

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
APRIL 17, 2018**

Paul S. Leon
Mayor

Alan D. Wapner
Mayor pro Tem

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member

Ruben Valencia
Council Member



Scott Ochoa
City Manager

John E. Brown
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to speak 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.
- 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 chambers will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ORDER OF BUSINESS The regular City Council and Housing Authority meeting begins 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.

(EQUIPMENT FOR THE HEARING IMPAIRED AVAILABLE IN THE RECORDS MANAGEMENT OFFICE)

CALL TO ORDER (*OPEN SESSION*)

6:30 p.m.

ROLL CALL

Wapner, Bowman, Dorst-Porada, Valencia, Mayor/Chairman Leon

PLEDGE OF ALLEGIANCE

Council Member Dorst-Porada

INVOCATION

Pastor Mike Urciuoli, Calvary Chapel Ontario

PUBLIC COMMENTS

6:30 p.m.

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 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.

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.

Each member of the public wishing to address the City Council on items listed on the Consent Calendar will be given a total of 3 minutes.

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of March 20, 2018, and the special meeting of the City Council and Housing Authority of March 2, 2018, and the approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills February 25, 2018 through March 10, 2018 and **Payroll** February 25, 2018 through March 10, 2018, when audited by the Finance Committee.

3. VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) GENERAL ASSEMBLY

That the City Council designate Council Member Debra Dorst-Porada as the City's voting delegate for the Southern California Association of Governments (SCAG) General Assembly scheduled for May 3, 2018.

4. A RESOLUTION APPROVING THE 2018-2019 LIST OF PROJECTS FUNDED BY THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT (SB-1)

That the City Council adopt a resolution approving the 2018-2019 Project List for the Road Repair and Accountability Act – Senate Bill SB1.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO APPROVE THE LIST OF PROJECTS TO BE FUNDED BY SB 1 THE ROAD REPAIR AND ACCOUNTABILITY ACT.

5. PASSENGER AMENITY PROGRAM AGREEMENT BETWEEN THE CITY OF ONTARIO AND OMNITRANS FOR THE PASSENGER AMENITY PROGRAM

That the City Council approve a Passenger Amenity Program Agreement (on file with the Records Management Department) with Omnitrans, of San Bernardino, CA, for the administration of a comprehensive passenger amenities program at bus stops in Ontario; and authorize the City Manager to execute the agreement and future non-substantive amendments during the agreement term.

6. PURCHASE OF MOBILE AND PORTABLE VHF RADIOS FROM COMMLINE, INC.

That the City Council authorize the purchase of mobile and portable VHF radios and radio programming accessories from Commline, Inc. of Culver City, California, in the amount of \$310,031.

7. AN AMENDED AND RESTATED ARCHITECTURAL DESIGN SERVICES AGREEMENT FOR EXPANDED CONSTRUCTION DOCUMENTS AND SERVICES RELATED TO FIRE STATION NO. 9/WLC ARCHITECTS, INC.

That the City Council authorize the City Manager to execute an Architectural Design Services Agreement that amends agreement PFD14-FS9-001 and restates as D&C18-003-FS9 (on file in the Records Management Department) with WLC Architects, Inc., of Rancho Cucamonga, California, for an amount not to exceed \$250,425, plus a contingency of \$25,042, to complete the design and development of Fire Station No. 9.

8. PROFESSIONAL SERVICES AGREEMENT FOR THE ONTARIO MUNICIPAL SERVICES CENTER (OMSC) FACILITIES PLAN

That the City Council approve and authorize City Manager to execute a Professional Services Agreement (on file with the Records Management Department) with Griffin Structures, Inc. of Irvine, CA, for the Ontario Municipal Services Center (OMSC) Facilities Plan for the amount of \$239,150 plus a 15% contingency of \$35,873 for a total amount of \$275,023.

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.

9. AN ORDINANCE AMENDING TITLE 2, CHAPTER 3, ARTICLE 4 OF THE ONTARIO MUNICIPAL CODE RENAMING THE EXECUTIVE DIRECTOR OF FINANCE AND THE FINANCIAL SERVICES AGENCY

That the City Council introduce and waive further reading of an ordinance initiating the name change of Director of Finance to Executive Director of Finance, and department name change from Department of Administrative Services to Financial Services Agency.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING TITLE 2., CHAPTER 3., ARTICLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE OFFICE OF THE EXECUTIVE DIRECTOR OF FINANCE.

