behind false windows, or other types of architectural features that are designed to camouflage the facility and are integrated into the building design. Examples of stealth freestanding wireless telecommunications facilities include facilities that are camouflaged as freestanding signage, flagpoles, light poles, or "tree" monopoles (such as "monopalms" and "monopines") that are blended with groupings of real trees. The use of "monopalms" should not be the default design if no other live palms are within the immediate surroundings. Wireless telecommunications facilities may be designed as, or within, a piece of public art or a historical monument for public benefit.

12. The use of whip and/or microwave dish antennas shall be permitted only if integrated into the design of a structure and/or if fully screened from public view.

13. Chainlink fencing is not permitted for containment of wireless telecommunications facilities, unless the fencing is located in the interior side or rear portion of property and is out of public view.

14. The use of lattice-type telecommunications towers shall not be permitted within the City.

15. Planning Department approval shall be received prior to any modification or addition to any existing wireless telecommunications facility.

16. Stealth wireless telecommunications facilities utilizing a flagpole monopole design shall comply with the following:

a. The flag to be placed on the flagpole monopole shall be proportionate in size to the height and diameter of the pole and shall be maintained at all times and replaced when needed due to weathering, as determined necessary by the Planning Director.

b. Only the National, State, County or City flags shall be flown on the flagpole. A flag shall be flown on the flagpole at all times, which shall be properly lighted.

c. Covers concealing antenna arrays shall be painted to match the flagpole.

17. Stealth wireless telecommunications facilities utilizing a monopine design shall comply with the following:

a. The branch count shall be a minimum of 3 branches per lineal FT of trunk height. Branches shall be randomly dispersed and of differing lengths to provide a natural appearance.

b. Simulated bark shall extend the entire length of the pole (trunk), or the branch count shall be increased so that the pole is not visible.

c. Branches and foliage shall extend beyond an antenna array a minimum of 2 FT horizontally and 7 FT vertically, in order to adequately camouflage the array, antennas and bracketry. In addition, antennas and supporting bracketry shall be wrapped in artificial pine foliage.

d. The size and spread of antenna arrays shall be the minimum necessary to ensure that they are adequately camouflaged.

e. A minimum of 2 live pine trees shall be planted for each proposed monopine, which shall have the same growth habit as the pine tree being simulated by the monopine and shall be in scale with the height of the monopine. The pine trees may be planted adjacent to the proposed monopine, or elsewhere on the site as deemed appropriate by the Planning Director. The planting of additional trees and tree species may be required for larger project sites.

18. Stealth wireless telecommunications facilities utilizing a monopalm design shall comply with the following:

a. All antennas shall be fully concealed within a "pineapple ball" (also referred to as "growth ball" or "terminal bud ball") located at the end of the trunk. Furthermore, all wires

and connectors shall be fully concealed within the trunk, and all unused ports (for co-location) shall have covers installed.

b. Simulated bark shall extend the entire height of the pole (trunk).

c. A minimum of 2 live palm trees shall be planted for each proposed monopalm, which shall have the same growth habit as the type of palm tree being simulated by the monopalm and shall be in scale with the height of the monopalm. The palm trees may be planted adjacent to the proposed monopalm, or elsewhere on the site as deemed appropriate by the Planning Director. The planting of additional trees and tree species may be required for larger project sites.

19. A sign measuring 2 FT high by 2 FT wide shall be posted at the exterior entrance of wireless telecommunications facilities, and clearly visible to the public, identifying the carrier(s) and contact telephone number(s) for reporting emergency and maintenance issues.

5.03.425: Work/Live Units

A. **Purpose.** The purpose of this Section is to provide for, and make feasible, the construction of new buildings, and the reuse of existing buildings, for joint work/live units occupied by artists, artisans, professionals, and similarly situated individuals, as contemplated by HSC Section 17958.11.

B. **Applicability.** Work/live units shall be allowed pursuant to the provisions of this Section, within the zoning districts designated in Table 5.02-1 (Land Use Matrix) as permitting "work/live units."

C. **Definitions.** As used in this Section, the following words, terms, and phrases are defined as follows:

1. Adaptability. The capability of altering or adding to certain building spaces, and/or elements such as kitchen counters, sinks, and grab bars, so as to accommodate the needs of persons with or without disabilities or to accommodate the needs of persons with different types or degrees of disabilities.

2. Artist or Artisan. One whose works are subject to aesthetic criteria. An individual who practices one of the fine arts, who works in one of the performing arts including music, or whose trade or profession requires a knowledge of design, drawing, painting, sculpting, writing or similar trades such as the creative and/or applied arts. This definition specifically does not include tattoo applicators, and designers/fabricators of drug and tobacco paraphernalia/accessories.

3. Commercial Building Use. An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

4. Industrial Building Use. A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials.

5. Listed or Listing. Terms referred to equipment and materials that are shown in a list published by an approved testing agency qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions, and which listing states that the material or equipment complies with accepted national standards that are approved, or standards that have been evaluated for conformity with approved standards.

6. Prevailing Code. The adopted federal, state, and local laws and regulations to be applied at the time of permit application.

7. Professional. One who engages in a pursuit or is active professionally in fields that include architecture, education, law, computer programming, media, and similar fields.

8. Work/Live Unit. An area comprised of one or more rooms or floors in new construction, or in a building originally designed for industrial or commercial occupancy that has been remodeled, which includes each of the following:

a. Cooking space and sanitary facilities;

b. Sleeping space; and

c. Assigned working space in, adjacent to, or near the unit.

D. Administration.

1. Requirements for Application.

a. An application for a work/live unit permit shall be made pursuant to the prevailing Building and Fire Codes. The application shall be accompanied by architectural drawings (drawn pursuant to standards established by the Building Official) depicting the existing uses within the building or new construction, and where the proposed work/live units will be located.

b. The Building Official shall be responsible for distributing a copy of the submitted application and architectural drawing to all affected departments for review and approval.

c. A Certificate of Appropriateness shall be required for properties that meet the State or local criteria for historic resources.

2. Work/Live Units Permit Required. No building shall be used for work/live units unless a work/live permit has first been obtained from the Building Department.

3. Building Permit Required. No building or structure regulated by this Section shall be constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building, or portion thereof, has first been obtained from the Building Official.

4. Business License Requirement. No work/live unit shall be occupied without obtaining an appropriate business license pursuant to OMC Title 3 (Finance), Chapter 1 (Business License Regulations), commencing with Section 3-1.101.

5. Certificate of Occupancy.

a. *Use and Occupancy.* No work/live unit shall be used or occupied until the Building Official and the Fire Marshall have completed and approved their final inspection of the unit, and a certification of occupancy has been requested for the work/live unit. In a complex with multiple work/live units, an individual unit or units can receive final inspection(s), request a

certificate of occupancy, and be occupied, prior to all units being completed and receiving final inspection.

b. *Occupancy Violations.* Whenever any portion of a building designated as work/live is being used contrary to the provisions of this code, the Building Official may order such use discontinued within the unit or specified portion of the building. Provided the violation is not life threatening to the occupants within the building, such person shall discontinue the use within 7 days after the receipt of such notice, as prescribed by the Building Official, to make the structure, or portion thereof, comply with the requirements of this code.

E. **Development Criteria.** The following criteria shall be imposed upon the development of work/live units:

1. Work/live units may be located in upper stories, basements (below grade), or within the first floor of all commercial and industrial buildings.

2. Work/live developments that have frontage along Holt Boulevard or Euclid Avenue, where the City has designated a historic retail corridor, the first 20 FT of floor area depth at the street level frontage shall be devoted to pedestrian-oriented gallery, showroom, retail, or similar commercial activity, except that if the 20 FT of floor area depth exceeds 30 percent of the primary ground floor area, less than 20 FT of depth is allowed as determined appropriate by the Reviewing Authority.

3. Each work/live unit shall be provided a primary entry from common areas, such as hallways, corridors, and/or exterior portions of the building, including courtyards, breezeways, parking areas, common open spaces, and public spaces.

4. Where any unit containing a work/live occupancy is adjacent to any other unit containing a separate work/live occupancy, such units shall be separated by one-hour fire resistant floors and walls, except that if 2 or more work-live units are combined into a single suite, then the partition walls and floors do not need to be fire rated.

5. Doors opening into corridors shall be protected by 20-minute fire assemblies or solid wood doors, not less than 1.75 inches thick. Where an existing frame will not accommodate a 1.75-inch thick door, a 1.375-inch thick solid, bonded wood core door, or equivalent insulated steel door, shall be permitted. The doors shall be provided with a gasket so installed as to provide a seal where the door meets the stop on both sides and across the top.

6. The minimum area of a work/live unit shall be 700 SF. No more than 50 percent of the primary floor or level (i.e., excluding mezzanines, upper levels, and raised sleeping areas) of any individual work/live unit shall be used or arranged for residential purposes, such as a sleeping area and kitchen, except that in new construction, work/live units on upper floors, or on ground floors without public street frontage, do not have a minimum area set aside for work purposes.

7. The residential occupancy in any work/live unit shall not exceed 4 persons.

8. For the purposes of determining the minimum number of persons for which the building exiting system shall be designed, the occupant load factors prescribed by the California Building Code shall be used.

9. Each work/live unit shall have one openable window accessible for exiting, with an opening of not less than 20 inches wide by 30 inches high, or a second exit door. Any security bars

placed over required window openings shall be operable and have an opening not less than 20 inches wide by 30 inches high. Work/live units are not required to meet light and ventilation standards for habitable spaces if no life-safety hazard is created.

10. The life-safety requirements contained in the Building Code shall apply to all work/live units. For the purpose of providing a reasonable degree of life-safety for individuals occupying work/live units, the code provisions regarding dwelling units shall apply.

11. All work/live units shall be provided with single station smoke detectors, which shall receive their primary power from the building's wiring system and provided with a battery backup. Smoke detectors shall be installed pursuant to approved manufacturer's instructions and shall be mounted on the ceiling at a point centrally located in the residential portion of the unit and in each sleeping-room separated by floor to ceiling walls. In the working area of the work/live unit, one hardwired smoke detector shall be centrally located on the ceiling. Where the working area is subdivided into separate rooms by floor to ceiling walls, one smoke detector shall be installed on the ceiling of each workroom.

12. Any new commercial or industrial building developed with work/live units shall retain its industrial or commercial classification. Any building converted or partly converted to work/live units shall not be considered to have changed occupancy classification (i.e., there is no intensification of use).

13. All work/live units, including any alteration to a work/live unit, shall be required to meet the minimum life-safety standards set forth in this Section, and the following requirements:

a. Each work/live unit shall have a kitchen area consisting of a sink and garbage disposal, with ground fault interrupted circuit outlets provided.

b. Each work/live unit shall have sanitation facilities consisting of a toilet, lavatory, and shower and/or bathtub.

c. Each work/live unit shall have an approved UL listed heating system in the residential portion of the unit.

d. Habitable space shall have a dimension of not less than 7 FT.

e. Restrooms and bathrooms located on the primary floor area of a work/live unit shall be designed and equipped to be adaptable to ADA compliance, and shall include the following:

(1) 36-inch doors.

(2) Inside 60-inch diameter clear wheelchair turning radius.

(3) Water closet meeting ADA fixture specifications.

(4) Water closet with ADA clearances from adjacent walls.

(5) Walls shall include necessary blocking for the installation of ADA grab bars.

(6) Sinks shall meet ADA height and clearance specifications.

(7) All switches and outlets shall meet ADA specifications.

f. Restrooms and bathrooms located on the second level of a work/live unit (e.g., mezzanines or upper levels) can follow residential standards for bathrooms if an ADA compliant restroom is available to visitors within the building and on an accessible path of travel from the unit. Table 5.03-8 (Minimum Number of Work/Live Units to be Equipped with a Shower Adaptable for ADA Compliance), below, prescribes the number of all work/live units within the building that shall be equipped with a shower that can be adapted for ADA compliance.

Table 5.03-7: Minimum Number of Work/Live Units to be Equipped with a Shower Adaptable for ADA Compliance

Number of Work/Live Units	*Number of Units with Adaptable Showers*
Fewer Than 5 Units:	None
5 to 12 Units:	One Unit
13 to 20 Units:	2 Units
More than 20 Units:	2 Units, Plus One Unit for Each 7 Work/Live Units in Excess of 20 Units

14. Energy insulation need not be installed, nor energy audits and mitigations provided, resulting from work/live units being developed within an existing building. In addition, sound mitigations need not be provided or installed resulting from work/live units being developed within an existing building, unless otherwise required by a Conditional Use Permit. However, all new buildings shall comply with current Building Code requirements for new construction.

15. Stairways serving a mezzanine, or second level of a work/live unit, shall comply with the City's Building Code; stairs are to have an 8-inch maximum rise a 9-inch minimum run and a 30-inch minimum width. In addition, mezzanines of less than 400 SF may be accessed by spiral stairways or other similar reduced tread, open riser alternative stairways. A mezzanine can cover up to 50 percent of the primary floor area of a work/live unit without being considered a story or triggering additional exiting requirements.

16. An elevator need not be provided resulting from work/live units being developed within an existing building; however, all new buildings shall comply with current Building Code requirements for new construction.

17. Modifications that create a life-safety hazardous condition shall not be authorized by the Building Official. The Building Official shall have the power to render interpretations of this Section and to adopt and enforce rules and supplemental regulations, which are in conformance with the intent and purpose of this Section, in order to clarify the application of its provisions.

18. Existing buildings that are renovated to include work/live units shall be presumed to have adequate parking for both the renovated and unaltered portions of the building. Stalls for work/live units are not required to be covered or secured.

19. New construction of work/live units shall provide off-street parking facilities pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code. The intent is to provide lower, flexible parking standards wherever possible and appropriate. Consideration shall be given to shared parking systems, on and off street parking resources, compatibility with historic patterns of development, and the availability of mass transit resources.

F. **Conditions of Approval.** The following conditions of approval shall be imposed upon any work/live units established pursuant to this Section:

1. Business hours shall be clearly posted within the main lobby area of the building containing work/live units.

2. Sales of artists' materials shall be restricted to products of the occupant and similar or related items. Sales of drug and tobacco related paraphernalia/accessories are prohibited.

3. Work/live units shall be occupied and used only by an artist, artisan, professional, or a similarly situated individual and their family, consisting of not more than 4 unrelated persons.

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Chapter 6.0:
Development and Subdivision Regulations

Division 6.01—District Standards and Guidelines
Division 6.02—Walls, Fences and Obstructions
Division 6.03—Off-Street Parking and Loading
Division 6.04—Congestion Management and Trip Reduction
Division 6.05—Landscaping
Division 6.06—Street Naming and Address Numbering
Division 6.07—Reserved
Division 6.08—Development Projects and Subdivisions
Division 6.09—Reserved
Division 6.10—Reserved
Division 6.11—Shopping Cart Retention and Storage

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Division 6.01—District Standards and Guidelines

Sections:

6.01.000: Purpose
6.01.005: Applicability
6.01.010: Residential Zoning Districts
6.01.015: Commercial Zoning Districts
6.01.020: Mixed Use Zoning Districts
6.01.025: Industrial Zoning Districts
6.01.030: Specialized Use Zoning Districts
6.01.035: Overlay Zoning Districts

6.01.000: Purpose

This Division addresses development standards and guidelines, to ensure that proposed development produces an environment of stable and desirable character, is compatible with existing and future development in the vicinity, and protects the use and enjoyment of neighboring properties consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

6.01.005: Applicability

A. New Development Projects and Land Uses. The requirements of this Chapter shall apply to all proposed development projects and subdivisions, and new land uses, except as specified in Division 3.01 (Nonconforming Lots, Uses, Structures, and Signs), and shall be considered in combination with the provisions of Division 5.03 (Standards for Specific Land Uses, Activities, and Facilities). If any provision of this Division conflicts with the standards contained in Division 5.03 (Standards for Specific Land Uses, Activities, and Facilities), the standards contained in Division 5.03 (Standards for Specific Land Uses, Activities, and Facilities) shall control.

B. Conformity with District Regulations.

1. No site or structure shall be used for any purpose or in any manner other than in conformity with the regulations of the zoning district in which the site or structure is located.

2. No structure is to be erected and no existing structure is to be moved, altered, or enlarged, except in conformity with the regulations of the zoning district in which the structure or use is located.

3. No required yard or open space area related to any structure or use shall be used, encroached upon, or reduced in any manner, except in conformity with the regulations of the zoning district in which the yard or open space is located.

4. No lot or parcel shall be reduced in area to less than the minimum area prescribed for the district in which the site is located, unless a Variance is granted pursuant to Section 4.02.020 (Departures from Development Standards) of this Development Code.

5. Any lot that is shown on a recorded map prior to November 5, 1947, and that had a legal area, width, and frontage at the time the subdivision map was recorded or the lot was legally created, may be used for an allowed land use, and shall be subject to all other regulations applicable to the zoning district in which the site is located.

6.01.010: Residential Zoning Districts

A. **Purpose.** The purpose of the provisions of this Section is to ensure that development within residential zoning districts of the City will contribute toward an urban environment of stable, desirable character; which is harmonious with existing and future development; and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan. These regulations are further established to:

1. Assist in implementing the goals and objectives of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan;

2. Reserve appropriate areas for residential living in a variety of dwelling types and tenures, at reasonable ranges of population densities, that will accommodate the City's future population growth;

3. Encourage the continued vitality of existing neighborhoods, and, where appropriate, encourage the revitalization of neighborhoods by the use of appropriate standards and incentives;

4. Provide a physical environment that contributes to, and enhances, the quality of life;

5. Promote stable neighborhoods that are well designed, safe, and pleasant places to live, and that contributes to the establishment of Ontario as a "complete community;"

6. Ensure adequate light, air, privacy, and open space for dwellings;

7. Establish architectural and design guidelines to encourage a high quality appearance of new and remodeled structures;

8. Establish standards ensuring that new infill residential construction is consistent with the character and fabric of existing neighborhoods, including densities, design and exterior appearance;

9. Protect residential properties from the hazards of traffic congestion, noise, fire, explosion, noxious fumes, and other hazards;

10. Facilitate the provision of public utilities and services commensurate with their need; and

11. Allow for innovative and flexible methods of implementing the goals and policies of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

B. **Applicability.** The standards and guidelines established by this Section shall apply to each of the City's residential zoning districts. The provisions of this Section shall apply to all residential

land subdivision and any new residential construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City.

C. Development Standards. The design and development of residentially zoned properties shall comply with the following:

1. Traditional Single-Family Residential Development Standards.

a. Traditional single-family residential development projects shall comply with the requirements of Table 6.01-1 (Traditional Single-Family Residential Development Standards), which specifies development standards within the AR-2, RE-2, RE-4, LDR-5, MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Traditional single-family residential development projects consist of the construction of one or more single-family (detached) dwellings within zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code and which meet or exceed the minimum lot size (area and dimensions) of the affected zoning district, as prescribed in Table 6.01-1 (Traditional Single-Family Residential Development Standards) of this Division. Examples of traditional single-family residential development are contained in Figure 6.01-1A (Example Development—Traditional Single-Family Residential) and Figure 6.01-1B (Example Development—Traditional Single-Family Residential with Public Alley Access) of this Division.

2. Small Lot Traditional Single-Family Residential Development Standards.

a. Small lot traditional single-family residential development projects shall comply with the requirements of Table 6.01-2A (Small Lot Traditional Single-Family Residential Development Standards), which specifies development standards within the LDR-5, MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Small lot traditional single-family residential development projects consist of the construction of single-family (detached) dwellings in zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code, and which meet or exceed the minimum lot size (area and dimensions) of the affected zoning district, as prescribed in Table 6.01-2A (Small Lot Traditional Single-Family Residential Development Standards) of this Division. Examples of traditional single-family residential development are contained in Figure 6.01-2A (Example Development—Small Lot Traditional Single-Family Residential) of this Division.

3. Small Lot Alley-Loaded Single-Family Residential Development Standards.

a. Small lot alley-loaded single-family residential development projects shall comply with the requirements of Table 6.01-2B (Small Lot Alley-Loaded Single-Family Residential Development Standards), which specifies development standards within the LDR-5, MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Small lot alley-loaded single-family residential development projects consist of the construction of one or more single-family (detached) dwellings, which take garage access from a private lane/alleyway or public alley, and are located within zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code, and which meet or exceed the minimum lot size (area and dimensions) of the affected zoning district, as prescribed in Table 6.01-2B (Small Lot Alley-Loaded Single-Family Residential Development Standards) of this Division. An example of small lot alley-loaded single-family residential

development is contained in Figure 6.01-2B (Example Development—Small Lot Alley-Loaded Single-Family Residential) of this Division.

4. Cluster Single-Family Residential Development Standards.

a. Cluster single-family residential development projects shall comply with the requirements of Table 6.01-2C (Cluster Single-Family Residential Development Standards), which specifies development standards within the LDR-5, MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Cluster single-family residential development projects consist of the construction of 3 or more single-family (detached) dwellings, which take garage access from a private lane/alleyway or public alley, and are located within zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code, and which meet or exceed the minimum lot size (area and dimensions) of the affected zoning district, as prescribed in Table 6.01-2C (Cluster Single-Family Residential Development Standards) of this Division. An example of cluster single-family residential development is contained in Figure 6.01-2C (Example Development—Cluster Single-Family Residential) of this Division.

5. Multiple-Family Residential Development Standards.

a. Multiple-family (attached) residential development projects shall comply with the requirements of Table 6.01-3 (Multiple-Family Residential Development Standards), which specifies development standards within the MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.

b. Multiple-family (attached) residential development projects consist of the construction of multiple-family (attached) dwellings in zoning districts that allow for such development pursuant to Table 5.01-1 (Land Use Matrix) of this Development Code, and which meet or exceed the development standards prescribed in Table 6.01-3 (Multiple-Family Residential Development Standards) of this Division. Examples of multiple-family residential development are contained in Figure 6.01-3A (Example Multiple-Family Development—MDR-11 (5.1 to 11.0 DU/Acre) Zoning District), Figure 6.01-3B (Example Multiple-Family Development—MDR-18 (11.1 to 18.0 DU/Acre) Zoning District), Figure 6.01-3C (Example Multiple-Family Development—MDR-25 (18.1 to 25.0 DU/Acre) Zoning District), and Figure 6.01-3D (Example Multiple-Family Development—HDR-45 (25.1 to 45.0 DU/Acre) Zoning District) of this Division.

6. Nonresidential Land Uses within Residential Zoning Districts. Nonresidential land uses allowed within residential zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code shall comply with the setback requirements applicable to multiple-family developments, except as follows:

a. The minimum building setback from any exterior (front and street side) property line that abuts a street or public alley shall meet the requirements of the zoning district upon which the building is located.

b. The minimum building setback from any interior residential property line (a property line that abuts another residentially zoned property) shall be 25-FT.

c. The minimum off-street parking space, drive aisle, or driveway setback, from any exterior property line or from any interior residential property line, shall be 10-FT. Off-street parking facilities shall not be located adjacent to a Euclid Avenue property line.

Table 6.01-1: Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts					Additional Regulations
	AR-2	RE-2	RE-4	LDR-5	MDR-11, MDR-18, MDR-25 & HDR-45	
A. SITE DEVELOPMENT STANDARDS						
1. Density Range (minimum to maximum, in dwelling units per acre)	0 to 2.0	0 to 2.0	2.1 to 4.0	2.1 to 5.0	MDR-11: 5.1 to 11.0 MDR-18: 11.1 to 18.0 MDR-25: 18.1 to 25.0 HDR-45: 25.1 to 45.0	Notes 2, 4 & 5
2. Minimum Lot Size						
a. Minimum (in SF)	18,000	10,000		7,200	5,000	Note 1
b. Average (in SF)		18,000		8,000	6,000	
3. Maximum Lot Coverage	30%	40%		50%	60%	
4. Minimum Lot Dimensions						
a. Lot Width						
(1) Interior Lots	100 FT	70 FT		60 FT	50 FT	Note 1
(2) Corner Lots	120 FT	80 FT		65 FT	50 FT	Note 1
(3) Cul-de-Sac Lots						
(a) At Front Property Line	40 FT					Note 1
(b) At Front Building Setback	70 FT			60 FT	40 FT	Note 1
b. Lot Depth	135 FT	100 FT		75 FT	100 FT	Note 1
5. Equestrian Trails Required	Yes		No			If yes, see Section 6.01.010. G.9
6. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).					
7. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).					
8. Landscaping	Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).					
9. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).					
10. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.					
11. Signs	Refer to Division 8.1 (Sign Regulations).					
12. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).					

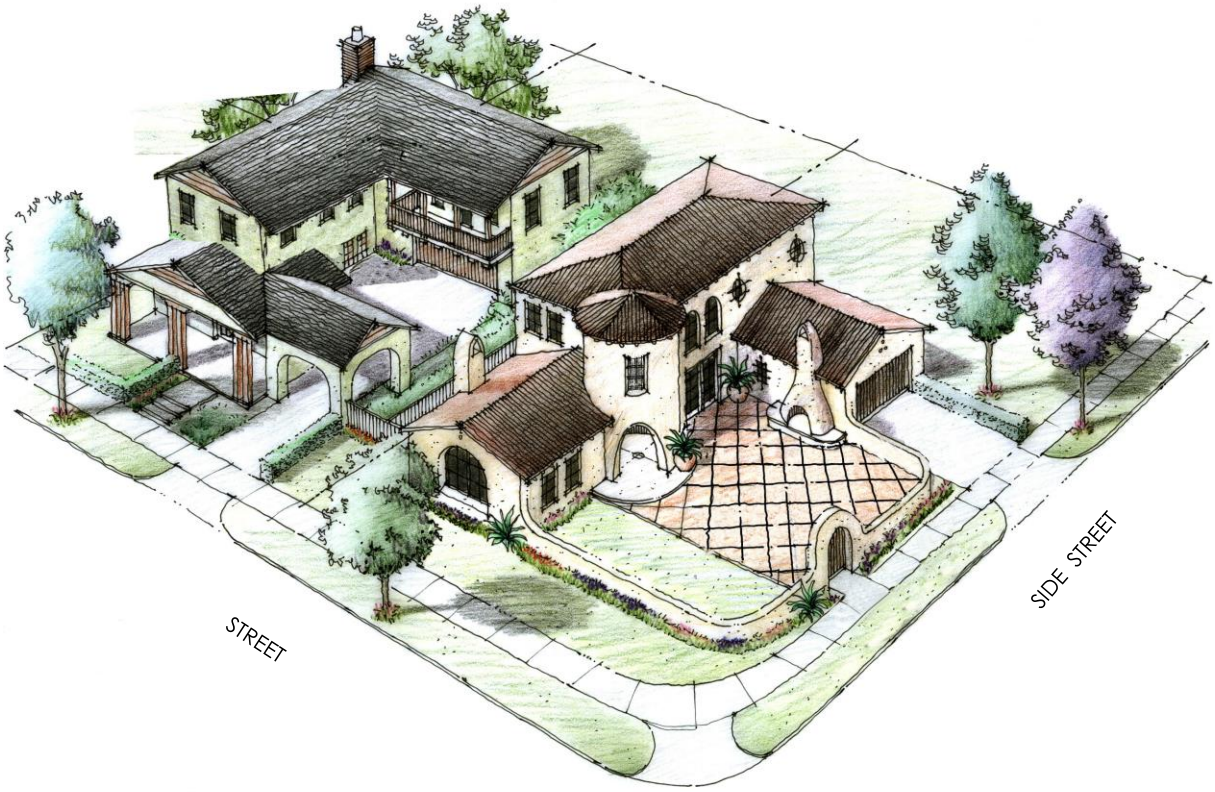
Table 6.01-1: Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts					Additional Regulations
	AR-2	RE-2	RE-4	LDR-5	MDR-11, MDR-18, MDR-25 & HDR-45	
13. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).					
14. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.					
B. BUILDING DEVELOPMENT STANDARDS						
1. Minimum Setback from Street and Alley Property Lines						Note 9
a. From Freeways	20 FT					
b. From Arterial Streets	30 FT – Front For street side and rear setbacks, refer to the Collector and Local Streets standards, below.					Note 7
c. From Collector and Local Streets	30 FT		20 FT – Front 10 FT – Front Garage Other (side-on condition) 10 FT – Street Side 10 FT – Street Rear 1st Floor 20 FT – Street Rear 2nd/3rd Floor			Note 7
d. From Rear Alleys	10 FT – 1st Floor 20 FT – 2nd/3rd Floor 5 FT –Garage Entry (1st Floor Only) 10 FT –Garage Other (1st Floor Only) For side alley conditions, refer to the Interior Property Lines standards, below.					Note 8
2. Minimum Setbacks from Interior Property Lines						
a. From Side Property Lines	10 FT		5 FT			Note 3
b. From Rear Property Lines	25 FT		10 FT – 1st Floor Living Area 20 FT – 2nd/3rd Floor Living Area 10 FT – Patio Covers			
3. Minimum Separation Between Buildings	6 FT (from buildings on the same lot)					
4. Maximum Height	35 FT					
5. Minimum Setback from Major Pipelines	50 FT (to any habitable structures)					Note 6

Notes:

1. *An existing lot of record that is substandard as to minimum "lot" area and/or dimension(s) shall be granted all development rights of the zoning district in which it is located (refer to Subsection 3.01.010.B of this Development Code).*

2. *A density bonus and other incentives pursuant to GC 65915 through 65918 may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives) of this Section.*
3. *When vehicle parking is provided at the rear of a lot (whether within a garage or carport, or uncovered) that does not have alley access, a minimum 10-FT interior side building setback, which is clear of meters and mechanical equipment, shall be provided to ensure clear vehicular access to the rear of the lot.*
4. *Lots with a maximum density calculation of less than one dwelling shall be allowed the construction of one dwelling unit.*
5. *A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that If, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.*
6. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*
   a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*
   b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*
7. *On a lot having a street adjacent rear property line (arterial, collector and local streets, only), for the purpose of wall placement, each wall shall be setback a minimum of 5 FT behind the street property line to allow for landscaping beyond any required parkway landscaping.*
8. *A traditional single-family lot shall maintain a useable rear yard area having minimum horizontal dimension of 20 FT in any direction and a clear vertical dimension of 8 FT.*
9. *The minimum setback from private streets shall be measured from a line running parallel to the street, which is located 12 FT behind face-of-curb (a.k.a., "parkway").*



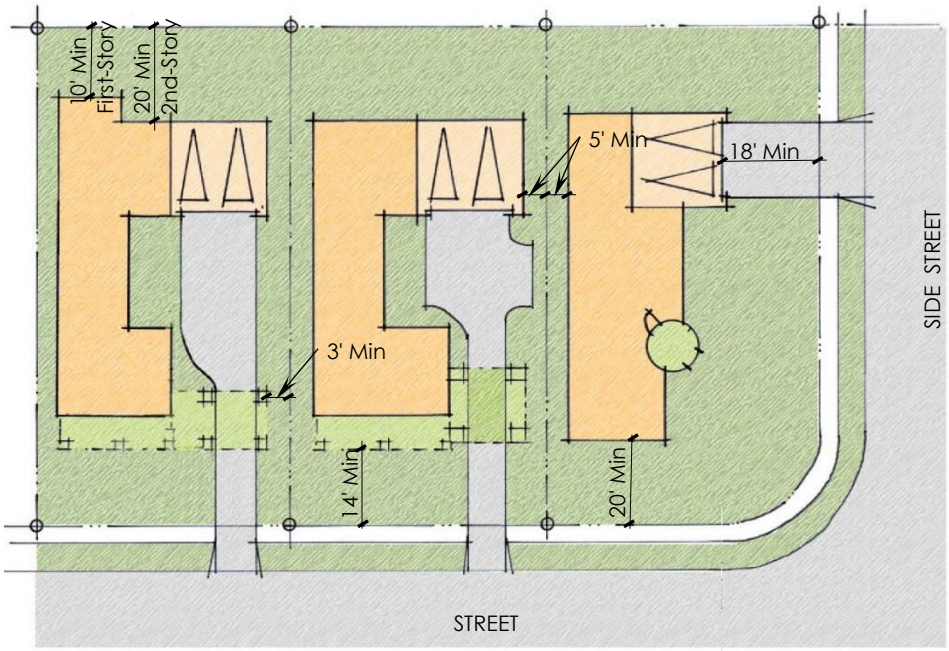


Figure 6.01-1A: Example Development—Traditional Single-Family Residential

Figure 6.01-1B: Example Development—Traditional Single-Family Residential with Public Alley Access

Table 6.01-2A: Small Lot Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
A. SITE DEVELOPMENT STANDARDS				
1. **Density Range** (minimum to maximum, in dwelling units per acre)	2.1 to 5.0	5.1 to 11.0	MDR-18: 11.1 to 18.0 MDR-25: 18.1 to 25.0 HDR-45: 25.1 to 45.0	Notes 2, 3 & 4
2. **Minimum Project Area**	One acre			Note 1
3. **Minimum Lot Size**	4,000 SF – Interior Lot 4,500 SF – Corner Lot		2,800 SF – Interior Lot 3,200 SF – Corner Lot	
4. **Maximum Lot Coverage**	55%	60%	70%	
5. **Minimum Lot Dimensions**				
a. Lot Width	40 FT – Interior Lots 45 FT – Corner Lots		35 FT – Interior Lots 40 FT – Corner Lots	
b. Lot Depth	75 FT		70 FT	
6. **Minimum Parking Space (Uncovered), Drive Aisle, and Driveway Setbacks**				
a. From Project Boundary Street Property Lines	20 FT - Freeways 30 FT – Arterial Streets 20 FT – All Other Streets			
b. From Project Boundary Interior Property Lines	5 FT			
7. **Equestrian Trails Required**	No			
8. **Walls, Fences, and Obstructions**	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).			
9. **Off Street Parking**	Refer to Division 6.03 (Off-Street Parking and Loading).			
10. **Open Space and Recreation Amenities**	Refer to Subsection 6.01.010.E (Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects).			
11. **Landscaping**	Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).			
12. **Property Appearance and Maintenance**	Refer to Division 6.10 (Property Appearance and Maintenance).			
13. **Historic Preservation**	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.			
14. **Signs**	Refer to Division 8.1 (Sign Regulations).			
15. **Security Standards**	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).			

Table 6.01-2A: Small Lot Traditional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
16. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).			
17. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.			
B. BUILDING DEVELOPMENT STANDARDS				
1. Minimum Setback from Street Property Lines				Note 7
a. From Freeways	20 FT			
b. From Arterial Streets	30 FT – Front For street side, rear, and alley setbacks, refer to the Collector and Local Streets standards, below.			
c. From Collector and Local Streets				
(1) From Street Front	14 FT – Living Area 18 FT – Garage Entry 10 FT – Other Garage (side-on condition)			
(2) From Street Side	10 FT			Note 6
(3) From Street Rear	10 FT – 1st Floor 15 FT – 2nd/3rd Floors 18 FT – Garage Entry 5 FT –Garage Other (1st Floor Only) 5 FT – Patio Covers			Note 6
d. From Alley Rear	5 FT –Garage (1st Floor Only) 10 FT – Rear 2nd/3rd Floors For side alley conditions, refer to the Interior Property Lines standards, below.			
2. Minimum Setback from Interior Property Lines				
a. From Side Property Lines	5/4 FT			Note 8
b. From Rear Property Lines	10 FT - Living Area 5 FT –Garage (1st Floor Only) 5 FT – Patio Cover to Side or Rear			
3. Minimum Separation Between Buildings	6 FT (from buildings on the same lot)			
4. Maximum Building Height	35 FT			
5. Minimum Setback from Major Pipelines	50 FT (to habitable structures)			Note 5

Notes:

1. *An existing lot of record that is substandard as to minimum "project" area and/or dimension(s) shall be permitted the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum allowed within the density range.*
2. *A density bonus and other incentives pursuant to GC 65915 through 65918 may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives).*
3. *Lots with a maximum density calculation of less than 1.00 may be developed with one dwelling unit.*
4. *A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that If, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.*
5. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*
   a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*
   b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*
6. *On a lot having a street adjacent side or rear property line, for the purpose of wall placement, each wall shall be setback a minimum of 5 FT behind the street property line to allow for landscaping beyond any required parkway landscaping.*
7. *The minimum setback from private streets shall be measured from a line running parallel to the street, which is located 12 FT behind face-of-curb (a.k.a., "parkway").*
8. *The interior side property line setback may be reduced to 4 FT if the setback area is combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls, thereby allowing a minimum 8–FT wide side to side building separation.*

Small Lot Traditional Single-Family Residential; 4,000/4,500 SF Lots

Small Lot Traditional Single-Family Residential; 2,800/3,200 SF Lots

Figure 6.01-2A: Example Development—Small Lot Traditional Single-Family Residential

Table 6.01-2B: Small Lot Alley-Loaded Single-Family Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
A. SITE DEVELOPMENT STANDARDS				
1. **Density Range** (minimum to maximum, in dwelling units per acre)	2.1 to 5.0	5.1 to 11.0	MDR-18: 11.1 to 18.0; MDR-25: 18.1 to 25.0; HDR-45: 25.1 to 45.0	Notes 2, 3 & 4
2. **Minimum Project Area**	One acre			Note 1
3. **Minimum Project Dimensions**	200 FT – Width 200 FT - Depth			Note 1
4. **Minimum Lot Size**				
a. Lot width	40 FT – Interior Lots 45 FT – Corner Lots		35 FT – Interior Lots 40 FT – Corner Lots	
b. Lot Depth	75 FT		70 FT	
5. **Maximum Lot Coverage**	55%	60%	70%	
6. **Minimum Lot Dimensions**	N/A			
7. **Minimum Parking Space (Uncovered) and Private Street, Drive, or lane/Alleyway Setbacks**				
a. From Project Boundary Street Property Lines	20 FT - Freeways 30 FT – Arterial Streets 20 FT – Other Streets			
b. From Project Boundary Interior Property Lines	5 FT			
8. **Equestrian Trails Required**	No			
9. **Walls, Fences, and Obstructions**	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).			
10. **Off Street Parking**	Refer to Division 6.03 (Off-Street Parking and Loading).			
11. **Open Space and Recreation Amenities**	Refer to Subsection 6.01.010.E (Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects).			
12. **Landscaping**	Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).			
13. **Property Appearance and Maintenance**	Refer to Division 6.10 (Property Appearance and Maintenance).			
14. **Historic Preservation**	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.			
15. **Signs**	Refer to Division 8.1 (Sign Regulations).			
16. **Security Standards**	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).			

Table 6.01-2B: Small Lot Alley-Loaded Single-Family Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
17. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).			
18. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.			
B. BUILDING DEVELOPMENT STANDARDS				
1. Minimum Setback from Street Property Lines				Note 8
a. From Freeways	20 FT			
b. From Arterial Streets	30 FT			Note 5
c. From Collector and Local Streets	10 FT - Front 10 FT – Street Sides 15 FT – Street Rear			Note 5
2. Minimum Setback from Project Boundary Property Lines	10 FT – Project Boundaries 5/4 FT – Side 10 FT – Rear 5 FT – Patio Cover			Note 6
3. Minimum Setback from Private Drives	10 FT – Living Area 6 FT – Porch (Single-Story) 18 FT – Garage Entry 10 FT – Other Garage (side/rear)			Note 8
4. Minimum Setback from Private Lanes/Alleyways	10 FT – Living Area 5 FT – Garage			
5. Minimum Setback from Parking Spaces	10 FT			
6. Minimum Separations Between Buildings				
a. Dwelling Front to Front	25 FT			
b. Dwelling Front to Side	20 FT			
c. Dwelling Side to Side	10/8 FT			Note 6
d. Dwelling Rear to Rear	20 FT			
e. Garage to Garage	30 FT – Entry to Entry 30 FT – Entry to Side 10/8 FT – Side to Side 10/8 FT – Side to Rear			Note 6
7. Maximum Building Height	35 FT			
8. Minimum Setback from Major Pipelines	50 FT (to habitable structures)			Note 7

Notes:

1. *An existing lot of record that is substandard as to minimum "project" area and/or dimension(s) shall be permitted the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum allowed within the density range.*
2. *A density bonus and other incentives pursuant to GC 65915 through 65918 may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives).*
3. *Lots with a maximum density calculation of less than 1.00 may be developed with one dwelling unit.*
4. *A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that If, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.*
5. *On lot having a street-adjacent side or rear property line, for the purpose of wall placement, each wall shall be setback a minimum of 5 FT behind the street property line to allow for landscaping beyond any required parkway landscaping.*
6. *The interior side property line setback may be reduced to 4 FT if the setback area is combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls, thereby allowing a minimum 8–FT wide side to side building separation.*
7. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*
    a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*
    b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*
8. *The minimum setback from private streets shall be measured from a line running parallel to the street, which is located 12 FT behind face-of-curb (a.k.a., "parkway").*

Note: Private lanes/alleyways shall be provided with enhanced paving, such as interlocking pavers, integral color stamped and/or scored concrete, or other similar materials acceptable to the Planning Director.

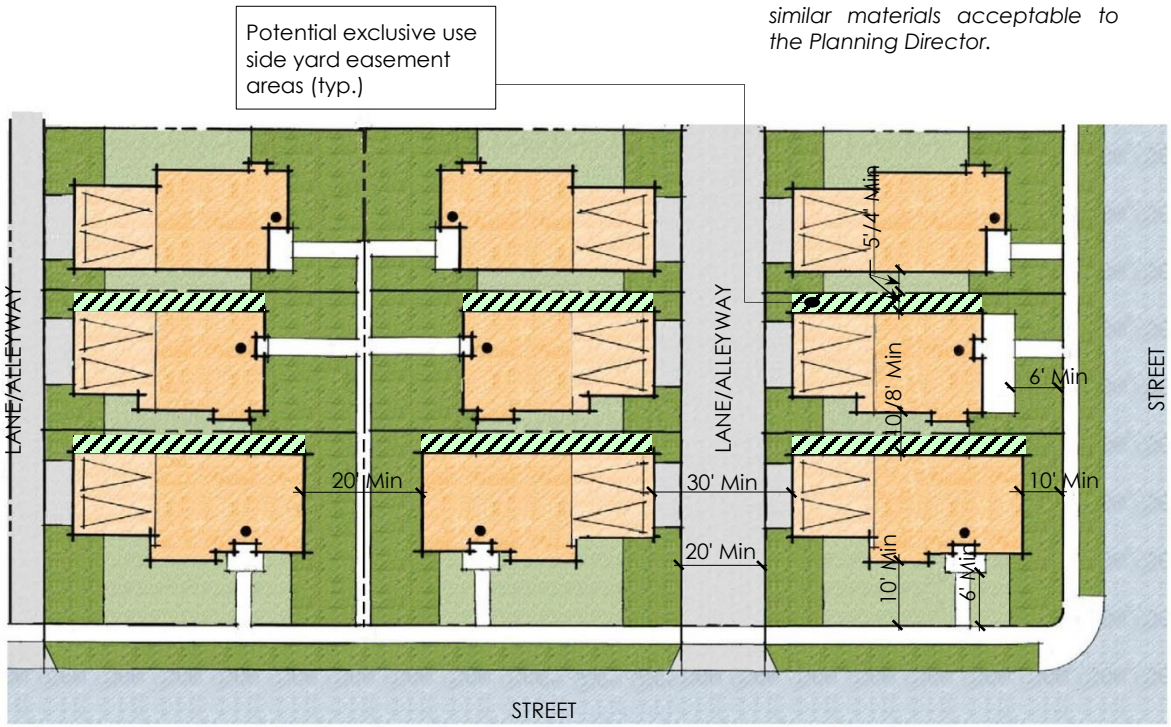


Figure 6.01-2B: Example Development—Small Lot Alley-Loaded Single-Family Residential Example

Table 6.01-2C: Cluster Single-Family Residential Development Standards

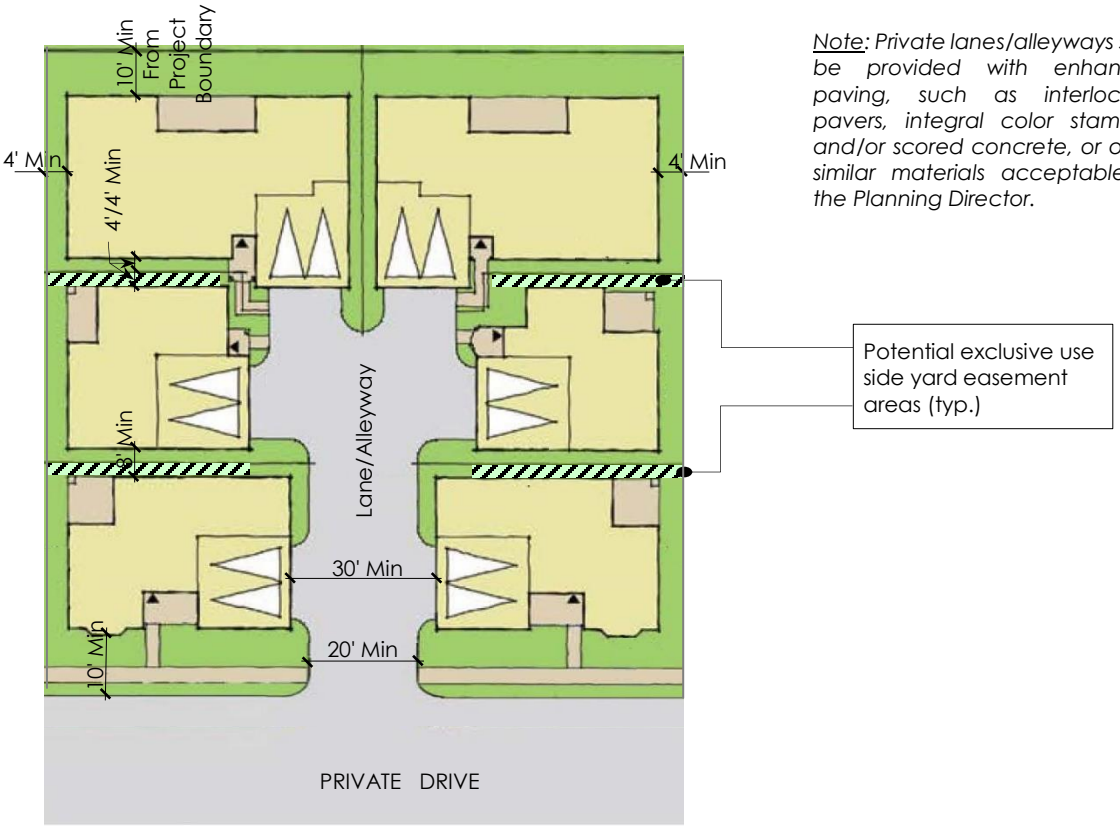
Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
A. SITE DEVELOPMENT STANDARDS				
1. **Density Range** (minimum to maximum, in dwelling units per acre)	2.1 to 5.0	5.1 to 11.0	MDR-18: 11.1 to 18.0 MDR-25: 18.1 to 25.0 HDR-45: 25.1 to 45.0	Notes 2, 3 & 4
2. **Minimum Project Area**	One acre			Note 1
3. **Minimum Project Dimensions**	200 FT - Width 200 FT - Depth			Note 1
4. **Minimum Lot Size**	N/A			
5. **Maximum Lot Coverage**	N/A			
6. **Minimum Lot Dimensions**	N/A			
7. **Minimum Parking Space (Uncovered) and Private Street, Drive, or lane/Alleyway Setbacks**				
a. From Project Boundary Street Property Lines	20 FT - Freeways 30 FT – Aerial Streets 20 FT – Other Streets			
b. From Project Boundary Interior Property Lines	5 FT			
8. **Equestrian Trails Required**	No			
9. **Walls, Fences, and Obstructions**	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).			
10. **Off Street Parking**	Refer to Division 6.03 (Off-Street Parking and Loading).			
11. **Open Space and Recreation Amenities**	Refer to Subsection 6.01.010.E (Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects).			
12. **Landscaping**	Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).			
13. **Property Appearance and Maintenance**	Refer to Division 6.10 (Property Appearance and Maintenance).			
14. **Historic Preservation**	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.			
15. **Signs**	Refer to Division 8.1 (Sign Regulations).			
16. **Security Standards**	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).			
17. **Noise**	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).			

Table 6.01-2C: Cluster Single-Family Residential Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18, MDR-25 & HDR-45	
18. **Airport Safety Zones**	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.			
B. BUILDING DEVELOPMENT STANDARDS				
1. **Minimum Setback from Public Street Property Lines**				Note 8
a. Freeways	20 FT			
b. Arterial Streets	30 FT			Note 5
c. Collector and Local Streets	20 FT - Front 10 FT – Street Sides 15 FT – Street Rear			Note 5
2. **Minimum Setback from Interior Property Lines**	10 FT – Project Boundaries 4 FT – Side 4 FT – Rear 4 FT – Patio Cover			Note 6
3. **Minimum Setback from Private Drives**	10 FT – Living Area 5 FT – Porch (Single-Story) ≤ 5 FT or ≥ 18 FT – Garage Entry 10 FT – Garage Other			Note 8
4. **Minimum Setback from Lanes/Alleyways** (measured from back-of-curb)	5 FT – Living Area 5 FT – Porch (Single-Story) 5 FT – Garage			
5. **Minimum Setback from Parking Spaces**	10 FT – Living Area 8 FT – Porch (Single-Story) 5 FT - Garage			
6. **Minimum Separation Between Buildings**				
a. Dwelling Front to Front	30 FT			
b. Dwelling Front to Side	14 FT			Note 6
c. Dwelling Side to Side	8 FT			Note 6
d. Dwelling Side to Rear	8 FT			
e. Dwelling Rear to Rear	16 FT			
f. Garage to Garage	30 FT – Entry to Entry 30 FT – Entry to Side 8 FT – Side to Side 8 FT – Side to Rear			Note 6
7. **Maximum Building Height**	35 FT			
8. **Minimum Setback from Major Pipelines**	50 FT (to habitable structures)			Note 7

Notes:

1. *An existing lot of record that is substandard as to minimum "project" area and/or dimension(s) shall be permitted the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum allowed within the density range.*
2. *A density bonus and other incentives pursuant to GC 65915 through 65918 may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives).*
3. *Lots with a maximum density calculation of less than 1.00 may be developed with one dwelling unit.*
4. *A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that If, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.*
5. *On a lot having a street-adjacent side or rear property line, for the purpose of wall placement, each wall shall be setback a minimum of 5 FT behind the street property line to allow for landscaping beyond any required parkway landscaping.*
6. *The interior side property line setback may be combined with the side setback area of the adjacent property to create a single minimum 8-FT wide outdoor use area clear of walls, which is defined in the project CC&Rs.*
7. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*
    a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*
    b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*
8. *The minimum setback from private streets and drives shall be measured from a line running parallel to the street/drive, which is located 12 FT behind face-of-curb (a.k.a., "parkway").*



Note: Private lanes/alleyways shall be provided with enhanced paving, such as interlocking pavers, integral color stamped and/or scored concrete, or other similar materials acceptable to the Planning Director.

Figure 6.01-2C: Example Development—Cluster Single-Family Residential

Table 6.01-3: Multiple-Family Residential Development Standards

Requirements	Residential Zoning Districts				Additional Regulations
	MDR-11	MDR-18	MDR-25	HDR- 45	
A SITE DEVELOPMENT STANDARDS					
1. **Density Range** (minimum to maximum, in dwelling units per acre)	5.1 to 11.0	11.1 to 18.0	18.1 to 25.0	25.1 to 45.0	Notes 1, 2, 6 & 7
2. **Minimum Project Area**	0.23 Acre (10,000 SF)			1.0 AC	Note 1
3. **Minimum Project Dimensions**					
a. Width	100 FT			180 FT	Note 1
b. Depth	100 FT			200 FT	Note 1
4. **Maximum Project Coverage**	60%			100%	
5. **Minimum Lot Size**	N/A				
6. **Maximum Lot Coverage**	N/A				
7. **Minimum Lot Dimensions**					
a. Lot Width	Refer to Subsection 6.08.045.C (Common Interest Subdivisions are Exempt from Minimum Lot Area and Building Setback Requirements).				
b. Lot Depth					
8. **Minimum Parking Space (Uncovered), Drive Aisle and Driveway Setbacks**					
a. From Project Boundary Street Property Line	20 FT – Freeways 20 FT – Arterial Streets 10 FT – Collector and Local Streets			10 FT – Freeways 10 FT – Arterial Streets 10 FT – Collector and Local Streets	
b. From Project Boundary Interior Property Line	5 FT				
9. **Equestrian Trails Required**	No				
10. **Walls, Fences and Obstructions**	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).				
11. **Off Street Parking**	Refer to Division 6.03 (Off-Street Parking and Loading).				
12. **Open Space and Recreation Amenities**	Refer to Subsection 6.01.010.E (Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects).				
13. **Landscaping**	Refer to Division 6.05 (Landscaping) landscape standards. Also refer to Paragraph 6.01.010.G.6.c (Single-Family Cluster and Multiple-Family Development) for additional standards addressing multiple-family development within commercial zoning districts.				
14. **Property Appearance and Maintenance**	Refer to Division 6.10 (Property Appearance and Maintenance).				

Table 6.01-3: Multiple-Family Residential Development Standards

Requirements	Residential Zoning Districts				Additional Regulations
	MDR-11	MDR-18	MDR-25	HDR- 45	
15. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.				
16. Signs	Refer to Division 8.1 (Sign Regulations).				
17. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).				
18. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).				
19. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.				
B BUILDING DEVELOPMENT STANDARDS					
1. Minimum Setback from Public Street Property Lines	20 FT – Freeways 30 FT – Arterial Streets 20 FT – Collector and Local Streets			10 FT	Notes 3 & 9
2. Minimum Setback from Interior Project Boundary Property Lines	5 FT				Note 4
3. Minimum Setback from Public Alley Property Lines	5 FT				
4. Minimum Setback from Private Drives/Alleyways (from edge of drive aisle)					
a. Living Area	15 FT				
b. Garages and Other Nonhabitable Structures	5 FT				
5. Minimum Setback from Dwellings to Parking Spaces					
a. Living Area	10 FT				
b. Garages and Other Nonhabitable Structures	5 FT				
6. Minimum Setback from Parking Space or Drive Aisle to Wall or Fence	5 FT				
7. Minimum Separation Between Detached Buildings					
a. Dwelling Front to Front	≤ 2-Stories: 25 FT; ≥ 3 Stories: 30 FT				
b. Dwelling Front to Rear	≤ 2-Stories: 25 FT; ≥ 3 Stories: 30 FT				
c. Dwelling Front to Side	≤ 2-Stories: 25 FT; ≥ 3 Stories: 30 FT				
d. Dwelling Side to Side	≤ 2-Stories: 10 FT; ≥ 3 Stories: 15 FT				

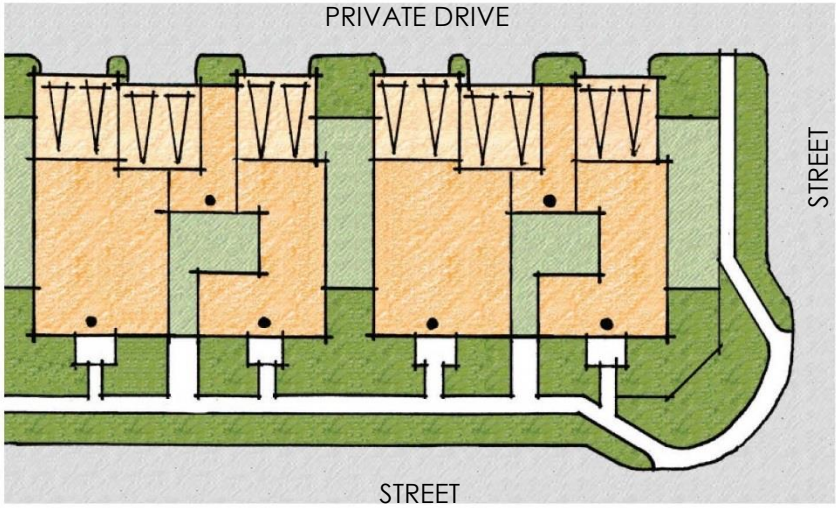
Table 6.01-3: Multiple-Family Residential Development Standards

Requirements	Residential Zoning Districts				Additional Regulations
	MDR-11	MDR-18	MDR-25	HDR- 45	
e. Dwelling Side to Rear	15 FT				
f. Dwelling Rear to Rear	20 FT				
g. Garage to Garage (or other nonhabitable structures)	30 FT – Entry to Entry 30 FT – Entry to Side 10 FT – Side to Side 10 FT – Side to Rear				
8. Minimum Storage Space	240 CF				Note 5
9. Maximum Building Height	35 FT	45 FT	60 FT	75 FT	
10. Minimum Setback from Major Pipelines	50 FT (to habitable structures)				Note 8

Notes:

1. *An existing lot of record that is substandard as to minimum "project" area and/or dimension(s), shall be permitted all of the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum number of dwelling units allowed within the specified density range for the applicable zoning district.*
2. *A density bonus and other incentives pursuant to GC Sections 65915 through 65918, may be granted by the Approving Authority. Refer to Subsection 6.01.010.H (Density Bonus and Other Incentives).*
3. *A health risk assessment shall be required for multiple-family development projects located within close proximity to a freeway, as determined by the Zoning Administrator.*
4. *A dwelling having the primary entry facing onto an interior property line shall maintain a minimum 10-FT setback from the corresponding interior property line.*
5. *Adequate lockable private storage space shall be provided within a garage or storage building, or a space directly accessible from the dwelling. Exterior closets accessed from patios or balconies may be used if screened from public view.*
6. *Lots with a maximum density calculation of less than 1.00 may be developed with one dwelling unit.*
7. *A residentially zoned lot shall be developed at no less than the minimum number of dwelling units allowed within the specified density range for the applicable zoning district, except that If, as a result of the configuration/design of a lot, the minimum residential density cannot be achieved, the lot may be developed with a maximum of one dwelling unit.*
8. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*
   a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*
   b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*
9. *The minimum setback from private streets shall be measured from a line running parallel to the street, which is located 12 FT behind face-of-curb (a.k.a., "parkway").*

Triplex Townhomes — 5.1 to 11 DU/Acre



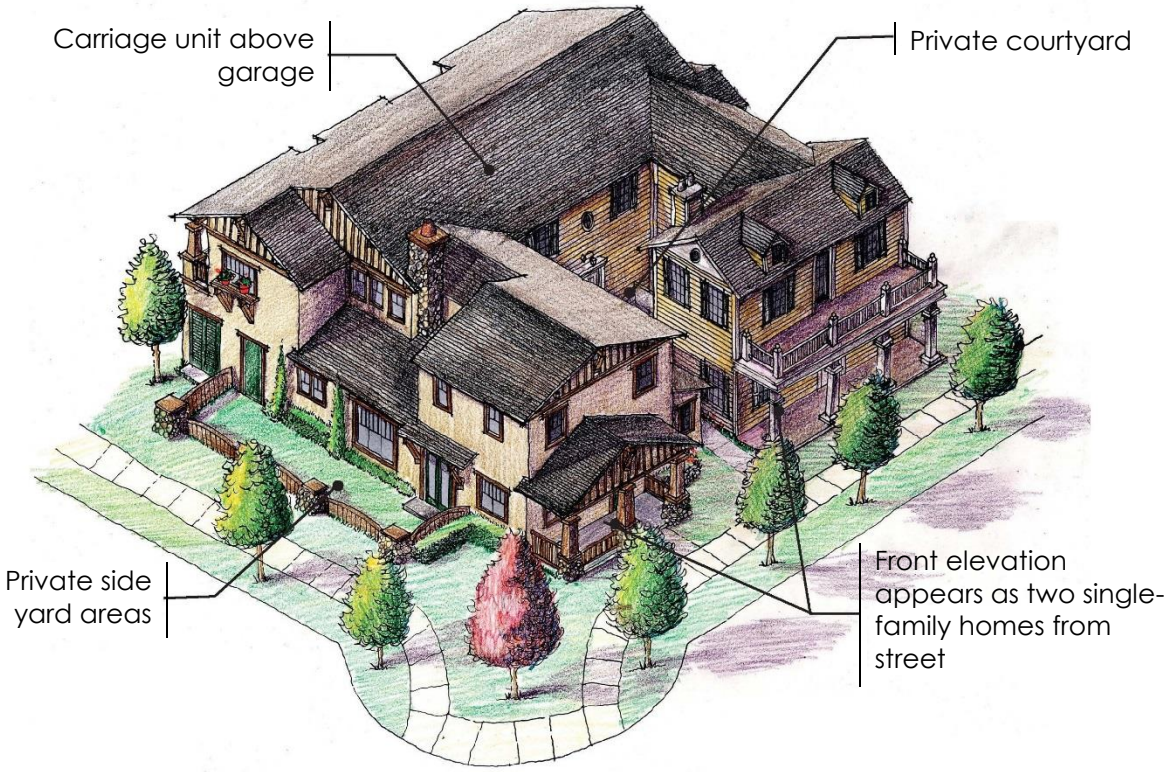
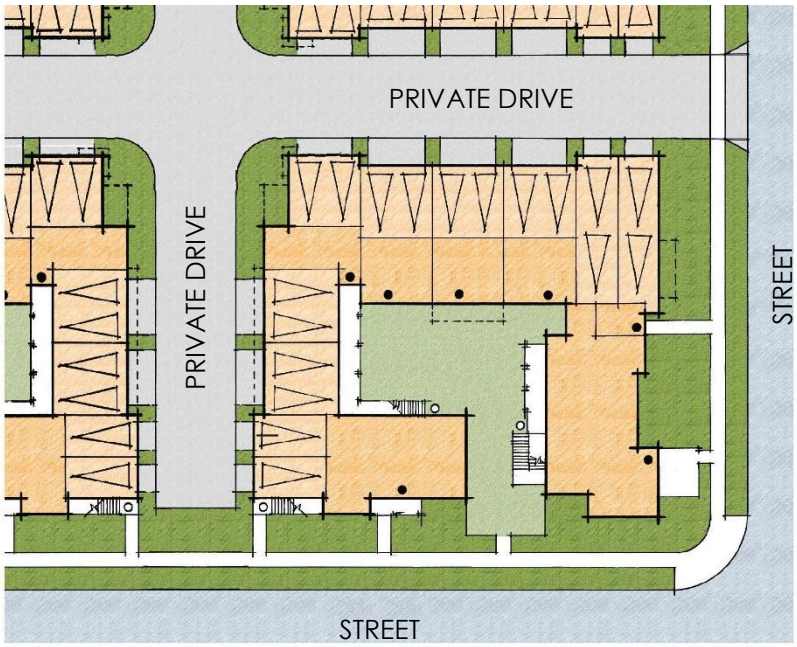


Figure 6.01-3A: Example Multiple-Family Development — MDR-11 (5.1 to 11.0 DU/Acre) Zoning District

Courtyard Townhomes — 11.1 to 18 DU/Acre



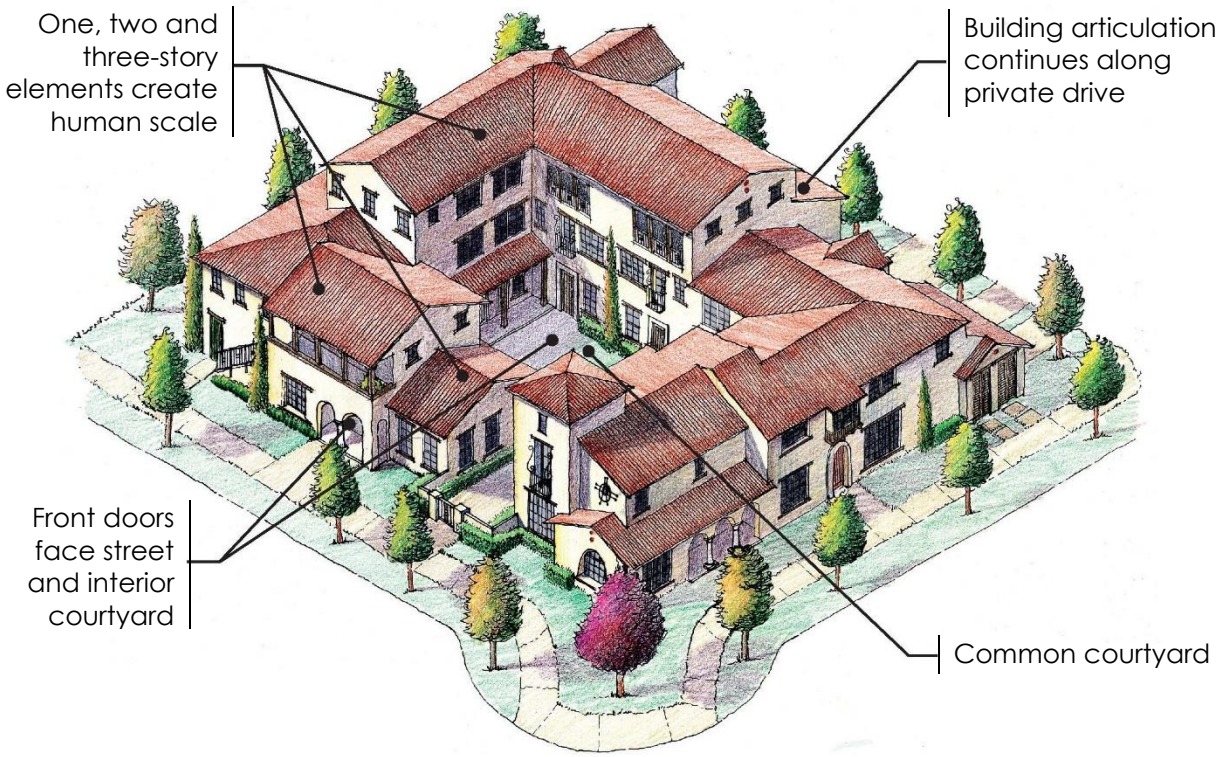


Figure 6.01-3B: Example Multiple-Family Development — MDR-18 (11.1 to 18.0 DU/Acre) Zoning District

Motorcourt Townhomes — 18.1 to 25 DU/Acre

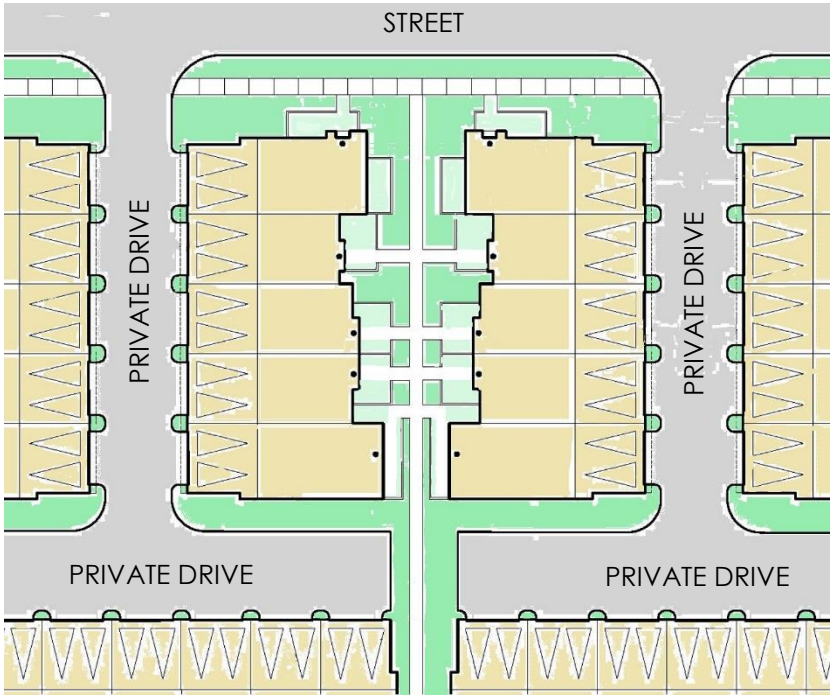


Figure 6.01-3C: Example Multiple-Family Development — MDR-25 (18.1 to 25.0 DU/Acre) Zoning District

Stacked Flats Condominiums Over Podium Parking — 25.1 to 45 DU/Acre

Figure 6.01-3D: Example Multiple-Family Development — HDR-45 (25.1 to 45.0 DU/Acre) Zoning District

D. Exceptions to Development Standards. The following exceptions from the maximum height and minimum setback requirements stipulated in Table 6.01.010-1 (Traditional Single-Family Residential Development Standards), Table 6.01.010-2 (Single-Family Residential Small Lot and Cluster Development Standards), and Table 6.01.010-3 (Multiple-Family Residential Development Standards) shall be permitted:

1. Height.

a. *Aerials and Antennas, Chimneys, Cupolas, Elevator Penthouses, Flagpoles, Monuments, Parapet Walls, Spires, Towers, Water Tanks, and Other Similar Structures*. Aerials and antennas, chimneys, cupolas, elevator penthouses, flagpoles, monuments, parapet walls, spires, towers, water tanks, and other similar structures may be erected to a height of up to 25 percent above the prescribed height limit of the base zoning district.

b. *Amateur (HAM) Radio Antennas*. HAM radio antennas may exceed the maximum prescribed height limit of a zoning district by a maximum of 10 FT. The Zoning Administrator, however, may allow HAM radio antennas to exceed this height limitation if it is necessary to accommodate amateur radio service communications. A HAM radio antenna that exceeds the maximum prescribed height limit of the zoning district in which it is located shall not exceed the minimum height and dimensions necessary to accommodate amateur radio service communications.

c. *Wireless Telecommunication Facilities*. Wireless telecommunication facilities shall comply with Section 5.03.420 (Wireless Telecommunications Facilities) of this Development Code.

2. Encroachments into Required Setback Areas.

a. *Attached Porte Cocheres.* Porte cocheres attached to the main dwelling may extend into a required front setback a maximum of 30 percent of the required setback depth and may extend into a side setback a maximum of 50 percent of the required setback width, provided the porte cochere is no greater than 20 FT in width. In no case, however, shall the side setback width be reduced to less than 3 FT.

b. *Cornices, Eaves, Canopies, Decorative Wall Elements, and Similar Architectural Features*. Cornices, eaves, canopies, decorative wall elements, and similar architectural features may extend into a required front, street side, or rear setback area, a maximum of 50 percent of the required setback, not to exceed 2.5 FT.

c. *Fireplaces and Chimneys.* Fireplaces and chimneys may extend a maximum of 2 FT into a required front, rear, side, or street side setback area; however, in no case shall the side setback be reduced to less than 3 FT.

d. *Porches, Patios, and Decks.* A porch, patio, or deck, may extend up to 30 percent into a required street setback area, provided the porch, patio, or deck, is no greater than 20 FT in width.

e. *Decorative Archways, Pergolas, and Porticos.* Decorative archways, pergolas, and porticos may be located within a front or street side setback area, provided the structure does not exceed 5 FT in width, 4 FT in depth, and 8 FT in height, and a minimum clear interior vertical dimension of 7 FT is maintained.

f. *Patio Covers.* Support structure for patio covers (i.e., columns, beams, and lintels) attached to single-family dwellings may extend into a required rear setback, to within 10 FT of the rear property line, to within 5 FT of an interior property line and to within 5 FT of a street side property line.

g. *Signs*. Signs allowed pursuant to Division 8.1 (Sign Regulations) of this Development Code may encroach into a required front or street side setback area, or rear setback area of a through-lot.

h. *Single-Story Additions to Single-Family Dwellings.* Single-story additions to single-family dwellings may extend into a required rear setback to within 10 FT of the rear property line, provided the building addition does not occupy more than 25 percent of the required rear setback area.

i. *Stairwells and Balconies.* Open, unenclosed stairways and balconies, which are not covered by a roof or canopy, may extend a maximum of 4 FT into a required setback area; however, in no case shall the side setback be reduced to less than 2.5 FT.

j. *Walls, Fences, and Obstructions.* Walls, fences, and obstructions may be permitted within required setback areas pursuant to the provisions of Division 6.02 (Fences, Walls, and Obstructions) of this Chapter.

k. *Utility and Storage Closets.* Utility and storage closets may extend a maximum of 2 FT into a required rear or side setback area. In no case, however, shall the setback be reduced to less than 3 FT.

E. Open Space Requirements for Small Lot Traditional and Alley-Loaded Development Projects, Cluster Single-Family Development Projects, and Multiple-Family and Mixed-Use Development Projects.

1. It is the intent of this section to ensure sufficient open space areas for the active enjoyment of recreational activities by residents and guests of small lot single-family and cluster development projects, and multiple-family and the residential portion of mixed-use development projects. In this regard, active open space elements shall be of sufficient size and location, and easily accessible to each dwelling unit.

2. Active open space areas that feature recreational amenities, such as pools, spas, court activities, etc., shall be placed and managed so as not to infringe upon the peacefulness of any neighboring traditional single-family development. The following open space areas shall contribute to the open space requirements for single-family small lot and cluster development projects, and multiple-family and the residential portion of mixed-use development projects:

a. *Minimum Open Space Requirements.*

(1) Small Lot Traditional and Alley-Loaded Development Projects, and Cluster Single-Family Development Projects—Small lot traditional, small lot alley-loaded, and cluster single-family development projects, which consist of more than 3 dwellings, shall devote a minimum of 20 percent of the project site to open space (private and common area), and shall include common recreation amenities and facilities pursuant to Paragraph E.2.c (Common Active Open Space Area) et seq., of this Section.

(2) Minimum Open Space Requirements for Multiple-Family and Mixed-Use Development Projects—

(a) Table 6.01-4 (Minimum Open Space Requirements for Multiple-Family and Mixed-Use Development Projects), below, establishes the minimum open space requirements for multiple-family development projects and the multiple-family residential portion of mixed-use development projects consisting of more than 3 dwellings. The required open space area shall be calculated on a per unit basis and includes **[i]** private open space for the exclusive use of a dwelling's occupants and guests, and **[ii]** common open space areas for the enjoyment of all residents within a development project. Common open space consists of active areas, with recreation facilities, and passive areas incorporating features that enhance the appearance and desirability of a development project, such as turf areas, exotic plantings, pathways, waterscape, hardscape, rockscapes, benches, gazebos, raised planters, and other unique features.

Table 6.01-4: Minimum Open Space Requirements for Multiple-Family and Mixed-Use Development Projects

Open Space Type	Zoning Districts		
	MDR-11 & MDR-18	MDR-25	HDR-45
Private Open Space	200 SF (40%)	150 SF (37.5%)	60 SF (20%)
Common Open Space	300 SF (60%)	250 SF (62.5%)	250 SF (80%)
Total Open Space	500 SF (100%)	400 SF (100%)	310 SF (100%)

(b) The ratios of "private" open space area to "common" open space area specified in Table 6.01-4 (Minimum Open Space Requirements for Multiple-Family and Mixed-Use Development Projects), above, are recommended and may be adjusted by the developer, based upon the housing market the proposed development is intended to serve, and subject to approval by the Approving Authority for the project. At a minimum, the "required total" open space for each zoning district shall be provided by all single-family residential small lot and cluster development projects, and multiple-family development projects.

(c) Off-street parking spaces, drive aisles, driveways, loading areas, or service areas, shall not be included in minimum open space calculations.

b. *Private Open Space Areas.*

(1) For small lot and cluster single-family development projects, a contiguous useable private open space area shall be provided for each dwelling at ground level, with a minimum clear horizontal dimension of 15 FT in depth by 15 FT in width (225 SF), and a minimum clear vertical dimension of 8 FT.

(2) For multiple-family dwellings, contiguous useable private open space located at the dwelling's main living level shall be provided, having a minimum contiguous clear area of 60 SF, a minimum clear horizontal dimension of 7 FT, and a minimum clear vertical dimension of 8 FT. Other open space areas located on balconies or roof decks shall have a minimum contiguous clear area of 50 SF, a minimum clear horizontal dimension of 6 FT, and a minimum clear vertical dimension of 8 FT.

(3) Private ground level open spaces located on the street side of a structure shall be screened from street public view by a decorative wall or fence, and densely planted landscaping.

(4) Private open spaces shall be permanently maintained in an orderly manner, and kept clear of weeds and refuse, debris, rubble, or any other waste.

c. *Common Active Open Space Area.*

(1) Common active open space areas containing recreation facilities shall be provided pursuant to Table 6.01-5A (Minimum Requirements for Common Recreation Amenities). For the purpose of this provision, required recreation facilities shall be categorized as follows:

(a) Major Recreation Facilities—A major recreation facility is intended to be a significant recreation node or focal point for residents, and include recreation buildings, swimming or wading pools, splash pads and water play fountains, tennis courts, childcare facilities, and other major amenities requiring significant investment and of appropriate size to serve the project residents, as determined by the City. (Note: For projects consisting of 45 or fewer dwellings, two minor recreation facilities may be provided in place of one major recreation facility.)

(b) Minor Recreation Facilities—A minor recreation facility is intended to augment the variety and availability of recreation facilities, and include tot lots for ages 2 to 5 and/or play areas/equipment for ages 5 to 12, spas or saunas, picnic and barbecue areas, cabanas and shade structures, basketball courts, volleyball courts, community gardens, and other similar amenities requiring significant investment and appropriate to serve project residents, as determined by the City.

Table 6.01-5A: Minimum Requirements for Common Recreation Amenities

Type	No. of Dwelling Units							
	4-10	10-25	26-100	101-150	151-200	201-250	251-300	> 300
Major Facilities:	0	1**	1**	1	2	2	3	One per 100 DUs
Minor Facilities:	1	0	1	2	2	3	3	One per 50 DUs

*Note: **Projects consisting of 45 or fewer dwellings may provide two minor recreation facilities in place of one major recreation facility.*

(2) Common active open space areas shall not be located within required setback areas from public or private streets.

(3) Common active open space areas shall be located a minimum of 10 FT from any habitable structures, and shall have a minimum contiguous area of 300 SF, with no horizontal dimension less than 15 FT, and no clear vertical dimension less than 8 FT.

(4) All common active open space areas shall be planted with permanent landscaping or be devoted to recreational facilities, such as swimming pools, tennis courts, tot lots, patios, or similar open space and recreational facilities.

(5) Common active open space areas are to be permanently maintained in an orderly manner.

d. *Common Active Open Space Area – Ontario Ranch.*

(1) Common active open space areas containing recreation facilities shall be provided pursuant to Table 6.01-5B (Minimum Requirements for Common Recreation Amenities – Ontario Ranch). For the purpose of this provision, required recreation facilities shall be categorized as follows:

(a) Minimum Requirements—2 acres of parkland per 1,000 people (3.806 PPU for single-family, 3.373 PPU for multiple-family), community pool (including restrooms/showers) required at >150 units, and clubhouse/amenity center per below at >200 units.

(b) Major Recreation Facilities—A major recreation facility is intended to be a significant recreation node or focal point for residents, and include recreation open lawn amphitheater (min. 100' x 150' or equivalent) or active lawn area (min. 150' x 150' or equivalent), clubhouse/amenity center with a minimum of 3 of the following amenities (multi-purpose room, kitchen facility, fitness center, child friendly amenity (indoor play area, game room, or educational center) movie room, business center/co-working spaces, library/study room, beverage area or common meeting space), community pool (min. 25' x 60' (1,500 SQ FT) or equivalent) and associated restroom/shower building, additional swimming pools (e.g., adult only, lap, children pool), splash pad or water play fountain, tennis/pickleball courts (1 tennis court = 1 amenity, 2 pickleball courts = 1 amenity), childcare facilities, dog park, SEC Utility Corridor Trail, private parkland/pocket park in excess of 2.5 AC/1,000 people, and other major amenities requiring significant investment and of appropriate size to serve project residents, as determined by the City.

(i) Larger Clubhouses with More Amenities – 2 additional amenities within the clubhouse courts towards a minor amenity.

(ii) Community Pool – Each additional 1,500 square feet added to the size of the pool shall be treated as another major amenity.

(c) Minor Recreation Facilities—A minor recreation facility is intended to augment the variety and availability of recreation facilities, and include open lawn amphitheater (min. 100' x 150' or equivalent) or active lawn area (min. 150' x 150' or equivalent), tot lots for ages 2 to 5 and/or play areas/equipment for ages 5 to 12, spas or saunas, picnic tables and barbecue areas, cabanas and shade structures, basketball courts, volleyball courts, community gardens, internal community trail(s) 13' minimum with minimum distance of ¼ mile, outdoor fitness stations, pocket parks, firepit, and other similar amenities to serve project residents, as determined by the City.

Table 6.01-5B: Minimum Requirements for Common Recreation Amenities – Ontario Ranch

Type	No. of Dwelling Units						
	<75	76-100	101-150	151-200	201-250	251-300	>301
Major Facilities:	TBD (*)	1	1	2	2	3	TBD (**)
Minor Facilities:	TBD (*)	1	2	2	3	3	TBD (**)

*Note: *Amenities to be determined on a case-by-case basis during the entitlement process for the project.*
***Amenities to be determined on a case-by-case basis during the entitlement process for the project, with the idea being to allow flexibility in the amenity package to the benefit of the residents.*

e. *Common Passive Open Space Area.*

(1) Common passive open space areas shall not be located within required setback areas from public or private streets.

(2) Passive common open space areas shall be located a minimum of 5 FT from the habitable portion of any dwelling on the project site.

(3) Passive common open space areas shall have a minimum dimension of 5 FT; however, not more than 50 percent of the passive areas having a dimension less than 10 FT may be counted toward the minimum open space requirements of this Section.

F. **General Provisions.** The following general provisions are applicable within all residential zoning districts:

1. Single-Family Dwellings.

a. *Minimum Dwelling Width.* All traditional single-family residential dwellings units, including mobile homes constructed outside of mobile home parks, shall have a minimum overall width of 24 FT, excepting accessory detached residential structures and second dwellings.

b. *Variety of Floor Plans and Elevations.* For the development of 5 or more single-family dwellings, a variety of floor plans and building elevations shall be provided pursuant to Table 6.01-6 (Minimum Requirements for Floor Plan and Exterior Elevation Variation), below.

Table 6.01-6: Minimum Requirements for Floor Plan and Exterior Elevation Variation for Single-Family Dwellings

No. of Dwellings Proposed	Minimum No. of Differing Floor Plans Required	Minimum No. of Elevations for Each Floor Plan Required
5 to 10	2	2
11 to 25	2	3
26 to 50	3	3
51 to 75	3	4
76 to 100	4	4
> 100	Requirement for 76 to 100 dwellings, plus one additional floor plan with 4 elevations for each additional 25 units exceeding 100	

2. Roofing Materials on Sloped Roofs. Roofing materials used on sloped roofs, whether new construction or replacement roofing, shall be of clay or concrete tile, architectural grade dimensional composition shingle, or decorative metal shingle. Built-up/rock, roll-roofing, or other material shall not be permitted.

3. Temporary Structures. No temporary structure shall be located within a front or street side yard area. A temporary structure may be located within the rear or interior side yard area, provided it is screened from view by a solid 6-FT high fence or wall with appropriate view-obstructing access gate.

