



## **CHAPTER VI: ADMINISTRATION & INFRASTRUCTURE DEVELOPMENT**

### **A. ADMINISTRATION**

The preceding chapters of the Ontario Gateway Specific Plan have established permitted uses, building intensities, circulation plans, technical master plans for services, and other development standards and guidelines. Subsequent to approval of the Specific Plan, implementation will entail the review of various project-wide plans, as well as individual development projects. To ensure compliance with all applicable development standards contained in the Ontario Gateway Specific Plan; applicable provisions of Title 10 of the City of Ontario Codes; and such applicable standards as may be adopted by the City of Ontario from time to time, all proposed development within the Specific Plan area shall be subject to review and approval by the City of Ontario Planning Department in accordance with the provisions of this Specific Plan and the City of Ontario Zoning Code.

### **B. SUBSTANTIAL CONFORMANCE**

The purpose of the Substantial Conformance provision is to provide an administrative mechanism by which minor modifications to literal application of the Specific Plan or design departures from specific standards herein may be permitted without amendment of the Specific Plan, provided that such departures do not result in significant impacts and are consistent with the intent and basic objectives of the Specific Plan. The ability to permit minor modifications to the Specific Plan via the Substantial Conformance provision allows for reasonable flexibility while maintaining the structure and intent of the Specific Plan, including protection against significant impacts to adjacent property owners. Substantial Conformance may include, but is not limited to, modifications necessary to comply with Final Conditions of Approval or modifications affecting infrastructure, public services and facilities, landscape material, and other issues except those affecting project financing and development regulations. Except as otherwise provided below, Substantial Conformance shall not include significant modifications to the basic design of the project.

#### **B.1 GUIDELINES FOR DETERMINATION OF SUBSTANTIAL CONFORMANCE**

Determination of Substantial Conformance shall be made by the City of Ontario Zoning Administrator (ZA).

- a. **Permitted Planning Area Uses.** Planning area uses not listed as permitted in Chapter 2.0 of this Specific Plan may be permitted, subject to a



- determination of Substantial Conformance, based on the following findings:
1. The proposed use is compatible with the permitted uses of the buildings in the Specific Plan;
  2. The proposed use will not create any significant environmental impacts that were not previously addressed in the environmental document approved for the Ontario Gateway Specific Plan;
  3. The proposed use will not substantially increase the severity of any significant environmental impacts that were previously addressed in the environmental document approved for the Ontario Gateway Specific Plan; and
  4. The proposed use is similar to, and no more objectionable than the permitted uses of the planning areas in the Specific Plan.
- b. **Development Intensity.** The anticipated intensity of development within the Ontario Gateway Specific Plan is identified in Table 2.A (Potential Land Use Concept by Planning Area). The development intensity of any particular planning area may be exceeded under the Substantial Conformance provisions of the Specific Plan provided that the overall development intensity of the Ontario Gateway Specific Plan is not exceeded, and that the exceedance of the development intensity for the particular planning area will not result in impacts greater than those anticipated in the adopted environmental document prepared for the Specific Plan.
- c. **Infrastructure.** Modifications to the alignment of roads, creation of local public and/or private streets, and/or adjustments to individual infrastructure facilities such as drainage, sewer, and water are subject to approval by the City Engineer.
- d. **Landscaping.** Revisions to the Plant Palette provided in Chapter V (Design Guidelines) may be approved by the DAB.
- e. **Building Use Approvals.** Specific provisions of building use approvals, architectural details; building size, height, bulk, and orientation; parking lot layout; and other site plan details may be revised utilizing Substantial Conformance provisions. In making such a determination, the DAB shall be required to find that the revisions requested under Substantial Conformance are consistent with the provisions of the Specific Plan, and do not create impacts which were not recognized and addressed in the original approval.