10. A PUBLIC HEARING TO CONSIDER A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, INCLUDING THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PLAN, FOR FILE NO. PSP16-003, A SPECIFIC PLAN (COLONY COMMERCE CENTER EAST) REQUEST (FILE NO. PSP16-003) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 94 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 2,362,215 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT AND A TENTATIVE CANCELLATION OF WILLIAMSON ACT CONTRACT 70-159 (FILE NO. PWIL18-002). THE PROJECT SITE IS BOUNDED BY ARCHIBALD AVENUE TO THE EAST, THE SAN BERNARDINO/RIVERSIDE COUNTY BOUNDARY TO THE SOUTH, THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE WEST AND MERRILL AVENUE TO THE NORTH (APNS: 0218-311-02, 0218-311-03, 0218-311-07, 0218-311-08, 0218-311-10, AND 0218-311-13)

That the City Council:

- (1) Adopt a resolution approving the Environmental Impact Report prepared for Colony Commerce Center East Specific Plan, File No. PSP16-003, which includes the adoption of a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan;
- (2) Introduce and waive further reading of an ordinance approving the Colony Commerce Center East Specific Plan (File No. PSP16-003); and
- (3) Adopt a resolution approving a Tentative Cancellation of Williamson Act Contract 70-159 (File No. PWIL18-002).

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2017031048) PREPARED FOR THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN (FILE NO. PSP16-003) AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PLAN (APNS 0218-311-02, 0218-311-03, 0218-311-07, 0218-311-08, 0218-311-10 & 0218-311-13.)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN (FILE NO. PSP16-003), TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 94 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 2,362,215 SQUARE FEET OF BUSINESS PARK AND INDUSTRIAL DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY ARCHIBALD AVENUE TO THE EAST, THE SAN BERNARDINO/RIVERSIDE COUNTY BOUNDARY TO THE SOUTH, THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE WEST AND MERRILL AVENUE TO THE NORTH, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-311-02, 0218-311-03, 0218-311-07, 0218-311-08, 0218-311-10 & 0218-311-13.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PWIL18-002, A TENTATIVE CANCELLATION OF WILLIAMSON ACT CONTRACT NUMBER 70-159 FOR 34.62 ACRES OF LAND GENERAL LOCATED ON THE WEST SIDE OF ARCHIBALD AVENUE, APPROXIMATELY 1,244 FEET SOUTH OF MERRILL AVENUE AT 15112 SOUTH ARCHIBALD AVENUE, WITHIN PLANNING AREAS 1 AND 2 OF THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-311-08.

II. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT PROPOSING VARIOUS MODIFICATIONS, CLARIFICATIONS AND UPDATES TO CERTAIN PROVISIONS OF THE ONTARIO DEVELOPMENT CODE, INCLUDING CHAPTER 2.0, TABLE 2.02-1 (REVIEW MATRIX) TO STREAMLINE THE REVIEW PROCESS, CHAPTER 5.0 (ZONING AND LAND USE) ADDRESSING APPROPRIATE LAND USES, AND CHAPTER 8.0 (SIGN REGULATIONS) FOR MONUMENT SIGNS, WALL SIGNS, WAYFINDING SIGNS AND BILLBOARD SIGNS, AS IT RELATES TO THE ONT (ONTARIO INTERNATIONAL AIRPORT) ZONING DESIGNATION, GENERALLY LOCATED NORTH OF MISSION BOULEVARD, SOUTH OF AIRPORT DRIVE, EAST OF GROVE AVENUE, AND WEST OF HAVEN AVENUE

That the City Council introduce and waive further reading of an ordinance approving a Development Code Amendment (File PDCA18-002, on file with the Records Management Department) proposing various modifications, clarifications and updates to certain provisions of the Ontario Development Code, including Chapter 2.0, Table 2.02-1 (Review Matrix), Chapter 5.0 (Zoning and Land Use), Chapter 8.0 (Sign Regulations) as it relates to the ONT (Ontario International Airport) zoning designation.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA18-002, A DEVELOPMENT CODE AMENDMENT PROPOSING VARIOUS MODIFICATIONS, CLARIFICATIONS AND UPDATES TO CERTAIN PROVISIONS OF THE ONTARIO DEVELOPMENT CODE, INCLUDING CHAPTER 2.0, TABLE 2.02-1 (REVIEW MATRIX) TO STREAMLINE THE REVIEW PROCESS, CHAPTER 5.0 (ZONING AND LAND USE) ADDRESSING APPROPRIATE LAND USES, AND CHAPTER 8.0 (SIGN REGULATIONS) FOR MONUMENT SIGNS, WALL SIGNS, WAYFINDING SIGNS AND BILLBOARD SIGNS, AS IT RELATES TO THE ONT (ONTARIO INTERNATIONAL AIRPORT) ZONING DESIGNATION, GENERALLY LOCATED NORTH OF MISSION BOULEVARD, SOUTH OF AIRPORT DRIVE, EAST OF GROVE AVENUE, AND WEST OF HAVEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF.

12. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA18-001, TO ALLOW USED VEHICLE AUTOMOBILE DEALERS IN THE CR (REGIONAL COMMERCIAL) ZONING DISTRICT, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT, AND A ZONE CHANGE, FILE NO. PZC18-001, FROM OH (HIGH INTENSITY OFFICE) TO CR (REGIONAL COMMERCIAL) ON 2.34 ACRES OF LAND LOCATED AT THE TERMINUS OF TURNER AVENUE, SOUTH OF INTERSTATE 10, AT 520 NORTH TURNER AVENUE (APN: 0210-551-01)

That the City Council consider and:

- (1) Adopt the Addendum to The Ontario Plan Environmental Impact Report;
- (2) Introduce and waive further reading of an ordinance approving File No. PDCA18-001, a Development Code Amendment to allow used vehicle automobile dealers as a conditionally permitted use in the CR (Regional Commercial) zoning district; and
- (3) Introduce and waive further reading of an ordinance approving File No. PZC18-001, a Zone Change from OH (High Intensity Office) to CR (Regional Commercial) on property located at 520 North Turner Avenue.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NOS. PDCA18-001 AND PZC18-001.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC18-001, A ZONE CHANGE FROM OH (HIGH DENSITY OFFICE) TO CR (REGION COMMERCIAL) ON 2.34 ACRES OF LAND LOCATED AT THE TERMINUS OF TURNER AVENUE, SOUTH OF INTERSTATE 10, AT 520 NORTH TURNER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0210-551-01.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA18-001, A DEVELOPMENT CODE AMENDMENT TO ALLOW USED VEHICLE AUTOMOBILE DEALERS IN THE CR (REGIONAL COMMERCIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF.

13. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA17-007) BETWEEN THE CITY OF ONTARIO AND ONTARIO AVENIDA PROPERTY OWNER LLC, FOR THE POTENTIAL DEVELOPMENT OF UP TO 176 RESIDENTIAL UNITS (FILE NO. PMTT16-003/TT 20012) ON 37.47 ACRES OF LAND, FOR PROPERTY GENERALLY LOCATED NORTH OF ONTARIO RANCH ROAD AND APPROXIMATELY 400 FEET WEST OF TURNER AVENUE, WITHIN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT OF PLANNING AREA 8A OF THE AVENUE SPECIFIC PLAN (APNS: 0218-201-20, 0218-201-26 AND 0218-201-27)

That the City Council introduce and waive further reading of an ordinance approving a Development Agreement (File No. PDA17-007, on file with the Records Management Department) between the City of Ontario and Ontario Avenida Property OWNER LLC, for the potential development of up to 176 residential units (File No. PMTT16-003/TT 20012) on 37.47 acres of land, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FILE NO. PDA17-007, BETWEEN THE CITY OF ONTARIO AND ONTARIO AVENIDA PROPERTY OWNER LLC, FOR THE POTENTIAL DEVELOPMENT OF UP TO 176 RESIDENTIAL UNITS (FILE NO. PMTT16-003/TT20012) ON 37.47 ACRES OF LAND, FOR PROPERTY GENERALLY LOCATED NORTH OF ONTARIO RANCH ROAD AND APPROXIMATELY 400 FEET WEST OF TURNER AVENUE, WITHIN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT OF PLANNING AREA 8A OF THE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-241-010, 0210-241-11, 0218-241-13, 0218-241-17 AND 0218-241-18.

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

Mayor Leon
Mayor pro Tem Wapner
Council Member Bowman
Council Member Dorst-Porada
Council Member Valencia

ADJOURNMENT

CITY OF ONTARIO

Agenda Report
April 17, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) GENERAL ASSEMBLY

RECOMMENDATION: That the City Council designate Council Member Debra Dorst-Porada as the City's voting delegate for the Southern California Association of Governments (SCAG) General Assembly scheduled for May 3, 2018.

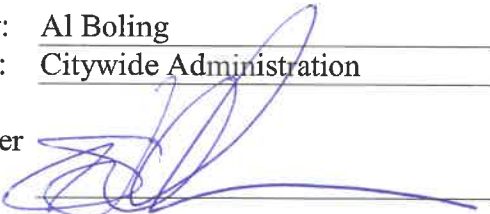
COUNCIL GOALS: Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: There is no direct fiscal impact by taking this action; however, representation and participation in the SCAG General Assembly will help establish policy on matters which may affect the City's finances.

BACKGROUND: SCAG has scheduled their General Assembly for May 3, 2018, during the 2018 Regional Conference in Indian Wells, California. At the General Assembly, members consider and take actions on resolutions that determine policy matters for SCAG.

Consistent with the SCAG bylaws, a City's voting delegate must be designated by the City Council.

STAFF MEMBER PRESENTING: Al C. Boling, Assistant City Manager

Prepared by: Al Boling
Department: Citywide Administration
City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2018
Approved: _____
Continued to: _____
Denied: _____

3

CITY OF ONTARIO

Agenda Report
April 17, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING THE 2018-2019 LIST OF PROJECTS FUNDED BY THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT (SB-1)

RECOMMENDATION: That the City Council adopt a resolution approving the 2018-2019 Project List for the Road Repair and Accountability Act – Senate Bill SB1.