4. Refuse Storage Areas.

a. Within all residential zoning districts, refuse and recyclable materials shall be stored in an appropriate container, out of view from public streets and adjacent properties.

b. Any new dwelling unit or residential development project, for which a building permit has been issued, shall provide adequate, accessible, and convenient areas and facilities for the collection and storage of refuse and recyclable materials.

c. All animal keeping uses within residential zoning districts that generate a substantial amount of waste or refuse, as determined by the Ontario Municipal Utilities Company, shall provide refuse enclosures conforming to City standards.

d. New dwellings that have individual trash pick-up shall include an area for the storage of recyclable materials within a garage, or side or rear yard area. Furthermore, developers shall provide areas or systems containing recyclable materials receptacles, such as under-cabinet rollout drawers within kitchens, to make recycling more convenient and accessible to residents.

e. Single-family small lot and cluster developments, and multiple-family development projects that have not been approved by the City for individual dwelling unit pick-up of refuse and recyclable materials, shall provide trash enclosures for the storage of refuse and recyclable materials containers, as follows:

(1) The number of enclosures, and their precise locations, dimensions, and design shall be provided consistent with City standards.

(2) Trash enclosures shall be designed to contain separate containers for the collection of refuse and recyclable materials, with an adequate number of containers provided to allow for the collection of both refuse and recyclable materials generated by the development, pursuant to standards established by the Ontario Municipal Utilities Company.

(3) Trash enclosures shall meet the minimum design standards depicted in the standard drawings adopted by the City, which shall include: **[i]** a minimum 6-FT high decorative masonry wall, with appropriate view-obstructing gates for container access, **[ii]** separate pedestrian access that is designed to screen the interior of the enclosure from view from the exterior and prevent refuse dispersion, and **[iii]** a decorative overhead roof structure to protect bins containing recyclable materials from adverse environmental conditions, which might render the collected materials unusable, and screen trash bins from view of the upper floors of adjacent dwellings. Furthermore, trash enclosures shall be architecturally enhanced, and shall be consistent with the architectural design of adjacent buildings.

(4) Trash enclosure dimensions shall be of adequate size to accommodate containers consistent with the City's current methods of collection within the area in which the project is located.

(5) Signs clearly identifying all recycling and refuse collection areas, and the materials accepted for recycling shall be posted adjacent to all points of access to each trash enclosure.

(6) Trash enclosures shall be located a minimum of 10 FT from the interior project boundary/property line.

(7) Care shall be given when placing trash enclosures immediately adjacent to dwelling units; however, in no case should a trash enclosure be located within 10 FT of the livable portion of a structure.

(8) Trash enclosures shall be bordered by a minimum 5-FT wide planter and screened with landscaping on all exposed sides, excluding the side with bin access gates.

(9) Prior to the issuance of an occupancy permit, a developer or homeowners association may be required to develop a written recycling plan, which specifies the identification of targeted materials to be recycled, and methods of recycling program promotion to tenants or homeowners.

5. Stored Automobiles, Recreational Vehicles, Light Trucks, Trailers, and Other Similar Vehicles.

a. Automobiles, boats, recreational vehicles, trucks, trailers, and other similar vehicles stored within a front or street side yard area, is prohibited. For the purposes of this Section, the term "stored" means continuously parked in the same location for more than 72 hours.

b. Automobiles, boats, recreational vehicles, trucks, trailers, and other similarly used vehicles that are not stored within an enclosed structure, shall comply with the following:

(1) Vehicles shall be stored on a paved surface and screened from public view by buildings, decorative screen walls or fences, or a combination thereof.

(2) Vehicles shall only be stored on property owned by the owner of the vehicle or on property where the registered owner resides.

(3) Vehicles shall bear current vehicle registration (as required by state law).

(4) Vehicles shall not be stored in a wrecked, dismantled, or inoperative condition.

(5) Vehicles stored within side and rear yard areas shall be limited to 5 percent of the total lot area.

c. Recreational vehicles shall not be occupied or otherwise used as a living unit.

6. Landscaping.

a. *Traditional and Small Lot Single-Family Development*. The front and street side yards of lots developed with single-family dwellings shall be fully landscaped and provided with an automatic irrigation system irrigated prior to Certificate of Occupancy issuance.

b. *Maximum Allowed Area Devoted to Hardscape*. A maximum of 45 percent of the front yard of traditional single-family lots, including the street side yard area of corner lots, that is open to public view may be comprised of hardscape materials, including, but not limited to, paved porches, patios, courtyards, walkways, and driveways, areas of gravel and/or decomposed granite, and areas of artificial turf.

c. *Single-Family Cluster and Multiple-Family Development*. All areas of a development project not covered by structures, drive aisles, off-street parking facilities, or hardscape, shall be fully landscaped and provided with a permanent automatic irrigation system

prior to Certificate of Occupancy issuance, excepting private open space areas that are enclosed by a minimum 6-FT high decorative wall or fence.

7. Drive Approaches, Driveways, and Drive Aisles. Residential drive approaches, driveways, and drive aisles shall comply with the following:

a. *Drive Aisles and Driveways.*

(1) Drive aisles and driveways shall be allowed solely for the purpose of providing access to off-street parking facilities, and emergency vehicle access to a property.

(2) For lots developed with single-family dwellings:

(a) One driveway per lot may be permitted, which shall lead to a garage or carport, and shall not exceed the overall width of the garage or carport, except that vehicular access (maximum 10 FT in width, pursuant to Paragraph 6.01.010.F.6 (Landscaping)) may be provided to the side or rear yard area of lot used for vehicle storage pursuant to Paragraph 6.01.010.F.5 (Storage of Automobiles, Recreational Vehicles, Light Trucks, Trailers, and Other Similar Vehicles) of this Section; and

(b) Temporary off-street parking within a front or street side yard area shall only be allowed on a driveway leading to a garage or carport, or on an approved circular driveway constructed pursuant to Subparagraph 6.01.010.G.7.b (Circular Driveways) of this Section.

(c) Corner lots may have a rear yard access drive from a side street, subject to Planning Director and City Engineer approval. The rear yard access drive shall not exceed 12 FT in width and shall lead to a parking area that is screened by a view-obstructing wall or fence, with appropriate view-obstructing gate.

b. *Circular Driveways.* Circular driveways shall be permitted on lots developed with a single-family dwelling, which meet all of the following:

(1) The lot is located within the AR-2, RE-2, RE-4, or LDR-5 zoning district, or AG overlay zoning district, and is at least 10,000 SF in area;

(2) The property takes vehicular access from an arterial street, as identified on Exhibit M1 (Mobility Plan Map) of the Policy Plan component of The Ontario Plan, and does not front onto, or take vehicular access from, Euclid Avenue;

(3) The dwelling is setback at least 30 FT behind the front property line; and

(4) The proposed circular driveway does not exceed 10 FT in width.

c. *Maximum Drive Approach Width.*

(1) **Driveway Access for Traditional Single-Family Developments—**A drive approach on a public street shall not exceed the maximum widths prescribed by Table 6.01-7 (Maximum Single-Family Residential Drive Approach Widths), below, based upon the lot width range.

Table: 6.01-7: Maximum Single-Family Residential Drive Approach Widths

Lot Width Range	*Maximum Drive Approach Width*
Less than 51 FT	12 FT
51 to 80 FT	16 FT
Greater than 80 FT	20 FT

(2) Drive Aisle Access for Single-Family Cluster and Multiple-Family Developments—A drive approach providing street access to an intersecting drive aisle shall not exceed the width of the corresponding drive aisle, not to exceed 26 FT in width, unless otherwise required by the City Engineer.

d. *Drive Approaches, Driveways, and Drive Aisles Serving Developments with Multiple Dwellings.*

(1) Drive approaches serving a development project of 5 or more dwellings shall be delineated with enhanced paving treatment, such as interlocking pavers, textured and color pigmented concrete, or stamped concrete. Such treatment shall extend from the back of the drive approach to the first intersecting drive aisle or parking space.

(2) Single-family and multiple-family development projects that include dwellings configured into one or more motorcourts, shall incorporate enhanced paving treatments consisting of interlocking pavers, and textured and/or color pigmented concrete, throughout all motorcourt drives.

(3) Pedestrian pathways that cross driveways and drive aisles shall be delineated by enhanced paving treatments, such as interlocking pavers, and textured and/or color pigmented concrete.

8. Conversion of Garages. No garage shall be converted to another use unless a replacement garage is constructed on-site, which meets the minimum requirements of Division 6.03 (Off-Street Parking and Loading) of this Chapter, excepting a garage conversion to accommodate an Accessory Dwelling Units conforming to Section 5.03.010 (Accessory Dwelling Units) of this Development Code.

9. Equestrian Trails and Related Facilities. The following standards shall govern the establishment of equestrian trails and easements within the City:

a. If required by Table 6.01-1 (Traditional Single-Family Residential Development Standards) of this Section, an unobstructed 8-FT wide easement for equestrian trail purposes shall be dedicated immediately adjacent to the front property line. Furthermore, if determined necessary by the Planning Director, additional 8-FT wide equestrian trail easements may be required at the end of blocks, and along interior side, street side, or rear property lines, to create connections to adjacent public streets or equestrian trail easements. Moreover, if determined by the Planning Director that providing equestrian easements on both sides of a street is not necessary or practical, the requirement to provide equestrian trail easements may be waived.

b. Trails shall not be surfaced with hard materials such as concrete or asphalt. Preferred surface materials include wood chips, decomposed granite, and shale;

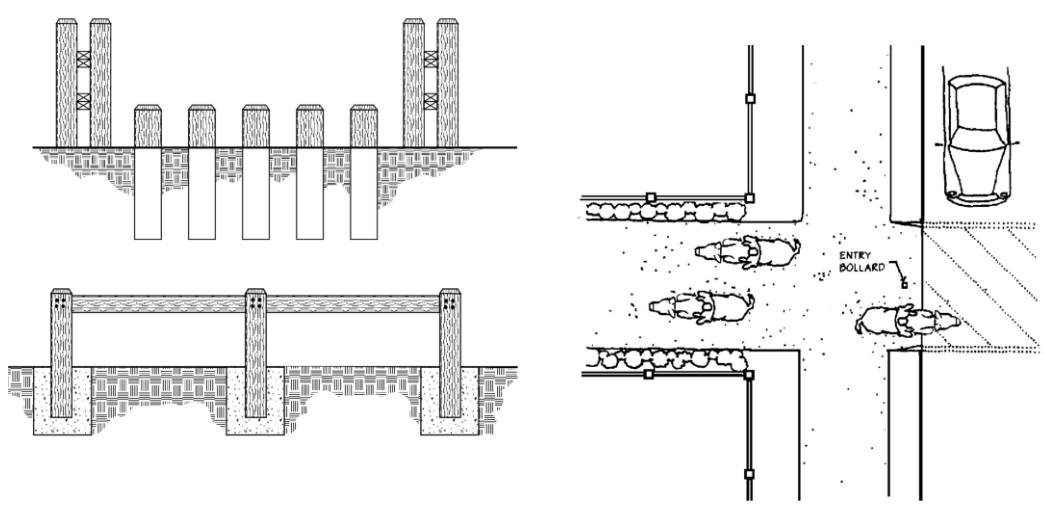
c. Fencing built at the edge of an easement shall not be over 48 inches in height; an additional inch of height shall be allowed for every 2 inches that the fence is setback from the easement. Within 4 FT of the easement, fences shall not be opaque for more than 50% of their surface area. Wooden rail and wood plank fencing are preferred, while chainlink and wrought iron fencing should be avoided. Entries to individual properties should be accentuated with hitching posts and gates;

d. Entrances to an equestrian trail from the street shall allow the free movement of pedestrians and equestrians. Vehicular access to the trail may be limited by removable bollards or a gate and should be designed to permit emergency vehicle access and occasional vehicular access by residents, as shown in Figure 6.01-4 (Equestrian Trail Step-Through Entry Design) and Figure 6.01-5 (Equestrian Trail Steel Barrier Gate Entry Design). Street crossing by pedestrians and equestrians should be facilitated at the street-trail entry by restricting on-street parking, narrowing paved widths (to minimize crossing distances), and marking the crossing with striping and signs.

10. Infill Traditional Single-Family Dwellings. Infill traditional single-family dwellings within existing residential neighborhoods are to be complementary with the character of the surrounding neighborhood in which they are proposed in terms of building height, setbacks, general architectural style, and use of exterior finish materials, and shall comply with the following standards:

a. New infill traditional single-family dwellings constructed within existing residential neighborhoods shall be integrated with existing surrounding homes to protect, enhance, and preserve the physical integrity of the existing neighborhood.

b. The area, dimensions, lot coverage, height, bulk, and scale of a proposed infill traditional single-family dwellings shall be compatible with existing residential development in the surrounding neighborhood.



Equestrian Trail Entries **Equestrian Trail Entry Condition**

Figure 6.01-4: Equestrian Trail Step-Through Entry Design

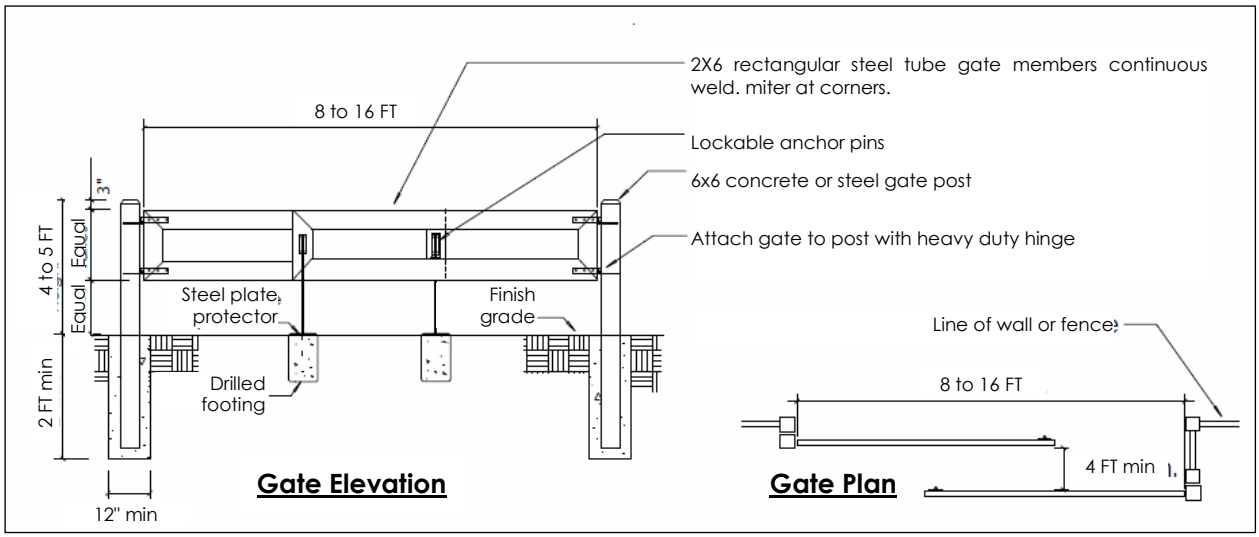


Figure 6.01-5: Equestrian Trail Steel Barrier Gate Entry Design

c. Infill traditional single-family dwellings shall be plotted on a lot in a manner consistent with the pattern of development in the surrounding residential neighborhood. The front door should be oriented toward the frontage street and any secondary entrances and side yard facing windows should be situated in such a way that the privacy of adjacent homes is not substantially impacted. Placing side yard facing windows across from side yard facing windows of adjacent houses is discouraged.

d. Garages shall be oriented consistent with garage orientations within the surrounding neighborhood. Garages shall be oriented with access off an alley on lots with alley access.

e. New street curb cuts should not be permitted on lots with alley access. If permitted, new curb cut locations should not compromise street trees, visibility, or neighborhood consistency.

f. Separation of pedestrian and vehicular circulation within the lot is encouraged. Exterior doors should not exit onto a driveway unless a porch or landing is provided.

11. Mobile Homes and Manufactured Housing on Residential Lots Not Constructed Within a Mobile Home Park. The following standards shall govern the development of mobile homes and manufactured housing on residential lots not constructed within a mobile home park:

a. Each housing unit shall meet and be certified under the standards set forth in the National Manufactured Housing Construction and Safety Act (42USC5401 et. seq.), as amended, at the time of any application for the placement of a mobile home or a manufactured housing unit;

b. The mobile home or manufactured housing unit shall be placed on a permanent foundation system;

c. The mobile home is to be covered with exterior finish materials similar in appearance to new, conventionally constructed dwellings within area surrounding the project site;

d. The exterior finish material shall extend to the ground. If a solid concrete or masonry perimeter foundation is used, the exterior finish material need not extend below the top of the foundation. Alternative skirting materials commonly found on conventionally built residential structures shall be considered compatible;

e. The roofing material shall be of a type commonly found on conventionally built residential structures located within the area surrounding the project site;

f. Electricity, water and natural gas service, and sewer connections are to be made in a permanent manner, as typically required for permanent buildings. Gas shut-off valves, meters, and regulators shall not be located beneath a mobile home or manufactured housing structure; and

g. An attached or detached garage, which is similar to conventionally built residential structures within the area surrounding the project site, shall be provided for each mobile home or manufactured housing unit. The roof material and exterior wall finishes of the garage or carport shall exactly match the mobile home or manufactured housing unit.

12. Gutters, Vents, and Downspouts. Gutters, vents, and downspouts shall be concealed from public view to the extent possible. Exposed gutters and downspouts, where necessary, shall be colored to match the fascia or wall material to which they are attached. Roof vents shall be colored to match the roof material or the dominant trim color of the structure, as appropriate.

13. Swimming Pools, Hot Tubs, Spas, Ponds, and Decorative Bodies of Water. Swimming pools, hot tubs, spas, ponds, and decorative bodies of water shall be permitted ancillary to those land uses allowed within residential zoning districts pursuant Table 5.02-1 (Land Use Matrix), subject to the following regulations governing their placement, construction, and security:

a. Swimming pools, hot tubs, spas, ponds, and decorative bodies of water that are 1.5 FT or more in depth, shall be secured by a decorative fence or wall pursuant to the requirements of Section 6.02.020.A.3 (Ponds and Swimming Pools) of this Development Code.

b. All gates or doors within the fence or wall shall be kept securely closed at all times when not in use.

c. A clear path, minimum of 3 FT wide, shall be provided around the entire perimeter of a swimming pool, hot tub, spa, pond, or decorative body of water to permit emergency access. For properties containing 2 or fewer dwellings, a clear path shall be provided around at least 50 percent of said perimeter.

d. Swimming pools, hot tubs, spas, ponds, and decorative bodies of water that are 1.5 FT or more in depth shall not be constructed within a front yard area and shall be setback a minimum of 3 FT from any side or rear property line.

e. Diving boards, slides, waterfalls, fountains, decorative rockscapes, and other similar appurtenances shall be setback a minimum of 5 FT from side and rear property lines, except that appurtenances that exceed 6 FT in height, measured from adjacent grade to the highest point of the structure, shall comply with the minimum building setback requirements of the applicable zoning district.

f. Swimming pools, hot tubs, spas, ponds, and decorative bodies of water shall comply with all applicable provisions of the City's building code.

14. Lighting. Exterior light fixtures shall be designed and/or located to eliminate adverse impacts of light spillover on to adjacent properties and promote safe vehicular and pedestrian access.

a. Exterior light fixtures shall prevent glare and light spillover on to adjacent properties, buildings, and public and private streets and roadways.

b. Parking lot lighting shall comply with Section 6.03.050 (Parking Lot Lighting) of this Development Code, and OMC Section 4-11.09(j).

c. Exterior light fixtures should use color-correct luminaires such as halogen, metal halide, or LED, to ensure true-color at night, visual comfort for pedestrians, and energy efficiency.

d. Pedestrian-level pole-mounted lighting, bollard lighting, ground-mounted lighting, or other low, glare-controlled fixtures mounted on buildings or walls, shall be used to light pedestrian walkways. Pole-mounted, building-mounted, or tree-mounted lighting fixtures shall be no more than 12 FT in height. Bollard-type lighting shall be no more than 4 FT in height.

e. Steps, ramps, and seatwalls shall be illuminated with built-in light fixtures, were possible.

15. Building Color. Building exteriors shall incorporate colors that are of compatible hues and intensities. Color schemes shall tie building elements together, relate separate buildings within the same development, and enhance the architectural form of a building.

a. Exterior building colors shall be low-reflecting and subtle. Furthermore, overly intense, overly bright, or fluorescent or Day-Glo colors, shall not be used on a building exterior, as determined by the Planning Director.

b. The exterior building color of a new development project shall be reviewed and approved in conjunction with the approval of the structure by the Approving Authority. Development projects consisting of multiple buildings shall incorporate colors that are coordinated between structures, utilizing compatible hues and intensities. The final review and approval of paint colors, utilizing a color test, may be required by the City, prior to painting a building.

c. All building mechanical equipment and appurtenances, including, but not limited to, meters, flues, vents, gutters, and utilities, shall match or complement the permanent color of the surface from which they are attached or project.

16. Equipment Screening.

a. *Single-Family Dwellings*. The placement of new exterior roof-mounted mechanical, heating and air conditioning equipment is prohibited; however, the replacement of existing permitted roof mounted equipment shall be permitted provided the replacement equipment does not exceed the size, height, and location of the existing equipment.

b. *Multiple-Family Dwellings*. The placement of exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

c. All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened by landscaping and/or decorative low garden walls.

G. Small Lot Infill Subdivisions.

1. Purpose. The purpose of this Subsection is to regulate the development and subdivision of existing lots within certain residential and mixed use zoning districts, with infill small lots as an alternative form of fee simple homeownership.

2. Applicability. Small Lot Infill Subdivisions are permitted within residential and mixed use zoning districts specified in Table 5.02-1 (Land Use Matrix) of this Development Code.

3. Development Standards.

(a) *Site Development Standards.* A Small Lot Infill Single-Family Subdivision shall comply with the following site development standards:

(1) Maximum Number of Dwelling Units. A Small Lot Infill Single-Family Subdivision shall contain no more than 45 dwelling units.

(2) Density Range. A Small Lot Infill Single-Family Subdivisions shall comply with the density requirements of the underlying zoning district in which it is located.

(3) Lot Area and Dimension. Each individual lot established by a Small Lot Infill Single-Family Subdivision shall have a minimum area of 480 SF and a minimum lot width of 16 FT.

(4) Lot Coverage and Open Space.

(a) There shall be a maximum lot coverage of 80 percent for each individual lot established by a Small Lot Infill Subdivision.

(b) As an alternative to Subdivision (a), above, a Small Lot Infill Subdivision may provide common open space amenities within a common open space easement, which is equal to at least 20 percent of the total subdivision area, and having no horizontal dimension less than 5 FT Furthermore, each dwelling shall be provided a minimum of 50 SF of private open space (patios and/or balconies) having no horizontal dimension less than 5 FT.

(5) Lot Access. Access to a lot containing a dwelling unit and its required parking shall be by way of a public or private street, alley, or access easement.

(6) Off-Street Parking. Small Lot Infill Subdivisions shall provide off-street parking facilities pursuant to the requirements of Division 6.03 (Off-Street Parking and Loading) of this Development Code, except as follows:

(a) Off-street parking shall be provided for each dwelling at the minimum rate of 1.0 parking space per bedroom, plus guest/visitor parking at the minimum rate of 0.2 parking space per bedroom. A minimum of one space shall be provided in a fully enclosed garage.

(b) There shall be no limitations on the use of tandem parking spaces, except that tandem parking shall be no more than 2 parking spaces in depth and shall not be used for guest/visitor parking.

(7) **Fences, Walls, and Obstructions.** Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts).

(8) **Landscaping.** Refer to Division 6.05 (Landscaping) and Paragraph 6.01.010.G.6 (Landscaping).

(9) ***Historic Preservation.*** Certain portions of residential and mixed use zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.

(10) **Security Standards.** Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).

(11) **Noise.** Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

(12) **Airport Safety Zones.** Properties within the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.

(b) *Building Development Standards.*

(1) **Minimum Setbacks.**

(a) No front, side, or rear yard setback is required between interior lots within an approved Small Lot Infill Single-Family Subdivision; however, a minimum 5-FT setback shall be provided where a lot abuts a lot that is not created pursuant to this Section.

(b) The front yard setback required by the underlying zoning district shall apply to the front lot line of a Small Lot Infill Subdivision that abuts a public street.

(c) Any Small Lot Infill Subdivision **sharing** a property line with a LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Ac) or higher density residentially zoned property, shall provide front, side, and rear yard setbacks along the subdivision perimeter that are consistent with the requirements of the underlying residential zoning district.

(d) Any Small Lot Infill Single-Family Subdivision **not sharing** a property line with a LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Ac) or higher density residentially zoned property shall provide a minimum 5-FT setback along the side lot line of the subdivision perimeter and a minimum 10-FT setback along the rear lot line of the subdivision perimeter.

(2) **Building Separations.** There shall be a minimum 6-FT separation between buildings, except that a minimum 10-FT separation shall be provided between the front face (contains the primary entry) of a Small Lot Home and the adjacent building wall of a neighboring Small Lot Home. Chimneys may extend up to 2 FT into the minimum building separation area.

(3) **Maximum Height.** Within a Small Lot Infill Subdivision, the maximum allowed building height is 40 FT.

(4) **Driveway Length.** Straight-in driveways to garages shall have a minimum length of 18 FT, measured from the right-of way of a public or private street, or from the edge of a private drive. No driveways shall be more than 5 FT in length if parking is not provided in front of a garage.

4. Building Design.

(a) *Dwelling Orientation.*

(1) Small Lot Dwelling Units that abut a public or private street shall orient the primary entryway (front door) toward the street. Where there is a physical site constraint, provide a clearly identifiable pedestrian entry to the site from the street.

(2) Small Lot Dwelling Units located in the interior of the subdivision shall orient the primary entryway toward, and be visible from, a pedestrian pathway that is connected to a public or private street.

(3) Small Lot Dwelling Units that abut an alley shall orient the primary entryway toward the alley or shall be connected to a pedestrian pathway that leads directly to a public or private street.

(b) *Small Lot Dwelling Primary Unit Entries.*

(1) All Small Lot Dwelling Units shall have a primary entry. All primary entries shall be provided with the address or unit identification, ornamental low-level lighting to illuminate the entry area, and a porch or landing.

(2) All primary entries shall incorporate all of the following elements:

(a) The entry shall be recessed at least 3 FT behind the building façade to create a covered porch or landing area.

(b) The entry shall be designed with an overhead projection of at least 12 inches (awning, canopy, roof, or other design features) in depth, which distinguish the entry area from the rest of the building façade.

(c) The entry shall be clearly marked with a side lite window panel, adjacent window, or a door with a window.

(d) The entry porch or landing area shall be raised at least one stair step (6-inch riser) above the pedestrian pathway, except as otherwise required by the Building Code, Americans with Disabilities Act, or Universal Design Standards.

(e) The entry porch or landing area shall be enhanced with decorative paving, texture, pattern, or color that is differentiated from the pedestrian pathway.

(c) *Façade Articulation.* Façades facing a public or private street, the project perimeter, and all portions of exterior building elevations located greater than 7 FT from an adjacent Small Lot Dwelling Unit, shall be treated with an equal level of detail and articulation, and shall incorporate all of the following façade articulation techniques:

(1) Change in exterior building materials to include at least two high-quality building façade materials that accentuate or correspond to variations in building massing. Building materials may include, but are not limited to wood, glass, brick, metal spandrel, cement board siding, tile, or other material acceptable to the Approving Authority.

(2) Porticos, awnings, terraces, balconies, eyebrows, or trellises of at least 12 inches in depth that provide variations in the building plane.

(3) Window treatments that are recessed behind the building façade a minimum of 4 inches. Windows or doors that are flush with the plane of the building (rather than recessed at least 4 inches) will not qualify as facade articulation.

(4) A break in the façade plane of at least 8 inches in depth, which is applied to at least 10 vertical FT of the facade.

(5) Other additional architectural enhancements that create a human scale to the building. Examples include handrails, fixed planters, and ornamental details such as lighting, molding, tiles, or other similar design elements acceptable to the Approving Authority.

(d) *Varied Roofline.* Any Small Lot Dwelling Unit façade exceeding two stories in height, which faces a public or private street, shall be provided with an articulated roofline incorporating at least two of the following design elements:

(1) A roof with a slope equal to or greater than 3 inches of rise for every 12 inches of run, including but not limited to a sloped or curved roofline at the top of the dwelling.

(2) An open deck having a minimum clear area of 6 FT in depth and 8 FT in width.

(3) A flat roof with a minimum of 2 FT vertical height difference for a minimum of 10 horizontal FT along the roofline of each building façade.

(4) A vertical break in the façade plane of at least 1.5 FT in depth, which extends up and through the roofline.

(5) Any form of roofline variation incorporating a change or break in roof plane, such as horizontal recesses, incorporation of dormers, or other similar design elements acceptable to the Approving Authority.

(e) *Roof Decks.* All roof decks shall be stepped back a minimum of 5 FT from the roof edge to prevent direct views of abutting residential neighbors, except that roof decks facing a street are not required to be stepped back.

(f) *Building Massing Variation.*

(1) Small Lot Dwelling Units shall be grouped into clusters to avoid long spans of building wall, not to exceed six dwelling units in a single continuous row or 180 linear FT, whichever is less. Clusters of Small Lot Dwelling Units shall be separated with a building gap of at least 6 FT, which shall be treated with a combination of landscaping, open space, common walkways, or driveways.

(2) Small Lot Dwelling Units in a single row shall provide a horizontal change in plane in the building façade of at least 1.5 feet for every 3 dwelling units, or every 90 linear FT, whichever is less. The Approving Authority may approve alternate exterior building designs that achieve the City's desired variation in building massing.

(3) The exterior design of adjoining Small Lot Dwelling Units shall be unique, so as to provide architectural variety within a subdivision. A Small Lot Infill Subdivision containing more than 5 dwelling units in a single row shall provide at least two variations in building design, such as changes in dwelling orientation, primary entryways, fenestration patterns, façade articulation, and rooflines. A Small Lot development of 10 or more dwelling units shall provide at least 3 variations in exterior building design.

5. Pedestrian Connectivity and Access.

(a) *Pedestrian Pathways.*

(1) Pedestrian pathways, minimum 3 FT in width, shall be provided from the public street to all primary entryways and common areas.

(2) A pedestrian pathway located within or parallel to a common driveway shall be constructed and/or treated with a change of material, finish, pattern, or paving that distinguishes the pathway from vehicular traffic.

(3) Small Lot Infill Subdivisions shall provide pedestrian and bicycle access to surrounding neighborhood streets.

(b) *Walls and Fences.*

(1) Walls and fences abutting a public or private street or alley, or common open space area, shall be decorative. Walls shall be finished with a decorative masonry material, such as brick, natural or cultured stone, or stucco, or be constructed of decorative concrete block, such as split-face, slump, burnished, or shot block. Fences shall be constructed of ornamental tube steel or iron.

(2) Garden walls and fences, maximum 3 FT in height, that abut a public or private street shall provide a point of entry into each individual lot that abuts the street.

(c) *Landscaping, Common Open Space Areas, and Amenities.*

(1) All areas of a Small Lot Infill Subdivision not used for buildings, parking areas, driveways, pedestrian pathways, utilities, or common open space areas shall be automatically irrigated, and fully landscaped and maintained.

(2) Required common open space areas shall have a minimum area of 300 SF, with no horizontal dimension less than 15 FT, measured perpendicular from any point on each of the boundaries of the open space area. Driveways, parking spaces, or pedestrian pathways cannot be counted toward the open space requirement.

(3) Required common open space areas shall be open to the sky and have no structures that project into the common open space area, excepting structures provided as a common open space enhancement pursuant to Subparagraph G.3(c)(5), below.

(4) Common open space areas shall be located at grade level, contiguous or connected, and readily accessible to all residents of the Small Lot Infill Subdivision.

(5) Common open space areas shall be multi-functional and designed to accommodate a range of passive, active, or social uses, and may include enhancements such as activity lawns, swimming pools, spas, picnic tables, benches, children's play areas, ball courts, barbecue areas, sitting areas, decorative bike racks, and/or dog washing stations. Enhanced common side and rear yards that meet the minimum area and dimension specified in Subparagraph G.3(c)(2), above, may be counted toward common open space requirements.

(6) All yards of a subdivision abutting the right-of-way shall be improved with landscaping (combination of groundcover, shrubs, and trees) and amenities. Amenities may include decorative fencing, uncovered patios, enhanced pedestrian pathways, garden walls, seating areas, and/or decorative bike racks.

6. Small Lot Infill Subdivisions with Existing Dwellings. Small Lot Infill Subdivisions incorporating existing dwelling units, such as, but not limited to, multiple detached single-family structures or historic detached bungalow courts on a single lot, may be subdivided. The conversion of an existing structure to a Small Lot Infill Subdivision shall be required to comply with the following design standards:

(a) *Common Access Driveway*. Existing common access driveways, pedestrian pathways, and central common open space areas shall be maintained and not reduced in size.

(b) *Pedestrian Pathway*. Pedestrian pathways, minimum 3 FT in width, shall be provided from the public street to all primary entryways and common areas, such as centralized trash enclosures, guest parking, and open space easements, etc. If narrower pathways exist, they may be maintained in the same footprint and area and shall not be further reduced in width.

(c) *Existing Structures*. New dwelling unit construction or building additions affecting designated or identified historic structures shall be in conformance with the Secretary of the Interior's Standards for Rehabilitation.

(d) *New Dwelling*. All new dwelling units shall meet all applicable design standards in Paragraphs G.3 (Development Standards) and G.4 (Building Design) of this Subsection.

(e) *Landscaping*. All areas of the Small Lot Infill Subdivision not used for buildings, parking areas, driveways, pedestrian pathways, utilities, or amenity areas shall be fully landscaped and maintained, and automatically irrigated.

H. Density Bonus and Other Incentives.

1. Purpose. The purpose of these provisions is to establish a process whereby the City may provide a density bonus and other incentives to a developer agreeing or proposing to produce affordable housing within the City. The density bonus and incentives allowed by these regulations are used by the City as a means of meeting its commitment to encouraging the provision of affordable housing to all economic groups living within the City.

2. Applicability. A developer may request a density bonus and other incentives as prescribed in GC Section 65915, et seq. These density bonus provisions shall apply to single-family and multiple-family residential development projects, and mixed-use development projects, which contain a minimum of 5 dwelling units, excluding dwellings units granted as a density bonus.

3. Procedure.

a. A request for a density bonus and other incentives shall be filed, processed, and acted upon following the procedures for Development Agreements contained in Section 4.01.015 (Development Agreements) of this Development Code, and shall require the approval and adoption of a Development Agreement and a Density Bonus Agreement for its implementation. The Density Bonus Agreement shall be filed, processed, and acted upon following the procedures for Development Agreements.

b. A request for a density bonus, in and of itself, shall not require a General Plan Amendment, Zone Change, Development Agreement, or other discretionary approval and shall be filed, processed, and acted upon following the procedures for Ministerial (Administrative) Permits and Decisions.

4. Findings and Decision. In considering a proposed density bonus and other incentives, the Approving Authority shall consider and clearly establish that the density bonus and other incentives are consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and any applicable specific plans, giving reasons as to how the proposed density bonus and other incentives are consistent. Furthermore, the Approving Authority shall grant the requested concession or incentive, unless one or more of the following findings is established, based upon substantial evidence:

a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in HSC Section 50052.5, or for rents for the targeted units to be set as specified in GC Section 659159(c).

b. The concession or incentive would have a specific adverse impact, as defined in GC Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

c. The concession or incentive would be contrary to state or federal law.

I. Residential Design Guidelines.

1. The City Council adopted Residential Design Guidelines, included as Reference "D" of this Development Code, applicable to all residential zoning districts, which are intended as a reference to assist the designer in understanding the City's goals and objectives for residential development. The guidelines compliment the mandatory residential development regulations

contained in this Section, by providing examples of potential design solutions, and by providing design interpretations of the various mandatory regulations contained herein.

2. The design guidelines authorized herein shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

6.01.015: Commercial Zoning Districts

A. **Purpose.** The purpose of the provisions of this Section is to ensure that development within commercial zoning districts of the City will contribute toward an urban environment of stable, desirable character; which is compatible with existing and future development; and is consistent with the goals and policies of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. These regulations are further established to:

1. Promote the construction of well-designed professional office buildings.

2. Reserve certain areas of the City, consistent with the Policy Plan (General Plan) component of The Ontario Plan, allowing the establishment of a full range of retail stores, business and professional offices, personal and business service establishments, transportation related service establishments, and certain wholesale establishments, which are scaled to meet the needs of City neighborhood dwellers, residents of the City as a whole, residents of the nearby region and visitors.

3. Establish appropriate standards for the siting of neighborhood convenience retail stores, helping foster neighborhood cohesion, and reducing the need for vehicular traffic.

4. Encourage the construction of attractive and functional community shopping centers at strategic locations throughout the City, consistent with the Policy Plan (General Plan) component of The Ontario Plan.

5. Ensure adequate space on commercial lots to meet the needs of commercial development, including on-site parking, loading, and landscaping.

6. Provide a strong economic and financial base, and to increase employment opportunities for City residents and those of the surrounding area.

7. Ensure a high quality of exterior appearance for commercial uses and structures is maintained in harmony with the visual character of the area in which they are located, and at the same time, minimize the impact of uses and structures on surrounding residential neighborhoods.

8. Provide specific design guidelines that will result in well-designed and high quality commercial development projects.

B. **Applicability.** The standards and guidelines established by this Section shall apply to each of the City's commercial zoning districts. Furthermore, the provisions of this Section shall apply to all commercial land subdivisions and any new commercial construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City.

C. **Commercial Zoning District Development Standards.** Development within commercial zoning districts shall comply with the requirements of Table 6.01-8 (Commercial Zoning District

Development Standards), below, which specifies standards for the development of structures within the CS, CN, CC, CR, CCS, OL, and OH zoning districts.

Table 6.01-8: Commercial Zoning District Development Standards

Requirements	Commercial Zoning Districts							Additional Regulations
	CS	CN	CC	CR	CCS[6]	OL	OH	
A SITE DEVELOPMENT STANDARDS								
1. Minimum Lot Size	10,000 SF				20,000 SF	7,200 SF		Note 1
2. Maximum Floor Area Ratio (FAR)	0.4				1.0	0.75		Note 5
3. Minimum Lot Dimensions								
a. Lot Width	100 FT					60 FT		Note 1
b. Lot Depth	100 FT							Note 1
4. Minimum Landscape Coverage	Refer to Division 6.05 (Landscaping) landscape standards. Also refer to Paragraph 6.01.010.G.6.c (Single-Family Cluster and Multiple-Family Development) for additional standards addressing multiple-family development within commercial zoning districts.							
a. Interior Lots	15%		10%			15%		Notes 2 and 3
b. Corner Lots	18%		13%			18%		Notes 2 and 3
c. Off-Street Parking Areas	7%							Section 6.05.040.D (Landscaping of Off-Street Parking Facilities)
5. Minimum Parking Space and Drive Aisle Separations								
a. Parking Space or Drive Aisle to Street Property Line								
(1) Freeway	20 FT							
(2) Arterial Street	20 FT				25 FT	20 FT		
(3) Collector and Local Street	20 FT				15 FT	10 FT		
b. Parking Space or Drive Aisle to Interior Property Line	10 FT	5 FT						
Exception: Property line common to a residential zoning district	10 FT (area shall be densely landscaped)							
c. Parking Space or Drive Aisle to Buildings, Walls, and Fences	5 FT							Note 4
6. Walls, Fences and Obstructions	Refer to Section 6.02.025 (Design Standards for Nonresidential Zoning Districts).							
7. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).							
8. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).							

Table 6.01-8: Commercial Zoning District Development Standards

Requirements	Commercial Zoning Districts							Additional Regulations
	CS	CN	CC	CR	CCS[6]	OL	OH	
9. Historic Preservation	Certain portions of commercial zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.							
10. Signs	Refer to Division 8.1 (Sign Regulations).							
11. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).							
12. Noise	Buildings shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).							
13. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.							
B BUILDING DEVELOPMENT STANDARDS								
1. Minimum Street Setback								
a. From Freeway Property Line	20 FT							
b. From Arterial Street Property Line	20 FT				25 FT	20 FT		
c. From Collector and Local Street Property Line	20 FT				15 FT	10 FT		
2. Minimum Interior Property Line Setback	10 FT	5 FT	0 FT			5 FT	0 FT	
Exception: Setback at a property line common to a residential zoning district	15 FT		20 FT			15 FT		
3. Maximum Height	35 FT		55 FT			55 FT	65 FT	
Exception: Project contains properties having one or more property lines common with, or across the street from, a residential zoning district	Same as the adjacent residential zoning district. This exception shall not apply to development projects within the CIV (Civic) zoning district that are subject to the requirements of the OH zoning district.							
4. Minimum Setback from Major Pipelines (to habitable structures)	50 FT							Note 5

Notes:

1. *There is no minimum lot area or dimension for common interest subdivisions established pursuant to Section 6.08.010 (Common Interest Subdivisions) of this Development Code.*
2. *Landscaped areas with a minimum dimension of 5 FT or more shall contribute toward the "minimum landscape coverage" calculation.*
3. *The "minimum landscape coverage" calculation for interior and corner lots shall exclude all landscaped areas located within public rights-of-way.*

4. *The minimum separation area between a building, wall or fence, and a parking space or drive aisle, shall be fully landscaped. The separation area may include pedestrian walkways, as necessary; however, a minimum 3-FT wide planter area shall be maintained between a building wall and a pedestrian walkway. The minimum separation dimension does not include any area devoted to vehicle overhang.*

5. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*

   a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*

   b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*

6. *Development standards applicable to projects within the CCS (Convention Center Support Commercial) zoning district within the Ontario Sports Empire may be subject to the Minor Adjustments/Alterations process under Section 4.02.020(C) of this Development Code.*

D. Exceptions to Development Standards.

1. Building Height.

a. *Aerials and Antennas, Chimneys, Cupolas, Elevator Penthouses, Flagpoles, Monuments, Parapet Walls, Spires, Towers, Water Tanks, and Other Similar Structures*. Aerials and antennas, chimneys, cupolas, elevator penthouses, flagpoles, monuments, parapet walls, spires, towers, water tanks, and other similar structures may be erected to a height of up to 25 percent above the prescribed height limit of the base zoning district.

b. *Amateur (HAM) Radio Antennas*. HAM radio antennas may exceed the maximum prescribed height limit of a zoning district by a maximum of 10 FT. The Zoning Administrator, however, may allow HAM radio antennas to exceed this height limitation if it is necessary to accommodate amateur radio service communications. A HAM radio antenna that exceeds the maximum prescribed height limit of the zoning district in which it is located shall not exceed the minimum height and dimensions necessary to accommodate amateur radio service communications.

c. *Wireless Telecommunication Facilities*. Wireless telecommunication facilities shall comply with Section 5.03.420 (Wireless Telecommunications Facilities) of this Development Code.

2. Encroachments into Required Setback Areas.

a. *Balconies.* Balconies may extend into a required street or interior property line setback area a maximum of 50 percent of the required setback, not to exceed 4 FT.

b. *Cornices, Eaves, Canopies, Decorative Wall Elements, and Similar Architectural Features*. Cornices, eaves, canopies, decorative wall elements, and similar architectural features may extend into a required street or interior property line setback area a maximum of 50 percent of the required setback, not to exceed 4 FT.

c. *Signs*. Signs and advertising structures may encroach into a required front setback area, street side setback area, or rear setback area of a through-lot, pursuant to Division 8.1 (Sign Regulations) of this Development Code.

d. *Walls, Fences, and Obstructions.* Walls, fences, and obstructions may be permitted within required setback areas pursuant to the provisions of Division 6.02 (Fences, Walls, and Obstructions) of this Chapter.

E. General Provisions.

1. Building Setback Areas Adjoining Streets. Except as otherwise specifically provided by this Development Code, required setback areas adjoining streets shall only be used for the placement of landscaping and irrigation installed pursuant to Division 6.05 (Landscaping), vehicular and pedestrian accesses, off-street parking and vehicular circulation, and site lighting pursuant to Division 6.03 (Off-Street Parking and Loading), walls and fences installed pursuant to Division 6.02 (Walls, Fences, and Obstructions), and signs installed pursuant to Division 8.1 (Sign Regulations) of this Development Code.

2. Location of Off-Street Parking Lots on Properties that Front or Have Direct Access to Euclid Avenue. Proposed off-street parking lots on properties with Euclid Avenue frontage, or having direct access to Euclid Avenue, shall be located at the side or rear of the buildings they serve, excepting shared off-street parking lots serving shopping centers. This provision shall not preclude the City approval of access driveways to parking lots on properties with Euclid Avenue frontage or having direct access to Euclid Avenue.

3. Parking Space and Drive Aisle Setback Areas. Parking space and drive aisle setback areas required pursuant to Table 6.01-7 (Commercial Zoning District Development Standards) of this Division shall only be used for landscaping and irrigation installed pursuant to Division 6.05 (Landscaping), walls and fences installed pursuant to Division 6.02 (Walls, Fences, and Obstructions), and signs installed pursuant to Division 8.1 (Sign Regulations) of this Development Code.

4. Compatibility with Existing Surrounding Development. New buildings shall respect and enhance the qualities and features of the existing neighborhood or area in which they are built. In-fill development projects within existing developed areas that have an established character shall be compatible with, or complement, the established architectural character of the area in terms of **[i]** consistency of rooflines, materials, and colors; **[ii]** similar window and door patterns; and **[iii]** similar decorative elements.

5. Compatibility within a Complex or Center. Development projects consisting of multiple buildings within a complex or center shall be designed as a distinct place or district, establishing a cohesive identity for the development, which differentiates it from other commercial development projects within the area.

6. 360-Degree Architecture. Buildings shall not have the appearance of a false facade attached to the front of a uniform building shell. A building shall be designed to ensure that it's massing and proportion, along with its colors and architectural detailing, are consistent on all building walls, giving a four-sided (360-degree) appearance.

7. Corporate Architecture. A building within a complex or center, or an in-fill building within a developed area that has an established character, shall not be dominated by corporate or trademark architectural details, or building forms intended to serve as signing and marketing elements.

a. Individual corporate image, trademark, or design elements and colors intended to market the occupant of a building shall be incorporated only as secondary design elements, and not as dominant features of the building. These secondary design elements shall be compatible with the surrounding development and shall not define the character or style of the building or development.

b. The City hereby reserves the right to require significant departures from "corporate architecture," which is proposed for the purpose of marketing or branding the occupant of a structure, when such architectural features are determined by the Approving Authority, to dominate the established architectural theme or character of a complex or center, or that of a developed area that has an established architectural character.

8. Building Materials. Building exteriors shall be finished with attractive and durable materials, which are of high quality and require minimal maintenance.

a. *Acceptable Exterior Building Finishes.* Exterior building finishes shall be classified according to their visual weight and are listed in Table 6.01-9 (Acceptable Exterior Building Finishes), below. The list of finishes is not all-inclusive but is intended to describe the types of finishes applicable to each weighted category.

Table 6.01-9: Acceptable Exterior Building Finishes

Heavy Materials	*Intermediate Materials*	*Light Materials*
Natural Stone	Stucco	Natural Wood
Integrally-Colored Decorative Masonry Block	Exterior Insulation and Finishing System (EIFS)	Cement Board
Brick	Smooth Textured Tilt-Up or Precast Concrete Panels	Synthetic Wood
Cast and Synthetic Stone		Architectural Metal
Richly Textured Tilt-Up or Precast Concrete Panels		Glass Curtain Wall

b. *Hierarchy of Materials.*

(1) **Heavy Materials**—Heavy materials shall be principally located: (a) at the base of the structure, as a foundation material that visually carries the weight of the structure; and/or (b) on significant architectural elements of a structure, to define those elements or suggest that the building has been built and added to, over time. Generally, heavy materials comprise the foundation (most visually significant) materials used on the exterior wall surface area.

(2) **Intermediate Materials**—Intermediate materials shall be situated so as to be visually supported by heavy materials. Generally, intermediate materials comprise the body (primary building material) of a building.

(3) **Light Materials**—Light materials shall be positioned above intermediate materials, at the top of the structure, and visually supported by the intermediate and heavy materials below.

c. *Manufactured Materials.* The use of manufactured materials, such as synthetic, cast, and cultured materials is allowed, provided the materials are identical in

appearance and of equal or greater durability to the natural materials they are intended to emulate.

9. Use of Structural Masonry and Masonry Veneers. Concrete block, brick, stone, and other types of structural masonry or masonry veneer shall be detailed as masonry bearing walls, especially at openings. Proper masonry detailing allows the building to be more pleasing to the eye, as the openings appear to be structurally supported.

a. *Exterior Corners.* Stone and brick used on exterior walls shall not terminate at exterior corners, except where such termination would be consistent with the architectural style being represented.

b. *Masonry Openings.* Openings in a block, brick, or stone façade, including all windows and doors, shall have a lintel, arch, or soldier course at the top of the opening, which appears to structurally support the area of masonry above the opening.

c. *Horizontal Change in Material.* A horizontal change in material from masonry to another material shall include a decorative cap or sill that projects from the face of the building.

10. Parapets and Cornices.

a. A parapet wall and decorative cornice shall be used to visually terminate an exterior wall on a building with a flat roof and shall be used as the primary method for screening roof-mounted mechanical equipment.

b. The parapet and cornice design shall be in proportion to the size and scale of the building and shall reflect the architectural style and detailing of the building.

11. Gutters and Downspouts.

a. Gutters and downspouts shall be concealed from public view, unless designed as a continuous architectural feature.

b. Exposed gutters and downspouts used as architectural features should be colored to match the fascia or wall material to which they are attached.

c. Care shall be taken to avoid locating downspouts near building public entrances and openings.

12. Glazing. The ground floor glazing of a building shall be transparent. Ground floor transparency guarantees a visual connection to the casual observer located at the building exterior, which is an essential feature of commercial structures. By exposing the ground floor to the exterior, there is an invitation to participate with the activity inside. Furthermore, the use of transparent glazing provides the City's public safety personnel the ability to view inside a building without having to first enter the structure.

a. The minimum glazing required on all primary building façades shall be equal to at least 60 percent of the view plane area, with at least 50 percent of the view plane area being transparent.

b. For the purposes of these regulations governing glazing on a building, the following words, terms, and phrases are defined as follows:

(1) *Primary Facade*. Primary facade shall mean any exterior building elevation that faces a street, access way, pedestrian walkway, or drive aisle internal to a complex or center. For the purposes of this requirement, alleys and service drives shall not be considered a street, access way, or internal drive aisle.

(2) *View Plane Area.* View plane area shall mean the wall area on the primary façade of a building, which is located between 2 FT and 10 FT above the adjacent exterior grade.

(3) *Transparent*. Transparent shall mean glazing that is see-through from both the exterior and the interior of the building. This does not, however, preclude the use of tinted glazing.

c. This standard shall not apply if the Approving Authority determines that the required transparency is inconsistent with the operational or design needs of the building.

13. Lighting. Commercial development shall incorporate lighting fixtures that are decorative and are designed to eliminate adverse impacts of light spillover and promote safe vehicular and pedestrian access.

a. Light fixtures shall be full cut-off fixtures to prevent glare and light spill off the project site onto adjacent properties, buildings, and roadways.

b. Parking lot lighting shall comply with Section 6.03.050 (Parking Lot Lighting) of this Development Code and OMC Section 4-11.09(j).

c. Lighting fixtures shall be color-correct types, such as halogen, metal halide, or LED, to ensure true-color at night, visual comfort for pedestrians, and energy efficiency.

d. Pedestrian-level pole-mounted lighting, bollard lighting, ground-mounted lighting, or other low, glare-controlled fixtures mounted on buildings or walls shall be used to light pedestrian walkways. Pole-mounted, building-mounted, or tree-mounted lighting fixtures shall be no more than 12 FT in height. Bollard-type lighting shall be no more than 4 FT in height.

e. Steps, ramps, and seatwalls shall be illuminated with built-in light fixtures, were possible.

14. Building Color. Building exteriors shall incorporate colors that are of compatible hues and intensities. Color schemes shall tie building elements together, relate separate buildings within the same development, and enhance the architectural form of a building.

a. Exterior building colors shall be low-reflecting and subtle. Furthermore, overly intense, overly bright, or fluorescent or Day-Glo colors, shall not be used on a building exterior, as determined by the Planning Director.

b. The exterior building color of a new development project shall be reviewed and approved in conjunction with the approval of the structure by the Approving Authority. Development projects consisting of multiple buildings shall incorporate colors that are coordinated between structures, utilizing compatible hues and intensities. The final review and

approval of paint colors, utilizing a color test, may be required by the City, prior to painting a building.

c. All building mechanical equipment and appurtenances, including, but not limited to, meters, flues, vents, gutters, and utilities, shall match or complement the permanent color of the surface from which they are attached or project.

15. Roof Access Ladders. Ladders for roof access shall be mounted on the inside of the building, or if located on the building exterior, shall be completely concealed from public view.

16. Equipment Screening.

a. All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

b. All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened by landscaping and/or decorative low garden walls.

17. Refuse Storage Areas (Trash Enclosures).

a. Within commercial zoning districts, refuse and recyclable materials shall be stored in an appropriate container, out of view of public or private streets, and adjacent properties.

b. Refuse and recyclable materials container storage shall be within City-approved enclosures designed to contain separate containers for the collection of refuse and recyclable materials. The number of trash enclosures required, their precise locations and dimensions, and their design shall be pursuant to the City's Refuse and Recycling Planning Manual. The requirement for refuse container storage areas may be reduced or waived by the Approving Authority if a trash compactor is used, which is screened from public view.

c. Trash enclosures shall consist of a minimum 6-FT high decorative masonry wall, with appropriate view-obstructing gates for container access, and separate pedestrian access, which is designed to screen the interior of the enclosure from view from the exterior and prevent refuse dispersion. The enclosure design shall be consistent with the architectural design of adjacent buildings and shall include a decorative overhead roof structure to protect bins containing recyclable materials from adverse environmental conditions, which might render the collected materials unusable.

d. To the extent practicable, trash enclosures shall be located away from property lines common with sensitive uses, such as, but not limited to, dwellings, schools, playgrounds, childcare centers, health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

e. Trash enclosure dimensions shall be of adequate size to accommodate containers consistent with the City's current methods of collection within the area in which the project is located.

f. Signs clearly identifying all recycling and refuse collection areas, and the materials accepted for recycling, shall be posted adjacent to all points of access to each trash enclosure.

g. Trash enclosures shall be bordered by a minimum 5-FT wide planter and screened with landscaping on all exposed sides, excluding the side with bin access gates, except when located out of public view.

h. Prior to the issuance of an occupancy permit, a developer or property owner(s) may be required to develop a written recycling plan, which specifies the identification of targeted materials to be recycled, and methods of recycling program promotion to tenants.

18. Trip Reduction. All new development projects shall fully implement trip reduction measures in compliance with Division 6.04 (Congestion Management and Trip Reduction) of this Chapter.

19. Outdoor Loading and Storage Areas.

a. Loading facilities shall be designed and constructed pursuant to Division 6.03 (Off-Street Parking and Loading) of this Development Code.

b. Areas designated for open space, landscaping, off-street parking, loading, and vehicular circulation and maneuvering shall not be used for the outdoor storage of materials or equipment.

c. The outdoor storage of materials and equipment shall be permitted only within the CC and CR zoning districts in conjunction with, and ancillary to, the primary allowed land use. Outdoor loading and storage areas, and loading doors, shall be fully enclosed by a masonry screen wall with view-obstructing gates pursuant to Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) of this Development Code. Walls and gates visible to the public shall be decorative. Chain link fencing with a screening material shall not be used to screen loading and storage activities and areas.

20. Outdoor Activities. All business activities shall be conducted entirely within a completely enclosed structure, except for the following:

a. Sale or display of new or used automobiles, boats, trucks, recreational vehicles and similar large equipment;

b. Outdoor cafes and eating areas;

c. Sale or display of building material, lumber, nursery stock and similar bulk stock, subject to the location and screening requirements of this Section;

d. Temporary activities, such as Christmas tree sales, sidewalk sales and other temporary or seasonal activities, subject to the issuance of an Administrative Use Permit for temporary uses, activities, and facilities pursuant Section 4.03.015 (Administrative Use Permits) of this Development Code;

e. Off-street parking facilities, and outdoor loading and storage areas, which are properly screened pursuant to Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) of this Chapter; and

f. As allowed pursuant to the standards contained in Division 5.03 (Standards for Specific Land Uses, Activities as Facilities) of this Development Code.

21. Noise. Within all commercial zoning districts, structures and equipment shall be designed, located, constructed, and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in OMC Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

22. Airport Safety Zones. Within commercial zoning districts, properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.

23. Security Standards. Within commercial zoning districts, any lot, and any building or structures thereon, shall comply with all applicable requirements of OMC Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

F. Commercial Design Guidelines.

1. The City Council adopted Commercial Design Guidelines, included as Reference "E" of this Development Code, applicable to all commercial zoning districts, which are intended as a reference to assist the designer in understanding the City's goals and objectives for commercial development. The guidelines compliment the mandatory commercial development regulations contained in this Section, by providing examples of potential design solutions and by providing design interpretations of the various mandatory regulations contained herein.

2. The design guidelines authorized herein shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

6.01.020: Mixed Use Zoning Districts

A. Purpose.

1. The purpose of this Section is to establish regulations intended to encourage innovative mixed-use development as an alternative to the typical suburban, use-segregated developments found throughout the Inland Empire, which is consistent with the goals and policies of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. Generally, mixed-use districts are intended for the creation of development projects that:

a. Create a dynamic, walkable, mixed-use environment;

b. Provide for a development pattern that encourages the use of public transportation;

c. Provide for a mix of housing types that are within close proximity to retail and service uses;

d. Establish high standards for the design and development of buildings, infrastructure, and landscaping;

e. Ensure a high degree of pedestrian and vehicular connectivity, and enhance the vitality of commercial corridors within the City;

f. Facilitate the development of housing, retail, and office uses within close proximity to one another, allowing residents to walk to retail and service uses, and transit services; and

g. In selected areas, locate buildings close to the street, so that streets and squares feel enclosed, establishing outdoor rooms.

2. The intent of each established mixed-use district is as follows:

a. *Downtown Mixed-Use Area*. The Downtown Mixed-Use District (MU-1 zoning district) is intended to accommodate an intensive mixture of vertical and horizontal retail and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 DU/AC. The Downtown Mixed-Use District is intended to encourage the development and revitalization of the City's historic downtown district in such manner as to achieve the District's full potential as a unique shopping and residential area, as well as the City's focus for governmental, cultural, and educational activities.

b. *East Holt Mixed-Use Area*. The East Holt Mixed-Use District (MU-2 zoning district) is intended to accommodate the intensification of the East Holt Boulevard Corridor with low-rise (up to 5 stories) buildings housing a mixture of retail and office uses at a development intensity of up to 2.0 FAR and 1.0 FAR, respectively, and residential uses at a density of 14 to 40 DU/AC. The intent of this zoning district is to create identity and place along the Holt Boulevard Corridor and provide a connection between the Downtown Mixed Use Area and the Ontario Airport Metro Center.

c. *Euclid/Francis Mixed-Use Area*. The Euclid/Francis Mixed-Use District (MU-11 zoning district) is intended to accommodate a low-rise (up to 3 stories) mixture of retail uses at an intensity of up to 1.0 FAR, and residential uses at a density of 14 to 25 DU/AC, that will create identity and place along the Euclid Avenue corridor.

B. Applicability. The standards and guidelines established by this Section shall apply to each of the City's mixed-use zoning districts. Furthermore, the provisions of this Section shall apply to all land subdivisions for mixed-use purposes, and any new mixed-use construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City.

C. Mixed Use Zoning District Development Standards. Development within the MU-1, MU-2, and MU-11 mixed-use zoning districts shall comply with the following standards:

1. <u>MU-1 (Downtown Mixed Use Area) Zoning District</u>.

a. *Planned Unit Development Required*. Within the MU-1 zoning district, development shall occur only after a Planned Unit Development has first been adopted for the affected property pursuant to Section 4.01.030 (Planned Unit Developments and Amendments) of this Development Code.

b. *Area Plan and Form-Based Development Standards In Lieu of Planned Unit Development Adoption*. In lieu of Planned Unit Development adoption, the City may elect to prepare and adopt an Area Plan to provide additional policy-level guidance for development

within MU-1 zoning district, in conjunction with the inclusion of appropriate form-based development standards within this Section, to be established on a minimum per block basis.

c. *Allowed Development Density/Intensity*. Within the MU-1 zoning district, residential development shall range from a minimum allowed density of 25 dwelling units per acre, to a maximum allowed density of 75.0 dwelling units per acre. Commercial-retail and/or office development shall not exceed 2.0 FAR.

d. *Downtown Ontario Design Guidelines*. In August 1998, the City Council adopted the Downtown Ontario Design Guidelines, included as Reference "C" of this Development Code, which establishes a set of architectural, graphic, and lighting design principles, to provide guidance to business owners, homeowners, City staff, and design professionals, for the development and/or rehabilitation of properties within the City's historic original downtown area (project area). The project area is bordered by "I" Street on the north, Vine Street on the west, Sultana Avenue on the east, and railroad tracks on the south, and is defined in Figure 1.4 (Land Use Districts) of the Downtown Ontario Design Guidelines. The design guidelines also apply to those properties located across the street from, and directly abut, the project area.

2. MU-3 (East Guasti Mixed Use) Zoning District.

a. *Planned Unit Development Required*. Within the MU-3 zoning district, development shall occur only after a Planned Unit Development has first been adopted for the affected property pursuant to Section 4.01.030 (Planned Unit Developments and Amendments) of this Development Code.

b. *Allowed Development Density/Intensity*. Within the MU-3 zoning district, commercial and residential development shall be low-rise, not to exceed 5 stories in height. Residential development shall range from a minimum allowed density of 20.0 dwelling units per acre, to a maximum allowed density of 65.0 dwelling units per acre. Commercial-retail and office development shall not exceed 1.0 FAR.

3. MU-6 (East Holt Boulevard Mixed Use Area) Zoning District.

a. *Planned Unit Development Required*. Within the MU-6 zoning district, development shall occur only after a Planned Unit Development has first been adopted for the affected property pursuant to Section 4.01.030 (Planned Unit Developments and Amendments) of this Development Code.

b. *Allowed Development Density/Intensity*. Within the MU-6 zoning district, residential development shall range from a minimum allowed density of 14.1 dwelling units per acre, to a maximum allowed density of 40.0 dwelling units per acre. Commercial-retail development shall not exceed 1.0 FAR and commercial-office development shall not exceed 2.0 FAR.

4. MU-8B (Mountain/Fourth Mixed Use) Zoning District.

a. *Planned Unit Development Required*. Within the MU-8B zoning district, development shall occur only after a Planned Unit Development has first been adopted for the affected property pursuant to Section 4.01.030 (Planned Unit Developments and Amendments) of this Development Code.

b. *Allowed Development Density/Intensity.* Within the MU-8B zoning district, commercial and residential development shall be low-rise, not to exceed 5 stories in height. Residential development shall range from a minimum allowed density of 20.0 dwelling units per acre, to a maximum allowed density of 75.0 dwelling units per acre. Commercial-retail and office development shall not exceed 1.0 FAR.

5. MU-8C (West Holt Boulevard Mixed Use) Zoning District.

a. *Planned Unit Development Required.* Within the MU-8C zoning district, development shall occur only after a Planned Unit Development has first been adopted for the affected property pursuant to Section 4.01.030 (Planned Unit Developments and Amendments) of this Development Code.

b. *Allowed Development Density/Intensity.* Within the MU-8C zoning district, commercial and residential development shall be low-rise, not to exceed 5 stories in height. Residential development shall range from a minimum allowed density of 14.0 dwelling units per acre, to a maximum allowed density of 40.0 dwelling units per acre. Commercial-retail development shall not exceed 1.0 FAR and commercial-office development shall not exceed 2.0 FAR.

6. MU-8D (Euclid/Francis Mixed Use Area) Zoning District.

a. *Residential Development.* Within the MU-8D zoning district, low-rise (up to 5 stories) residential development shall be allowed pursuant to the standards of the HDR-45 zoning district and shall range from a minimum allowed density of 20.0 dwelling units per acre, to a maximum allowed density of 75.0 dwelling units per acre.

b. *Nonresidential Development.* Within the MU-8D zoning district, nonresidential development shall be allowed pursuant to the requirements of the CC zoning district, and shall not exceed 1.0 FAR.

7. MU-8E (Euclid/Walnut Mixed Use) Zoning District.

a. *Planned Unit Development Required.* Within the MU-8E zoning district, development shall occur only after a Planned Unit Development has first been adopted for the affected property pursuant to Section 4.01.030 (Planned Unit Developments and Amendments) of this Development Code.

b. *Allowed Development Density/Intensity.* Within the MU-3 zoning district, commercial and residential development shall be low-rise, not to exceed 5 stories in height. Residential development shall range from a minimum allowed density of 20.0 dwelling units per acre, to a maximum allowed density of 75.0 dwelling units per acre. Commercial-retail and office development shall not exceed 1.0 FAR.

6.01.025: Industrial Zoning Districts

A. **Purpose.** The purpose of this Section is to ensure that development within the industrial zoning districts of the City will contribute toward an urban environment of stable, desirable character, which is harmonious with existing and future development, and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan. These regulations are further established to:

1. Reserve appropriate areas in the community for a full range of industrial uses, which are grouped to achieve maximum compatibility with respect to the characteristics of the various types of industrial activities and processes;

2. Encourage the development of all types of industrial establishments in a manner that is consistent with sound standards of public health and safety;

3. Allow certain types of light industrial uses that are relatively free of nuisance or hazardous features, which may be located in areas nearest to residential, office, and commercial areas, while providing space for industrial uses with more severe impacts in more remote locations;

4. Protect areas appropriate for industrial development from intrusion by residences and other incompatible uses, while providing opportunities for various types of industrial establishments and similar uses to concentrate in mutually beneficial relationships to each other;

5. Ensure the provision of adequate space to meet the needs of industrial development, including landscaped setbacks, off-street parking and truck loading areas;

6. Strengthen the City's economic base and jobs-housing balance by increasing employment opportunities close to home for residents of the City and surrounding communities;

7. Ensure that the appearance of industrial buildings and uses is compatible with the visual character of the area in which they are located; and

8. Provide a sufficient number of appropriately located sites for adult businesses within the IH (Heavy Industrial) zoning district.

B. Applicability. The standards and guidelines established by this Section shall apply to each of the City's industrial zoning districts. Furthermore, the provisions of this Section shall apply to all industrial land subdivisions and any new industrial construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City.

C. Development Standards. Development within industrial zoning districts shall comply with the requirements of Table 6.01-10 (Industrial Zoning District Development Standards), below, which specifies standards for the development of structures within the BP, IP, IL, IG, and IH zoning districts.

Table 6.01-10: Industrial Zoning District Development Standards

Requirements	*Industrial Zoning Districts*					*Additional Regulations*
	BP	*IP*	*IL*	*IG*	*IH*	
A. SITE DEVELOPMENT STANDARDS						
1. Minimum Lot Area	1.0 AC		10,000 SF			Note 1
2. Maximum Floor Area Ratio (FAR)	0.60		0.55			Note 7
3. Minimum Lot Dimensions	100 FT – Lot Width 100 FT – Lot Depth					Note 1
4. Minimum Landscape Coverage	Refer to Division 6.05 (Landscaping)					
a. Interior Lots	15%	10%				Notes 2 and 3

Table 6.01-10: Industrial Zoning District Development Standards

Requirements	Industrial Zoning Districts					Additional Regulations
	BP	IP	IL	IG	IH	
b. Corner Lots	20%	15%				Notes 2 and 3
c. Off-Street Parking Areas	7%					See Section 6.05.040.D (Landscaping of Off-Street Parking Facilities)
5. Minimum Parking Space and Drive Aisle Separations						
a. Parking Space or Drive Aisle to Street Property Line	20 FT		10 FT			
b. Parking Space or Drive Aisle to Interior Property Line	5 FT					Notes 4 and 5
Exception: From property line common with residential district	10 FT (area shall be densely landscaped)			n/a		
c. Parking Space to Buildings, Walls, and Fences	10 FT - Areas adjacent to public entries and office areas 5 FT - Areas adjacent to other building areas					Note 5
Exception: Within screened loading and storage yard areas	0 FT					
d. Drive Aisles to Buildings, Walls, and Fences	10 FT					Note 5
Exception: Within screened loading and storage yard areas	0 FT					
6. Minimum Screened Loading and Storage Yard Separations						
a. Enclosed Loading and Storage Yard to Street Property Line	20 FT - Freeways 20 FT - Arterial Streets 10 FT - Collector/Local Streets					
b. Screened Loading and Storage Yard to Interior Property Line	0 FT					
Exception: From interior property line common with residential district	10 FT (area shall be densely landscaped)				n/a	
c. Screened Loading and Storage Yard to Buildings, Walls, and Fences	0 FT					
7. Walls, Fences and Obstructions	Refer to Section 6.02.025 (Design Standards for Nonresidential Zoning Districts).					
8. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading).					
9. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance).					

Table 6.01-10: Industrial Zoning District Development Standards

Requirements	Industrial Zoning Districts					Additional Regulations
	BP	IP	IL	IG	IH	
10. Historic Preservation	Certain portions of commercial zoning districts are identified as historic or potentially historic, and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.					
11. Signs	Refer to Division 8.1 (Sign Regulations).					
12. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).					
13. Noise	Buildings shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).					
14. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.					
B. BUILDING DEVELOPMENT STANDARDS						
1. Maximum Area Per Building	45,000 SF - Single-Tenant 60,000 SF - Multi-Tenant		See Note 9	n/a		
2. Minimum Street Setback						
a. From Freeway Property Line	20 FT					
b. From Arterial Street Property Line	10 FT - Holt Boulevard 20 FT - All Other Arterial Streets					
c. From Collector and Local Street Property Line	10 FT					
3. Minimum Interior Property Line Setback	0 FT					Note 6
Exception: Property line common with residential districts	30 FT					
4. Maximum Height	45 FT		55 FT			Note 7
5. Minimum Setback From Major Pipelines (to habitable structures)	50 FT					Note 8

Notes:

1. *There is no minimum lot area or dimension for common interest subdivisions established pursuant to Section 6.08.010 (Common Interest Subdivisions) of this Development Code.*
2. *Landscaped areas with a minimum dimension of less than 5 FT shall not contribute toward the "minimum landscape coverage" calculation.*
3. *The "minimum landscape coverage" calculation for interior and corner lots shall exclude all landscaped areas located within public rights-of-way.*
4. *Within yard areas fully screened by a decorative wall, there shall be no minimum drive aisle or parking space setback required, unless adjacent to residentially zoned properties.*

5. *The minimum separation area between a building, wall, or fence, and a parking space or drive aisle, shall be fully landscaped. The separation area may include pedestrian walkways, as necessary; however, a minimum 3-FT wide planter area shall be maintained between a building wall and a pedestrian walkway. The minimum separation dimension does not include any area devoted to vehicle overhang.*
6. *There shall not be a minimum required building setback from property lines that are interior to a business park, or industrial park or complex.*
7. *The maximum building height and FAR may be restricted pursuant to the Ontario International Airport Land Use Compatibility Plan (ALUCP). Refer to the ALUCP for properties affected by airport safety zones.*
8. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*
   a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*
   b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*
9. *Within the IL zoning district, lots abutting, or directly across the street from, a residentially zoned property, shall comply with the "Maximum Height" applicable to the BP and IP zoning districts.*

D. Exceptions to Development Standards. The following exceptions from the industrial zoning district development standards stipulated in Table 6.01-8 (Industrial Zoning District Development Standards) shall be permitted:

1. Building Height.

a. *Aerials and Antennas, Chimneys, Cupolas, Elevator Penthouses, Flagpoles, Monuments, Parapet Walls, Spires, Towers, Water Tanks, and Other Similar Structures*. Aerials and antennas, chimneys, cupolas, elevator penthouses, flagpoles, monuments, parapet walls, spires, towers, water tanks, and other similar structures may be erected to a height of up to 25 percent above the prescribed height limit of the base zoning district.

b. *Amateur (HAM) Radio Antennas*. HAM radio antennas may exceed the maximum prescribed height limit of a zoning district by a maximum of 10 FT. The Zoning Administrator, however, may allow HAM radio antennas to exceed this height limitation if it is necessary to accommodate amateur radio service communications. A HAM radio antenna that exceeds the maximum prescribed height limit of the zoning district in which it is located shall not exceed the minimum height and dimensions necessary to accommodate amateur radio service communications.

c. *Wireless Telecommunication Facilities*. Wireless telecommunication facilities shall comply with Section 5.03.42 (Wireless Telecommunications Facilities) of this Development Code.

2. Encroachments into Required Setback Areas.

a. *Cornices, Eaves, Canopies, Decorative Wall Elements, and Similar Architectural Features*. Cornices, eaves, canopies, decorative wall elements, and similar architectural features may extend into a required street or interior property line setback area a maximum of 50 percent of the required setback, not to exceed 4 FT.

b. *Signs*. Signs and advertising structures may encroach into a required front street setback area pursuant to Division 8.1 (Sign Regulations) of this Development Code.

c. *Walls, Fences, and Obstructions.* Walls, fences, and obstructions may be permitted within required setback areas pursuant to the provisions of Division 6.02 (Fences, Walls, and Obstructions) of this Chapter.

E. **General Provisions.** The following general regulations shall be applicable to all land uses, activities, and facilities within each industrial zoning district:

1. Building Setback Areas Adjoining Streets. Except as otherwise specifically provided by this Development Code, required setback areas adjoining streets shall only be used for the placement of landscaping and irrigation installed pursuant to Division 6.05 (Landscaping), . vehicular and pedestrian accesses, off-street parking and vehicular circulation, and site lighting pursuant to Division 6.03 (Off-Street Parking and Loading), walls and fences installed pursuant to Division 6.02 (Walls, Fences, and Obstructions), and signs installed pursuant to Division 8.1 (Sign Regulations) of this Development Code.

2. Parking Space and Drive Aisle Setback Areas. Parking space and drive aisle setback areas required pursuant to Table 6.01-10 (Industrial Zoning District Development Standards) shall only be used for landscaping and irrigation installed pursuant to Division 6.05 (Landscaping), walls and fences installed pursuant to Division 6.02 (Walls, Fences, and Obstructions), and signs installed pursuant to Division 8.1 (Sign Regulations) of this Development Code.

3. Refuse Storage Areas (Trash Enclosures).

a. Within industrial zoning districts, refuse and recyclable materials shall be stored in an appropriate container, out of view of public or private streets, and adjacent properties.

b. Refuse and recyclable materials container storage shall be within City-approved enclosures designed to contain separate containers for the collection of refuse and recyclable materials. The number of trash enclosures required, their precise locations and dimensions, and their design shall be pursuant to the City's Refuse and Recycling Planning Manual. The requirement for refuse container storage areas may be reduced or waived by the Approving Authority if a trash compactor is used, which is screened from public view.

c. Trash enclosures shall consist of a minimum 6-FT high decorative masonry wall, with appropriate view-obstructing gates for container access, and separate pedestrian access, which is designed to screen the interior of the enclosure from view from the exterior and prevent refuse dispersion. The enclosure design shall be consistent with the architectural design of adjacent buildings and shall include a decorative overhead roof structure to protect bins containing recyclable materials from adverse environmental conditions, which might render the collected materials unusable.

d. To the extent practicable, trash enclosures shall be located away from property lines common with sensitive uses, such as, but not limited to, dwellings, schools, playgrounds, childcare centers, health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

e. Trash enclosure dimensions shall be of adequate size to accommodate containers consistent with the City's current methods of collection within the area in which the project is located.

f. Signs clearly identifying all recycling and refuse collection areas, and the materials accepted for recycling shall be posted adjacent to all points of access to each trash enclosure.

g. Trash enclosures shall be bordered by a minimum 5-FT wide planter and screened with landscaping on all exposed sides, excluding the side with bin access gates, except when located out of public view.

h. Prior to the issuance of an occupancy permit, a developer or property owner(s) may be required to develop a written recycling plan, which specifies the identification of targeted materials to be recycled, and methods of recycling program promotion to tenants.

4. Lighting. Commercial development shall incorporate lighting fixtures that are decorative and are designed to eliminate adverse impacts of light spillover and promote safe vehicular and pedestrian access.

a. Light fixtures shall be full cut-off fixtures to prevent glare and light spill off the project site onto adjacent properties, buildings, and roadways.

b. Parking lot lighting shall comply with Section 6.03.050 (Parking Lot Lighting) of this Development Code and OMC Section 4-11.09(j).

c. Lighting fixtures shall be color-correct types, such as halogen, metal halide, or LED, to ensure true-color at night, visual comfort for pedestrians, and energy efficiency.

d. Pedestrian-level pole-mounted lighting, bollard lighting, ground-mounted lighting, or other low, glare-controlled fixtures mounted on buildings or walls shall be used to light pedestrian walkways. Pole-mounted, building-mounted, or tree-mounted lighting fixtures shall be no more than 14 FT in height. Bollard-type lighting shall be no more than 4 FT in height.

e. Steps, ramps, and seatwalls shall be illuminated with built-in light fixtures, were possible.

5. Equipment Screening.

a. All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

b. All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

6. Outdoor Loading and Storage Areas.

a. Loading facilities shall be designed and constructed pursuant to Division 6.03 (Off-Street Parking and Loading) of this Chapter.

b. Areas designated for open space, landscaping, off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

c. The outdoor storage of materials and equipment shall be permitted only within the IL, IG, IH, and ONT zoning districts in conjunction with, and ancillary to, the primary allowed land use, except as otherwise allowed pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

d. Outdoor loading and storage areas, and loading doors, shall be screened from public view by a decorative masonry wall with view-obstructing gates, pursuant to Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) of this Development Code. Furthermore, loading and storage areas, and loading doors, shall not face a freeway, Euclid Avenue, or Mission Boulevard, unless fully screened from view of the freeway or street.

e. The outdoor storage of materials or equipment shall not be allowed within the BP and IP zoning districts.

7. Outdoor Manufacturing and Processing.

a. Manufacturing and processing activities shall be conducted within a wholly enclosed building, except that outdoor manufacturing and processing activities may be allowed within the IG, IH, and ONT zoning districts in conjunction with, and ancillary to, the primary allowed land use, subject to the approval of a Conditional Use Permit pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code.

b. Outdoor manufacturing and processing activities allowed pursuant to Subparagraph C.7.a, above, shall be screened from public view by buildings and/or decorative masonry walls with view-obstructing gates.

8. Outdoor Sales and Display. Within industrial zoning districts, all sales and display activities shall be conducted within a wholly enclosed building, except as follows:

a. Sale or display of new or used automobiles, boats, trucks, recreational vehicles and similar large equipment;

b. Outdoor cafes and eating areas;

c. Sale or display of building material, lumber, nursery stock and similar bulk stock, subject to the location and screening requirements of this Section;

d. Temporary activities, such as Christmas tree sales, sidewalk sales and other temporary or seasonal activities, subject to the issuance of an Administrative Use Permit for temporary uses, activities, and facilities pursuant Section 4.03.015 (Administrative Use Permits) of this Development Code;

e. Off-street parking facilities, and outdoor loading and storage areas, which are properly screened pursuant to Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) of this Chapter; and

f. As allowed pursuant to the standards contained in Division 5.03 (Standards for Specific Land Uses, Activities as Facilities) of this Development Code.

9. Building Color. Building exteriors shall incorporate colors that are of compatible hues and intensities. Color schemes shall tie building elements together, relate separate buildings within the same development, and enhance the architectural form of a building.

a. Exterior building colors shall be low-reflecting and subtle. Furthermore, overly intense, overly bright, or fluorescent or Day-Glo colors, shall not be used on a building exterior, as determined by the Planning Director.

b. The exterior building color of a new development project shall be reviewed and approved in conjunction with the approval of the structure by the Approving Authority. Development projects consisting of multiple buildings shall incorporate colors that are coordinated between structures, utilizing compatible hues and intensities. The final review and approval of paint colors, utilizing a color test, may be required by the City, prior to painting a building.

c. All building mechanical equipment and appurtenances, including, but not limited to, meters, flues, vents, gutters, and utilities, shall match or complement the permanent color of the surface from which they are attached or project.

10. Roof Access Ladders. Ladders for roof access shall be mounted on the inside of the building, or if located on the building exterior, shall be completely concealed from public view.

11. Gutters and Downspouts. Gutters and downspouts shall be concealed from public view, unless designed as a continuous architectural feature. Exposed gutters and downspouts used as architectural features should be colored to match the fascia or wall material to which they are attached.

12. Trip Reduction. All new development projects shall fully implement trip reduction measures in compliance with Division 6.04 (Congestion Management and Trip Reduction) of this Chapter.

13. Noise. Within all industrial zoning districts, structures and equipment shall be designed, located, constructed, and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in OMC Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

14. Airport Safety Zones. Industrially zoned properties located within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.

15. Security Standards. Within industrial zoning districts, any lot, and any building or structures thereon, shall comply with all applicable requirements of OMC Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

F. Industrial Design Guidelines.

1. The City Council adopted Industrial Design Guidelines, included as Reference "F" of this Development Code, applicable to all industrial zoning districts, which are intended as a reference to assist the designer in understanding the City's goals and objectives for industrial development. The guidelines compliment the mandatory industrial development regulations contained in this Section, by providing examples of potential design solutions and by providing design interpretations of the various mandatory regulations contained herein.

2. The design guidelines authorized herein shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

6.01.030: Specialized Use Zoning Districts

A. **Purpose.** The purpose of this Section is to ensure that development within each Special Purpose zoning district of the City will contribute toward an urban environment of stable, desirable character, which is harmonious with existing and future development, and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan.

B. **Applicability.** The standards and guidelines established by this Section shall apply to each of the City's special purpose zoning districts. Furthermore, the provisions of this Section shall apply to all subdivisions of land and any new construction, addition, remodel, or reallocation requiring a building permit or other similar entitlement by the City, within a Special Purpose zoning district.

C. **Specialized Use Zoning District Standards.** The design and development of properties located within specialized use zoning districts shall comply with the following:

1. CIV (Civic) Zoning District. The CIV zoning district is established to accommodate permanent public facilities such as City Hall, public libraries, museums, public and private schools and colleges/universities, police and fire stations, and other similar facilities utilized by the public. Properties within the CIV zoning district shall be developed pursuant to the standards and guidelines applicable to the OH zoning district (see Section 6.01.015 (Commercial Zoning District) of this Division).

2. MHP (Mobile Home Park) Zoning District. The MHP zoning district is established to accommodate communities consisting of mobile homes and manufactured housing. All development within the MHP zoning district shall be designed and constructed pursuant to the requirements of Section 5.03.295 (Mobilehome Parks) of this Development Code.

3. ONT (Ontario International Airport) Zoning District. The ONT zoning district is established to accommodate on-going development of Ontario International Airport and surrounding properties directly impacted by airport operations. All development within the ONT zoning district shall be designed and constructed pursuant to the applicable requirements of Section 5.03.020 (Air Transportation) of this Development Code.