### **C. Specific Plan Amendment**

An amendment to the Specific Plan will require review by the City of Ontario Development Advisory Board and Planning Commission, and review and



approval by the City Council. Such amendments are governed by the California Government Code, Section 65500, and require an application and fee to be submitted to the City of Ontario Planning Department. It is anticipated that Caltrans will be selling its right-of-way located in the far northwest area of the Specific Plan. The Caltrans right-of-way area is considered not a part of the Specific Plan for any development requirements, although it is included within the boundaries of the Plan. If the Caltrans right-of-way is sold, a Specific Plan amendment would be necessary to include the development standards for this area of land.

#### **D. SITE DEVELOPMENT PLANS, SUBDIVISIONS, AND ENVIRONMENTAL REVIEW**

The Specific Plan shall be implemented through Development Plan Review. The purpose of this review is:

- a. To ensure consistency with the Specific Plan, the General Plan, and implementing ordinances.
- b. To promote high standards of site and building design.
- c. To adapt to specific or special development conditions that may occur from time to time, while continuing to implement the Specific Plan and conform to the General Plan and implementing ordinances.
- d. To facilitate complete documentation of land use entitlements and conditions pertinent thereto.
- e. To adapt to substantial changes that may occur with respect to the circumstances under which the project is undertaken.

Following are the required approvals:

- **Ontario Gateway Specific Plan Submittal Package.** Any proposed development or subdivision of any parcel or the construction of any public improvement within the Ontario Gateway Specific Plan area must be approved by the City and shall be consistent with all City subdivision ordinances and the Subdivisions Map Act.
- **Development Site Plans.** Site development plans shall be subject to review and approval by the City of Ontario DAB and/or Planning Commission.

#### **E. MITIGATION OF POTENTIAL ENVIRONMENTAL IMPACTS**

An Environmental Impact Report (EIR) for the Ontario Gateway Specific Plan is found under separate cover and is on file with the City of Ontario Planning Department. Mitigation measures for the Specific Plan are included in this document, along with the Mitigation Monitoring Program adopted for the project.



## **F. FINANCING AND MAINTENANCE OF IMPROVEMENTS**

Public improvements within and adjacent to the Specific Plan site may be privately and publicly financed through a Development Agreement. Upon completion of the public improvements and acceptance by the City, the maintenance of public improvements (travel lanes, curbs, sidewalks, etc.) will be the responsibility of the City and public utilities will be maintained by the appropriate Public Utility Company. Public infrastructure lines (i.e., water, sanitary sewer, and storm drain lines) within public easements on private property shall also be maintained by the City. The anticipated public improvements related to the Specific Plan are described in the Circulation and Infrastructure chapters of this Plan.

A property owners' association or maintenance district shall be formed, as necessary, for the maintenance of certain common improvements including but not limited to the maintenance of Haven Avenue landscaping, street lighting facilities, master storm drain system, internal project public street landscaping, and project entries. The property owners' association shall follow maintenance standards for the buildings and grounds of the site in a manner that complies with both the Ontario Property Appearance Ordinance and the conditions of approval set forth by all City departments and agencies.

The construction of all utility company facilities on public lands shall be privately financed. Upon the completion of construction and acceptance by the utility company, such facilities shall be maintained by the utility company per applicable licenses and agreements.

Improvements of all private circulation systems, private utility lines, and other development on private lands shall be privately financed. The maintenance of all private improvements shall be the responsibility of the property owner. The financing of the private easement to Office Planning Area 1 will be through a joint agreement between the affected property owners. The easement agreement shall be a condition of the sale of the affected parcels.

## **G. DEVELOPMENT AND INFRASTRUCTURE SEQUENCING**

Ontario Gateway Specific Plan is anticipated to be developed over a five-year time frame. In order to provide the requisite flexibility for successful project development while ensuring ongoing adequacy of project infrastructure, the backbone infrastructure facilities (roadways, water, sewer, drainage, etc.) that will serve the project site will be constructed prior to the completion of any on-site building. Individual building infrastructure connections will be the responsibility of the individual developments.