COUNCIL GOALS: Pursue City's Goals and Objectives by Working with Other Governmental Agencies

Focus Resources in Ontario's Commercial and Residential Neighborhoods

Invest in the City's Infrastructure (Water, Streets, Sewer, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: This spending plan identifies the proposed recommended uses for the City's RMRA SB 1 Fiscal Year (FY) 2018-2019 allocation, which is projected as \$2,894,152 for the upcoming Fiscal Year.

BACKGROUND: On April 28, 2017, the Governor signed Senate Bill (SB) 1 (Beall, Chapter 5, Statutes of 2017), which is known as the Road Repair and Accountability Act of 2017. To address basic road maintenance, rehabilitation and critical safety needs on both the state highway and local streets and road system, SB 1: increases per gallon fuel excise taxes; increases diesel fuel sales taxes and vehicle registration fees; and provides for inflationary adjustments to tax rates in future years.

Beginning November 1, 2017, the State Controller began depositing portions of this funding into the newly created Road Maintenance and Rehabilitation Account (RMRA). A percentage of the RMRA funding will be apportioned by formula to eligible cities and counties pursuant to Streets and Highways Code Section 2032(h) for basic road maintenance, rehabilitation, and critical safety projects on the local streets and roads system.

The projects for FY 2018-2019 (a list is included as Exhibit A of the resolution) are consistent with the City's Five Year Capital Improvement Program as adopted by the City Council.

STAFF MEMBER PRESENTING: Louis Abi-Younes, P.E. City Engineer

Prepared by: Nabil Kassih, P.E.
Department: Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2018

Approved: _____

Continued to: _____

Denied: _____

4

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO APPROVE THE LIST OF PROJECTS TO BE FUNDED BY SB 1 THE ROAD REPAIR AND ACCOUNTABILITY ACT.

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the City budget, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive an estimated \$2,894,152 in RMRA funding in Fiscal Year 2018-19 from SB 1; and

WHEREAS, the City has undergone a robust public process to ensure public input into our community's transportation priorities project list; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate streets/roads, bridges, and add active transportation infrastructure throughout the City this year and many similar projects into the future; and

WHEREAS, the 2016 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in a "good" condition and this revenue will help us increase the overall quality of our road system and, over the next decade, will bring our streets and roads into a "excellent" condition; and

WHEREAS, without revenue from SB 1, the City, would have otherwise been delaying projects throughout the community; and

WHEREAS, if the Legislature and Governor failed to act, city streets and county roads would have continued to deteriorate, having many and varied negative impacts on our community; and

WHEREAS, cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment we open our front door to drive to work, bike to school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network; and

WHEREAS, modernizing the local street and road system provides well-paying construction jobs and boosts local economies; and

WHEREAS, the local street and road system is also critical for farm to market needs, interconnectivity, multimodal needs, and commerce; and

WHEREAS, police, fire, and emergency medical services all need safe, reliable roads to react quickly to emergency calls and a few minutes of delay can be a matter of life and death; and

WHEREAS, maintaining and preserving the local street and road system in good condition will reduce drive times and traffic congestion, improve bicycle safety, and make the pedestrian experience safer and more appealing, which leads to reduce vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals; and

WHEREAS, restoring roads before they fail also reduces construction time which results in less air pollution from heavy equipment and less water pollution from site run-off; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure, with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ontario, State of California, as follows

The foregoing recitals are true and correct.

The City approves the 2018-19 following list of projects as shown on Exhibit A which are planned to be funded with Road Maintenance and Rehabilitation Account revenues:

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

PASSED, APPROVED, AND ADOPTED this 17th day of April 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL 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. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 17, 2018 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. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held April 17, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

Local Streets and Roads Program

Agency Name	Agency Contact
Ontario	William Braun
LoCode: 5092	bbraun@ontarioca.gov

FY
18/19

Project Description: Projects shown receiving an Asphalt Overlay will also have removal and replacement of failing pavement areas, replacement of damaged sidewalk and curb/gutter, placement of ADA access ramps, updated signage, and updated striping. All overlay projects listed will be paved utilizing Rubberized Asphalt which uses ground up discarded tires in its mix design. This rubberized asphalt mix is a high performing asphalt product at a competitive cost that extends the pavement life while providing an environmentally friendly recycled tire usage.