4. OS-C (Open Space-Cemetery) Zoning District. The OS-C zoning district is established to accommodate cemetery sites. Properties within the OS-C zoning district shall be developed pursuant to the standards and guidelines applicable to the OL zoning district (see Section 6.01.015 (Commercial Zoning District) of this Division).

5. OS-R (Open Space-Recreation) Zoning District. The OS-R zoning district is established to accommodate open space uses, such as public parks and recreation centers.

Properties within the OS-R zoning district shall be developed pursuant to the standards and guidelines applicable to the OL zoning district (see Section 6.01.015 (Commercial Zoning District) of this Division).

6. PUD (Planned Unit Development) Zoning District. The PUD zoning district is established to accommodate the development and use of properties that require Planned Unit Development approval pursuant to Exhibit LU-05 (Additional Plans Map) of the Policy Plan component of The Ontario Plan. All development within the PUD zoning district shall only be allowed pursuant the applicable Planned Unit Development document.

7. RC (Rail Corridor) Zoning District. The RC zoning district is established to accommodate permanent rail or fixed transit corridors through the City, as well as stations and similar ancillary facilities. Properties within the RC zoning district shall be developed pursuant to the standards and guidelines applicable to the IH zoning district (see Section 6.01.025 (Industrial Zoning District) of this Division).

8. SP (Specific Plan) Zoning District. The SP zoning district is established to accommodate the adoption of Specific Plans pursuant to Exhibit LU-05 (Additional Plans Map) of the Policy Plan component of The Ontario Plan. All development within the SP zoning district shall be designed and constructed pursuant to the standards and guidelines of the applicable Specific Plan document. (Note: If no specific plan has been adopted for a property within the SP zoning district, a new specific plan shall be adopted for the property, or the property shall be annexed to an existing neighboring specific plan, prior to the issuance of any grading or building permits.)

9. UC (Utility Corridor) Zoning District. The UC zoning district is established to accommodate flood control channels, retention and detention basins, electrical transmission corridors, and landfills, and may include ancillary recreational facilities in conjunction with the primary use of the site. Properties within the UC zoning district shall be developed pursuant to the standards and guidelines applicable to the OL zoning district (see Section 6.01.015 (Commercial Zoning District) of this Division).

6.01.035: Overlay Zoning Districts

A. Purpose. The purpose of this Section is to ensure that development within each Overlay zoning district of the City will contribute toward an urban environment of stable, desirable character, which is harmonious with existing and future development, and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan.

B. Applicability. The standards and guidelines established by this Section shall apply to each of the City's overlay districts. Furthermore, the provisions of this Section shall apply to all subdivisions of land and any new construction, addition, or remodel requiring a building permit or other similar entitlement by the City, within an overlay district.

C. Overlay Zoning District Standards. The design and development of properties located within overlay zoning districts shall comply with the following:

1. AG (Agricultural) Overlay Zoning District.

a. *Purpose*. The purpose of the AG Overlay zoning district is to accommodate the continuation of agricultural uses within the City, on an interim basis, until such time that the Overlay District is developed consistent with the goals and policies of The Ontario Plan. The

transition of the AG Overlay zoning district will be gradual, requiring the establishment of regulations intended to guide agricultural-related development activities for the interim period. It is the intent of the AG Overlay zoning district to allow for the continuation of agricultural uses and related support uses as defined herein. The AG Overlay zoning district is further intended to protect vital agricultural uses by limiting land use activity to those uses which are compatible and supportive of agriculture and related uses, and/or their products.

b. *Applicability*.

(1) The herein established rights and responsibilities applicable to the AG Overlay District shall apply to all property located within the boundary of the Overlay District, as shown on the official Zoning Map of the City. The AG Overlay zoning district provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit, or other similar entitlement, is required by the City.

(2) Any new building construction, excepting buildings to accommodate agricultural uses or agricultural-related activities, and single-family homes and buildings ancillary thereto on lots 10 acres or more in area, shall first require the adoption of a Specific Plan pursuant to Section 4.01.035 (Specific Plans and Amendments) of this Development Code, which prescribes the allowed land uses, development regulations and guidelines, and sign regulations applicable to the project.

(3) All rights pertaining to the AG Overlay zoning district established herein, shall run with the land and shall be transferable to any future owner(s) of property within the AG Overlay district, and their assigns.

c. *Definitions.* For the purpose of the AG Overlay zoning district, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

Agricultural Support Services. These uses are supportive of the farm community and are fully compatible with agricultural uses. Agricultural support services are uses which directly support, or which are accessory or incidental to, established agricultural uses within the AG Overlay zoning district. These include, but are not limited to the following:

1) Agricultural chemicals, fuel and fuel oil, nonflammable bottled gas;

2) Animal husbandry services veterinary services for large and small animals, and horseshoeing;

3) Farm machinery equipment and supplies, sale and repair;

4) Farm produce sales and supply (feed, hay, grain and grain products, fertilizer);

5) Farm products packaging and processing;

6) Feed storage, farm products warehousing and storage (except stockyards); and

7) Waste management facilities and fertilizer operations in accordance with applicable local, State and Federal regulations.

Animal Confinement Facility. Where used, the term "animal confinement facility" includes animal barns, corrals, or pens.

Commercial Kennels and Catteries. The keeping of more than 5 dogs or 5 cats over the age of 4 months for breeding, boarding, training, or sale on a lot minimum 2.5 acres in area.

Cow and Goat Dairies. Any premises where milk is produced for wholesale distribution and where 10 or more cows or goats are in lactation.

Crop Production. A primary use of the land which includes cultivation of open field or greenhouse crops, fruits, vegetables, grain, fibers, flowers, ornamental and nursery plant materials for wholesale or retail sales and ultimate consumption by others.

Expanded Use. An expanded use consists of a building expansion or new construction in excess of 5,000 square feet.

Trade of Livestock. Sale of livestock to general public (e.g. animal auctions).

d. *Uses Generally.* No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, or enlarged, except for the purposes set out in this Paragraph C.1 (AG (Agricultural) Overlay Zoning District) of this Section.

e. *Permitted Land Uses.* In addition to those land uses allowed in the AG Overlay District as prescribed by Table 5.01-1 (Land Use Matrix) of this Development Code, the following land uses are permitted by right of being within the correct zoning district:

(1) Row, field, tree, and crop production;

(2) Plant nurseries (retail and wholesale);

(3) Single dwelling unit on a lot not less than 10 acres in area; a specific plan is required for any subdivision or master planned development; and

(4) Animal keeping activities, excepting household pets, shall comply with the following:

(a) Animal keeping shall be on a legally recognized lot no less than 2 acres in area. Lot area used to qualify one animal type shall not be reused to qualify another animal type;

(b) Proper management of animal waste shall be carried out in accordance with all requirements of the State Regional Water Quality Control Board or regulating agency;

(c) Small animal keeping. Aviary or similar small animal ranches or farms (excluding chicken and hog ranches) shall be permitted on lots that are at least one-half acre in area. Fish raising shall be limited to one pond per acre, with a maximum of 4 ponds per parcel. Each pond shall not exceed one-half acre in area; and

(d) Refer to Table 6.01-11 (Animal Types and Densities), below, for animal density requirements and Section 5.03.410 (Urban Agriculture) of this Development Code, for animal separation/setback requirements.

Table 6.01-11: Animal Types and Maximum Densities

Animal Type	*Maximum Animal Density*	*Additional Regulations*
A. Dairy Cow	As permitted by Approving Authority	Note 1
B. Non-dairy Cattle/Buffalo	1/6,000 SF of lot area	
C. Horses	1/6,000 SF of lot area	
D. Swine (5 maximum)	1/12,000 SF of lot area	
E. Sheep, female goats and similar livestock	1/3,000 SF of lot area	
F. Male adult goats		
1. Parcel < 10 acres	One maximum	
2. 10 acres and above	1/5 acres of lot area (not to exceed 4 maximum)	
G. Rabbits and chinchillas (200 maximum)	50/10,000 SF of lot area	
H. Ostriches	1/6,000 SF of lot area	
I. Emus and rheas	1/6,000 SF of lot area	
J. Poultry		
1. Female		
a. Parcel < 10 acres	25 maximum	
b. 10 acres and above	25/ 10 acres of lot area (50 maximum)	
2. Male (9 maximum)		
a. Parcel < 10 acres	2 species/parcel	
b. 10 acres and above	2 species/5 acres	

Notes:

1. *New or expansions to existing dairy or other animal confinement facilities shall be considered on a case-by-case basis, subject to the approval of a Conditional Use Permit pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code. Animal density shall be as determined by the appropriate approving authority (i.e. Regional Water Quality Control Board) which may impose special operational conditions, requirements or standards deemed necessary to insure the public health, safety, and general welfare. Animal density shall be based on measures to prevent the unacceptable nitrification or salt pollution of soils, and the pollution of groundwater by nitrates and salts emanating from the facility, as defined by the Regional Water Quality Control Board.*

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f. *Conditionally Permitted Land Uses*. In addition to those land uses allowed in the AG Overlay District as prescribed by Table 5.01-1 (Land Use Matrix) of this Development Code, the following land uses shall be allowed subject to the approval of a Conditional Use Permit pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) of this Development Code:

(1) Agricultural Support Services;

(2) Animal raising of densities greater than or the raising of animal types different than those specified by this Paragraph C.1 (AG (Agricultural) Overlay Zoning District), subject to review by the appropriate Approving Authority (such as Regional Water Quality Control Board); and fish raising using ponds or lakes that are of greater surface area or number than those specified by this Paragraph C.1 (AG (Agricultural) Overlay Zoning District);

(3) Animal hospitals and veterinary clinics;

(4) Antennas and wireless telecommunications facilities;

(5) Apiaries;

(6) Calf growing ranches (lots shall be 5 or more acres in area);

(7) Places of worship within an existing building, and expansions to existing facilities (establishment of new places of worship in new structures shall only be permitted as part of a specific plan);

(8) Dairies, including expansions to existing dairies;

(9) Educational facilities and institutions;

(10) Fertilizer operations;

(11) Kennels (requires a 2.5-acre minimum lot size);

(12) Mushroom farms (the use of manure as a planting/growing medium is prohibited);

(13) Rodeos;

(14) Trade of livestock; and

(15) Waste management facilities.

g. *Time Limit for Conditionally Permitted Land Uses.* Conditionally permitted uses may be subject to a 5-year time limit through an agreement with the applicant, in order to assess potential impacts from the conditional use upon surrounding land uses. Under such time limit, a time extension application may be filed at least 6 months prior to the end of the 5-year period. Approval of a time extension request shall be based on the continued compatibility of the project with surrounding land uses.

h. *Temporary Uses.* The following temporary uses are permitted, subject to the requirements of Section 5.03.395 (Temporary and Interim Land Uses, Buildings and Structures) of this Development Code:

(1) Christmas tree and Halloween pumpkin sales, or other similar seasonal sales authorized by the City, not to exceed a period of 30 days, each;

(2) Temporary produce stands in conjunction with an Urban Farm established pursuant to Section 5.03.410.F (Urban Farms) of this Development Code; and

(3) Temporary Wireless Telecommunications Facilities.

i. *Accessory Uses.* The following accessory uses, and structures are permitted when customarily associated with, and subordinate to, a permitted use on the same lot:

(1) Barns, stables, storage tanks, and other farm buildings;

(2) Accessory dwelling unit or guesthouse, not to exceed one per lot, pursuant to the requirements of Section 5.03.030 (Accessory Residential Structures) of this Development Code. Any guesthouse or accessory dwelling unit shall meet the setbacks of the main structure as listed in Table 6.01-12 (AG (Agricultural) Overlay Zoning District Development Standards);

(3) Accessory building(s) not usable as a guesthouse or accessory dwelling unit. There shall be no maximum size for accessory structures in the AG Overlay District. Accessory Structures in the AG Overlay District in excess of 650 SF shall not require the approval of a Conditional Use Permit;

(4) Office unit in conjunction with row, field, tree, plant nursery, or crop production operation, not to exceed 1,500 SF in area (maximum one building per lot). An office unit shall meet the setbacks of the main structure as listed in Table 6.01-12 (AG (Agricultural) Overlay Zoning District Development Standards);

(5) Caretaker's unit, not to exceed 650 SF in area (maximum one building per lot). Any caretaker's unit shall meet the setbacks of the main structure as listed in Table 6.01-12 (AG (Agricultural) Overlay Zoning District Development Standards);

(6) Garages and carports;

(7) Fences and walls;

(8) Patio covers;

(9) Swimming pools; and

(10) Stands for the sale of agricultural products grown or produced on the same premises (excluding milk and meat products), subject to the following conditions:

(a) Stand shall be permitted only on lots containing a minimum of 10,000 SF;

(b) The floor area of the stand shall not exceed 100 SF;

(c) The stand shall not have a permanent foundation;

(d) The owner(s) shall remove such stand at their expense when the use has terminated;

(e) Stands shall be located a minimum of twenty (20) feet from the right-of-way line of any street or highway;

(f) Adequate provision for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Planning Director; and

j. *Prohibited Uses.* Notwithstanding Subparagraphs d through f of Paragraph C.1 (AG (Agricultural) Overlay Zoning District) of this Section, the following uses shall be specifically prohibited:

(1) Animal slaughter operations;

(2) Commercial poultry ranches;

(3) Commercial hog ranches; and

k. *Uses Not Specifically Listed.* The Zoning Administrator may make a land use determination pursuant to Section 1.02.010 (Interpretations and Land Use Determinations) of this Development Code, for those uses not specifically listed herein as permitted or conditionally permitted uses, based on the similarity of the subject use to one of the categories listed in Subparagraphs d through f of this Paragraph C.1 (AG (Agricultural) Overlay Zoning District), and the herein stated purpose of the AG Overlay District.

l. *Nonconforming Uses and Structures.* Nonconforming uses and structures within the AG Overlay District shall be governed by Division 3.01 (Nonconforming Lots, Land Uses, and Structures) of this Development Code, except as follows:

(1) **Abandonment.** Whenever a nonconforming use or structure has been abandoned, the nonconforming use or structure shall not be reestablished, and the use of the structure and the site thereafter shall be in conformity with the regulations of the AG Overlay District. For the purposes of this Paragraph C.1 (AG (Agricultural) Overlay Zoning District), discontinuance of the nonconforming use for a continuous period of 180 days shall be conclusive evidence of abandonment of such nonconforming use regardless of the landowner's intent.

(2) **Special Hardship Circumstances.** The Zoning Administrator may extend the 180-day period for up to an additional 180 days. To receive such consideration, the property owner shall request an extension, in writing, prior to the expiration of the initial 180-day period, including a full explanation of the reason why the extension should be granted.

m. *Animal Keeping/Separation Standards.* The following site development standards shall apply to the keeping of animals, except household pets:

(1) Animals shall be restrained a distance of at least 40 FT, measured in a straight line, from any habitable structure or structure used for public assembly located on adjoining property. For dairies, refer to Subparagraph n of this Paragraph C.1 (AG (Agricultural) Overlay Zoning District), for separation requirements;

(2) Animals shall be restrained a distance of at least 5 FT from interior side and rear property lines, and 15 feet from street side property lines;

(3) Animals shall be secured by a fence or wall at least 5 FT in height, made of chain link, wood with horizontal members no less than 6 inches apart, solid masonry or other appropriate solid confining material. Property line walls and fences may be used to secure animals, provided the appropriate restraint distances are maintained;

(4) Animals shall be kept a minimum of 100 FT from any domestic water well;

(5) For new diaries/feed lots, a separation of 500 FT shall be required between an animal feed trough, corral/pen from new development and/or from property with a residential or nonresidential tract map recorded after January 1, 2000, as measured from the building setback line; and

(6) A reduction in animal separation requirements may also be considered for facilities with proven means of reducing odors, such as covering lagoons, substituting concrete-lined pits for lagoons, and employing recommended ventilation systems for animal confinement buildings. Consideration of alternative setbacks shall be subject to consultation with qualified agricultural engineers to ensure that the measure will reliably accomplish the intended purpose.

n. *Separation Requirements for New Development.* The following separation requirements from existing dairies/feed lots shall apply to new residential, commercial, and/or industrial development or structures used for public assembly purposes from existing dairies/feed lots:

(1) A minimum 100-FT separation shall be required between a new residential, commercial, or industrial development or structure used for public assembly and an existing animal feed trough, corral/pen or an existing dairy/feed lot including manure stockpiles and related wastewater detention basins. The 100-FT separation requirement may be satisfied by an off-site easement acceptable to the Planning Director with adjacent properties, submitted with the initial final map and recorded prior to or concurrent with the final map; and

(2) Separation requirements between dairies within a proposed specific plan area and new development will be addressed through the specific plan review procedure which may include buffers, expanded parkways, open space, and other approved measures to mitigate potential impacts.

o. *Permanent Structures.* A Development Plan is required pursuant to Section 4.02.025 (Development Plans) of this Development Code, for all new, altered, or expanded structures/uses, including all new structures in excess of 5,000 SF in area.

p. *Development Standards and Guidelines.*

(1) The development of buildings to accommodate agricultural uses or agricultural-related activities, and single-family homes and buildings ancillary thereto, on lots 10 acres or more in area, shall be designed and constructed pursuant to the standards contained in Table 6.01-12 (AG (Agricultural) Overlay Zoning District Development Standards), below.

Table 6.01-12: AG (Agricultural) Overlay Zoning District Development Standards

Requirements	*Standards*	*Additional Regulations*
A. SITE DEVELOPMENT STANDARDS		
1. Minimum Lot Size	10 acres	Note 1
2. Maximum Lot Coverage		
3. Allowed Density Range	One dwelling per 10 acres	

Table 6.01-12: AG (Agricultural) Overlay Zoning District Development Standards

Requirements	Standards	Additional Regulations
4. Minimum Lot Dimensions		
a. Ratio (lot width to lot depth)	1:4	
b. Lot Width	300 FT	Note 1
c. Lot Depth	300 FT	Note 1
5. Equestrian Trails Required	No	
6. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts) of this Development Code.	
7. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading) of this Development Code.	
8. Landscaping	Refer to Division 6.05 (Landscaping) of this Development Code.	
9. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance) of this Development Code.	
10. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.	
11. Signs	Refer to Subparagraph q (Sign Standards) of this Paragraph C.1 (AG (Agricultural) Overlay Zoning District) and Division 8.1 (Sign Regulations) of this Development Code.	
12. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).	
13. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).	
14. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.	
B. BUILDING DEVELOPMENT STANDARDS		
1. Minimum Building Setbacks		
a. From Front Property Line	25 FT	
b. From Street Side Property Line	25 FT	
c. From Interior Side Property Line	15 FT	
d. From Rear Property Line	15 FT	
2. Minimum Building Separations	6 FT	
3. Maximum Building Height	35 FT	Note 2

Notes:

1. *An existing lot of record that is substandard as to minimum "lot" area and/or dimension(s) shall be granted all development rights of the zoning district in which it is located (refer to Subsection 3.01.010.B of this Development Code).*
2. *The maximum building height and FAR may be restricted pursuant to the Ontario International Airport Land Use Compatibility Plan (ALUCP). Refer to the ALUCP for properties affected by Airport Safety Zones.*

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(2) Development within the AG Overlay District shall be consistent with the Residential Design Guidelines established by resolution of the City Council, which are intended as a reference to assist the designer in understanding the City's goals and objectives for residential development. Such guidelines shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

q. *Sign Standards.* Notwithstanding the sign regulations contained in Division 8.1 (Sign Regulations) of this Development Code, signs installed within the AG Overlay District shall comply with the following:

(1) **Freestanding Signs.** One unlighted single or double faced sign shall be permitted, not to exceed 6 FT in height and 12 SF in area, for each 60 FT of street frontage, and shall be placed behind the street property line.

(2) **Wall Mounted Signs.** One wall-mounted sign shall be permitted on each building elevation facing a street, not to exceed one SF of sign area for each lineal foot of building elevation length, not to exceed 50 SF.

2. EA (Euclid Avenue) Overlay Zoning District.

a. *Purpose.* The purposes of the EA Overlay zoning district is to recognize and protect Euclid Avenue as a major scenic and historic resource of the City, and major contributor to Ontario's historic downtown. Furthermore, the EA Overlay zoning district is intended to help identify and safeguard Euclid Avenue's position on the National Register of Historic Places.

b. *Applicability.* The herein established rights and responsibilities applicable to the EA Overlay zoning district shall apply to all property located within the boundary of said Overlay District, as shown on the official Zoning Map of the City. The EA Overlay zoning district provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit is required, or other similar entitlement by the City.

c. *Development Standards and Guidelines.* Land development within the EA Overlay zoning district shall be designed and constructed pursuant to the standards and guidelines applicable to the underlying base zoning district and the requirements of the Downtown Ontario Design Guidelines (see Reference C—Downtown Ontario Design Guidelines), as applicable.

d. *Certificate of Appropriateness Required.* A development project within the EA Overlay zoning district, which requires Development Plan approval pursuant to Section 4.02.025 (Development Plans) of this Development Code, shall require the approval of a Certificate of Appropriateness pursuant to Section 4.02.050 (Historic Preservation—Certificates of Appropriateness and Demolition of Historic Resources).

e. *Medical Offices and Clinics*. Medical offices and clinics within the EA Overlay zoning district, and which are located in the MU-1 zoning district and have street frontage on Euclid Avenue, shall be allowed only on the second floor of a building or above (occupancy of the ground/first floor shall not be allowed). Medical offices and clinics within the EA Overlay zoning district, which are not located in the MU-1 zoning district, or do not have street frontage on Euclid Avenue, may occupy the ground/first floor of a building.

3. ES (Emergency Shelter) Overlay Zoning District.

a. *Purpose*. The purpose of the ES Overlay zoning district (established pursuant to Section 5.01.010.F.3 (ES (Emergency Shelter) Overlay District) is to accommodate the establishment of emergency shelters, supportive housing, and transitional housing land uses within the City.

b. *Applicability*.

(1) The herein established rights and responsibilities applicable to the ES Overlay zoning district shall apply to all property located within the boundary of said Overlay District, as shown on the official Zoning Map of the City. The ES Overlay zoning district provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit is required, or other similar entitlement by the City.

(2) The ES Overlay zoning district shall be located within areas of the City that are predetermined by the Housing Element, pursuant to GC Section 65583 and contained within the Policy Plan component of The Ontario Plan. Alternate locations may be established by resolution of the City Council, upon recommendation of the Planning Commission.

c. *Development Standards and Guidelines*. Within the ES Overlay zoning district, land and improvements thereon shall be designed and developed pursuant to the standards and guidelines of the underlying base zoning district.

4. MTC (Multimodal Transit Center) Overlay Zoning District.

a. *Purpose*.

(1) The multimodal transit facility anticipated by the Policy Plan component of The Ontario Plan is generally located south of Interstate 10, north of the railroad tracks, east of Guasti Road and west of Archibald Avenue. The multimodal center will serve as a transit hub for local buses, BRT, the Gold Line, high-speed rail, the proposed Ontario Airport Metro Center circulator, and other future transit modes. Many of these transit modes require extensive capital outlay and years of planning, environmental review, design, and, ultimately, construction. Much of the financing of these facilities is beyond the control of the City, being handled by other local, regional, State and federal agencies. The development of a multimodal facility and related services is a long term endeavor, anticipated to take years, if not decades, to bring to fruition.

(2) The MTC Overlay zoning district (established pursuant to Section 5.01.010.F.4 (MTC (Multimodal Transit Center) Overlay District) of this Development Code) is currently developed with a ±425,000 SF warehouse/distribution building with ancillary offices, and a ±6,000 SF building used as a contractor's office and yard. These buildings are not suited for residential, retail, or office uses as envisioned by the Policy Plan, and use of these facilities in the

near term would be somewhat limited, until the property is redeveloped as a multimodal transit center. Consequently, the City wishes to authorize the use of the existing buildings for the purpose for which they were previously used.

(3) The purpose of the MTC Overlay zoning district is to allow for the establishment of warehouse and distribution land uses, on an interim basis, within existing buildings located within the overly district boundary.

b. *Applicability.*

(1) The herein established rights and responsibilities applicable to the MTC Overlay zoning district shall apply to all property located within the boundary of said Overlay District, as shown on the official Zoning Map of the City. The MTC Overlay zoning district provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit is required, or other similar entitlement by the City.

(2) Allowed land uses within the MTC Overlay zoning district shall be limited to warehouse/distribution facilities, ancillary offices, and those temporary land uses allowed within the IG zoning district pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

(3) Any expansion of existing buildings or proposals for new building construction shall require the adoption of a Specific Plan pursuant to Section 4.01.035 (Specific Plans and Amendments) of this Development Code, which prescribes the allowed land uses, development regulations and guidelines, and sign regulations applicable to the project.

(4) The MTC Overlay zoning district shall remain in effect until June 30, 2027, unless otherwise extended pursuant to Section 4.01.020 (Development Code Amendments) of this Development Code, or the existing buildings are removed.

(5) All rights pertaining to the MTC Overlay zoning district established herein, shall run with the land and shall be transferable to any future owner(s) of property within the MTC Overlay zoning district, and their assigns.

5. <u>ICC (Interim Community Commercial) Overlay Zoning District</u>.

a. *Purpose*. The purpose of the ICC Overlay zoning district (established pursuant to Section 5.01.010.F.5 (ICC (Interim Community Commercial) Overlay District) of this Development Code) is to allow for the establishment of Community Commercial land uses, on an interim basis, within existing buildings located within the overlay district boundary.

b. *Applicability.*

(1) The herein established rights and responsibilities applicable to the ICC Overlay zoning district shall apply to all property located within the boundary of said Overlay District, as shown on the official Zoning Map of the City. The ICC Overlay zoning district provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit is required, or other similar entitlement by the City.

(2) The ICC Overlay zoning district may be established pursuant to the requirements of Section 4.01.040 (Zone Changes) of this Development Code, on property containing existing buildings constructed for occupancy by commercial land uses.

(3) The ICC Overlay zoning district shall allow those commercial uses allowed in the CN and CC zoning districts pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, while at the same time preserving the City's vision for the development and use of property consistent with the underlying Policy Plan (general plan) land use designation.

c. *Expansion of Existing Commercial Structures and Uses.*

(1) Within the ICC Overlay zoning district, building expansion, shall only be allowed for the purpose of expanding an existing, legally established commercial land use, which is allowed pursuant to Subparagraph B.5.b(3) of this Section.

(2) The expansion of an existing commercial building shall be allowed pursuant to the requirements of Subsection 3.01.020.J (Alteration and/or Expansion of a Nonconforming Nonresidential Structure) of this Development Code and shall be developed consistent with the standards of the CC zoning district.

(3) *New Residential Development.* New residential development, which is proposed consistent with the Official Land Use Plan (Exhibit LU-01) of the Policy Plan component of The Ontario Plan, shall first require a zone change to the HDR-45 zoning district pursuant to Section 4.01.040 (Zone Changes) of this Development Code, and full compliance with the land use requirements, and development standards and guidelines of the HDR-45 zoning district.

(4) *Protection of ICC Overlay zoning district Land Use and Development Rights.* All land use and development rights granted by the ICC Overlay zoning district shall be transferable to any future owner(s) of property within the ICC Overlay zoning district, and their assigns.

6. AH (Affordable Housing) Overlay Zoning District.

a. *Purpose*. The purpose of the AH Overlay zoning district is to facilitate housing opportunities within the community via implementation of required rezone programs pursuant to the City's adopted Housing Element where required for compliance with State Housing Element law.

b. *Applicability*. The herein established rights and responsibilities applicable to the AH Overlay District shall apply to sites identified in the housing inventory, part of the City's Housing Element, located 1) south of Riverside Drive, 2) along East Holt Boulevard between the Cucamonga Creek Channel and Corona Avenue, and 3) areas designated as MU-8C at the northeast corner of West Holt Boulevard and Mountain Avenue.

c. *Definitions.* For the purpose of the AH Overlay zoning district, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

Affordable Housing Project. Affordable housing projects for the purposes of the affordable housing overlay are defined as follows:

- Tier 1. Any projects with a residential component with at least 20 percent of total units are designated as affordable to lower incomes via deed restriction or another mechanism to guarantee affordability for a minimum of 30 years.

- Tier 2. Any projects with a residential component with at least 25 percent of total units are designated as affordable to lower incomes via deed restriction or another mechanism to guarantee affordability for a minimum of 30 years.

d. *Development Standards.* The development standards applicable to proposed development in the Affordable Housing Overlay District shall be in accordance with the applicable base zone, other overlay zones, and all applicable provisions of the Development Code, unless otherwise indicated herein, or where necessary to comply with Federal and State law.

(1) **Minimum Density.** Within the AH Overlay zoning district, all new residential development, regardless of affordability, requires a minimum density of 20 dwelling units per acre. The minimum density shall be calculated as an average over the entire project area on sites south of Riverside Drive.

(2) **Affordable Housing Projects.** The development of affordable housing projects within the AH Overlay zoning district shall be allowed by right and are encouraged in accordance with the following provisions:

(a) Tier 1 Affordable Housing Projects. Tier 1 Affordable Housing Projects on property having a base zoning designation of SP, may be developed as follows:

(i) *Medium Density Residential (MDR).* Affordable housing projects on property designated as MDR by the Land Use Plan (Figure LU-01) of the Policy Plan, may be developed pursuant to the requirements of either the SP zoning district or the MDR-25 zoning district.

(ii) *Mixed Use (MU).* Affordable housing projects on property designated as MU by the Land Use Plan (Figure LU-01) of the Policy Plan, may be developed pursuant to the requirements of either the SP zoning district or a comparable existing zoning implementation tool that aligns with the density and intensity of the proposed project, except that the maximum density allowed shall be equivalent to the maximum density identified for the applicable Mixed Use area in the Land Use Designations Summary Table (Figure LU-02) of the Policy Plan.

(iii) *Calculating Minimum Density.* If a project with a base designation of SP develops without a specific plan, minimum density shall be calculated as an average over the entire portion of the project area that is within the AH Overlay zoning district.

(b) Tier 2 Affordable Housing Projects. Tier 2 Affordable Housing Projects on property having a base zoning designation of SP, may developed in the same manner as Tier 1 Affordable Housing Projects, with the following additions:

(i) *Medium Density Residential.* Affordable housing projects on property designated as MDR by the Land Use Plan (Figure LU-01) of the Policy Plan shall allow a maximum density of 25 to 30 dwelling units per acre.

Division 6.02—Walls, Fences, and Obstructions

Sections:

6.02.000: Purpose
6.02.005: Applicability
6.02.010: Prohibited Materials
6.02.015: General Requirements
6.02.020: Design Standards for Residential Zoning Districts
6.02.025: Design Standards for Nonresidential Zoning Districts
6.02.030: Protection of Intersection Visibility
6.02.035: Temporary Security or Construction Fencing

6.02.000: Purpose

The purpose of this Division is to establish standards regulating the construction and maintenance of walls, fences, and other obstructions to allow for the maximum enjoyment and use of property, and to ensure the maximum safety of persons using streets and sidewalks.

6.02.005: Applicability

A. The provisions of this Division shall apply to the construction, addition or remodel of any wall or fence, and the placement of landscaping, signs, poles, equipment, or any other object that may pose an obstruction to pedestrian or vehicular travel or visibility.

B. The design and location of all walls, fences, and gates shall be subject to review and approval by the Planning Director, regardless of whether a building permit is required for its construction.

6.02.010: Prohibited Materials

The following materials shall be prohibited in the construction and/or installation of walls, fences, and obstructions:

A. Walls or fences containing razor wire or any other material or application considered by the Planning Director to be unsafe, shall be prohibited.

B. Walls and/or fences containing barbed wire shall be prohibited within residential and commercial zoning districts, and within mixed-use zoning districts and overlay districts for residential or commercial purposes.

C. Walls and/or fences containing electrified wire, and the installation of electrified fences, shall be prohibited within residential zoning districts, and in conjunction with residential development in mixed-use zoning districts and overlay districts for residential purposes.

6.02.015: General Requirements

A. No hedge, fence, wall, merchandise, sign, or any other equipment may be constructed, placed, grown, or permitted on any sidewalk, excepting newsstands, public trash receptacles, U.S. Government mailboxes, public utility poles, public transit shelters and/or seating, or any other object that is deemed no more objectionable than the foregoing by resolution of the City Council. The authorized equipment shall be placed out of the normal flow of pedestrian traffic and shall not be so placed as to constitute a hazard or nuisance.

B. No hedge, fence, wall, merchandise, sign, or any other equipment shall be permitted in or on any parkway adjacent to any sidewalk, except as allowed by the City Engineer, or excepting newsstands, public trash receptacles, U.S. Government mailboxes, public utility poles, public transit shelters and/or seating, or any other object that is deemed no more objectionable than the foregoing by the City Engineer. The authorized equipment shall be placed out of the normal flow or pedestrian traffic and shall not be so placed as to constitute a hazard or nuisance.

C. No fence, wall, shrub, sprinkler system, or any construction may be placed within any street right-of-way without first obtaining an encroachment permit from the City Engineer.

D. Any fence, shrub, sprinkler system, or any construction placed within the street right-of-way without permission of the City Engineer shall be removed by the owner upon request of the City Engineer within 7 days of notification, at no expense to the City. Upon failure to comply with an order for removal, the City may cause removal at the expense of the owner.

E. No fence shall be constructed of metal other than ornamental iron or tube steel, chain link, or wire mesh having a minimum size and thickness of 4-inches by 4-inches by 12.5 gauge.

F. Walls, fences, hedges or other plant growth that, in the opinion of the Planning Director or City Engineering, adversely affects the safe ingress or egress of pedestrians or vehicles shall not exceed 3 FT in height within any required front or street side yard setback area.

G. A 6 FT high wall or fence shall be constructed along the perimeter of all areas determined by the Planning Director, Building Official, or City Engineer, to pose a danger to the public health or safety.

6.02.020: Design Standards for Residential Zoning Districts

Within residential zoning districts, walls and fences shall be constructed as follows:

A. Required Walls and Fences.

1. Single-Family Development Projects and Subdivisions. Single-family residential development projects and subdivisions, regardless of the number of dwellings proposed, shall provide 6-FT high walls, as follows:

a. A decorative masonry block wall shall be constructed along the perimeter of single-family development projects and subdivisions, including all interior side and rear project boundaries, and street frontages without front-on units.

b. A decorative masonry block wall shall be constructed along all street side property lines and along the rear property line of through lots and shall be setback a minimum of 5 FT behind the sidewalk.

c. A masonry block wall shall be constructed along interior side and rear property lines. Walls shall not be required along property lines that abut a property zoned or used as open space or maintained for recreation purposes.

d. A decorative masonry block wall shall be constructed between side yard walls and the adjacent dwelling. Appropriate gates for rear yard access shall be provided.

2. Multiple-Family Development Projects and Subdivisions. Multiple-family residential development projects and subdivisions, regardless of the number of dwellings proposed, shall provide 6-FT high walls or fences, as follows:

a. A decorative masonry block wall, or decorative tube steel fence with decorative masonry pilasters, shall be constructed along the interior side and rear project boundaries of multiple-family development projects and subdivisions. Walls or fences shall not be required along property lines that abut a property zoned or used as open space or maintained for recreation purposes.

b. A minimum 6-FT high decorative masonry wall shall be constructed along property lines that separate multiple-family development projects from neighboring residential developments. The wall height shall be measured from the highest adjacent grade.

3. Swimming Pools, Hot Tubs, Spas, Ponds, and Decorative Bodies of Water. Any swimming pool, hot tub, spa, pond, or decorative body of water that is more than 1.5 FT in depth, whether located above or below ground, shall be fully enclosed by a minimum 5-FT high decorative nonclimbable fence or wall, with decorative entrance and exit gates, and shall be constructed/installed pursuant to building code requirements.

B. Materials and Design.

1. All walls and fences visible to the public shall be designed to be compatible with the architecture of the buildings on the same lot.

2. All walls that are visible to the public shall be constructed of decorative masonry that is complimentary to the exterior finishes of adjacent buildings, such as, but not limited to, brick, split-face or slump concrete block, or other materials approved by the Planning Director that are consistent with industry standards, and shall include a decorative cap. The use of a grout cap shall not be permitted.

3. Fences shall be constructed of ornamental steel or iron, wood, or PVC materials, which are consistent with industry standards. Other materials may be used if the Planning Director determines the design to be compatible with the architecture of adjacent buildings and with buildings in the surrounding neighborhood.

4. Special design considerations shall be provided on walls and fences located within front yards and areas visible from public streets to ensure compatibility with the architecture of adjacent buildings, as well as with buildings in the surrounding neighborhood.

5. Long expanses of wall or fence (ranging from 150 FT to 200 FT in length) that is adjacent to a public right-of-way shall have offset areas (decorative pilasters or a horizontal change in the plane) and shall be architecturally designed to prevent monotony. The design of walls shall emphasize the highest quality of materials and design features.

6. Within existing neighborhoods, fences located within the front and street side yards of single-family homes may be constructed of chainlink if it is the predominate material used in the neighborhood, as determined by the Planning Director. If chainlink fencing is determined to be appropriate, it shall be installed in accordance with industry standards.

C. **Height.** The maximum height of a walls or fences located within a residential zoning district shall be as listed below. The wall height shall be measured on the street side or exterior side of the wall, from the top of the wall to the lowest adjacent finished grade.

1. Subdivision Perimeter Walls and Fences. Subdivision perimeter walls shall not exceed 6 FT in height, except as permitted by Paragraphs C.5 (Walls and Fences in Conjunction with Retaining Walls) and C. 7 (Sound Attenuation Walls) of this Section.

2. Street Side Yard Walls and Fences. Street side yard walls or fences shall not exceed 6 FT in height, except as permitted by Paragraphs C.5 (Walls and Fences in Conjunction with Retaining Walls) and C. 7 (Sound Attenuation Walls) of this Section.

3. Interior Side and Rear Property Line Walls and Fences. Interior side and rear yard property line walls or fences shall not exceed 6 FT in height, except as permitted by Paragraphs C.5 (Walls and Fences in Conjunction with Retaining Walls) and C. 7 (Sound Attenuation Walls) of this Section.

4. Front Yard Walls and Fences. Walls or fences within a front yard area shall not exceed 3 FT in height, except as permitted by Paragraphs C.5 (Walls and Fences in Conjunction with Retaining Walls) and C. 7 (Sound Attenuation Walls) of this Section.

5. Walls and Fences in Combination with Retaining Walls. To accommodate possible differences in grade between two properties, or between a property and a public right-of-way, the Planning Director may approve walls and fences constructed in combination with retaining walls, which have an overall height in excess of the maximum wall height allowed by Paragraphs C.1 through C.4 of this Section. However, walls and fences constructed in combination with retaining walls, which are located adjacent to a public right-of-way, shall: have a maximum retaining wall height of 3 FT and a maximum free wall height equal to the maximum wall heights allowed by Paragraphs C.1 through C.4 of this Section.

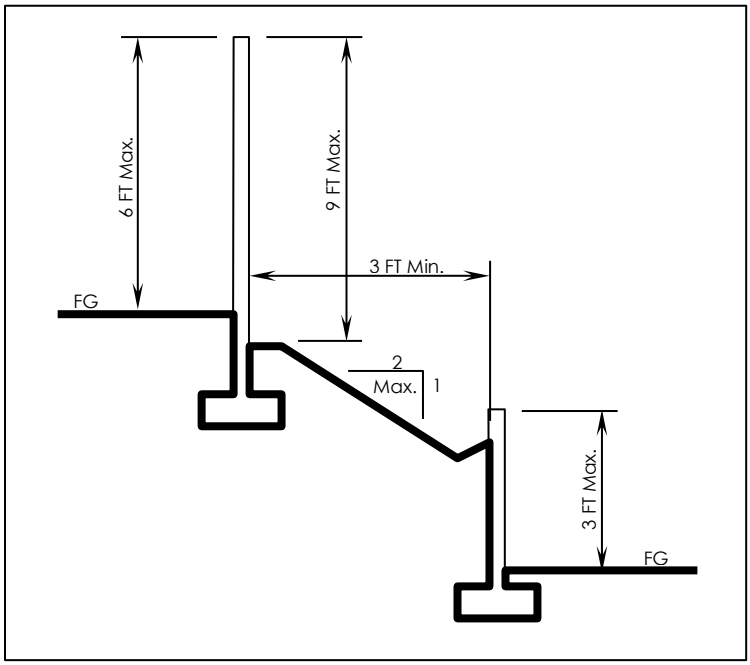

Figure 6.02-1: Tiered Retaining Wall Design Concept

6. Tiered Retaining Wall Design. In cases where more than 3 FT of earth retention is necessary adjacent to a public right-of-way, retaining walls shall be tiered as exemplified in Figure 6.02-1 (Tiered Retaining Wall Design Concept), above.

7. Sound Attenuation Walls. Walls constructed for sound attenuation pursuant to an impact study prepared by an acoustic engineer, shall be the minimum height necessary to ensure adequate sound attenuation. The design and construction of a noise attenuation wall in excess of 6 FT in height shall be approved by the Planning Director prior to building permit issuance.

8. Walls and Fences within the Buildable Area of a Lot (Behind Setback Areas). Fences and walls constructed within the buildable area of a lot shall be subject to the height limitations of the applicable base zoning district.

D. Location.

1. Interior Property Lines (Side and Rear). Where the side or rear property line of a lot is common with another lot's side or rear property line, a wall or fence may be constructed along the common property line for purposes of property division or security.

2. Street Side Property Lines. On a corner lot or reverse corner lot, where a side and rear property line of a lot is common with a side or rear property line of another lot, a wall or fence may be constructed along the street side property line. The area between the wall or fence and the sidewalk (or curb) shall be fully landscaped and maintained.

3. Front Yard Walls or Fences. Within a front yard area, walls and fences up to 3 FT in height may be constructed along a front or street side property line. The area between the wall or fence and sidewalk (or curb) shall be fully landscaped and maintained.

4. Through-Lots. On a single lot having two street frontages, each frontage at opposite ends of the lot, for the purposes of wall placement, one frontage shall be a front yard

and the other a rear yard. A wall or fence shall be constructed a minimum of 5 FT behind the rear property line. The area between the wall or fence and sidewalk shall be fully landscaped and maintained.

6.02.025: Design Standards for Nonresidential Zoning Districts

Within nonresidential zoning districts, walls and fences shall be constructed as follows:

A. Required Walls and Fences.

1. Zoning District Boundary Separation.

a. A decorative masonry block wall shall be constructed along property lines that separate nonresidential zoning districts from neighboring residential zoning districts. The wall height on the nonresidential side of the wall shall be a minimum of 8 FT and shall be a minimum of 6 FT in height on the residential side of the wall.

b. A decorative tube steel fence with a sheppard's hook shall be constructed between railroad rights-of-way and development projects within nonresidential zoning districts.

2. Screening of Outdoor Loading/Storage Areas and Loading Doors.

a. Outdoor loading and storage areas, and loading doors shall be screened from public view by a decorative masonry wall with view-obstructing access gates

b. Screen walls shall be designed as an integral part of the architecture of the buildings on the lot.

c. Screen walls shall be of sufficient height to completely screen loading and storage activities, facilities, and equipment, but shall be no less than 8 FT in height.

d. Screen walls shall be constructed of tilt-up or poured-in-place concrete, brick, concrete block (split-face or slump), or other materials approved by the Planning Director.

3. Screening of Semi-Trailer Storage Yard Facilities and Electric Truck Vehicle Charging Facilities.

a. Semi-Trailer Storage Yard Facilities and Electric Truck Vehicle Charging Facilities shall be screened from public view by a decorative masonry wall with view-obstructing access gates.

b. Screen walls shall be designed to be compatible with the architecture of surrounding developments and adjacent buildings.

c. Screen walls shall be of sufficient height to completely screen loading and storage activities, facilities, and equipment, but shall be no less than 8 FT in height.

d. Screen walls shall be constructed of tilt-up or poured-in-place concrete, brick, concrete block (split-face or slump), or other materials approved by the Planning Director.

B. Materials and Design.

1. All walls and fences visible to the public shall be designed to be compatible with the architecture of the buildings on the same lot.

2. Walls that are visible to the public shall be constructed of decorative masonry that is complimentary to the exterior finishes of adjacent buildings, such as brick; split-face concrete block; or ribbed, scored, or sandblasted tilt-up or poured-in-place concrete. Ceramic tile and natural stone veneers may also be used. Precision block shall not be used in areas visible to the public.

3. Concrete block walls shall incorporate a decorative cap. The use of a grout cap shall not be permitted.

4. Fences that are visible to the public shall be constructed of decorative wrought iron or tube steel, with decorative masonry pilasters spaced at regular intervals. Other materials may be used if the Planning Director determines the design to be compatible with the architecture of adjacent buildings. Chainlink shall not be used in areas visible to the public.

5. Long expanses of wall or fence (ranging from 150 FT to 200 FT in length) that is adjacent to a public right-of-way shall have offset areas (decorative pilasters or a horizontal change in plane) and shall be architecturally designed to prevent monotony. The design of walls shall emphasize the highest quality of materials and design features.

6. Walls or fences containing barbed wire may be used within industrial zoning districts; however, the barbed wire shall not project above the top of walls or fences so as to be visible from public areas.

C. Height. The maximum height of a wall or fence located within nonresidential zoning districts shall be as listed below. The wall height shall be measured on the street side or exterior side of the wall, from the top of the wall to the lowest adjacent finished grade.

Table 6.02-1: Maximum Height of Interior Side and Rear Property Line Walls and Fences

Zoning District	Maximum Height
Commercial and Mixed-Use Zoning Districts:	8 FT
Industrial Zoning Districts:	14 FT
All Other Nonresidential Zoning Districts:	6 FT

1. Interior Side and Rear Property Line Walls and Fences. Interior side and rear yard property line walls or fences shall not exceed the following heights shown in Table 6.02-1 (Maximum Height of Interior Side and Rear Property Line Walls and Fences), above, except as permitted by Paragraphs A.1 (Zoning District Boundary Separation), C.3 (Walls and Fences in Combination with Retaining Walls) and C.5 (Sound Attenuation Walls) of this Section.

2. Walls or Fences within Front and Street Side Setback Areas. Walls or fences located within front or street side setback areas shall not exceed the following heights shown in Table 6.02-2 (Maximum Height of Walls or Fences within Front and Street Side Setback Areas), below, except as permitted by Paragraphs C.3 (Walls and Fences in Combination with Retaining Walls) and C.5 (Sound Attenuation Walls) of this Section.

Table 6.02-2: Maximum Height of Walls or Fences within Front and Street Side Setback Areas

Zoning District	*Maximum Height*
Commercial and Mixed-Use Zoning Districts:	3 FT
Industrial Zoning Districts:	6 FT maximum, constructed with at least 90 percent of the vertical surface designed to be open and not view-obstructing.
All Other Nonresidential Zoning Districts:	6 FT maximum, except that the portion of a wall or fence in excess of 3 FT in height shall be constructed with at least 90 percent of the vertical surface designed to be open and not view-obstructing.

3. Walls and Fences in Combination with Retaining Walls. To accommodate possible differences in grade between two properties or between a property and a public right-of-way, the Planning Director may approve walls and fences constructed in combination with retaining walls, which have an overall height in excess of the maximum wall height allowed by Paragraphs C.1 (Interior Side and Rear Property Line Walls and Fences) and C.2 (Walls or Fences Within Front and Street Side Setback Areas) of this Section. However, walls and fences constructed in combination with retaining walls, which are located adjacent to a public right-of-way, shall: **[i]** have a maximum retaining wall height of 3 FT, **[ii]** have a maximum free wall height of 6 FT, and **[iii]** have a maximum overall height of 9 FT.

4. Tiered Retaining Wall Design. In cases where more than 3 FT of earth retention is necessary adjacent to a public right-of-way, retaining walls shall be tiered pursuant to Figure 6.02-1 (Tiered Retaining Wall Design Concept).

5. Sound Attenuation Walls. Walls constructed for sound attenuation pursuant to an impact study prepared by an acoustic engineer, shall be the minimum height necessary to ensure adequate sound attenuation. The design and construction of a noise attenuation wall in excess of 6 FT in height shall be approved by the Planning Director, prior to building permit issuance.

6. Walls and Fences within the Buildable Area of a Lot (Outside of Setback Areas). Fences and walls constructed within the buildable area of a lot shall be subject to the height limitations of the applicable base zoning district.

D. Location.

1. Interior Property Lines (Side and Rear). Where the side or rear property line of a lot is common with another lot's side or rear property line, a wall or fence may be constructed along the common property line for purposes of property division or security.

2. Street Side Property Lines. On a corner lot or reverse corner lot, a wall or fence may be constructed for property security a minimum of 5 FT behind the street side property line. The area between the wall or fence and the sidewalk (or curb if no sidewalk is present) shall be fully landscaped and maintained.

3. Front Yard Walls or Fences. Within a front yard area, a wall or fence may be constructed for property security a minimum of 5 FT behind the front property line. The area between the wall or fence and sidewalk (or curb if no sidewalk is present) shall be fully landscaped and maintained.

4. Through-Lots. On a single lot having two street frontages, with each frontage at opposite ends of the lot, for the purposes of wall placement, one frontage shall be a front yard and the other a rear yard. A wall or fence shall be constructed a minimum of 10 FT behind the

rear property line. The area between the wall or fence and the sidewalk (or curb if no sidewalk is present) shall be fully landscaped and maintained.

E. Electrified Fences.

1. No electrified fence shall be installed or used unless first approved by the Planning Director. As used herein, "electrified fence" means any fence that meets the following requirements.

a. The fence is powered by an electrical energizer with both of the following output characteristics:

(1) The impulse repetition rate does not exceed 1 Hz.

(2) The impulse duration does not exceed 10 milliseconds (10/10,000 of a second).

b. The fence is used to protect and secure commercial or industrial property.

2. An owner of real property may install and operate an electrified fence on their property subject to all of the following:

a. The property is not located in a residential zone.

b. The fence meets the 2006 international standards and specifications of the International Electrotechnical Commission for electric fence energizers in "International Standard IEC 60335, Part 2-76."

c. The fence is identified by prominently placed warning signs that are legible from both sides of the fence. At a minimum, the warning signs shall meet all of the following criteria:

(1) The warning signs are placed at each gate and access point, and at intervals along the fence not exceeding 30 FT.

(2) The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.

(3) The warning signs are marked with a written warning or a commonly recognized symbol for shock, a written warning or a commonly recognized symbol to warn people with pacemakers, and a written warning or commonly recognized symbol about the danger of touching the fence in wet conditions.

d. Within nonresidential zoning districts, except industrial zoning districts, an electrified fence shall not exceed 10 FT in height and shall be located behind a fully enclosed perimeter wall or fence that is no less than 2 FT below the height of the electrified fence.

e. Within industrial zoning districts, an electrified fence shall not exceed 16 FT in height and shall be located behind a fully enclosed perimeter wall or fence that is no less than 2 FT below the height of the electrified fence.

f. A "Knox Box Electrical Shunt Switch" and a "Knox Box" or other similarly approved device, shall be installed for emergency access of Police and Fire Departments.

g. By issuance of a building and/or electrical permit to install or use an electric fence as provided by this Subsection, the applicant and property owner shall agree, as a condition of permit issuance, to defend, indemnify and hold harmless the City of Ontario and its agents, officers, consultants, independent contractors, and employees, from any and all claims, actions, or proceedings arising out of any personal injury, including death or property damage caused by the electrified fence.

h. In the event that access by the City of Ontario Fire Department and/or Police Department personnel to a property where a permitted electrified fence has been installed and is operating required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device referred to in this Subsection is absent or non-functional, and an owner, manager, employee, custodian, or any other person with control over the property, is not present to disable the electric fence, the fire or police personnel shall be authorized to disable the electrified fence in order to gain access to the property. As a condition of permit issuance, all applicants issued permits to install or use an electrified fence as provided in this Subsection will agree to waive any and all claims for damages to the electrified fence against the City of Ontario and/or its personnel under such circumstances.

i. It shall be unlawful, and a misdemeanor, for any person to install, maintain, or operate an electrified fence in violation of this Subsection.

6.02.030: Protection of Intersection Visibility

There shall be no visual obstructions within the areas specified below. For the purposes of this Section, a visual obstruction shall be defined as any wall, fence, obstacle, mature landscaping, or thing allowed, installed, set out, or maintained, which exceeds a height of 3 FT above the nearest street pavement surface, excepting existing or future permanent buildings that are otherwise constructed or maintained in accordance with applicable zoning and building regulations, public utility poles, trees trimmed at the trunk to a point at least 8 FT above the level of the street (provided that trees are spaced so that trunks do not create a visual barrier), and official traffic or other government signs.

A. **Intersecting Streets**. At intersecting streets, an area (corner clearance) shall be maintained free of visual obstructions to ensure adequate sight distance for vehicular and pedestrian traffic. The corner clearance shall be provided pursuant to the Engineering Department's Traffic and Transportation Guidelines.

B. **Intersecting Private Driveway with a Street or Alley.** Where a private driveway intersects a street or alley, the Planning Director or City Engineer may require that a clear area (corner cutoff) be maintained free of visual obstructions to ensure adequate sight distance for vehicular and pedestrian traffic. The corner cutoff is defined by a line in a horizontal plane, taken at a 45-degree angle with the street or alley, which line passes through a point on the street or alley 20 FT from the intersection.

C. **Driveway Adjacent to a Reverse Corner Lot.** Where a key lot has a private driveway located along the side yard which abuts the rear yard of a reverse corner lot, the Planning Director or City Engineer may require that a clear area (corner cutoff) be provided on the reverse corner lot pursuant to Subsection B (Intersecting Private Driveway With a Street or Alley), above, to assure adequate sight distance for vehicular and pedestrian traffic. Generally, new developments containing reverse corner lots shall locate the key lot driveway in the side yard opposite the rear

property line of the reverse corner lot, unless determined by the Planning Director or City Engineer that the location of the driveway, as it relates to the adjoining property, will maintain adequate visibility at the intersecting driveway and street.

6.02.035: Temporary Security or Construction Fencing

A. **Purpose.** Temporary security or construction fences are typically used to secure vacant property from theft, vandalism and/or trespass; or to secure a construction site from the theft or vandalism of construction equipment and/or materials, protect work in progress, and to protect the public from injury while construction is underway. The herein stated regulations are intended to establish procedures and standards regarding the use of temporary security and construction fencing on sites with construction activity, on undisturbed land, around vacant buildings, on vacant sites, and for special events.

B. **Applicability.** Temporary security or construction fencing may be installed as follows:

1. Temporary construction fencing may be installed in conjunction with: **[i]** a building permit for the construction of a vacant property, **[ii]** the vacant portion of a partially developed property, or **[iii]** exterior improvements to an existing occupied or unoccupied building.

2. Temporary security fencing may be installed in conjunction with: **[i]** a vacant/unimproved property, **[ii]** a vacant building, or **[iii]** the vacant/unimproved portion of a partially developed property.

C. **Temporary Security or Construction Fencing Design Requirements.**

1. Temporary security or construction fencing shall not include barbed wire, razor wire, or any other material or application considered by the Planning Director to be unsafe.

2. Temporary security or construction fencing shall be built and maintained in good order, in full compliance with applicable Building Code and Development Code provisions.

3. The maximum height of temporary security or construction fencing shall be 6 FT within residential zoning districts, and 8 FT within nonresidential zoning districts, measured on the exterior side of the fence, from the top of the fence to the lowest adjacent finished grade.

4. All temporary security or construction fencing shall include a green fabric mesh screen or other view-obstructing material approved by the Planning Director, which shall be maintained in a neat and undamaged condition and shall include emergency identification and proper safety identification.

5. Fence openings for pedestrian access shall be provided, which consists of a lockable gate that swings into the property.

6. Fence openings for vehicular access shall be provided with a lockable rolling gate. The opening shall be no wider than the adjacent driveway approach.

7. Fencing shall not be installed in a manner that prohibits the safe and continued operation of a building pursuant to the Building Code. Required exits, existing structural elements, fire protection devices, and sanitary safeguards shall be maintained at all times, pursuant to Building Code requirements.

8. Existing streets, public transportation stops, fire hydrants, and/or public sidewalks shall not be enclosed by temporary security or construction fencing, unless the Building Official determines that the facilities are required to be fenced to protect the public health, safety, or welfare, and an encroachment permit has been obtained from the City.

9. The installation of temporary security or construction fencing shall not result in a diversion of water onto a separately owned parcel, tract, right-of-way, right-of-way easement, roadway easement, and/or private street."

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Division 6.03—Off-Street Parking and Loading

Sections:

6.03.000: Purpose
6.03.005: Applicability
6.03.010: General Requirements
6.03.015: Required Number of Off-Street Parking Spaces
6.03.020: Reduction in the Required Number of Parking Spaces
6.03.025: Tandem Parking
6.03.030: Parking for the Physically Disabled
6.03.035: Bicycle Parking
6.03.040: Parking for Fuel Efficient Vehicles
6.03.045: Off-Street Parking Design Standards
6.03.050: Parking Lot Lighting
6.03.055: Off-Street Loading Standards

6.03.000: Purpose

The off-street parking and loading regulations prescribed by this Article have been established to achieve the following purposes:

A. Provide accessible, attractive, secure, properly lighted, and well maintained parking facilities;

B. Reduce traffic congestion and hazards caused by the loading and unloading of trucks on public streets and the shortage of parking spaces;

C. To alleviate or to prevent traffic congestion caused by shortage of parking spaces and the loading and unloading of trucks on public streets;

D. Ensure that off-street parking and loading facilities are provided for new land uses and the expansion of existing land uses in proportion to the needs of the land uses they serve; and

E. To ensure that off-street parking and loading facilities are designed in a manner that will result in maximum efficiency, protect the public safety, provide for the special needs of the physically handicapped, and where appropriate, insulate surrounding land uses from their impact.

6.03.005: Applicability

A. Off-street parking and loading facilities, and parking lot lighting shall be provided pursuant to the provisions of this Division when:

1. Any lot is developed, any new building is constructed, or any existing building or structure is added to or expanded, which requires Development Plan approval pursuant to Section 4.02.025 (Development Plans) of this Development Code;

2. Any new use is established, or any existing use is expanded or intensified, which requires Conditional Use Permit approval pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code;

3. The gross floor area of any existing building or structure is increased or enlarged by more than 5 percent (cumulative) of the existing floor area or permanent seating (off-street parking shall be provided for the total resulting buildings, structures and capacities of uses);

4. Permanent seating for an assembly use is increased or enlarged; (off-street parking shall be provided for the total resulting seating and capacities of uses); and

5. Any intensification of use or change in the occupancy of any building or in the manner in which any use is conducted, that would result in additional parking spaces being required.

B. No existing land use shall be deemed nonconforming solely based upon the lack of off-street parking or loading spaces required by this Division.

6.03.010: General Requirements

A. All off-street parking facilities required by this Division shall be designed and maintained to be fully usable for the duration of the use requiring the facilities.

B. Areas provided to meet applicable parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

C. Requirements for uses not specifically addressed by this Division shall be determined by the Zoning Administrator, based upon the requirements for comparable uses and the particular characteristics of the use.

D. All off-street parking and loading spaces required by this Division shall be located on the same lot as the use that they are intended to serve, except that nonresidential uses that cannot accommodate the required number of parking spaces on the same lot may provide parking spaces at a separate off-site location, not more than 500 FT from the use the parking spaces are intended to serve, as measured in a straight line from any point from the outer boundaries of the property or lease space containing the use.

E. The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy, or at the time of occupancy of any building addition or intensification of use. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

F. No vehicle shall be parked upon a public or private parking lot, or public property, for the purpose of displaying the vehicle for sale, hire, or rental, unless the property is appropriately zoned, the vendor is licensed to transact the applicable business at that location, and the vendor has obtained all appropriate land use approvals.

G. All parking stalls shall have direct access from a drive aisle, driveway or alley, and shall be designed in a side-by-side or parallel configuration, except as permitted by Section 6.03.030 (Tandem Parking) of this Division.

6.03.015: Required Number of Off-Street Parking Spaces

A. Off-Street Parking Requirements. Off-street parking spaces shall be provided pursuant to Table 6.03-1 (Off-Street Parking Requirements) of this Division, except that within the MU-1 (Downtown Mixed Use) zoning district, off-street parking shall not be required for existing buildings having a GFA less than 10,000 SF. If more than one land use is established on a lot or project site, the number of off-street parking spaces required shall be equal to the sum of the requirements prescribed for each individual land use.

B. Minimum Standards. The parking requirements of Table 6.03-1 (Off-Street Parking and Loading Requirements) are expressed as minimum standards, which should be met and not exceeded. Nevertheless, if additional parking is essential to a project, the minimum parking standard may be exceeded as follows:

1. Residential Uses—Additional Parking Allowed Without Limit. For residential uses, there is no maximum limit as to the number of parking spaces that may be provided. As such, any additional parking may be provided as a matter of right.

2. Nonresidential Uses—Limited Additional Parking Allowed. Additional parking spaces provided in excess of the number required pursuant to Table 6.03-1 (Off-Street Parking and Loading Requirements) of this Section may be provided for nonresidential uses or the nonresidential portions of mixed-use projects, as follows:

a. Parking spaces may be provided up to a maximum of 10 percent above the required number as a matter of right, without any discretionary review by the City.

b. Parking spaces provided in excess of 10 percent above the required number shall be allowed only upon approval by the Planning Commission, based upon proven need.

C. Gross Floor Area (GFA). References to spaces per square foot are to be computed based upon GFA, unless otherwise specified, and includes allocations of shared restrooms, and circulation and storage areas, and other similar common facilities.

D. Rounding of Off-Street Parking Calculations. If a fractional number results from calculations performed in compliance with this Section, one parking space shall be required for a fractional unit of 0.50 or greater, and no space shall be required for a fractional unit of less than 0.50.

E. Uses Not Listed.

1. Land uses not specifically listed in Table 6.03-1 (Off-Street Parking Requirements) of this Division, shall provide parking as required by the Zoning Administrator or Approving Authority pursuant to Table 2.02-1 (Review Matrix) of this Development Code, as applicable.

2. The Approving Authority shall rely upon the requirements of Table 6.03-1 (Off-Street Parking Requirements), and the standards recommended by the Institute of Transportation Engineers, as a guide in determining the necessary number of off-street parking spaces to be provided.

F. Parking Management Plan.

1. Parking Management Plan Required for Multiple-Family Residential Projects. A Parking Management Plan shall be submitted in conjunction with any Development Plan application for the construction of a multiple-family residential development project, or the residential portion of any mixed-use development project, which consists of 3 or more dwelling units. The Plan shall identify the number and location of resident parking spaces (existing and proposed) provided pursuant to Table 6.03-1 (Off-Street Parking and Loading Requirements) of this Section and establish to which dwelling each required resident parking space is to be assigned.

2. Parking Management Plan Shall Be Included in CC&Rs. The Parking Management Plan required pursuant to Paragraph F.1, above, shall be included in any CC&Rs required by the City as a condition of project approval.

3. Required Resident Parking Spaces Cannot Be Separately Rented/Leased. It shall be unlawful to rent or lease a required residential parking space, or any parking space required for the residential portion of any mixed-use development project, separately from the dwelling for which a parking space has been provided pursuant to Table 6.03-1 (Off-Street Parking and Loading Requirements) of this Section, and/or assigned by a Parking Management Plan prepared pursuant to Paragraph F.1 (Parking Management Plan Required for Multiple-Family Residential Projects) of this Section.

Table 6.03-1: Off-Street Parking Requirements

Land Uses, Activities, and Facilities	*No. of Parking Spaces Required*
A. Residential	
1. Caretaker Quarters	One space within a garage
2. Live/Work Developments	3 spaces per 1,000 SF (0.003/SF) of GFA
3. Mobile Home Parks	
a. Resident Parking Spaces	2 spaces per dwelling
b. Guest/Visitor Parking Spaces	**[1]** Portion of dwellings < 50: 0.25 spaces per dwelling; **[2]** Portion of 50 to 100 dwellings: 0.20 spaces per dwelling; **[3]** Portion of dwellings > 100: 0.17 spaces per dwelling; and **[4]** A minimum of 3 guest spaces shall be provided for developments consisting of more than 8 dwellings.
4. Model Homes	2 spaces per model home
5. Multiple-Family Residential	
a. Resident Parking Spaces	**[1]** Studio: 1.5 spaces per dwelling, including one space in a garage or carport; **[2]** One-Bedroom: 1.75 spaces per dwelling, including one space in a garage or carport; **[3]** Two-Bedrooms: 2.0 spaces per dwelling, including one space in a garage or carport; and **[4]** Three or more Bedrooms: 2.5 spaces per dwelling, including one space in a garage or carport.
b. Guest/Visitor Parking Spaces	**[1]** Portion of dwellings < 50: 0.25 spaces per dwelling; **[2]** Portion of 50 to 100 dwellings: 0.20 spaces per dwelling; **[3]** Portion of dwellings > 100: 0.17 spaces per dwelling; and **[4]** A minimum of 3 guest spaces shall be provided for developments consisting of more than 8 dwellings.

Table 6.03-1: Off-Street Parking Requirements

Land Uses, Activities, and Facilities	*No. of Parking Spaces Required*
6. Senior Citizen Housing (as defined pursuant to CC Section 51.3 and CC Section 51.12)	
a. Income Qualified Development	0.7 resident space per dwelling, plus, guest/visitor parking spaces pursuant to the Multiple-Family Residential standards (Subparagraph A.5.b of this Table).
b. Market Rate Development	One resident space per dwelling, plus, guest/visitor parking spaces pursuant to the Multiple-Family Residential standards (Subparagraph A.5.b of this Table).
7. Single-Family Dwellings	
a. Traditional Development	2 spaces per dwelling within a garage
b. Small Lot and Common Interest Developments	2 resident spaces per dwelling within a garage, plus, 0.2 guest/visitor spaces per dwelling. Guest parking spaces may be provided on-street, immediately adjacent to the development boundary, if available. A minimum of 2 guest spaces shall be provided regardless of the number of dwellings proposed.
8. Single Room Occupancy Facilities	One resident space per room; plus, 2 spaces for the resident manager, plus, guest/visitor parking spaces pursuant to the Multiple-Family Residential standards (Subparagraph A.4.b of this Table).
B. Commercial Agriculture	
1. Commercial Crop Production and Farming	Determined by the Zoning Administrator
2. Commercial Animal Production	Determined by the Zoning Administrator
3. Support Activities for Agriculture	Determined by the Zoning Administrator
C. Utilities	One space per employee during the largest shift.
D. Construction	Required parking for "general warehousing;" plus 0.1 space per 1,000 SF (0.0001/SF) of outside storage yards.
E. Manufacturing	See parking standards for "Industrial and Business Park Developments".
F. Retail Trade	
1. General and Convenience Retail	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Grocery Stores	4 spaces per 1,000 SF (0.004/SF)
3. Motor Vehicle Dealers	Interior show rooms: 2.5 spaces per 1,000 SF (0.0025/SF) of GFA; plus, outdoor display areas: one space per 1,000 SF of GFA; plus, required parking for "motor vehicle repair;" plus, required parking for "offices".
4. Motor Vehicle Parts and Accessories	4 spaces per 1,000 SF (0.004/SF) of GFA
5. Tire Stores	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
6. Furniture and Home Furnishings Stores	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
7. Electronics and Appliance Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
8. Building Materials, Garden Equipment, and Supplies	2.5 spaces per 1,000 SF (0.0025/SF) of GFA; plus, one space per 1,000 SF of outdoor display and storage areas.
9. Food and Beverage Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
10. Health and Personal Care Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
11. Gasoline and Fueling Stations	

Table 6.03-1: Off-Street Parking Requirements

Land Uses, Activities, and Facilities	*No. of Parking Spaces Required*
a. Self-Serve and Full Service Fueling Stations	3 spaces minimum; plus, parking requirements for combination uses (e.g., convenience store, food services, motor vehicle repair, etc.). Fueling stations operating in conjunction with other uses may be granted shared parking credit at the rate of one space for each fuel dispenser.
b. Automated Fueling Facilities	Determined by the Zoning Administrator
c. Truck Stops	Determined by the Zoning Administrator
12. Clothing and Clothing Accessory Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
13. Sporting Goods, Hobby, Book, and Music Stores	4 spaces per 1,000 SF (0.004/SF) of GFA
14. General Merchandise Stores	
a. General and Convenience Retail	4 spaces per 1,000 SF (0.004/SF) of GFA
b. Discount and Specialty Superstores	5 space per 1,000 SF (0.005/SF) of GFA
G. Transportation and Warehousing	
1. Airports	Determined by the Zoning Administrator
2. Railroad Passenger Terminals	Determined by the Zoning Administrator
3. Truck Transportation—General and Specialized Freight Trucking	One space per employee during the largest shift
4. Warehousing and Storage	
a. Warehousing and General Storage	See U.1.a (Warehousing/Distribution) of this Table.
b. Motor Vehicle Storage	0.1 space per 1,000 SF (0.0001/SF) of GFA devoted to storage; plus, required parking for "general business offices".
c. Self-Storage	0.1 spaces per 1,000 SF (0.0001/SF) of GFA; plus, required parking for "caretaker quarters" (if provided).
H. Information	
1. Publishing Industries	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Motion Picture and Video Industries (except movie theaters)	Determined by the Zoning Administrator
3. Movie Theaters	0.33 spaces per fixed seat
4. Sound Recording Facilities	4 spaces per 1,000 SF (0.004/SF) of GFA
5. Broadcasting	4 spaces per 1,000 SF (0.004/SF) of GFA
6. Wireless Telecommunications Antennas	One space per facility
7. Data Processing, Hosting, and Related Services	6 spaces per 1,000 SF (0.006/SF) of GFA
8. Libraries and Archives	Determined by the Zoning Administrator
I. Finance and Insurance	
1. Banks, Savings Institutions, and Credit Unions	4.6 per 1,000 SF (0.0046/SF) of GFA
2. Pawn Shops and Pawnbrokers	4 spaces per 1,000 SF (0.004/SF) of GFA
3. Insurance Carriers	4 spaces per 1,000 SF (0.004/SF) of GFA
J. Real Estate, Rental, and Leasing	

Table 6.03-1: Off-Street Parking Requirements

Land Uses, Activities, and Facilities	*No. of Parking Spaces Required*
1. Real Estate Lessors, Agents and Brokers, Property Managers and Appraisers, and Escrow and Listing Services	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Rental and Leasing Services	4 spaces per 1,000 SF (0.004/SF) of GFA
K. Professional, Scientific, and Technical Services	
1. Professional, Scientific, and Technical Services	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Scientific, Research, and Development Services	4 spaces per 1,000 SF (0.004/SF) of GFA
3. Veterinary and Animal Hospital Services	5.7 spaces per 1,000 SF (0.0057/SF) of GFA
L. Management of Companies and Enterprises	4 spaces per 1,000 SF (0.004/SF) of GFA
M. Administrative and Support, and Waste Management and Remediation Services	
1. General Business Offices	4 spaces per 1,000 SF (0.004/SF) of GFA
2. Telephone Call Centers	6 spaces per 1,000 SF (0.006/SF) of GFA
3. Waste Management and Remediation Service	Determined by the Zoning Administrator
N. Education Services	
1. Elementary and Middle Schools	0.28 spaces per student, based upon maximum enrollment.
2. High schools	0.26 spaces per student, based upon maximum enrollment.
3. Colleges and Universities	0.5 spaces per student, based upon maximum enrollment; plus, one space per employee or staff during the largest shift.
4. Business, Technical and Trade Schools	6 spaces per 1,000 SF (0.006/SF) of GFA
5. Instructional Dance Studios	5 spaces per 1,000 SF (0.005/SF) of GFA
O. Health Care and Social Assistance	
1. Medical Offices	5.7 spaces per 1,000 SF (0.0057/SF) of GFA
2. Hospitals and Medical Centers	1.8 spaces per bed; plus, one space per employee or staff during the largest shift; plus, required parking for associated "medical offices".
3. Child and Youth Services	Determined by the Zoning Administrator
4. Services for the Elderly and Persons with Disabilities	Determined by the Zoning Administrator
5. Other Residential Care Facilities (more than 6 persons)	0.5 spaces per bed; plus, one space per employee or staff.
6. Child Day Care Services, excluding Small Family Residential Facilities	0.2 spaces per child, based upon maximum licensed enrollment capacity; plus, one space per employee during the largest shift.
P. Arts, Entertainment, and Recreation	
1. Performing Arts and Spectator Sports	0.33 spaces per fixed seat
2. Convention Centers, Auditoriums and Other Public Assembly Facilities	0.25 spaces for each fixed seat or 25 spaces per 1,000 SF (0.025/SF) of GFA.
3. Amusement and Theme Parks	Determined by the Zoning Administrator
4. Game Arcades	10 spaces per 1,000 SF (0.01/SF) of GFA

Table 6.03-1: Off-Street Parking Requirements

Land Uses, Activities, and Facilities	*No. of Parking Spaces Required*
5. Golf Courses and Country Clubs	8 spaces per hole; plus, required parking for associated uses.
6. Golf Driving Range	One space per tee
7. Miniature Golf Course	3 spaces per hole
8. Fitness and Recreational Sports Centers	
a. Health Clubs and Gyms	5 spaces per 1,000 SF (0.005/SF) of GFA
b. Swim Clubs	3.3 spaces per 1,000 SF of pool surface area (0.0033/SF)
c. Tennis Clubs	3 spaces per tennis court
9. Bowling Centers	4 spaces per lane
10. Batting Cages	Determined by the Zoning Administrator
11. Billiard Parlors and Pool Halls	2 spaces per table
12. Dance Clubs and Halls, Ball Rooms, and Discotheques	25 spaces per 1,000 SF (0.025/SF) of GFA
13. Skating Rinks	3.3 spaces per 1,000 SF (0.0033/SF) of GFA
14. Stables (Commercial)	0.2 spaces per horse maintained on-site
Q. Accommodation and Food Services	
1. Lodging Facilities (bed and breakfast inns, boarding and rooming houses, hotels and motels, and residence inns)	One space per sleeping room; however, provide no fewer than one space per 2 beds; plus, required parking for associated uses.
2. Full Service Restaurants	10 spaces per 1,000 SF (0.01/SF) of GFA (includes outdoor seating area up to 25 percent of GFA).
3. Fast Food Restaurants	13.3 spaces per 1,000 SF (0.0133/SF) of GFA (includes outdoor seating area up to 25 percent of GFA). Restaurants with drive-thru may be credited one space for each 24 lineal FT of drive-thru lane behind the pickup window.
4. Banquet Facilities	25 spaces per 1,000 SF (0.025/SF) of GFA
5. Caterers	2 spaces per 1,000 SF (0.002/SF) of GFA
6. Drinking Places (bars, cocktail lounges, and nightclubs)	10 spaces per 1,000 SF (0.01/SF) of GFA
R. Other Services	
1. Motor Vehicle Repair and Maintenance	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
2. Car Washes, Full-Service and Self-Service	One space per employee, minimum 10 spaces; plus, required parking for accessory uses (i.e., motor vehicle repair and service, and retail uses).
3. Upholstery and Furniture Repair	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
4. Footwear and Leather Goods Repair	2.5 spaces per 1,000 SF (0.0025/SF) of GFA
5. Personal Care Services	4 spaces per 1,000 SF (0.004/SF) of GFA
6. Death Care Service	
a. Cemeteries	Determined by the Zoning Administrator
b. Funeral Homes and Services	25 spaces per 1,000 SF (0.025/SF) of GFA of assembly area; plus, required parking for "general offices".

Table 6.03-1: Off-Street Parking Requirements

Land Uses, Activities, and Facilities	*No. of Parking Spaces Required*
7. Religious Assembly and Wedding Chapels	0.33 spaces per fixed seat or 25 spaces per 1,000 SF (0.025/SF) of GFA
S. Public Administration	Determined by the Zoning Administrator
T. Temporary and Interim Land Uses	Determined by the Zoning Administrator
U. Industrial and Business Park Developments	
1. Industrial	
a. Warehousing and Distribution	**[1]** Portion of GFA 20,000 SF or Less: One space per 1,000 SF (0.001/SF); **[2]** Portion of GFA Greater Than 20,000 SF: 0.5 space per 1,000 SF (0.0005/SF); **[3]** Tractor-Trailer Parking: One tractor-trailer parking space per 4 dock-high loading doors; **[4]** Parking for "general business offices" and other associated uses shall be provided when those uses exceed 10 percent of the building GFA; and **[5]** The Approving Authority may require a restrictive covenant running with the land, filed with the office of the County Recorder, which restricts the use of a property/building to warehousing and distribution, unless an alternate parking plan is provided, which demonstrates that on-site parking can be provided in compliance with the "General Industrial" parking requirements (see U.1.c of this Table), to support more intense industrial land uses.
b. Manufacturing	**[1]** General Requirement: Provide1.85 spaces per 1,000 SF (0.00185/SF) of GFA; **[2]** Tractor-Trailer Parking: One tractor-trailer parking space per 4 dock-high loading doors; and **[3]** Parking for "general business offices" and other associated uses shall be provided when those uses exceed 10 percent of the building GFA.
c. General Industrial (speculative buildings)	**[1]** Portion of GFA < 50,000 SF: 1.85 spaces per 1,000 SF (0.00185/SF); **[2]** Portion of GFA 50,000 SF to 100,000 SF: One space per 1,000 SF (0.001/SF); **[3]** Portion of GFA > 100,000 SF: 0.5 space per 1,000 SF (0.0005/SF); **[4]** Tractor-Trailer Parking: One tractor-trailer parking space per 4 dock-high loading doors; and **[5]** Parking for "general business offices" and other associated uses shall be provided when those uses exceed 10 percent of the building GFA.
2. Multi-Tenant Business Park	3 spaces per 1,000 SF (0.003/SF); plus, required parking for "general business offices" when exceeding 10 percent of GFA; plus, one trailer parking space per 4 dock-high loading doors.

6.03.020: Reduction in the Required Number of Parking Spaces

A reduction in the number of parking spaces required by Section 6.03.020 (Number of Off-Street Parking Spaces Required) of this Division may be granted as follows:

A. Shared Parking. Any project site where the hours of operation allow the shared use of off-street parking spaces to occur without conflict, the number of parking spaces required may be reduced pursuant to the following conditions:

1. Approval Required. Shared parking may be allowed upon the approval of a Shared Parking Agreement by the applicable Approving Authority pursuant to Table 2.02-1 (Review Matrix) of this Development Code.

2. Reasonable Walking Distance Required to Shared Parking Facilities. Shared off-street parking facilities shall be provided within a reasonable walking distance from the uses they serve, and shall be located no further than 500 FT from the uses served, measured from the nearest point of the parking facility to the entrance of each use served via the shortest pedestrian route.

3. Shared Parking Agreement.

a. A Shared Parking Agreement by and between the City, the applicant, and all other affected property owners, shall be executed and recorded with the County Recorder, which shall ensure the availability of the number of parking spaces designated for joint use, during the hours specified in the Agreement, for the duration of the uses subject to the shared parking arrangement.

b. The Agreement shall be subject to City Attorney review and approval, as to form and content.

4. Parking Analysis. The Approving Authority may require the applicant to submit a parking demand analysis, prepared by a person/firm experienced in preparing such analyses, to assist the Zoning Administrator in determining the appropriate shared parking reduction. A parking demand analysis shall be prepared pursuant to the Urban Land Institute's *Shared Parking* publication. The methodology of the *Shared Parking* publication may be used as a guide in reviewing a shared parking proposal.

5. Shared Loading Spaces. Loading spaces required by this Division may be shared pursuant to this Section.

B. Low Demand. Any project site where it can be demonstrated that the land use thereon will not utilize the required number of parking spaces due to the nature of the specific land use, or the manner in which the specific land use is conducted, the number of parking spaces required by Table 6.03-1 (Off-Street Parking Requirements) of this Division may be reduced pursuant to the following:

1. Approval Required. A parking reduction based upon low parking demand may be allowed upon the approval of a Low Demand Parking Reduction Agreement by the applicable Approving Authority pursuant to Table 2.02-1 (Review Matrix) of this Development Code.

2. Alternate Parking Plan. In approving a parking reduction, the Approving Authority may require the preparation of an Alternate Off-Street Parking Plan, which demonstrates that additional parking spaces can be provided on-site, as necessary, to accommodate future land use changes or intensifications in land use. Alternately, a restrictive covenant that runs with the land may be required by the Approving Authority, which restricts the use of the subject property for the duration of the parking reduction.

3. Low Demand Parking Reduction Agreement. A Low Demand Parking Reduction Agreement by and between the City, the applicant, and all other affected property owners, shall be executed and recorded with the County Recorder, which, at a minimum, shall: **[i]** provide confirmation that the parking supply proposed will be adequate during periods of maximum demand, **[ii]** confirm that the parking demand is provided within a reasonable walking distance to the use it serves, and **[iii]** identify parking management strategies that are necessary to ensure the availability of the necessary number of parking spaces for the duration of the current use and future users of the project site. The Low Demand Parking Reduction Agreement shall be subject to City Attorney review and approval as to form and content.

4. Parking Analysis. The Approving Authority may require the applicant to submit a parking analysis, prepared by a person/firm experienced in preparing such analyses, to assist the Approving Authority in determining the appropriate reduction.

5. Loading Space Reduction. The number of loading spaces required by this Division may be reduced pursuant to this Section.

6.03.025: Tandem Parking

Tandem parking spaces may be allowed as follows:

A. **Family Child Day Care.** Family child day care homes may provide tandem parking spaces to satisfy the minimum parking requirement for the use.

B. **Mobile Home Parks.** Mobile home parks may provide tandem parking spaces to satisfy the minimum resident parking requirement for the use. The use of tandem parking spaces shall not be permitted for guest parking spaces.

C. **Multiple-Family Projects.**

1. Multiple-family development projects may provide tandem parking spaces to satisfy unenclosed (not within a garage or carport) on-site resident parking requirements (i.e., a driveway space located behind a garage or carport space). Multiple-family projects may also provide tandem parking spaces within a parking structure, which meet both enclosed (within garage or carport) and unenclosed resident parking requirements. Guest/visitor parking spaces shall not be designed in a tandem configuration.

2. A tandem parking space shall consist of no more than 2 automobile parking spaces. Both automobile spaces shall be assigned for use by the same dwelling unit.

3. Tandem parking spaces may be counted toward a maximum of 12 percent of the resident parking space requirement established by Section 6.03.020 (Number of Off-Street Parking Spaces Required) of this Division.

D. **Residential Component of Mixed-Use Projects.** Tandem parking spaces may be provided to satisfy resident parking requirements for the residential component of mixed-use projects and shall comply with the requirements for multiple-family projects, stated Subsection C (Multiple-Family Projects) of this Section.

E. **Single-Family Dwellings.** Tandem parking spaces may be provided in conjunction with single-family dwellings, when such parking spaces are provided in excess of the minimum parking

requirement for the use (i.e., driveway spaces and tandem garage spaces), as required by Table 6.03-1 (Off-Street Parking Requirements) of this Division.

F. **Valet Parking.** The Zoning Administrator may authorize valet parking as a means of satisfying the applicable off-street parking requirements of this Division, provided that:

1. Valet parking may be counted toward a maximum of 15 percent of the minimum parking space requirements established by Section 6.03.020 (Number of Off-Street Parking Spaces Required) of this Division.