Summary of Proposed Project List

Project No.	Project Title	Project Type	Project Location	Begin Project	Complete Project	Estimated Useful Life	
						Min.	Max.
FY 17/18							
PP01	Milliken Avenue	Asphalt Overlay	Jurupa Street to Airport Drive	06/30/2018	12/31/2018	15 years	25 years
FY 18/19							
PP02	Archibald Avenue	Asphalt Overlay	SR 60 to Riverside Drive	06/30/2018	12/31/2019	15 years	25 years
PP03	Concourse Street	Asphalt Overlay	Haven Avenue to Milliken Avenue	06/30/2018	12/31/2019	15 years	25 years
PP04	Cedar Street	Asphalt Overlay	Campus Avenue to Euclid Avenue	06/30/2018	12/31/2019	15 years	25 years
PP05	TCC Mission Boulevard Imp.	Roadway Imp.	Benson Avenue to BonView Avenue	06/30/2018	12/31/2019	25 years	35 years
PP06	Intersection Improvement	Traffic Signal	Grove Avenue & Francis Street	06/30/2018	12/31/2019	25 years	35 years
PP07	Intersection Improvement	Traffic Signal	Vineyard Avenue & Sixth Street	06/30/2018	12/31/2019	25 years	35 years
FY 19/20							
PP08	Philadelphia Street	Asphalt Overlay	Archibald Avenue to Haven Avenue	06/30/2019	12/31/2020	15 years	25 years
PP09	Turner Avenue	Asphalt Overlay	Philadelphia Street to Mission Blvd.	06/30/2019	12/31/2020	15 years	25 years
PP10	Maitland Street	Asphalt Overlay	Cypress Street to Euclid Avenue	06/30/2019	12/31/2020	15 years	25 years
PP11	H Street	Asphalt Overlay	Mountain Avenue to Euclid Avenue	06/30/2019	12/31/2020	15 years	25 years
PP12	Intersection Improvement	Traffic Signal	McCleve Way & Merrill Avenue	06/30/2019	12/31/2020	25 years	35 years
PP13	Intersection Improvement	Traffic Signal	Riverside Drive & Colonial Avenue	06/30/2019	12/31/2020	25 years	35 years
PP14	Intersection Improvement	Traffic Signal	Various Locations TBD	06/30/2019	12/31/2020	25 years	35 years
FY 20/21							
PP15	I Street	Asphalt Overlay	Benson Avenue to Euclid Avenue	06/30/2020	12/31/2021	15 years	25 years
PP16	Inland Empire Blvd.	Asphalt Overlay	Haven Avenue to Milliken	06/30/2020	12/31/2021	15 years	25 years
PP17	Intersection Improvement	Traffic Signal	Various Locations TBD	06/30/2020	12/31/2021	25 years	35 years
FY 21/22							
PP18	Haven Avenue	Asphalt Overlay	Jurupa Avenue to Riverside Avenue	06/30/2021	12/31/2022	15 years	25 years
PP19	Intersection Improvement	Traffic Signal	Various Locations TBD	06/30/2021	12/31/2022	25 years	35 years
FY 22/23							
PP20	Grove Avenue	Asphalt Overlay	Mission Blvd. to Fourth Street	06/30/2022	12/31/2023	15 years	25 years
PP21	San Antonio Avenue	Asphalt Overlay	Sixth Street to Holt Blvd.	06/30/2022	12/31/2023	15 years	25 years
PP22	D street	Asphalt Overlay	Vine Street to Euclid Avenue	06/30/2022	12/31/2023	15 years	25 years
PP23	Intersection Improvement	Traffic Signal	Various Locations TBD	06/30/2022	12/31/2023	25 years	35 years

CITY OF ONTARIO

Agenda Report
April 17, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: PASSENGER AMENITY PROGRAM AGREEMENT BETWEEN THE CITY OF ONTARIO AND OMNITRANS FOR THE PASSENGER AMENITY PROGRAM

RECOMMENDATION: That the City Council approve a Passenger Amenity Program Agreement (on file with the Records Management Department) with Omnitrans, of San Bernardino, CA, for the administration of a comprehensive passenger amenities program at bus stops in Ontario; and authorize the City Manager to execute the agreement and future non-substantive amendments during the agreement term.

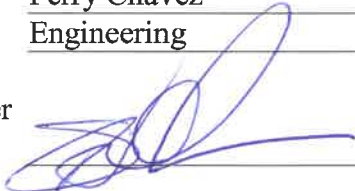
**COUNCIL GOALS: Operate in a Businesslike Manner
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)**

FISCAL IMPACT: Under the agreement terms and conditions, the program and services are to be provided at no cost to the City. Decorative bus shelters with enhanced design elements may be constructed in conjunction with specific projects in the City; however, the associated costs and revenue will be considered in the separate property development agreements.

BACKGROUND: In November 2010, the City and Omnitrans executed the most recent Bus Shelter Services Agreement which outlined the roles and responsibilities of each agency for providing bus shelters and amenities. The Agreement has expired and will be replaced with the subject Passenger Amenity Program Agreement, if approved.

This agreement grants to Omnitrans the rights and responsibilities to provide bus shelters and other passenger amenities at locations mutually agreed upon by the City and Omnitrans. Omnitrans will receive all revenue derived from the sale of advertisements on the bus shelters to offset the maintenance and operations costs. Omnitrans will ensure that bus shelters comply with all Americans with Disabilities Act guidelines, as well as perform all maintenance, cleaning and trash removal functions. In general, passenger amenities may include: shelters, benches, lean bars, trash receptacles, customer information signage, advertising panels, solar panels, lighting and bicycle racks. This agreement does

STAFF MEMBER PRESENTING: Louis Abi-Younes, P.E., City Engineer

Prepared by: Perry Chavez
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2018
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not apply to decorative bus shelters erected as part of a project specific development plan with enhanced architectural requirements and standards.

CITY OF ONTARIO

Agenda Report
April 17, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: PURCHASE OF MOBILE AND PORTABLE VHF RADIOS FROM COMMLINE, INC.

RECOMMENDATION: That the City Council authorize the purchase of mobile and portable VHF radios and radio programming accessories from Commline, Inc. of Culver City, California, in the amount of \$310,031.

**COUNCIL GOALS: Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner**

FISCAL IMPACT: The current Fiscal Year 2017-18 Adopted Budget, as amended through the Second Quarter includes appropriations of \$398,000 in the Public Safety Communications Reserve Fund for the purchase of mobile and portable VHF radios for the Fire Department.

BACKGROUND: The VHF radio is the primary means of communication during mutual aid responses where Cal Fire and the United States Forest Service are involved. Mutual aid incidents include wild land fires, hazardous materials, urban search and rescue, and on a daily basis when responding with Riverside County Fire Department in the area of Interstate 15 and State Route 60 freeways. To date, surrounding agencies including the Chino Valley Independent Fire District, the Rancho Cucamonga Fire Protection District, and nearly all Cal Fire Ranger Units have completed their transition to the same VHF radio.

On March 15, 2018, the City solicited bids for the purchase of handheld and mobile radios; and four (4) bids were received. A summary of the bid results follows:

STAFF MEMBER PRESENTING: Rob Elwell, Fire Chief

Prepared by: Mike Pelletier
Department: Fire
City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2018
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<u>Bidder Name</u>	<u>Location</u>	<u>Bid Amount</u>
Commline, Inc.	Culver City, California	\$310,031
49er Communications	Nevada City, California	\$317,592
Leavitt Communications LLC	Paradise Valley, Arizona	\$336,915
Vincent Communications, Inc.	Fresno, California	\$348,439

Staff recommends award to Commline, Inc. as the lowest, responsible bidder. Their bid was reviewed for accuracy and compliance with the provisions contained in the radio specifications outlined in the bid solicitation.

CITY OF ONTARIO

Agenda Report
April 17, 2018

SECTION:
CONSENT CALENDER

SUBJECT: AN AMENDED AND RESTATED ARCHITECTURAL DESIGN SERVICES AGREEMENT FOR EXPANDED CONSTRUCTION DOCUMENTS AND SERVICES RELATED TO FIRE STATION NO. 9

RECOMMENDATION: That the City Council authorize the City Manager to execute an Architectural Design Services Agreement that amends agreement PFD14-FS9-001 and restates as D&C18-003-FS9 (on file in the Records Management Department) with WLC Architects, Inc., of Rancho Cucamonga, California, for an amount not to exceed 250,425, plus a contingency of \$25,042, to complete the design and development of Fire Station No. 9.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
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 Adopted Fiscal Year 2017-18 Budget includes appropriations of \$197,696 from the NMC Fire Impact Fund to complete design services for this project. The proposed Architectural Services Agreement with WLC Architects, Inc. is for \$250,425, plus a 10% contingency of \$25,042 for a total amount of \$275,467. Additional funding in the amount of \$77,771 will be needed to meet the expanded service costs, and appropriations will be included in the Third Quarter Budget Report, if approved. There is no impact to the General Fund.

BACKGROUND: On December 20, 2005 the City Council approved an architectural services agreement with WLC Architects (WLC) for the design and development of Fire Station No. 9 to be located on 1.3 acres of land in the vicinity of the southwest corner of Archibald Avenue and Ontario Ranch Road. In May 2009, slowing of construction in the Ontario Ranch area facilitated the discontinuance of the agreement. In May 2014, with a resurgence of development activity in the Ontario Ranch area, it is now prudent to reinstate the agreement and continue the design work.

STAFF MEMBER PRESENTING: Mark Chase, Public Works Director

Prepared by: David Simpson
Department: Design & Construction
City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2018
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Denied: _____

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Additionally, in January 2018, the Chino Basin Desalter Authority (CDA) contracted the City with a desire to develop a well site adjacent to the proposed Fire Station. Since both developments will share the same off-site improvements, the existing off-site plans must be revised. WLC has agreed to coordinate with CDA staff and combine the CDA and fire station off-site improvements into one solicitation that the City will issue and oversee. A separate cost sharing agreement between the City and CDA will ensure that the CDA pays its proportionate share of the additional costs. The proposed amendment to WLC's agreement provides for the coordination and construction of Loyalty Place, Park Vista Ave and the Archibald Avenue/Ontario Ranch Road traffic signals, CDA coordination and code compliant updates.

WLC has agreed to complete the new and remaining activities (construction documents, bidding commissioning and construction administration) at a cost of \$250,425, plus a 10% contingency of \$25,042. The proposal is within industry standards and staff recommends approval. Construction of the Fire Station and off-site improvements are slated to begin in the fall of 2018 and be complete in the spring of 2020.