2. Valet parking facilities shall be provided within a reasonable walking distance from the uses they serve and shall be located no further than 500 FT from the uses served, measured from the nearest point of the parking facility to the entrance of each use served via the shortest pedestrian route.

3. An automobile shall be retrievable from its parking space with the movement of a maximum of 2 additional vehicles;

4. An equivalent number of valet parking spaces shall be available to replace the parking spaces required by Section 6.03.020 (Number of Off-Street Parking Spaces Required) of this Division; and

5. Valet parking spaces shall not require individual striping.

6.03.030: Parking for the Physically Disabled

A. Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

B. Parking spaces for the physically disabled required by this Section shall count toward fulfilling the minimum off-street parking requirements.

C. For existing parking facilities, the Zoning Administrator may approve a reduction in the number of parking spaces in an existing parking lot below the minimum required by this Section, in order to accommodate required parking spaces for the physically disabled.

6.03.035: Bicycle Parking

Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

6.03.040: Parking for Fuel Efficient Vehicles

Parking spaces specifically designated and conveniently located for fuel-efficient vehicles shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

6.03.045: Off-Street Parking Design Standards

A. Minimum dimensions and design.

1. Minimum Dimensions. The minimum dimensions for off-street parking and loading spaces and access drives shall be as prescribed in Table 6.03-2 (Standards for Parking Spaces, Drive Aisles, and Driveways), below.

Table 6.03-2: Standards for Parking Spaces, Drive Aisles, and Driveways

Requirement	*Standard*
A. Garage or Carport Space Dimensions (enclosed space)	10 FT wide by 20 FT long
B. Parking Space Dimensions (unenclosed space)	
1. Standard Parking	9 FT wide by 18 FT long [1][2]
2. Parallel Parking	8 FT wide by 24 FT long [1]
3. Tandem Parking	9 FT wide by 34 FT long (consists of 2 parking spaces) [1]
4. Trailer Parking	12 FT wide by 45 FT long
C. Loading Space Dimensions	12 FT wide by 18 FT long, unless otherwise specified by this Division
D. Minimum Drive Aisle and Driveway Widths	
1. Driveways for Single-Family Dwellings	10 FT wide
2. One-Way Drive Aisles and Driveways for Multiple-Family and Nonresidential Projects	12 FT wide
3. Two-Way Drive Aisles for Multiple-Family and Nonresidential Projects	24 FT wide, except that fire lanes required pursuant to the Ontario Fire Code shall be designed pursuant to Ontario Fire Department standards. Furthermore, two-way drive aisles may be reduced to 20 FT in width along segments that are not directly accessed by parking spaces.
4. Two-Way Driveways for Residential Projects	20 FT wide

Notes:

[1] An additional foot of width shall be provided for each side of a parking space that is contiguous with a fence, structure, wall, or other obstruction.

[2] The standard parking space length may be reduced to 16 feet, if 2 feet of width is added to adjacent sidewalk and/or landscape areas, to accommodate motor vehicle overhang. Vehicle overhang shall not encroach into a pedestrian path of travel.

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2. End of a Drive Aisle. A drive aisle providing access to a parking space that is perpendicular to the drive aisle shall extend 5 FT beyond the side of the last parking space in the drive aisle to provide adequate area for the backing-up of parked vehicles.

3. Minimum Vertical Clearances Required.

a. *All Off-Street Parking Spaces.* A minimum 7-FT vertical clearance shall be maintained for all off-street parking spaces, including entrances, except that the vertical

clearance for the front 4 FT of a parking space serving a single-family dwelling or multiple-family residents may be reduced to not less than 4.5 FT in height.

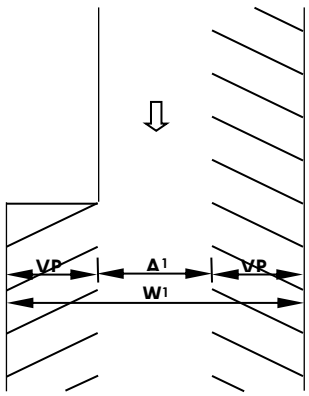
b. *Off-Street Parking Spaces for the Physically Disabled.* A minimum 98-inch vertical clearance shall be maintained for all off-street parking spaces for the physically disabled, including entrances and accesses to the spaces.

c. *All Off-Street Loading Spaces.* A minimum 14-FT vertical clearance shall be maintained for all off-street loading spaces, including entrances and accesses to the spaces.

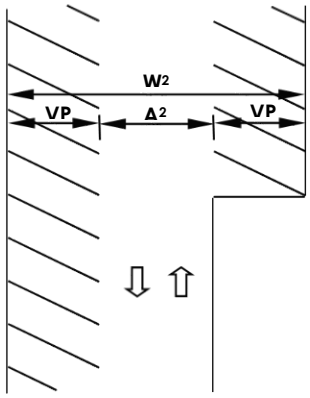
4. Parking Bays and Drive Aisles. The minimum dimension and design of parking bays and maneuvering drive aisles shall be as prescribed in Table 6.03-3 (Dimensions for Parking Facilities), below.

Table 6.03-3: Dimensions for Parking Facilities

Parking Angle	*Vehicle Projection (VP)*	*Aisle Width*		*Base Module*	
		One-Way (A^1)	*Two-Way (A^2)*	*One-Way (W^1)*	*Two-Way (W^2)*
45°	17'-7"	11'-10"	24'-0"	47'-0"	59'-2"
50°	18'-2"	12'-2"	24'-0"	48'-6"	60'-4"
55°	18'-8"	12'-8"	24'-0"	50'-0"	61'-4"
60°	19'-0"	13'-6"	24'-0"	51'-6"	62'-0"
65°	19'-2"	14'-8"	24'-0"	53'-0"	62'-4"
70°	19'-3"	15'-6"	24'-0"	54'-0"	62'-6"
75°	19'-1"	16'-10"	24'-0"	55'-0"	62'-2"
90°	18'-0"	24'-0"	24'-0"	59'-0"	60'-0"



One-Way Drive Aisle



Two-Way Drive Aisle

B. Parking Lot Access and Location of Parking Spaces.

1. The design and location of all vehicle accesses from a public street or alley to an off-street parking facility shall be approved by the City Engineer.

2. Each parking space shall be accessible from a street or alley, provided no parking space shall be designed to require that vehicles back into a street, excepting parking that serves a single-family dwelling.

3. No parking space shall be located so that a vehicle will be required to maneuver for position to enter or exit the space within 30 FT of a vehicular entrance from a public street.

4. Commercial or office developments with parking for at least 150 or more vehicles shall be designed with primary drive aisles unencumbered by parking spaces, intersecting parking aisles, or other access drives, for a distance of at least 100 FT behind the street property line or 112 FT behind the street curb face, whichever is greater.

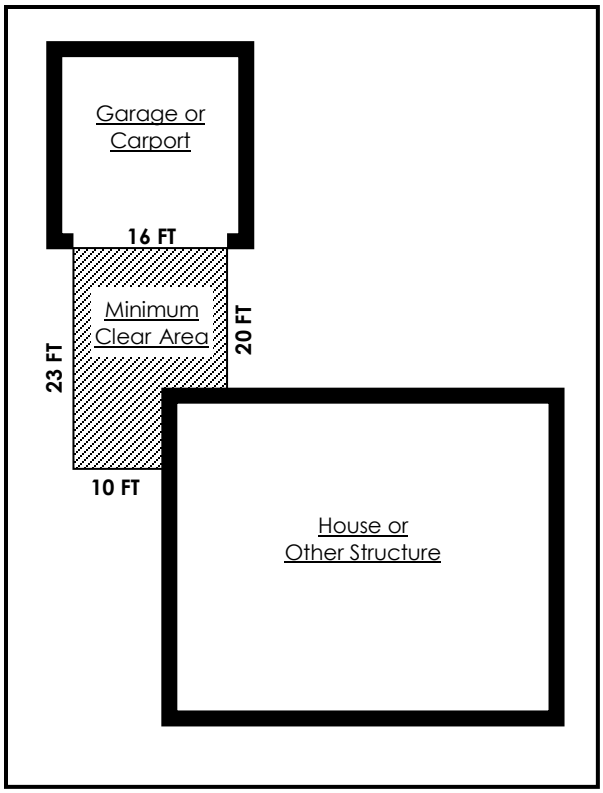


Figure 6.03-1: Garage/Carport Entrance Clear Area

5. Carpool and high occupancy vehicle spaces should be located in the most advantageous and reasonable location, as close as possible to the primary employee entrance(s) of the user(s) which they are intended to serve.

6. Parking spaces for dwellings shall be located within 150 FT from the dwelling (front or rear door) for which the space is provided, excluding structures containing 3 or more stories.

7. Bicycle and automobile parking areas shall be separated from one another by a physical barrier or sufficient distance to protect bicycles and their riders from damage by maneuvering automobiles.

8. A garage facing a public street shall provide a clear space of at least 20 FT between the garage entrance and the street property line.

9. The minimum clear area for vehicle access in front of a garage or carport entrance shall be as shown in Figure 6.03-1 (Garage/Carport Entrance Clear Area).

10. Except as otherwise provided in this Development Code, off-street parking spaces are not to be located within a required front or street side setback area, or the required rear setback area of a through lot.

11. All drive aisles entering a site shall be provided with an enhanced pavement treatment, excepting lots containing single-family dwellings. The enhanced paving shall extend

from the back of the drive approach apron to the first intersecting drive aisle, driveway, or parking space.

C. Striping and Identification.

1. All automobile parking spaces within commercial zoning districts shall be clearly outlined with double lines on the parking area surface. Within all other zoning districts, automobile parking shall be clearly outlined with single lines on the parking area surface (double lines may be used).

2. All parking area striping shall be permanently maintained in a clear and visible manor.

3. All parking spaces for the physically disabled shall be striped and marked in accordance with applicable State laws and standards.

4. All parking spaces reserved for low emissions vehicles shall be clearly marked with the words "Low Emissions Vehicles Only" either on the wheel stop or curb, or on the pavement at the opening of the space.

5. All spaces reserved for carpools and high occupancy vehicles shall be clearly marked with the words "Carpool/HOV Only" on either the wheel stop or curb at the back of each space, or on the pavement at the opening of the space.

6. Within multiple family residential developments, required guest parking spaces shall be clearly marked with the word "Guest" on either a wheel stop or curb at the head of each space, or on the parking surface at the opening of each space.

D. Parking, Drive Aisle, and Driveway Surface Paving. All permanent parking spaces, drive aisles, and driveways shall be paved with asphalt, concrete, or other all-weather surface approved by the Planning Director, Fire Marshall, and City Engineer.

E. Wheel Stops and Curbs.

1. Drive aisles and parking surfaces contiguous with planter areas shall have a 6-inch concrete curb separation constructed per City standards, except where a landscape area is parallel and adjacent to a parking stall the curb separation be increased to a minimum of 12 inches in width to provide a step-out area from motor vehicles.

2. All parking spaces located adjacent to buildings or walls shall have concrete wheel stops located from a minimum of 2.0 FT, to a maximum of 2.5 FT, from the building or wall.

F. Maintenance. All parking facilities shall be permanently maintained, free of weeds, liter, and debris.

6.03.050: Parking Lot Lighting

A. Parking Lot Lighting Required. All off-street parking facilities shall be provided with nighttime security lighting pursuant to OMC Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted

light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

B. Lighting Level Measurement. Lighting levels shall be measured with a direct-reading portable light meter. The equipment used shall allow accurate measurements, with all measurements made after dark with the lights on and then again with the lights off. The difference between the two readings shall then be compared to the applicable standard for maximum permitted illumination.

C. Light Fixtures Shall Be Decorative. All parking lot lighting fixtures shall be decorative.

D. Lighting Along Pedestrian Corridors. Along pedestrian movement corridors, the use of decorative low-mounted bollard light standards, which reinforce pedestrian scale, shall be used.

E. Illumination on Adjacent Property. Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

F. Maximum Luminaire Heights. The maximum permitted height of luminaires within a parking lot shall be as follows:

1. No Cutoff Luminaire. When a light source or luminaire has no cutoff (the point at which all light rays are completely shielded), the maximum permitted height of the luminaire shall be 14 FT.

2. Ninety Degree or More Cutoff Luminaire. When a luminaire has a total cutoff of light at an angle of 90 degrees or greater, the maximum permitted height of the luminaire shall be 24 FT.

3. Less than 90-Degree Cutoff Luminaire. When a luminaire has a total cutoff of light at an angle of less than 90 degrees, the maximum permitted height of the luminaire shall be 30 FT.

6.03.055: Off-Street Loading Standards

A. Number of Loading Spaces Required. Full-service and limited-service eating places, drinking places, convenience stores, hotels and motels, and all other traveler accommodations, and any other use deemed by the Zoning Administrator to be in need of off-street loading facilities, shall be provided a minimum of one off-street loading space.

B. Minimum Dimensions and Design.

1. At-Grade Loading Facilities. At-grade loading doors shall be provided with an off-street loading space located immediately in front of the door measuring a minimum of 12 FT in width and 18 FT in length, and having a minimum vertical clearance of 14 FT, measured from the finish grade of the space. The loading space may be provided either perpendicular or parallel to the loading door.

2. Dock-High Loading Facilities.

a. Dock-high loading doors shall be provided with an off-street loading space located immediately in front of the door measuring a minimum of 12 FT in width and 45 FT in length,

and having a minimum vertical clearance of 14 FT, measured from the finish surface of the loading dock.

b. A truck maneuvering area equal to the width of the loading door and a minimum of 120 FT in depth shall be provided in front of dock-high loading doors, and, at a minimum, the maneuvering area shall be designed to accommodate the minimum practical turning radius of a 55-FT semi-trailer and tractor combination. Deviations from this minimum maneuvering standard may be permitted if it can be shown that the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific use; however, in permitting such deviation(s), a covenant of restriction to run with the land may be required, which specifies limitations relating to truck size and/or type. Larger maneuvering areas shall be required if the use of a larger semi-trailer and tractor combination is proposed.

c. Truck maneuvering areas shall not encroach into required off-street parking areas and landscaped areas.

C. Loading Facilities Prohibited Within Setback Areas. Except as otherwise provided by this Chapter, off-street loading spaces and areas, and associated vehicle maneuvering areas shall not be located within required front or street side setback areas, the rear setback area of a through lot, or any other required setback area located within 25 FT of a residentially zoned property.

D. Screening of Loading Facilities. Loading facilities should be located at the rear or interior side of buildings and shall be screened from public view or view from residential, retail and office uses, and the offices of industrial uses on adjacent properties. When it is not possible or desirable to locate loading facilities at the rear or interior side of buildings, loading facilities may be located on the street side or front of buildings, provided they are screened from public view by a decorative masonry wall with view-obstructing access gates pursuant to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code.

E. Loading Space Ingress and Egress. All loading spaces shall have adequate ingress and egress as approved by the City Engineer and shall be designed and maintained so that vehicle maneuvering and loading/unloading activities do not interfere with the orderly movement of traffic and pedestrians on any public street or alley.

F. Screening of At-Grade Loading Doors and associated Loading Spaces. All at-grade loading doors shall be decorative, unless located within an enclosed yard area and screened from public view by a decorative masonry wall with view-obstructing access gates pursuant to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code.

G. Screening of Dock-High Loading Doors and Associated Loading Spaces and Truck Maneuvering, Parking, and Staging Areas. All dock-high loading doors and associated loading spaces and truck maneuvering, parking, and staging areas, shall be located within an enclosed yard area and screened from public view by a decorative masonry wall with view-obstructing access gates pursuant to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code.

H. No Backing onto or from a Public Street. All loading spaces shall be designed and maintained so that vehicles do not back in from, or onto, a public street.

I. Match Loading Bay and Roll-Up Door Color to Adjacent Building Finish. The loading bays and roll-up doors shall be painted to blend with the adjacent exterior building finishes.

J. Concealment and Screening of Loading Areas. Areas for loading and unloading shall be designed to avoid potential adverse noise, visual, and illumination impacts on neighboring residences. These areas shall be concealed from view by the public and adjoining land uses. Concealment and screening may be accomplished by use of any of the following methods, subject to Zoning Administrator approval:

1. Orient loading spaces, areas, and doors such that they are concealed from public view by buildings; and

2. Screen loading spaces, areas, and doors pursuant to Division 6.02 (Walls, Fences, and Obstructions) of this Development Code, with walls and view-obstructing gates, which are architecturally coordinated with adjacent buildings. In addition, incorporate intense on-site landscaping to block public views of loading areas.

K. Loading Facilities in Close Proximity to Dwellings. Special orientation or design treatment of loading bays and doors located in close proximity to dwellings shall be required in order to reduce associated light and noise impacts to less-than-significant levels.

L. Striping and Identification. Loading spaces shall be striped, indicating the loading spaces and identifying the spaces for "Loading Only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

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Division 6.04—Congestion Management and Trip Reduction

Sections:

6.04.000: Purpose and Intent
6.04.005: Applicability
6.04.010: Trip Reduction Measures

6.04.000: Purpose

Use of the private automobile in Southern California has created serious traffic congestion and air quality problems. At the regional and local levels, government agencies have adopted policies and programs aimed at reducing the number of single-passenger vehicles traveling along the region's highways, thereby alleviating congestion and improving air quality within the region. The trip reduction measures contained in this Division are intended to help meet congestion management and air quality goals of the region.

6.04.005: Applicability

A project requiring the approval of a tentative tract or parcel map pursuant to Section 4.02.100 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps), Development Plan pursuant to Section 4.02.030 (Development Plan), and/or Conditional Use Permit pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code, and for which an application was submitted on or after January 1, 1994, provision shall be made for the applicable trip reduction measures required by this Division.

6.04.010: Trip Reduction Measures

The following trip reduction measures shall be implemented:

A. Non-Residential Projects.

1. Bicycle Parking and Shower/Changing Rooms. Safe and convenient access to bicycle racks shall be provided from public streets. Bicycle racks or other secure bicycle parking, and shower/changing rooms, shall be provided pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

2. On-Site Pedestrian Walkways. On-site pedestrian walkways shall be provided, which connect each building in a development to bicycle parking facilities (if required) and public streets.

3. Passenger Loading Areas. Passenger loading areas shall be provided pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

4. Carpool/Vanpool Parking Spaces. Parking spaces reserved for use by carpool/vanpool vehicles shall be provided pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

5. Transit Facilities. Transit facilities, such as bus shelters, bus pullouts, and bus pads, shall be provided if the Planning Director, in consultation with local transit providers, determines they are needed to serve the development.

6. On-Site Video Conferencing Facilities. On-site video conferencing facilities shall be provided for office buildings with a capacity of 1,000 employees or greater.

B. **Multiple-Family Residential Projects** (consisting of 10 or more dwellings).

1. Bicycle Parking and Shower/Changing Rooms. Safe and convenient access to bicycle racks shall be provided from public streets. Bicycle racks or other secure bicycle parking, and shower/changing rooms, shall be provided pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

2. On-Site Pedestrian Walkways. On-site pedestrian walkways shall be provided, which connect each building in a development to bicycle parking facilities (if required) and public streets.

3. Passenger Loading Areas. Passenger loading areas shall be provided pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

4. Transit Facilities. Transit facilities, such as bus shelters, bus pullouts, and bus pads, shall be provided if the Planning Director, in consultation with local transit providers, determines they are needed to serve the development.

C. **Single-Family Residential Projects of 500 or More Dwellings.** Facilities shall be provided to give residents an opportunity to telecommute, or an in-lieu contribution, shall make provision for telecommuting facilities, or an alternate strategy for reducing an equal amount of trips as would have occurred from provision of telecommuting facilities shall be implemented per Subsection D (Modification of Trip Reduction Measures) of this Section.

D. **Modification of Trip Reduction Measures.** The Approving Authority may modify all or part of the trip reduction measures for new projects, if the following findings can be clearly established:

1. One or more of the measures are not applicable due to special circumstances, including, but not limited to, the location or configuration of the project, the implementation of existing trip reduction measures and transportation demand strategies, or other specific factors that make implementation infeasible or reduce the effectiveness of the prescribed measures.

2. An alternative trip reduction and transportation demand management strategy will be implemented to reduce an equal number of trips as would have occurred as a result of imposition of the prescribed measures. Implementation of the alternative strategy shall be a condition of project approval.

E. **Trip Reduction and Transportation Demand Management Program/Facility Credit.** Credit may be granted for trip reduction and transportation demand management programs and facilities, as follows:

1. Existing trip reduction and transportation demand programs and facilities in a development program may satisfy all or part the requirements of this Section pertaining to new construction, subject to the approval of the Approving Authority. The amount of credit given shall

be determined through an assessment of how the existing facilities would meet the requirements of this Section if based upon the GFA of the entire complex.

2. The Planning Commission may determine that a reduction in the required number of parking spaces for the proposed use or uses is acceptable because implementation of the trip reduction and transportation demand management measures would eliminate some of the demand for parking.

F. **Certificate of Occupancy.** Prior to the issuance of a certificate of occupancy for any new building or addition to an existing building, all facilities and improvements required by this Section shall be constructed or otherwise provided.

G. **Improvements and Facilities to be Maintained in Good Repair.** All facilities and improvements constructed or otherwise required by this Section shall be maintained in a state of good repair.

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Division 6.05—Landscaping

Sections:

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6.05.000: Purpose

The purpose of this Division is to establish standards regulating landscaping and irrigation systems, which:

A. Improve the connection between the built and natural environments, increase the function of outdoor spaces and buffer land use compatibility conflicts;

B. Enhance the aesthetic appearance of development in all areas of the City by providing standards relating to the quality, quantity, and functional aspects of landscaping;

C. Reduce heat and glare generated by development;

D. Promote public health, safety, and welfare, by minimizing the impacts of all forms of physical and visual pollution, preserving the integrity of neighborhoods, and enhancing pedestrian and vehicular traffic safety;

E. Reduce energy use and associated costs from heating and air conditioning buildings and the transportation and pumping of water.

F. Preserve existing protected trees and topsoil where possible, incorporate native plant communities, and ecosystems into landscape design, and control soil erosion;

G. Promote the conservation of water by establishing provisions for water management practices, and techniques for the installation and maintenance of appropriate landscape materials and efficient irrigation systems as required by the Water Conservation in Landscaping Act of 2006 (AB 1881) and Executive Order No. B-29-15 (updated 2015), Model Water Efficient Ordinance (MWELO), commencing with GC Section 65591.

6.05.005: Applicability

A. Landscaping Required. All projects shall provide and maintain landscaping and irrigation systems in compliance with the provisions of this Division.

B. Landscape and Irrigation Plans Subject to City Review.

1. Submittal of Landscape and Irrigation Plans Required. Landscape and irrigation plans shall be submitted to the City for review for compliance with the requirements of this Division.

2. Plan Approval Required. Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by this Division have been approved by the Approving Authority. The Approving Authority is established by Table 2.02-1 (Review Matrix) of this Development Code and shall be empowered to approve or deny Landscape and Irrigation Documentation Plans.

3. Changes to Approved Landscape and Irrigation Plans. Changes to approved Landscape and Irrigation Documentation Plans, which affect the character or quantity of the plant material or irrigation system design, shall be resubmitted for approval of the revision by the Approving Authority, prior to the commencement of the changes.

6.05.010: Landscape Design Principles

Landscaping is an important part of the aesthetic quality of the City and is important to create a sense of the City as a pleasant and safe place to live and work. The standards prescribed by this Division are intended to pursue sustainable, high quality landscaping, which is associated with the varying land use characteristics of the community. It is further intended that implementation of these guidelines will serve to enhance the street environment for motorists, as well as to contribute to convenient pedestrian connections throughout the City.

1. Use landscaping to define and create usable spaces throughout each development. Landscaping should be used to guide the user through the site and incorporate appropriate design elements for spaces such as entrances, walkways, gathering spaces, seating areas, utility areas, view corridors, open spaces, play spaces, and foregrounds and backdrops. Landscape design can be accomplished by utilizing form, function, scale, unity, contrast, varying the density of landscape material, use of color, layering, vertical and horizontal contrasts, and varying the texture of planting. Individual building projects can be enhanced through larger and more intensely developed landscaping.

2. Use landscaping to reduce the massing of buildings and eliminate large blank walls. Landscaping should be used to reduce the massing or bulk of buildings, particularly large industrial and warehouse/distribution buildings. Reductions in massing can be accomplished by using landscape treatments to provide vertical and horizontal contrast and to add visual interest. Major buildings should have foundation plantings adjacent to buildings such as hedgerows or shrub masses to break the horizontal ground plane from the vertical plane of the building.

3. Use landscaping to soften the effect of paved areas. Landscaping should be provided in all parking areas to reduce the visual impact of parking areas and reduce associated heat build-up. Parking lot landscaping should be integrated with, and an extension of, other on-site landscape features.

4. Landscapes should be designed to achieve harmony and unity between indoor and outdoor spaces. Designs should create both pleasing and economical layouts, incorporating durable and natural materials while ensuring safety and providing guidance for pedestrians and vehicles to their destinations. High quality landscapes should be attractive with open accessibility to nature while incorporating measures to promote sustainability: environmentally, economically, and socially.

5. Environmentally sustainable landscapes efficiently manage stormwater by capturing, and infiltrating runoff into dry wells, french drains, vegetated swales, or basins in planter areas or into porous hardscapes. Hardscape areas should be planted with canopy trees to clean air and mitigate the urban heat island effect and use California native and Mediterranean type plants to conserve water.

6. Economically sustainable landscapes are energy efficient by using large trees to buffer summer sun and winter wind on buildings or outdoor seating areas. They use resources carefully by incorporating low water using plants and efficient irrigation systems. Turfgrass areas are limited to parks and open spaces for active play which help reduce maintenance, pollution and water resource costs.

7. Socially sustainable landscapes create unique environments that enhance places to work, shop or dine and lend significant value to development. High quality landscapes have a profound impact on people's attitude and work performance as well as their enjoyment of a place. Open spaces, plazas, employee lunch areas and trails offer places to unwind, and meet people. Accessible paths and trails improve health through walking and biking.

6.05.015: Landscape Plans

A. Preliminary Landscape Plans.

1. Plan Required. A preliminary landscape plan shall be submitted with a Development Plan application or any other discretionary permit or action that proposes new or revised landscaped area. Where no discretionary permit or action is required, Landscape and Construction Irrigation Documentation Plans prepared pursuant to Subsection B (Landscape and Irrigation Construction Documentation Plans) of this Section, may be required by the City prior to the issuance of a Building Permit, as a requirement of any landscaped area proposed in fulfillment of the requirements of this Development Code.

2. Preliminary Landscape Plan.

a. The preliminary landscape plan shall meet the purposes of this Division by exhibiting a design layout that demonstrates the desired landscaping program in terms of function, location, size, scale, theme, and similar attributes.

b. The preliminary landscape plan shall provide the Approving Authority with a clear understanding of the landscaping program prior to preparation of the detailed Landscape and Irrigation Documentation Plans.

c. The preliminary landscape plan shall meet the purposes of OMC Title 10 (Parks and Recreation), Chapter 2 (Parkway Trees), commencing with Section 10-2.01.

d. The preliminary landscape plan shall include the Maximum Applied Water Allowance (MAWA) calculation, based upon the area devoted to landscaping as shown on the preliminary landscape plan. See worksheets contained in the Landscape Design and Construction Guidelines (Development Code Reference G) for the MAWA calculation formula.

3. Plan Preparation by a Qualified Design Professional is Required. Preliminary landscape plans shall be prepared by a California-registered landscape architect, or the architect that designed the on-site structures and improvements, or other qualified design professional.

4. Waiver of Requirements. The Approving Authority may waive the requirement for a preliminary landscape plan for building additions and remodels if no alterations, or minor alterations, are proposed to existing landscape areas or site topography.

B. Landscape and Irrigation Construction Documentation Plans.

1. Landscape and Irrigation Construction Documentation Plans Required.

a. Prior to the installation of landscaping and irrigation systems required by this Division, Landscape and Irrigation Construction Documentation Plans shall be submitted to the City for review and approval by the Approving Authority.

b. The required plans shall be prepared by, and bear the seal of, a landscape architect registered with the State of California.

c. Landscape and Irrigation Construction Documentation Plans shall be provided for each of the following project types:

(1) New and rehabilitated public or private development projects with landscaping;

(2) Developer-installed landscaping for all single-family and multiple-family development projects; and

(3) New and rehabilitated homeowner-installed or homeowner-hired projects with landscaping totaling 5,000 SF or more in area, on any lot containing a single-family or multiple-family dwelling.

2. Water Conservation Concept Statement. A Water Conservation Concept Statement shall be provided on the cover sheet of the Landscape and Irrigation Construction Documentation Plan set required by Paragraph B.1 (Landscape and Irrigation Documentation Plans Required) of this Section, which serves as a checklist to verify that all required elements of the Landscape and Irrigation Construction Documentation Plans have been provided. A Water Conservation Concept Statement shall have the form and content shown in the Landscape Design and Construction Guidelines (Development Code Reference G).

3. Water Budget Worksheet. A Water Budget Worksheet for new landscape areas shall be provided with each Landscape and Irrigation Construction Documentation Plan set submitted for areas to be newly landscaped, as required by Paragraph B.1 (Landscape and Irrigation Documentation Plans Required) of this Section. Said worksheet shall have the form and content shown in the Landscape Design and Construction Guidelines (Development Code Reference G), and shall include: **[i]** calculation of the Maximum Applied Water Allowance

(MAWA), **[ii]** calculation of the Estimated Total Water Use (ETWU), and **[iii]** calculation of the Water Budget Comparison.

4. Requirements for Existing Landscape Areas.

a. All existing landscape areas that are one or more acres in size, and were installed prior to January 1, 2010, shall provide a project's MAWA for existing landscaping. A Water Budget Worksheet for Existing Landscape Areas shall be provided with the Landscape and Irrigation Construction Documentation Plans, which shall be consistent with the form and content shown in the Landscape Design and Construction Guidelines (Development Code Reference G).

b. Existing landscape areas and landscape areas that do not have a dedicated water meter shall employ techniques, equipment and procedures to reduce water use and meet the MAWA for existing landscapes.

c. Landscape areas that do not meet the MAWA shall utilize: **[i]** an irrigation survey; **[ii]** an audit performed by a Certified Landscape Irrigation Auditor or a Landscape Industry Technician certified in irrigation, to provide recommendations, such as replacement or repairing of irrigation equipment as recommended in order to prevent water waste and meet the water budget; or **[iii]** other methods acceptable to the City.

5. Planting Plan. The Planting Plan shall be included in the Landscape and Irrigation Construction Documentation Plans and shall contain all required information prescribed by this Division and the Landscape Design and Construction Guidelines (Development Code Reference G).

6. Irrigation Plan. The Irrigation Plan shall be included in the Landscape and Irrigation Construction Documentation Plans and shall contain all required information prescribed by this Division and the Landscape Design and Construction Guidelines (Development Code Reference G).

7. Precise Grading Plan. A Precise Grading Plan shall be included in the Landscape and Irrigation Documentation Plans and shall contain all required information prescribed by this Division and the Landscape Design and Construction Guidelines (Development Code Reference G). To promote the efficient use of water, the grading of a project site shall be designed to minimize soil erosion, runoff, and water waste, and shall avoid soil compaction in landscape areas. Furthermore, said plans shall show grading techniques and stormwater devices that increase rainwater capture for infiltration and/or on-site storage coordinated with the landscape design.

8. Soil Management Report. Agronomical soil testing shall be performed, and test results and recommendations shall be included on the Landscape Documentation Plans. Testing shall be performed, and recommendations shall be implemented, prior to landscape installation.

9. Irrigation Schedules. Irrigation Schedules shall be included in the Landscape and Irrigation Construction Documentation Plans.

10. Maintenance Schedules. Landscaping and irrigation systems shall be maintained to ensure water use efficiency, plant health, and a well maintained, attractive appearance. A regular maintenance schedule shall be included in the Landscape and Irrigation Construction Documentation Plans.

11. Certificate of Completion. Upon completion of landscaping and irrigation system installation, the licensed landscape architect of record, or their designee, shall conduct a final field inspection and shall prepare a Certificate of Completion, which shall be filed with the City. The Certificate of Completion shall specifically indicate that the landscaping and the irrigation system were installed as shown on the approved Planting and Irrigation Plans, and that the soil testing and amendments have been installed as specified by the soil management plan. If the irrigation system was not installed pursuant to plans, or if water use exceeds the water budget, a certified landscape irrigation auditor shall conduct an irrigation audit, and the recommendations to ensure water efficiency shall be provided, prior to permit approval.

12. Required Plans, Maps, Reports, Schedules, and Other Necessary Information. All plans, maps, reports, schedules, and other information required to be contained in the Landscape and Irrigation Construction Documentation Plan set by this Section, shall include all information stipulated by the Landscape Design and Construction Guidelines (Development Code Reference G), which prescribes the minimum information to be submitted, together with any required plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to review and act upon the required plans and information.

13. Public Education. All model homes that are landscaped shall incorporate signs and written information to demonstrate the principals of water efficient landscapes described in this Division. Signs shall feature elements such as hydrozones, irrigation equipment, and plants that contribute to the overall water efficient theme. Written information shall be provided about plant types, irrigation systems and managing and maintaining water efficient landscapes.

6.05.020: Tree Preservation Policy and Protection Measures

A. Purpose. The purpose of this Section is to establish policies and measures that will further the preservation, protection, and maintenance of established and healthy heritage trees within the City, to improve the community forest that provides environmental, aesthetic and economic benefits, and enhances the quality of life. It is pertinent to the public welfare that such trees be protected from indiscriminate cutting or removal.

B. Applicability. The City Council hereby establishes that it is the policy of the City to preserve, protect, and maintain established and healthy trees within the City, to the extent practicable. Consideration shall be afforded Heritage Trees, as set forth in this Section.

C. Definitions. As used in this Section**, the following** words, terms, and phrases are defined as follows:

1. Heritage Tree. The term "Heritage Tree" means a tree of historic or cultural significance, or a tree of importance to the community due to any one of the following factors:

a. A tree designated for preservation pursuant to Section 4.02.040 (Historic Preservation—Historic Landmark and District Designations, and Architectural Conservation Areas) of this Development Code.

b. It is one of the largest or oldest trees of the species located in the City, with a trunk diameter of 18 inches or greater, measured at 54 inches above natural grade; or

c. It has historical significance due to an association with an historic building, site, street, person, or event; or

d. It is a defining landmark or significant outstanding feature of a neighborhood or district, or typical of early Ontario landscapes, including **[i]** Cinnamomum camphora (Camphor Tree), **[ii]** Cedrus deodara (Deodar Cedar), **[iii]** Platanus acerifolia, **[iv]** Quercus suber (Cork Oak), **[v]** Quercus ilex (Holly Oak), or **[vi]** Schinus molle (California Pepper); or

e. It is a Native Tree. The term "Native Tree" means any one of the following California native tree species, which has a trunk diameter of more than 8 inches, measured at 54 inches above natural grade, including **[i]** Platanus racemosa (California Sycamore), **[ii]** Pinus torreyana (Torrey Pine), **[iii]** Quercus agrifolia (Coast Live Oak), **[iv]** Quercus engelmannii (Engelmann Oak), **[v]** Quercus lobata (Valley Oak), or **[vi]** Umbellularia californica (California Bay).

2. Tree Protection Area. The term "Tree Protection Area" (TPA) means the area of tree roots and canopy to be designated by fencing to prohibit access during construction activities. The tree protection area is typically equal to one foot of radius for each inch of trunk diameter measured at 54 inches above natural grade, but not less than an 8-FT radius. This term may also be referred to as "Protected Root Area" (PRA).

D. Tree Inventory and Preservation Plan.

1. Property proposed for development on which a Heritage Tree exists, shall require the submittal of a Tree Inventory and Preservation Plan prepared by a licensed landscape architect, horticulturalist, certified arborist, or other related professional. Said plan shall be submitted concurrent with a Development Plan or building permit request for alterations of a site and shall be reviewed and approved by the Approving Authority for the corresponding application request.

2. The Tree Inventory and Preservation Plan shall show all existing on-site trees, and those existing trees on abutting lots and public rights-of-way with a canopy or root zone that extends onto the site or within 8 FT of a construction, staging or storage area, or graded site. Furthermore, the Tree Inventory and Preservation Plan shall identify TPAs and trees requested to be removed and shall show replacement trees as required by this Division.

3. The Tree Inventory and Preservation Plan shall include a tree evaluation or arborist report of affected trees, prepared by a City-approved certified arborist or qualified horticulturalist, to determine health, structure, condition, and expected life span of all affected trees.

E. Tree Protection During Construction.

1. All trades performing work on property in which trees have been specifically identified for protection pursuant to this Section, shall be informed of the protected trees.

2. During site construction, no person in control of work shall leave any Heritage Tree(s) without sufficient protections in place to prevent injury to the tree(s). Furthermore, it shall be unlawful and a violation of this Section to leave any Heritage Tree protected pursuant to this Section without sufficient protections in place.

3. Any special Tree Protection During Construction requirements shall be included in the Tree Inventory and Preservation Plan, and on any Demolition, Grading, or Construction Plan(s) where existing trees may be impacted, along with the following Tree Protection During Construction standard notes:

a. Existing trees to be protected shall be identified with protective fencing to form a TPA. The TPA shall encircle the tree at the outer most edge of the root zone and canopy. The TPA is defined by its "Critical Root Radius," which is calculated by measuring the tree's diameter at 54 inches above natural grade (dbh) and allowing 1.5 FT of radius for each inch of tree diameter. In example, if a tree's dbh is 10 inches, its Critical Root Radius is 15 FT.

b. Protective fencing shall be installed prior to any earthwork and shall remain in place until all work is complete. Fencing shall be 3 FT to 4 FT in height and shall be installed at the outer most edge of the Critical Root Radius or TPA. The temporary fencing shall be of chain link or other approved durable material. Post "Tree Protection Zone – Keep Out" signs on TPA fencing.

c. No construction or staging equipment is allowed within a TPA, including heavy equipment that will compact and damage the roots.

d. No disposal of construction materials or by products including paint, plaster, or chemical solutions, is allowed within a TPA.

e. Natural or preconstruction grade shall be maintained within a TPA. At no time shall soil be in contact with a tree trunk above the root flare.

f. TPAs shall be irrigated sufficiently with clean potable water to keep the tree in good health and vigor before, during, and after construction. Deep watering may be necessary on a weekly basis. Verify that the depth of irrigation provided to roots is adequate.

g. Apply a 4-inch to 6-inch thick layer of mulch within the TPA, one foot away from the trunk, before construction begins.

h. Any work required to be conducted in the ground, within the TPA, shall be accomplished with hand tools or an air spade.

i. Pruning for clearance, if needed, shall be done to prevent damaging branches with large equipment. All pruning shall be in accordance with industry standards (International Society of Arboriculture ANSI A300) under the direction of a Certified Arborist.

j. Avoid cutting roots with a diameter larger than 2 inches. Cuts should be clean and made at right angles to the roots. When practical, cut roots back to a branching lateral root. Trenches for piping shall be bored under, at a minimum depth of 36 inches. Consult a Certified Arborist to be present if more than 33 percent of the root zone is impacted, or roots greater than 2 inches diameter within 5 FT of the trunk will be cut, to ensure tree stability and that health will not be affected.

k. Protect soil and roots from compaction in landscape areas used for driveways, storage, or parking, with a layer of geotextile fabric and 6 inches of crushed gravel.

4. All trades performing work on property in which trees have been specifically identified for protection pursuant to this Section, shall be informed of the Tree Protection and Inventory Plan and the Tree Protection During Construction requirements.

F. Waiver of Development Standards to Further Heritage Tree Preservation and Protection. When considering an application for any permit or approval that may adversely affect Heritage

Trees, the City may allow certain departures from established development standards to assist in their preservation, through the granting of an Administrative Exception pursuant to Section 4.02.020 (Departures from Development Standards) of this Development Code. Allowable exceptions specifically for the furtherance of tree preservation shall be limited to a maximum 15 percent reduction from minimum setback and separation requirements, and maximum 10 percent from off-street parking requirements. The Approving Authority may grant Administrative Exceptions from said setback, separation, and/or parking standards after first finding that:

1. The applicant has investigated alternative site designs and building configurations in strict compliance with the applicable development standards;

2. The tree(s) to be preserved is/are in good health and condition (taking into account species and longevity) as determined by a certified arborist;

3. The project includes a well-integrated and thoughtful design solution that enhances the property and its surroundings;

4. The project would not be injurious to adjacent properties or uses, or detrimental to the environment, quality of life, or the health, safety, and welfare of the public; and

5. The project is consistent with the purposes of the applicable zoning district, planned unit development, or specific plan, the applicable development standards and guidelines, and the Vision, Policy Plan, and City Council Priorities components of The Ontario Plan.

G. Heritage Tree Removal. It is the City's policy to protect and preserve healthy trees that provide benefits to the community, whenever possible. However, if it is determined through an arborist report, tree evaluation, or other city approved means, that a Heritage tree is dead, hazardous, diseased, or damaged beyond repair, or may pose an emergency or safety concern, the Approving Authority may order removal of the tree.

H. Heritage Tree Pruning. Pruning of any Heritage Tree protected pursuant to this Section shall be performed under the direction of a certified arborist, horticulturalist, or similar qualified licensed professional, following the most recent standards of the International Society of Arboriculture and ANSI A300 standards for tree care operations.

I. Heritage Tree Damage or Tree Removal without City Approval.

1. The damage or removal of a Heritage Tree protected pursuant to this Section, or encroachment into a protected root area or TPA, shall require an evaluation by a City-approved certified arborist as to the resulting condition, prescribed treatment to repair the damage, replacement trees if removed (as prescribed by this Division), and monetary value of the tree if removed or damaged beyond repair. Penalties pursuant to Section 6.05.035 (Violation—Penalty) of this Division shall apply.

2. For the purposes of this Subsection, the term "tree removal" shall include any act that causes the actual removal of a Heritage Tree, or the effective removal of a Heritage Tree by means of willful damage; damage resulting from excessive or improper pruning, excavation, or construction; poisoning; or any other direct or indirect action resulting in tree death within the 3-year period following said actions.

J. Heritage Tree Replacement. Healthy Heritage Trees that are approved for removal shall be replaced with new trees and shall be shown on required Landscape and Irrigation Construction

Documentation Plans. Replacement trees shall have a total trunk diameter (caliper) equal to the tree(s) removed, or as deemed appropriate by the Approving Authority based on the lot size and available planting space. Replacement trees shall be in addition to the quantity of trees required by this Division for landscaping. The Approving Authority shall review the landscape plan and approve appropriate species for tree replacement (see Section 6.05.045 (Landscape Development Standards) for required trees).

K. **Monetary Value.** The monetary value of Heritage Trees protected pursuant to this Division, which are removed, shall be based upon the "Guide for Plant Appraisal," which is available from the International Society of Arboriculture. Appraisals shall be performed by a City-approved professional plant appraiser or certified arborist skilled in tree appraisals.

L. **Prohibited Acts.** It shall be expressly prohibited to damage or to remove any Heritage Tree without prior specific authorization by the Zoning Administrator, except that tree removal specifically approved as a part of a Development Plan or Building Permit approval; Certificate of Appropriateness; pruning or removal to obtain adequate line-of-sight distances as specifically authorized by the City Engineer; pruning or removal as required for public safety as specifically authorized by City representatives; and/or actions taken by a public or private utility company for the protection of their existing electrical power or communication lines, or other property of a public utility.

6.05.025: Heritage Tree Preservation Mitigation Fee

A. **Purpose.** The purpose of this Section is to establish the Heritage Tree Preservation Mitigation Fee whereby the impacts resulting from the construction or demolition of heritage tree(s) may be mitigated by the collection of fees that will provide a source of funds for the conservation, preservation, restoration, replanting and reforestation of trees within the City.

B. **Applicability.**

1. A mitigation fee, in an amount established by this Section, shall be paid prior to the issuance of any permit for construction or demolition of any heritage tree(s). The mitigation fee shall be deposited in the Heritage Tree Preservation Trust Fund established pursuant to Section 6.05.030 (Heritage Tree Preservation Trust Fund) of this Division.

2. The mitigation fee shall be based on the Tree Inventory and Preservation Plan pursuant to Section 6.05.020 (Tree Preservation Policy and Protection Measures) of this division.

a. The mitigation fee for Healthy Heritage Trees that are approved for removal shall equal the replacement value of the total trunk diameter (caliper) equal to the tree(s) removed, or as deemed appropriate by the Approving Authority based on the Tree Inventory and Preservation Plan. The Approving Authority shall review the Tree Inventory and Preservation Plan and approve the replacement value.

b. The mitigation fee for the monetary value of Heritage Trees protected pursuant to this Division, which are removed, shall be based upon the "Guide for Plant Appraisal," which is available from the International Society of Arboriculture. Appraisals shall be performed by a City-approved professional plant appraiser or certified arborist skilled in tree appraisals.

6.05.030: Heritage Tree Preservation Trust Fund

A. Purpose. The purpose of the Heritage Tree Preservation Trust Fund is to provide funding, under direction of the City Council, for the conservation, preservation, restoration, replanting and reforestation within the City.

B. Applicability. The Heritage Tree Preservation Trust Fund is hereby established as means to receive and replenish monies to assist the funding of tree preservation and reforestation projects within the City. All funds deposited in the Heritage Tree Preservation Trust Fund shall be used solely for the conservation, preservation, restoration, replanting and reforestation of the City, as provided in this Section.

C. Trust Fund Administration.

1. The City Manager, or designee of the City Manager, shall have authority for establishing policy for Heritage Tree Preservation Trust Fund expenditures.

2. The City Manager, or designee of the City Manager shall have authority to make recommendations to the City Council regarding any action or activity necessary or appropriate to implement its powers or duties to fulfill the objectives of the Heritage Tree Preservation Trust Fund.

3. The City Manager, or designee of the City Manager, shall serve as financial administrator of the Heritage Tree Preservation Trust Fund and shall be responsible for management of its finances, which shall be carried-out pursuant to all applicable federal, State and local laws.

4. The Planning Director, or designee of the Planning Director, shall serve as program administrator of the Historic Preservation Trust Fund and shall be responsible for its day-to-day management and operations.

D. Heritage Tree Preservation Trust Fund Proceeds.

1. Deposits. All funds received by the City for heritage tree preservation purposes shall be deposited in the Heritage Tree Preservation Trust Fund. The City's Fiscal Services Department may establish separate accounts within the Trust Fund for the purpose of separating deposits according to their origin or intended purpose.

E. Heritage Tree Preservation Trust Fund Program Activities.

1. Qualifying Program Activities are hereby established for the following:

a. *New Tree Plantings.* Tree plantings in parkways or city right-of-way shall be per the Street Tree Master Plan or Ontario Ranch Streetscape Master Plan. Tree plantings in public projects such as parks and city facilities shall be determined by the Approving Authority.

b. *Reforestation Tree Plantings.* Reforestation tree plantings in parkways or city right-of-way shall be per the Street Tree Master Plan or Ontario Ranch Streetscape Master Plan. Tree plantings in public projects such as parks and city facilities shall be determined by the Approving Authority.

c. *Tree Removal Alternatives and Mitigation Measures.* Tree removal alternatives and mitigation measures such as root pruning, flexible paving material, other materials, protection measures, and mitigation measures recommended in the Certified Arborist's report.

d. *Acquisition, Planting and Maintenance of Trees.* Activities to acquire, plant and maintain existing and proposed heritage trees as determined by the Approving Authority, identified in the Certified Arborist's report.

2. Qualifying Projects that implement Trust Fund Program Activities are hereby established for the following project types:

a. *Capital Improvement Projects (CIP) for New Construction and Rehabilitation Projects. CIP* Construction projects allow for activities that contribute to the conservation, preservation, restoration, replanting and reforestation of heritage trees located within public spaces.

(1) Conservation, preservation and restoration of trees within public spaces, such as but not limited to parkways and rights-of-ways. Funds may support public projects and include activities directly contributing to the conservation, preservation, and restoration of existing heritage trees. Activities may include, but are not limited to, the installation of alternate sidewalk materials, meandering sidewalks, and any reports and analyses prepared by a certified arborist that identify protection measures that will contribute to extending the life and viability of existing heritage trees.

(2) Replanting and reforestation of trees within public spaces, such as but not limited to parkways and rights-of-ways. Any replanting or reforestation efforts must be identified in the certified arborist report and include circumstances that warrant tree removal. Such conditions that warrant the removal of heritage tree(s) may include tree(s) that are dead, hazardous, diseased, or damaged beyond repair, or may pose an emergency or safety concern relating to the health, safety, and welfare of the public. Funds shall be used to support the overall project and include activities directly contributing to the replanting and reforestation of trees where a certified arborist has recommended the removal of a heritage tree(s). Activities may include, but are not limited to, intermittent planting strategies and new tree plantings, as well as warranty and maintenance efforts that support the establishment and longevity of new tree plantings, such as tree staking, irrigation measures and other construction activities to support the viability of newly planted trees.

b. *Public Works Projects for New Construction and Rehabilitation Projects. Public Works* Construction projects that allow for activities that directly contribute to the conservation, preservation, restoration, replanting, and reforestation of heritage trees located within public spaces.

(1) Conservation, preservation and restoration of trees within public spaces, such as but not limited to public parks, parkways, rights-of-ways and city facilities. Funds may support public projects and include activities directly contributing to the conservation, preservation, and restoration of existing heritage trees. Activities may include, but are not limited to, the installation of alternate sidewalk materials, meandering sidewalks, and any reports and analyses prepared by a certified arborist that identify protection measures that will contribute to extending the life and viability of existing heritage trees.

(2) Replanting and reforestation of trees within public spaces, such as but not limited to public parks, parkways, rights-of-ways, and city facilities. Any replanting or reforestation efforts must be identified in the certified arborist report and include circumstances that warrant tree removal. Such conditions that warrant the removal of heritage tree(s) may include tree(s) that are dead, hazardous, diseased, or damaged beyond repair, or may pose an emergency or safety concern relating to the health, safety, and welfare of the public. Funds shall be used to support the overall project and include activities directly contributing to the replanting and reforestation where a certified arborist has recommended the removal of a heritage tree(s). Activities may include but are not limited to, intermittent planting strategies and new tree plantings as well as warranty and maintenance efforts that support the establishment and longevity of new tree plantings such as tree staking, irrigation measures and other construction activities to support the viability of newly planted trees.

c. *Planning Projects.* Studies and reports that analyze existing conditions and make recommendations on conservation and preservation of heritage trees and reforestation treatments; and

d. *Community Outreach*. Outreach campaigns consist of the creation of education material and media to raise awareness of tree preservation benefits.

3. Project Selection Criteria. The award of Heritage Tree Preservation Funds shall be based upon consideration of the following criteria:

a. Level of significance of the heritage tree(s) impacted.

b. Overall benefit to the community; and

c. Ability to ensure the longevity of the health of the trees and features through warranty and maintenance.

6.05.035: Violation-Penalty

A. **Violation.** Any violation of this chapter shall be a misdemeanor or infraction at the discretion of the City Attorney or District Attorney.

B. **Civil Penalties.** Irrespective of, and cumulative to, any criminal conviction for a violation of this Division, the City may, pursuant to GC Section 36901, impose a civil penalty in an amount not exceeding $1,000, or by imprisonment not to exceed 6 months, or both such fine and imprisonment on any person either through an administrative hearing or a civil action brought either by the City Attorney or a designated employee of the City. Each tree removed in violation of this Division shall constitute a separate offense.

C. **Restitution for Damage or Removal of Protected Trees within the City.** Irrespective of whether the City pursues criminal and/or civil action under this Division, nothing in this Division shall prevent the City from seeking restitution for damage or removal of trees within the City, which are protected by this Division, as an alternative to criminal action and/or civil action to recover a civil penalty in accordance with Subsection B of this Section.

D. **Assessment of Civil Penalties.** Civil penalties may be assessed against a responsible party as confirmed by resolution of the City Council, and shall constitute a special assessment against the property to which it relates and after its recording, as thus made and confirmed, the same

shall constitute a lien on the property in the amount of such assessment. The notices of such special assessment shall be provided to the responsible party by certified mail, as determined from the County Assessor's or County Recorder's records. The assessment shall be collected at the same time and in the same manner as ordinary City taxes are collected and shall be subject to the same penalties and the same procedure as provided for ordinary City taxes. All laws applicable to the levy, collection and enforcement of City taxes shall be applicable to the special assessment.

E. Appeals.

1. Within 10 days after mailing of a Notice of Violation, which states the civil penalties to be assessed, the owner or person having charge of affected premises may file an appeal of the assessed civil penalties and the violations upon which the civil penalties are based, with the Planning Department, on a City application form.

2. Within 45 days following receipt of an appeal request, the City Manager shall hold a hearing, which shall be open to the public. The City Manager shall hear and consider objections and/or protests from any owner or person having charge of affected premises, or other interested persons relative to the accrual of civil penalties, and shall hear and receive all relevant evidence and testimony relative to the violations upon which the civil penalties are based, and shall consider all of the related facts.

3. Upon conclusion of the appeal hearing, the City Manager shall determine the amount of civil penalties to be assessed. The decision of the City Manager shall be final and conclusive.

F. Penalties collected resulting from enforcement of this section shall be placed in the general fund and used solely for the purposes of the City to ensure and maintain the character and well-being of the City.

6.05.040: Required Landscape Areas

A. Residential Projects. Residential development projects shall be landscaped and irrigated as follows:

1. Conventional and Small Lot Single-Family Projects.

a. The front yard and any street side yard of a conventional or small lot single-family project site, and all parkway areas that abut the site, shall be fully landscaped and provided with an underground automatic irrigation system, and shall be maintained in compliance with the requirements of this Division.

b. A landscape and irrigation documentation plan shall be submitted for review and approval by the Approving Authority prior to building permit issuance, pursuant to Subsection 6.05.015.B (Landscape and Irrigation Construction Documentation Plans) of this Division.

2. Cluster Single-Family and Multiple-Family Projects.

a. The entirety of a cluster single-family or multiple-family project site, including street parkway and median areas that abut the project site, which is not otherwise devoted to

building area and paving, shall be fully landscaped and provided with an underground automatic irrigation system, and shall be maintained in compliance with the requirements of this Division.

b. A landscape and irrigation documentation plan shall be submitted for review and approval by the Approving Authority prior to building permit issuance, pursuant to Subsection 6.05.015.B (Landscape and Irrigation Construction Documentation Plans) of this Division.

B. Nonresidential Projects. Nonresidential development projects shall be landscaped and irrigated as follows:

1. The entirety of a nonresidential project site (excluding areas devoted to building area, paving, and/or outdoor loading and storage areas that are screened from public view), including street parkway and median areas that abut the project site, shall be fully landscaped, provided with an underground automatic irrigation system, and maintained in compliance with the requirements of this Division.

2. A landscape and irrigation construction documentation plan shall be submitted for review and approval by the Approving Authority prior to building permit issuance, pursuant to Subsection 6.05.015.B (Landscape and Irrigation Construction Documentation Plans) of this Division.

C. All Unused Areas of a Site shall be Landscaped and Irrigated.

1. All areas of a project site not intended for a specific use, including pad sites held for future development, shall be landscaped and provided with an automatic irrigation system, unless it is determined by the Approving Authority that landscaping is not necessary to fulfill the purposes of this Division. This requirement shall not apply to the side or rear yard area of a single-family residence, or that portion of a lot devoted to a legally established agricultural use.

2. The Approving Authority shall determine the level or intensity of landscaping to be provided for vacant pad sites, based upon an approved phasing plan.

D. Landscaping of Off-Street Parking Facilities. Outdoor off-street parking lots within residential developments, or within nonresidential developments that are visible from a public or private street, or are accessible by the public, shall be landscaped in the following manner:

1. At least 7 percent of the total area of a parking lot shall be landscaped, excluding perimeter landscaping or setback areas that may be required by the base zoning district.

2. Landscaping consistent with the landscape setback provisions of the base zoning district in which a parking lot is located, shall be provided adjacent to adjoining streets.

3. Landscaping shall be evenly distributed throughout the parking lot and shall not be concentrated in any one area.

4. No landscaped area is to have a dimension smaller than 5 FT clear in any direction, except as provided elsewhere by this Development Code.

5. Where parking lots occur along streets, a landscaped buffer element, minimum 10 FT in width, shall be constructed, which consists of a minimum 3-FT high hedge-like material to

screen views of parked cars from the street. To shade pedestrians and create an attractive streetscape, shade trees shall be planted within this landscaped buffer at an average spacing of 25 to 30 FT on center. Landscaping may be combined with low walls or dense plant material to mitigate the visual effects of parking lots and loading areas.

6. There shall be provided within each row of parking spaces, planter islands at least 5 FT in width (exclusive of curbs), which extend the full length of the abutting parking space(s), located so as to prevent no more than 10 vehicles from being parked side-by-side in an abutting configuration.

7. Planter islands for a single row of parking spaces shall be landscaped with at least one tree, appropriate shrubs, and groundcover. Planter islands for a double row of parking spaces shall contain not less than 2 trees, and appropriate shrubs and groundcover.

8. Throughout parking lots tree wells, tree diamonds or center planter strips shall be provided to facilitate the planting of shade trees at the minimum rate of one tree for each 4 parking spaces. Tree wells shall be a minimum of 5 FT in width and 5 FT in length (exclusive of curbs).

9. Shade trees shall have a minimum canopy of 30 FT in diameter at maturity, to provide an aesthetically pleasing area and relief from summer heat.

10. All rows of parking spaces shall be provided with landscape islands at each row terminus, at least 5 FT in width (exclusive of curbs) and extending the full length of the adjacent parking spaces, to protect parked vehicles, ensure visibility, confine moving traffic to drive aisles and driveways, and provide adequate space for landscaping.

11. Landscaped areas shall be delineated with a 6-inch wide concrete curb, except where a landscape area is parallel and adjacent to a parking stall, the curb shall be a minimum of 12-inches wide, to provide a step area for persons entering or exiting motor vehicles.

6.05.045: Landscape Development Standards

Landscaping required by this Division shall be designed, installed, and maintained in compliance with the following:

A. **Landscape Design Standards.** Landscaped areas shall comply with each of the following:

1. Landscaped areas shall have a minimum dimension of 5 FT (exclusive of curbs), excepting vine pockets, which shall have a minimum dimension of 1.5 FT, or as otherwise prescribed by this Development Code.

2. All landscaped areas shall be bordered by a concrete or masonry curb, or other means acceptable to the City, to prevent vehicles from entering landscape areas, and to define maintenance responsibilities or property ownership. Curbs along pavement may have openings to allow water infiltration into landscape areas.

3. Landscaped areas shall be comprised of living plant materials, planted at a spacing no greater than the mature plant diameter. Non-living ornamental features (e.g., boulders, dry stream beds, gravel, etc.) may comprise a maximum of 5 percent of a landscaped area and shall be of a permeable material.

4. All areas of a parkway that are not devoted to sidewalks shall be landscaped, irrigated, and permanently maintained pursuant to City standards.

5. All utilities shall be shown on plans to facilitate the landscape design and tree placement. Utilities such as backflow devices and transformers shall be located a minimum of 5 FT away from paving or other utilities to allow for landscape screening to cover at least 75 percent of the height of the equipment.

6. Accent landscape is required on all commercial or industrial corners including vehicular entries and major corner intersections. Accent trees shall be minimum 36-inch box size and palms shall be minimum 17-FT brown trunk height.

7. Foundation planting adjacent to buildings (hedgerows or shrub masses in a hierarchy pattern) is required at major building perimeters and residential front yards to break horizontal ground plane from the vertical plane of building.

8. Shade trees with irrigation shall be located in all appropriate areas where space permits to reduce the impacts of heat gain by shading large areas of paving, building walls, roof and windows also enhancing stormwater management and improving water quality.

9. Shade trees shall have a minimum canopy of 30 FT in diameter at maturity to provide an aesthetically pleasing area and relief from summer heat.

10. Trash enclosures shall be designed with adjacent planters for trees shrubs and vines for screening.

11. Accent landscape at monument signs shall be a hierarchy of ornamental shrubs or perennials.

B. Planting Requirements.

1. A variety of plant material appropriate for the project may be selected for planting, provided the ETWU for the landscape area does not exceed the MAWA (see Paragraph B.3.c (Calculation of the Budget Comparison) of this Division). The landscape plan shall be designed for the intended function of the project and for the efficient use of water, and shall include the following:

a. Protection and promotion of appropriate native species;

b. Selection of water conserving plant species; and

c. Selection of trees for shading buildings and paved surfaces and for stormwater management.

2. Plants shall be selected and appropriately planted based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.

a. The Sunset Western Climate Zone System should be utilized, which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

b. Recognize the growth habit of plant types, such as mature plant size and invasiveness of surface roots, to minimize damage to property and infrastructure (e.g., buildings, sidewalks, power lines);

c. Disease and pest resistant plants should be used, to promote health and longevity;

d. Consider the solar orientation for tree placement to maximize summer shade and winter solar gain;

e. Plants with similar water needs and climatic requirements shall be grouped together and irrigated separately;

f. Graded but undeveloped areas within the project site shall be seeded with wildflower or ornamental grass mix and automatically irrigated to prevent soil erosion from rain and strong winds;

g. Avoid use of invasive species that have a negative effect upon public health or disrupt or destroy native ecosystems as identified by the California Invasive Species List; and

h. Additional planting requirements of a Specific Plan may be required based upon the project location.

3. Limit the use or quantity used of turf except where used for play or recreation.

C. Irrigation Requirements

1. The irrigation system and its related components shall be designed to be efficient and effective for the landscape proposed with no run-off or overspray.

2. Irrigation plans shall include a water budget with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU) calculations shown pursuant to Paragraph 6.05.015.B.3 (Water Budget Worksheet) of this Division. The ETWU shall not exceed the MAWA.

3. Automatic irrigation controllers utilizing either evapotranspiration or moisture sensor data are required. A verification letter from the manufacturer certifying proper installation and sensor connection shall be provided prior to acceptance of the project.

4. Irrigation systems shall be designed with like plant material grouped together and proper solar orientation. Turf shall be on separate valves from shrub areas. Landscape areas in the shade (north or east sides of buildings) shall be controlled separately from areas in the sun (south or west).

5. Provide on plans all equipment required, sizes, notes and details, include water meter (note potable or recycled), static pressure, and maximum GPM. Contact the City's Utilities Department for City main pressure. Pressure regulating or boosting devices shall be installed to meet the pressure requirements of the system.

6. Backflow devices are required. Non–residential backflow devices shall be painted green and protected in a locking enclosure.

7. Spacing design for irrigation heads shall achieve 100 percent coverage, (head to head). Allow for wind velocities. Spacing shall achieve the highest possible distribution uniformity using the manufacturer's recommendations.

8. Narrow or irregularly shaped areas including turf, less than 8 FT in any direction shall be irrigated with subsurface irrigation or a low volume irrigation system. Low precipitation heads, rotators or drip systems shall be used in general to reduce water use and overspray.

9. Add check valves or anti-drain valves to prevent low head drainage.

10. Locate spray heads 2 FT from non-pervious paving to prevent overspray. Exception allowed if adjacent surface is permeable or if using alternative technology irrigation. Low precipitation rate heads less than 0.75 inches per hour may be located one FT from paving.

11. Trees in turf, 36-inch box and larger size trees in any area, and all palm trees, shall have pop-up stream bubbler heads. Trees in tree wells or permeable paving may use bubblers in a maximum 1.5 FT deep perforated root watering tube. Tree irrigation shall be on a separate valve, minimum 2 heads per tree.

12. Size all irrigation main lines and laterals on the plan, minimum 3/4 inch.

13. Under landscape, mainlines shall be buried with 1.5 FT minimum cover, laterals one FT minimum cover.

14. Under paving mainlines shall be buried with 2 FT minimum cover; lateral lines 1.5 FT minimum cover.

15. Pipe under roadways shall be installed 3 FT deep, sleeved and identified with marking tape installed one FT from the surface, identifying the type of line with APWA standard "Caution Waterline Buried Below" in blue, or "Caution Recycled Waterline Buried Below" in purple. Sleeves shall be Schedule 40 PVC, minimum 2 times the diameter of the pipe being sleeved.

16. Automatic Controllers shall contain a neatly drawn laminated irrigation layout chart, color coded to identify stations and valves as-built. Central controller shall include a manufacturer support page. Locate pedestals within planter areas with a 1.5 FT pad of DG or mulch at front for access.

17. An irrigation schedule shall be on the plan and layout chart noting irrigation cycles and run times per station or plant type (turf, shrub, trees, sun areas, shade areas, etc.) monthly or seasonally. Add multiple start times to prevent run off. Watering shall occur between 6:00PM and 6:00AM, excepting drip irrigation.

D. **Soil Testing.** Agronomical soil testing shall be performed to encourage healthy plant growth and reduce run off. One test shall be performed for each street frontage, or as otherwise required by the Approving Authority. Soil analysis shall include soil texture, infiltration rate, pH, total soluble salts, sodium, percent organic matter, and recommendations for amendments based upon the proposed plant material and tree types. Soil test results and recommendations for amendments shall be listed on the Landscape Planting Plan required pursuant to Paragraph 6.05.015.B.5 (Landscape Planting Plan) of this Division, noting the name, address, telephone number of the City-approved soils testing laboratory, and the test date.

E. Trees. Within required landscape areas, as prescribed by Section 6.05.040 Required Landscape Areas) of this Division, trees shall be provided as follows:

1. For cluster single-family or multiple-family residential development projects, and nonresidential development projects, a mix of tree sizes shall be provided on-site, for each development project, as prescribed in Table 6.05-1 (Minimum Tree Size Mix), below. Palm trees shall not be counted toward the minimum mix of required trees.

Table 6.05-1: Minimum Tree Size Mix

Requires Tree Sizes	*Minimum Mix of Required Trees*
48-inch box	5%
36-inch box	10%
24-inch box	30%
15-gallon	55%

2. For cluster single-family or multiple-family residential development projects, and nonresidential development projects, a mix of tree species shall be provided for each development project, as prescribed by Table 6.05-2 (Minimum Tree Species Mix), below. A minimum of 20 percent of the total number of trees provided shall be a California native species appropriate for the project site. Palm trees shall not be counted toward the minimum number of tree species required.

Table 6.05-2: Minimum Tree Species Mix

Number of Trees Provided	*Minimum Number of Tree Species Required*
20 or fewer	3
21 to 30	4
31 to 40	5
More than 40	6

3. All trees required by this Division shall conform to the minimum measurements prescribed by Table 6.05-3 (Minimum Tree Size Specifications), below.

Table 6.05-3: Minimum Tree Size Specifications

Tree Size	*Minimum Trunk Caliper*	*Minimum Height Range*	*Minimum Spread Range*
48-inch box	3.5 inches	14 to 16 FT	7 to 8 FT
36-inch box	2.5 inches	12 to 14 FT	6 to 7 FT
24-inch box	1.5 inches	9 to 11 FT	4 to 5 FT
15-gallon	1.0 inch	7 to 8 FT	2 to 3 FT
Palm trees		17-FT brown trunk height	

4. Existing trees shall be protected in place, whenever possible, pursuant to Section 6.05.020 (Tree Preservation Policy and Protection Measures) of this Division. Existing large canopy trees may be counted toward the 48-inch box tree requirement prescribed by Paragraph E.1. of this Section, provided the tree(s) to be preserved is/are in good health and condition (taking into account species and longevity), as determined by a certified arborist's report.

5. Tree planting shall maintain the following minimum setbacks and/or separations from permanent improvements as prescribed by Table 6.05-4 (Minimum Tree Setbacks/Separations), below.

Table 6.05-4: Minimum Tree Setbacks/Separations

Improvement	*Minimum Setback/Separation*
Beginning of Curb Returns at Street Intersections	25 FT
Light Standards, Power Poles, and Fire Hydrants	10 FT
Water and Sewer Lines	7 FT
Sidewalks (except within parkways), Driveways, and Buildings	5 FT

6. Trees shall not be placed where they interfere with site drainage or require frequent pruning in order to avoid interference with overhead utilities.

7. Shade trees shall have a mature canopy diameter of 30 FT, single dominant leader or a balanced arrangement of branches, and a healthy root system not girdled by the growing container.

8. Street trees shall be minimum 24-inch box or larger and shall be planted at an average spacing of 25 FT to 30 FT on center, except where necessary to meet the minimum tree setback/separations required by Table 6.05-4 (Minimum Tree Setbacks/Separations) of this Section.

9. Trees shall be planted with a visible trunk flare and rootball that is 2 inches higher than the adjacent grade. No soil shall be placed on top of the rootball, and mulch shall be maintained 6 inches clear of the trunk. Trees with kinked or girdling roots shall be rejected before installation or replaced if planted.

10. Root barriers shall not be required for use in parkways or City maintained areas; however, if used, they shall be a maximum of one FT in depth and shall not encircle the tree rootball. Furthermore, if the tree trunk is within 5 FT of paved areas, root barriers, if used, shall run adjacent and parallel to the pavement.

11. Palm trees may be used as accents, with a minimum brown trunk height of 17 FT, and shall not count toward the minimum tree species mix required pursuant to Table 6.05-2 (Minimum Tree Species Mix) of this Division.

12. Trees shall be staked or guyed to prevent wind damage and allow healthy growth. Ties shall be flexible, allowing some trunk movement while providing protection from damage.

13. Parking lot lighting and site utilities shall be designed to avoid conflict with required shade tree locations.

14. Solar collectors shall be designed and located to avoid conflict with tree canopy and future shading from the mature size of trees, as defined by the PRC Section 25980 through Section 25986 (The Solar Shade Act).

F. **Tree Staking and Tying.** Trees shall be staked and tied as follows:

1. Fifteen gallon and 24-inch box trees shall be double-staked perpendicular to the prevailing wind, or parallel to the street, as appropriate. Stakes shall be located to prevent branch damage and shall extend a minimum of 7 to 8 FT above grade and 3 to 4 FT below grade. Stakes shall be tied into the tree canopy for wind protection. Galvanized stakes are recommended for wind prone areas.

2. Box trees that are 36-inches or larger, shall be rootball guyed or anchored.

3. Flexible tree ties shall be used. Wire and hose, or metal rod-type braces shall not be used. Nursery stakes shall be removed at time of installation or loosened if they are to remain during the maintenance period and shall be removed by the end of maintenance period.

G. **Shrubs.** Within required landscape areas, as prescribed by Section 6.05.040 Required Landscape Areas) of this Division, shrubs shall be a minimum 5-gallon container size and shall be spaced at a rate equal to three-fourths of the shrub's mature size. One-gallon containers may be used for perennials and groundcovers.

H. **Groundcovers.** Within required landscape areas, as prescribed by Section 6.05.040 Required Landscape Areas) of this Division, one-gallon containers shall be used for groundcover areas. Perennials or annual color shall be spaced at a maximum of 8 inches on center.

1. Turf. Turf grass is typically a high water use plant and is best reserved for recreation and active play areas. Low water groundcovers or native or warm season turf grasses may be used in traditional turf areas, such as parkways or front yards. Concrete mow strips shall be used to separate turf from landscape areas, excepting single-family residential development projects, which may utilize wood or fabricated benderboard materials.

2. Mulch. Mulch shall be applied and maintained in all non-turf areas and shall be at least 3 inches in depth in shrub areas and at least one-inch in depth in groundcover areas. Mulch shall be of an organic material, such as shredded or chipped bark, as it will supply nutrients to the soil and plants over time. Native plants shall have mulch applied that is appropriate for the type of landscape. Synthetic mulch materials shall not be used.

I. **Screening and Buffering.**

1. Landscaping may be used to aid in the screening and buffering of mechanical equipment, trash collection areas, and loading docks and outside storage areas from public view, and the screening and buffering of differing land uses. Walls and/or fences used for screening and buffering purposes should incorporate landscaping over at least 60 percent of its surface area, which will serve to both buffer uses and "soften" the appearance of masonry walls.

2. Utility boxes and vaults shall be located away from entry driveways, corner accent landscapes and other highly visible areas, and shall be screened with a variety of landscape materials.

J. **Defining of On-Site Circulation.** Landscaping shall be used to define circulation patterns for safety and ease of use.

1. Landscaping shall be used to direct on-site vehicular and pedestrian circulation routes by providing clear direction, barrier planting (such as hedges), and accent planting, to define site entrances and pedestrian pathways.

2. Landscaping shall be designed to facilitate pedestrian circulation and access to buildings and shall be designed to buffer pedestrians from vehicular traffic, as well as to emphasize walkways.

3. Landscaping shall be designed to further pedestrian safety. Where provided, walkways shall have adequate width and be separated from parking lots, loading areas, and buildings (excepting building entries), with a landscape buffer. Furthermore, trees shall be planted along walkways to create shade and comfortable environments.

K. Grading Design and Stormwater Management.

1. Grading shall be designed to minimize soil erosion, water run-off or water waste, and increase on-site retention and infiltration. Grading shall ensure all irrigation and normal rainfall remains on-site and does not drain onto impermeable surfaces. Landscape areas shall be graded to be 1.5 inches below the grade of the adjacent finished surface.

2. Landscape plans shall include stormwater collection methods or devices that direct water into depressed landscape areas, such as vegetated swales, detention basins or infiltration areas. These areas shall incorporate proper plant materials and irrigation for success in saturated soils, drought conditions and to withstand possible erosion from the hydraulic impacts of stormwater collection. Manufactured drywells, pervious pavement, or storage chambers may also be used for stormwater infiltration.

3. Stormwater collection in landscape areas shall be designed with a natural appearance, utilizing curvilinear forms, native plants, varying sizes of boulders or river rock, and maximum 3:1 slope.

4. On-site landscape areas for stormwater management may utilize vegetated swales but shall not exceed 40 percent of the landscaped area width.

5. Landscaped slopes 3:1 or greater shall incorporate rolled erosion control products and landscape appropriate for slopes. Slopes shall be irrigated by a system with a low precipitation rate of 0.75 inches per hour or less. Turf is not allowed on slopes greater than 4:1, or where the toe of the slope is adjacent to an impermeable hardscape.

6. Compaction during site grading shall not occur within landscape areas. Compacted soils shall be repaired by deep tilling, or as directed by the soil analysis prescribed by Subsection D (Soil Testing) of this Section.

7. Vegetated swales, basins and sloped grades for stormwater management shall incorporate a level area adjacent to paved edges, at least 3 FT to 5 FT in width, to allow utilities, such as backflow devices, to be located on level ground, and to serve as a buffer from sloped edges for pedestrian safety purposes.

L. Decorative Water Features. Decorative water features shall be properly maintained to operate and function to meet the intent of the design. Furthermore, decorative water features shall incorporate recirculating water systems, and shall use recycled water, where available, excluding swimming pools and spas.

6.05.050: Landscape Maintenance

A. Landscape Maintenance Required. Where a Landscape and Irrigation Documentation Plan is required pursuant to Subsection 6.05.015.B (Landscape and Irrigation Documentation Plans) of this Division, all installed landscaping shall be permanently maintained as prescribed by this Section.

1. Once installed, no landscaping shall be removed unless replaced with landscaping of a similar design, character, and coverage, at maturity.

2. Trees shall be monitored, staking inspected, and branches pruned, if necessary, pursuant to Section 6.05.020 (Tree Preservation Policy and Protection Measures) of this Division, to direct new growth, and to avoid conflict with vehicles, pedestrians, lighting, or buildings. Stakes and ties shall be removed upon establishment, typically 2 years after planting.

3. Once installed, no landscaping shall be allowed to die-off. The replacement of dead or dying landscape materials shall occur in a timely manner, or immediately upon notification by the City, as prescribed by Division 6.10 (Property Appearance and Maintenance) of this Development Code.

4. Irrigation systems shall be maintained to prevent water waste. Broken or inefficient irrigation shall be repaired, replaced, or modified to prevent runoff from leaving the target landscape due to low head drainage, overspray, or other similar condition where water flows onto adjacent property, non-irrigated areas, walkways, roadways, parking lots or structures, unless the nonpermeable surfaces are designed and constructed to drain entirely to landscaping.

B. Landscape Maintenance Defined. On-going landscape maintenance shall consist of the following:

1. Regular watering;

2. Monitoring and treating for pests, disease, or injury;

3. Regular mowing, pruning, and the removal and replacement of dead or dying plants;

4. Regular fertilizing;

5. Clearing of debris and providing weed control;

6. Repair and/or timely replacement of irrigation systems, and components thereof;

7. Repair and/or timely replacement of integrated architectural features; and

8. Any other similar act(s) that promotes growth, health, beauty, and the life of plants, shrubs, trees, and/or groundcover/turf.

6.05.055: Landscape Design and Construction Guidelines

A. The City Council shall establish by resolution, Landscape Design and Construction Guidelines (Development Code Reference G), which are intended as a reference to assist design

professionals, landscape contractors and homeowners in their understanding of the City's goals and objectives for the preparation of landscape construction documentation plans, and the installation of landscape materials and elements.

B. The Landscape Design and Construction Guidelines (Development Code Reference G) shall compliment the mandatory landscaping regulations contained in this Division, by providing examples of potential design solutions, and by providing interpretations of the various mandatory landscaping regulations contained in this Division.

C. The Landscape Design and Construction Guidelines (Development Code Reference G) authorized by this Section, shall be enforceable in the same manner, and to the same extent, as any other applicable requirement of this Development Code.

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Division 6.06—Street Naming and Street Address Numbering

Sections:

6.06.000: Purpose
6.06.005: Applicability
6.06.010: Assignment of Street Names and Street Address Numbers
6.06.015: Street-Naming
6.06.020: Street Address Numbering

6.06.000: Purpose

The purpose of this division is to establish policies for the naming of public and private streets and alleyways, and the address numbering of lots, parcels, dwelling units, places of businesses, and public buildings located along public and/or private streets within the City.

6.06.005: Applicability

A. The naming of any new public or private street or alleyway within the City and any request to change the previously established name of a public or private street or alley within the City shall be accomplished pursuant to the Street Naming Policy established by this division.

B. A street address number shall be assigned to a lot, parcel, dwelling unit, place of business and/or public building located along a public and/or private street within the City pursuant to the Street Address Numbering Policy established by this division.

6.06.010: Assignment of Street Names and Street Address Numbers

A. **Assignment of Street Names.** The Planning Director shall be responsible for the assignment of street names, and shall, upon recommendation of the Building Official, City Engineer, Fire Chief, and Police Chief, assign street names as established by Section 6.06.015 (Street Naming) of this Division.

B. **Assignment of Street Addresses.** The Building Official shall be responsible for the assignment of street addresses and shall assign street addresses as established by Section 6.06.020 (Street Address Numbering) of this Division.

6.06.015: Street Naming

A. **Naming of Streets.** Street names should be assigned based upon one of the following criteria:

1. Presidents of the United States;

2. States of the United States;

3. Cities of the United States;

4. California counties;

5. Names of famous local, state, and national personalities who are deceased;

6. Names of culturally significant historic places and events;

7. Famous fictitious names;

8. Names of astrological constellations;

9. Colleges;

10. Colors;

11. Precious metals;

12. Rocks;

13. Trees, shrubs and flowers;

14. Fruits and nuts;

15. Armstrong registered roses; or

16. Others, as approved by the Planning Director.

B. **Street Name Prefix.** All street names shall be assigned a prefix based upon its direction and location in the City, as follows:

1. Each street that generally runs in a north-south direction, and is located north of Holt Boulevard, shall be assigned "North" as its street name prefix.

2. Each street that generally runs in a north-south direction, and is located south of Holt Boulevard, shall be assigned "South" as its street name prefix.

3. Each street that generally runs in an east-west direction, and is located east of Euclid Avenue, shall be assigned "East" as its street name prefix.

4. Each street that generally runs in an east-west direction, and is located west of Euclid Avenue, shall be assigned "West" as its street name prefix.

C. **Street Name Suffix.** All street names shall be assigned a suffix based upon its direction and design, as follows (excepting subregional thoroughfares, such as Holt and Mission Boulevards):

1. Each through street that generally runs in a north-south direction shall be assigned "Avenue" as its street name suffix.

2. Each through street that generally runs in an east-west direction shall be assigned "Street" as its street name suffix.

3. Each portion of a through street that changes direction, and generally runs in a north-south direction, shall be assigned "Way," "Parkway," or "Trail," as its street name suffix.

4. Each portion of a through street that changes direction, and generally runs in an east-west direction, shall be assigned "Road," "Drive," or "Lane," as its street name suffix.

5. Each cul-de-sac in which the centerline generally points in a north-south direction at its termination point shall be assigned "Place" as its street name suffix.

6. Each cul-de-sac in which the centerline generally points in an east-west direction at its termination point shall be assigned "Court" as its street name suffix.

7. Each circling street shall be assigned "Circle" as its street name suffix.

8. Each looping street shall be assigned "Loop" as its street name suffix.

D. **Naming of Private Streets and Drives.** The name of a private street or drive shall be determined pursuant to Subsection A (Naming of Streets) of this Section. In addition, each private street (or a private drive, if deemed necessary or desirable by the Planning Director) shall be assigned a "Privado" or "Paseo" street name suffix to identify that the street is privately owned and maintained.

E. **Naming of Alleys.** Alleys shall only be named if all the following criteria are met:

1. The alley leads to a landlocked parcel with frontage only onto an alley (no street frontage).

2. The structure(s) on the property are designated as a local historic landmark.

3. The naming will not adversely affect any other landlocked parcel.

6.06.020: Street Address Numbering

A. **Assignment of Street Addresses.** Street addresses shall be assigned based upon the following numbering system:

1. Euclid Avenue is hereby designated as the north-south street address-numbering axis and Holt Boulevard is hereby designated as the east-west street address-numbering axis. All streets that run in a general north-south direction shall be numbered from Holt Boulevard, consecutively, to the City limits. All streets that run in a general east-west direction shall be numbered from Euclid Avenue, consecutively, to corporate limits.

2. The numbering system shall begin at 100 and extend from each axis point. Wherever possible, succeeding blocks shall be assigned addresses in intervals of 100. Block length shall be determined by the next street succeeding street intersection, or at 660 FT intervals when no street intersection exists, with one whole street number assigned for each 20 lineal FT of street frontage.

3. On north-south running streets, north of Holt Boulevard, odd address numbers shall be assigned to the west side of the street and even address numbers to the east side of the street.

South of Holt Boulevard, odd address numbers shall be assigned to the east side of the street and even address numbers to the west side of the street.

4. On east-west running streets, east of Euclid Avenue, odd address numbers shall be assigned to the north side of the street and even address numbers to the south side of the street. West of Euclid Avenue, odd address numbers shall be assigned to the south side of the street and even address numbers to the north side of the street.

5. A new street having the design of a circle or loop shall bear one given name along its entire length and shall have a street address numbering system as follows:

a. Where the entrance to the circle or loop is from an adjacent east-west running street, the address numbering shall conform to that used on the north-south streets;

b. Where the entrance to the circle or loop is from an adjacent north-south running street, the address numbering shall conform to that use on the east-west streets.

B. **Posting of Street Address Numbers.** The owner, occupant or person in charge of any house or building to which a number has been assigned shall be responsible for posting assigned street address numbers pursuant to the following specifications:

1. Principal buildings shall display the address number on the side where the front entrance is located. A principal building occupied by more than one business or dwelling unit shall display the assigned number at the front entrance of each tenant or dwelling unit. In addition, commercial and industrial buildings shall display the assigned numbers at rear and side entrances facing a public alley or access drive.

2. A lot or development site having more than one building shall be assigned an address number in a manner determined by the Building Official. Commercial and industrial buildings shall display a directory at the main entrance to the site.

3. Street address numbers shall be posted so as to be conspicuously visible from the street or road fronting the property. The actual location and size of the numbers shall be approved by the Building Official, subject to the following guidelines:

a. Each individual digit stroke shall be a minimum of one inch wide;

b. Street address numerals located less than 50 FT from the street curb face shall be a minimum of 4 inches in height. Address numerals located from 50 to 100 FT from the street curb face shall be a minimum of 8 inches in height. Address numerals located more than 100 FT from the street curb face shall be a minimum of 12 inches in height; and

c. Street address numerals that are not visible from the street due to setback distance or would otherwise be obstructed may be posted on a freestanding structure having a maximum height of 3.5 FT and maximum area of 4 SF.

4. Street address numerals and the background to which they are affixed shall be of contrasting colors or shades and shall be of reflective material for nighttime visibility. Samples of the materials shall be submitted to and approved by the Building Official.

C. **Street Address Number Required for Building Permit Issuance.** No building permit shall be issued for any principal building until the owner or owner's agent has obtained the official street

address number of the premises from the Building Official. Final approval for a certificate of occupancy of any principal building erected, repaired or expanded shall be withheld until permanent and proper street address numbers have been displayed pursuant to this division.

D. Posting of Rooftop Address Numbers. Street addresses, suite/unit numbers and letters shall be displayed on rooftops as follows:

1. Street address numbers shall be displayed on rooftops of all multiple unit residential, commercial and industrial buildings. The numbers shall face the street corresponding to the address. Numerals shall be 3 FT long by one FT wide and shall be painted in reflective white paint on a flat black painted background.

2. Any other buildings may display secondary street address numbers on rooftops in coordination with the Police Department. Numerals shall be 3 FT long by 5 inches wide and shall be painted in reflective white paint on a flat black painted background.

3. Roof top street address numbers should not be visible from the street.

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Division 6.07—Reserved

**********Reserved for Future Use**********

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Division 6.08—Development Projects and Subdivisions

Sections:

6.08.000: Purpose
6.08.005: Applicability
6.08.010: Maps
6.08.015: Subdivision and Development Project Design
6.08.020: Monuments
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6.08.030: Park Dedication and In-Lieu Fee Regulations
6.08.035: Dedications and Improvements
6.08.040: Improvement Plans and Security
6.08.045: Common Interest Subdivisions
6.08.050: Conversion to a Residential Common Interest Project
6.08.055: Conversion to a Nonresidential Common Interest Project
6.08.060: Urban Lot Splits

6.08.000: Purpose

The purpose of this Division is to set forth rules and regulations for the subdivision and/or development of real property pursuant to the provisions of the Subdivision Map Act of the State of California (commencing with GC Section 66410) and the Ontario Municipal Code. Furthermore, it is the purpose of this Division to regulate and control all divisions of land that may be lawfully regulated by the City pursuant to the Subdivision Map Act. The provisions of this Division shall be interpreted to carry out this intent and purpose. In the event of a conflict between any mandatory provision of the Subdivision Map Act and a provision of this Division, the Subdivision Map Act shall control.

6.08.005: Applicability

A. Pursuant to the provisions of the Subdivision Map Act, and in addition to any other applicable regulations provided by State law, the regulations contained in this Division shall apply to all subdivisions or parts of subdivisions of land proposed within the corporate limits of the City, and to the preparation of subdivision maps and any other maps provided for by the Subdivision Map Act. Prior to the subdivision and/or development of any land in the City, the subdivider and developer thereof shall conform to, and comply with, the requirements, rules, and regulations of this Division.

B. No land shall be subdivided and developed for any purpose that is not in conformity with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and any applicable specific plan or planned unit development of the City. The type and intensity of land use shown in the Policy Plan, or applicable specific plan or planned unit development, shall determine the type of streets, roads, highways, utilities, and public services that shall be provided by the subdivider and/or the developer.

6.08.010: Maps

The requirement or necessity for a tentative, final, or parcel map shall be governed by the provisions of this Section.

A. Tentative Tract Maps and Final Maps. A tentative tract map and final map shall be required for all subdivisions creating 5 or more lots, 5 or more condominium units, a community apartment project containing 5 or more lots, or for the conversion of a dwelling to a stock cooperative containing 5 or more dwelling units, except as provided by Section GC 66418.2 and Section GC 66426.

B. Parcel Maps. A parcel map shall be required for all subdivisions creating 4 or fewer lots, or 4 or fewer condominium units, a community apartment project containing 4 or fewer lots, or for the conversion of a dwelling to a stock cooperative containing 4 or fewer dwelling units, or for those subdivisions described in Section GC 66426.

C. Exceptions to the Preparation of a Tentative Tract Map, Final Map or Parcel Map. Exceptions to the preparation of a tentative tract map or final map, or a parcel map shall be pursuant to GC Section 66426 and 66428.

D. Exclusions from the Requirement for a Tentative Tract Map, Final Map or Parcel Map. The requirement for the filing of a subdivision map pursuant to this Section shall not be applicable in those instances identified in GC Section 66412, 66412.1, 66412.2, 66412.3, 66412.5, and any other mandatory exclusions to the applicability of the Subdivision Map Act, as provided by the Act.

E. Waiver of Parcel Maps. The City Engineer is authorized to waive a parcel map pursuant to the provisions of Section 4.03.045 (Subdivisions—Parcel Map Waiver) of this Development Code.

6.08.015: Subdivision and Development Project Design

A. Design and Improvement Requirements. Pursuant to GC Section 66473.5, a subdivision for which a tentative map or parcel map is required pursuant to Section 6.08.010 (Maps) of this Division, shall be consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, any applicable specific plan or planned unit development, and this Development Code. Unless otherwise specified, design requirements and improvement requirements may be modified or waived only by the City Council.

B. Lot Requirements. All residential, commercial, mixed use, and industrial lots shall have direct access to a public street, except where private street, common driveway or other access easement rights are specifically approved by the City. The access easement shall be reserved on a subdivision map or by separate instrument in perpetuity, for the benefit of the effected property(ies).

C. Street Rights-Of-Way and Design Requirements. The street layout of a proposed subdivision or development project shall be consistent with all street right-of-way designations contained in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, or an applicable specific plan, at the time of tentative map approval. For alignments not specifically shown in the Mobility element, the City Engineer shall approve alignments that are consistent with the Policy Plan component of The Ontario Plan, or any applicable specific plan, master plan, and City standard. All streets (public and private) shall be designed to meet public street requirements,

unless otherwise approved by the Executive Director Development or both the City Engineer and Planning Director.

D. **Utility Easements.** Whenever overhead utilities are allowed in a proposed subdivision or development project by this Development Code, utility easements of sufficient width shall be located along the rear or side lot lines. Whenever possible, such easements shall extend an equal distance into each of the 2 abutting lots. This requirement may be modified by the Approving Authority, if warranted by unusual circumstances in a particular proposed subdivision. Underground utility easements, whenever necessary and to the extent practicable, shall be adjoining and parallel to lot lines.

E. **Drainage Easements.** The design of a proposed subdivision or development project shall provide for the proper drainage of the proposed subdivision or development project, and all lots and improvements therein, based upon the runoff that can be anticipated from ultimate development of the watershed area where in the subdivision is located. Stormwater detention measures shall be provided when required by the City Engineer, to reduce any adverse effects of increased runoff from development on downstream properties.

F. **Lighting and Maintenance Districts and Community Facilities Districts.** The City may cause the annexation of an area within a subdivision or development project to be annexed into a Lighting and Maintenance District (LMD), Community Facilities District (CFD), or similar appropriate district, prior to the recordation of a final map or parcel map, or vesting map.

G. **Energy Conservation.** Pursuant to GC Section 66473.1, the design of a subdivision for which a tentative map is required pursuant to Section 6.08.010 (Maps) of this Division, or a development project, shall provide to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

H. **Cable Television Systems.** Pursuant to GC Section 66473.3, the Approving Authority may require the design of a subdivision for which a tentative map or parcel map is required pursuant to Section 6.08.010 (Maps) of this Division, to provide for appropriate cable television systems and for communication systems, including, but not limited to, telephone and Internet services, to each lot in the subdivision. This provision shall not apply to the conversion of existing dwelling units to a common interest project.

6.08.020: Monuments

A. Pursuant to GC Section 66495, at the time of survey of the final map or parcel map, the engineer or surveyor shall set sufficient durable monuments so that another engineer or surveyor may readily retrace the survey. The exterior boundary of the land being subdivided shall be adequately monumented or referenced prior to recordation of the final map or parcel map.

B. The subdivider shall submit to the City Engineer, in a form satisfactory to the City Engineer, a tie sheet showing proper ties to the location of the centerline monuments. A minimum of 3 ties shall be shown for each centerline monument. All monuments set, and tie monuments set, shall be permanently marked or tagged with the registration or license number of the responsible engineer or surveyor.

C. Interior monuments need not be set at the time the map is recorded, provided the engineer or surveyor certifies on the map that the monuments will be set prior to City Engineer acceptance of the improvements or within 2 years following the recordation of the final map,

whichever is later, and the subdivider furnishes to the City, security guaranteeing the full payment of the cost of setting the monuments.

D. Pursuant to GC Section 66497, the engineer or surveyor shall notify the subdivider and the City Engineer when monuments have been set. If the subdivider does not present evidence to the City that the engineer or surveyor has been paid for the setting of the final monuments, and the engineer or surveyor notifies the City that payment has not been received from the subdivider for the setting of the final monuments, within 3 months following the date of notification, the City shall pay the amount due to the engineer or surveyor from the monument deposit.

E. In the event of the death, disability or retirement from practice of the engineer or surveyor charged with the responsibility for setting monuments, or in the event of his refusal to set such monuments, the City Council may direct the City Engineer, or such engineer or surveyor as it may select, to set such monuments. If the original engineer or surveyor is replaced by another, the former may release his obligation to set the final monuments to the surveyor or engineer who replaced him, by letter to the City Engineer. When the monuments are so set, the substitute engineer or surveyor shall amend any map filed pursuant to this Section and the provisions of GC Section 66498, and GC Section 66499 through 66472, inclusive.

6.08.025: Reports

A. Soils Report.

1. Prior to the approval of a final tract or parcel map, vesting map, or development plan, the City may require that the subdivider and/or developer submit a preliminary soils report. If required, the report shall be prepared by a civil engineer who is registered by the State of California and shall be based upon adequate test borings or excavations in the subdivision.

2. A soils report shall be prepared by a qualified civil or geotechnical engineer, who is registered by the State of California. An investigation of each parcel in the subdivision shall be prepared if the preliminary soils report (if required) indicates the presence of any of the following problems:

a. Critically expansive soils or other soil problems that, if not corrected, would lead to structural defects;

b. Rocks or liquids containing deleterious chemicals that, if not corrected, could cause construction materials, such as concrete, steel, and ductile or cast iron, to corrode or deteriorate; or

c. The presence of methane gas and/or other toxic gases or substances, which, if not corrected, could cause life endangerment.

3. The soil investigation shall recommend corrective action that is likely to prevent structural damage to each building proposed to be constructed in the area where the soil problem exists.

4. The City shall approve a soils report (if required) upon determination that the recommended corrective action is likely to prevent structural damage to each building to be constructed in the area where a soil problem exists. The subdivider may appeal the determination to the City Council pursuant to the procedures set forth in Division 2.04 (Appeals) of this

Development Code. Subsequent building permits shall be conditioned upon the incorporation of the recommended corrective action in the construction of each building.

B. Geological Hazard Reports.

1. Prior to the approval of a final tract map or parcel map, vesting map or development plan, the City may require subdivider or developer submit a geological hazard report if the subdivision includes land within a geologic hazard area identified in the Policy Plan (General Plan) component of The Ontario Plan or by the California Department of Conservation, or if the Building Official determines that other geological conditions warrant the preparation of a report. The report shall be prepared by a civil engineer who is registered by the State of California and shall be based upon appropriate field observations.

2. If the geological hazard report indicates the presence of a potential geological hazard to life, health, or property, a qualified civil or geotechnical engineer, who is registered by the State of California, shall prepare a geological mitigation plan that identifies corrective action for the potential hazard, which shall be filed with the City.

3. The City shall approve the mitigation plan if it is determined that the recommended corrective action is likely to mitigate the potential hazard. The subdivider may appeal the determination to the City Council, pursuant to the procedures set forth in Division 2.04 (Appeals) of this Development Code. Subsequent building permits shall be conditioned upon the incorporation of the recommended corrective action in the construction of each building.

6.08.030: Park Dedication and In-Lieu Fee Regulations

A. Purpose. These park dedication and in-lieu fee regulations are enacted pursuant to the authority granted by GC Section 66477 and shall be interpreted consistent with the provisions thereof. The park and recreational facilities for which payment of impact fees and/or dedication of land are required by the terms of this Section shall be provided in accordance with the standards, specifications, and requirements of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, any applicable specific plan, and any other applicable resolution, policy, or standard of the City.

B. Applicability.

1. Effect on Other Laws. With respect to the requirement for the payment of impact fees or the dedication of land for park and recreational purposes by the subdivider or developer of a residential project, or the residential portion of a mixed-use project, pursuant to this Development Code, this Section shall supersede all other ordinances or regulations of the City inconsistent herewith. The enactment of this Section shall not supersede any other provisions or authority adopted by ordinance of the City Council, unless expressly stated in this Section.

2. Exemptions. The provisions of this Section shall not apply to subdivisions containing less than 5 parcels and not used for residential purposes; provided, however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within 4 years, an impact fee may be required to be paid by the owner of each parcel as a condition to the issuance of such permit. In addition, the provisions of this Section shall not apply to nonresidential subdivisions; or to condominium or stock cooperative projects that consist of the subdivision of

airspace in an existing apartment building that is more than 5 years old, when no new dwelling units are added.

C. Definitions. The following definitions shall govern the meaning of the words as used in this Section, unless from the context in which the word is used, a different meaning is clearly intended:

1. Fair Market Value. The value of land set forth in the City's general and specific plans, which are earmarked to be acquired by the City upon which the City intends to locate park and recreational facilities to service residents of the subdivision. Fair market value shall be based upon an appraisal by a qualified appraiser selected by the City, which appraisal shall be updated from time to time by the City. The fair market value shall be determined as of the time the final map or parcel map is filed. With regard to any park and recreation improvements, or equipment provided by the subdivider, the fair market value shall be the actual cost to acquire, construct, or install the improvement or equipment.

2. Park. A lot that is, or contiguous lots that are, owned, operated, and maintained by a public agency or private association, and which provides recreational land and facilities for the benefit and enjoyment of the residents of the subdivision and of persons residing, working, or visiting in the City. Parks may be classified as community parks, including community centers, athletic facilities, large multi-user swimming pools, picnic areas, cultural centers, or similar facilities; public neighborhood parks, including playground equipment, sports fields, and picnic areas; and private neighborhood parks, generally intended to serve only the immediate subdivision/development or specified planned community in which they are located. Parks may also include, or be limited to, open space areas suitable for active or passive uses.

3. Park and Recreational Facilities. Any public improvements deemed necessary by the City to develop, improve, or rehabilitate land and facilities for park and recreational purposes. Such improvements may include, but not be limited to, grading; landscaped areas for active and passive recreational use, open space and sports fields; irrigation and drainage systems; lawn, shrubs and trees; facilities for recreational community gardening; walkways; bicycle facilities and park lighting; playground or other recreational equipment; picnic facilities; community center or other buildings, swimming pools; volleyball, basketball, tennis, racquetball, and other courts; vehicle driveways and parking areas, and any other facilities which may hereafter be authorized by state law or approved by the City.

4. Private Open Space. Privately owned land and facilities for park and recreation purposes provided within a subdivision, and perpetually maintained and operated by the future residents or owner of the subdivision.

D. Payment of Impact Fees or Park Dedication Required. As a condition of approval of a tentative tract or parcel map, final tract or parcel map, or development project for a residential subdivision or the residential portion of a mixed-use project, or for a building permit within a subdivision, the subdivider shall be required to pay an impact fee, offer for dedication of park land in lieu thereof, or both, at the sole and exclusive option of the City, in the amount provided in this Section, for park and recreational purposes, unless the subdivider is exempted from this requirement by the express provisions of this Section. The payment of an impact fee and/or offering for dedication of land shall be at the time and according to the standards and formula contained in this Section.

E. Standards for Determining Dedication/Maximum Requirement.

1. General. If the park dedication is required under Subsection D (Payment of Impact Fees or Park Dedication Required), above, the park area required shall be determined pursuant to the standards provided in this Section.

2. Standard of Park Area to Population (Park Area Standard Ratio). it is found and determined that the public interest, convenience, health, safety, and welfare of the residents of the City require that 5.0 acres of property for every 1,000 persons residing within the City be devoted to local park and recreational purposes, and that such park area is necessary to provide for the needs of the current and future persons residing and working in the City. The ratio of 0.005 shall hereafter be referred to as the "Park Area Standard Ratio."

3. Computation of Maximum Area of Public Parkland to be Dedicated.

a. The maximum amount of public park land required to be dedicated by a subdivision or development project shall be equal to the Total Number Of Dwelling Unit Types multiplied by the dwelling unit occupancy factor established pursuant to Subparagraph b, below, multiplied by 0.005 (the Park Area Standard Ratio of 5.0 acres per 1,000 population). The computation is represented as follows:

Area of Public Parkland to be Dedicated = (Total Number of Dwelling Unit Types) x (Dwelling Unit Occupancy Factor) x (0.005)

b. The Dwelling Unit Occupancy Factor for each housing type shall be established by resolution of the City Council, based upon the latest available census data.

c. The City Council, by resolution, may require a dedication of parkland less than the maximum amount set forth above if the City Council finds, and clearly establishes that a smaller dedication will adequately serve the public interest, convenience, health, safety, and welfare of the residents of the City.

4. Qualification of Land Being Dedicated. In addition to meeting the requirements set forth in this section, any land offered for park dedication shall meet the applicable criteria specified in Section 6.08.035 (Dedications and Improvements) of this Division.

F. Standards for Determining Park Impact Fee/Maximum Fee.

1. When required by Subsection G (Determination of Dedication, Fees, or Combination) of this Section, the subdivider or developer shall pay to the City, a fee in lieu of making an offer of parkland dedication. For the purposes of impact fee calculation, 3.0 acres of property for every 1,000 persons residing within the City shall be determined to be devoted to local parkland and recreational purposes, thereby resulting in the ratio of 0.003 to be hereafter referred to as the "Park Area Fee Standard Ratio."

2. The Park Impact Fee shall be equal to the total number of dwelling units multiplied by the Dwelling Unit Occupancy Factor established pursuant to Subparagraph E.3.b (Dwelling Unit Occupancy Factor) of this Section, multiplied by the Park Area Fee Standard Ratio, multiplied by the area of parkland to be dedicated under Paragraph E.3 (Computation of Maximum Area of Parkland to be Dedicated) of this Section, multiplied by the fair market value of the land to be developed by the City for parkland and recreational facilities. The computation is represented as follows:

Park Impact Fee = (Total Number of Dwelling Units) x (Occupancy Factor) x (0.003) x (Fair Market Value of Land to be Developed)

G. Determination of Dedication, Fees, or Combination.

1. Impact Fee Generally Required. Where required by the City or where no park or recreational facility located in whole or in part within the proposed subdivision is designated in the general plan of the City or other adopted resolution policy or standard of the City, the subdivider or developer shall pay an impact fee computed in accordance with Subsection F (Standards for Determining Impact Fees/Maximum Fee), above, to be used for park and recreational purposes to serve the residents of the area being subdivided and other members of the public.

2. Dedication in Lieu of Impact Fee. Where a park or recreational facility has been designated in the Policy Plan (General Plan) component of The Ontario Plan of the City, or other adopted resolution policy or standard of the City, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision and other members of the public, the City may require the subdivider to dedicate land for a park and provide recreational facilities thereon in lieu of payment of an impact fee as provided in this Section, if the City determines that dedication is desirable as provided in this Section. If the fair market value of the park and recreational facilities provided is less than that required hereunder, the difference shall be paid by the subdivider as an impact fee.

3. Combination of Land and Fees. The City may accept a combination of land, recreational facilities, and fees, with the respective amounts to be determined by the sole discretion of the City, so long as the aggregate fair market value of the land and recreational facilities, plus in-lieu fees, does not exceed the limits established in this Section.

4. Determination of Land or Fee. Whether the City requires payment of an impact fee, or requires land dedication in lieu thereof, or a combination of both, shall, in the City's sole discretion, be determined by consideration of the following, and such determination shall be final and conclusive:

a. The provisions of the City's general plan, any specific plan adopted thereto, and any other adopted resolution, policy or regulation of the City;

b. Topography, geology, access and location of land in the subdivision available for dedication;

c. Size and shape of the subdivision and land available for dedication;

d. The feasibility of dedication;

e. Access and location of other park sites to subdivision; and

f. Need of other accessible park sites for development, improvement, and rehabilitation.

5. Impact Fees for Subdivisions of 50 Parcels or Less. If the subdivision contains 50 lots or less, only the payment of impact fees may be required, except that condominium, stock cooperative or community apartment projects may be required to dedicate land if they have more than 50 dwelling units.

H. Subdivider Credits.

1. Public Parks. The subdivider shall receive a credit against the impact fee payment or park dedication requirement for the fair market value of any land dedicated and for the value of any park and recreation improvements provided by subdivider in conjunction with any public park. The value of such improvements shall be determined by City based upon Paragraph C.4 of this Section.

2. Private Park. In conjunction with any planned development, real estate development, stock cooperative, community apartment, or condominium, as defined by state law, if the subdivider provides private open space as defined in Subsection C (Definitions) of this Section, then the subdivider may receive a credit against the park dedication requirement of this Section, in an amount to be determined by the City Council or its designee, but such credit shall not exceed 33 percent of such impact fee payment or park dedication requirement. The actual amount of such credit shall be determined by the City Council or its designee, based upon the comparability of the private open space to public park area and the adequacy of such private open space to serve the needs of the subdivision for active recreational uses.

3. Application of Credits. The credits provided by Paragraphs H.1 and H.2, above, shall be applied to reduce the subdivider's obligation to dedicate and/or pay an impact fee as required under this Section, but only to the extent of such credit.

I. Disposition of Land or Fees.

1. The amount and location of land to be dedicated, or the impact fees to be paid, shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision. In accordance with GC Section 66477, it is expressly acknowledged that the land to be dedicated or impact fees to be paid may be for both neighborhood and community parks. In addition, such impact fees may be used to improve or rehabilitate existing parks.

2. Impact fees paid by a subdivider pursuant to this Section may be spent to develop, improve, and rehabilitate community and neighborhood parks even though such parks may be used by nonresidents of the subdivision, so long as the benefit of the park and recreational facilities to residents of the subdivision is reasonable in relation to the location of the parks and amount of the impact fees.

J. Time of Payment of Impact Fees or Land Dedication. All park impact fees shall be paid directly to the City Cashier at the time of issuance of a building permit for each lot within the subdivision. In the event of a dedication requirement, the subdivider shall make an irrevocable offer of dedication to the City at the time of recordation of the final map.

K. Schedule of Performance.

1. City's Schedule. The City shall prepare and maintain a schedule specifying how, when, and where land or impact fees, or both, which were dedicated to the City to develop park or recreational facilities will be used. Any impact fees collected pursuant to this Section shall be committed within 5 years after the payment of such fees or the issuance of building permits on 50 percent of the lots created by the subdivision, whichever occurs later. If any fees are not so committed, they shall be distributed to subdivision owners in accordance with law.

2. Subdivider's Schedule. In the event that a subdivider improves or develops parks for public or private ownership, they shall prepare a schedule specifying when, how, and where they will develop the park or recreational facilities to serve the residents of the subdivision. This schedule will be required as a condition of subdivision map approval.

L. **Procedure.** Unless otherwise expressly provided in this Section, any decision or action required by City in this Section shall be made after the duly noticed public hearing, at the time of approval of the tentative tract map or parcel map by the Approving Authority. Such decision or action shall be made a condition of approval of the subdivision map and shall be final and conclusive in the absence of a timely filed appeal pursuant to Division 2.04 (Appeals).

6.08.035: Dedications and Improvements

A. **General Requirements.**

1. The public need, safety, and general welfare require that dedications, offers of dedication, and irrevocable offers of dedication of real property for various public uses be made to the City, or other public agency or district, as conditions precedent to the approval or conditional approval of tentative tract or parcel maps, final tract and parcel maps, development plans, reversions to acreage, lot line adjustments, and consolidations and combinations of lots, or any other action or event requiring evidence of official City approval.

2. Dedications may be required for streets, highways, alleys, public service easements, courts, walkways, bicycle trails, equestrian trails, recreation trails, vehicular and pedestrian access rights, slopes, storm drains, watercourses, floodplains, sewers, water lines, water rights, public utilities, traffic signal facilities, transit facilities, environmental enhancement, landscaping, parks, recreation areas, and for all other public uses not specified, if found to be required to conform to, or implement the Policy Plan (General Plan) component of The Ontario Plan or any element thereof, or any applicable specific plan, planned unit development, master plan, and/or City standard. Dedications may also be required by the City on behalf of any other public agency or district.

B. **Dedication Requirements.**

1. Dedications for streets and highways shall be to the width as designated by the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan and City standards, or as designated by an approved specific plan. Deviations may be allowed for streets and highway widths not shown in the Mobility Element, or in any approved specific plan, based upon the land use, traffic volumes or other factors as determined by the City Engineer.

2. Dedications for other public easements shall be based upon the need for service, accessibility, topography, clearances available, and other circumstances and factors as determined by the City Engineer.

C. **Method of Dedication.** Dedications shall be made to the City by the following prescribed methods:

1. Final Map, Parcel Map, or Development Project. All streets, highways, alleys, easements, and lots offered for dedication or to be dedicated shall be clearly indicated on the map or development plan. They shall be clearly described in the appropriate statement on the

title sheet of the map or development plan. Vehicular access right dedications shall likewise be shown and described on the final map.

2. Separate Instrument. Where dedications are made a requirement of the final approval of a Lot Merger, Development Plan, Conditional Use Permit, building permit, or any other permit, and no final map or parcel map is required to be filed and recorded as a condition thereof, the required dedications shall be made by separate instrument in a form approved by the city attorney, which shall be signed, executed and acknowledged by all parties having record title interest in the property or rights being dedicated. Preparation, execution, and delivery of the fully executed instrument shall be made prior to the final approval by the City of the lot consolidation, lot combination, development plan, or permit being requested.

3. Fee Title. Fee title shall be granted by the subdivider when in the opinion of the City Engineer, in consultation with the City Attorney, it is necessary to carry out policies and requirements of the Policy Plan (General Plan) component of The Ontario Plan, and any City ordinance, resolution or standard.

D. Acceptance of Dedications. Acceptance of dedications shall be in conformance with the following:

1. At the time of final map or parcel map acceptance and approval, the Approving Authority may accept or accept subject to improvement, any or all dedications or offers of dedication. The City Clerk shall certify the action by the Approving Authority on the map.

2. Until any dedication is accepted by the City by execution of a Certificate of Acceptance recorded in the office of the County Recorder, the City shall not be responsible for, and shall not incur, any liability with respect to the offered property.

3. If any dedication is accepted, including but not limited to road or street, path, storm drain, sanitary sewer, water (potable or recycled), public utilities, and/or other public use easement, the acceptance shall be completed by the execution and recordation of a Certificate of Acceptance, recorded in the office of the County Recorder.

4. If any dedication is accepted subject to the completion and acceptance of public improvements, the City shall not be responsible for or incur any liability with respect to such dedication, unless and until the public improvements are completed by the subdivider and accepted by the City as evidenced by a notice of completion issued by the City Engineer pursuant to Section 6.08.040.J.4 of this Division. The ownership of and responsibility for the construction and maintenance of any public improvement is held by the subdivider and shall remain so until such time as the public improvements are completed and accepted.

5. Offers of Dedication may be terminated and abandoned in the same manner as prescribed for the abandonment or vacation of streets by the Streets and Highways Code (SHC), commencing with SHC Section 8300 or SHC Section 940, as applicable.

6. Acceptance of offers of dedication on a final map shall not be effective until the final map is filed in the office of the County Recorder, or a separate resolution of acceptance, approved by the City Council, is filed in such office.

E. Dedication of Land for Public Access. All vehicular and pedestrian access rights shall be dedicated to the City for those lots abutting any major, primary, secondary or collector street, flood control channel, park, or bike trail, except at designated locations.

F. Dedication of Land for Public Schools. Pursuant to GC Section 66478, the City may reserve an elementary school site within a proposed subdivision for later purchase by the appropriate school district. Whenever there is consideration of an area for a public school site within a subdivision, the city shall notify the school district and the State Department of Education, in writing, of the proposed site. The notification shall include the identification of any existing or proposed airport runways within the distance specified in State Education Code Section 17215.

1. Standards. As a condition of approval of a tentative or vesting tentative map, and as allowed by state law, a subdivider who develops or completes the development of one or more subdivisions within the school districts serving said subdivision, shall dedicate to the school district such lands as the Approving Authority deems necessary, for the purpose of constructing elementary schools necessary to assure the residents of the subdivision adequate public school service.

2. Consistency with Policy Plan (General Plan). School sites offered for dedication shall conform to the policies in the Policy Plan (General Plan) component of The Ontario Plan and relevant specific plans, and the requirements of the school district.

3. Timing. The requirement of dedication shall be imposed at the time of approval of the tentative or vesting tentative map. If, within 30 days following the requirement to dedicate is imposed by the City, the school districts do not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days following the filing of the final map on any portion of the subdivision.

4. Repayment of Costs. Upon accepting the dedication, the school district shall repay to the subdivider, or their successors, the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

a. The cost of any improvements to the dedicated lands since acquisition by the subdivider;

b. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication; and

c. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

5. Exception. These dedication requirements for public school lands shall not apply to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative map.

G. Dedication for Streets. In order to meet the City's transportation goals as described in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, any subdivider or developer of land shall dedicate, or make an irrevocable offer of dedication, of all land within the subdivision or the site that is needed for public streets and alley ways.

1. When Required. The dedication, or irrevocable offer of dedication, of land for streets and alley ways shall be a condition of approval of any tentative tract or parcel map, or vesting map submitted pursuant to Section 4.02.095 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) of this Development Code, or the approval of any Development Plan

submitted pursuant to Section 4.02.025 (Development Plans) of this Development Code, for the construction, alteration, or enlargement of any building or dwelling, or the establishment of any agricultural, commercial, or industrial land use. Furthermore, an owner, lessee, or agent constructing, altering, or enlarging a building or dwelling, or establishing an agricultural, commercial, or industrial land use, shall provide appropriate street dedication, or make an irrevocable offer of dedication, as a condition of building permit issuance, except that such dedications shall not be required for the following:

a. Any accessory building that does not exceed 1,000 SF of GFA;

b. Any alteration, enlargement, or addition that does not exceed 50 percent of the area of an existing building, dwelling, or land use, not to exceed 2,000 SF of GFA;

c. The installation or construction of walls, fences, or signs;

d. Temporary land uses not exceeding 30 days duration; and

e. Unenclosed agricultural land uses legally established pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code.

2. Rights-of-Way. Street dedications shall include the full right-of-way required for the functional classification of roadway as described in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, and applicable specific plans, and Section 6.08.015 (Subdivision Design) of this Division.

3. Street Design. Streets to be dedicated to the City, as well as any private streets, shall follow the design specifications in Subsection 6.08.015.C (Street Rights-of-Way) of this Division.

H. **Dedication for Pedestrian and Bicycle Paths**. Whenever a subdivider or developer is required to dedicate roadways to the public, a dedication of land may be required to provide bikeways and pedestrian paths for the use and safety of the residents of the subdivision, or to provide bikeways and pedestrian paths as shown in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, any bicycle or pedestrian master plan adopted by the City, or an applicable specific plan.

I. **Dedication for Local Transit Facilities.** In order to provide adequate local transit facilities, whenever a subdivider or developer is required to dedicate roadways to the public, a dedication of land shall be required for local transit facilities, such as bus turnouts, benches, shelters, landing pads, and similar items, that directly benefit the subdivision, or the community as a whole, as required by the Planning Director and/or the City Engineer, and as described in the Mobility Element of the Policy Plan (General Plan) component of The Ontario Plan, or an applicable specific plan. To facilitate a logical phasing of transit facility improvements, the City may require the payment of a fee in lieu of the construction and installation of required improvements.

J. **Improvement of Bridges, Signals, and Thoroughfares.** Pursuant to GC Section 66484 and Section 4.02.025 (Development Plans) of this Development Code, the subdivider or developer shall pay traffic impact fees for the purpose of defraying the actual or estimated cost of constructing major thoroughfares, other citywide transportation improvements or bridges. The City Council shall establish procedures and standards for determining the appropriate fees.

1. Construction, modification, or upgrading of traffic signals and appurtenances may be required as a condition of the approval of any subdivision, land division, development plan, or

use or building permit, if the additional traffic generated by the tract or development, the safety of the traveling public, the increased use of the streets, or other circumstances necessitate the construction.

2. Where the development of a subdivision or other project will be phased over a period time, and, in the opinion of the City Engineer, the full effect of increased burden on the streets will not be realized immediately, the subdivider or developer may be required to deposit a cash amount in the estimated value of the traffic signal improvements ultimately to be made, which sum shall be used at such time as the construction of the signal and appurtenances is warranted. In lieu of a cash deposit, the subdivider or developer may be permitted to post a bond or other surety to guarantee the installation of required traffic signals in a form satisfactory to the City Engineer and City Attorney. The exact amount, details and timing of the deposit and future construction shall be subject to an agreement between the city and the subdivider or developer.

K. **Groundwater Recharge Facilities.** Pursuant to GC Section 66484.5, the subdivider shall pay fees for the purpose of constructing recharge facilities for the replenishment of the underground water supply in that area of benefit. The City Council shall establish procedures and standards for determining the appropriate fees.

L. **Reservations for Other Public Uses.** In addition to the dedications for specific public uses that this Section requires, the subdivider or developer shall reserve land within the subdivision for wells, fire stations, libraries, or other public uses, consistent with the Policy Plan (General Plan) component of The Ontario Plan and applicable specific plans, provided that:

1. Develop in an Orderly and Efficient Manner. The reserved area is of a size and shape that permits the balance of the property within which the reservation is located to develop in an orderly and efficient manner;

2. Feasibility of Development. The amount of land reserved will not make development of the remaining land held by the subdivider economically infeasible; and

3. Consistency with Policy Plan (General Plan). The reserved area shall conform to the Policy Plan (General Plan) component of The Ontario Plan and applicable specific plans, and shall be in such multiples of streets and lots as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period. In such an event, the subdivider shall make those changes that are necessary to permit the reserved area to be developed for the intended purpose, consistent with good subdividing practices.

M. **Drainage Facilities and Grading.** Drainage facilities shall be provided and installed as necessary to help protect the lots, parcels, buildings, and structures from flooding, and to minimize flooding of the public streets therein or abutting the property.

1. Facilities shall be designed to minimize the inundation of private properties from storm runoff emanating from a 100-year frequency storm.

2. Public streets shall be protected from flooding from runoffs of a 10-year frequency storm pursuant to City standards or approved equivalent. Protection to higher levels may be required by the City Engineer, dependent upon the degree of flood risk involved, the topography, location, local drainage patterns, and the requirements of the San Bernardino County Flood Control District.

3. Hydrologic and hydraulic calculations and studies for required facilities shall be subject to review and acceptance by the City Engineer and/or Building Official. All grading done in conjunction with the development of a tract or property shall be performed in conformance with the City's building code, the City grading standards, and good engineering practices.

4. On-site and off-site storm drain facilities, and site grading, shall be designed and constructed to prevent undue erosion of the site or off-site properties, and to prevent excessive deposits of mud, silt, or debris upon any public street or easement, or within any channel, storm drain facility, swale, or watercourse. The drainage facilities shall be designed in accordance with the City's drainage master plan, applicable elements of the Policy Plan (General Plan) component of The Ontario Plan, and any applicable specific plan.

N. Sewage Facilities Improvements. Sewer mains, manholes, and appurtenances shall be constructed to serve each subdivision, lot, parcel, building or structure, and individual laterals shall be provided to each lot therein. All such facilities shall be installed prior to the paving of the streets, alleys, or improvement of the easements within the development. Sanitary sewers shall be constructed to the sizes, lines, grades, and design pursuant to City standards, and applicable elements of the Policy Plan (General Plan) component of The Ontario Plan, or any applicable specific plan.

O. Water Supply System Improvements. Water mains, service meters, cross connection control devices, valves, fire protection facilities, and all other appurtenances of the water system shall be provided to the applicable City master plan(s), and water lines, grades, and design shall be pursuant to City standards, and as required by applicable elements of the Policy Plan (General Plan) component of The Ontario Plan, or any applicable specific plan.

P. Underground Utilities and Service Lines. Whenever any tentative tract or parcel map, development project, or map for the reversion of lots to acreage is filed, all electrical, telephone, cable television, and similar wires, cables, services, and appurtenances that provide direct service to the property being subdivided, divided, or developed, shall be installed underground, and all existing facilities providing direct service to the building, structure, or development being added to or rebuilt, shall be underground as a condition precedent to the approval of the tentative tract or parcel map, by the City Council or City Engineer, as applicable.

Q. Development Impact Fees.

1. Prior to the issuance of a building permit for construction on any lot within any subdivision or development project, the applicant for such permit shall pay all development impact fees established by resolution or ordinance of the City.

2. The City Council may authorize by resolution, the imposition of development impact fees that are less than the maximum fees, to encourage the development of undeveloped and underdeveloped properties within the "Old Model Colony" area of the City.

3. Where it is determined that the public interest would be served by such an agreement, the City Manager is hereby authorized to negotiate and execute agreements on behalf of the City, in order to provide credits to a project applicant against certain development impact fees, in exchange for the applicant's construction and dedication of public improvements on those reasonable terms and conditions as may be negotiated on a case-by-case basis, subject to approval by the City Council.

4. The City Manager is further authorized to negotiate and execute agreements to defer, waive, or reduce any development impact fees imposed upon an applicant for a particular development project, based upon evidence presented by the Applicant, that:

a. The development project will provide a general benefit to the health, safety, morals, and welfare of the citizens of the City, and will not only be of special benefit to the project applicant;

b. Other properties to be benefitted by any development impact fee will not be unfairly burdened by the delay, reduction, or waiver of said development impact fee; or

c. Deferral, waiver, or reduction in development impact fees will result in a more fair funding arrangement, and in the case of waiver or reduction, the owner will receive insufficient or no benefit from the development impact fee imposed, and would, therefore, be required, if the fee(s) were imposed in full, to pay more than their fair share for the benefit received.

5. The required findings (Subparagraphs 4.a through c, above) and any resulting agreement(s) to defer, waive, or reduce any development impact fee(s) shall be subject to approval by the City Council.

R. **Condemnation Proceedings.** When any dedication, improvement or design is required by the City Engineer, and the subdivider or developer does not have full control of the land required in connection with the dedication, improvement or design, and condemnation proceedings are necessary as determined by the City, the subdivider or developer shall pay all necessary and reasonable costs involved in the condemnation or acquisition including, but not limited to, appraisal and court costs.

6.08.040: Improvement Plans and Security

A. **Design of Improvement Plans.**

1. Following approval of a development project, tentative tract or parcel map, or vesting tentative map, and prior to the submission of any final map or parcel map, the subdivider or developer shall prepare and submit complete sets of improvement plans and cost estimates for any improvement(s) required.

2. The acceptance of all required improvement plans by the City Engineer shall be a prerequisite to the approval of the final map or parcel map, and in the case of a development project, shall be prerequisite to the issuance of any building permit.

3. All public or private improvement plans, profiles, descriptions, studies, calculations, notes, surveys and drawings required pursuant to this Division shall be provided at no expense to the City and shall be prepared pursuant to the requirements of this Section and as required by the City Engineer.

4. Construction plans for street, alley, drainage, sewer, and water improvements, traffic signals, and streetlights, and for any other required improvements, shall be drawn on standard City mylar film, in indelible ink, and shall be filed with the City Engineer for checking and review prior to their acceptance. All maps, sketches, descriptions, estimates, plans and other

drawings and items required to fulfill the requirements of this Division shall also be provided in the form, content, number, and details as specified by the City Engineer.

5. The plans and profiles of all required and proposed public and private improvements in a subdivision or development plan shall be furnished to the City Engineer and shall be ready for acceptance before a final map of the subdivision or the development plan is presented to the Approving Authority for approval.

6. No construction work shall commence on any of the improvements shown on any construction or improvement plans required herein until the plans have been reviewed, approved, and signed by the City Engineer. After acceptance and signature by the City Engineer, all original drawings shall become the property of the City.

B. Application Requirements. The improvement plans shall be prepared by or under the direction of a registered civil engineer licensed by the state of California, and shall show the complete plans, profiles and details for all streets and appurtenances, storm drainage, water systems and fire hydrants, sewers, utilities, grading and all other improvements proposed or necessary, on-site and off-site. They shall meet all the requirements deemed necessary by the City Engineer.

C. Application Review Process.

1. Upon receipt of a complete set of improvement plans, the City Engineer shall cause the plans to be reviewed and return one set to the applicant or their engineer, with the required revisions, if any, marked thereon.

2. When the plans are found to be complete and satisfactory to the City Engineer, the applicant shall submit copies in the number and term deemed necessary by the City Engineer. The copies shall be accompanied by any additional number of complete sets of copies the applicant, their engineer, and contractors may require, to be noted as approved by the City Engineer.

D. Acceptance by City Engineer.

1. Upon finding that all required revisions have been made, all required fees have been paid, and the plans conform to all applicable City ordinances, standards, and conditions of approval imposed upon the tentative map or development plan, the City Engineer shall accept the improvement plans.

2. Pursuant to GC Section 66456.2, the City Engineer shall act within 60 days of receiving the preliminary improvement plans and calculations, except that at least 15 days shall be provided for processing any resubmitted improvement plan. The period of 60 days shall not include any days during which the improvement plans have been returned to the subdivider for corrections or have been subject to review by any party other than the City or a private entity contracted by the City.

3. The City Engineer's acceptance of improvement plans shall not relieve the subdivider or developer of responsibility for the design of the improvements and for any deficiencies in the improvements.

E. Permit Required. The subdivider or developer shall not commence work on any portion of improvements prior to the issuance of an encroachment permit and payment of applicable

permit and inspection fees. The City Engineering Department shall be notified in advance of commencement of any portion of the work.

F. Construction of Improvements.

1. All construction methods and materials for improvements shall conform to the approved improvement plans, the requirements of the applicable construction permit, and any other applicable City standards and requirements.

2. All construction of improvements is subject to inspection by the City Engineer. The subdivider and/or developer shall notify the City Engineer before beginning the construction of any improvements. The City shall always have full access to the improvement work during its construction.

G. Completion of Improvements/Subdivision Improvement Agreement.

1. If any public improvement required with the approval of a subdivision will not be completed and accepted pursuant to Section 6.08.035 Dedications and Improvements) of this Division, prior to approval of the final map, the subdivider, at their expense, shall enter into a Subdivision Improvement Agreement as a condition precedent to approval of the final map, to complete the public improvements. Performance of the Subdivision Improvement Agreement shall be guaranteed by the security specified in Subsection I (Improvement Security) of this Section, and GC 66499 et seq.

2. A subdivision improvement agreement shall be prepared by the City Engineer in a form approved by the City Attorney, and shall provide for the following:

a. Construction of all improvements shall be as set forth in the approved plans and specifications;

b. The maximum period within which all improvements shall be completed to the satisfaction of the City Engineer;

c. Provisions for inspection of all improvements by the City Engineer and payment of fees by the subdivider for the cost of such inspection and all other incidental costs incurred by the City in enforcing the agreement;

d. If the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, complete the required improvement work and the subdivider and their surety shall be firmly bound, under a continuing obligation, for payment of the full cost and expense incurred or expended by the City in completing such work, including interest from the date of notice of said cost and expense until paid;

e. In the event of litigation occasioned by a default of the owner or subdivider, his successors or assignees, the owner or subdivider, their successors or assignees will pay all costs involved, including reasonable attorney's fees, and that the same may be recovered as part of a lien against the real property; and

f. Additional terms or provisions, as may be necessary, pertaining to the forfeiture, collection, and disposition of improvement security upon the failure of the contracting

party to comply with the terms and provisions thereof or with the terms and provisions of this Development Code.

3. A subdivision improvement agreement shall be valid for a period specified in the agreement, but not to exceed 2 years from the effective date of the agreement.

a. The term of a subdivision improvement agreement may be extended at the discretion of the City Engineer.

b. A subdivision improvement agreement shall not only bind the present subdivider, but also all heirs, successors, executors, administrators, and assignees, so that the obligation runs with the real property. All agreements shall be executed by all those parties executing the final or parcel map.

H. Inspection of Improvements.

1. The construction of improvements required pursuant to this Division shall be subject to inspection and testing by the City Engineer to ensure compliance with the standards and specifications specified and required by this Division. All work and improvements shall be found to conform to the standards and specifications as a condition of the City's acceptance and release of any improvement securities held therefor.

2. No construction shall commence or continue without arrangements first having been made with the City Engineer for inspection. The City Engineer and his authorized representatives shall have the right to stop any work, refuse to inspect any work, or reject any or all work and construction if it is found that the work is unauthorized, is unsafe in any way to the workers or the public, is inferior in materials or workmanship, was performed without inspection, or does not meet or comply with city standards, specifications, or city-approved construction plans. Reasonable access to the construction and work shall be provided at all times so that full knowledge of the progress, workmanship, and character of the materials used in the work can be gained.

3. Upon completion of the required improvements, the subdivider or developer shall apply in writing to the City Engineer for preliminary final inspection. The City Engineer shall conduct a preliminary final inspection and prepare a deficiency list, noting all additional work to be performed and deficiencies in existing work to be corrected. The City Engineer shall provide a copy of the deficiency list to the subdivider or developer. If there are an excessive number of deficiencies or missing improvements, the City Engineer may choose to postpone the inspection.

4. After the subdivider or developer has corrected all of the items on the deficiency list, the subdivider or developer shall apply to the City Engineer for final inspection. The City Engineer shall conduct a final inspection and verify that the items on the deficiency list have been corrected. Upon verification, and after receiving record drawings (improvement plans), the City Engineer shall accept the improvements and issue a notice of completion to the subdivider or developer.

5. The City Engineer's acceptance of improvements shall not relieve the subdivider or developer of responsibility for correcting any deficiency that subsequently is discovered.

I. Improvement Security. Performance of a subdivision improvement agreement required pursuant to Subsection G (Completion of Improvements/Subdivision Improvement Agreement) of this Section shall be guaranteed by the security specified herein and GC Section 66499 et seq.

Any public improvement required with the approval of the Development Plan submitted pursuant to Section 4.02.025 (Development Plans) of this Development Code, at the discretion of the City Engineer, shall be guaranteed by the security specified herein.

1. Acceptable Forms of Required Improvement Security. Improvement securities shall be posted as a guarantee of the performance of any act, improvement, or obligation required as a condition of approval of any final map or parcel map, parcel map waiver, lot line adjustment, lot merger or development project. Unless otherwise provided herein, all such improvement securities shall be provided in one of the following forms, subject to approval and acceptance by the City Engineer and City Attorney:

a. *Bonds by Authorized Corporate Sureties.* One or more bonds by one or more duly authorized corporate sureties substantially in the form prescribed by the Subdivision Map Act, and subject to approval and acceptance by the City Attorney and City Council;

b. *Negotiable Bonds or a Letter of Credit.* A deposit with the City of immediately negotiable bonds or a letter of credit; or

c. *Cash and/or Negotiable Bonds of The Kind Approved for Securing Deposits of Public Moneys*. A deposit with the City or a responsible escrow agent or trust company, at the option of the City, of cash and/or negotiable bonds of the kind approved for securing deposits of public moneys; or

d. *Lien or Other Security Interests.* Any other form of security, including a lien or other security interests in real property, which the City Engineer and the City Attorney may, in their discretion, allow; provided, they determine that it is equivalent to the foregoing forms of security in terms of security and liquidity. Any written contract or document creating security interests shall be recorded in the Office of the County Recorder. From the time of recordation, a lien shall attach to the real property described therein, which shall have the priority of a judgment lien in the amounts specified.

2. Required Security Amounts.

a. *Performance and Guarantee*. The subdivider or developer shall provide an amount determined by the City Engineer, up to 100 percent of the total estimated cost of the improvement to be performed, including costs and fees incurred by the City. The estimated cost of improvement shall include a 10 percent contingency and a 10 percent increase for projected inflation computed to the estimated mid-point of construction; and

b. *Payment*. The subdivider or developer shall provide an amount determined by the City Engineer, up to 100 percent of the total estimated cost of the improvement to be performed, excluding grading and monumentation.

3. Release of Improvement Security. Improvement security may be released upon the final completion and acceptance of the act or work by the City Engineer; provided, however, such release shall not apply to the amount of security deemed necessary by the City Engineer for the guarantee and warranty period, nor to costs and reasonable expense fees, including reasonable attorney's fees incurred by the City in enforcing any improvement agreement. The subdivider or developer shall not be entitled to any reduction in security, except pursuant to Paragraph 4 (Partial Release of Improvement Security), below, until all improvements have been completed to the satisfaction of, and have been accepted by, the City Engineer.

4. Partial Release of Improvement Security. A partial release of performance security may be requested in writing from the Engineering Department. The portion of the performance security, in conjunction with the satisfactory completion of a part of the improvements as the work progresses, may be released upon the approval of the City Engineer, subject to the following:

a. No release shall be considered until at least 50 percent of the improvements are completed;

b. No release shall be considered for an amount less than 10 percent of the original total improvement security given for performance and guarantee;

c. An amount of up to 200 percent of the revised estimated construction cost for the remaining required improvements shall be required for the substitute security (or the remaining security);

d. The City Engineer is responsible for reviewing all applications and shall determine the amount of substitute security required in accordance with Subparagraph I.4.c, above; and

e. The original performance security may be released only upon receiving the proper substitute security, which has been determined acceptable by the City Attorney and the City Engineer.

J. Completion of Improvements.

1. Public improvements required as a condition of approval shall be completed pursuant to this Division unless they are deferred pursuant to Subsection K (Deferred Improvements) of this Section. The City Engineer shall review and approve any improvement agreement, conduct an inspection, and approve any constructed public improvement necessary to satisfy this provision, with the City Council delegating final approval to the City Engineer of any agreement or acceptance of any completed public improvement.

2. Once begun, public improvements for a final tract or parcel map, or development plan when required, shall be constructed to completion without interruption. The subdivider or developer shall exercise due diligence to ensure that this provision is met to the satisfaction of the City Engineer. Construction and inspection of public improvements shall be governed by City standards and the requirements of any applicable permit.

3. Notwithstanding any applicable agreement, the construction and maintenance of any public improvement is the responsibility of the subdivider or developer and shall remain so until such time that the City Council accepts the completed public improvements.

4. Upon acceptance of a public improvement, the City Engineer shall provide a notice of completion for that public improvement and shall release applicable securities for that public improvement. This action shall serve to transfer ownership and maintenance responsibility of the public improvement from the subdivider or developer to the City, and to provide full acceptance of the applicable dedication or easement, which acceptance had been contingent upon completion and acceptance of public improvements within said dedication or easement, subject to the terms of any applicable agreement.

K. Deferred Improvements. The Approving Authority for a tentative map or parcel map shall be responsible for approving any request for the deferred construction of on-site and off-site

improvements required by a tentative map or parcel map. The City Attorney shall approve the form and content of all deferred improvement agreements prior to the City accepting the document.

6.08.045: Common Interest Subdivisions

A. Purpose. The purpose of this Section is to establish criteria for the establishment of common interest subdivisions. For the purposes of this Section, the term "common interest subdivision" means a community apartment, condominium, planned development, or stock cooperative.

B. Applicability. The herein prescribed regulations shall be implemented in conjunction with the establishment of any common interest subdivision in the City.

C. Common Interest Subdivisions are Exempt from Minimum Lot Area and Building Setback Requirements. Common interest subdivisions shall be exempt from the minimum lot area and building setback regulations applicable to individually numbered and/or lettered lots identified on a tract or parcel map, excepting one-lot subdivisions. For the purposes of a common interest subdivision, any minimum lot area requirement shall be applied to the overall area of the common interest subdivision. Furthermore, any minimum building setback requirement shall only be applied to the exterior boundary of the common interest subdivision.

D. Recordation of a Tract or Parcel Map is Required. The establishment of a common interest subdivision shall require the approval and recordation of a tract or parcel map pursuant to the provisions of the Subdivision Map Act (commencing with GC Section 66410), Section 4.02.100 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) and Section 4.03.030 (Final Maps and Parcel Maps) of this Development Code, and all applicable requirements of this Division.

E. Recordation of Covenants, Conditions, and Restrictions (CC&Rs). Covenants, conditions, and restrictions, if required, shall be recorded concurrently with the final map or parcel map, required pursuant to Subsection D (Recordation of a Tract or Parcel Map is Required), above, in the office of the San Bernardino County Recorder.

1. The purpose of the covenants, conditions, and restrictions is to guarantee compatibility and coordination of all lots or units within a common interest subdivision in terms of access, parking, landscaping, recreation facilities, open space, property and landscape maintenance, and architecture. Furthermore, the covenants, conditions, and restrictions shall establish a property owner (or homeowner) association for the purpose of maintaining common areas and facilities, enforcement of the covenants, conditions, and restrictions, regulation of operations and uses within the development, and ensuring continued architectural and landscaping compatibility within the development.

2. The covenants, conditions, and restrictions shall be subject to approval and acceptance by the Planning Director and City Engineer prior to recordation. Furthermore, the City may be required to be a non-voting member of the association and maintain the right of enforcement of the covenants, conditions, and restrictions.

3. The covenants, conditions, and restrictions shall include the establishment of a specific methodology or procedure for enforcement of its provisions by the City, if adequate maintenance of the development does not occur. Such procedures may include, but is not

limited to, granting the City the right of access to correct maintenance issues and assess the property owner (or homeowner) association for all costs incurred by the City.

F. Recordation of a Condominium Plan. The establishment of a condominium shall require the approval of a Condominium Plan by the City and the recordation of said Condominium Plan in the office of the San Bernardino County Recorder, prior to the sale of the first dwelling unit.

6.08.050: Conversion to a Residential Common Interest Project

This Section shall apply to the conversion of any existing residential real property to a common interest project, including condominium, community apartments, stock cooperative project, or any other similar form of common ownership, except conversion projects for which a final or parcel map has been approved prior to the effective date of this Development Code, or where the conversion involved a limited equity housing cooperative as defined in HSC Section 33007.5. All provisions, conditions, and further definitions of condominium development, as included in the California Civil Code, shall apply to the divisions of real property as permitted herein.

A. Purpose. The purpose of this Section regulating conversions to a residential common interest project is as follows:

1. Establish criteria for the conversion of existing single-family and multiple-family rental housing to community apartments, condominiums, planned developments, or stock cooperatives;

2. Ensure that converted housing achieves high quality appearance and safety, and is consistent with the goals and policies of The Ontario Plan;

3. Endeavor to maintain a reasonable balance of ownership and rental housing within the City, and a variety of housing choices of varying tenure, type, price, and location;

4. Ensure that the purchasers of community apartments, condominiums, planned developments, or stock cooperatives converted from existing rental housing stock have been properly informed as to the physical condition of dwellings offered for purchase; and

5. Ensure compliance with all requirements of applicable development, building, fire codes, plumbing, and electrical codes, and other applicable State and local laws and regulations, in effect at the time of filing of the tentative subdivision maps for conversion.

B. Applicability. Any conversion to a residential common interest project, including a community apartment, residential condominium, residential planned development, or residential stock cooperative, shall be subject to all applicable provisions of the Subdivision Map Act (commencing with GC Section 66410), the requirements of this Section, and all other applicable requirements of this Development Code and the Ontario Municipal Code.

C. Application Requirements. A residential common interest project conversion request shall consist of the following:

1. Subdivision Application. A subdivision application as required by Section 4.02.100 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) of this Development Code.

2. Physical Elements Report. A report on the physical elements of all structures and facilities shall be submitted with the tentative or vesting tentative map. The report shall include, but not is limited to, the following:

a. Architect's or Engineer's Report. A report by a licensed architect or engineer detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, ceiling, windows, recreational equipment, parking facilities, appliances, and fixtures. The report shall state, to the best knowledge or estimate of the applicant, the following:

(1) When the element was constructed or installed;

(2) The condition of each element;

(3) When the element was replaced;

(4) The approximate condition of each element;

(5) Any variation or non-compliance of the element from this Development Code and the Building Code in effect on the date the last building permit was issued for the subject structure;

(6) The approximate date upon which the application for conversion was filed and accepted by the city; and

(7) The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.

b. Pest Control Report. A report from a licensed structural pest control operator, approved by the city, on each structure and each unit within the structure.

c. Soils and Geological Hazard Reports. Soils and geological hazard reports prepared pursuant to Section 6.08.025 (Reports) of this Division, regarding soil deposits, rock formations, faults, groundwater, landslides, and liquefaction within the vicinity of the project, and a statement regarding any known evidence of soil problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with the report.

d. Repairs and Improvements Report. A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety.

e. Notice to Tenants. The subdivider shall supply proof of all written notices as required by the Subdivision Map Act for conversion projects, as listed in Subsection E (Notice to Tenants) of this Section.

f. Plans and Information. The subdivider shall provide plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to process the conversion, as identified on the applicable City application forms.

g. Proposed Declaration. The subdivider shall provide a proposed declaration, as required by CC Section 1353. The declaration shall include an agreement for the

creation of an association responsible for common area maintenance, a clear designation of parking and signage rights, and a method for resolving differences.

h. Development Plan Application Required. The developer shall submit a Development Plan application for approval of the conversion pursuant to Section 4.02.030 (Development Plans) of this Development Code.

D. Procedures.

1. Notification and Hearing Requirements. A final subdivision map creating a community apartment, condominium, planned development, or stock cooperative from the conversion of rental housing units, unless the subdivider shows that the following notification procedures have been fulfilled:

a. Each of the tenants or prospective tenants of the proposed community apartment, condominium, planned development, or stock cooperative project has received or will receive each of the notices included in the Subdivision Map Act (commencing with GC Section 66410), including the following:

(1) Written notification pursuant to GC Section 66452.8 and GC Section 66452.9, of intention to convert, provided at least 60 days prior to the filing of a tentative map;

(2) Written notification at least 10 days prior to the date of the public hearing at which the Approving Authority will review the Conditional Use Permit for the requested conversion in compliance with GC Section 65090 and GC Section 65091. Notice shall also be mailed to the owner of the subject property, as well as all property owners within 300 FT of the subject property, as shown on the last equalized tax assessor roll. In addition, a notice of public hearing shall be published at least once in a newspaper of general circulation at least 10 days prior to the hearing;

(3) Written notification pursuant to GC Section 66427.1(a) that each tenant shall receive a 10-day notice that a final public report will be, or has been, submitted to the Department of Real Estate, that the period for each tenant's right to purchase begins with the issuance of the report, and that the report will be available from the City, upon request;

(4) Written notification that the subdivider has received the public report from the Department of Real Estate. This notice shall be provided within 5 days after the date that the subdivider receives the public report from the Department of Real Estate;

(5) Written notification within 10 days following approval of a final map for the proposed conversion;

(6) Upon approval of a final map for the proposed conversion, written notification shall continually be delivered to all prospective tenants prior to execution of a rental agreement using the form in GC Section 66459(a). Failure to do so will not be grounds to deny the conversion, but will require the subdivider to pay each prospective tenant who was entitled to that notice, an amount as indicated in GC Section 66459(f);

(7) Written notification pursuant to GC Section 66452.11 shall be provided to all affected tenants at least 180 days prior to termination of tenancy due to the conversion or proposed conversion, but not before the City has approved a tentative map for the conversion. The notice given pursuant to this subparagraph shall not alter or abridge the rights or

obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by CC Section 1941, 1941.1, and 1941.2; and

(8) Notice of an exclusive right to contract for the purchase of a tenant's respective unit upon the same terms and conditions that the unit will be initially offered to the general public, or terms more favorable to the tenant. The exclusive right to purchase shall commence on the date the subdivision public report is issued, as provided in BPC Section 11018.2, and shall run for a period of not fewer than 90 days, unless the tenant gives prior written notice of their intention not to exercise the right. Notice shall be given using the form included in GC Section 66452.12(b).

b. If a rental agreement was negotiated in a language other than English, all required written notices regarding the conversion of residential real property into a community apartment, condominium, planned development, or stock cooperative project shall be issued in that language.

2. Division of Airspace Not Required. A map of a community apartment, condominium, planned development, or stock cooperative project need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided. The City does not have the right to refuse approval, of a conversion project (tentative or final map, or parcel map), based upon the manner in which the airspace is divided or any of the provisions listed in GC Section 66472.

3. Limitation on the Number of Rental Housing Units Converted Within a Current Calendar Year. The conversion of rental housing units to a community apartment, condominium, planned development, or stock cooperative, shall not result in the conversion of more than 5 percent of the potentially convertible rental units in the City during any current calendar year.

E. Notice to Tenants.

1. Tenant Notifications. The developer shall notify current and potential tenants according to Paragraph D.1 (Notification and Hearing Requirements) of this Section and the Subdivision Map Act.

2. Tenant Rights.

a. *Tenants Right to Purchase.* As provided in GC Section 66427.1(b), any present tenant or tenants of any housing unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 60 days from the date of issuance of the subdivision public report pursuant to BPC Section 11018.2, unless the tenant gives prior written notice of his intent not to exercise the right.

b. *Vacation of Units.* Each tenant that does not purchase a housing unit, and is not in default under the obligations of the rental agreement or lease under which they occupy the unit, shall have no fewer than 180 days from the date of receipt of notification from the owner of their intent to convert, or from the filing date of the final map, whichever date is later, to find substitute housing and to relocate. Tenants shall have the right to terminate leases at any time after receiving the notice.

c. *Increase in Rents.* From the date of submittal of the tentative or vesting tentative map, until the sale of the unit, no tenant's rent shall be increased more frequently than once every 12 months, at a rate no greater than the Consumer Price Index, as compiled by the Federal Bureau of Labor Statistics. This limitation shall not apply if rent increases are provided for in leases or contracts in existence prior to the filing date of the tentative map.

d. *Notice to New Tenants.* After submittal of the application to convert, any prospective tenant shall be notified in writing by the developer of the intent to convert prior to leasing or renting any unit and shall not be subject to the provisions of Subparagraph E.2.c (Increase in Rents) of this Section.

e. *Senior Citizens, the Handicapped, and the Disabled.* The developer shall be required to retain ownership of units occupied at the time of filing of the tentative map by senior citizens (persons 62 years of age or older) or the handicapped (as defined by HSC Section 50072) or the disabled (as defined by 42USC423), for a period of one year from the date of approval by the Approving Authority.

F. Standards for Conversion.

1. Building and Physical Standards.

a. The community apartment, condominium, planned development, or stock cooperative conversion project, and all individual units and common areas contained therein, shall comply with all applicable existing and current development, building (including energy conservation and sound transmission), fire, and subdivision requirements, unless legally nonconforming.

b. The community apartment, condominium, planned development, or stock cooperative conversion project shall comply with all applicable provisions of Ontario Municipal Code Chapter 11 (Security Standards for Building).

c. The consumption of gas, electricity and water within each unit shall be separately metered so that the unit owner can be separately billed for each unit. Each unit shall have its own panel, or access thereto, for all electrical circuits that serve the unit. The requirements of this subsection may be waived where the Approving Authority finds that full compliance with this provision would not be practicable and the developer submits an alternative plan approved by the Approving Authority.

d. The electrical, plumbing, mechanical, fire, and life safety systems of the structure shall be placed in a condition of good repair and maintenance.

e. The buildings and facilities shall be upgraded to meet the requirements of Ontario Municipal Code Title 5, Chapter 29 (Noise). The Approving Authority may require additional insulation or other upgrades to reduce noise to an acceptable level.

f. The developer shall dedicate land or easements for street widening, public access, or other public purposes in connection with the project, where determined necessary by the Approving Authority and in conformance with this Development Code.

g. All on-site and adjacent overhead utility service lines and poles shall be converted to an underground system consistent with the requirements of this Development Code.

h. All main buildings, structures, fences, patio enclosures, carports, irrigation systems, landscaped areas, accessory buildings, sidewalks, driveways and additional elements as required by the Approving Authority shall be refurbished and restored as necessary, to achieve a high quality appearance and safety.

i. If Development Impact Fees have not previously been paid for the affected residential units, the required fees shall be paid prior to the recordation of the final map, or as otherwise required by City ordinance.

j. The developer shall provide each purchaser with a copy of the below-listed items, prior to executing any purchase agreement or other contract to purchase a unit within the project and shall give the purchaser sufficient time to review the information. Copies of the information shall also be made available at all times at the sales office and a notice indicating that the reports and documentation are available shall be posted on the project site, at locations approved by the Planning Director. In addition, copies of the required reports and documentation shall be provided to the Homeowners Association upon its formation.

(1) Reports and documentation required by Paragraph C.2 (Physical Elements Report) of this Section, in their final form as accepted by the City; and

(2) A copy of the covenants, conditions, and restrictions, and a project maintenance plan.

k. Other conditions may be applied as deemed necessary by the Approving Authority to further the intent of this Section.

2. Securities and Penalties. All improvements and alterations required pursuant to this Section and all other applicable requirements of this Development Code, the Ontario Municipal Code, and the conditions of project approval, shall be made prior to the approval of the final map or parcel map, or upon approval of the Planning Director, City Engineer, and Building Official, and a deposit paid to the City pursuant to Division 2.06 (Performance Guarantees), to assure the completion of all required work prior to the closing of escrow on any unit within the project. The deposit shall be accompanied by an agreement by the developer, and owner of the project if different from the developer, in a form to be approved by the city attorney, guaranteeing completion of the work.

G. **Findings.** The Approving Authority, prior to approving a tentative tract or parcel map, or a Conditional Use Permit, for the conversion of rental housing units to a common interest project, including a community apartment, residential condominium, residential planned development, or residential stock cooperative, shall find and clearly establish the following findings:

1. Not Detrimental. All provisions of this Section have been met and the project will not be detrimental to the health, safety, or welfare of the community;

2. Consistency with The Ontario Plan. The proposed conversion is consistent with the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan;

3. Conformity with Title. The proposed conversion conforms to all applicable requirements of this Development Code; and

4. Housing Diversity. The proposed conversion of rental housing units to a community apartment, condominium, planned development, or stock cooperative, will not have an adverse effect on the diversity of housing types available in the City.

6.08.055: Conversion to a Nonresidential Common Interest Project

This Section shall apply to the conversion of any existing nonresidential real property to a common interest project, such as condominiums or any other similar form of common ownership, except conversion projects for which a final or parcel map has been approved prior to the effective date of this Development Code. All provisions, conditions, and further definitions of condominium development, as included in the California Civil Code, shall apply to the divisions of real property as permitted herein.

A. **Purpose.** The purpose of this Section is to provide a legal process for the conversion of existing nonresidential buildings to a common interest ownership, such as a condominium, so as to protect both the community and the purchasers of units within a common interest project. This Section provides regulations to ensure adequate and safe building design and maintenance for all industrial and commercial common interest conversions, in order to achieve this goal.

B. **Applicability.** Any conversion to a nonresidential common interest project shall be subject to all applicable provisions of the Subdivision Map Act (commencing with GC Section 66410), the requirements of this Section, and all other applicable requirements of this Development Code and the Ontario Municipal Code.

C. **Application Requirements.** A request for the approval of a parcel map for a nonresidential common interest project conversion, shall be accompanied by the following items:

1. Subdivision Application. A subdivision application as required by Section 4.02.100 (Subdivisions—Tentative Tract and Parcel Maps, and Vesting Maps) of this Development Code.

2. Physical Elements Report. A physical elements report shall be submitted for each structure and/or facility, as described in Paragraph C.2 (Physical Elements Report) of Section 6.08.045 (Conversion to a Residential Common Interest Project) of this Division.

3. Notice to Tenants. Proof of all written notices required by the Subdivision Map Act for conversion projects, as listed in Subsection E (Notice to Tenants) of Section 6.08.045 (Conversion to a Residential Common Interest Project) of this Division.

4. Plans and Information. Provide plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to process the conversion, as identified on the applicable City application forms.

5. Proposed Declaration. Provide a copy of the declaration required by CC Section 1353. The declaration shall include an agreement for the creation of an association responsible for common area maintenance, a clear designation of parking and signage rights, and a method for resolving differences.

6. Development Plan Application Required. The developer shall submit a Development Plan application for approval of the conversion pursuant to Section 4.02.030 (Development Plans) of this Development Code.

D. Procedures.

1. Acceptance of Reports. The final form of the reports and other documents required under Subsection C (Application Requirements) of this Section shall be as approved by the City. The reports, in their accepted form, shall remain on file with the City for review by the public. The subdivider shall provide each purchaser with a copy of the reports in their final, accepted form.

2. Inspection. In conjunction with the filing of a nonresidential common interest project conversion request, the subdivider shall request that an inspection of the premises be made by the Building Official and the City Engineer. The inspection shall include structures, common areas, site improvements, public improvements, and all other related facilities. A deficiency list shall be compiled during the inspection, which lists all necessary corrections required to conform to the requirements of this Section and all other applicable codes and ordinances.

3. Corrective Work. Upon completion of the inspection required pursuant to Paragraph D.2 (Inspection), above, a copy of the deficiency list shall be transmitted to the subdivider. All deficiencies shall be corrected to the satisfaction of the City prior to filing a final map or parcel map. When plans for corrective work are required, they shall be as approved by the appropriate city official, prior to the filing of the final map or parcel map.

4. Payment of Inspection Fees. The City shall charge the usual fees, if applicable, or an hourly fee for the inspection and processing according to an estimated actual hourly cost to the city. The owner shall post a cash deposit in an amount equal to the estimated cost of inspection. The deposit will be applied toward the inspection fee, with any refund or balance due to be resolved before the approval of the final map by the Approving Authority. Any unpaid balances shall be paid prior to recordation of the final map.

E. Standards for Conversion.

1. Building and Physical Standards.

a. Building Regulations. The project shall conform to the applicable standards of the City's Building Code that was in effect at the time the last building permit was issued for the affected structures.

b. Fire Prevention. Each unit shall be provided with a fire-warning system conforming to the City's Building Code. All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protective appliances shall be retained in an operable condition at all times.

c. Sound Transmission.

(1) *Vibration Transmission.* All permanent mechanical equipment, such as motors, compressors, pumps, compactors, or any item determined by the Building Official to be a source of structural vibration or structural-borne noise shall be vibration-isolated with inertia blocks or bases, or vibration isolator springs, in a manner approved by the Building Official.

(2) *Noise Standards.* The structures shall conform to all interior and exterior sound transmission standards of CCR Title 24, the City's Building Code, and the requirements of Ontario Municipal Code Chapter 29 (Noise). The Approving Authority may require additional insulation or other upgrades to reduce noise to an acceptable level.

d. Utility Metering. Each unit shall be separately metered for gas, electricity and water, unless the covenants, conditions, and restrictions provide for the property owner association to take responsibility for these utilities.

e. Landscape Maintenance. All landscaping shall be restored, or new landscaping shall be installed, to achieve a high degree of appearance and quality pursuant to Division 6.05 (Landscaping) of this Development Code. Provisions shall be made within the declaration required pursuant to Paragraph C.5 (Proposed Declaration) of this Section, for continuing maintenance of all landscaped areas. Existing landscaping is subject to review and approval by the Approving Authority. If new landscaping is proposed, the design of all landscaping is subject to review and approval by the City.

f. Off-Street Parking and Loading. Off-street parking and loading shall be provided pursuant to the requirements of Division 6.03 (Off-Street Parking and Loading) this Development Code, for allowed commercial and industrial land uses, as applicable.

g. Refurbishing and Restoration of Improvements. Each main building, structure, fence, accessory building, sidewalk, driveway, landscaped area, utilities, and additional element as required by the department shall be refurbished and restored as necessary to achieve a high degree of appearance, quality and safety. The refurbishing and restoration is subject to review and approval by the department.

h. Building Security Standards. Each unit shall comply with all applicable provisions of Ontario Municipal Code Chapter 11 (Security Standards for Building).

i. Dedication of Land and Easements. The developer shall dedicate land or easements for street widening, public access, or other public purposes in connection with the project, where determined necessary by the Approving Authority, and in conformance with this Development Code.

j. Undergrounding of Overhead Utilities. All on-site and adjacent overhead utility service lines and poles shall be converted to an underground system consistent with the requirements of this Development Code.

k. Copies of Reports and Documentation to be Provided to New Property Owners. The developer shall provide each purchaser with a copy of the below-listed items, prior to executing any purchase agreement or other contract to purchase a unit within the project and shall give the purchaser sufficient time to review the information. In addition, copies of the required reports and documentation shall be provided to the Property Owner Association upon its formation.

(1) Reports and documentation required by Paragraph C.2 (Physical Elements Report) of this Section, in their final form as accepted by the City; and

(2) A copy of the covenants, conditions, and restrictions.

l. Additional Conditions. Additional conditions may be applied as deemed necessary by the Approving Authority to further the intent of this Section.

2. Securities and Penalties. All improvements and alterations required pursuant to this Section and all other applicable requirements of this Development Code, the Ontario Municipal Code, and the conditions of project approval, shall be made prior to the approval of the final

map or parcel map, or upon approval of the Planning Director, City Engineer, and Building Official, and a deposit paid to the City pursuant to Division 2.06 (Performance Guarantees), to assure the completion of all required work prior to the closing of escrow on any unit within the project. The deposit shall be accompanied by an agreement by the developer, and owner of the project if different from the developer, in a form to be approved by the city attorney, guaranteeing completion of the work.

F. **Findings.** The Approving Authority may not approve a request for a conversion to an industrial or commercial common interest project, unless it finds and clearly establishes that the proposed conversion conforms to the requirements of this Section, and is consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and all other applicable requirements of this Development Code and the Ontario Municipal Code.

6.08.060: Urban Lot Splits

A. **Purpose.** The purpose of this Section is to allow and appropriately regulate Urban Lot Splits pursuant to GC Section 66411.7.

B. **Definition**. For the purposes of this Section, the term "Urban Lot Split" shall mean the subdivision of an existing, legally subdivided lot into two lots pursuant to the requirements of this Section.

C. **Application**.

1. Only individual property owners may apply for an Urban Lot Split. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Section 214.15).

2. An application for an Urban Lot Split shall be submitted on a City application form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days following application submittal.

3. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this Section of the Development Code, pursuant to applicable law. The City council may establish and change the fee by resolution. The fee shall be paid with the application.

D. **Approval**.

1. An application for a parcel map for an Urban Lot Split is approved or denied ministerially, by the City Engineer, without discretionary review.

2. A tentative parcel map for an Urban Lot Split shall be approved ministerially if it complies with all the requirements of this Section. The tentative parcel map may not be recorded. A final parcel map shall be approved ministerially as well, but not until the owner demonstrates that all required documents have been recorded, such as the deed restriction and easements. The tentative parcel map shall expire 3 months following approval.

3. The approval shall require the owner and applicant to hold the City of Ontario harmless from all claims and damages related to the approval and its subject matter.

4. The approval shall require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this Development Code.

E. **Requirements**. An Urban Lot Split shall satisfy each of the following requirements:

1. Subdivision Map Act Compliance.

a. The Urban Lot Split shall conform to all applicable objective requirements of the Subdivision Map Act (GC Section 66410 et seq., "SMA"), including implementing requirements in this Development Code, except as otherwise expressly provided in this Section.

b. If an Urban Lot Split violates any part of the SMA, the City's subdivision regulations, including this Section, or any other legal requirement:

(1) The buyer or grantee of a lot that is created by the Urban Lot Split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.

(2) The City has all the remedies available to it under the SMA, including but not limited to the following:

(a) An action to enjoin any attempt to sell, lease, or finance the property.

(b) An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

(c) Criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to $10,000, or both, or a misdemeanor.

(d) Record a notice of violation.

(e) Withhold any or all future permits and approvals.

c. Notwithstanding Section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an Urban Lot Split.

2. Zoning District. The lot to be split is in a single-family residential zoning district. For purposes of this Section, the term "single-family residential zoning district" shall mean the LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district.

3. Lot Location. Pursuant to the GC Section 65913.4(a)(6)(B) through (K), the lot to be split shall not be located on a site that is any of the following:

a. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.

b. A wetland.

c. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

d. A hazardous waste site that has not been cleared for residential use.

e. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.

f. Within a 100-year flood hazard area, unless the site has either:

(1) Been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or

(2) Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

g. Within a regulatory floodway, unless all development on the site has received a no-rise certification.

h. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.

i. Habitat for protected species.

j. Land under conservation easement.

4. Not Historic. The lot to be split shall not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

5. No Prior Urban Lot Split.

a. The lot to be split was not established through a prior Urban Lot Split.

b. The lot to be split is not adjacent to any lot that was established through a prior Urban Lot Split by the owner of the lot to be split or by any person acting in concert with the owner. For the purposes of this Section, the term "any person acting in concert with the owner" shall include any third-party that coordinates or assists the owners of two adjacent lots with their respective Urban Lot Splits.

6. No Impact on Protected Housing. The Urban Lot Split shall not require or include the demolition or alteration of any of the following types of housing:

a. Housing that is income-restricted for households of moderate, low, or very low income.

b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.

c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (GC Sections 7060–7060.7) at any time in the 15 years prior to submission of the Urban Lot Split application.

d. Housing that has been occupied by a tenant in the last 3 years. The applicant and the owner of a property for which an Urban Lot Split is sought shall provide a sworn statement as to this fact with the application for the tentative parcel map. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the City may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

7. Lot Size.

a. The lot to be split shall be at least 2,400 SF.

b. Each lot created by an Urban Lot Split shall be at least 1,200 SF.

c. Each lot created by an Urban Lot Split shall be between 60 percent and 40 percent of the original lot area.

8. Easements.

a. The owner shall enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.

b. Each easement shall be shown on the parcel map.

c. Copies of the unrecorded easement agreements shall be submitted with the application. The easement agreements shall be recorded against the property before the final parcel map may be approved pursuant to subpart D.2 above.

9. Lot Access.

a. Each lot created by an Urban Lot Split shall adjoin a public street right-of-way.

b. Each lot created by an Urban Lot Split shall have frontage on the public street right-of-way of at least 20 FT.

10. Unit Standards.

a. *Quantity*. No more than two dwelling units of any kind may be built on a lot that results from an Urban Lot Split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created pursuant to State law and Section 5.03.403 (Two-Unit Projects) of this Development Code, or an ADU or JADU created pursuant to Section 5.03.010 (Accessory Dwelling Unit) of this Development Code.

b. *Unit Size*.

(1) The total floor area of each primary dwelling that is developed on a lot resulting from an Urban Lot Split shall be a minimum of 500 SF in area and a maximum of 800 SF in area.

(2) A primary dwelling that was legally established prior to the Urban Lot Split and that is larger than 800 SF is limited to the lawful floor area at the time of the Urban Lot Split and shall not be expanded.

(3) A primary dwelling that was legally established prior to the Urban Lot Split and is smaller than 800 SF may be expanded to a maximum of 800 SF after the Urban Lot Split.

c. *Height Restrictions*.

(1) On a resulting lot that is 2,000 SF or larger, no new primary dwelling unit may exceed one-story or 16 FT in height, measured from grade to peak of the structure.

(2) On a resulting lot that is smaller than 2,000 SF, no new primary dwelling unit may exceed two-stories or 22 FT in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story in height shall be stepped back by an additional 5 FT from the ground floor; no balcony deck or other portion of the second story may project into the stepback.

(3) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an Urban Lot Split.

d. *Lot Coverage*. Maximum lot coverage shall conform to the requirement of the underlying zoning district. This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 SF each.

e. *Setback Requirements*.

(1) **Generally**. All setbacks shall conform to the minimum requirements of the underlying zoning district.

(2) **Exceptions**. Notwithstanding subpart E.10.e above:

(a) Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

(b) Cannot Preclude Construction of Two 800-SF Units and 4-FT Side/Rear Setbacks. The setbacks imposed by the underlying zoning district shall yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 SF in floor area; but in no event may any structure be less than 4 FT from a side or rear property line.

(3) **Front Setback Area**. Notwithstanding any other part of this Development Code, dwellings that are constructed after an Urban Lot Split shall conform to the front setback requirement of the underlying zoning district. The front setback area shall:

(a) Be kept free from all structures greater than 3 FT high; and

(b) Allow for vehicular and fire-safety access to the front structure.

f. *Parking*. Each new primary dwelling unit shall have at least one off-street parking space per unit within a fully enclosed garage having a minimum interior clear area measuring 10 FT in width and 20 FT in length, unless one of the following applies:

(1) The lot is located within one-half mile walking distance of either:

(a) A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or

(b) A site that contains:

(i) An existing rail or bus rapid transit station,

(ii) A ferry terminal served by either a bus or rail transit service, or

(iii) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

(2) The site is located within one-block of a permanently established car-share vehicle pickup/drop-off location.

g. *Architecture*.

(1) If there is a legal primary dwelling on the lot that was established before the Urban Lot Split, any new primary dwelling unit shall match the existing primary dwelling unit with respect to exterior materials, finishes, color, and dominant roof pitch. The dominant roof pitch means the slope shared by the largest portion of the roof.

(2) If there is no legal primary dwelling on the lot before the Urban Lot Split, and if two primary dwellings are developed on the lot, the dwellings shall match each other with respect to exterior materials, finishes, color, and dominant roof pitch. The dominant roof pitch means the slope shared by the largest portion of the roof.

(3) All exterior lighting shall be limited to down-lights.

(4) No window or door of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property. Decorative masonry block walls, dense landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

(5) If a dwelling is constructed on a lot after an Urban Lot Split and any portion of the dwelling is less than 30 FT from a property line that is not a public street right-of-way line, then all windows and doors in that portion shall either be (for windows) clerestory with the bottom of the glass at least 6 FT above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

h. *Walls, Fences, and Obstructions*.

(1) Lots created as a result of an Urban Lot Split shall be provided with 6-FT high decorative masonry block walls (reduced to 3 FT in height within front setback areas) at the following locations:

(a) Interior side and rear lot lines of each lot; and

(b) Street side property lines and along the rear property line of through lots, setback a minimum of 5 FT behind the sidewalk.