CITY OF ONTARIO

Agenda Report
April 17, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR THE ONTARIO MUNICIPAL SERVICES CENTER (OMSC) FACILITIES PLAN

RECOMMENDATION: That the City Council approve and authorize City Manager to execute a Professional Services Agreement (on file with the Records Management Department) with Griffin Structures, Inc. of Irvine, CA, for the Ontario Municipal Services Center (OMSC) Facilities Plan for the amount of \$239,150 plus a 15% contingency of \$35,873 for a total amount of \$275,023.


COUNCIL GOALS: 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: The Fiscal Year 2017-18 Capital Improvements Program includes appropriations from the benefitting enterprise funds for this project. The recommended contract award to Griffin Structures, Inc. is \$239,150 plus a 15% contingency of \$35,873 for a total amount of \$275,023.

BACKGROUND: The Ontario Municipal Services Center (OMSC) encompasses approximately 46 acres of nearly contiguous parcels located at 1425 South Bon View Avenue (see attached exhibit). Current City functions operating at this facility include Municipal Utilities Operations, Solid Waste Operations, Parks Maintenance, Street Maintenance, Vehicle and Equipment Fleet Maintenance, Facilities Maintenance, Warehousing, Revenue Services, Household Hazardous Waste Collections, CNG fueling services, and associated administrative support and other ancillary functions. With the continued growth of the City, expansion of these City functions will require additional equipment, vehicles, facilities, and staffing. In addition to expansion of existing facilities, future facilities will include water infrastructure such as new water reservoirs, water supply wells, and integrated waste facilities.

The initial property at 1425 South Bon View was acquired by the City in 1980 for the OMSC facility and consisted of 9 acres. As adjacent properties have become available over the years, the City has

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Jeff Krizek
Department: MU/Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2018
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Continued to: _____
Denied: _____

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acquired such parcels to provide for future growth and expansion of the OMSC facility. Numerous investments in facility improvements have also been completed to bring the facility up to various industry standards and to meet current operational needs. This includes bioswales to meet water quality requirements, drainage improvements to mitigate onsite flooding, new parking lot lighting and security systems, pavement rehabilitation, expansion of the CNG fueling system to meet the ongoing growth of the CNG vehicle fleet, vehicle wash racks, fiber optic conduits and a fiber optic POP facility, and building renovations at 1333 S. Bon View to house Revenue Services. Along with the growth aspect, implementing further improvements requires additional consideration of existing conditions such as environmental issues, building conditions, and ongoing and future operations at OMSC.

The preparation of a Facilities Plan is proposed for use in planning and managing the continued expansion of OMSC and addressing existing conditions. Griffin Structures, Inc. will analyze the services provided on the site; project future resource requirements to meet the increasing service demands as the City grows; and master plan the site's layout and facilities to make the most efficient use of the properties. A phasing plan will also be developed to provide for a cost-effective approach in implementing various improvements over time while maintaining current City operations.

In June 2017, the City issued a Request for Proposals for the OMSC Facilities Plan and received two qualified responses:

Consultant

Griffin Structures, Inc.
La Canada Design Group

Location

Irvine, CA
Pasadena, CA

A review team consisting of staff from Ontario Municipal Utilities Company, Public Works Agency, and the Housing and Neighborhood Preservation departments, reviewed and made their recommendation based upon qualifications, understanding of the City's needs, history of successfully completing similar projects, and recommendations of other public agencies including the County of San Bernardino. After consideration and evaluation, Griffin Structures, Inc. was selected as the best overall respondent.

CITY OF ONTARIO

Agenda Report
April 17, 2018

SECTION:
PUBLIC HEARINGS

SUBJECT: AN ORDINANCE AMENDING TITLE 2, CHAPTER 3, ARTICLE 4 OF THE ONTARIO MUNICIPAL CODE RENAMING THE EXECUTIVE DIRECTOR OF FINANCE AND THE FINANCIAL SERVICES AGENCY

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance initiating the name change of Director of Finance to Executive Director of Finance, and department name change from Department of Administrative Services to Financial Services Agency.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

FISCAL IMPACT: No fiscal impact.

BACKGROUND: The City's organizational configuration as depicted in the Municipal Code was adopted in 1966. Since that time, the organizational structure has been reorganized and realigned to enhance program operations and efficiency. This proposed Municipal Code change reflects the City's ongoing efforts to model best practices and prepare a dynamic workplace for the future.

STAFF MEMBER PRESENTING: Al C. Boling, Assistant City Manager

Prepared by: Vicki Kasad
Department: Records Management
City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2018
Approved: _____
Continued to: _____
Denied: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING TITLE 2. CHAPTER 3. ARTICLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE OFFICE OF THE EXECUTIVE DIRECTOR OF FINANCE.