(2) The construction and maintenance of walls, fences, and other obstructions shall comply with the requirements of Division 6.02 (Walls, Fences, and Obstructions) of this Chapter.

i. *Landscaping*. Lots created as a result of an Urban Lot Split shall be fully landscaped and provided with a permanent automatic irrigation system pursuant to the requirements Division 6.05 (Landscaping) of this Chapter.

j. *Nonconforming Conditions*. An Urban Lot Split may be approved without requiring a legal nonconforming zoning condition to be corrected.

k. *Utilities*.

(1) Each primary dwelling unit on the resulting lots shall have its own direct utility connection to the utility service provider.

(2) Each primary dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system shall first have a percolation test completed within the last 5 years or, if the percolation test has been recertified, within the last 10 years.

l. *Building and Safety*. An Urban Lot Split is a change of use. All structures built on a lot resulting from an Urban Lot Split shall comply with all current local building standards.

11. Fire-Hazard Mitigation Measures.

a. A lot in a very high fire hazard severity zone shall comply with each of the following fire-hazard mitigation measures:

(1) It shall have direct access to a public street right-of-way with a paved street with a width of at least 40 FT. The public street right-of-way shall have at least two independent points of access for fire and life safety to access and for residents to evacuate.

(2) All dwellings on the site shall comply with current Fire Code requirements for dwellings in a very high fire hazard severity zone.

(3) All enclosed structures on the site shall have fire sprinklers.

(4) All sides of all dwellings on the site shall be within a 150-FT hose-pull distance from either the public street right-of-way or of an onsite fire hydrant or standpipe.

(5) If the lot does not have a swimming pool, the lot shall have a water reservoir of at least 5,000 gallons per dwelling, with fire-authority approved hookups compatible with fire-authority standard pump and hose equipment.

b. Prior to submitting an application for an Urban Lot Split, the applicant shall obtain a certificate of compliance with all applicable fire-hazard mitigation measures pursuant to this subpart E.11. The City or its authorized agent shall inspect the site, including all structures on the site, and certify as to its compliance. The certificate shall be included with the application. The applicant shall pay the City's costs for inspection. Failure to pay is grounds for denying the application.

12. Separate Conveyance.

a. On a lot created by an Urban Lot Split:

(1) Primary dwelling units cannot be owned or conveyed separately from each other.

(2) Condominium airspace divisions and common interest developments are prohibited.

(3) All fee interest in a lot and all dwellings on the lot shall be held equally and undivided by all individual property owners.

(4) Separate conveyance of lots created by an Urban Lot Split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the Urban Lot Split boundary may separate them for conveyance purposes if the structures meet Building Code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner shall record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

13. Regulation of Uses.

a. *Residential-Only*. Nonresidential land uses shall be prohibited on any lot created by Urban Lot Split.

b. *No Short Term Rentals*. No dwelling unit on a lot that is created by an Urban Lot Split may be rented for a period of less than 30 days.

c. *Owner Occupancy*. The applicant for an Urban Lot Split shall sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of 3 years after the Urban Lot Split is approved.

14. Notice of Construction.

a. At least 30 business days prior to the starting any construction of a structure on a lot created by an Urban Lot Split, the property owner shall give written notice to all the owners of record of each of the adjacent residential parcels, which notice shall include the following information:

(1) Notice that construction has been authorized,

(2) The anticipated start and end dates for construction,

(3) The hours of construction,

(4) Contact information for the project manager (for construction-related complaints), and

(5) Contact information for the Building & Safety Department.

b. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. The approval of an Urban Lot Split is ministerial and under state law, the City has no discretion in approving or denying a particular project under this Section. This notice requirement is purely to promote neighborhood awareness and expectation.

15. Deed Restriction. The owner shall record a deed restriction, acceptable to the City, that does each of the following:

a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.

b. Expressly prohibits any nonresidential land use of Urban Lot Split.

c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.

d. States that the property is formed by an Urban Lot Split and is, therefore, subject to the City's Urban Lot Split regulations, including all applicable limits on dwelling size and development.

F. Specific Adverse Impacts.

1. Notwithstanding anything else in this Section, the City may deny an application for an Urban Lot Split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

2. The term "specific adverse impact" has the same meaning as in GC Section 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).

3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

Division 6.09—Reserved

**********Reserved for Future Use**********

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Division 6.10—Reserved

**********Reserved for Future Use**********

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Division 6.11—Shopping Cart Retention and Storage

Sections:

6.11.000: Purpose
6.11.005: Applicability
6.11.010: Definitions
6.11.015: Exemption
6.11.020: Mandatory Shopping Cart Retention Plan
6.11.025: Shopping Cart Retention Plan Timeline and Approval Process
6.11.030: Penalties for Failing to Submit a Shopping Cart Retention Plan
6.11.035: Notification for Retrieval of Abandoned Carts
6.11.040: Administrative Costs and Fines
6.11.045: Disposition of Carts after 30 Days
6.11.050: Unmarked Shopping Carts: Public Nuisance
6.11.055: Unmarked Shopping Carts: Destruction
6.11.060: Shopping Cart Collection and Storage Facilities

6.11.000: Purpose

Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic within the City. The accumulation of wrecked, dismantled, and abandoned shopping carts on public or private property also tends to create conditions that reduce property values, promoting blight and deterioration in the City. The purpose of this Division is to provide regulations pertaining to abandoned shopping carts, unmarked shopping carts, provide a requirement for a mandatory plan to prevent cart removal, and provide adequate facilities for on-site cart storage.

6.11.005: Applicability

Any business establishment in the City that provides shopping carts for use by their patrons shall develop and implement a Shopping Cart Retention Plan, which is intended to prevent customers from removing carts from their business premises and provide appropriate cart storage areas pursuant to this Division. The Shopping Cart Retention Plan shall be reviewed and approved by the Planning Director pursuant to the procedures established for ministerial permits and decisions contained in Subsection 2.02.015.C (Ministerial Permits and Decisions) of this Development Code.

6.11.010: Definitions

As used in this Division, unless otherwise apparent from the context, the words, terms, and phrases listed below, shall have the following meaning:

A. **Abandoned Cart.** Any cart that has been removed without written permission of the owner, or on-duty manager from the premises of the business establishment, regardless of whether it has been left on either private or public property. This provision shall not apply to carts that are removed for the purpose of repair or maintenance.

B. **Cart.** A basket that is mounted on wheels or similar devise provided by a business establishment for use by a customer for the purpose of transporting goods of any kind, including, but not limited to, grocery store shopping carts.

C. **Owner.** Any person or entity, who in connection with the conduct of a business, owns, possesses, or makes any cart available to customers or the public. For the purposes of this Division, "owner" shall also include the owner's on-site or designated agent or retailer that provides the carts for use by its customers.

D. **Premises.** The entire area owned and utilized by the business establishment that provides carts for use by customers, including any parking lot or other property provided by the owner for customer parking.

E. **Unmarked Cart.** Any cart as defined by this Division that is not identified and marked pursuant to PC Section 22435.1.

6.11.015: Exemption

Any owner that agrees to enter into a contract with a City-designated retrieval service to provide for retrieval of abandoned carts, or, individually or as part of a consortium of businesses, enters into a retrieval contract with a retrieval service that is satisfactory to the City, shall be exempt from Section 6.11.025 (Prevention Plan Timeline and Approval Process), Section 6.11.030 (Penalties for Failing to Submit a Shopping Cart Retention Plan), and Section 6.11.035 (Notification for Retrieval of Abandoned Carts), below.

6.11.020: Mandatory Shopping Cart Retention Plan

Every business owner shall develop and implement a Shopping Cart Retention Plan for all businesses that utilize shopping carts for use by business patrons, to prevent customers from removing carts from the business premises. Every Shopping Cart Retention Plan shall include the following elements:

A. **Required Signs on Carts.** Every cart owned or provided by any business establishment in the City shall have a sign permanently affixed to it that contains all of the following information:

1. Identifies the owner of the cart or the name of the business establishment, or both;

2. Notifies the public of the procedure to be utilized for authorized removal of the cart from the business premises;

3. Notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized possession of the cart, is a violation of State law; and

4. Lists a valid telephone number to contact to report the location of the abandoned cart or lists an address for returning the cart to the owner or business establishment.

B. **Required Signs on Property.** Signs shall be placed in pertinent places near door exits and near parking lot exists that notify customers that cart removal is prohibited and constitutes a violation of State and local law.

C. Physical Measures.

1. New development, an increase of more than 10 percent in GFA, or the major alteration or remodel of any building occupied by, or proposed to be occupied by, retail commercial uses providing 10 or more shopping carts for use by business patrons, shall install and maintain in good working order, an electronic barrier system at the perimeter of the business site, which, when crossed by a shopping cart, will disable the cart, thereby preventing its removal from the site. Alternate cart retention methods that would achieve the same outcome may be considered by the Planning Director.

2. New and existing businesses providing less than 10 shopping carts for use by patrons, may be required to implement specific physical measures to prevent shopping cart removal from the business premises. These measures may include one or more of the following:

a. Installation of disabling devices on all carts;

b. Posting of a security guard to deter and stop customers who attempt to remove carts from the premises;

c. A decorative bollard and chain system or decorative fencing installed around the business premises to prevent cart removal;

d. Security deposits required for the use of all carts; and/or

e. The rental or sale of carts that can be temporarily or permanently used for the transport of purchases.

6.11.025: Shopping Cart Retention Plan Timeline and Approval Process

The Shopping Cart Retention Plan shall be submitted for approval by the City within 60 days after adoption of this Division, and each time the plan is proposed to be amended. If a new Plan is submitted, the proposed measures shall be implemented no later than 30 days after City approval is given. The prevention measures shall be continued until and unless the City indicates that measures need to be modified. Unless otherwise agreed, any modifications to the Plan imposed by the City shall be implemented within 30 days after the City notifies the retailer of the needed modifications.

6.11.030: Penalties for Failing to Submit a Shopping Cart Retention Plan

Any owner that fails to submit a Shopping Cart Retention Plan, implement the proposed Plan measures, or implement any required modifications to the Plan by the City within the periods specified in this Division, shall be subject to a $1,000 civil penalty, plus an additional penalty of $50 for each day of noncompliance.

6.11.035: Notification for Retrieval of Abandoned Carts

Pursuant to BPC Section 22435.7, the City shall notify the owner of any abandoned carts owned or used by the business establishment that have been located within the City within 24 hours of impoundment. The owner shall have 3 business days from the date that notification is given to retrieve carts from the City.

6.11.040: Administrative Costs and Fines

Pursuant to BPC Section 22435.7, any owner that fails to retrieve its abandoned cart(s) within 3 business days after receiving notice from the City, shall pay the City's administrative costs for retrieving the cart(s) and providing the notification to the owner. Any owner who fails to retrieve abandoned carts in accordance with this Division in excess of 3 times during a 6-month period shall be subject to a $50 fine for each occurrence. An occurrence includes all carts owned by the owner that are impounded by the City in a one-day period.

6.11.045: Disposition of Carts after 30 Days

Pursuant to State law, any cart not reclaimed from the City within 30 days after notification to the owner, shall be sold or otherwise disposed of by the City.

6.11.050: Unmarked Shopping Carts: Public Nuisance

Any unmarked shopping cart is hereby declared a public nuisance if:

A. It is left unattended on a public right-of-way or other public property;

B. It is left unattended on any private property at a location that will impede emergency services;

C. It is left unattended on the front or side setback of any private property without the owner's or occupant's permission; or

D. It is left on private property where it may be viewed from the public right-of-way or adjacent properties for more than 24 hours after the occupant, if any, and the owner of the property has received written notice which states that if the shopping cart is not removed from public view, it will be impounded by the City and may be sold or otherwise disposed of by the City.

6.11.055: Unmarked Shopping Carts: Destruction

Any carts found to be unmarked as defined by this Division, and has been impounded by the City, shall be destroyed without any further notice other than as specified in Subsection 6.11.050.D of this Division.

6.11.060: Shopping Cart Collection and Storage Facilities

Shopping cart storage facilities shall be provided for commercial-retail uses, including, but not limited to, automotive parts and supplies, food and beverage stores, health and personal care stores, general merchandise stores, and other miscellaneous retail stores, for 3 separate and distinct purposes: [1] the overnight or long-term storage of shopping carts; [2] the distribution of shopping carts to patrons as they enter the business; and [3] stations for the collection and storage of shopping carts within off-street parking facilities.

A. The Overnight or Long-Term Storage of Shopping Carts.

1. Facilities for the overnight or long-term storage of shopping carts shall be located within the building of the business they serve, or outside, within screened areas. Outside overnight shopping cart storage areas shall be screened and secured by a minimum 3-FT high decorative masonry wall, with a decorative cap, in combination with landscaping. The wall shall be designed to be architecturally consistent with the design of the adjacent building(s).

2. The minimum size, design, and location of overnight shopping cart storage areas shall be subject to Planning Director approval.

B. Stations for the Collection and Storage of Shopping Carts within Off-Street Parking Facilities (Shopping Cart Corrals). Shopping cart corrals shall be provided within off-street parking facilities and shall be distributed throughout parking lots for convenient access by business patrons.

1. At a minimum, shopping cart corrals shall be defined by a landscaped planter on at least two opposing perimeter sides, minimum 3 FT in width, bordered by a raised 6-inch concrete curb, which shall be planted and maintained with a hedgerow that will be allowed to grow to a minimum height of 3 FT for the purpose of screening shopping carts. The paving at the corral entrance shall be slightly raised to keep shopping carts confined within the corral. Within the required planter area, the construction of a 3-FT high decorative masonry wall with a decorative cap is encouraged, to provide further screening. The use of pipe corrals shall not be permitted.

2. Shopping cart corrals shall be distributed throughout the off-street parking area. The minimum number, dimensions, and locations of shopping cart corrals shall be determined by the Planning Director.

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Chapter 8.0:
Sign Regulations

Division 8.01—Sign Regulations

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Division 8.01—Sign Regulations

Sections:

8.01.000: Purpose
8.01.005: Applicability
8.01.010: Exempt Signs
8.01.015: Prohibited Signs
8.01.020: Sign Standards
8.01.025: Design Guidelines

8.01.000: Purpose

A. The regulations set forth by this Division contain the primary tools for implementing the sign policies, standards, and regulations of the City pursuant to the provisions of the State Outdoor Advertising Act (BPC Section 5200 et seq.), and other applicable state and local requirements, and prescribe standards for the type, placement, size, number, height, and illumination of signs in order to achieve the following purposes:

1. Maintain the attractiveness and orderliness of the City's appearance by avoiding sign clutter;

2. Protect agricultural, residential, commercial, industrial, civic, open space and utilities, from the loss of visual prominence resulting from excessive signing on nearby sites;

3. Protect public and private investment in buildings and open spaces;

4. Protect residentially zoned areas lying adjacent to commercial and industrial areas from the negative effects of excessive signs;

5. Enable users of goods and services to identify establishments offering services to meet their needs;

6. Encourage sound signing practices as an aid to business and inform the public, but to prevent excessive and confusing sign displays;

7. Regulate the number, size, height, and location of signs according to standards consistent with the types of establishments in each zoning district;

8. Promote traffic safety through appropriate and reasonable controls on signs;

9. Promote the public health, safety, and welfare by regulating and controlling all matters relating to signs; and

10. Protect the health, safety, and welfare of City residents from hazards resulting from improper, excessive, distracting and otherwise unsafe signage.

B. It is the determination of the City Council that a sign is intended to serve primarily to identify the general nature of an establishment, or to direct attention to a product, activity, place, person, organization or enterprise. The City Council further determines that as identification devices, signs should not subject the citizenry to excessive competition for their visual attention, and as

appropriate identification devices, signs should harmonize with the building or activity they serve, the neighborhood in which they are located, and other signs within the surrounding area and in the same zoning district.

C. The installation of signs that improve the appearance of a building and neighborhood is encouraged. As such, The City Council hereby promotes the use of artistry and innovation in the design of signs is decidedly encouraged.

8.01.005: Applicability

A. No sign, including copy change or a temporary sign, shall be approved and a permit therefore issued, except in conformance with the requirements of Table 2.02-1 (Review Matrix) and Section 4.03.020 (Sign Plans) of this Development Code, and the requirements of this Division.

B. No sign shall be erected, constructed, attached, affixed, or maintained on any property, except in conformity with the provisions of this Division, and expressly exempted by the provisions of Section 8.01.010 (Exempt Signs) of this Division.

C. It shall be illegal to use, occupy, or maintain property in violation of this Division. Any violation or failure to comply with the provisions of this Division shall render a person guilty of such violation, punishable in accordance with OMC Title 1, Chapter 2 (Penalty Provisions).

8.01.010: Exempt Signs

No sign, including copy change or a temporary sign, shall be placed, installed, constructed, displayed, or altered without a Sign Plan approved by the City pursuant to Section 4.03.020 (Sign Plans) of this Development Code, excepting the following:

A. **Official Notices.** Any sign, posting, notice or other indication used exclusively to display official notices, notices of any court or public office, or posted by a public officer in the performance of a public duty, or required by a public entity in carrying out its responsibility to protect the public health, safety or welfare, or otherwise required by law.

B. **Street and Traffic Control Signs.** Street name and traffic control signs, directional signs, informational signs of a public or semi-public nature, historical markers placed by a governmental or non-profit organization, and railroad crossing, danger, or other emergency warning signs, provided that no individual sign exceeds 4 SF in area.

C. **Directional Signs.** Signs guiding and directing traffic in parking lots and facilities, provided that no individual signs exceed 4 SF in area and 4 FT in height.

D. **Public Convenience Signs.** Signs showing the location of public restrooms, telephones, other public conveniences, and underground utilities, provided no individual sign exceeds 2 SF in area.

E. **Business Hours, Emergency Phone Numbers, Honoring Credit Cards, and Association Membership Signs.** Signs indicating business hours, emergency phone numbers, honoring credit cards, association memberships and similar types of sign, provided no individual sign exceeds one SF in area and the total area of all such signs does not exceed 4 SF.

F. **Interior Signs.** Signs located entirely within a building, structure or complex of buildings, which are not visible from a public street or from other adjacent properties.

G. **Menu Boards for Drive-In, Drive-Through, and Walk-Up Restaurants.** Menu boards not exceeding 36 SF in area and 6 FT in height for drive-in, drive-through, and walk-up restaurants, not to exceed 2 menu boards per restaurant.

H. **Building Plaques.** The names of buildings and dates of erection and dedicatory, memorial or historical plaques not exceeding 4 SF in area, which are constructed of bronze or other nonflammable material.

I. **Political Signs.** Political campaign signs installed pursuant to Subsection 8.01.025.J (Political Signs) of this Division.

J. **Posters and Bulletin Boards.** Temporary posters on private property, not exceeding 4 SF in area, which are located in windows or on bulletin boards, advertising benefit activities and events sponsored by local nonprofit organizations.

K. **Holiday Lights and Displays.** Holiday lights and displays that do not advertise any business establishment, product, or other commercial activity, limited to 30 days within any 60-day period.

L. **Real Estate and Construction Signs.** Temporary real estate and construction signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.

M. **Home Occupation Signs.** Signs attached to the exterior wall of a dwelling, at or near the building entrance, which identify a legally established home occupation conducted therein, not to exceed one sign per dwelling, maximum 18 inches square in size, and mounted at eye level, no higher than 6 FT above finished floor of the dwelling, measured at the top edge of the sign.

8.01.015: Prohibited Signs

The following signs and circumstances are expressly prohibited within the City, except as otherwise provided by this Division:

A. Any sign not specifically allowed by this Division; however, nothing in this Division shall be construed to prohibit any sign, notice, or advertisement required by Federal, State, or local laws.

B. Billboards, including vehicle-mounted billboards (roving or stationary), excepting **[i]** billboards established pursuant to a Billboard Relocation Agreement, implemented pursuant to Section 4.02.010 (Billboard Relocation Agreements); and **[ii]** billboards located within the ONT zoning district, established pursuant to the requirements of Table 8.01-1 (Sign Regulations Matrix) of this Development Code.

C. Rotating, revolving, or otherwise moving signs designed to attract attention by visual means through the movement or semblance of movement of the whole or any part of the sign, including rotation, special lighting or wind actuated devices, and signs that flash, blink or reflect light by means of a glossy, polished, or mirrored surface, excepting barber poles, time and temperature signs, and electronic message displays allowed pursuant to Paragraph C.3 (Electronic Message Displays) of this Section.

D. Searchlights, open flames, or loudspeakers used to call attention to a product, service or property.

E. Signs that float in the air, such as signs affixed to, or printed on, hot air balloons, helium balloons, or kites, inflated signs, and any other type of aerial sign, except as temporary signs or displays allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.

F. Banner signs, except as temporary promotional or special event signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.

G. Signs that emit or amplify any sounds or noise.

H. Signs illuminated by lighting that changes in color or intensity of color, excepting electronic message displays allowed pursuant to Paragraph C.3 (Electronic Message Displays) of this Section.

I. Signs that generate particulate matter, including but not limited to, bubbles, smoke, fog, confetti or ashes.

J. Swooper signs, except as temporary promotional or special event signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.

K. Signs placed on, affixed to, or erected on or over public rights-of-way, excepting street banners allowed pursuant to Subsection 8.01.025.G (Street Banner Program and Street Banners) of this Division.

L. Signs that identify or advertise a product or service not available on the premises, excepting offsite real estate signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.

M. Signs erected on roofs, or that project above the eave, parapet line or roofline, or above a canopy of a building.

N. Internally illuminated signs with a directly exposed source of light.

O. Lit borders consisting of neon or LED fixtures, which are affixed around the interior or exterior perimeter of windows, excepting holiday and/or seasonal lights and displays allowed pursuant to Subsection 8.01.010.K of this Division.

P. Externally illuminated signs where the source of light is directly visible to pedestrians or vehicular traffic.

Q. Signs that emit or reflect light by means of direct fluorescence, phosphorescence, or "day-glow" colors.

R. Signs that obstruct the visual lines of sight at corners or intersections for drivers of motor vehicles.

S. Signs that may obstruct the free use of any exit, entrance, window, vent, emergency access, fire lane, fire hydrant, or standpipe.

T. Signs that may interfere with, obstruct, confuse, or mislead pedestrian or vehicular traffic.

U. Any sign illumination that, in the opinion of the Zoning Administrator, exhibits undue glare.

V. Signs affixed to trucks, automobiles, trailers or any other vehicle that advertise, identify, or provide direction to a use or activity not related to its lawful making of deliveries or sales of merchandise, or rendering of services from such vehicles.

W. Parking of legitimate delivery, sales, or service vehicles in an off-site location, or on-site, within a parking lot adjacent to a public street for the purpose of advertising.

X. Any sandwich board, "A" frame sign, or other portable sign, except as temporary signs or displays allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.

Y. Signs affixed to, or painted on, a rock, tree, or any other natural feature.

Z. Changeable copy signs, excepting electronic message displays allowed pursuant to Paragraph 8.01.020.C.3 (Electronic Message Displays) of this Division, and those changeable copy signs specifically allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Division.

AA. Any sign having a dimension in excess of 1.5 FT in height and 1.5 FT in width, which identifies a home occupation.

BB. Any sign consisting of several sheets of paper connected together by perforations, tape, staples or any other means.

CC. Signage painted on the exterior walls or fascia of a building or structure.

DD. Supergraphics.

EE. Human signs, including human billboards, human directionals, and sign walkers, wavers and twirlers (holding or wearing a sign, or the act of spinning or dancing while holding or wearing a sign, or wearing a costume, in order to attract attention).

8.01.020: Sign Standards

A. General Regulations.

1. No sign shall be placed on private property, including vacant property, without written authorization from the owner or the occupant, and approval of plans by the City, pursuant to the provisions of Section 4.03.020 (Sign Plans) of this Development Code.

2. No sign shall be placed on public property or within the public right-of-way without written City approval. Signs placed on public property or in the public right-of-way without specific approval, shall be deemed illegal and shall be abated pursuant to the provisions of Section 3.02.015 (Illegal Signs) of this Development Code.

3. Creative and imaginative signage is strongly encouraged and is the standard by which Sign Plan applications will be judged, together with the specific architectural style of adjacent buildings.

4. There are many acceptable sign treatments that may be used; however, a mixed media, three-dimensional approach, which incorporates a combination of fabrication and lighting techniques, is preferred.

5. Consider **[i]** the overall concept of the project a proposed sign will serve, **[ii]** the scale of the proposed sign, and **[iii]** the critical viewing angles and sight lines when designing appropriate graphics and signs for site and storefront installations.

6. A sign shall be located on the same site as the use, activity, or structure it identifies, except as otherwise expressly permitted by this Division.

7. No sign shall resemble a traffic safety or control device or, by intensity of illumination, location or design, impair the vision of, or create a hazard for, motorists on a public street or highway.

8. Lateral and columnar sign supports are to be designed to be architecturally integrated with the building to which it is attached, or so that required bracing, including but not limited to, angle irons, guy wires, cables or other appurtenances, shall not be exposed to public view.

9. All signs shall be constructed to conceal conduits and raceways, exposed wiring, and electrical appurtenances.

B. Sign Regulations.

1. Sign Regulation Matrix. Table 8.01-1 (Sign Regulation Matrix) of this Division, identifies the sign classification, type, number, location, area, height, length, allowed within each zoning district of the City, along with any applicable special regulations. The standards contained in the Sign Regulation Matrix are maximums, unless otherwise stated. The maximum standard established by Table 8.01-1 (Sign Regulation Matrix) may be reduced by the Approving Authority in cases when the Approving Authority can clearly establish by written decision that that implementation of the maximum standard would:

a. Adversely affect the public health, safety or welfare; or

b. Result in a sign design and/or placement inconsistent with the requirements of this Section; or

c. Be contrary to the aesthetic sensibilities of the neighborhood in which the sign is proposed.

2. Downtown Ontario Design Guidelines. The Downtown Ontario Design Guidelines, included as Reference "C" of this Development Code, establishes a set of architectural, graphic, and lighting design principles for the rehabilitation of properties within the City's historic original downtown area (project area). Signs proposed within the project area shall be subject to the sign requirements contained within the Downtown Ontario Design Guidelines. The affected area is bordered by I Street on the north, Vine Street on the west, Sultana Avenue on the east, and railroad tracks on the south, and is defined in Figure 1.4 (Land Use Districts) of the Downtown Ontario Design Guidelines. The design guidelines also apply to those properties located across the street from, and directly abut, the project area.

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
A. ALL ZONING DISTRICTS (excepting those "specialty signs" listed in Subsection G (Standards for Specialty Signs) of this Table)					
1. Temporary Signs					
a. Construction Signs	One freestanding sign or wall sign per parcel.	32 SF per sign face.	8 FT	No restriction.	**[1]** Signs shall be nonilluminated. **[2]** Signs shall be removed within 5 days following the sale or lease of the last unit, or final Building Department inspection.
b. Off-Site Residential Subdivision Signs	Number and location subject to Planning Director approval; however, a sign shall not be located more than 600 FT from any other Off-Site Residential Subdivision Sign location.	35 SF	Sign: 7 FT (overall) Business Panel Signs: 10 inches (each)	Panel: 5 FT (each)	**[1]** The design, construction materials, and color scheme of Off-Site Residential Subdivision Signs shall be pursuant to an Off-Site Residential Subdivision Sign Program approved by the Planning Director. No more than 6 sign panels shall be affixed to any one structure. **[2]** Each sign panel may only contain the name of the residential subdivision and a directional arrow. **[3]** The placement of Off-Site Residential Subdivision Signs within the public right-of-way shall be subject to approval of an encroachment permit by the City Engineer. **[4]** No flags, balloons, pennants, or other riders or decorations are permitted. The illumination of Off-Site Subdivision Signs is not permitted. **[5]** Signs shall not advertise residential subdivisions

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
					located outside of the city limits. **[6]** Individual directional panels shall be allowed to remain until such time that the respective subdivision is sold-out. **[7]** It shall be unlawful for any person to place or erect an Off-Site Residential Subdivision Sign, except in conformity with the herein stated provisions **[8]** The City Council may by resolution, authorize the administration of an Off-Site Residential Subdivision Sign Program by one or more organizations of its choosing.
c. Off-Site Business Signs	Number and location subject to Planning Commission approval.	35 SF	Sign: 7 FT (overall) Business Panel Signs: 10 inches (each)	Business Panel Signs: 5 FT (each)	**[1]** A maximum of 2 Off-Site Business Signs may be permitted for a business, or group of businesses, when the Planning Commission can make each of the following findings: ▪ Five or more businesses are affected by the same special circumstances; and ▪ Special circumstances exist which adversely affect the businesses, such as temporary closure of a public street, which provides main access to the businesses. **[2]** The design, construction materials, and color scheme of an Off-Site Business Sign

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
					shall be subject to approval by the Planning Commission. **[3]** No more than 6 business panel signs shall be affixed to any one structure. **[4]** The placement of Off-Site Business Signs within the public right-of-way shall be subject to approval of an encroachment permit by the City Engineer. **[5]** No flags, balloons, pennants, or other riders or decorations are permitted. The illumination of Off-Site Business Signs is not permitted. **[6]** It shall be unlawful for any person to place or erect an Off-Site Business Sign, except in conformity with the herein stated provisions. **[7]** An Off-Site Business Sign shall be removed within 30 days following the special circumstances that allowed the sign, ceases to exist. **[8]** No otherwise eligible business shall be allowed an Off-Site Business Sign until all illegal signs associated with such businesses are removed.
d. Political Signs					Refer to Paragraph 8.01.020.K (Political Signs) of this Division for political sign regulations.
e. Street Banners	Pursuant to Subsection 8.01.020.G (Street Banners	No restriction.	No restriction.	No restriction.	Comply with the requirements of Subsection

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
	and Street Banner Programs) of this Division.				8.01.020.G (Street Banners and Street Banner Programs)
f. Large Public Notification Signs					Refer to Division 2.03 (Public Hearings), Paragraph 2.03.010.C.4 (Supplemental Public Noticing Requirements – Posting) for large public notification sign regulations.
2. Permanent Signs					
a. Address Signs	One wall sign and rooftop sign per building or divided tenant space.				Street addresses shall be posted pursuant to Subsections 6.06.020.B (Posting of Street Address Numbers) and D (Posting of Rooftop Address Numbers) of this Development Code.
b. Directional Signs	Pole, monument, or wall sign.	4 SF per sign face.	Pole or monument signs shall not exceed 4 FT in height.		Signs shall be for the purpose of serving the public safety or convenience (e.g., signs such as "parking," "entrance," "exit" and the like). The sign may include the name/logo of the business it serves.
c. Directory Signs	Monument or wall sign. The number and location shall be at the discretion of the Planning Director.	6 SF per sign face.	6 FT		Directory signs should include a plot plan showing all private drives and roads, building locations with unit numbers and addresses, and fire hydrant locations. The directory should also include a reference point on the plot plan indicating the location of the directory and a north arrow.
d. Government Flags and Emblems	No restrictions.	No restriction.	No restriction.	No restriction.	Includes flags or emblems of the United States of America, the State of California, the County of San Bernardino and the City of Ontario.

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
e. Wall Murals	Murals shall be original, non-commercial works of art; uniquely designed for the specific location it is proposed. Ideally, murals should depict the historic character of the community or reflect Ontario's environmental setting.	There is no maximum allowed sign area; however, murals must complement the scale and architectural features of the building on which they are located.	No restriction.	No restriction.	**[1]** Murals are intended to enhance the quality of the area in which it is located, and the community as a whole. They should not serve to direct attention to a specific business, product, or service. **[2]** Wall murals may be approved by the Planning Commission, upon consideration of the following: ▪ Compatibility of the design with the immediate environment of the site; ▪ Appropriateness of the design and size to the function of the site; ▪ Compatibility of the design and location within a unified theme; and ▪ Appropriateness of the design as a public work of art. The design may portray, but not be limited to, a cultural, historical, or scenic subject.
B. RESIDENTIAL ZONING DISTRICTS (excepting those "specialty signs" listed in Subsection G (Standards for Specialty Signs) of this Table)					
1. Temporary Signs					
a. Real Estate Signs (signs identifying properties and dwellings for resale)	One freestanding sign per lot, which identifies a property as "For Sale," "For Lease" or "For Rent."	8 SF per sign face. 4 SF per sign face.	5 FT 3 FT		**[1]** Only nonilluminated signs shall be allowed. **[2]** A sign identifying a property for sale/lease/rent shall be removed within 5

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
	One on-site freestanding sign per event, which identifies an "Open House." Four off-site freestanding directional signs, which identifies the location of an "Open House" event.	4 SF per sign face.	3 FT		days following the close of escrow. [3] Open House" signs shall be allowed as follows: ▪ Signs may be placed between the hours of 8:00 AM and 8:00 PM, on Friday, Saturday, Sunday, and legal holidays; ▪ Off-site directional signs shall be located no farther than 0.5-mile from the Open House location; ▪ Signs shall not be placed on the public sidewalk; and ▪ No flags, balloons, pennants, or other sign riders or decorations shall be used.
b. Subdivision Sales Offices and Model Home Gran Openings < 5 acres	One freestanding or wall sign per subdivision.	32 SF per sign face.	12 FT		[1] Only nonilluminated signs shall be allowed. [2] Signs shall be removed within 30 days following the sale of the last unit in the complex. [3] No flags, balloons, or pennants shall be used.
c. Subdivision Sales Offices and Model Home Grand Openings ≥ 5 acres	One freestanding or wall signs per street frontage of a subdivision, not to exceed a total of 3 signs.	32 FT per sign face.	12 FT		
2. Permanent Signs					
a. Single-Family Signs					
▪ Subdivision Signs	One monument sign or wall sign per subdivision, located at the subdivision entry or at major intersecting boundary streets.	12 SF per sign face.	4 FT (freestanding)		[1] Only nonilluminated signs shall be allowed. [2] The Planning Director may implement measures to ensure sign maintenance, such as the establishment of a homeowners association

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
					and the recordation of appropriate CC&Rs with the San Bernardino County Recorder's office, or other suitable measures.
▪ Home Occupation Signs	One wall sign per dwelling, located at or near the building entrance.	2.25 SF	1.5 FT	1.5 FT	Home occupation signs shall be mounted at eye level, no higher than 6 FT above finished floor of the dwelling, measured at the top edge of the sign.
b. Multiple-Family Signs					
▪ Complex Signs	One monument sign or wall sign per street frontage.	24 SF per sign face.	6 FT (freestanding)		**[1]** Signs shall be nonilluminated. **[2]** Wall signs shall comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division. **[3]** Monument signs shall comply with Paragraph 8.01.020.C.1 of this Division.
▪ Site Directory Signs	One monument or wall site directory sign per vehicle entry.	12 SF per sign face.	6 FT (freestanding)		
c. Institutional User Signs (e.g., day care facilities, religious assembly, schools, etc.)	Wall Signs: One sign per street frontage, not to exceed 2 signs per building. Monument Signs: One sign per street frontage.	Wall Signs: 24 SF per building elevation. Monument Signs: 24 SF per sign face.	Wall Signs: 2 FT maximum alphanumeric character height. Monument Signs: 6 FT	Wall Signs: Not to exceed 80% of the elevation width upon which the sign is located.	Wall Signs: Signs shall comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division. Monument Signs: Signs shall comply with Paragraph 8.01.020.C.1 of this Division.
C. COMMERCIAL ZONING DISTRICTS (excepting those "specialty signs" listed in Subsection G (Standards for Specialty Signs) of this Table)					
1. Temporary Signs					
a. Real Estate Signs	One freestanding sign or wall sign per parcel.	32 SF per sign face.	8 FT		**[1]** Signs shall be nonilluminated.

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
					[2] Signs shall be removed within 5 days following the sale or lease of the last unit has been completed.
b. Window Signs and Displays	Window signs	Limited to 25% of the window area, excepting within the area covered by the Downtown Ontario Design Guidelines (see Reference "C" of this Development Code for applicable standards).			**[1]** Window signs shall be allowed only on windows located on the ground floor of a building frontage. **[2]** Window signs shall be painted or mounted only on the inside of doors and windows. **[3]** Signs placed on the interior of a building, which are located within 3 FT of a storefront window and are visible from the building exterior, shall be deemed a window sign.
c. On-Site Promotional and Special Event Signs and Banners					
▪ ≤ 8.000 SF of tenant GFA	One wall-mounted banner per tenant.	50 SF per sign face.	3 FT	Not to exceed 50% of the elevation width upon which the sign is located.	**[1]** Business Grand Opening. A new business may be allowed temporary signage identifying its grand opening, one time, for a maximum of 30 days duration. **[2]** Retail Sales and Business Events. A Retail Sales or Business Event pursuant to Paragraph 5.03.395.G.1 of this Development Code may be allowed temporary signage for maximum 3 periods of 30 days duration per calendar year. Periods may be used consecutively. **[3]** Holiday Retail Sales. Holiday Retail Sales
▪ > 8,000 SF of tenant GFA	One wall-mounted banner per tenant.	75 SF per sign face.	5 FT	Not to exceed 50% of the elevation width upon which the sign is located.	

Table 8.01-1: Sign Regulation Matrix

Sign Classification	Sign Type, Maximum Number, and Location	Maximum Sign Area	Maximum Height	Maximum Sign Length	Special Regulations
					established pursuant to Paragraph 5.03.395.G.2 of this Development Code may be allowed temporary signage for maximum 30 days duration. **[4]** Shows and Exhibits. Shows and Exhibits established pursuant to Paragraph 5.03.395.G.3 of this Development Code may be allowed temporary signage for maximum 30 days duration. **[5]** Amusement and/or Sporting Events. Amusement and/or Sporting Events established pursuant to Paragraph 5.03.395.G.4 of this Development Code may be allowed temporary signage for maximum 30 days duration per calendar year, which may be used in a single period, or in 2 periods of 15 days duration. **[6]** Tent Revivals. Tent Revivals established pursuant to Paragraph 5.03.395.G.5 of this Development Code may be allowed temporary signage for maximum 30 days duration per calendar year, which may be used in a single period, or in 2 periods of 15 days duration. **[7]** Charitable and Fund Raising Events. Charitable and Fund Raising Events established pursuant to Paragraph 5.03.395.G.6 of this Development Code may

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
					be allowed temporary signage during the specified "holiday periods," and the specified "additional events" for which a Temporary Use Permit has been issued.
2. Permanent Signs					
a. Wall Signs					
▪ Retail: Businesses Occupying > 100,000 SF	One primary wall sign per building elevation, not to exceed 3 signs, plus 2 descriptor signs.	200 SF per building elevation.	Primary Signs: 6 FT for alphanumeric characters and graphic logos/icons. Descriptor Signs: 2 FT for alphanumeric characters and graphic logos/icons.		Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.
▪ Retail: Businesses Occupying 50,000 SF to 99,999 SF	One primary wall sign per building elevation, not to exceed 3 signs, plus 2 descriptor signs.	175 SF per building elevation.	Primary Signs: 5 FT for alphanumeric characters and graphic logos/icons. Descriptor Signs: 2 FT for alphanumeric characters and graphic logos/icons.		
▪ Retail: Businesses Occupying 20,000 SF to 49,999 SF	One primary wall sign per building elevation, not to exceed 3 signs, plus 2 descriptor signs.	150 SF per building elevation.	Primary Signs: 4 FT for alphanumeric characters and graphic logos/icons. Descriptor Signs: 1.5 FT for alphanumeric characters and graphic logos/icons.		
▪ Retail: Businesses Occupying 8,000 SF to 19,999 SF	One primary wall sign per building elevation, not to exceed 3 signs, plus 2 descriptor signs.	100 SF per building elevation.	Primary Signs: 3 FT for alphanumeric characters and graphic logos/icons. Descriptor Signs: 12 inches for alphanumeric characters and graphic logos/icons.		
▪ Retail: Businesses Occupying < 8,000 SF	One wall sign per building elevation, not to exceed 3 signs.	50 SF per building elevation.	Alphanumeric Characters: 2 FT. Logos/Icons: 4 FT.		

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
▪ Office: Multiple-Story Building Identification	One wall sign per building elevation, not to exceed 2 signs.	100 SF per building elevation.	3 FT for alphanumeric characters and graphic logos/icons.		[1] Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division. [2] Signage shall be limited to identification of the building, and not individual tenants.
▪ Office: Multiple Story Building—Tenant Identification	One wall sign per building elevation, not to exceed 2 signs.	50 SF per building elevation.	2 FT for alphanumeric characters and graphic logos/icons.		[1] Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division. [2] A maximum of 2 tenant identification signs shall be permitted regardless of the number of tenants contained within the building.
▪ Office: Single Story Building—Tenant Identification	One wall sign per building elevation, not to exceed 2 signs. Alternately, for multiple tenant buildings, one nameplate may be provided for each tenant (2 nameplates may be provided for end/corner-unit tenants).	Wall Signs: 50 SF. Nameplates: 15 SF.	Wall Signs: 2 FT for alphanumeric characters and graphic logos/icons. Nameplates: 1.5 FT for nameplates and 12-inches for alphanumeric characters and graphic logos/icons.		[1] Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division. [2] Nameplates shall not be illuminated.
b. Monument Signs					
▪ Commercial Center Identification Signs	One monument sign for each 500 FT (lineal) of street frontage, with a minimum 300 FT spacing between signs.	50 SF per sign face.	7 FT (3.5 FT for a sign installed within the corner cut-off area of intersecting streets).		Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.
▪ Building Identification Signs (not a part of a center or complex)	One monument sign per street frontage.	36 SF per sign face.	6 FT		
c. Directional Signs (On-Site)	Freestanding directional signs (on-site only) shall be permitted as determined appropriate by the Planning Director.	4 SF per sign face	4 FT		The design of directional signs shall be consistent with the architectural design of the buildings they serve.

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
d. Freeway Signs	[1] One sign per parcel having a minimum of 600 FT of freeway frontage and is developed as a single entity. [2] Two signs per parcel having a minimum of 1,800 FT of freeway frontage, a minimum of 10 acres in area, and is developed as a single entity. [3] Three signs per parcel having a minimum of 3,000 FT of freeway frontage, a minimum of 10 acres in area, and is developed as a single entity.	150 SF per sign face.	35 FT maximum above the finished grade of the adjacent freeway; however, when a visual impairment exists, then max height shall be determined by a height analysis at the Planning Director's discretion.	No sign face shall exceed 25 FT in any direction.	[1] Comply with Paragraph 8.01.020.C.2 (Freeway Signs) of this Division. [2] No advertising display shall contain flashing, intermittent, or moving lights, other than that part necessary to give public service information, including, but not limited to, the time, date, temperature, weather, or similar information, or an Electronic Message Display that complies with Paragraph 8.01.020.C.3 (Electronic Message Displays) of this Division.
D. MIXED-USE ZONING DISTRICTS (excepting those "specialty signs" uses listed in Subsection F (Standards for Specialty Signs) of this Table)					
All Signs	Rely upon the sign standards for residential land uses established by Subsection B (Residential Zoning Districts) of this Table; and rely upon the sign standards for commercial land uses established by Subsection C (Commercial Zoning Districts) of this Table				
E. INDUSTRIAL ZONING DISTRICTS (excepting those "specialty signs" uses listed in Subsection G (Standards for Specialty Signs) of this Table)					
1. Temporary Signs					
a. Real Estate Signs	One freestanding sign or wall sign per parcel.	32 SF per sign face.	8 FT.		[1] Signs shall be nonilluminated. [2] Signs shall be removed within 5 days following the sale or lease of the last unit has been completed.
b. Window Signs and Displays	Window signs	Limited to 25% of the window area.			[1] Window signs shall be allowed only on windows located on the ground floor of a building frontage. [2] Window signs shall be painted or mounted only on

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
					the inside of doors and windows. **[3]** Signs placed on the interior of a building, which are located within 3 FT of a storefront window and are visible from the building exterior, shall be deemed a window sign.
c. On-Site Promotional and Special Event Signs and Banners	One wall-mounted banner per tenant.	One-half the area allowed for permanent tenant identification signage, not to exceed 50 SF.		Not to exceed 50% of the elevation width upon which the sign is located.	**[1]** Business Grand Opening. A new business may be allowed temporary signage identifying its grand opening, one time, for a maximum of 30 days duration. **[2]** Retail Sales and Business Events. A Retail Sales or Business Event pursuant to Paragraph 5.03.395.G.1 of this Development Code may be allowed temporary signage for maximum 3 periods of 30 days duration per calendar year. Periods may be used consecutively. **[3]** Holiday Retail Sales. Holiday Retail Sales established pursuant to Paragraph 5.03.395.G.2 of this Development Code may be allowed temporary signage for maximum 30 days duration. **[4]** Shows and Exhibits. Shows and Exhibits established pursuant to Paragraph 5.03.395.G.3 of this Development Code may be allowed temporary signage for maximum 30 days duration.

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
					[5] Amusement and/or Sporting Events. Amusement and/or Sporting Events established pursuant to Paragraph 5.03.395.G.4 of this Development Code may be allowed temporary signage for maximum 30 days duration per calendar year, which may be used in a single period, or in 2 periods of 15 days duration. **[6]** Tent Revivals. Tent Revivals established pursuant to Paragraph 5.03.395.G.5 of this Development Code may be allowed temporary signage for maximum 30 days duration per calendar year, which may be used in a single period, or in 2 periods of 15 days duration. **[7]** Charitable and Fund Raising Events. Charitable and Fund Raising Events established pursuant to Paragraph 5.03.395.G.6 of this Development Code may be allowed temporary signage during the specified "holiday periods," and the specified "additional events" for which a Temporary Use Permit has been issued.
2. Permanent Signs					
a. Wall Signs					
▪ Businesses Occupying > 250,000 SF	One wall sign per street frontage, and/or at a public entrance facing a parking	250 SF per wall sign	Wall Signs: 6 FT for alphanumeric characters and graphic logos/icons.	Not to exceed 75% of the elevation width upon which the sign is located.	Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
	lot, not to exceed 2 signs per tenant.				
▪ Businesses Occupying 249,999 SF to 100,000 SF	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	200 SF per wall sign	Wall Signs: 5 FT for alphanumeric characters and graphic logos/icons.	Not to exceed 75% of the elevation width upon which the sign is located.	
▪ Businesses Occupying 99,999 SF to 50,000 SF	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	150 SF per wall sign	Wall Signs: 4 FT for alphanumeric characters and graphic logos/icons.	Not to exceed 75% of the elevation width upon which the sign is located.	
▪ Businesses Occupying 49,999 SF to 20,000 SF	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	100 SF per wall sign	Wall Signs: 3 FT for alphanumeric characters and graphic logos/icons.	Not to exceed 75% of the elevation width upon which the sign is located.	
▪ Businesses Occupying < 20,000 SF	One wall sign per street frontage, and/or at a public entrance facing a parking lot, not to exceed 2 signs per tenant.	50 SF per wall sign	Wall Signs: 2 FT for alphanumeric characters and graphic logos/icons.	Not to exceed 75% of the elevation width upon which the sign is located.	
[b] Monument Signs					
▪ Industrial Park, Center or Complex Identification Sign	One sign per street frontage, not to exceed 2 signs.	36 SF per sign face.	6 FT (3.5 FT for a sign installed within the corner cut-off area of intersecting streets).		Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.
▪ Single or Multiple-Tenant Building Identification Signs—Not a Part of a Park, Center or Complex	One sign per street frontage, not to exceed 2 signs.	36 SF per sign face.	6 FT (3.5 FT for a sign installed within the corner cut-off area of intersecting streets).		
F. SPECIAL USE ZONING DISTRICTS (excepting those "Specialty Signs" listed in Subsection F (Standards for Specialty Signs) of this Table)					

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
1. Agriculture	Residential Uses: Rely upon the sign standards for residential land uses established by Subsection B (Residential Zoning Districts) of this Table. Retail Commercial and Office Uses: Rely upon the sign standards for retail commercial and office land uses established by Subsection C (Commercial Zoning Districts) of this Table. Industrial Uses: Rely upon the sign standards for single-family residential land uses established by Subsection B (Residential Zoning Districts) of this Table.				
2. Civic	Rely upon the sign standards for office land uses established by Subsection C (Commercial Zoning Districts) of this Table.				
3. Mobile Home Park	One monument sign per street frontage.	24 SF per sign face.	6 FT		**[1]** Non-illuminated or indirect illumination only. **[2]** Signs shall not be located within a required setback area.
4. Ontario International Airport					
a. Temporary Signs					
▪ Real Estate Signs	One freestanding or wall sign per parcel.	24 SF per sign face.	7 FT		**[1]** Only nonilluminated signs shall be allowed. **[2]** Signs shall be removed within 5 days following the sale or lease of the last unit, or final Building Department inspection.
▪ Window Signs and Displays	Window signs	Limited to 25% of the window area.			**[1]** Window signs shall be allowed only on windows located on the ground floor of a building frontage. **[2]** Window signs shall be painted or mounted only on the inside of doors and windows. **[3]** Signs placed on the interior of a building that are located within 3 FT of a storefront window and are visible from the building

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
					exterior shall be deemed a window sign.
▪ On-Site Signs and Banners	One wall-mounted sign or banner per business.	50 SF per sign face.			
b. Permanent Signs					
▪ Wall Signs	As allowed by a Sign Program established pursuant to Subsection F (Sign Program) of Development Code Section 8.01.020 (Sign Standards).				
▪ Monument Sign	As allowed by a Sign Program established pursuant to Subsection F (Sign Program) of Development Code Section 8.01.020 (Sign Standards).				
▪ Wayfinding and Directional Signs	As allowed by a Sign Program established pursuant to Subsection F (Sign Program) of Development Code Section 8.01.020 (Sign Standards).				
▪ Billboards	Three LED signs and three static message signs.	LED Signs: 675 SF per sign face. Static Signs: 250 SF per sign face. Total Sign Area: The combined area of all billboard signs shall not exceed 2,500 SF.	LED Signs: 35 FT Static Signs: 35 FT	LED Signs: 48 FT Static Signs: 11 FT	All billboard signs shall be located in close proximity to the terminals and/or rental car area of the airport.
5. Open Space—Cemetery	As determined appropriate by the Planning Director.				
6. Open Space—Recreation	As determined appropriate by the Planning Director.				
7. Rail Corridor	As determined appropriate by the Planning Director.				
8. Utilities Corridor	As determined appropriate by the Planning Director.				
G. STANDARDS FOR SPECIALTY SIGNS (Note: The below-listed standards are for the placement of permanent signs. Refer to the general zoning district standards contained in this table for the standards for temporary sign standards)					
1. Fuel Sales (Service Stations) Signs					
a. Wall Signs	One primary wall sign per building elevation, not to exceed 3 signs.	50 SF per building elevation.	**[1]** 2 FT alphanumeric characters. **[2]** 2.5 FT graphic icons/logos.	Not to exceed 80% of the elevation width upon which the sign is located.	Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.

Table 8.01-1: Sign Regulation Matrix

Sign Classification	*Sign Type, Maximum Number, and Location*	*Maximum Sign Area*	*Maximum Height*	*Maximum Sign Length*	*Special Regulations*
b. Fuel Island Canopy Sign	One fuel island canopy sign per elevation, not to exceed 2 signs.	16 SF per building elevation.	**[1]** 2 FT alphanumeric characters. **[2]** 2.5 FT graphic logos/icons may be installed in place of alphanumeric characters.	4 FT graphic logos/icons in place of alphanumeric characters.	Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.
c. Fuel Pump Identification	One logo/icon identification sign per fuel pump face, not to exceed 2 signs per pump.	2.25 SF	1.5 FT graphic logo/icon		
d. Monument Signs	One monument fuel pricing sign per street frontage.	**[1]** 25 SF per sign face. **[2]** 50 SF per sign face, when combined with business identification signage.	7 FT		Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.
2. Drive-Thru Restaurant Signs					
a. Wall Signs	One wall sign per building elevation, not to exceed 3 signs.	25 SF per sign face.	**[1]** 2 FT alphanumeric characters. **[2]** 2.5 FT graphic icons/logos.		Comply with Subsection 8.01.020.D (Building Wall and Fascia Signs) of this Division.
b. Menu Boards	One pre-order board and one order board per business.	36 SF per sign face.	6 FT (freestanding)		
c. Monument Signs	One monument sign per business.	50 SF per sign face.	6 FT		Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.

C. Freestanding Signs. The following requirements apply generally to the design and placement of freestanding signs, including monument signs and freeway signs, and the use of electronic message or text display:

1. Monument Signs. Any freestanding sign that identifies: **[i]** a residential subdivision; **[ii]** a multiple-family or mixed-use development project; **[iii]** an individual building on an individual lot containing one or more nonresidential uses; or **[iv]** a center or complex consisting of 2 or more buildings containing one or more nonresidential uses per building, shall be designed as a monument sign, which complies with the following:

a. Table 8.01-1 (Sign Regulation Matrix) of this Division establishes the number, location, area, height, and additional regulations applicable to monument signs.

b. The minimum letter height shall be 8 inches.

c. Monument signs for centers/complexes shall be limited to the display of the name of the center/complex and the identification of a maximum of 7 tenants within the center/complex.

d. Monument signs shall have a maximum of 2 sign faces.

e. Monument signs may be oriented toward arterial, collector and/or local streets, or private drives, and shall not be oriented toward freeways.

f. No monument sign shall be located within a public right-of-way and must be wholly located behind the right-of-way line (street property line) for its full height. Furthermore, such signs shall be located a minimum of 10 FT behind the adjacent curb face (public and private streets).

g. A monument sign shall be located a minimum of 30 FT from a monument sign on an adjacent lot, and a minimum of 5 FT from an interior property line or driveway that intersects a public street.

h. Monument signs shall contain an address (or range of addresses) identifying the property on which the sign is located. Address numbers shall be a minimum of 6 inches in height and shall be clearly visible from the adjacent public street. The area of the address numerals shall not be calculated against the allowed sign area.

i. Unless otherwise specifically prohibited by Table 8.01-1 (Sign Regulation Matrix) of this Division, a monument sign may be internally or externally illuminated, provided that the illumination is not harsh or overly bright. Signs shall consist of individual letters/characters affixed to an opaque, matte finished background. The sign background shall not be internally illuminated; only letters/characters shall be internally illuminated.

2. Freeway Signs. Freeway signs may be allowed on lots with property lines that are common with the right-of-way of Interstate 10, Interstate 15, or State Route 60 freeways, which have at least 600 linear FT of freeway frontage, and are subject to the following:

a. Table 8.01-1 (Sign Regulation Matrix), above, establishes the number, location, area, height, and additional regulations applicable to freeway signs.

b. The maximum vertical or horizontal dimension of any freeway sign display surface is 25 FT.

c. A freeway sign shall be placed a minimum of 600 FT from any other freeway sign on the same property or on an adjacent property and shall be placed no further than 40 FT from the freeway right-of-way.

d. Freeway signs shall consist of no more than 2 faces unless alternative configurations are approved by the Planning Commission.

e. No tentative tract or parcel map, or lot merger shall be granted, which would result in the consolidation of multiple lots into a single lot with freeway signs in excess of the maximum number, location, area, and/or spacing of signs prescribed by this Section.

f. A freeway sign shall be placed no closer than 10 FT to an interior property line, drive aisle, or private drive.

g. A digital freeway sign with electronic display shall be permitted on public and/or private property subject to City Manager review and approval of the following:

(1) Approval of the digital freeway sign shall be subject to the approval of a Digital Sign and Billboard Removal Agreement between the City and the property owner;

(2) A minimum of 2 existing, legal nonconforming billboards shall be removed, both of which must be currently located within the City;

(3) The area is developed with a legally established permitted land use;

(4) The proposed sign would not create a traffic or safety problem with regard to on-site access, circulation, or visibility;

(5) The proposed sign would not interfere with on-site parking or landscaping required by City ordinance or permit;

(6) The property has at least 600 linear FT of freeway frontage;

(7) The proposed sign will display both public and private information;

(8) The overall design of the sign, including massing, proportion, and scale shall be subject to review and approval of a Sign Permit, and

(9) For projects of regional significance as determined by the City Manager, the relocation of billboards may be waived and recommended for review by the City Manager to the City Council.

3. Electronic Message Center. An Electronic Message Center may be incorporated into a freeway sign for a public or private school; public facility or service; convention centers, arenas and other similar places of assembly; and auto malls and shall be subject to review and approval by the Planning Commission. An Electronic Message Center shall comply with the following requirements:

a. The Electronic Message Center display shall not include any message or pictorial that is in motion or appears to be in motion;

b. The Electronic Message Center display shall not change the intensity of illumination;

c. The Electronic Message Center display shall not change the message or pictorial more than once every 4 seconds;

d. No Electronic Message Center shall be placed within 1,000 FT of another Electronic Message Display located on the same side of the freeway; and

e. An Electronic Message Center shall only advertise the business conducted, services rendered, or goods produced or sold upon the property on which the display is placed.

4. Electronic Text Display. An Electronic Text Display may be incorporated into a monument sign to facilitate a fuel pricing sign required pursuant to BPC Sections 13530 through 13540, or for the purpose of providing messages and information related to public or private schools, government facilities, facilities for religious assembly, theaters, convention centers, arenas, and other similar places of assembly. An Electronic Text Display shall comply with the following requirements:

a. An Electronic Text Display shall not include any pictorial display;

b. An Electronic Text Display shall not change the intensity of illumination;

c. An Electronic Text Display shall not change the message more than once every 4 seconds;

d. No Electronic Text Display shall be placed within 600 feet of another Electronic Text Display located on the same side of the street, excepting fuel pricing signs provided pursuant to BPC Sections 13530 through 13540; and

e. An Electronic Text Display shall only advertise the business name, and events and services conducted on the property upon which the Electronic Text Display is installed.

D. Building Wall and Fascia Signs.

1. Wall and/or fascia signs shall consist of individual channel letters placed flat against the exterior wall or parapet of a building, or suspended from the building eaves or overhang, or from the ceiling of a covered walkway, and having an overall depth of no more than 12 inches. A suspended sign shall have a clear space of at least 8 FT between the bottom of the sign and the surface of any walkway that may pass under the sign.

2. Acceptable wall and/or fascia sign designs include one or more of the following elements:

a. Halo lit channel letters;

b. Standard channel letters;

c. Front and halo lit channel letters;

d. Pin mounted sandblasted, textured, and/or burnished metal-leaf faced letters;

e. Signs mounted to hard canopies, eyebrows, or other projecting architectural elements, such as screens, grids or mesh, or etched, polished, patina or abraded materials; and/or

f. Mixed media signs (utilizing the designs described in Subparagraphs D.1.2.a through e, above), incorporating imagery and icons/logos. Although simple rectangular cabinet signs are generally not allowed, mixed media signs may be composed of several elements, one of which may be a sculptured cabinet; however, the cabinet sign shall not exceed 25 percent of the total sign area of each sign.

3. Wall and/or fascia signs may be located on an exterior building elevation that: **[i]** fronts/faces a public street, or **[ii]** faces an interior side or rear of a site, and contains a public entrance, pursuant to the standards prescribed by Table 8.01-1 (Sign Regulation Matrix), of this Section.

4. The characters that comprise a sign shall not occupy more than 75 percent of the length of the building wall or fascia upon which it is placed.

5. Electrical raceways and conduits shall be placed so that they are not within public view. Where this is physically impractical or doing so would damage significant architectural features or materials, the Zoning Administrator may grant a waiver from this requirement, provided all conduits, raceways, and similar devices are kept as small as possible and are painted the same colors as adjacent wall surfaces.

6. Electrical raceways shall not extend beyond the outside edges of the sign copy and shall be painted to match the color of the background on which they are placed.

7. Signs shall be placed flat against the wall and shall not project from the wall more than required for normal construction purposes and in no case more than 12 inches. The Zoning Administrator may modify this requirement in special circumstances where a projection greater than 12 inches may be desirable to allow the creation of an especially creative and unique sign design.

8. Signs shall not be placed to obstruct any portion of a window or cover architectural elements, such as cornices, transom windows, vertical piers and columns, and similar elements.

E. **Address Signs Required.** The City finds that it is in the interest of public safety that all street addresses be clearly visible. Unless otherwise authorized in writing by the Police and Fire Departments, all permanent structures within the City shall display street address numerals of a size, color, and location, which are clearly visible from a public right-of-way. Address signs shall not count toward the maximum sign area allowed by this Division.

F. **Sign Programs.**

1. A Sign Program may be allowed pursuant to Section 4.02.075 (Sign Programs) of this Development Code, for the purpose of:

a. Providing coordinated signing within a development project;

b. Utilizing common design elements; and

c. Integrating the design of signs with the context of the building and landscape design, to form a unified architectural statement.

2. A Sign Program may allow certain deviations from the standards prescribed by Table 8.01-1 (Sign Regulation Matrix) of this Division, limited to: **[i]** a 30 percent increase in maximum sign area, **[ii]** an increase in the maximum number of signs allowed, **[iii]** the use of decorative exposed neon, and **[vi]** any other modifications deemed appropriate for the building(s) and site context, as determined by the Planning Director. In approving such deviation(s), the following findings must be clearly established:

a. The Sign Program's contribution to the overall design quality of the site and the surrounding area will be superior to the quality that would otherwise result under regulations normally applicable to the site;

b. The proposed signs are compatible with the style or character of existing improvements on the site and are well-related to each other;

c. Approval of the Sign Program will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity; and

d. Any deviations from the standards prescribed by Table 8.01-1 (Sign Regulation Matrix) of this Development Code are fully consistent with the purposes of this Development Code and any applicable specific plan or planned unit development.

3. A Sign Program may allow the use of complex-shaped (i.e., Polyhedron) sculptured cabinets if dimensional elements are also incorporated, such as burnished metal-leaf faced letters that are pin mounted from the cabinet face, or decorative exposed neon.

G. Street Banners and Street Banner Programs.

1. Street Banners.

a. No street banner, flag, pennant, or street decoration shall be placed or installed over and/or above any street or other public thoroughfare, without first obtaining City Manager approval, and the issuance of an encroachment permit by the City Engineer.

b. No person, either as principal, agent, or otherwise, shall hang or suspend any street banner above any street or other public thoroughfare, or cause the same be done, unless a Street Banner Program has approved pursuant to the requirements of Paragraph G.2 (Street Banner Programs) of this Section.

c. A street banner, flag, pennant, or street decoration shall be safely suspended not less than 17 FT above a public street, upon approval of the City Engineer and Building Official.

d. A street banner, flag, pennant, or street decoration shall not contain the name or designation of any individual, firm, or corporation as an advertisement for private gain.

e. A street banner, flag, pennant, or street decoration shall not remain in place longer than 30 days from the date permission is granted by the City Manager pursuant to Subparagraph G.1.a of this Section.

f. The Building Official shall, upon receipt of the required application, issue a permit for the erection and maintenance of a street banner, flag, pennant, or street decoration, according to **[i]** the terms of the City Manager's approval, **[ii]** the encroachment permit issued by the City Engineer, and **[iii]** the Street Banner Program described in Paragraph G.2 (Street Banner Programs), below (if required).

2. Street Banner Programs. A Street Banner Program shall be subject to review and approval by the Zoning Administrator, and must adhere to the following guidelines:

a. *Application*. The street banner program application shall contain the following minimum information:

(1) **Street Banner Design**—A fully dimensioned plan that clearly depicts the street banner design, materials, colors, and letter style;

(2) **Street Banner Elevations**—A fully dimensioned elevation drawing(s) depicting streetlight poles with each proposed banner type attached;

(3) **Street Banner Location**—A site plan drawn to scale, which depicts the specific location of each proposed street banner and the affected streetlight poles; and

(4) **Equipment**—All hardware and bracketry necessary for mounting the proposed street banner(s) to the affected streetlight poles, which shall meet or exceed City specifications.

b. *Private Business Recognition*. Private sponsorship of street banners shall only be permitted in association with an approved street banner program, with identification of the sponsor regulated as follows:

(1) **Placement**—The street banner sponsor may be identified on each street banner by lettering no greater than 6 inches in height, which runs the width of the banner, and covering no more than 10 percent of the banner area;

(2) **Font**—A uniform font type, style, size, and color shall be used for banner sponsor names within a given banner program; and

(3) **Graphics**—There shall be no private logos or trademark graphics allowed.

c. *Maintenance*. At a minimum, street banners shall be removed for cleaning annually, and shall be removed for repair or replacement when worn, torn, or faded. The City may require that street banners be alternated seasonally (3 to 4 times per year). Furthermore, Street banners shall be removed for repair or replacement when worn, torn, or faded.

H. **Awnings and Canopies, and Outside Umbrellas.**

1. As a design feature of any building, structure, or business establishment, all awnings and canopies, and outside umbrellas, shall be reviewed in the same manner as a sign, ensuring enhancement of the building or structure in which it is placed, erected, or installed.

2. Awnings and canopies that contain advertising shall be counted toward the total allowable signing for the business that it serves.

3. Umbrellas shall not contain advertising.

4. The use of backlit awnings and/or canopies shall be prohibited.

I. Accent Lighting.

1. As a design feature of any building, structure, or business establishment, all accent lighting shall be reviewed in the same manner as a sign, ensuring enhancement of the building or structure in which it is placed or installed. Accent lighting should be limited to confined areas, such as building entries, architectural features, or used to reinforce specific architectural elements, such as tower and cornice elements.

2. Accent lighting elements and luminaires placed directly on a building façade shall be shielded. Lighting elements and luminaires placed directly on a building façade so as to be directly exposed to public view, is prohibited.

J. Construction, Installation and Maintenance.

1. Construction. The construction and installation of signs shall be enforced and administered by the Building Official. All signs and advertising structures shall be designed and constructed to withstand wind loads, dead loads, and lateral forces as required by the City's Building Code and the provisions of this Division.

2. Identification. Every sign or other advertising structure hereafter erected in the City shall have an identifying number, name of erector, installation year and, if illuminated, the voltage plainly placed on the exterior surface of the sign body, in a location where the information is readily visible after erection and installation.

3. Illumination.

a. *General Requirements*.

(1) Signs with electrical components shall be constructed, inspected, and approved by the Underwriters Laboratory (UL), or equal, and a label of approval from the laboratory shall be affixed to the sign in plain view.

(2) Awnings with back-lighting are prohibited.

(3) Light sources (luminaires) used for externally illuminated signs shall not be visible within 100 FT of any residential zoning district. Internally illuminated signs visible from any residential zoning district shall not be illuminated between the hours of 11:00PM and 6:00AM, unless they identify an establishment open for business during those hours.

(4) Signs shall not have exposed fluorescent tubes or incandescent bulbs exceeding 15 watts, and the brightness of luminous or backlit signs shall not exceed 250 footlamberts (fl).

b. *Internally Illuminated Signs.* The illumination level of a sign shall be reduced if it is determined to be excessive as a result of City evaluation. Illumination shall be considered excessive if the illumination level:

(1) Is substantially greater than the illumination level of other nearby signs;

(2) Interferes with the visibility of other signs, or with the perception of objects or buildings in the vicinity of the sign;

(3) Directs glare toward streets or motorists;

(4) Adversely impacts nearby residents or residential neighborhoods; and/or

(5) Reduces the nighttime readability of the sign.

c. *Externally Illuminated Signs.* The light source for externally illuminated signs shall be arranged and shielded to substantially confine all direct light rays to the sign face, and away from streets and adjacent properties.

4. Maintenance. All signs, together with their supports and appurtenances, shall be kept neatly painted and posted. The Zoning Administrator, Building Official, or Code Enforcement Director may order the removal of any sign that is not maintained in accordance with the provisions of this Division.

K. Political Signs.

1. Purpose.

a. The purpose of these political sign regulations is to identify the compatibility between the utilization of political signs, the protection of the right to privacy of individuals, and the quiet and undisturbed enjoyment of property.

b. It is recognized that there have been abuses in the placement of political signs within the City, including: **[i]** trespassing upon private property; **[ii]** placement of political signs without permission from the property owner; **[iii]** placement of political signs in such a fashion as to make it difficult to remove them; **[iv]** littering caused by dislodged political signs; **[v]** sight distance hazards to traffic due to sign size and location; **[vi]** distracting appearance; **[vii]** aesthetically displeasing impact; **[viii]** unnecessary proliferation; and **[ix]** other reasons, all of which are determined to be contrary to the best interests of the community, and in opposition to the public health, safety and welfare.

c. The reasonable regulation of political signs will obviate many of the objections that have been raised to the unregulated placement of such signs.

d. It is recognized that to the extent that placement of political signs is not contrary to the purposes stated herein, it is in the best interests of the City and its inhabitants to allow political expression, and, for that reason, it is but to avoid the total prohibition of such signs.

e. It is believed that responsibility for the placement of political signs should lie with the candidate for public office, the proponents and opponents of ballot measures, and the various political committees connected therewith. It is recognized that political signs are printed by, or at the direction of, those listed herein, and that the ultimate responsibility for the distribution of such signs and their placement lies with them.

2. Definition. The term "political sign," as used herein, means any election or nonelection sign, advertising structure, or display, which communicate any message or idea identifying, supporting, opposing, promoting, or conveying a position upon, or relating to, any political cause or issue, or candidate for public office, or proposition or issue connected with any local, special, state, or national election.

3. Political Sign Registration. Pursuant to BPC Section 5405.3, any candidate (or their designee) or the proponents of a ballot measure who seek to utilize political signs, shall first file a Statement of Responsibility with the Code Enforcement Department, on a City registration form. The registrant shall be responsible for removing the temporary political sign and may be required to reimburse the City for any cost incurred for temporary political sign removal.

4. Permitted Signs. Political signs, as herein defined, shall be permitted within any zoning district subject to compliance with all of the rules and regulations set forth in Paragraph K.5 (Regulations) herein.

5. Regulations.

a. No provision in this Development Code shall be so construed as to prohibit the placing of temporary political signs.

b. No political sign shall be installed or displayed sooner than 45 days preceding the election for which the sign is intended.

c. No political sign shall exceed 16 SF in total area, except that a double-faced sign, not exceeding 16 SF on each side, shall be permitted.

d. No political sign shall exceed an overall height of 8 FT, except if such sign shall be within an enclosed building or structure.

e. No candidate for public office, proponent or opponent of ballot measures, and/or any political committees connected therewith, shall post more than one political sign per lot or parcel.

f. No political sign shall be lighted either directly or indirectly.

g. No political sign shall be placed on private property, vacant or otherwise, without the permission of the owner of the property.

h. No political sign shall be placed or affixed to a tree, fence, post, utility pole, or any structure, by glue, nails, or screws.

i. No political sign shall be posted on any public property or in the public right-of-way.

j. No political sign shall be placed within the right-of-way of any highway, or with 660 FT of the edge of, and visible from, the right-of-way of a landscaped freeway.

k. No political signs shall be posted in violation of any other provisions of this Development Code.

l. All political signs shall be removed within 10 days following the date of the election for which the sign was intended.

6. Removal of Illegally Placed Political Signs. The Building Official or Community Improvement Manager may cause the removal of any sign placed contrary to any provision of the Political Sign provisions contained herein (commencing with Subsection K (Political Signs) of this Section).

8.01.025: Design Guidelines

A. Introduction.

1. The following design guidelines are intended as a reference to assist the designer in understanding the city's goals and objectives for high quality sign design, construction, and placement throughout the city. These guidelines are intended to complement the mandatory standards contained in Section 8.01.020 (Sign Standards) of this Division, by providing good examples of potential design solutions and by providing design interpretations of the various mandatory requirements.

2. The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the city's review of a sign program or sign plan to encourage the highest level of design quality, while at the same time providing the flexibility necessary to encourage creativity on the part of the designer. Nonetheless, unless there is a compelling reason, these design guidelines shall be observed.

B. General Guidelines.

1. Use a Brief Message. The fewer words used, the more effective the sign. A sign with a brief message is quicker and easier to read, looks cleaner and is more attractive. A sign should only include the name and/or nature of the business, and in addition to the name, may contain a maximum of three words describing the business or service provided.

2. Avoid Overly Intricate Fonts. Signs utilizing very intricate font styles are generally difficult to read and reduce a sign's ability to communicate effectively.

3. Avoid Faddish and Peculiar Fonts. Signs utilizing faddish or peculiar fonts may look good today, but soon go out of style. The image conveyed may quickly become that of a dated and unfashionable business.

4. Sign Colors and Materials. The colors and materials of a sign should be selected so that they contribute to sign legibility and design integrity. Even the most carefully thought out sign

may be unattractive and a poor communicator because of poor color selection. Dayglow, fluorescent, and overly bright or loud colors should not be used.

5. Provide Contrast Between Background and Letters/Symbols. Use significant contrast between the sign's letter/symbol color and its background color. If there is little contrast in the hue (shade or tint) and intensity (brightness) between the background and letter/symbol colors, it will be difficult to read.

6. Avoid Too Many Different Colors. The use of too many different colors will overwhelm the basic function of communication. The colors compete with sign content for the viewer's attention. The limited use of accent colors can increase legibility, while large areas of competing colors tend to confuse and annoy.

7. Sign Placement. Generally, building wall and fascia signs should be located within the middle 75 percent of the building frontage, measured from tenant line to tenant line for multiple tenant buildings, and measured across the full width of the building elevation for single tenant buildings. The Zoning Administrator shall have the authority to modify this requirement where it can be shown that:

a. The directed placement would severely limit proper sign placement; or

b. The directed placement would be contrary to the sign placement approved by a Development Plan.

8. Proportion, Scale and Rhythm of Sign Placement. Signs should be placed consistent with the proportions and scale of building elements within a building's facade:

a. A particular sign may fit well on a large, plain wall area, but would overpower the finer scale and proportion of the lower storefront.

b. Signs can be used to establish facade rhythm, scale, and proportion where such elements are weak in the building design. On buildings having a monolithic or plain facade, signs can be used to establish or continue appropriate design rhythm, proportion, and scale.

c. The proportion of letter area to sign background area should be carefully considered. If the letters take up too much of the background area, they may be harder to read — large letters are not necessarily more legible than smaller ones.

d. Generally, the characters that comprise a sign should not occupy more than 70 percent of the area of a sign's background.

9. Pedestrian Signs. Signs oriented to pedestrians should be smaller in scale. The pedestrian -oriented sign is usually read from a distance of 15 to 20 feet, whereas the vehicle-oriented sign is designed to be viewed from a much greater distance. The closer the sign's viewing distance, the smaller the sign needs to be.

10. Freestanding Signs. Freestanding signs should incorporate the materials and architectural features used in the building(s) they serve.

C. Building Wall and Fascia Signs.

1. Building wall and fascia signs should be compatible with the predominant visual elements of the building. Commercial centers and offices, industrial parks, business parks, and other similar facilities, are required to be part of a sign program in accordance with the provisions of Section 4.02.080 (Sign Programs) of this Development Code.

2. Where there is more than one sign for a business (e.g., single tenant buildings) or group of businesses (e.g., multiple tenant buildings, commercial centers, or business or industrial parks), all signs should be complementary to one another in the following ways:

a. Type of construction materials (sign copy, supports, etc.);

b. Letter size and style of copy;

c. Method and design of sign support (wall mounting or monument base);

d. Configuration of sign area; and

e. Proportion of sign copy area to background.

3. Lighted signs, whether internally or externally illuminated, are permitted; provided, they are not harsh or overly bright. Can-type box signs with translucent backlit panels should not be used.

4. Signs with backlit or internally illuminated individual channel letters are strongly encouraged.

D. Freestanding Signs.

1. Freestanding signs are intended to provide identification for single-tenant buildings, multiple-tenant buildings, commercial offices and centers, and business and industrial parks. Signs for single-tenant buildings should include the street address of the business.

2. Signs for multiple-tenant buildings, commercial offices and centers, and business and industrial parks should display the range of business addresses for that development. The business address shall not be included in the sign area calculation.

3. Lighted signs, whether internally or externally illuminated, are permitted, provided they are not harsh or overly bright. Signs should consist of individual affixed to an opaque, matte finished background. The use of backlit (halo lighting) letters is strongly encouraged.

4. Freestanding signs should be placed perpendicular to approaching vehicular traffic.

5. Freestanding signs should be placed in landscaped planters of sufficient area, shape and design that will provide a compatible setting and ground definition to the signs.

6. Monument signs should be provided with a base, which measures from 12 to 18 inches in height, to accommodate the growth of landscaping around the sign base, without interrupting view of the sign face.

CITY OF ONTARIO *Agenda Report* **August 18, 2026**	**SECTION:** **CONSENT CALENDAR**
Department: Public Works Prepared By: Daniel P Beers Staff Member Presenting: Tito Haes, Executive Director Public Works Reviewed By: Rene Guerrero, Andrea Ampig Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 9

SUBJECT: **AWARD OF 20 CONSTRUCTION CONTRACTS FOR THE CONSTRUCTION OF THE FLIGHT TOWER RESTAURANT AT ONT FIELD**

RECOMMENDATION: That the City Council take the following actions:

A. Authorize the City Manager, or his designee, to execute 20 Construction Contracts to provide the various construction services listed below for Bid No. 2004 - D&C25-004 – Flight Tower Restaurant located at ONT Field in the amount of $19,874,338 and authorize a combined contingency of $2,981,151 to include the five contractors from Bid No. 1979 and Bid No. 1985, for a total not-to-exceed contract amount of $22,855,489:
   a. 06 – Concrete: Site – Bogh Construction, LLC: $774,374
   b. 07 - Masonry – Haxton Masonry, Inc.: $560,000
   c. 08 – Metal Stud Framing, Insulation, Drywall & Plaster – Brady West, Inc.: $1,390,987
   d. 09 – Finish Carpentry & Casework – K & Z Cabinet Company, Inc.: $718,140
   e. 10 – Sheet Metal & Cladding – Exclusive Metal, Inc.: $1,020,000
   f. 11 – Roofing & Waterproofing – Commercial & Industrial Roofing Company, Inc.: $484,000
   g. 12 - Door, Frames, Hardware – Star Hardware, Inc.: $199,400
   h. 13- Aluminum & Glazing – Golden Glass, Inc.: $1,274,420
   i. 14 – Ceramic Tiling – Continental Marble & Tile Company: $531,037
   j. 15 - Acoustical Ceiling & Treatment – Southcoast Acoustical Interiors, Inc.: $487,755
   k. 17 - Painting & Wall Covering – D & M Painting, Inc.: $185,700
   l. 18 - Signage – TFN Architectural Signage, Inc. dba Third Floor North Company: $318,014
   m. 19 – Food Service – Kamran and Company, LLC: $1,467,090
   n. 20 – Fire Sprinkler – Serenity Fire Protection: $179,870
   o. 21 – Plumbing: Building – Rivera Equipment dba Valley Industrial Mechanical: $910,000
   p. 22 - HVAC: Wet & Dry – Simco Mechanical: $1,479,531
   q. 23 – Electrical & Low Voltage – Rancho Pacific Electric Construction, Inc.: $4,739,100
   r. 24 – Landscape & Irrigation – American Landscape, Inc.: $149,000
   s. 25 – Ornamental Fencing – Econo Fence, Inc.: $205,950
   t. 26 – General Package – Bogh Construction, LLC: $2,799,970; and

B. Reject the bid protest from Continental Plumbing, Inc for D&C25-004 – Flight Tower

Restaurant – BC21 – Plumbing as without merit; and

C. Reject the bid from Elegant Construction Company as non-responsive on Bid No. 2004 – D&C25-004 – Flight Tower Restaurant – BC25 - Ornamental Fencing and award the bid to the next lowest responsible bidder; and
D. Authorize the City Manager, or his designee, to execute all documents required for the completion of the project which may include, but not limited to, agreements, assessments, easements, reduction of retention accounts, contract amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction-related activities.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Operate in a Businesslike Manner

FISCAL IMPACT: The Fiscal Year 2026-27 Adopted Budget includes appropriations in the Capital Projects Fund for the Flight Tower Restaurant located at ONT Field. The proposed contract award to the 20 contractors for the construction of the D&C25-004 Flight Tower Restaurant is in the amount of $19,874,338 plus a combined contingency of $2,981,151 for a total not-to-exceed contract amount of $22,855,489.

BACKGROUND & ANALYSIS: On December 16, 2025, the City Council approved an amendment to the Design Services Agreement with HMC Architects to design the Flight Tower Restaurant located at ONT Field.

On March 17, 2026, the City Council approved a Construction Contract from Bid No. 1979 with Rancho Pacific Electric Construction, Inc. for the Electrical Switch Gear for the Flight Tower Restaurant project. On May 5, 2026, the City Council approved four Construction Contracts from Bid No. 1985 to begin construction of the Flight Tower Restaurant. The four contracts include KCB Towers, Inc. for Structural Steel, Pacific Southwest Structures, Inc. for Concrete, Continental Plumbing, Inc. for Site Utilities, and Rancho Pacific Electric Construction, Inc. for Electrical.

On July 16, 2026, 74 bids were received for Bid No. 2004 - D&C25-004 – Flight Tower Restaurant. Below is a list of the lowest responsible/responsive bids received:

Bid Package No.	Bidder	Location	Amount
06 – Concrete: Site	Bogh Construction, LLC	Beaumont, CA	$774,374
07 - Masonry	Haxton Masonry, Inc.	Yuma, AZ	$560,000
08 – Metal Stud Framing, Insulation, Drywall & Plaster	Brady West, Inc.	Irvine, CA	$1,390,987
09 – Finish Carpentry & Casework	K & Z Cabinet Company, Inc.	Ontario, CA	$718,140
10 – Sheet Metal	Exclusive Metal, Inc.	Riverside, CA	$1,020,000

11 – Roofing & Waterproofing	Commercial & Industrial Roofing Company, Inc.	Spring Valley, CA	$484,000
12 - Door, Frames, Hardware	Star Hardware, Inc.	Ontario, CA	$199,400
13- Aluminum & Glazing	Golden Glass, Inc.	Fullerton, CA	$1,274,420
14 – Ceramic Tiling	Continental Marble & Tile Company	Corona, CA	$531,037
15 - Acoustical Ceiling & Treatment	Southcoast Acoustical Interiors, Inc.	Fontana, CA	$487,755
17 - Painting & Wall Covering	D & M Painting, Inc.	Orange, CA	$185,700
18 - Signage	TFN Architectural Signage, Inc. dba Third Floor North Company	Placentia, CA	$318,014
19 – Food Service	Kamran and Company, LLC	Santa Barbara, CA	$1,467,090
20 – Fire Sprinkler	Serenity Fire Protection	Brea, CA	$179,870
21 - Plumbing	Rivera Equipment dba Valley Industrial Mechanical	Oak Hills, CA	$910,000
22 - HVAC	Simco Mechanical	Alta Dena, CA	$1,479,531
23 - Electrical & Low Voltage	Rancho Pacific Electric Construction, Inc.	Rancho Cucamonga, CA	$4,739,100
24 - Landscape & Irrigation	American Landscape, Inc.	Canoga Park, CA	$149,000
25 - Ornamental Fencing	Econo Fence, Inc.	Riverside, CA	$205,950
26 - General Package	Bogh Construction, LLC	Beaumont, CA	$2,799,970

Tilden-Coil Constructors, Inc., the City's construction management partner for the Flight Tower Restaurant Project, and City Staff reviewed each bid and each company's qualifications and responsiveness to the bid requirements. Based on the credentials, pricing, and reference checks, Staff recommends awarding Construction Contract D&C25-004 Flight Tower Restaurant to all of the above-mentioned companies.

Rivera Equipment dba Valley Industrial Mechanical was the apparent low bidder for Bid package BC21- Plumbing. On July 23, 2026, the City received a protest letter from Continental Plumbing, Inc., stating that Plumbing Rivera Equipment dba Valley Industrial Mechanical did not submit a correct bid bond and Continental Plumbing, Inc., the second lowest bidder should be awarded the contract. The City sent Continental Plumbing, Inc., a letter on July 29, 2026, stating that Plumbing Rivera Equipment dba Valley Industrial Mechanical is the lowest responsive and responsible bidder. Continental Plumbing, Inc.'s protest is without merit and Plumbing Rivera Equipment dba Valley Industrial Mechanical remains the lowest responsible and responsive bidder.

Elegant Construction, Inc.'s, bid for package BC25 – Ornamental Fencing, was deemed non-responsive because it was not secured by a bid bond which is required by the project manual and is

therefore substantively deficient. Staff recommends that Elegant Construction, Inc.'s bid be deemed non-responsive and to award the contract to the next lowest bidder.

Construction of the Flight Tower Restaurant is anticipated to be completed by March 2027.

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Bogh Construction, LLC** sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Concrete: Site

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **Seven Hundred Seventy – Four Thousand Three Hundred Seventy – Four Dollars ($774,374)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Forms
- Bid Acknowledgement
- Bid Schedule
- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor DIR Registration Certification
- Performance Bond
- Payment (Labor and Materials) Bond
- Contract for Construction
- General Conditions
- Special Conditions
- Specifications
- Addenda
- Construction Plans and Drawings
- Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the

Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Bogh Construction, LLC

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Haxton Masonry, Inc.**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant - Masonry

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **Five Hundred Sixty Thousand Dollars ($560,000)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Forms
- Bid Acknowledgement
- Bid Schedule
- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor DIR Registration Certification
- Performance Bond
- Payment (Labor and Materials) Bond
- Contract for Construction
- General Conditions
- Special Conditions
- Specifications
- Addenda
- Construction Plans and Drawings
- Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General

Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Haxton Masonry, Inc.

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

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DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Brady West, Inc.**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Metal Stud Framing, Insulation, Drywall & Plaster

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **One Million Three Hundred Ninety Thousand and Nine Hundred Eighty – Seven Dollars ($1,390,987)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

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The "Contract Documents" include the following:

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- Special Conditions
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- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the

Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Brady West, Inc.

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **K & Z Cabinet Co., Inc.**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Finish Carpentry & Casework

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **Seven Hundred Eighteen Thousand and One Hundred Forty Dollars ($718,140)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

Notice Inviting Bids
Instructions to Bidders
Bid Forms
Bid Acknowledgement
Bid Schedule
Bid Guarantee
Designation of Subcontractors
Non-Collusion Declaration Form
Iran Contracting Act Certification
Public Works Contractor DIR Registration Certification
Performance Bond
Payment (Labor and Materials) Bond
Contract for Construction
General Conditions
Special Conditions
Specifications
Addenda
Construction Plans and Drawings
Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
Applicable Local Agency Standards and Specifications, as last revised
Reference Specifications
Approved and fully executed Change Orders
Permits
Scope of Work Summary
Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General

Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

K & Z Cabinet Co., Inc.

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Exclusive Metal, Inc.**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Sheet Metal & Cladding

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **One Million and Twenty Thousand Dollars ($1,020,000)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

Notice Inviting Bids
Instructions to Bidders
Bid Forms
Bid Acknowledgement
Bid Schedule
Bid Guarantee
Designation of Subcontractors
Non-Collusion Declaration Form
Iran Contracting Act Certification
Public Works Contractor DIR Registration Certification
Performance Bond
Payment (Labor and Materials) Bond
Contract for Construction
General Conditions
Special Conditions
Specifications
Addenda
Construction Plans and Drawings
Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
Applicable Local Agency Standards and Specifications, as last revised
Reference Specifications
Approved and fully executed Change Orders
Permits
Scope of Work Summary
Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General

Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Exclusive Metal, Inc.

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Commercial & Industrial Roofing Company, Inc.**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Roofing & Waterproofing

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **Four Hundred Eighty – Four Thousand Dollars ($484,000)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Forms
- Bid Acknowledgement
- Bid Schedule
- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor DIR Registration Certification
- Performance Bond
- Payment (Labor and Materials) Bond
- Contract for Construction
- General Conditions
- Special Conditions
- Specifications
- Addenda
- Construction Plans and Drawings
- Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the

Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Commercial & Industrial Roofing Company, Inc.

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Star Hardware**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Doors, Frames & Hardware

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **One Hundred Ninety-Nine Thousand and Four Hundred Dollars ($199,400)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

Notice Inviting Bids
Instructions to Bidders
Bid Forms
Bid Acknowledgement
Bid Schedule
Bid Guarantee
Designation of Subcontractors
Non-Collusion Declaration Form
Iran Contracting Act Certification
Public Works Contractor DIR Registration Certification
Performance Bond
Payment (Labor and Materials) Bond
Contract for Construction
General Conditions
Special Conditions
Specifications
Addenda
Construction Plans and Drawings
Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
Applicable Local Agency Standards and Specifications, as last revised
Reference Specifications
Approved and fully executed Change Orders
Permits
Scope of Work Summary
Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General

Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Star Hardware

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
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PAUL S. LEON
MAYOR

ALAN WAPNER
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JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Golden Glass, Inc.**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Aluminum & Glazing

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **One Million Two Hundred Seventy – Four Thousand Four Hundred Twenty Dollars ($1,274,420)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Forms
- Bid Acknowledgement
- Bid Schedule
- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor DIR Registration Certification
- Performance Bond
- Payment (Labor and Materials) Bond
- Contract for Construction
- General Conditions
- Special Conditions
- Specifications
- Addenda
- Construction Plans and Drawings
- Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the

Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Golden Glass, Inc.

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Continental Marble and Tile Company**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Ceramic Tiling

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **Five Hundred Thirty – One Thousand and Thirty Dollars ($531,037)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Forms
- Bid Acknowledgement
- Bid Schedule
- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor DIR Registration Certification
- Performance Bond
- Payment (Labor and Materials) Bond
- Contract for Construction
- General Conditions
- Special Conditions
- Specifications
- Addenda
- Construction Plans and Drawings
- Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General

Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Continental Marble and Tile Company

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Southcoast Acoustical Interiors, Inc.**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Acoustical Ceiling & Treatment

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **Four Hundred Eighty – Seven Thousand Seven Hundred Fifty – Five Dollars ($487,755)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Forms
- Bid Acknowledgement
- Bid Schedule
- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor DIR Registration Certification
- Performance Bond
- Payment (Labor and Materials) Bond
- Contract for Construction
- General Conditions
- Special Conditions
- Specifications
- Addenda
- Construction Plans and Drawings
- Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General

Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Southcoast Acoustical Interiors, Inc.

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **D & M Painting**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Painting & Wall Covering

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **One Hundred Eighty – Five Thousand Seven Hundred Dollars ($185,700)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Forms
- Bid Acknowledgement
- Bid Schedule
- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor DIR Registration Certification
- Performance Bond
- Payment (Labor and Materials) Bond
- Contract for Construction
- General Conditions
- Special Conditions
- Specifications
- Addenda
- Construction Plans and Drawings
- Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General

Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

D & M Painting

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Third Floor North**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Signage

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **Three Hundred Eighteen Thousand and Fourteen Dollars ($318,014)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Forms
- Bid Acknowledgement
- Bid Schedule
- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor DIR Registration Certification
- Performance Bond
- Payment (Labor and Materials) Bond
- Contract for Construction
- General Conditions
- Special Conditions
- Specifications
- Addenda
- Construction Plans and Drawings
- Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General

Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Third Floor North

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Kamran and Company, LLC** sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Food Service

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **One Million Four Hundred Sixty – Seven Thousand and Ninety Dollars ($1,467,090)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Forms
- Bid Acknowledgement
- Bid Schedule
- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor DIR Registration Certification
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- Payment (Labor and Materials) Bond
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- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General

Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Kamran and Company, LLC

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Serenity Fire Protection** sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Fire Sprinkler

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **One Hundred Seventy – Nine Thousand and Eight Hundred Seventy Dollars ($179,870)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Forms
- Bid Acknowledgement
- Bid Schedule
- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor DIR Registration Certification
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- Payment (Labor and Materials) Bond
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- Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the

Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Serenity Fire Protection

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Rivera Equipment dba Valley Industrial Mechanical** sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Plumbing: Building

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **Nine Hundred Ten Thousand Dollars ($910,000)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

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- Instructions to Bidders
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- Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the

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ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Rivera Equipment dba Valley Industrial Mechanical

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Simco Mechanical, Inc.** sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – HVAC: Wet & Dry

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **One Million Four Hundred Seventy – Nine Thousand and Five Hundred Thirty – One Dollars ($1,479,531)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

- Notice Inviting Bids
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- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
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- Applicable Local Agency Standards and Specifications, as last revised
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- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the

Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General Conditions. This Contract shall supersede any prior agreement of the parties.

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Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Simco Mechanical, Inc.

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Rancho Pacific Electric Construction, Inc.** sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Electrical & Low Voltage

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **Four Million Seven Hundred Thirty – Nine Thousand and One Hundred Dollars ($4,739,100)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Forms
- Bid Acknowledgement
- Bid Schedule
- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor DIR Registration Certification
- Performance Bond
- Payment (Labor and Materials) Bond
- Contract for Construction
- General Conditions
- Special Conditions
- Specifications
- Addenda
- Construction Plans and Drawings
- Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the

Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Rancho Pacific Electric Construction, Inc.

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
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ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **American Landscape, Inc.** sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Landscaping & Irrigation

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **One Hundred Forty – Nine Thousand Dollars ($149,000)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

Notice Inviting Bids
Instructions to Bidders
Bid Forms
Bid Acknowledgement
Bid Schedule
Bid Guarantee
Designation of Subcontractors
Non-Collusion Declaration Form
Iran Contracting Act Certification
Public Works Contractor DIR Registration Certification
Performance Bond
Payment (Labor and Materials) Bond
Contract for Construction
General Conditions
Special Conditions
Specifications
Addenda
Construction Plans and Drawings
Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
Applicable Local Agency Standards and Specifications, as last revised
Reference Specifications
Approved and fully executed Change Orders
Permits
Scope of Work Summary
Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General

Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

American Landscape, Inc.

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Econo Fence, Inc.** sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – Ornamental Fencing

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **Two Hundred Five Thousand Nine Hundred Fifty Dollars ($205,950)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT.

The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Forms
- Bid Acknowledgement
- Bid Schedule
- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor DIR Registration Certification
- Performance Bond
- Payment (Labor and Materials) Bond
- Contract for Construction
- General Conditions
- Special Conditions
- Specifications
- Addenda
- Construction Plans and Drawings
- Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General

Conditions. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Econo Fence, Inc.

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
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PAUL S. LEON
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SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

SECTION 00500 – CONTRACT FOR CONSTRUCTION

This Contract for Construction ("Contract"), No. **D&C25-004 Flight Tower Restaurant** is made and entered as of _____, by and between City of Ontario, with its principal place of business at 303 East "B" Street, Ontario, CA 91764, sometimes hereinafter called the "City" and **Bogh Construction, LLC** sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

ARTICLE 1. SCOPE OF WORK.

The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Flight Tower Restaurant – General Package

Contractor is an independent contractor and not an agent of the City. The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION.

Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **225 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE.

The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **Two Million Seven Hundred Ninety – Nine Thousand and Nine Hundred Seventy Dollars ($2,799,970)**. Payment shall be made as set forth in the General Conditions. The City will pay to Contractor compensation based upon the prices set forth in the Bid Schedule.

ARTICLE 4. LIQUIDATED DAMAGES.

Contractor acknowledges that the City will sustain actual damages for each and every Day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, in accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of $[Refer to the Special Conditions] for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents. Liquidated damages may be deducted from progress payments due Contractor, Project retention or may be collected directly from Contractor, or from Contractor's surety. These provisions for liquidated damages shall not prevent the City, in case of Contractor's default, from terminating the Contractor.

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- Notice Inviting Bids
- Instructions to Bidders
- Bid Forms
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- Bid Schedule
- Bid Guarantee
- Designation of Subcontractors
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor DIR Registration Certification
- Performance Bond
- Payment (Labor and Materials) Bond
- Contract for Construction
- General Conditions
- Special Conditions
- Specifications
- Addenda
- Construction Plans and Drawings
- Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
- Applicable Local Agency Standards and Specifications, as last revised
- Reference Specifications
- Approved and fully executed Change Orders
- Permits
- Scope of Work Summary
- Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the

Contract Documents and not by others shall be done as if required by all. In the event of conflict, the various Contract Documents will be given effect in the order set forth in the General Conditions. This Contract shall supersede any prior agreement of the parties.

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ARTICLE 7. INDEMNIFICATION.

Contractor shall provide indemnification and defense as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES.

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Office or may be obtained online at http://www.dir.ca.gov and which must be posted at the job site.

ARTICLE 9. FALSE CLAIMS.

Contractor acknowledges that if a false claim is submitted to the City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

ATTEST:

By: _____
Sheila Mautz, City Clerk

APPROVED AS TO FORM:

By: _____
Best Best & Krieger LLP
City Attorney

Bogh Construction, LLC

By:_____

Its:

_____

Printed Name:

_____

[DELETE THE FOLLOWING SIGNATURE LINE IF NOT **REQUIRED**]
By:_____

Its:

_____

Printed Name:

_____

_____
Contractor's License Number and Classification

_____
DIR Registration Number

[IF CORPORATION, TWO SIGNATURES, PRESIDENT **OR** VICE PRESIDENT **AND** SECRETARY **OR** TREASURER **REQUIRED]**

END OF CONTRACT

CITY OF ONTARIO *Agenda Report* **August 18, 2026**	**SECTION:** **CONSENT CALENDAR**
Department: Public Works Prepared By: Daniel P Beers Staff Member Presenting: Tito Haes, Executive Director Public Works Reviewed By: Rene Guerrero, Andrea Ampig Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 10

SUBJECT: **AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH TRANSTECH ENGINEERS, INC. FOR BIOLOGICAL, ARCHAEOLOGICAL, AND PALEONTOLOGICAL SUPPORT AND CONSTRUCTION MANAGEMENT SERVICES FOR THE GRAND PARK PHASE 1 PROJECT**

RECOMMENDATION: That the City Council take the following actions:

A. Authorize the City Manager, or his designee, to execute Amendment No. 14 to the Professional Services Agreement with Transtech Engineers, Inc., of Chino, California, for biological, archaeological, and paleontological support and construction management services for the Grand Park Phase 1 Project in the amount of $2,678,970 for a total not-to-exceed contract amount of $9,393,809 and extend the contract to June 30, 2028; and
B. Authorize the City Manager, or his designee, to execute all documents required for the completion of the project which may include, but not limited to, agreements, assessments, easements, reduction of retention accounts, contract amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction-related activities.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: The Fiscal Year 2026-27 Adopted Budget includes appropriations in the Park Impact Fund for the Ontario Grand Park Phase 1 Project. The recommended Amendment to the Professional Services Agreement with Transtech Engineers, Inc. is in the amount of $2,678,970 for a total not-to-exceed contract amount of $9,393,809. The total contract amount of $9,393,809 includes on-call work performed for various citywide projects over multiple years.

BACKGROUND & ANALYSIS: On December 21, 2021, the City Council approved the conceptual "Grand Park" master plan and the preliminary park design for Phase 1. Phase 1 builds upon the

framework established in the conceptual park master plan and is comprised of approximately 130 acres of land and occurs within the eastern portion of Ontario Ranch. This phase is bordered by Grand Park Street to the north, Eucalyptus Avenue to the south, Haven Avenue on the east, and Archibald Avenue on the west. This portion of the park contains meadows, trails, and a field for recreational use that also serves as a stormwater capture system. Core park amenities that are part of this phase include a Market Alley where farmers markets, food trucks and community events can be organized, a community barn and farm hub, a kid's corral (a children's playground), a 5,000-capacity amphitheater along the central plaza, and parking lots with a total of 1,095 parking spaces for park patrons.

As required by the California Environmental Quality Act (CEQA) and California Department of Fish and Wildlife and the project's Mitigation Monitoring and Reporting Program, City of Ontario's on-call construction management firm, Transtech Engineers, Inc. will provide environmental compliance services including development of a Worker Environmental Awareness Program and training materials, pre-construction biological surveys for sensitive species, biological, archaeological, and paleontological monitoring during construction. Transtech Engineers, Inc.'s efforts will ensure protection of biological/cultural resources and compliance with applicable environmental regulations, including monitoring documentation and survey reports submitted to the City throughout construction. Transtech Engineers, Inc. have been the construction manager for all previous phases of the construction of Grand Park. With Amendment No. 14, Transtech Engineers, Inc., will continue to provide construction management services for the duration of the construction of Grand Park, anticipated to be operational by Winter of 2027.

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN D. WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS
COUNCIL MEMBERS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

AMENDMENT NO. 14 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ONTARIO AND TRANSTECH ENGINEERS, INC.

1. Parties and Date.

This Amendment No. 14 to the Agreement (as defined herein) is made and entered as of _____, by and between the City of Ontario ("City") and **Transtech Engineers, Inc.**, a Corporation ("Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties."

2. Recitals.

2.1 Agreement. The City and Consultant have entered into an agreement entitled "Professional Services Agreement" dated September 17, 2019 ("Agreement").

2.2 Amendment Purpose. The City and Consultant desire to amend the Agreement to provide biological, archaeological, and paleontological support services for the Grand Park Phase 1 project, extend the term of the agreement to June 30, 2028 and add compensation in the amount of $2,678,970 for a new not to exceed agreement amount of **Nine Million Three Hundred Ninety-Three Thousand and Eight Hundred Nine Dollars ($9,393,809)**. The Parties have heretofore entered into that Amendment No. 1 dated May 29, 2020, Amendment No. 2 dated November 24, 2020, Amendment No. 3 dated October 15, 2021, Amendment No. 4 dated February 15, 2022, Amendment No. 5 dated February 15, 2022, Amendment No. 6 dated August 29, 2022, Amendment No. 7 dated September 14, 2022, Amendment No. 8 dated February 21, 2023, Amendment No. 9 dated June 13, 2023, Amendment No. 9a dated April 4, 2023, Amendment No. 10 dated April 4, 2023, Amendment No. 11 dated July 15, 2025, Amendment No. 12 dated October 30, 2025 and Amendment No. 13 dated June 16, 2026.

2.3 Amendment Authority. This Amendment No. 14 is authorized pursuant to Section 23 of the Agreement.

3. Terms.

3.1 Amendment. Sections 1, 2a and 5 of the Agreement is hereby amended in its entirety to read as follows:

"1. Services.

Consultant shall provide the City with the services described in the Scope of Services on Exhibit "A"."

"2. Compensation.

a. Subject to paragraph 2(b), the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit "B"."

"5. Time of Performance.

Consultant shall perform its services in a prompt and timely manner and shall commence performance upon receipt of written notice from the City to proceed (" Notice to Proceed"). The performance term of this Agreement shall be from **October 1, 2019, to June 30, 2028**, unless earlier terminated as provided herein The City shall have the unilateral option, at its sole discretion, to renew this Agreement automatically for no more than two (2) additional one-year terms. Consultant shall perform its services in a prompt and timely manner and shall commence performance upon receipt of written notice from the City to proceed (" Notice to Proceed") for each assigned project. Consultant shall complete the Services within the term of this Agreement and shall meet any other established schedules and deadlines per assignment. The Notice to Proceed shall set forth 10 days from the date of commencement for each assigned project."

Exhibit "A" and "B" are hereby amended to add Attachment A in which is hereto and incorporated herein by reference. All other previously added or deleted compensation are retained in their entirety.

3.2 Continuing Effect of Agreement. Except as amended by this Amendment No. 14, all other provisions of the Agreement remain in full force and effect and shall govern the actions of the parties under this Amendment No. 14. From and after the date of this Amendment No. 14, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. 14.

3.3 Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment No. 14.

3.4 Severability. If any portion of this Amendment No. 14 is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5 Integration. This Amendment represents the entirety of the Parties' understanding relating to the subject of this Amendment, including written or verbal communications between the Parties, which shall have no relevance unless expressly incorporated herein. This is an integrated amendment.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR AMENDMENT NO. 14 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ONTARIO AND TRANSTECH ENGINEERS, INC.

IN WITNESS WHEREOF, the Parties have entered into this Amendment No. 14 as of the day and year first above written.

CITY OF ONTARIO

Approved By:

_____
Scott Ochoa
City Manager

Approved as to Form:

_____
Best Best & Krieger LLP
City Attorney

Attested By:

_____
City Clerk

Transtech Engineers, Inc.

By:_____

Its:_____

Printed Name:_____

By:_____

Its:_____

Printed Name:_____

[If Corporation, TWO SIGNATURES, President OR Vice President AND Secretary OR Treasurer REQUIRED]

www.transtech.org

August 4, 2026

City of ONTARIO
Attention: Dan Beers, Design & Construction Director
dbeers@ontarioca.gov

Subject: Ontario Grand Park
Proposal in response to City's Request to provide Biological, Archaeological, and Paleontological Support Services through specialty sub-consultant (ECORP)
And 18 months of additional Transtech Staff Time for PMCMCI Services

Dear Mr. Beers:

In response to City's request, Transtech is pleased to submit this Task Order Proposal under our Master Contract with the City to provide Biological, Archaeological, and Paleontological Support Services through specialty sub-consultant (ECORP), and 18 months of additional Transtech Staff Time for PMCMCI Services for Grand Park Project.

ECORP SERVICES:

ECORP is an environmental consulting firm in California that has assisted public and private clients with a wide range of environmental regulation compliance services since 1987. ECORP is full-service environmental consulting firm for clients across California and adjoining states. The firm has an experienced multidisciplinary team of CEQA and NEPA specialists, environmental permitting specialists, terrestrial and aquatic biologists, wetland specialists and water resource analysts, air quality and greenhouse gas analysts, noise and ground-borne vibration analysts, archaeologists, cultural resource specialists, architectural historians, paleontologists, geographic information system (GIS) specialists, unmanned aerial systems (UAS) specialists, and other technical and support staff. Their comprehensive environmental knowledge and experience enables the firm to support projects from inception, through environmental permit application and mitigation planning, to post-construction compliance monitoring.

ECORP provides full-service multidisciplinary capability over the life of a project, including:

- Baseline studies
- Environmental planning, documentation, and review
- Permitting negotiation
- Liaison with resource agencies
- Environmental impact mitigation design
- Construction monitoring
- Compliance reporting

For this project, ECORP provided a Proposal (attached as reference and backup), which includes their anticipated scope of work and estimated fee.

Following is a summary of Scope of Work included in the attached Proposal provided by ECORP:

Task 1 – Worker Environmental Awareness Program Training

Task 1 Assumptions:

Either a biologist or archaeologist who is already present on the Project site for normal monitoring duties will give the WEAP training in person until a recorded presentation can be provided.

Once the video recording of the WEAP presentation is provided, Clark Construction will be responsible for showing it to workers who are new to the site at the same time they receive the site-specific training.

Clark Construction will be responsible for maintaining signature logs of workers who have received the training.

Task 1 Deliverables:

Slide presentation of the WEAP training submitted electronically.

Blank worker sign-in log in an electronic format that can be printed by Clark Construction when additional copies are needed.

Task 2 – Pre-Construction Biological Surveys

Task 2 Assumptions:

BIO-1 requires protocol-level breeding season burrowing owl surveys; however, we assume that these protocol-level surveys were completed prior to ECORP working on the project. Performing protocol-level burrowing owl surveys of the Project site is not included in this task.

BIO-2 requires that a habitat acquisition fee be paid before grading permits are issued. We assume that this fee has already been paid and that ECORP will not be providing support related to the land acquisition mitigation requirements outlined in BIO-2.

Task 2 Deliverables:

Draft and final versions of the pre-construction survey results letter report.

Task 3 – Construction Monitoring (Biological, Archaeological, Paleontological)

Task 3 Assumptions:

Assumes no live burrowing owls or burrowing owl sign will be present on the Project site. If live burrowing owl or burrowing owl sign is present, additional monitoring, survey, and reporting tasks will need to be implemented and an additional scope and fee will be provided should that occur.

Monitoring days are charged per monitor provided per day.

Task 3 Deliverables:

Monitoring logs (biological, archaeological, and paleontological) will be compiled and submitted on a monthly basis for the City's records.

ECORP is an environmental consulting firm in California that has assisted public and private clients with a wide range of environmental regulation compliance services

TRANSTECH SERVICES:

Transtech will provide PMCMCI Services for the next 18 months, including Sr. Project Manager, Sr. Construction Manager and Assistant Construction Manager/Office Engineer.

BUDGET:

Total anticipated Budget Allocation for this Task Order is $2,678,970.

Following is a breakdown of the budget:

ECORP BUDGET FOR ENVIRONMENTAL SERVICES						
$1,317,000	ECORP Base Fee					
$131,700	10%	ECORP Contingency				
$1,448,700	**ECORP Total Budget Allocation**					
$144,870	10%	Transtech Budget Allocation for contract admin and related costs				
$1,593,570	**BUDGET FOR ENVIRONMENTAL SERVICES**					
TRANSTECH BUDGET FOR PMCMCI **Services for the next 18 months, including Sr. Project Manager, Sr. Construction Manager and Assistant Construction Manager/Office Engineer**						
$162,000	Sr. Project Manager		18 months	40 hrs/month	720 hrs	$225 Rate
$576,000	Sr. Construction Manager		18 months	160 hrs/month	2,880 hrs	$200 Rate
$315,000	Assistant Construction Manager/Office Engineer		18 months	100 hrs/month	1,800 hrs	$175 Rate
$32,400	Utlity Vehicle Rental		18 months	$1,800 per month rental		
$1,085,400	**BUDGET**					
$2,678,970	**TOTAL BUDGET FOR THIS TASK ORDER**					

ECORP's Fee is based on the following:

- Full Day Monitoring Fee is $2,100 per monitor per day. Inclusive of travel and Other Direct Costs. Assumes a maximum of 10 hours onsite per day. Additional time will result in overtime charges in accordance with State and Federal laws. Costs are per monitor provided.
- Half Day Monitoring Fee is $1,160 per monitor per day. Inclusive of travel and Other Direct Costs. Assumes a maximum of 5 hours onsite per day. Costs are per monitor provided.

The budget allocation is provided as an anticipated budget based on ECORP's proposal. Should ECORP determine that modifications to the scope of services, level of effort, staffing, schedule, or other project requirements justify an adjustment to their proposed fee, ECORP shall submit a written request with supporting documentation and justification for the City's review and approval.

If you have any questions or need additional information, please contact us.

Respectfully submitted.

Robert Quintero

Robert Quintero, Principal
E: robert.quintero@transtech.org
C: 626-807-4928
O: 909-595-8599

Attachment: ECORP's Proposal

CITY OF ONTARIO *Agenda Report* **August 18, 2026**	**SECTION:** **CONSENT CALENDAR**
Department: Information Technology Prepared By: Samantha Robles Staff Member Presenting: Colin Fernandes, Executive Director Information Technology Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 11

SUBJECT: **AN AMENDMENT TO THE AGREEMENT TO RENEW THE SUBSCRIPTION FOR THE AIRHUB PREMIUM PLAN WITH AIRSPACE LINK, INC.**

RECOMMENDATION: That the City Council authorize the City Manager, or his designee, to execute Amendment No. 4 to the current Agreement with Airspace Link, Inc., of Detroit, Michigan, for the Airhub Premium Subscription Renewal in the amount not-to-exceed $576,000.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner

FISCAL IMPACT: The Fiscal Year 2026-27 Adopted Budget includes appropriations from the Information Technology Fund for the annual subscription renewal for Airspace Link, Inc. The proposed Amendment term for the Subscription Agreement will be for one additional year, with an optional renewal period for one year and, increases the authorized contract amount by $192,000, which includes $96,000 for year one, and $96,000 for year two for a total contract amount not-to-exceed $576,000. The fixed billing rates specified in the current Agreement will determine the amount charged for services and reflect the actual services provided. If approved, appropriations will be added to the future years' budgets consistent with the annual budget adoption process.

BACKGROUND & ANALYSIS: Since April 2021, the City of Ontario has partnered with Airspace Link, Inc., a drone management company, to support the management of drone flights and assist with planning for the future use of drones within the City. Airspace Link, Inc. provides the City with a digital platform that integrates with the Federal Aviation Administration's Low Altitude Authorization and Notification Capability program. The platform supports real-time communication and coordination between drone pilots and the City, helping facilitate safe and lawful drone operations within controlled airspace.

As part of its work with the City, Airspace Link, Inc. completed a citywide Drone Readiness Assessment to evaluate the City's existing capabilities, identify potential drone-related use cases, and assess challenges and opportunities associated with expanding drone operations. The assessment has helped inform the City's planning efforts and preparations for the continued adoption of drone technology.

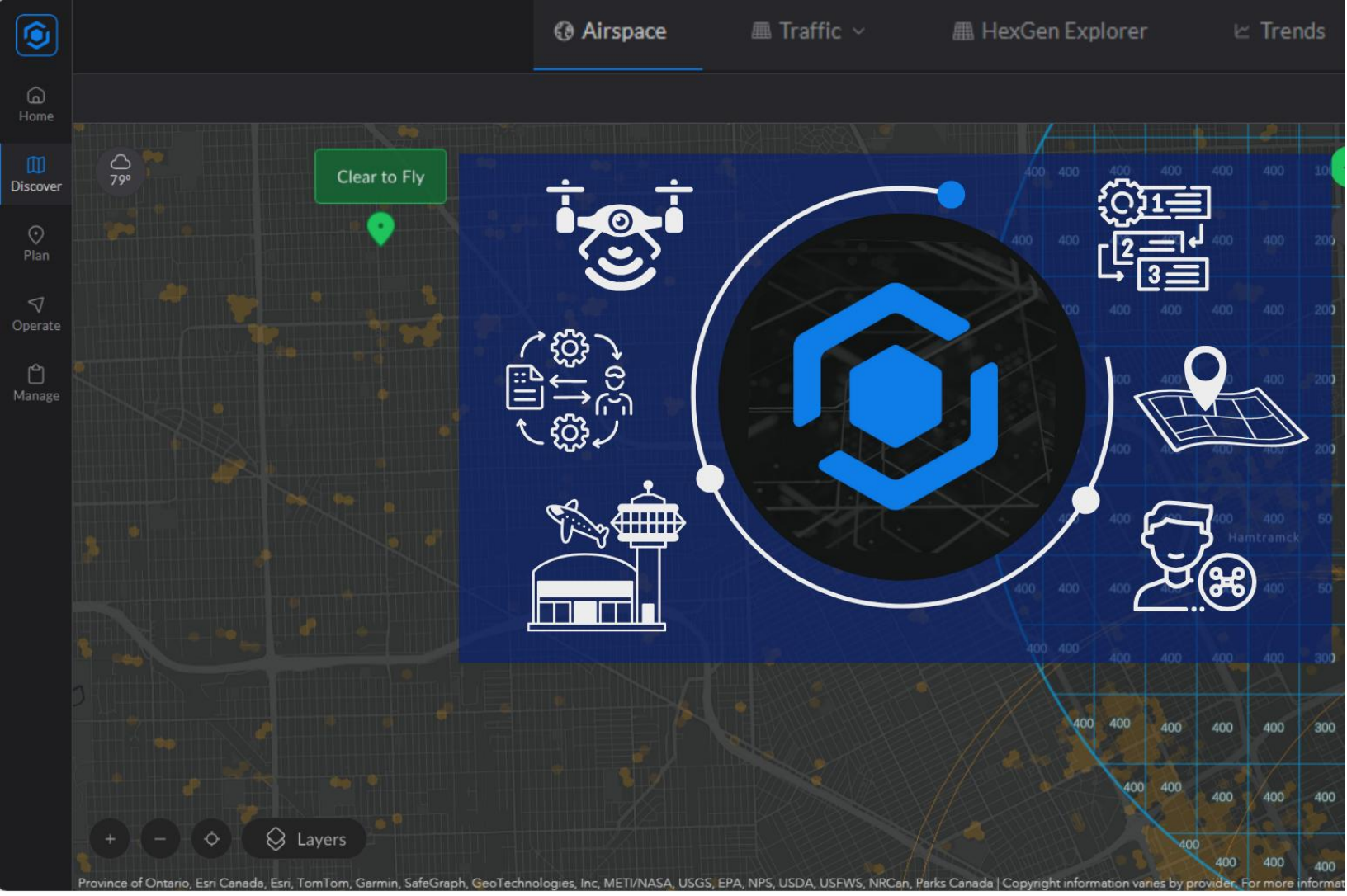
The Agreement also includes the use of Geographic Information Systems technology to create and maintain a digital map of the City's airspace. The map identifies controlled airspace, including areas surrounding Ontario International Airport, and provides information regarding temporary flight restrictions and other operating limitations. The information is regularly updated to assist drone pilots in determining where and when flights may be conducted.

Airspace Link currently provides the City's UAS operations platform and has mapped the City's operating airspace to support the planning and execution of safe UAS operations. The platform also serves as the City's system of record for historical non-Public Safety UAS operations, pilot information, and fleet data.

Airspace Link has also developed a City-specific integration between its UAS platform and the City's Service Portal. This integration is currently being implemented to streamline UAS operational workflows, improve data consistency, and reduce manual administrative processes.

Selection of Airspace Link provides continuity with the City's existing UAS program, preserves access to historical operational data and existing system configurations, and allows the City to leverage the integration work already completed. Transitioning to another platform would require migration and validation of existing data, reconfiguration of operational workflows, and redevelopment of the Service Portal integration, resulting in additional cost, Staff effort, implementation time, and potential operational disruption.

The continued partnership will provide the City with access to Airspace Link Inc.'s platform and technical expertise to manage drone activity, support regulatory compliance, and evaluate future opportunities for municipal drone operations. Staff requests City Council approval to amend the Agreement to increase the total contract amount to a not-to-exceed amount of $576,000, with an additional one-year term and an optional second one-year term.



City of Ontario, California

Amendment No. 4 To The FlySafe Premium Program with Advanced UAS Traffic Renewal dated 8/15/2022

Prepared For:

Colin Fernandes
Executive Director IT Information Technology Agency
City of Ontario, CA

Prepared By:

Ana Healander
Vice President Customer Success
Airspace Link, Inc.

LAANC CONNECTED

B4UFLY

US UTM Implementation

Airspace Link is an FAA-approved UAS Service Supplier of the Low Altitude Authorization and Notification Capability (LAANC) and is approved to provide B4UFLY and UAS Traffic Management (UTM) Services.

airspacelink™

July 24, 2026

Dear Colin,

The 2026-2027 renewal proposal for your AirHub® Portal Advanced license is attached for your review. Airspace Link is proud to be a partner of the City of Ontario - to empower and equip your community with the right data, management, and operational tools necessary to safely integrate Uncrewed Aircraft Systems (UAS/Drones) into your city. Over the past year, our partnership has demonstrated substantial achievements in enhancing public safety, improving operational efficiency, and engaging the community through innovative drone technology.

This proposal offers continuing support of Ontario's holistic approach toward safely integrating drones into your community through the provision of AirHub Portal Advanced license, FlySafe webpage, and RF sensor.

As a gesture of goodwill and in appreciation of the City's support of Airspace Link, we are offering you this renewal proposal with no price increase. The 2026 renewal price remains at $96,000 annually.

Again, thank you for inviting Airspace Link to submit this renewal proposal. Together, Airspace Link and the City of Ontario will ensure a safer flying environment for all UAS operations, leading to new opportunities for your region and the businesses and citizens in your community.

As always, we look forward to your feedback and continuing our partnership.

Sincerely,

Ana Healander

Ana Healander
Vice President of Customer Success
Airspace Link, Inc.

The information contained in this document shall not be duplicated or used, in whole or in part, for any purpose other than to evaluate the proposal, nor shared with anyone outside of the intended recipients as noted above, provided that if a contract is awarded as a result of or in connection with the submission of such information, City of Ontario or any of its affiliates has the right to duplicate, use or disclose this information to the extent provided in the contract.

Renewal Proposal

Ontario is well aware of the benefits of AirHub® Portal's Drone Operations Management System (DOMS). For the 2026-2027 and optional 2027-2028 periods of performance, we will continue to provide this comprehensive solution for managing the complete lifecycle of drone operations, from initial work requests and mission planning through post-operation analysis and reporting. Our proposed solution will include the delivery of the following components:

- **AirHub Portal Advanced License** - Serves as your organization's drone Operations Center, providing real-time situational awareness of all aerial activities within your jurisdiction. The platform maintains a complete data repository of operations, enabling comprehensive program oversight and analysis.
- **AirHub Portal RF Detection** – Annual data subscription renewal for the WhiteFox UAS Traffic Sensor for continued drone detection.
- **AirHub Drone Operations Workflow -** AirHub® Portal's workflow engine allows clients to create standardized drone management workflow processes and a systematic approach for all aspects of the operation from initial request through completion.
- **AirHub Portal and DOMS Training** - The Airspace Link team will create and deliver two (2) in-depth virtual training sessions on AirHub Portal and DOMS solutions. Training will be our standard AirHub Portal and DOMS functionality training and does not include any customer-specific elements. Each training session is approximately 2 hours and includes time for questions and demonstrations.
- **AirHub FlySafe Community Engagement Portal –** Renewal of the City's dedicated UAS Management webpage, maintained collaboratively by Airspace Link and the City of Ontario, to ensure transparency and promote community outreach and safety.

Proposal Authorization and Approval

Please note that this is Amendment 4 to the Master Services Agreement dated 8/15/2022 that includes all previous clauses, including the insurance requirements that were referenced in Amendment 3 and referenced below in Appendix B. A signature is required to accept this Proposal. By signing below, each party agrees to the proposed project scope detailed in this proposal and the terms and conditions listed in Appendix A and authorizes Airspace Link to begin work.

Amendment 4 to the Master Services Agreement

___ *2026-2027 AirHub Portal Advanced License, with RF sensor data $96,000*

___ *2027-2028 AirHub Portal Advanced License, with RF sensor data $96,000 (Optional)*

Agreed to:	*Agreed to:*
City of Ontario Colin Fernandes 303 East B Street Ontario, CA 91764	**Airspace Link, Inc.** William Johnson 2050 15th Street Detroit, MI 48216
By: _____ Authorized Signature	By: _____ Authorized Signature
Date: _____	Date: _____
Name: _____	Name: William C Johnson
Title: _____	Title: COO/CFO
Email: _____	Email: Bill.johnson@airspacelink.com

Appendix A: Proposal Terms & Conditions

This confidential quotation ("**Quote**") is between Airspace Link, Inc. ("**Airspace Link**") and the entity listed above ("**Agency**").

Unless otherwise expressly set forth herein, this Quote shall be valid for thirty (30) days and does not include shipping or tax. This Quote shall be governed by the Terms of Service for AirHub® Portal, which are attached hereto and/or can be found at: https://airspacelink.com/terms-conditions-portal ("Terms"). In the event of any conflict or inconsistency between the terms of this Quote and the Terms, this Quote shall govern. Airspace Link's consulting services offered in this proposal shall be governed by Airspace Link's Master Agreement for Products and/or Services. The Master Agreement will be made available to the Agency upon request.

These Terms and Conditions will be effective on the date countersigned by the Airspace Link ("**Agreement Start Date**") and shall continue for an initial term of twelve (12) months from the Agreement Start Date (**"Initial Term"**). This Quote is proprietary and may not be copied or released other than for the express purpose of system and service selection and purchase. Information set forth herein may not be given by Agency to outside parties or used for any other purpose without written consent from Airspace.

This Quote is a solicitation for offers and not an offer in and of itself. This Quote will become binding upon Airspace's notification to Agency of its receipt of Agency's signature above. Airspace's failure to provide Agency with such notification within ten (10) business days shall be considered a rejection.

EXCEPT AS SET FORTH HEREIN, AIRSPACE LINK MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS, STATUTORY, IMPLIED, OR OTHERWISE, WITH RESPECT TO AIRSPACE LINK SERVICES OR THE RESULTS OBTAINED FROM SUCH SERVICES, AND SPECIFICALLY DISCLAIMS ALL WARRANTIES, INCLUDING WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND SATISFACTORY QUALITY.

TO THE EXTENT ALLOWED BY LAW, AIRSPACE LINK SHALL NOT BE LIABLE TO AGENCY UNDER ANY CONTRACT, LEGAL, OR EQUITABLE THEORY, FOR ANY INCIDENTAL, SPECIAL, PUNITIVE, OR CONSEQUENTIAL DAMAGES OR LOST PROFITS. NOTWITHSTANDING ANYTHING TO THE CONTRARY, AIRSPACE LINK WILL NOT BE LIABLE WITH RESPECT TO ANY SUBJECT MATTER OF THIS AGREEMENT UNDER ANY CONTRACT, LEGAL, OR EQUITABLE THEORY FOR ANY AMOUNTS IN EXCESS OF THE AGGREGATE AMOUNTS PAID TO AIRSPACE BY AGENCY DURING THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE DATE THE CLAIM FIRST AROSE.

Appendix B: Insurance Requirements Required by the City of Ontario

1. Insurance. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under this section. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required under this section.

a. Additional Insured

The City of Ontario, its officials, officers, employees, agents, and volunteers shall be named as additional insureds on Consultant's and its subconsultants' policies of commercial general liability insurance using the endorsements and forms specified herein or exact equivalents.

b. Commercial General Liability

(i) The Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, Commercial General Liability Insurance, in a form and with insurance companies acceptable to the City.

(ii) Coverage for Commercial General Liability insurance shall be at least as broad as the following:

(1) Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 00 01) or exact equivalent.

(iii) Commercial General Liability Insurance must include coverage for the following:

(1) Bodily Injury and Property Damage

(2) Personal Injury/Advertising Injury

(3) Premises/Operations Liability

(4) Products/Completed Operations Liability

(5) Aggregate Limits that Apply per Project

(6) Explosion, Collapse and Underground (UCX) exclusion deleted

(7) Contractual Liability with respect to this Contract

(8) Broad Form Property Damage

(9) Independent Consultants Coverage

(iv) The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; (3) products/completed operations liability; or (4) contain any other exclusion contrary to the Agreement.

(v) The policy shall give City, the City Council and each member of the City Council, its officers, employees, agents and City designated volunteers additional insured status using ISO endorsement forms CG 20 10 10 01 and 20 37 10 01, or endorsements providing the exact same coverage.

(vi) The general liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by the City, and provided that

c. Workers' Compensation/Employer's Liability

(i) Consultant certifies that he/she is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and he/she will comply with such provisions before commencing work under this Agreement.

(ii) To the extent Consultant has employees at any time during the term of this Agreement, at all times during the performance of the work under this Agreement, the Consultant shall maintain full compensation insurance for all persons employed directly by him/her to carry out the work contemplated under this Agreement, all in accordance with the "Workers' Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof, and Employer's Liability Coverage in amounts indicated herein. Consultant shall require all subconsultants to obtain and maintain, for the period required by this Agreement, workers' compensation coverage of the same type and limits as specified in this section.

d. Professional Liability (Errors and Omissions)

At all times during the performance of the work under this Agreement the Consultant shall maintain professional liability or Errors and Omissions insurance appropriate to its profession, in a form and with insurance companies acceptable to the City and in an amount indicated herein. This insurance shall be endorsed to include contractual liability applicable to this Agreement and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the Consultant. "Covered Professional Services" as designated in the policy must specifically include work performed under this Agreement. The policy must "pay on behalf of" the insured and must include a provision establishing the insurer's duty to defend.

e. Cyber Liability

At all times during the performance of the work under this Agreement, the Consultant shall maintain liability coverage providing protection against liability for: (1) privacy breaches (including liability arising from the loss or disclosure of confidential information no matter how it occurs); (2) system breach; (3) denial or loss of service; (4) introduction, implantation, or spread of malicious software code; and (5) unauthorized access to or use of computer systems.

f. Minimum Policy Limits Required

(i) The following insurance limits are required for the Agreement:

Coverage Combined Single Limit

Commercial General Liability $3,000,000 per occurrence for bodily injury, personal injury, and property damage

Employer's Liability $1,000,000 per occurrence

Professional Liability $2,000,000 per claim and aggregate (errors and omissions)

Cyber Liability $5,000,000 per occurrence

(ii) Defense costs shall be payable in addition to the limits.

(iii) Requirements of specific coverage or limits contained in this section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance. Any available coverage shall be provided to the parties required to be named as Additional Insured pursuant to this Agreement.

g. Evidence Required

Prior to execution of the Agreement, the Consultant shall file with the City evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 00 01 (or insurer's equivalent) signed by the insurer's representative and Certificate of Insurance (Acord Form 25-S or equivalent), together with required endorsements. All evidence of insurance shall be signed by a properly authorized officer, agent, or qualified representative of the insurer and shall certify the names of the insured, any additional insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

h. Policy Provisions Required

(i) Consultant shall provide the City at least thirty (30) days prior written notice of cancellation of any policy required by this Agreement, except that the Consultant shall provide at least ten (10) days prior written notice of cancellation of any such policy due to non-payment of premium. If any of the required coverage is cancelled or expires during the term of this Agreement, the Consultant shall deliver renewal certificate(s) including the General Liability Additional Insured Endorsement to the City at least ten (10) days prior to the effective date of cancellation or expiration.

(ii) The Commercial General Liability Policy shall contain a provision stating that Consultant's policy is primary insurance and that any insurance, self-insurance or other coverage maintained by the City or any named insureds shall not be called upon to contribute to any loss.

(iii) The retroactive date (if any) of each policy is to be no later than the effective date of this Agreement. Consultant shall maintain such coverage continuously for a period of at least three years after the completion of the work under this Agreement. Consultant shall purchase a one (1) year extended reporting period A) if the retroactive date is advanced past the effective date of this Agreement; B) if the policy is cancelled or not renewed; or C) if the policy is replaced by another claims-made policy with a retroactive date subsequent to the effective date of this Agreement.

(iv) All required insurance coverages, except for the professional liability coverage, shall contain or be endorsed to provide waiver of subrogation in favor of the City, its officials, officers, employees, agents, and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

(v) The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Further the limits set forth herein shall not be construed to relieve the Consultant from liability in excess of such coverage, nor shall it limit the Consultant's indemnification obligations to the City and shall not preclude the City from taking such other actions available to the City under other provisions of the Agreement or law.

(vi) The Cyber Liability shall not include any exclusion or restriction for unencrypted portable devices or other media.

i. Qualifying Insurers

(i) All policies required shall be issued by acceptable insurance companies, as determined by the City, which satisfy the following minimum requirements:

(1) Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and admitted to transact in the business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

j. Additional Insurance Provisions

(i) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.

(ii) If at any time during the life of the Agreement, any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.

(iii) The City may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.((iv) Neither the City nor the City Council, nor any member of the City Council, nor any of the officials, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of this Agreement.

k. Subconsultant Insurance Requirements. Consultant shall not allow any subcontractors or subconsultants to commence work on any subcontract until they have provided evidence satisfactory to the City that they have secured all insurance required under this section. Policies of commercial general liability insurance provided by such subcontractors or subconsultants shall be endorsed to name the City as an additional insured using ISO form CG 20 38 04 13 or an endorsement providing the exact same coverage. If requested by Consultant, City may approve different scopes or minimum limits of insurance for particular subcontractors or subconsultants.

2. Indemnification.

To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including cyber-related harm and wrongful death, in any manner arising out of, pertaining to, or incident to any alleged acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's Services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorneys' fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the Consultant or the City, its officials, officers, employees, agents or volunteers.

If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance as a "design professional" (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

CITY OF ONTARIO *Agenda Report* **August 18, 2026**	**SECTION:** **CONSENT CALENDAR**
Department: Utilities Prepared By: Jonathan Yang Staff Member Presenting: Scott Burton, Utilities General Manager Reviewed By: Dennice Raygoza, Courtney Jones, Michael Sigsbee Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 12

SUBJECT: **A CHANGE ORDER TO A CONSTRUCTION CONTRACT WITH NORSTAR PLUMBING & ENGINEERING, INC., AND AMENDMENTS TO THE PROFESSIONAL SERVICES AGREEMENTS WITH ARDURRA GROUP, INC., NINYO & MOORE, INC., AND Z&K CONSULTANTS, INC., FOR THE DOWNTOWN WATER MAIN IMPROVEMENTS PROJECT**

RECOMMENDATION: That the City Council take the following actions:

A. Authorize the City Manager, or designee, to approve Change Order No. 1 to the Construction Contract for UT1066 for the Downtown Water Main Improvements Project along "H" Street with Norstar Plumbing & Engineering, Inc., of Alta Loma, California, in the amount of $2,142,092 plus a 15% contingency of $321,314 for a revised total not-to-exceed amount of $11,357,981, a term of 287 days after issuance of notice to proceed.
B. Authorize the City Manager, or designee, to execute Amendment No. 1 to the Professional Services Agreement with Ardurra Group, Inc., of Newport Beach, California, for construction engineering services in the amount of $55,442 for a revised new total not-to-exceed amount of $234,921 and a term from August 19, 2025 to August 19, 2027.
C. Authorize the City Manager, or designee, to execute Amendment No. 3 to the Professional Services Agreement with Ninyo & Moore, Inc., of San Diego, California, for geotechnical and material testing services in the amount of $62,560 for a revised new total not-to-exceed amount of $503,696 and a term from May 2, 2023 to May 2, 2028.
D. Authorize the City Manager, or designee, to execute Amendment No. 3 to the Professional Services Agreement with Z&K Consultants, Inc., of Riverside, California, for construction management and inspection services in the amount of $169,650 for a revised new total not-to-exceed amount of $1,198,292 and a term from June 4, 2024 to May 31, 2029.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public

Facilities)

FISCAL IMPACT: Proposed Change Order No. 1 to the Construction Contract with Norstar Plumbing & Engineering, Inc., for the Downtown Water Main Improvements Project, including water main improvements along “H” Street, increases the agreement by $2,142,092 plus a 15% contingency of $321,314 for a revised new total not-to-exceed amount of $11,357,981. Proposed Amendment No. 1 to the Professional Services Agreement with Ardurra Group, Inc., increases the agreement by $55,442, for a revised new total not-to-exceed amount of $234,921. Proposed Amendment No. 3 to the Professional Services Agreement with Ninyo & Moore, Inc., increases the agreement by $62,560, for a revised new total not-to-exceed amount of $503,696. Proposed Amendment No. 3 to the Professional Services Agreement with Z&K Consultants, Inc., increases the agreement by $169,650, for a revised new total not-to-exceed amount of $1,198,292. The total cost for the recommended action is $2,751,059.

The Fiscal Year 2026-2027 Adopted Budget includes appropriations in the Water Capital Fund to provide construction and construction support services for this project. This project is one of several projects identified in the Water Revenue Bond issuance approved by City Council on July 16, 2024. There is no impact to the General Fund.

BACKGROUND & ANALYSIS: On August 19, 2025, Contract No. UT1066 was awarded to Norstar Plumbing & Engineering, Inc., Ardurra Group Inc., and Ninyo & Moore, Inc. for the construction and construction support services for Downtown Water Main Improvements Project. On June 4, 2024, Z&K Consultants, Inc. was awarded a City Council-approved on-call Professional Services Agreement to provide construction management and inspection services. Utilizing the approved expenditure authority under the on-call agreement, the City issued a task order to Z&K Consultants, Inc., to provide construction management and inspection services in support of the Downtown Water Main Improvements Project. A location map is provided for reference (Exhibit "A").

During construction of Public Works Contract No. SM2302 Sultana Storm Drain Project, City Staff identified the need to replace approximately 2,100 linear feet (0.39 miles) of existing aging and undersized water distribution mains along “H” Street between Euclid Avenue and Campus Avenue (Exhibit "A"). Design plans for the main water replacement had previously been completed. Additionally, during construction of the storm drain improvements, a leak was discovered in the existing water main, confirming the deteriorated condition of the pipeline and reinforcing the need to proceed with the planned replacement. The additional work will replace the existing water distribution mains with 8-inch-diameter cement mortar-lined and coated welded steel pipe. The work will also include the replacement of all associated valves and appurtenances, including fire hydrants and water service lines, as well as pavement restoration and street improvements within the project limits. Replacing the water mains concurrently with the Sultana Storm Drain Project will minimize inconvenience to residents by coordinating construction activities and allowing pavement restoration to occur only once, thereby avoiding future street excavation, additional pavement replacement, and associated construction disruptions to the adjacent residents.

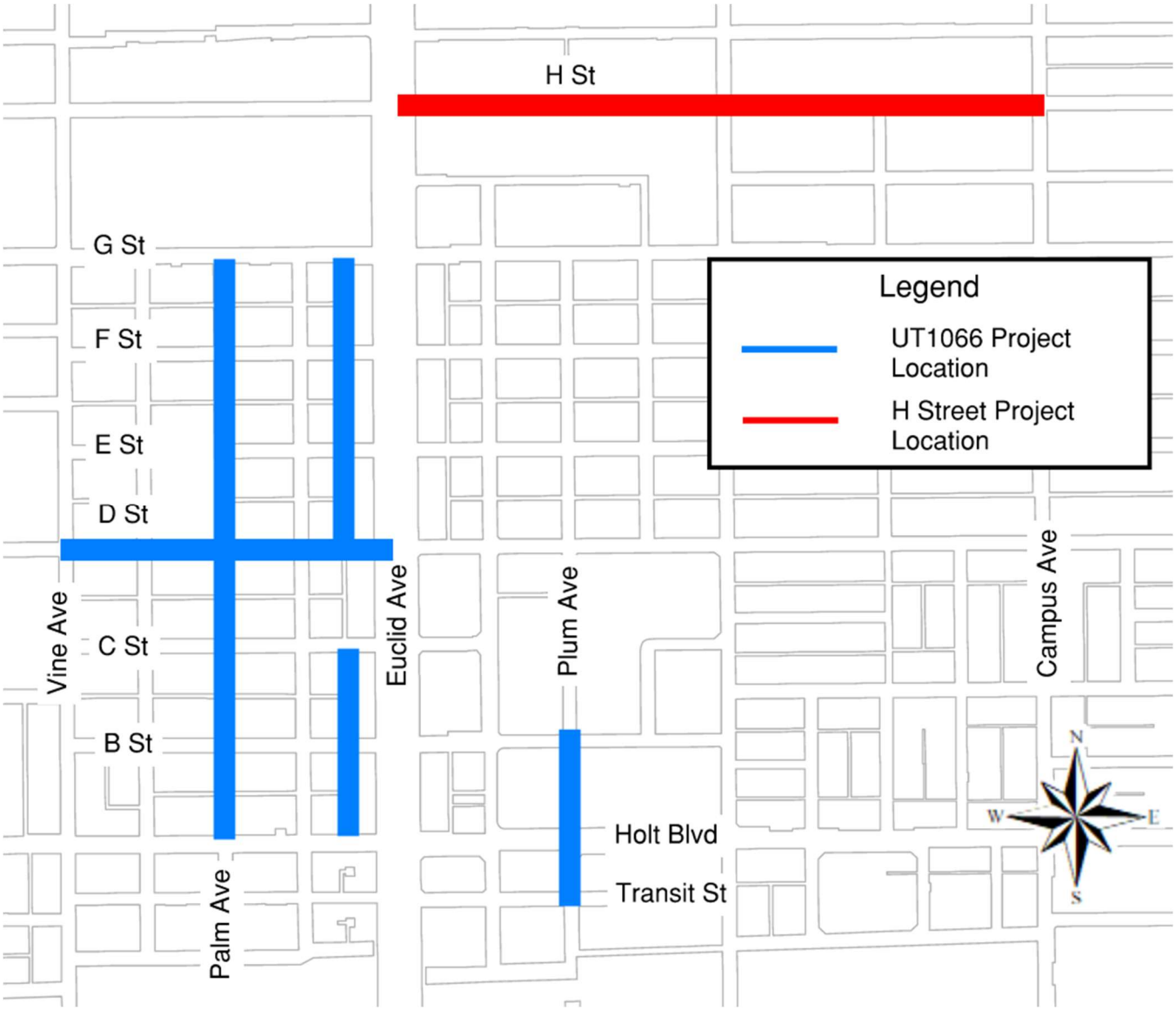
Based on Norstar Plumbing & Engineering, Inc.’s performance on the existing scope of work for the

Downtown Water Main Improvements Project, and their ability to complete the work in a cost-effective and timely manner, Staff recommends approval of the proposed Change Order No. 1 to Contract No. UT1066 to allow for construction of the replacement of the 8-inch diameter water main along H Street. City Staff determined that independent bidding the additional scope of work would be contrary to the public interest because, by virtue of Norstar Plumbing & Engineering, Inc.'s existing mobilization, it can perform the added work for less than any potential competing bidder.

Support services will be required during construction. Ardurra Group, Inc., will continue to provide construction engineering services as they are the Engineer of Record and have developed the project's plan and specifications; Ninyo & Moore, Inc., will continue to provide geotechnical and material testing services, and Z&K Consultants, Inc., will continue to provide construction management and inspection services.

ENVIRONMENTAL REVIEW: The projects has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from CEQA pursuant to Article 19 Section 15031, which states that operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of Class 1 "Existing Facilities" are exempt from the requirements of CEQA. Thus, no further CEQA analysis is required.

Exhibit “A”


H St
G St
F St
E St
D St
C St
B St
Vine Ave
Euclid Ave
Plum Ave
Campus Ave
Palm Ave
Holt Blvd
Transit St
Legend
UT1066 Project Location
H Street Project Location
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W
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CITY OF ONTARIO
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MAYOR

ALAN D. WAPNER
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CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

CITY OF ONTARIO
CHANGE ORDER

Project: UT1066 Downtown Water Main Improvements

Change Order Number: 1

Contract Date: August 19, 2025

Change Order Date: August 18, 2026

To: Norstar Plumbing & Engineering, Inc.
Attn: Gary Plummer
8780 19th St. #310
Alta Loma, CA 91701
Sue@norstarpipeline.com

THIS CHANGE ORDER FORM SHALL BE USED FOR ALL CHANGE ORDERS ASSOCIATED WITH THE WORK. NO ADDITIONS OR DELETIONS TO THIS FORM SHALL BE ALLOWED, EXCEPT WITH PERMISSION OF THE CITY OF ONTARIO.

The Contract is changed as follows:

COR No. 01 – Construct 8-Inch Diameter CML/CMC WSP (t=3/16") Water Main Bid Item Increase

- An additional two thousand eight hundred seventy-nine (2879) linear feet of 8-inch diameter CML/CMC WSP (t=3/16") is required to construct H Street water main.
- Total Cost……..…….…….$ 857,942.00
- Request Additional Calendar Days……34

COR No. 02 - Construct 6-Inch Fire Hydrant Assembly Bid Item Increase

- An additional quantity of eight (8) 6-Inch fire hydrant assemblies is required to construct the H Street water main.
- Total Cost ……..……..…….…….$ 168,000.00
- Request Additional Calendar Days……...……27

COR No. 3 - Furnish and Install 1-Inch Copper Water Service, Meter Box, And Appurtenances Bid Item Increase

- An additional quantity of eighty-seven (87) 1-inch copper water service, meter box, and appurtenances is required to construct the H Street water main.
- Total Cost ……..……..…….…….$ 522,000.00
- Request Additional Calendar Days……15

COR No. 04 - Remove And Legally Dispose of Interfering Portions of Abandoned Utility Bid Item Increase

- An additional quantity of two thousand three hundred (2300) linear feet of removing and legally disposing of interfering portions of abandoned utility is required to construct the H Street water main.
- Total Cost ……..……..……..…….$ 500
- Request Additional Calendar Days……8

COR No. 05 - Construct 4 Connections at the intersection of H Street and Euclid Avenue

- Four (4) additional connections are required to be constructed at the intersection of H Street and Euclid Avenue to construct the water main on H Street.
- Total Cost ……..…….…….…….$ 48,000.00
- Request Additional Calendar Days……..…9

COR No. 06 – Construct Asphalt Concrete Base Pavement (6-Inch AC Over 8-Inch CAB) (Main Line) Bid Item Increase

- An additional quantity of eleven thousand five hundred sixteen (11,516) square feet of constructing asphalt concrete base pavement (6-inch AC over 8-inch CAB) is required to construct the H Street water main
- Total Cost ……..……..….$ 299,416.00
- Request Additional Calendar Days……..……7

COR No. 07 – Remove Asphalt Concrete By Cold Plane Bid Item Increase

- An additional quantity of one hundred six thousand one hundred thirty-five (106,135) Square Feet of removal of asphalt concrete by cold plane is required to construct the H Street water main.
- Total Cost ……..…….…….$ 58,374.25
- Request Additional Calendar Days……..……2

COR No. 08 – Construct 2-Inch Thick ARHM Overlay Bid Item Increase

- An additional quantity of one hundred six thousand one hundred thirty-five (106,135) square feet of constructing 2-inch thick ARHM overlay is required to construct the H Street water main.
- Total Cost ……..……..……$ 187,858.95
- Request Additional Calendar Days…….……2

Contractor and City's Agreement to Extend the Contract Duration

- The Contractor and City agree to extend the contract duration to the finalized project completion date of 12/31/2026. Notice to Proceed was submitted on 3/19/2026. The total project duration shall be adjusted to 288 calendar days. There will be no additional cost from either party for this contract extension.
- Total Cost..……..…….…….$ 0.00
- The City and the Contractor agreed on one hundred five (104) calendar day extension.

Contractor agrees to furnish all labor, materials, equipment and services to perform the Work, modified as described herein, in accordance with the Contract Documents as revised by this Change Order.

NOT VALID UNTIL SIGNED BY OWNER

In consideration of the change(s) described above, the Contract Price is adjusted as follows:

The original Contract Price was	$ 7,734,413.00
Net change by previously authorized Change Orders	$ 0
The Contract Price prior to this Change Order was	$ 7,734,413.00
The Contract Price will be changed by this Change Order in the amount of	$ 2,142,091.20
The new Contract Price including this Change Order will be	$ 9,876,504.20

In consideration of the change(s) describe above, the Contract Time is adjusted as follows:

The Contract Time will be: increased ☒ decreased ☐ unchanged ☐ by	104 Days
The Contract Time prior to this Change Order was	183 Days
The new Contract Time including this Change Order will be	287 Days

Attachments: COR 1

Contractor accepts the terms and conditions stated herein as full and final settlement of any and all claims arising from this Change Order. The adjustments to the Contract Price and Contract Time in this Change Order constitutes the entire compensation and/or adjustment thereto due to Contractor, including direct, indirect, consequential, and overhead (field and home office) costs, due to Contractor arising out of or related to the change in the Work covered by this Change Order. By signing this Change Order, Contractor agrees to accept the amount of the adjustment to the Contract Price, and the adjustment of the Contract Time, as payment in full for all costs, including direct, indirect, consequential, and overhead (field and home office) costs, related to the change in the Work covered by this Change Order.

Accepted:

(Signature) Gary Plummer, President _____ Date

Approved:

(Signature) Scott Burton, Utilities General Manager _____ Date

Approved:

(Signature) Scott Ochoa, City Manager _____ Date

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CITY MANAGER

AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ONTARIO AND ARDURRA GROUP, INC.

1. Parties and Date.

This Amendment No. 1 to the Agreement (as defined herein) is made and entered as of _____, by and between the City of Ontario ("City") and **Ardurra Group, Inc**, a California Corporation, **"Consultant"**. City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties."

2. Recitals.

2.1 Agreement. The City and **Consultant** have entered into an agreement entitled "Professional Services Agreement for the OMUC Contract No. UT1066 Downtown Water Main Improvements" dated **August 19, 2025** ("Agreement").

2.2 Amendment Purpose. The City and Consultant desire to amend the Agreement to increase the compensation by **Fifty-Five Thousand Four Hundred Forty-Two Dollars ($55,442)** for a new total revised not-to-exceed amount of **Two Hundred Thirty-Four Thousand Nine Hundred Twenty-One Dollars ($234,921)** and include additional project specific proposal to the Exhibit A through Exhibit C. This increase in compensation is for the additional scope of work listed in the attached Consultants' Proposal titled "**Proposal For Constructability Review Services – H Street**" and dated **July 8, 2026**.

2.3 Amendment Authority. This Amendment No. 1 is authorized pursuant to Section **3.2.1 "Compensation"**, **3.2.4 "Extra Work",** and **3.3.2 "Schedule of Services"** of the Agreement.

3. Terms.

3.1 Amendment. **Section 3.2.1, 3.2.4 and 3.3.2** Exhibit A through Exhibit C of the Agreement is hereby amended in its entirety to read as follows:

3.2.1 Compensation. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in

Exhibit "A", **Exhibit "B", and Exhibit "C"** attached hereto and incorporated herein by reference. The total compensation shall not exceed **Two Hundred Thirty-Four Thousand Nine Hundred Twenty-One Dollars ($234,921)** without written approval of the City Council or City Manager, as applicable. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement.

Exhibit "A" - SCOPE OF SERVICES is hereby amended to add Attachment A which is hereto and incorporated herein by reference. All other previously added or deleted scope of services are retained in their entirety.

Exhibit "B" – SCHEDULE OF SERVICES is hereby deleted in its entirety and replaced with Attachment B attached hereto and incorporated herein by reference.

Exhibit "C" - COMPENSATION is hereby amended to add Attachment C which is hereto and incorporated herein by reference. All other previously added or deleted scope of services are retained in their entirety.

3.2 Continuing Effect of Agreement. Except as amended by this Amendment No. 1, all other provisions of the Agreement remain in full force and effect and shall govern the actions of the parties under this Amendment No. 1. From and after the date of this Amendment No. 1, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. 1.

3.3 Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment No. 1.

3.4 Severability. If any portion of this Amendment No. 1 is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5 Integration. This Amendment represents the entirety of the Parties' understanding relating to the subject of this Amendment, including written or verbal communications between the Parties, which shall have no relevance unless expressly incorporated herein. This is an integrated amendment.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ONTARIO AND ARDURRA GROUP, INC.

IN WITNESS WHEREOF, the Parties have entered into this Amendment No. 1 as of the day and year first above written.

CITY OF ONTARIO

Approved By:

_____
Scott Ochoa
City Manager

Approved as to Form:

_____
Best Best & Krieger LLP
City Attorney

Attested By:

_____
City Clerk

ARDURRA GROUP, INC.

By:_____

Its:_____

Printed Name:_____

By:_____

Its:_____

Printed Name:_____

[If Corporation, TWO SIGNATURES, President OR Vice President AND Secretary OR Treasurer REQUIRED]

Attachment A

Exhibit “A” - SCOPE OF SERVICES –

July 8, 2026

Jonathan Yang
Associate Engineer
City of Ontario
1425 S. Bon View Avenue
Ontario, CA 91761

REFERENCE: PROPOSAL FOR CONSTRUCTABILITY REVIEW SERVICES – H STREET

Dear Mr. Yang,

In accordance with your request, Ardurra Group, Inc. (Ardurra) is pleased to provide this proposal for Constructability Review Services and Engineering Services During Construction (ESDC) on the subject project. Based on a preliminary search using the USA DigAlert design look up tool, there may be existing communications and electric utilities along H Street, from Euclid Ave to Campus Ave, which are not shown on the plans. The plans are dated February 2016 and were designed by Albert A. Webb Associates, the engineer of record. The plans only show existing Sewer, Water and Gas facilities along H Street, and field conditions may have changed in the 10 years since the project was designed. Our assumptions and knowledge of the current design are limited to what is shown on the plans, the information obtained from USA DigAlert and our experience designing similar projects in the City of Ontario. Our proposed scope of work will include the following:

SCOPE OF SERVICES

Constructability Review Services

Ardurra will provide constructability review services. Services anticipated to be provided include:

- *Project Plan Review: Perform* a review of the proposed project plans. Identify areas that the Ardurra team feels are missing information, may be misinterpreted, or are contradictory and may result in a potential claim to the project. Ardurra will also evaluate the proposed improvements in regard to standard construction practices and possible conflicts and comment on constructability of the project.

- *Project Site Review:* Perform a review of the proposed project site. Ardurra's Construction Management personnel will visit the project in order to compare existing conditions to those shown on the project plans. Areas of concern will be noted on the project plans with suggested and solutions.

Deliverables:

Ardurra will provide a redlined set of drawings as well as a Summary Table of all comments for tracking purposes.

Limitations:
Ardurra's review will be of a constructability nature, based on our experience and "lessons learned" gained through our Construction Management role on previous similar projects. Our review is in no way to be interpreted as a technical review of the engineering aspects of the plans and specifications.

Responsibility for the engineering adequacy and accuracy of the plans and specifications remains with the Engineer of Record.

Engineering Services During Construction

- **Project management:** Provide project management, administration, invoicing, billing, and monthly progress reports. This task also includes communication, coordination and cooperation with the City's staff and the City's Construction Manager.

- **Site Visits:** Attend periodic site visits to monitor the progress, performance and asses any conflicts which may arise during the course of construction and will coordinate these visits with the City's construction Management team.

- **Construction Progress meetings:** Attend construction progress meetings.

- **Requests for Information (RFI)** : Review and Respond to Contractor's Request for Information (RFIs) the duration of the project (Assumed 3 total). Responses will be provided within (5) working days and in accordance with the Contract Documents.

- **Submittal Reviews:** Review and respond to contractor's submittals for the duration of the project (assumed 10 total). Assuming that the submittals approved for the UT1066 can be applied since the materials of construction are the same.

- **Design Revisions:** Prepare construction field order changes and design changes, as required during construction. Ten (10) design revisions are assumed.

- **As-built Record Drawings:** Prepare record drawings per City's standard process. Final drawings provided via PDF. It is Ardurra's assumption that the City will provide CAD drawings for the as-built record drawings. If CAD drawings are not available, Ardurra will redline the plans provided by the City.

EXCLUSIONS:

The following items are not included in this scope of work but can be added upon request.

1. Divisions of Drinking Water (DDW) waiver forms or exhibits
2. Permitting and/or 3rd party agency coordination

FEE

Ardurra has developed this estimate based on our experience providing similar services. We propose to complete the work on a total, Not to Exceed budget of $55, 442. Our services will be billed on a Time and Material basis. A breakdown of anticipated costs is attached.

We sincerely appreciate the opportunity to provide this proposal and assist the City with this project. Please contact me at (858) 243-4977 should you have any questions or need further information.

Sincerely,

Scott Adamson, PE, QSD/P
Senior Construction Manager

Dolores Salgado, PE
Practice Director
(661) 748-3893

Attachment B

Exhibit "B" – Schedule of Services

The services shall be completed within the durations specified below, which beginning **ten (10)** calendar days after Notice to Proceed is issued:

Amendment Number	Project Title	Not to Exceed Fee
0.0	Construction Engineering Services for UT1066 Downtown Water Main Improvements	$179,479
1.0	Construction Engineering Services for UT1066 Downtown Water Main Improvements (Change Order)	$55,442
Grand Total		$234,921

Attachment C

Exhibit "C" – Compensation

EXHBIT "B" FEE SCHEDULE
Ontario Municipal Utilities Company (OMUC)
H Street

	Task Item	Labor Hours						Direct Costs	TOTAL
		Project Director	Project Engineer	Design Engineer III	Sr. Construction Manager	Construction Manager	Document Control		
	2026 Rates	$ 350	$ 216	$ 191	$ 276	$ 244	$ 142		
TASK 1 -	Constructability Review Services								
	Project Plan Review	1	4		2	8			$ 3,718
	Project Site Review	1	4		2	8			$ 3,718
								Constructability Review Services	$ 7,436
TASK 2 -	Construction Engineering Services								
	Project Management	4	6						$ 2,696
	Site Visits			16		16		$ 500	$ 7,460
	Construction Progress Meetings (5 total)	5	5			2		$ 500	$ 3,818
	Requests for Information (3 total)	2	6	6		2	3		$ 4,056
	Submittal Reviews (10)		10	20		2	25		$ 10,018
	Design Revisions (10 total)		20	40		4	5		$ 13,646
	As-built Record Drawings		8	24					$ 6,312
								Construction Engineering Services	$ 48,006
	Total Hours:	13	63	106	4	42	33		
	Total Project Cost:	$ 4,550	$ 13,608	$ 20,246	$ 1,104	$ 10,248	$ 4,686	$ 1,000	$ 55,442
								TOTAL CONTRACT AMOUNT, T&M NTE	$ 55,442

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SCOTT OCHOA
CITY MANAGER

AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ONTARIO AND NINYO & MOORE, INC.

1. Parties and Date.

This Amendment No. 3 to the Agreement (as defined herein) is made and entered as of _____, by and between the City of Ontario ("City") and **Ninyo & Moore, Inc.**, a California Corporation, **"Consultant"**. City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties."

2. Recitals.

2.1 Agreement. The City and **Consultant** have entered into an agreement entitled "**On-Call Material Testing and Geotechnical Engineering Services**" dated **May 2, 2023** ("Agreement").

2.2 Amendment Purpose. The City and Consultant desire to amend the Agreement to increase the compensation by **Sixty-Two Thousand Five Hundred Sixty Dollars ($62,560)** for a revised new total not-to-exceed amount of **Five Hundred Three Thousand Six Hundred Ninety-Six Dollars ($503,696)** and include additional project specific proposal to the Exhibit B. This increase in compensation is for the additional scope of work listed in the attached Consultants' Proposal titled "**Geotechnical and Materials Testing Services UT1066 Downtown Water Main Improvements**" and dated **June 17, 2026**. The Parties have heretofore entered into that Amendment No. 1 dated August 19, 2025 and Amendment No. 2 dated March 3, 2026.

2.3 Amendment Authority. This Amendment No. 3 is authorized pursuant to Section 3.2.4 of the Agreement.

3. Terms.

3.1 Amendment. Section 3.2.1, Exhibit B of the Agreement is hereby amended in its entirety to read as follows:

3.2.1 Compensation. Consultant shall receive compensation, including authorized

reimbursements, for all Services rendered under this Agreement at the rates set forth in **Exhibit "B"** attached hereto and incorporated herein by reference. The total compensation shall not exceed **Five Hundred Three Thousand Six Hundred Ninety-Six Dollars ($503,696)** without written approval of the City Council or City Manager, as applicable. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement.

Exhibit "B" – SCHEDULE OF SERVICES is hereby amended to add Attachment A which is hereto and incorporated herein by reference. All other previously added or deleted scope of services are retained in their entirety.

3.2 Continuing Effect of Agreement. Except as amended by this Amendment No. 3, all other provisions of the Agreement remain in full force and effect and shall govern the actions of the parties under this Amendment No. 3. From and after the date of this Amendment No. 3, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. 3.

3.3 Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment No. 3.

3.4 Severability. If any portion of this Amendment No. 3 is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5 Integration. This Amendment represents the entirety of the Parties' understanding relating to the subject of this Amendment, including written or verbal communications between the Parties, which shall have no relevance unless expressly incorporated herein. This is an integrated amendment.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ONTARIO AND NINYO & MOORE, INC.

IN WITNESS WHEREOF, the Parties have entered into this Amendment No. 3 as of the day and year first above written.

CITY OF ONTARIO

Approved By:

_____
Scott Ochoa
City Manager

Approved as to Form:

_____
Best Best & Krieger LLP
City Attorney

Attested By:

_____
City Clerk

NINYO & MOORE, INC.

By:_____

Its:_____

Printed Name:_____

By:_____

Its:_____

Printed Name:_____

[If Corporation, TWO SIGNATURES, President OR Vice President AND Secretary OR Treasurer REQUIRED]

Attachment A

Exhibit “B” - SCHEDULE OF SERVICES –

June 17, 2026
Project No. 212840012

Mr. Jonathan Yang
Associate Engineer
City of Ontario
1425 S. Bon View Avenue
Ontario, California 91761

Subject: Proposal for Geotechnical and Material Testing Services
Downtown Water Main Improvements – H Street Project
Ontario, California 91762
OMUC Project No. UT1066

Dear Mr. Yang:

Ninyo & Moore is pleased to submit this proposal to provide geotechnical and materials testing services for the Downtown Water Main Improvements – H Street Project in the City of Ontario. Our proposal is based on our review of the project plans and specifications. We understand the project consists of the installation of approximately 2,900 linear feet of new 8-inch water main along H Street between Euclid Avenue and Campus Avenue, including connections to the existing water system, valves, fittings, service laterals and associated street restoration improvements. Construction activities are anticipated to include trench excavation, trench bottom preparation, pipe bedding, utility installation, trench backfill, aggregate base placement, and asphalt pavement restoration. Our services will be provided on an as-needed basis during construction and are anticipated to include observation of trench bottom conditions, compaction testing of trench backfill, aggregate base and asphalt paving observation and compaction testing, and laboratory testing. Our services will be performed to verify that construction complies with the project plans, specifications, and applicable standards.

SCOPE OF SERVICES

Based on our understanding of the proposed construction and our experience with similar projects, we propose to provide the following scope of services:

- Project coordination, management, and technical support including review of the project background documents, work scheduling, and distribution of test data.
- Field Technician services for observation and documentation during excavation, trench backfill, subgrade preparation, aggregate base placement and asphalt concrete (AC)

operations. Our field technician will perform field density tests to evaluate the contractor's compaction efforts.

- Pick-up and transportation of material samples for testing in our laboratory.
- Laboratory testing services including proctor density, Hveem unit weight and stability, and extraction with gradation testing.
- Preparation of daily field reports and test data documentation to record observations, test results, and compliance with the project requirements.

ASSUMPTIONS

Based on our experience with similar projects, the following assumptions have been made in the preparation of our scope of services:

- Our services will be coordinated and scheduled on an as-needed basis, as requested by our client or client's authorized representative.
- Our services are subject to State of California prevailing wage requirements.
- Preparation of a final geotechnical or compaction report summarizing test results and observations will not be required.

ESTIMATED FEE

We propose to provide our services on a time-and-materials basis in accordance with the attached Schedule of Fees. Our estimated fee for the scope of services described herein is presented in the attached Table 1.

Ninyo & Moore appreciates the opportunity to provide services on this project and we look forward to working with you.

Respectfully submitted,
Ninyo & Moore, A SOCOTEC Company

Enrique Romero
Project Manager

Garreth M. Saiki, PE, GE
Principal Engineer

EHR/GMS/co

Attachments: Table 1 – Breakdown of Estimated Fee
Schedule of Fees

Table 1 - Breakdown of Estimated Fee							
Field Services							
Utility Trench Backfill - Observation & Compaction Testing	360	hours	@	$ 110.00	/hour	$	39,600.00
Asphalt Concrete - Observation & Compaction Testing	40	hours	@	$ 110.00	/hour	$	4,400.00
Field Vehicle Usage Fee	400	hours	@	$ 15.00	/hour	$	6,000.00
Equipment Usage Fee	400	hours	@	$ 12.00	/hour	$	4,800.00
				Subtotal		**$**	**54,800.00**
Laboratory Testing							
Proctor Density, ASTM D1557, ASTM D698	2	tests	@	$220.00	/test	$	440.00
Hveem Stability and Unit Weight, ASTM D1560, CT 366	2	tests	@	$225.00	/test	$	450.00
Extraction, % Asphalt w/ Gradation, ASTM D2172, CT 382	2	tests	@	$250.00	/test	$	500.00
				Subtotal		**$**	**1,390.00**
Project Coordination, Technical Support and Management							
Principal Engineer/Geologist/Environmental Scientist	2	hours	@	$ 210.00	/hour	$	420.00
Project Engineer/Geologist/Environmental Scientist	26	hours	@	$ 185.00	/hour	$	4,810.00
Geotechnical Assistant - Dispatcher	12	hours	@	$ 95.00	/hour	$	1,140.00
				Subtotal		**$**	**6,370.00**
TOTAL ESTIMATED FEE						**$**	**62,560.00**

Schedule of Fees

Hourly Charges for Personnel

Professional Staff

Principal Engineer/Geologist/Environmental Scientist/Certified Industrial Hygienist	$ 210
Senior Engineer/Geologist/Environmental Scientist	$ 200
Senior Project Engineer/Geologist/Environmental Scientist	$ 195
Project Engineer/Geologist/Environmental Scientist	$ 185
Senior Staff Engineer/Geologist/Environmental Scientist	$ 170
Staff Engineer/Geologist/Environmental Scientist	$ 155
GIS Analyst	$ 130
Technical Illustrator/CAD Operator	$ 110

Field Staff

Certified Asbestos/Lead Technician	$ 195
Field Operations Manager	$ 130
Nondestructive Examination Technician (UT, MT, LP)	$ 125
Supervisory Technician	$ 120
Special Inspector (Concrete, Masonry, Structural Steel, Welding, and Fireproofing)	$ 115
Senior Technician	$ 110
Technician	$ 110

Administrative Staff

Information Specialist	$ 90
Geotechnical/Environmental/Laboratory Assistant	$ 95
Data Processor	$ 75

Other Charges

Concrete Coring Equipment (includes technician)	$ 190/hr
Anchor Load Test Equipment (includes technician)	$ 190/hr
GPR Equipment	$ 180/hr
Inclinometer	$ 100/hr
Hand Auger Equipment	$ 80/hr
Rebar Locator (Pachometer)	$ 25/hr
Vapor Emission Kit	$ 65/kit
Nuclear Density Gauge	$ 12/hr
X-Ray Fluorescence	$ 70/hr
PID/FID	$ 25/hr
Air Sampling Pump	$ 10/hr
Field Vehicle	$ 15/hr
Expert Witness Testimony	$ 450/hr
Direct Expenses	Cost plus 15 %

Special equipment charges will be provided upon request.

Notes

Technicians and special inspectors, are charged at a 4-hour minimum, and 8-hour minimum for hours exceeding 4 hours. Overtime rates at 1.5 times the regular rates will be charged for work performed in excess of 8 hours in one day Monday through Friday and all day on Saturday. Rates at twice the regular rates will be charged for all work in excess of 12 hours in one day, all day Sunday and on holidays.

Our rates will be adjusted in conjunction with the increase in the Prevailing Wage Determination during the life of the project, as applicable.

The terms and conditions are included in Ninyo & Moore's Work Authorization and Agreement form.

Schedule of Fees for Laboratory Testing

SOILS

Atterberg Limits, D 4318, CT 204	$ 170
California Bearing Ratio (CBR), D 1883	$ 550
Chloride and Sulfate Content, CT 417 & CT 422	$ 175
Consolidation, D 2435, CT 219	$ 300
Consolidation, Hydro-Collapse only, D 2435	$ 150
Consolidation – Time Rate, D 2435, CT 219	$ 200
Direct Shear – Remolded, D 3080	$ 350
Direct Shear – Undisturbed, D 3080	$ 300
Durability Index, CT 229	$ 175
Expansion Index, D 4829, IBC 18-3	$ 190
Expansion Potential (Method A), D 4546	$ 170
Geofabric Tensile and Elongation Test, D 4632	$ 200
Hydraulic Conductivity, D 5084	$ 350
Hydrometer Analysis, D 6913, CT 203	$ 220
Moisture, Ash, & Organic Matter of Peat/Organic Soils	$ 120
Moisture Only, D 2216, CT 226	$ 35
Moisture and Density, D 2937	$ 45
Permeability, CH, D 2434, CT 220	$ 300
pH and Resistivity, CT 643	$ 175
Proctor Density D1557, D 698, CT 216, AASHTO T-180	$ 220
Proctor Density with Rock Correction D 1557	$ 340
R-value, D 2844, CT 301	$ 375
Sand Equivalent, D 2419, CT 217	$ 125
Sieve Analysis, D 6913, CT 202	$ 145
Sieve Analysis, 200 Wash, D 1140, CT 202	$ 100
Specific Gravity, D 854	$ 125
Thermal Resistivity (ASTM 5334, IEEE 442)	$ 925
Triaxial Shear, C.D, D 4767, T 297	$ 550
Triaxial Shear, C.U., w/pore pressure, D 4767, T 2297 per pt	$ 450
Triaxial Shear, C.U., w/o pore pressure, D 4767, T 2297 per pt	$ 350
Triaxial Shear, U.U., D 2850	$ 250
Unconfined Compression, D 2166, T 208	$ 180

MASONRY

Brick Absorption, 24-hour submersion, 5-hr boiling, 7-day, C 67	$ 70
Brick Compression Test, C 67	$ 55
Brick Efflorescence, C 67	$ 55
Brick Modulus of Rupture, C 67	$ 50
Brick Moisture as received, C 67	$ 45
Brick Saturation Coefficient, C 67	$ 60
Concrete Block Compression Test, 8x8x16, C 140	$ 70
Concrete Block Conformance Package, C 90	$ 500
Concrete Block Linear Shrinkage, C 426	$ 200
Concrete Block Unit Weight and Absorption, C 140	$ 70
Cores, Compression or Shear Bond, CA Code	$ 70
Masonry Grout, 3x3x6 prism compression, C 39	$ 45
Masonry Mortar, 2x4 cylinder compression, C 109	$ 35
Masonry Prism, half size, compression, C 1019	$ 120
Masonry Prism, Full size, compression, C 1019	$ 200

REINFORCING AND STRUCTURAL STEEL

Chemical Analysis, A 36, A 615	$ 135
Fireproofing Density Test, UBC 7-6	$ 90
Hardness Test, Rockwell, A 370	$ 80
High Strength Bolt, Nut & Washer Conformance, per assembly, A 325	$ 150
Mechanically Spliced Reinforcing Tensile Test, ACI	$ 175
Pre-Stress Strand (7 wire), A 416	$ 170
Reinforcing Tensile or Bend up to No. 11, A 615 & A 706	$ 75
Structural Steel Tensile Test: Up to 200,000 lbs., A 370	$ 90
Welded Reinforcing Tensile Test: Up to No. 11 bars, ACI	$ 80

CONCRETE

Compression Tests, 6x12 Cylinder, C 39	$ 35
Concrete Mix Design Review, Job Spec	$ 300
Concrete Mix Design, per Trial Batch, 6 cylinder, ACI	$ 850
Concrete Cores, Compression (excludes sampling), C 42	$ 120
Drying Shrinkage, C 157	$ 400
Flexural Test, C 78	$ 85
Flexural Test, C 293	$ 85
Flexural Test, CT 523	$ 95
Gunite/Shotcrete, Panels, 3 cut cores per panel and test, ACI	$ 275
Lightweight Concrete Fill, Compression, C 495	$ 80
Petrographic Analysis, C 856	$ 2,000
Restrained Expansion of Shrinkage Compensation	$ 450
Splitting Tensile Strength, C 496	$ 100
3x6 Grout, (CLSM), C 39	$ 55
2x2x2 Non-Shrink Grout, C 109	$ 55

ASPHALT

Air Voids, T 269	$ 85
Asphalt Mix Design, Caltrans (incl. Aggregate Quality)	$ 4,500
Asphalt Mix Design Review, Job Spec	$ 180
Dust Proportioning, CT LP-4	$ 85
Extraction, % Asphalt, including Gradation, D 2172, CT 382	$ 250
Extraction, % Asphalt without Gradation, D 2172, CT 382	$ 150
Film Stripping, CT 302	$ 120
Hveem Stability and Unit Weight D 1560, T 246, CT 366	$ 225
Marshall Stability, Flow and Unit Weight, T 245	$ 240
Maximum Theoretical Unit Weight, D 2041, CT 309	$ 150
Moisture Content, CT 370	$ 95
Moisture Susceptibility and Tensile Stress Ratio, T 238, CT 371	$ 1,000
Slurry Wet Track Abrasion, D 3910	$ 150
Superpave, Asphalt Mix Verification (incl. Aggregate Quality)	$ 4,900
Superpave, Gyratory Unit Wt., T 312	$ 100
Superpave, Hamburg Wheel, 20,000 passes, T 324	$ 1,000
Unit Weight sample or core, D 2726, CT 308	$ 100
Voids in Mineral Aggregate, (VMA) CT LP-2	$ 90
Voids filled with Asphalt, (VFA) CT LP-3	$ 90
Wax Density, D 1188	$ 140

AGGREGATES

Clay Lumps and Friable Particles, C 142	$ 180
Cleanness Value, CT 227	$ 180
Crushed Particles, CT 205	$ 175
Durability, Coarse or Fine, CT 229	$ 205
Fine Aggregate Angularity, ASTM C 1252, T 304, CT 234	$ 180
Flat and Elongated Particle, D 4791	$ 220
Lightweight Particles, C 123	$ 180
Los Angeles Abrasion, C 131 or C 535	$ 200
Material Finer than No. 200 Sieve by Washing, C 117	$ 90
Organic Impurities, C 40	$ 90
Potential Alkali Reactivity, Mortar Bar Method, Coarse, C 1260	$ 1,250
Potential Alkali Reactivity, Mortar Bar Method, Fine, C 1260	$ 950
Potential Reactivity of Aggregate (Chemical Method), C 289	$ 475
Sand Equivalent, T 176, CT 217	$ 125
Sieve Analysis, Coarse Aggregate, T 27, C 136	$ 120
Sieve Analysis, Fine Aggregate (including wash), T 27, C 136	$ 145
Sodium Sulfate Soundness, C 88	$ 450
Specific Gravity and Absorption, Coarse, C 127, CT 206	$ 115
Specific Gravity and Absorption, Fine, C 128, CT 207	$ 175

ROOFING

Roofing Tile Absorption, (set of 5), C 67	$ 250
Roofing Tile Strength Test, (set of 5), C 67	$ 250

Special preparation of standard test specimens will be charged at the technician's hourly rate.
Ninyo & Moore is accredited to perform the AASHTO equivalent of many ASTM test procedures.

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN D. WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS
COUNCIL MEMBERS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ONTARIO AND Z&K CONSULTANTS, INC.

1. Parties and Date.

This Amendment No. 3 to the Agreement (as defined herein) is made and entered as of _____, by and between the City of Ontario ("City") and **Z&K Consultants, Inc.**, a California Corporation, **"Consultant"**. City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties."

2. Recitals.

2.1 Agreement. The City and **Consultant** have entered into an agreement entitled "**On-Call Project Management Services**" dated **June 4, 2024** ("Agreement").

2.2 Amendment Purpose. The City and Consultant desire to amend the Agreement to increase the compensation by **One Hundred Sixty-Nine Thousand Six Hundred Fifty Dollars ($169,650)** for a revised new total not-to-exceed amount of **One Million One Hundred Ninety-Eight Thousand Two Hundred Ninety-Two Dollars ($1,198,292)** and include additional project specific proposal to the Exhibit A through Exhibit B. This increase in compensation is for the additional scope of work listed in the attached Consultants' Proposal titled "**Budget Amendment No. 1 Request**" and dated **July 10, 2026**. The Parties have heretofore entered into that Amendment No. 1 dated April 21, 2026 and Amendment No. 2 dated July 21, 2026.

2.3 Amendment Authority. This Amendment No. 3 is authorized pursuant to Section **3.2.1** of the Agreement.

3. Terms.

3.1 Amendment. Section **3.2.1 Exhibit A through Exhibit B** of the Agreement is hereby amended in its entirety to read as follows:

3.2.1 Compensation. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in

Exhibit "A" and **Exhibit "B"** attached hereto and incorporated herein by reference. The total compensation shall not exceed **One Million One Hundred Ninety-Eight Thousand Two Hundred Ninety-Two Dollars ($1,198,292)** without written approval of the City Council or City Manager, as applicable. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement.

Exhibit "A" - SCOPE OF SERVICES is hereby amended to add Attachment A which is hereto and incorporated herein by reference. All other previously added or deleted scope of services are retained in their entirety.

Exhibit "B" – SCHEDULE OF SERVICES is hereby deleted in its entirety and replaced with Attachment B attached hereto and incorporated herein by reference.

3.2 Continuing Effect of Agreement. Except as amended by this Amendment No. 3, all other provisions of the Agreement remain in full force and effect and shall govern the actions of the parties under this Amendment No. 3. From and after the date of this Amendment No. 3, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. 3.

3.3 Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment No. 3.

3.4 Severability. If any portion of this Amendment No. 3 is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5 Integration. This Amendment represents the entirety of the Parties' understanding relating to the subject of this Amendment, including written or verbal communications between the Parties, which shall have no relevance unless expressly incorporated herein. This is an integrated amendment.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ONTARIO AND Z&K CONSULTANTS, INC.

IN WITNESS WHEREOF, the Parties have entered into this Amendment No. 3 as of the day and year first above written.

CITY OF ONTARIO

Approved By:

_____
Scott Ochoa
City Manager

Approved as to Form:

_____
Best Best & Krieger LLP
City Attorney

Attested By:

_____
City Clerk

Z&K CONSULTANTS, INC.

By:_____

Its:_____

Printed Name:_____

By:_____

Its:_____

Printed Name:_____

[If Corporation, TWO SIGNATURES, President OR Vice President AND Secretary OR Treasurer REQUIRED]

Attachment A

Exhibit “A” - SCOPE OF SERVICES –

Budget Amendment No. 1R1 Request

July 10, 2026

Jonathan Yang, Associate Engineer
Ontario Municipal Utilities Company
1425 S. Bon View Avenue, Ontario, CA 91761

Subject: Budget Amendment No. 1R1 – Ontario Municipal Utilities Company, Project No. UT 1066 Downtown Water Main Improvements Project

Dear Mr. Yang,

Z&K Consultants, Inc. respectfully submits this Budget Amendment No. 1R1 to provide continued Construction Management and Inspection Services associated with the additional scope of work included in RFCO No. 2 R1 for H Street Improvements from Euclid Avenue to Campus Avenue.

The additional work includes installation of approximately 2,879 linear feet of 8-inch water main, new water services, fire hydrants, system connections, pavement restoration, and associated improvements. Under the original contract, the project was scheduled for completion on September 18, 2026, based on a Notice to Proceed date of March 19, 2026, and a construction duration of 183 calendar days. Due to the additional scope of work, the Contractor has requested a 104-calendar-day time extension, resulting in a revised project completion date of December 31, 2026.

To support the additional construction duration and expanded project scope, Z&K Consultants will continue providing construction management, construction inspection, document control, coordination with City staff and utility agencies, contractor correspondence, review of submittals and requests for information, progress meeting attendance, pay application review, project documentation, and project closeout services.

This budget amendment is based upon the same staffing assumptions, classifications, and billing rates included in our original fee proposal dated May 14, 2025. The budget has been developed by extending the original level of effort proportionally to accommodate the additional 104 calendar days associated with the added scope of work.

Construction Management Services for OMUC Project No. UT 1066 Downtown Water Main Improvements Project				
Task/ Classification	**Senior Construction Manager**	**Senior Construction Inspector**	**Office Engineer / Document Control**	**Total Cost**
Hourly Rate	$166.00	$148.00	$138.00	
Additional Scope of Work (104 CD)	300	600	225	$169,650.00
Total Amendment No. 1 Amount	**$49,800.00**	**$88,800.00**	**$31,050.00**	**$169,650.00**
			Original Contract Amount	**$308,524.00**
			Revised Contract Amount	**$478,174.00**

The budget may be reallocated between classifications as necessary to ensure successful completion of the project. Overtime rates, if authorized by the City, shall be billed in accordance with the original agreement.

Z&K Consultants appreciates the opportunity to continue supporting the Ontario Municipal Utilities Company on this important infrastructure improvement project. We remain committed to delivering responsive construction management services and ensuring the successful completion of the Downtown Water Main Improvements Project.

Should you have any questions regarding this amendment, please do not hesitate to contact us.

Sincerely,

Crystal Fraire

Crystal Fraire, PE, *President*
Z&K Consultants, Inc.
(951) 310-7470 | cfraire@zandkconsultants.com

Attachment B

Exhibit "B" – Schedule of Services

The services shall be completed within the durations specified below, which beginning **ten (10)** calendar days after Notice to Proceed is issued:

Amendment Number	Project Title	Not to Exceed Fee
0.0	On-Call Construction Management and Inspection Services	$600,000
0.1	UT1066 Downtown Water Main Improvements	
1.0	SM2301 Fourth Street Storm Drain, Water and Street Improvements Project	$158,126
2.0	UT1097 Western Trunk Sewer Interim Diversion Project	$270,516
3.0	UT1066 Downtown Water Main Improvements (Change Order)	$169,650
Grand Total		$1,198,292

CITY OF ONTARIO *Agenda Report* **August 18, 2026**	**SECTION:** **CONSENT CALENDAR**
Department: Housing Prepared By: Albert Ramirez Department: Prepared By: Albert Ramirez Staff Member Presenting: Helen McAlary, Executive Director Community Life and Culture Reviewed By: Lacey A Rightmer, Kelly Zackmann Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 13

SUBJECT: **AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH AVANT GARDE, INC. FOR CONSULTING AND PROJECT MANAGEMENT SERVICES**

RECOMMENDATION: That the City Council authorize the City Manager, or his designee, to execute Amendment No. 1 to the Professional Services Agreement with Avant Garde, Inc., for consulting and project management services, increasing the contract amount by $460,000, for a revised total not-to-exceed amount of $560,000.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner

FISCAL IMPACT: Amendment No. 1 will increase the Professional Services Agreement by $460,000, for a revised total not-to-exceed amount of $560,000 over the three-year term. The annual costs are $230,000 for Fiscal Year 2026-27 and $230,000 for Fiscal Year 2027-28. The Fiscal Year 2026–27 Adopted Budget includes appropriations in the General Fund and Community Development Block Grant Fund for these consulting and project management services. Funding for the additional $230,000 for Fiscal Year 2027-28 will be requested through the annual budget process and is subject to City Council approval.

BACKGROUND & ANALYSIS: The Housing Services Department administers a variety of federal, state, and local funding sources that support housing and community development programs benefiting Ontario residents. These funding sources include, but are not limited to, the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), HOME Investment Partnerships Program (HOME), the State Permanent Local Housing Allocation (PLHA), and local General Fund resources dedicated to affordable housing initiatives.

Managing these programs requires specialized knowledge and expertise of grant requirements, program rules, reporting, and other technical areas. The City uses Avant Garde, Inc. to provide this expertise and support Housing Services staff in managing the programs and meeting all applicable

federal and state requirements.

On September 4, 2025, the Housing Services Department issued a Request for Proposals (RFP) for consulting services focused on the administration of the City's HUD entitlement grant programs. The City entered into the Professional Services Agreement with Avant Garde, Inc. on February 17, 2026, with a three-year term and a not-to-exceed amount of $100,000. Since the agreement was executed, Avant Garde, Inc. has provided critical support with grant administration, helped the Housing Services Department maintain compliance with federal requirements, and supported the successful administration of the City's grant-funded programs.

The Housing Services Department has also implemented two new housing assistance programs. In addition to supporting the administration of the City's HUD entitlement grants, Staff recommends expanding Avant Garde, Inc.'s scope of work to assist with the administration of the following programs:

1. Keys to Community Exterior Beautification Grant Program - provides grants of up to $10,000 to eligible owner-occupied homeowners for exterior facade improvements that enhance neighborhood appearance and preserve neighborhood quality.
2. Keys to Community Homeowner Rehabilitation Loan Program - provides zero-interest loans of up to $30,000 to eligible homeowners and qualified homebuyers with household incomes at or below 120 percent of the Area Median Income (AMI) to complete essential health and safety improvements that preserve housing quality and improve long-term affordability.

Under the proposed Amendment No. 1, Avant Garde, Inc. will provide additional support for these programs, including application intake, eligibility determinations, income verification, construction management, file administration, reporting, and overall program administration. This additional support will supplement the work of Housing Services staff and improve the efficiency of program administration. By assisting with these activities, the consultant will help the Housing Services Department process applications in a timely manner, provide resources to residents more quickly, and ensure compliance with all applicable federal, state, and local requirements.

The current agreement term is through January 25, 2028. However, the original $100,000 is not sufficient to cover the expanded scope of services through the end of the agreement term. Amendment No. 1 will increase the agreement by $460,000, for a revised not-to-exceed amount of $560,000 over the three-year term.

Staff recommends approval of the proposed amendment No. 1, which will ensure the continued delivery of professional grant management and program administration services.

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN D. WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS
COUNCIL MEMBERS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

AMENDMENT NO. 1 TO THE ON-CALL GRANT MANAGEMENT SERVICES AGREEMENTBETWEEN THE CITY OF ONTARIO AND AVANT GARDE, INC.

1. Parties and Date.

This Amendment No. 1 to the Agreement (as defined herein) is made and entered as of _____, by and between the City of Ontario ("City") and Avant Garde, Inc., a **Corporation** ("Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties."

2. Recitals.

2.1 Agreement. The City and Avant Garde, Inc. have entered into an agreement entitled "**On-Call Grant Management Services**" dated February 17, 2026 ("Agreement").

2.2 Amendment Purpose. The City and Avante Garde, Inc. desire to amend the Agreement to increase the total Not to Exceed dollar amount.

2.3 Amendment Authority. This Amendment No. 1 is authorized pursuant to Section 3.2 Compensation of the Agreement.

3. Terms.

3.1 Amendment. Section 3.2 Compensation of the Agreement is hereby amended in its entirety to read as follows:

"Compensation. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "C" attached hereto and incorporated herein by reference. The total compensation shall not exceed **Five Hundred and Sixty Thousand Dollars and No Cents ($560,000.00**) without written approval of the City Council or City Manager, as applicable. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement."
Exhibit "A" Scope of Services is hereby deleted in its entirety and replaced with Attachment "A" Compensation attached hereto and incorporated herein by reference.

Exhibit "C" Schedule of Charges is hereby attached hereto and incorporated herein by reference.

3.2 Continuing Effect of Agreement. Except as amended by this Amendment No. 1, all other provisions of the Agreement remain in full force and effect and shall govern the actions of the parties under this Amendment No. 1. From and after the date of this Amendment No.1, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. 1.

3.3 Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment No. 1.

3.4 Severability. If any portion of this Amendment No. 1 is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5 Integration. This Amendment represents the entirety of the Parties' understanding relating to the subject of this Amendment, including written or verbal communications between the Parties, which shall have no relevance unless expressly incorporated herein. This is an integrated amendment.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR AMENDMENT NO. 1 TO ON-CALL DEPARTMENT OF HOUSING AND URBAND DEVELOPMENT (HUD) GRANT MANAGEMENT SERVICES AGREEMENT
BETWEEN THE CITY OF ONTARIO
AND AVANTE GARDE, INC.

IN WITNESS WHEREOF, the Parties have entered into this Amendment No. 1 as of the day and year first above written.

CITY OF ONTARIO

Approved By:

_____
Scott Ochoa
City Manager

Approved as to Form:

_____
Best Best & Krieger LLP
City Attorney

Attested By:

_____
City Clerk

AVANTE GARDE, INC

By:_____

Its:_____

Printed Name:_____

By:_____

Its:_____

Printed Name:_____

[If Corporation, TWO SIGNATURES, President OR Vice President AND Secretary OR Treasurer REQUIRED]

EXHIBIT "A"
SCOPE OF SERVICES

Grant Management Monitoring and Support:

The consultant's responsibilities shall include, but are not limited to:

- Assist with the development of Annual Action Plans, Five (5) Year Consolidated Plans, Consolidated Annual Performance and Evaluation Reports (CAPER), Citizen Participation Plan, Contractor/Subcontractor activity reports, substantial amendments and public notices.
- Assist with the set-up and maintenance of activities and narratives in the Integrated and Disbursement Information System (IDIS).
- Assist staff to reconcile financial records with IDIS financial and city accounting.
- Assist with the creation and maintenance of files for CDBG, HOME, ESG funded activities and programs.
- Assist with the monitoring of all CDBG, HOME, and ESG projects/programs for appropriate records maintenance, reporting, and compliance with applicable regulations.
- Assist with updating or development of program policies and procedures.
- During HUD monitoring, assist the city gather and provide requested information to support compliance with HUD requirements.
- Provide training and technical assistance to staff
- Provide research and analysis as requested by the City.
- Provide any other administrative services as required to properly administer the City's HUD entitlement programs.
- Administer Housing Services Department programs.
- Assist with the administration of State grants on an as-needed basis.
- Assist with the administration of local grants on an as-needed basis.

EXHIBIT "C"
SCHEDULE OF CHARGES

Consultant will invoice City on a monthly cycle using a standard format invoice. Consultant will inform City regarding any out-of-scope work, not listed below, being performed by the Consultant.

Task	Year 1	Year 2	Year 3
Federal Grant Management Monitoring and Support	$100,000	$100,000	$100,000
Keys to Community - Housing Rehabilitation Loan and Exterior Beautification Grant Management		$70,000	$70,000
Keys to Community - Housing Rehabilitation Loan and Exterior Beautification Grant Management (CDBG)		$60,000	$60,000
Total	$100,000	$230,000	$230,000
Grand Total			**$560,000**

CITY OF ONTARIO *Agenda Report* **August 18, 2026**	**SECTION:** **PUBLIC HEARINGS**
Department: Housing Prepared By: Albert Ramirez Department: Prepared By: Albert Ramirez Staff Member Presenting: Helen McAlary, Executive Director Community Life and Culture Reviewed By: Lacey A Rightmer, Kelly Zackmann Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 14

SUBJECT: **A PUBLIC HEARING TO CONSIDER A RESOLUTION AUTHORIZING THE SUBMISSION OF A PROHOUSING DESIGNATION APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

RECOMMENDATION: That the City Council adopt a Resolution authorizing the submission of a Prohousing Designation application to the California Department of Housing and Community Development (HCD).

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

FISCAL IMPACT: There is no direct fiscal impact associated with this action. Adoption of the Resolution will strengthen the City's competitiveness for State grant funding opportunities that support affordable housing production, infrastructure improvements, and related community development projects. Any grant funding awarded as a result of this action will be brought to the City Council for future consideration and acceptance.

BACKGROUND & ANALYSIS: The 2019-2020 California State Budget Act established the Prohousing Designation Program (PDP), which is administered by the California Department of Housing and Community Development (HCD). The program recognizes jurisdictions that help increase and speed up housing production.

Obtaining a Prohousing Designation can help the City access State funding opportunities. For certain HCD funding programs a Prohousing Designation is required for a jurisdiction to be eligible to apply for. For other State funding programs, the designation provides additional points or other competitive advantages during the application process. These funding programs support affordable housing production, infrastructure improvements, and other community development projects.

To qualify for a Prohousing Designation, a jurisdiction must have a Housing Element certified by HCD, be current with its Annual Progress Report and comply with applicable State housing laws. The jurisdiction must also submit a complete Prohousing Designation Program application and a resolution adopted by the governing body authorizing the application.

HCD reviews each application based on the jurisdiction's existing housing policies, programs, and investments. A minimum score is required to receive a Prohousing Designation. Based on the Staff's self-assessment, Ontario received 67 points, exceeding the minimum score required for designation.

The application is based entirely on policies and programs that the City has already adopted. No new policies or changes to existing policies are proposed as part of this application. Participation in the Prohousing Designation Program does not impose additional requirements or limit the City's local authority beyond those already established under State law.

Adoption of the Resolution will authorize Staff to submit the PDP application to HCD. HCD will review the application, provide the City with an opportunity to respond to and comment on requests for additional information, and then issue a final determination. Upon receipt of a Prohousing Designation, Housing Services staff will apply for funding through HCD's Prohousing Incentive Program.

Staff recommends adopting the Resolution and applying for the Prohousing Designation Program.

Prohousing Designation Program Application

State of California
Governor Gavin Newsom

Tomiquia Moss, Secretary
Business, Consumer Services and Housing Agency

Gustavo Velasquez, Director
Department of Housing and Community Development

Megan Kirkeby, Deputy Director
Division of Housing Policy Development

651 Bannon Street
Sacramento, CA 95811

Website: http://www.hcd.ca.gov/planning-and-community-development/prohousing-designation-program
Email: ProhousingPolicies@hcd.ca.gov

February 2025

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Prohousing Designation Program Application Package Instructions

The applicant is applying for a Prohousing Designation under the Prohousing Designation Program ("**Prohousing**" or "**Program**"), which is administered by the Department of Housing and Community Development ("**Department**") pursuant to Government Code section 65589.9.

The Program creates incentives for Jurisdictions that are compliant with State Housing Element Law and that have enacted Prohousing Policies. These incentives will take the form of additional points or other preference in the scoring of applications for competitive housing and infrastructure programs. The administrators of each such program will determine the value and form of the preference.

In order to be considered for a Prohousing Designation, the applicant must accurately complete all sections of this application, including any relevant appendices. The Department reserves the right to request additional clarifying information from the applicant.

This application is subject to Government Code section 65589.9 and to the regulations (Cal. Code Regs., tit. 25, § 6600 et seq.) adopted by the Department in promulgation thereof ("**Regulations**"). All capitalized terms in this application shall have the meanings set forth in the Regulations.

All applicants must submit a complete, signed application package to the Department, in electronic format, in order to be considered for a Prohousing Designation. Please direct electronic copies of the completed application package to the following email address: ProhousingPolicies@hcd.ca.gov.

A complete application will include all items identified in the Application Checklist.

In relation to **Appendix 1**, the Formal Resolution for the Prohousing Designation Program, please use ~~strikethrough~~ and <u>underline</u> if proposing any modifications to the text of the Resolution. Please be aware, any sustentative deviations from the Formal Resolution may result in an incomplete application and will likely be subject to additional internal review and potential delays.

Appendix 2, the Proposed Policy Completion Schedule, applies only if an application includes proposed policies.

Appendix 3, Self-Scoring Sheet and Sample Self-Scoring Sheet, includes a blank template to be completed by the applicant as part of the application, as well as a Sample Self-Scoring Sheet with an example of how this template may be completed.

Appendix 4 lists examples of Prohousing Policies with enhancement factors to aid applicants in understanding how enhancement factors may be applied.

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Appendix 5 provides a sample template to assist applicants with confirming the treatment of homeless encampments within the jurisdiction is consistent with USICH's "7 Principles for Addressing Encampments."

Appendix 6 provides a checklist to confirm that a Diligent Public Participation Process was conducted.

Appendix 7 is where the applicant will include any additional information and supporting documentation for the application.

If you have questions regarding this application or the Program, or if you require technical assistance in preparing this application, please email ProhousingPolicies@hcd.ca.gov.

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Application Checklist

	Yes	No
Application Information	☒	☐
Certification and Acknowledgement	☒	☐
The Legislative Information form is completed.	☒	☐
The Threshold Requirements Checklist is completed.	☒	☐
A duly adopted and certified Formal Resolution for the Prohousing Designation Program is included in the application package. (See **Appendix 1** for the Formal Resolution for the Prohousing Designation Program form.)	☒	☐
If applicable, the Proposed Policy Completion Schedule is completed. (See **Appendix 2**.)	☒	☐
The Self-Scoring Sheet is completed. (See **Appendix 3** for the Self-Scoring Sheet and the Sample Self-Scoring Sheet.)	☒	☐
One-page summary describing consistency with the 7 Principles for Addressing Encampments is completed. (See **Appendix 5** for a template to assist.)	☒	☐
The checklist confirming that a Diligent Public Participation process was conducted. (See **Appendix 6** for the template.)	☒	☐
Additional information and supporting documentation (Applicant to provide as **Appendix 7**.)	☒	☐

Application Information

Applicant (Jurisdiction):	City of Ontario
Applicant Mailing Address:	303 East B Street
City:	Ontario
ZIP Code:	91764
Website:	www.OntarioCA.gov
Authorized Representative Name	Scott Ochoa
Authorized Representative Title:	City Manager
Phone:	(909) 395-2555
Email:	SOchoa@ontarioCA.gov
Contact Person Name:	Nadine Houde
Contact Person Title:	Senior Project Manager
Phone:	(909) 395-2330
Email:	NHoude@ontarioCA.gov
Total Self-Score (Based on Appendix 3):	

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CERTIFICATION AND ACKNOWLEDGMENT

As authorized by the Formal Resolution for the Prohousing Designation Program (Resolution No. [ ]), which is attached hereto and incorporated by reference as if set forth in full, I hereby submit this full and complete application on behalf of the applicant.

I certify that all information and representations set forth in this application are true and correct.

I further certify that any proposed Prohousing Policy identified herein will be enacted within two (2) years of the date of this application submittal.

I acknowledge that this application constitutes a public record under the California Public Records Act (Gov. Code, § 6250 et seq.) and is therefore subject to public disclosure by the Department.

Signature: [_____]

Name and Title: [Scott Ochoa, City Manager]

Date: [_____]

Legislative Information

District	Number	Legislators Name(s)
State Assembly District	[53	[Michelle Rodriguez
State Senate District	[22	[Susan Rubio

Applicants can find their respective State Senate representatives at https://www.senate.ca.gov/, and their respective State Assembly representatives at https://www.assembly.ca.gov/

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Threshold Requirements Checklist

The applicant meets the following threshold requirements in accordance with Section 6604 of the Regulations:

	Yes	No
The applicant is a Jurisdiction.	☒	☐
The applicant has adopted a Compliant Housing Element.	☒	☐
The applicant has submitted or will submit a legally sufficient Annual Progress Report prior to designation.	☒	☐
The applicant has completed or agrees to complete, on or before the relevant statutory deadlines, any rezone program or zoning that is necessary to remain in compliance with Government Code sections 65583, subdivision (c)(1), and 65584.09, subdivision (a), and with California Coastal Commission certification where appropriate.	☒	☐
The applicant is in compliance, at the time of the application, with applicable state housing law, including, but not limited to those included in Government Code section 65585, subdivision (j); laws relating to the imposition of school facilities fees or other requirements (Gov. Code, § 65995 et seq.); Least Cost Zoning Law (Gov. Code, § 65913.1); Permit Streamlining Act (Gov. Code, § 65920 et seq.); and provisions relating to timeliness of CEQA processing by local governments in Public Resources Code sections 21080.1, 21080.2, and 21151.5(a).	☒	☐
The applicant further acknowledges and confirms that its treatment of homeless encampments on public property complies with and will continue to comply with the constitutional rights of persons experiencing homelessness and that it has submitted a one-page summary to the Department demonstrating how the applicant has enacted best practices in their jurisdiction related to the treatment of unhoused individuals camping on public property, consistent with United States Interagency Council on Homelessness' "7 Principles for Addressing Encampments," (June 17, 2022 update), hereby incorporated by reference.	☒	☐
The applicant has duly adopted and certified, by the applicant's governing body, a Formal Resolution for the Prohousing Designation Program, which is hereby incorporated by reference. (A true and correct copy of the resolution is included in this application package.)	☒	☐

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Scoring Criteria
Category 1: Favorable Zoning and Land Use

Category	Prohousing Policy Description	Points
1A	Sufficient sites, including rezoning, to accommodate 150 percent or greater of the current or draft RHNA, whichever is greater, by total and income category. These additional sites must be identified in the Jurisdiction's housing element adequate sites inventory, consistent with Government Code section 65583, subdivisions (a)(3) and (c)(1).	3
1B	Permitting missing middle housing uses (e.g., duplexes, triplexes, and fourplexes) by right in existing low-density, single-family residential zones in a manner that exceeds the requirements of SB 9 (Chapter 162, Statutes of 2021, Gov. Code, §§ 65852.21, 66411.7).	3
1C	Sufficient sites, including rezoning, to accommodate 125 to 149 percent of the current or draft RHNA, whichever is greater, by total and income category. These points shall not be awarded if the applicant earns three points pursuant to Category (1)(A) above. These additional sites must be identified in the Jurisdiction's housing element adequate sites inventory, consistent with Government Code section 65583, subdivisions (a)(3) and (c)(1).	2
1D	Density bonus programs that allow additional density for additional affordability beyond minimum statutory requirements (Gov. Code, § 65915 et seq.).	2
1E	Increasing allowable density in low-density, single-family residential areas beyond the requirements of state Accessory Dwelling Unit Law, (Gov. Code, §§ 65852.2, 65852.22) (e.g., permitting more than one converted ADU; one detached, new construction ADU; and one JADU per single-family lot), and in a manner that exceeds the requirements of SB 9 (Chapter 192, Statutes of 2021, Gov. Code, §§ 65852.21, 66411.7). These policies shall be separate from any qualifying policies under Category (1)(B).	2
1F	Eliminating minimum parking requirements for residential development as authorized by Government Code section 65852.2; adopting vehicular parking ratios that are less than the relevant ratio thresholds at subparagraphs (A), (B), and (C) of Gov. Code section 65915, subdivision (p)(1); or adopting maximum parking requirements at or less than ratios pursuant to Gov. Code section 65915, subdivision (p).	2
1G	Zoning or incentives that are designed to increase affordable housing development in a range of types, including, but not limited to, large family units, Supportive Housing, housing for transition age foster youth, and deep affordability targeted for Extremely Low-Income Households in all parts of the Jurisdiction, with at least some of the zoning, other land use designation methods, or incentives being designed to increase affordable housing development in higher resource areas shown in the TCAC/HCD Opportunity Map, and with the Jurisdiction having confirmed that it considered and addressed potential environmental justice issues in adopting and implementing	2

	this policy, especially in areas with existing industrial and polluting uses.	
1H	Zoning or other land use designation methods to allow for residential or mixed uses in one or more non-residential zones (e.g., commercial, light industrial). Qualifying non-residential zones do not include open space or substantially similar zones.	1
1I	Modification of development standards and other applicable zoning provisions or land use designation methods to promote greater development intensity. Potential areas of focus include floor area ratio, height limits, minimum lot or unit sizes, setbacks, and allowable dwelling units per acre. These policies must be separate from any qualifying policies under Category (1)(B) above.	1
1J	Establishment of a Workforce Housing Opportunity Zone, as defined in Government Code section 65620, or a Housing Sustainability District, as defined in Government Code section 66200.	1
1K	Establishment of an inclusionary housing program requiring new developments to include housing affordable to and reserved for low- and very low-income households, consistent with the requirements of AB 1505 (Chapter 376, Statutes of 2017, Gov. Code, § 65850.01).	1
1L	Other zoning and land use actions not described in Categories (A)-(K) of this section that measurably support the Acceleration of Housing Production.	1

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Scoring Criteria
Category 2: Acceleration of Housing Production Timeframes

Category	Prohousing Policy Description	Points
2A	Establishment of ministerial approval processes for multiple housing types, including, for example, single-family, multifamily and mixed-use housing.	3
2B	Acceleration of Housing Production through the establishment of streamlined, program-level CEQA analysis and certification of general plans, community plans, specific plans with accompanying Environmental Impact Reports (EIR), and related documents.	2
2C	Documented practice of streamlining housing development at the project level, such as by enabling a by-right approval process or by utilizing statutory and categorical exemptions as authorized by applicable law, (e.g., Pub. Resources Code, §§ 21155.1, 21155.4, 21159.24, 21159.25; Gov. Code, § 65457; Cal Code Regs., tit. 14, §§ 15303, 15332; Pub. Resources Code, §§ 21094.5, 21099, 21155.2, 21159.28).	2
2D	Establishment of permitting processes that take less than four months to complete. Policies under this category must address all approvals necessary to issue building permits.	2
2E	Absence or elimination of public hearings for projects consistent with zoning and the general plan.	2
2F	Priority permit processing or reduced plan check times for homes affordable to Lower-Income Households.	2
2G	Establishment of consolidated or streamlined permit processes that minimize the levels of review and approval required for projects, and that are consistent with zoning regulations and the general plan.	1
2H	Absence, elimination, or replacement of subjective development and design standards with objective development and design standards that simplify zoning clearance and improve approval certainty and timing.	1
2I	Establishment of one-stop-shop permitting processes or a single point of contact where entitlements are coordinated across city approval functions (e.g., planning, public works, building) from entitlement application to certificate of occupancy.	1
2J	Priority permit processing or reduced plan check times for ADUs/JADUs or multifamily housing.	1
2K	Establishment of a standardized application form for all entitlement applications.	1
2L	Documented practice of publicly posting status updates on project permit approvals on the internet.	1
2M	Limitation on the total number of hearings for any project to three or fewer. Applicants that accrue points pursuant to category (2)(E) are not eligible for points under this category.	1
2N	Other policies not described in Categories (2)(A)-(M) of this section that quantifiably decrease production timeframes or promote the streamlining of approval processes.	1

Category 3: Reduction of Construction and Development Costs

Category	Prohousing Policy Description	Points
3A	Waiver or significant reduction of development impact fees for residential development with units affordable to Lower-Income Households. This provision does not include fees associated with the provision of housing affordable to Lower-Income Households (e.g., inclusionary in lieu fees, affordable housing impact fees, and commercial linkage fees).	3
3B	Adoption of policies that result in less restrictive requirements than Government Code sections 65852.2 and 65852.22 to reduce barriers for property owners to create ADUs/JADUs. Examples of qualifying policies include, but are not limited to, development standards improvements, permit processing improvements, dedicated ADU/JADU staff, technical assistance programs, and pre-approved ADU/JADU design packages.	2
3C	Adoption of other fee reduction strategies separate from Category (3)(A), including fee deferrals and reduced fees for housing for persons with special needs. This provision does not include fees associated with the provision of housing affordable to Lower-Income Households (e.g., inclusionary in lieu fees, affordable impact fees and commercial linkage fees).	1
3D	Accelerating innovative housing production through innovative housing types (e.g., manufactured homes, recreational vehicles, park models, community ownership, and other forms of social housing) that reduce development costs.	1
3E	Measures that reduce costs for transportation-related infrastructure or programs that encourage active modes of transportation or other alternatives to automobiles. Qualifying policies include, but are not limited to, publicly funded programs to expand sidewalks or protect bike/micro-mobility lanes, creation of on-street parking for bikes, transit-related improvements, or establishment of carshare programs.	1
3F	Adoption of universal design ordinances pursuant to Health and Safety Code section 17959.	1
3G	Establishment of pre-approved or prototype plans for missing middle housing types (e.g., duplexes, triplexes, and fourplexes) in low-density, single-family residential areas.	1
3H	Adoption of ordinances that reduce barriers, beyond existing law, for the development of housing affordable to Lower-Income Households.	1
3I	Other policies not described in Categories (3)(A)-(H) of this section that quantifiably reduce construction or development costs.	1

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Scoring Criteria
Category 4: Providing Financial Subsidies

Category	Prohousing Policy Description	Points
4A	Establishment of a housing fund or contribution of funds towards affordable housing through proceeds from approved ballot measures.	2
4B	Establishment of local housing trust funds or collaboration on a regional housing trust fund, which include the Jurisdiction's own funding contributions. The Jurisdiction must contribute to the local or regional housing trust fund regularly and significantly. For the purposes of this Category, "regularly" shall be defined as at least annually, and "significant" contributions shall be determined based on the impact the contributions have in accelerating the production of affordable housing.	2
4C	Demonstration of regular use or planned regular use of funding (e.g., federal, state, or local) for preserving assisted units at-risk of conversion to market rate uses and conversion of market rate uses to units with affordability restrictions (e.g., acquisition/rehabilitation). For the purposes of this category, "regular use" can be demonstrated through the number of units preserved annually by utilizing this funding source.	2
4D	Provide grants or low-interest loans for ADU/JADU construction affordable to Lower- and Moderate-Income Households.	2
4E	A comprehensive program that complies with the Surplus Land Act (Gov. Code, § 54220 et seq.) and that makes publicly owned land available for affordable housing, or for multifamily housing projects with the highest feasible percentage of units affordable to Lower Income Households. A qualifying program may utilize mechanisms such as land donations, land sales with significant write-downs, or below-market land leases.	2
4F	Establishment of an Enhanced Infrastructure Financing District or similar local financing tool that, to the extent feasible, directly supports housing developments in an area where at least 20 percent of the residences will be affordable to Lower-Income Households.	2
4G	Prioritization of local general funds to accelerate the production of housing affordable to Lower-Income Households.	2
4H	Directed residual redevelopment funds to accelerate the production of affordable housing.	1
4I	Development and regular (at least biennial) use of a housing subsidy pool, local or regional trust fund, or other similar funding source sufficient to facilitate and support the development of housing affordable to Lower-Income Households.	1

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4J	Prioritization of local general funds for affordable housing. This point shall not be awarded if the applicant earns two points pursuant to Category (4)(G).	1
4K	Providing operating subsidies for permanent Supportive Housing.	1
4L	Providing subsidies for housing affordable to Extremely Low-Income Households.	1
4M	Other policies not described in Categories (4)(A)-(L) of this section that quantifiably promote, develop, or leverage financial resources for housing affordable to Lower-Income Households.	1

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Scoring Criteria
Enhancement Factors

The Department shall utilize enhancement factors to increase the point scores of Prohousing Policies. An individual Prohousing Policy may not use more than one enhancement factor. Each Prohousing Policy will receive extra points for enhancement factors in accordance with the chart below.

Category	Prohousing Policy Description	Points
1	The policy represents one element of a unified, multi-faceted strategy to promote multiple planning objectives, such as efficient land use, access to public transportation, housing affordable to Lower-Income Households, climate change solutions, and/or hazard mitigation.	2
2	Policies that promote development consistent with the state planning priorities pursuant to Government Code section 65041.1.	1
3	Policies that diversify planning and target community and economic development investments (housing and non-housing) toward place-based strategies for community revitalization and equitable quality of life in lower opportunity areas. Such areas include, but are not limited to, Low Resource and High Segregation & Poverty areas designated in the most recently updated TCAC/HCD Opportunity Maps, and disadvantaged communities pursuant to Health and Safety Code sections 39711 and 39715 (California Senate Bill 535 (2012).	1
4	Policies that go beyond state law requirements in reducing displacement of Lower-Income Households and conserving existing housing stock that is affordable to Lower-Income Households.	1
5	Rezoning and other policies that support intensification of residential development in Location Efficient Communities.	1
6	Rezoning and other policies that result in a net gain of housing capacity while concurrently mitigating development impacts on or from Environmentally Sensitive or Hazardous Areas.	1
7	Zoning policies, including inclusionary housing policies, that increase housing choices and affordability, particularly for Lower-Income Households, in High Resource and Highest Resource areas, as designated in the most recently updated TCAC/HCD Opportunity Maps.	1
8	Other policies that involve meaningful actions towards Affirmatively Furthering Fair Housing outside of those required pursuant to Government Code sections 65583, subdivision (c)(10), and 8899.50, including, but not limited to, outreach campaigns, updated zoning codes, and expanded access to financing support.	1

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Self-Scoring Sheet Instructions

The Department shall validate applicants' scores based on the extent to which each identified Prohousing Policy contributes to the Acceleration of Housing Production. The Department shall assess applicants' Prohousing Policies in accordance with statutory requirements and the Regulations.

The Department shall further assess applicants' Prohousing Policies using the following four scoring categories: Favorable Zoning and Land Use, Acceleration of Housing Production Timeframes, Reduction of Construction and Development Costs, and Providing Financial Subsidies. Applicants shall demonstrate that they have enacted or proposed at least one policy that significantly contributes to the Acceleration of Housing Production in each of the four categories. A Prohousing Designation requires a total score of 30 points or more across all four categories.

Instructions

Please utilize one row of the Self-Scoring Sheet for each Prohousing Policy.

- **Category Number**: Select the relevant category number from the relevant Scoring Criteria list in this application. Where appropriate, applicants may utilize a category number more than once.
- **Concise Written Description of Prohousing Policy**: Set forth a brief description of the enacted or proposed Prohousing Policy.
- **Enacted or Proposed**: Identify the Prohousing Policy as enacted or proposed. For proposed Prohousing Policies, please complete **Appendix 2: Proposed Policy Completion Schedule**.
- **Documentation Type**: For enacted Prohousing Policies, identify the relevant documentary evidence (e.g., resolution, zoning code provisions). For proposed Prohousing Policies, identify the documentation which shows that implementation of the policy is pending.
- **Web Links/Electronic Copies**: Insert the Web link(s) to the relevant documentation or indicate that electronic copies of the documentation have been attached to this application as **Appendix 7**.
- **Points**: Enter the appropriate number of points using the relevant Scoring Criteria list in this application.
- **Enhancement Category Number (optional)**: If utilizing an enhancement factor for a particular Prohousing Policy, enter the appropriate category number using the relevant Scoring Criteria list in this application.
- **Enhancement Points (optional)**: If utilizing an enhancement factor for a particular Prohousing Policy, enter the point(s) for that Prohousing Policy.
- **Total Points**: Add the enhancement point(s) to the Prohousing Policy's general point score.

Appendix 1: Formal Resolution for the Prohousing Designation Program

Formal Resolution for the PROHOUSING Designation Program

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO AUTHORIZING THE SUBMISSION OF AN APPLICATION PROHOUSING DESIGNATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

WHEREAS, The California Department of Housing and Community Development ("HCD") administers the Prohousing Designation Program, as outlined in Government Code section 65589.9, which recognizes and offers incentives to jurisdictions that have implemented policies and practices that promote housing production, remove barriers to housing development, and support the creation and preservation of affordable housing; and

WHEREAS, the Prohousing Designation Program encourages local governments to adopt policies that increase housing opportunities for households at all income levels and support the State's efforts to address California's housing shortage; and

WHEREAS, the City of Ontario ("City") has adopted and implemented numerous policies, programs, and actions that facilitate housing production, encourage affordable housing development, streamline housing development review processes, and promote equitable access to housing opportunities; and

WHEREAS, the City is committed to increasing the supply of housing, including affordable housing, through implementation of its Housing Element and other local housing initiatives; and

WHEREAS, obtaining a Prohousing Designation will enhance the City's competitiveness for various State funding opportunities by providing eligibility for priority consideration or additional points under certain grant programs administered by the State of California; and

WHEREAS, the City Council finds that submission of an application for Prohousing Designation is in the best interest of the City and will further the City's goals of promoting housing production, affordability, sustainability, and economic development; and

WHEREAS, the City Council desires to authorize the submission of the City's Prohousing Designation application to HCD and authorize the City Manager, or designee, to execute all documents and take all actions necessary to complete the application process.

NOW, THEREFORE, BE IT RESOLVED BY THE City of Ontario Housing Authority, as follows:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council hereby authorizes the submission of the City of Ontario's application for Prohousing Designation to the California Department of Housing and Community Development.

SECTION 3. The City Manager, or their designee, is hereby authorized and directed to prepare, execute, submit, and administer all applications, certifications, agreements, documents, and other materials necessary to obtain the Prohousing Designation and to take all actions necessary to carry out the intent of this Resolution.

SECTION 4. The City Council authorizes the City Manager, or designee, to provide any additional information, execute amendments, certifications, or other documents, and perform all acts necessary to satisfy the requirements of the California Department of Housing and Community Development in connection with the Prohousing Designation application.

SECTION 5. The City Clerk shall certify the adoption of this Resolution, and thereafter the same shall be in full force and effect.

Appendix 2: Proposed Policy Completion Schedule

Category Number	Concise Written Description of Proposed Policy	Key Milestones and Milestone Dates	Anticipated Completion Date	Notes

Appendix 3: Self-Scoring Sheet and Sample Self-Scoring Sheet

Self-Scoring Sheet

Category Number	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents **or** Indicate that Electronic Copies are Attached as **Appendix 7**	Points	Enhancement Category Number	Enhancement Points	Total Points
1D	The City of Ontario has adopted and implemented policies that encourage higher density residential development and the production of affordable housing. The City has established The Ontario Plan (TOP) (our General Plan) which includes land use designations for a balanced mixture of land uses and development standards that supports a variety of residential development in designated areas. TOP incorporates overlay districts and mixed-use land use designations that provide opportunities for increased residential densities.	E	City of Ontario General Plan – Land Use Map	https://experience.arcgis.com/experience/99e7a1effa0242218701ac06ca387f9b	2	1	1	3
1F	The City of Ontario has expanded housing opportunities by adopting Urgency Ordinance No. 03323 for PDCA25-004, which updates the City's Accessory Dwelling Unit (ADU) regulations to maintain consistency with current State law while reducing barriers to ADU development. The ordinance streamlines the approval process by providing objective development standards, clarifying permitting requirements and ensuring ministerial review for qualifying ADU applications.	E	City Ordinance no. 3323 – File No. PDCA25-004	Electronic Copy attached in Appendix 7	2	5	1	3

1G	The City of Ontario has implemented policies that reduce the cost of developing affordable housing by incorporating impact fee relief through adopted development agreement. This agreement includes provisions that reduce, defer, or otherwise offset certain development impact fees for qualifying affordable housing projects, improving project feasibility and encouraging the production of housing affordable to lower income households.	E	Agreement with NMC Builders – Financing and Construction of Infrastructure	Electronic Copy attached in Appendix 7	2	1	2	4

1H	The City of Ontario has established the Downtown Civic Center Planned Unit Development (PUD) to encourage revitalization and support a mix of residential, commercial, civic and public uses within the City's downtown core. The PUD provides a flexible planning framework that promotes higher density, mixed-use development and allows for innovative site design while maintaining compatibility with the surrounding urban environment.	E	Downtown Civic Center Planned Unit Development (PUD)	https://content.ontarioca.gov/sites/default/files/migrated-files/Ontario-Files/Planning/Documents/PUDs/PUD20-002%2520Downtown%2520Civic%2520Center%2520PUD%2520%2528Rev%252020210413%2529.pdf	1	5	1	2
	The City of Ontario has adopted the Holt & Allyn Planned Unit Development (PUD) to facilitate the redevelopment of an underutilized area into a vibrant, mixed-use community that supports housing production and economic revitalization. The PUD establishes a flexible land use framework that integrates residential, commercial, and public-serving uses while encouraging efficient site planning and high-quality urban design.		Holt & Allyn Planned Unit Development (PUD)	Electronic copy attached in Appendix 7				

1I	The City of Ontario has established a comprehensive land use framework through the development of the City of Ontario TOP Policy Plan and associated development code updates that supports the development of a diverse range of housing opportunities through planned residential neighborhoods, mixed-use districts, and areas designated for higher-density residential development. TOP Land Use Map identifies appropriate locations for residential growth and provides a coordinated approach to integrating housing with supporting infrastructure, employment opportunities, transportation networks, and community amenities.	E	City of Ontario – Land Use Map	TOPLUP_Map(24x36)10_6_20251104.pdf	1	1	2	3
1K	The City of Ontario recognizes the importance of maintaining reasonable and transparent development impact fees while supporting the production of housing. The City regularly reviews and administers its development impact fee programs to ensure fees are consistent with applicable State law, proportionate to the impacts created by new development, and used to support necessary infrastructure improvement that accommodate future growth.	E	City of Ontario – Development Impact Fees city page	https://www.ontarioca.gov/government/financial-services/development-impact-fees	1	1	1	2

2A	The City of Ontario has implemented Residential Objective Development and Design Standards to establish clear, measurable, and predictable requirements for the review and approval of residential development projects. These standards provide objective criteria related to site planning, building design, neighborhood compatibility, and other development elements, ensuring that housing projects can be evaluated through a transparent and consistent process.	E	City of Ontario – Residential Objective Development and Design Standards	Reference J Residential Objective Development and Design Standards_ODDS_Rev 04.01.2025.pdf	3	2	1	4
2B	The City of Ontario TOP includes the associated TOP Program Supplemental Environmental Impact Report adopted on August 16, 2022, amended through the approval of a Supplemental Environmental Impact Report adopted on June 16, 2026. The SEIR provides additional streamlining to allow for projects to tier environmental clearances supporting cost savings and associated reduction in project entitlement processing.	E	City of Ontario General Plan – Program Environmental Impact Report (EIR)	Environmental Documents | City of Ontario, California	2			2

2C	The City of Ontario has adopted Residential Objective Development and Design Standards to provide clear, predictable and consistent requirements for residential development projects throughout the City. These standards establish objective criteria related to site planning, building design, density, setbacks, height, parking, landscaping, and other development elements allowing applicants to better understand project requirements and reducing uncertainty during the development review process.	E	City of Ontario - Residential Objective Development and Design Standards	https://content.ontarioca.gov/sites/default/files/2025-05/Reference%20J%20Residential%20Objective%20Development%20and%20Design%20Standards_ODDS_Rev%2004.01.2025.pdf	2	2	1	2
2D	The City of Ontario has established a streamlined and transparent permit application process to facilitate the timely review and approval of residential development projects. The City provides clear guidance to applicants regarding application requirements, review procedures, and applicable development standards to promote predictability throughout the entitlement and permitting process.	E	City of Ontario - Permit Application	https://content.ontarioca.gov/sites/default/files/2025-01/Building%20Permit%20Application.%20Rev.%2012-11-2024%20QR%20Code.pdf	2			2
2F	The City's Planning, Building, Housing, and Economic Development departments provide one-stop combined concierge service to facilitate and expedite affordable housing projects. This service provides for entitlement processing assistance, land acquisition, and financing strategies/gap funding support.	E	MEMO	Electronic copy attached in Appendix 7	1			1

2G	The City of Ontario Planning Department has developed an Entitlement Review Flow Chart and Review Matrix to provide applicants with a clear understanding of the planning review process, applicable review steps, responsible departments, and anticipated milestones associated with development applications. These tools promote transparency and predictability by outlining the procedures required for entitlement review and helping applicants better navigate the City's development approval process.	E	City of Ontario – The Entitlement Review Flow Chart and Review Matrix	Electronic copy attached in Appendix 7	1			1

2H	The City of Ontario has taken proactive steps to reduce barriers to housing production by adopting Urgency Ordinance No. 3275 / PDCA24-001, amending the reference documents section of the Ontario Development Code to establish and authorize the use of Residential Objective Development and Design Standards for multifamily and mixed-use residential development. In 2026, the City of Ontario codified the Objective Development and Design Standards for multifamily and mixed-use residential development through the adoption of Development Code Amendment File No. PDCA24-001. The ordinance amended the reference document section of the City's Development Code to establish clear, objective standards that guide the design and review of multifamily and mixed-use housing projects.	E	City of Ontario – Urgency Ordinance #3275 / No. PDCA24-001 City of Ontario Ordinance #3298 Summary Adopted No. PDCA24-01	O3275 Urgency Ordinance File No. PDCA24-001 Regarding Ontario Development Code O3298 File No. PDCA24-001 Amending Development and Design Standards	1	1	2	3

2I	The City of Ontario utilizes the Accela online permitting platform to provide applicants with a streamlined, transparent, and accessible process for submitting, tracking, and managing development application and permits. The online system allows applicants, property owners, and project representatives to submit permit applications, upload required documents, monitor application status, receive updates, and communicate with City staff throughout the review process.	E	Link to City of Ontario – Accela Website	https://aca-prod.accela.com/ont/Default.aspx	1			1
2J	The City of Ontario has implemented clear and streamlined plan submittal requirements for Accessory Dwelling Units (ADUs) to facilitate the development of additional housing opportunities throughout the City. The City provides applicants with standardized ADU submittal requirements that identify required plans, documents, and supporting information necessary for review, creating a predictable and efficient application process. The City's ADU plan review process is designed to support compliance with State ADU regulations while reducing barriers to construction.	E	City of Ontario – ADU Plan Submittal Requirements	https://content.ontarioca.gov/sites/default/files/2025-08/Submittal%20Requirements%20-%20ADU%20Plan%20-%20Rev.%202024.10.04.pdf	1			1

2K	The City of Ontario utilizes the Accela online permitting platform to provide applicants with convenient access to planning, building, and development-related application forms and services. Through the City's online portal, applicants can access required forms, submit applications electronically, upload supporting documentation, track project status, and receive updates throughout the review process. The availability of online application forms through Accela creates an efficient and transparent process for residential developers, property owners, and applicants.	E	Link to City of Ontario – Accela Website (Online application forms)	https://aca-prod.accela.com/ont/Default.aspx	1			1

2L	The City of Ontario utilizes Accela Citizen Access as an online platform to improve accessibility, transparency, and efficiency for residents, property owners, developers, and project applicants seeking planning, building and development services. The online portal provides a centralized resource where applicants can access information, submit applications, upload required documents, monitor project status, and receive updates throughout the review and approval process.	E	City of Ontario – Accela Citizen Access	https://aca-prod.accela.com/ONT/Cap/CapHome.aspx?module=Planning&TabName=Planning&TabList=Home%7C0%7CBuilding%7C1%7CLicenses%7C2%7CPlanning%7C3%7CServiceRequest%7C4%7CDOR%7C5%7CEnforcement%7C6%7CAMS%7C7%7CPublicComment%7C8%7CTH_Document%7C9%7CCurrentTabIndex%7C1	1			1
	The City of Ontario has implemented a Planning Accela Map Portal to provide the public, developers, and project stakeholders with improved access to information regarding active development projects throughout the City. The online mapping tool provides a centralized and user-friendly resource that allows users to view development plan projects, identify project locations, and access available project information. The portal also supports internal coordination and efficient project management by providing staff and applicants with a visual tool to monitor development activity		City of Ontario – New Planning Accela Map Portal with Development Plan Projects	https://experience.arcgis.com/experience/fe914a21d2264eb987df4e680a48a773#data_s=id%3AdataSource_1-19e0461fe64-layer-4%3A54				

	and track projects through the planning process.							
2N	The City of Ontario provides comprehensive planning application resources to assist property owners, developers, and applicants navigating the planning and development review process. Through the Planning Department's resources, applicants have access to standardized application forms, submittal checklists, informational materials, and guidance documents that identify required information and procedures for various planning-related applications, including residential development projects.	E	City of Ontario – Planning Applications and Resources	https://www.ontarioca.gov/government/community-development/planning/planning-applications-resources	2			2
3A	The City of Ontario's adopted Housing Element identifies potential governmental and market-related constraints to housing production and establishes programs and policies designed to reduce barriers and facilitate the development of housing for all income levels. The City's Housing Element includes programs that encourage the preservation and production of affordable housing, promote collaboration with affordable housing developers, and support the development of a variety of housing throughout the community.	E	City of Ontario – 2021-2029 Adopted Housing Element / Reduced fees for Affordable Housing / Section 4 Housing Constraints / Page H145-147	https://content.ontarioca.gov/sites/default/files/2024-12/HE%20Adopted%2020220821%20Clean_0_0.pdf	3			3

3B	The City of Ontario has developed Accessory Dwelling Unit (ADU) resources, including Frequently Asked Questions (FAQs), to provide owners, residents, and applicants with clear and accessible information regarding ADU regulations, application requirements and development process. These resources assist applicants in understanding applicable State and local requirements, available ADU options and the steps necessary to successfully complete an ADU project.	E	City of Ontario - Accessory Dwelling Units (ADUs) Frequently Asked Questions	https://content.ontarioca.gov/sites/default/files/2025-01/Accessory%20Dwelling%20Unit%20Handout%20%20Rev%2001.21.2025.pdf	2	3	1	3
	The City of Ontario has implemented an Accessory Dwelling Unit (ADU) Preapproval Program to encourage the development of additional housing opportunities by reducing design, permitting, and administrative barriers for property owners seeking to construct ADUs. Through the program, the City provides access to preapproved ADU plans and resources that assist applicants in moving more efficiently through the permitting process.		City of Ontario- Preapproval Program for Accessory Dwelling Units (ADUs)	Preapproved ADUs | City of Ontario, California				

3E	The City of Ontario has advanced the goals of its Housing Element and Active Transportation Plan through participation in the **California Strategic Growth Council's Transformative Climate Communities (TCC) Grant Program.** Through the TCC Grant Program, the City has implemented projects and strategies that improve mobility, enhance connectivity and support equitable community development while aligning with the City's broader housing and sustainability goals. The TCC Grant funded initiatives to support the development of complete communities by investing in active transportation improvements, including enhanced pedestrian, bicycle infrastructure, improved connectivity and safer routes to key destinations such as housing, employment, public services, parks and community facilities. The City's Transportation Department, in partnership with San Bernadino County Transportation Authority (SBCTA), are in the process completing a portion of Phase 1 of the West Valley Connector Bus Rapid Transit(BRT) - The West Valley Connector (WVC) project will be a 100% zero-emission Bus Rapid Transit (BRT) system, the first stage of the San Bernardino County zero-	E	City of Ontario – 2021-2029 Adopted Housing Element / Active Transportation Plan / Pages H326-H330 and H375-H377 SBCTA West Valley Connector (BRT) - The West Valley Connector	https://content.ontarioca.gov/sites/default/files/2024-12/HE%20Adopted%2020220821%20Clean_0_0.pdf West Valley Connector (BRT) - SBCTA	1	1	2	3

	emission Bus Initiative and second BRT route in San Bernardino County. Phase I of the project is 19 miles and will upgrade a portion of existing Bus Route 61 which runs along Holt Boulevard, within the City of Ontario, adding approximately 3.5 miles as center running, dedicated bus-only lanes. There will be 21 stations in Phase I that will provide an improved transit connection to Ontario International Airport (ONT) and help build transit connectivity by linking ONT, two Metrolink lines (San Bernardino and Riverside) and multiple major activity centers along the route including Ontario Mills and Victoria Gardens. Headways will be 10 minutes in the peak commute period and 15 minutes off-peak, providing a high level of service to the community							
	The City of Ontario has utilized **Measure Q funding** to support critical infrastructure improvements that enhance the City's ability to accommodate existing and future housing development. Investments in local infrastructure, including transportation improvements, public facilities, and other community-serving improvements, help ensure that residential growth is supported by the necessary infrastructure		City of Ontario – Infrastructure Projects funded by Measure Q	https://performance.envisio.com/dashboard/OntarioProjects/Goal-25822				

	capacity and services. Through Measure Q-funded projects, the City has been able to address infrastructure needs, improve connectivity, enhance neighborhood conditions, and support the continued development of complete communities. The City of Ontario has utilized **Measure Q funding** to support the implementation of its Downtown Revitalization Plan, which focuses on strengthening Downtown Ontario as a vibrant, mixed-use district with enhanced public spaces, improved infrastructure, and increased opportunities for residential development. These investments support the City's broader housing goals by creating an environment that encourages reinvestment, infill development, and the integration of housing within an established urban area.		City of Ontario – Downtown Revitalization Plan funded by Measure Q	https://performance.envisio.com/dashboard/OntarioProjects/Goal-25823				

3H	The City of Ontario has established regulations within its Development Code that support historic preservation and adaptive reuse opportunities, allowing existing structures to be repurposed for new uses, including potential residential and mixed-use development. These regulations provide a framework for preserving significant buildings while encouraging the efficient reuse of existing resources and infrastructure.	E	The City of Ontario – Section 4: Historic Preservation - Adaptive Reuse Plan Regulations from the Development Code	https://content.ontarioca.gov/sites/default/files/2026-03/Chapter%204%200%20-%20Permits%20Actions%20and%20Decisions_Rev%2002-17-2026.pdf#page=59	1			1

3l	In 2022, Ontario residents approved **Measure Q**, a local funding source dedicated to supporting essential community investments and infrastructure improvements that enhance the City's ability to accommodate existing and future growth. Through Measure Q-funded projects, the City has invested in infrastructure, transportation improvements, public facilities, and community enhancements that support the development of complete communities and create conditions conducive to housing production. Measure Q funding has supported projects that advance the City's long-term planning goals, including improvements within key growth areas such as Downtown Ontario and Ontario Ranch. These investments complement the City's Housing Element by supporting efficient land use, encouraging infill and mixed-use development, and improving access to transportation, services, and amenities for residents.	E	City of Ontario – Measure Q webpage City of Ontario – Measure Q Resolution authorizing the implementation of the local tax City of Ontario – Measure Q Project Dashboard	https://www.ontarioca.gov/about-ontario/measure-q https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1694920/Resolution_to_Execute_Agreements_RESO_01_RM.pdf https://performance.envisio.com/dashboard/OntarioProjects	1	2	1	2

4A	The City of Ontario has demonstrated its commitment to expanding affordable housing opportunities through the establishment of a **Local Housing Trust Fund** by Resolution No 2025-131. The Local Housing Trust Fund provides a dedicated mechanism to support affordable housing activities, including the preservation and production of housing opportunities for lower-income households and residents with critical housing needs.	E	City of Ontario – Resolution establishing the Local Trust Fund	https://ont-chlf02.ontario.ad/WebLink/PDF10/476b1266-b301-4194-84c2-599bf201eb08/322853	2	8	1	3

4B	The City of Ontario has demonstrated its commitment to expanding affordable housing opportunities by authorizing membership in the **San Bernardino Regional Housing Trust**, a regional partnership established to provide financial resources and support for affordable housing preservation and production throughout San Bernardino County. Through participation in the Regional Housing Trust, the City gains access to a collaborative funding resource designed to assist affordable housing projects, leverage additional public and private funding sources, and address regional housing needs. Membership in the Trust allows the City to participate in a coordinated regional approach to increasing the availability of affordable housing and supporting projects that may require financial assistance to become feasible.	E	City of Ontario – Resolution authorizing to membership in the San Bernardino Regional Housing Trust	https://ont-chlf02.ontario.ad/WebLink/PDF10/6905bf39-a8f6-4fbd-a5dd-ab6b3275b780/326359	2	3	1	3

4C	The City of Ontario is committed to preserving existing affordable housing opportunities and preventing the loss of affordable units that may be at risk of conversion to market-rate housing. The City recognizes that preserving existing affordable housing is a critical component of addressing housing needs and maintaining housing stability for lower-income households within the community. Through implementation of its Housing Element programs, the City monitors affordable housing resources and supports efforts to maintain the long-term affordability of existing housing units. The City works collaboratively with affordable housing providers, property owners, regional partners, and other stakeholders to identify potential risks to affordability and explore preservation strategies when opportunities arise.	E	City of Ontario – Affordable Housing Matrix City of Ontario – 2021-2029 Adopted Housing Element / Section: Housing Preservation Needs / Pages H53-H54 & H67-H69	https://content.ontarioca.gov/sites/default/files/migrated-files/ab_987_affordable_housing_matrix_0.pdf https://content.ontarioca.gov/sites/default/files/2024-12/HE%20Adopted%2020220821%20Clean_0_0.pdf	2	4	1	3

4E	The resolution supports the City's efforts to facilitate the development of housing by allowing Housing Authority-owned land to be considered for appropriate development opportunities that advance community housing goals. Declaring the property exempt surplus land provides the OHA with flexibility to explore partnerships, development opportunities, and potential housing projects while ensuring compliance with the requirements of the California Surplus Land Act.	E	City of Ontario – Resolution Declaring a Housing Authority Owned Land to be Exempt Surplus Land City of Ontario - Affordable Housing Proposed Site Plan	Electronic Copy attached in Appendix 7	2			2

4l	The City of Ontario has demonstrated its commitment to addressing local housing needs through the establishment of a **Local Housing Trust** as a dedicated resource to support affordable housing initiatives. The Local Housing Trust provides the City with a flexible funding mechanism to assist with the development, preservation, and advancement of affordable housing opportunities for residents of all income levels. The establishment of the Local Housing Trust allows the City to leverage local resources and coordinate with additional funding sources, including state, federal, and regional housing programs, to improve the feasibility of affordable housing projects. By providing a dedicated source of funding, the City can support activities such as affordable housing development, preservation efforts, rehabilitation of existing housing, and other eligible housing-related programs consistent with Housing Element goals.	E	City of Ontario – Ontario Housing Trust Fund Guidelines	Electronic Copy attached in Appendix 7	1			1

4J	The City of Ontario has demonstrated its commitment to addressing housing instability and supporting vulnerable residents through the allocation of local funds to support the development and operation of the **Ontario Wellness Center**. This investment reflects the City's proactive approach to addressing homelessness by providing coordinated services, resources, and supportive programs designed to assist individuals and families experiencing housing insecurity.	E	City of Ontario – Website: Homeless Services Ontario Wellness Center City of Ontario – Agenda Report for Wellness Center Provider City of Ontario – Ontario Wellness Center Budget and Project Report	https://www.ontarioca.gov/CommunityLife/housing-services/homeless-services Electronic Copies attached in Appendix 7	1	1	1	2

4L	The City of Ontario utilizes **HOME funding** to support its **Tenant-Based Rental Assistance (TBRA) Program**, providing critical rental assistance to eligible low-income households and helping residents maintain stable housing. Through the TBRA Program, the City assists households experiencing financial hardship by providing rental subsidies that improve housing affordability and reduce the risk of housing instability and displacement. TBRA provides eligible participants with temporary rental assistance that helps bridge affordability gaps and supports households in securing and maintaining safe, decent, and affordable housing. The program serves as an important resource for residents who may be facing barriers to housing stability due to income limitations, unexpected financial challenges, or other circumstances impacting their ability to meet housing costs.	E	City of Ontario – HOME Tenant-Based Rental Assistance (TBRA) Program Guidelines City of Ontario – 2021-2029 Adopted Housing Element / Section: Continuum of Care Program / Pages H37-H39 & H41-H42	Electronic Copy attached in Appendix 7 https://content.ontarioca.gov/sites/default/files/2024-12/HE%20Adopted%2020220821%20Clean_0_0.pdf	1			1

4M	The City of Ontario utilizes **Emergency Solutions Grant (ESG) funding** to support the **Eviction Prevention Program (EEP)** designed to assist eligible households experiencing financial hardship and at risk of losing their housing. These programs provide rental assistance that help residents remain housed, reduce displacement, and promote long-term housing stability within the community. The City of Ontario utilizes local funding resources to support the **Hardship Reimbursement Program**, providing financial assistance to eligible residents experiencing temporary economic hardship that impacts their ability to maintain housing stability. The program reflects the City's commitment to addressing housing affordability challenges and assisting residents who may be at risk of housing instability due to unforeseen financial circumstances.	E	City of Ontario – Eviction Prevention Program Guidelines and Hardship Reimbursement Program Guidelines	https://www.ontarioca.gov/CommunityLife/housing-services/programs-and-services	1	1	1	2
				TOTAL:	**47**		**20**	**67**

Appendix 4: Examples of Prohousing Policies with Enhancement Factors

If a Prohousing Policy incorporates any of the enhancement factors specified in the Scoring Criteria Enhancement Factors chart, it will receive extra points as indicated therein. Examples of such qualifying Prohousing Policies include the following:

Category 1: Favorable Zoning and Land Use

- Rezoning sufficient sites to accommodate 150 percent or greater of the Regional Housing Needs Allocation by total or income category, including sites in Location Efficient Communities.
- Rezoning sufficient sites to accommodate 150 percent or greater of the Regional Housing Needs Allocation by total or income category, including sites in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Rezoning to accommodate 125 to 149 percent of the Regional Housing Needs Allocation in downtown commercial corridors or other infill locations.
- Expanding density bonus programs to exceed statutory requirements by 10 percent or more in Location Efficient Communities.
- Reducing or eliminating parking requirements for residential development as authorized by Government Code section 65852.2 in Location Efficient Communities.
- Increasing allowable density in low-density, single-family residential areas beyond the requirements of state Accessory Dwelling Unit Law in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Modification of development standards and other applicable zoning provisions to promote greater development intensity in downtown commercial corridors or other infill locations.
- Coupling rezoning actions with policies that go beyond state law requirements in reducing displacement of lower-income households and conserving existing housing stock that is affordable to lower-income households.

Category 2: Acceleration of Housing Production Timeframes

- Ministerial approval processes for multifamily housing in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Streamlined, program-level CEQA analysis and certification of specific plans in Location Efficient Communities.
- Documented practice of streamlining housing development at the project level in downtown commercial corridors and other infill locations.
- Expedited permit processing for housing affordable to lower-income households in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).

Category 3: Reduction of Construction and Development Costs

- Fee waivers for affordable housing in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Fee waivers or reductions for higher density housing in downtown commercial corridors or other infill locations.
- Measures that reduce costs and leverage financial resources for transportation-related infrastructure or programs in Low Resource and High Segregation & Poverty areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Adoption of universal design ordinances to increase housing choices and affordability for persons with disabilities in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Permitting innovative housing types, such as manufactured homes, recreational vehicles or park models, in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).

Category 4: Providing Financial Subsidies

- Targeting local housing trust funds to acquisition or rehabilitation of existing affordable units, or to affordable units at risk of converting to market rate uses, in Low Resource and High Segregation & Poverty areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Marketing grants and other financial products for ADUs/JADUs in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Utilizing publicly owned land for affordable housing in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Establishment of an Enhanced Infrastructure Financing District or similar local financing tool in a Low Resource or High Segregation & Poverty area (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Directing residual redevelopment funds or general funds to conservation or preservation of affordable housing in areas at high risk of displacement.

Appendix 5: Homeless Encampment Template

Subchapter 6.6 Prohousing Designation Program requires applicants to confirm that its treatment of encampments on public property complies with and will continue to comply with the constitutional rights of persons experiencing homelessness. An application must include a one-page summary demonstrating how the applicant has enacted best practices in their jurisdiction related to the treatment of unhoused individuals camping on public property, consistent with the United States Interagency Council on Homelessness' "7 Principles for Addressing Encampments (June 17, 2022). The following template and certification are included to help jurisdictions meet this threshold.

The City of Ontario uses a coordinated, housing-focused approach to addressing homelessness and encampments that aligns with the U.S. Interagency Council on Homelessness (USICH) Principles for Addressing Encampments. Through collaboration, outreach, shelter access, and housing navigation, the City prioritizes long-term housing solutions while balancing public health and community safety.

Principle 1: Establish a Cross-Agency, Multi-Sector Response to Encampments

The City maintains a collaborative response that includes the Housing Services Department, the Ontario Police Department, Community Improvement, Public Works, San Bernardino County Behavioral Health providers, healthcare partners, the Continuum of Care, and nonprofit service providers. Regular coordination occurs through case conferencing, outreach operations, regional homeless services meetings with the San Bernardino County Coordinated Entry System and Continuum of Care, West Valley Steering Committee meetings, and partnerships with community stakeholders to address encampments and connect individuals to resources.

Principle 2: Engage Encampment Residents to Develop Solutions

Ontario's outreach model emphasizes relationship-building and voluntary engagement. Outreach staff meet individuals where they are, assess needs, and collaborate to identify individualized pathways to shelter, treatment, reunification, and permanent housing. Individuals receive advance notice and engagement opportunities before major encampment interventions, whenever feasible.

Principle 3: Conduct Comprehensive and Coordinated Outreach

The City operates dedicated street outreach teams that provide ongoing engagement across Ontario. Outreach services include providing snacks, water, heat, and cold weather prevention supplies, housing navigation, enrollment in the San Bernardino County Coordinated Entry System, benefits assistance, behavioral health referrals, substance use treatment connections, family reunification, document readiness, and transportation assistance. Outreach activities are coordinated with regional service providers and public safety partners to ensure continuity of care.

Principle 4: Address Basic Needs and Provide Storage

Ontario's outreach teams help address immediate needs by distributing basic necessities, providing referrals to medical and behavioral health services, offering hygiene resources, providing motel voucher program assistance when appropriate, and connecting people to emergency shelter at the Ontario Wellness Center. The City partners with providers, such as IVRS, San Antonio Regional Hospital, and Kaiser Permanente, who can address urgent health and safety concerns while maintaining a focus on stabilization and housing outcomes.

Principle 5: Ensure Access to Shelter or Housing Options

The City has established the Ontario Wellness Center (OWC), a low-barrier navigation center that provides shelter, case management, and housing-focused services. In addition to OWC placement, the City assists individuals in accessing emergency shelter, interim housing, rapid rehousing, permanent supportive housing, family reunification, and other permanent housing opportunities. Housing Stabilization services are also provided by two social workers hired by the city of Ontario to prevent homelessness. Encampment resolution efforts prioritize available shelter and housing options whenever possible.

Principle 6: Develop Pathways to Permanent Housing and Supports

Ontario's approach emphasizes respectful engagement, trauma-informed practices, and the preservation of personal dignity. Outreach and shelter services are voluntary and designed to support informed decision-making and to connect residents with available resources and opportunities for stabilization.

Principle 7: Create a Plan for What Will Happen to Encampment Sites After Closure The City uses data collection, case management systems, Coordinated Entry participation, and outcome tracking to evaluate program effectiveness and improve service delivery. Encampment response efforts are informed by measurable outcomes, housing placements, service connections, and ongoing collaboration with regional partners. In 2025, the City of Ontario opened the Ontario Wellness Center, providing 8 emergency beds and 26 interim rooms for the homeless population. Street outreach responded to 806 service calls, processed 168 motel voucher intakes, and served 129 clients through housing stabilization services.

The City of Ontario's homeless response system reflects a comprehensive, housing-first, and service-oriented approach consistent with USICH guidance. Through coordinated outreach, low-barrier shelter access, regional partnerships, and a commitment to permanent housing solutions, Ontario continues to implement practices that support individuals experiencing homelessness and the broader community. Ontario provides the full spectrum of programs and services, including street outreach, emergency shelter and motel voucher placement, transitional housing, permanent affordable housing, and stabilization services.

Certification and Authorization:

[_____] [_____]

Signature of Authorized Representative Date

Appendix 6: Public Participation Checklist

Pursuant to Sections 6601, 6602, and 6605, applicants are required to demonstrate how they have engaged in a "Diligent Public Participation Process."

Please complete this checklist, and sign, to confirm that the applicant has complied with this requirement. Attach and reference any comments you received during the process.

Regulation Text	Explanation	Yes	No
Outreach through a variety of methods and languages to ensure access to the public process and provide opportunities for public input.	Applicant should use methods such as newspaper ads, email, social media, fliers, etc., to inform the public that an application has been drafted and posted for public comment. Language access should reflect languages spoken in your local community and should be available in multiple languages in print media or upon request for digital media.	☐	☐
Specific effort to engage all segments of the community, including individuals or representatives of lower-income and special needs households, for-profit and non-profit developers, and special needs service providers.	Individuals and organizations representing lower-income and special needs households, for-profit and non-profit developers, and special needs service providers should be engaged, informed of, and offered an opportunity to comment on the application. Outreach lists utilized for Housing Element compliance would suffice.	☐	☐
Availability of the draft document to the public, including notification to interested parties and all segments of the community, for thirty (30) calendar days and subsequent versions for seven (7) calendar days.	Applicants should post the application in print and digital forms, collect comments, and incorporate those comments into the application if necessary. Making the application available to the public could be satisfied by posting the application online and/or announcements through other mediums (e.g., local newspapers) so long as these forums include diverse segments of the community, including individuals or representatives of lower-income and special needs households, for-profit and non-profit developers, and special needs service providers.	☐	☐
Public hearings and informative meetings.	For the purposes of satisfying this requirement, a City Council or Board of Supervisors meeting informing the public of the jurisdiction's intent to submit a Prohousing Designation Program application, in addition to any subsequent meetings necessary to make revisions in response to public comment, will satisfy this requirement.	☐	☐

Consideration of comments, including incorporation of comments into a jurisdiction's application and Prohousing Policies as appropriate.	Provide all comments received with a description of how the comment was incorporated into the application. If the comment is not appropriate for incorporation, please describe why.	☐	☐

Certification and Authorization:

[_____] [_____]

Signature of Authorized Representative Date

Appendix 7: Additional Information and Supporting Documentation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMISSION OF A PROHOUSING DESIGNATION APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

WHEREAS, The California Department of Housing and Community Development ("HCD") administers the Prohousing Designation Program, as outlined in Government Code section 65589.9, which recognizes and offers incentives to jurisdictions that have implemented policies and practices that promote housing production, remove barriers to housing development, and support the creation and preservation of affordable housing; and

WHEREAS, the Prohousing Designation Program encourages local governments to adopt policies that increase housing opportunities for households at all income levels and support the State's efforts to address California's housing shortage; and

WHEREAS, the City of Ontario ("City") has adopted and implemented numerous policies, programs, and actions that facilitate housing production, encourage affordable housing development, streamline housing development review processes, and promote equitable access to housing opportunities; and

WHEREAS, the City is committed to increasing the supply of housing, including affordable housing, through implementation of its Housing Element and other local housing initiatives; and

WHEREAS, obtaining a Prohousing Designation will enhance the City's competitiveness for various State funding opportunities by providing eligibility for priority consideration or additional points under certain grant programs administered by the State of California; and

WHEREAS, the City Council finds that submission of an application for Prohousing Designation is in the best interest of the City and will further the City's goals of promoting housing production, affordability, sustainability, and economic development; and

WHEREAS, the City Council desires to authorize the submission of the City's Prohousing Designation application to HCD and authorize the City Manager, or designee, to execute all documents and take all actions necessary to complete the application process.

NOW, THEREFORE, BE IT RESOLVED BY THE City of Ontario Housing Authority, as follows:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council hereby authorizes the submission of the City of Ontario's application for Prohousing Designation to the California Department of Housing and Community Development.

SECTION 3. The City Manager, or their designee, is hereby authorized and directed to prepare, execute, submit, and administer all applications, certifications, agreements, documents, and other materials necessary to obtain the Prohousing Designation and to take all actions necessary to carry out the intent of this Resolution.

SECTION 4. The City Council authorizes the City Manager, or designee, to provide any additional information, execute amendments, certifications, or other documents, and perform all acts necessary to satisfy the requirements of the California Department of Housing and Community Development in connection with the Prohousing Designation application.

SECTION 5. The City Clerk shall certify the adoption of this Resolution, and thereafter the same shall be in full force and effect.

PASSED, APPROVED, AND ADOPTED this 18th day of August 2026.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2026- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 18, 2026 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2026- duly passed and adopted by the Ontario City Council at their regular meeting held August 18, 2026.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO *Agenda Report* **August 18, 2026**	**SECTION:** **COUNCIL MATTERS**
Department: Management Services Prepared By: Claudia Y Isbell Staff Member Presenting: Scott Ochoa, City Manager Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 15

SUBJECT: **CITY COUNCIL APPOINTMENTS**

RECOMMENDATION: That the City Council discuss and take action on City Council appointments.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner

FISCAL IMPACT: There is no fiscal impact associated with this action.

BACKGROUND & ANALYSIS: Pursuant to the City's Municipal Code, the Mayor shall approve all City Council appointments to Boards and Commissions subject to concurrence by City Council, therefore the Mayor is proposing the following appointments:

Board/Committee	Primary	Alternate
Omnitrans Board of Directors	Paul Leon	Debra Porada
Ontario International Airport Authority	Debra Porada	Paul Leon
ONT-IAC Mediation Board Liaison	Paul Leon	Debra Porada
Recreation & Parks Liaison	Paul Leon	Debra Porada
San Bernardino County Transit Authority	Paul Leon	Debra Porada

In addition to the Board and Committee appointments, the City Council appoint Debra Porada the position of Mayor pro Tem.