WHEREAS, the City of Ontario continually strives for the most efficient and effective operational structure; and

WHEREAS, personnel and organizational changes are necessary to enhance program operation and efficiency; and

WHEREAS, implementation of best business practices and a dynamic workplace are desired for the future;

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario as follows:

SECTION 1. Ordinance No. 1638 is hereby repealed in its entirety.

SECTION 2. Article 4 of Chapter 3 to Title 2 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

Sec. 2-3.401. Office established.

The office of Executive Director of Finance is hereby established.

Sec. 2-3.402. Appointment.

The Executive Director of Finance shall be appointed by the City Manager, subject to ratification by the Council.

Sec. 2-3.403. Powers and duties.

(a) Supervision of Financial Services Agency. The Executive Director of Finance shall direct the Financial Services Agency and perform related work as required. The Financial Services Agency shall include the following services:

- (1) Accounting;
- (2) Budgeting;
- (3) Purchasing and stores;
- (4) Central billing;
- (5) Licensing; and
- (6) Other related central services.

- (b) Transfer from City Clerk. The Executive Director of Finance shall exercise all the powers and be subject to all the duties granted to and imposed upon the City Clerk by the provisions of Article 1 of Chapter 4 of Part 2 of Division 3 of Title 4 of the Government Code of the State (commencing with Cal. Gov't Code § 37200) and Cal. Gov't Code §§ 40802 through 40805. The City Clerk shall be relieved of all of such duties upon the appointment of the Executive Director of Finance.

SECTION 3. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 4. 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 fifteen (15) days of the 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 _____ day of _____ 2018.

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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held April 17, 2018 and adopted at the regular meeting held _____, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
April 17, 2018


SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, INCLUDING THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PLAN, FOR FILE NO. PSP16-003, A SPECIFIC PLAN (COLONY COMMERCE CENTER EAST) REQUEST (FILE NO. PSP16-003) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 94 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 2,362,215 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT AND A TENTATIVE CANCELLATION OF WILLIAMSON ACT CONTRACT 70-159 (FILE NO. PWIL18-002). THE PROJECT SITE IS BOUNDED BY ARCHIBALD AVENUE TO THE EAST, THE SAN BERNARDINO/RIVERSIDE COUNTY BOUNDARY TO THE SOUTH, THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE WEST AND MERRILL AVENUE TO THE NORTH (APNS:0218-311-02, 0218-311-03, 0218-311-07, 0218-311-08, 0218-311-10, AND 0218-311-13)

RECOMMENDATION: That the City Council:

- (1) Adopt a resolution approving the Environmental Impact Report prepared for Colony Commerce Center East Specific Plan, File No. PSP16-003, which includes the adoption of a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan;
- (2) Introduce and waive further reading of an ordinance approving the Colony Commerce Center East Specific Plan (File No. PSP16-003); and
- (3) Adopt a resolution approving a Tentative Cancellation of Williamson Act Contract 70-159 (File No. PWIL18-002).

STAFF MEMBER PRESENTING: Cathy Wahlstrom, Assistant Planning Director

Prepared by: Luis Batres
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2018
Approved: _____
Continued to: _____
Denied: _____

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COUNCIL GOALS: 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)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: Adoption of the Colony Commerce Center East Specific Plan would result in both short and long term fiscal impacts to the City. Short term impacts include infrastructure improvements to serve the new business park and industrial development. The cost of these improvements is included in the Nexus Study and Development Impact Fees previously adopted by the City Council. The developer will be required to install improvements or pay the Development Impact Fees ("DIF") associated with the various improvements. Long term fiscal impacts include the ongoing operations and maintenance services (police, fire, maintenance, etc.) necessary to serve the new development. While the development will result in increased property tax revenue, the increase is not sufficient to cover the cost of services associated with the project. To address this shortfall, the developer will be required to form and/or join a Community Facilities District ("CFD") to cover the additional public service costs. No Original Model Colony dollars will be used to fund this Ontario Ranch development.

BACKGROUND: The Ontario Plan (TOP) Policy Plan (General Plan) provides the basic framework for development within the 8,200-acre area commonly referred to as Ontario Ranch. The Policy Plan requires City Council approval of a Specific Plan for new developments within Ontario Ranch. Specific Plans are required to ensure that sufficient land area is included to achieve cohesive, unified districts and neighborhoods. Specific Plans are required to incorporate a development framework for detailed land use, circulation, infrastructure (including drainage, sewer, and water facilities), provision for public services (including parks and schools), and urban design and landscape plans.

COLONY COMMERCE CENTER EAST SPECIFIC PLAN: The Colony Commerce Center East Specific Plan (File No. PSP16-003) serves to implement the City's Policy Plan for the project site and provides zoning regulations for development of the project site by establishing permitted land use, development standards, infrastructure requirements, and implementation requirements for the development of 94.4 acres within the Specific Plan boundaries. The Specific Plan establishes a comprehensive set of development regulations and design guidelines to regulate site planning, landscaping, and architectural character, and ensuring that excellence in community design is achieved during project development. The Colony Commerce Center East Specific Plan establishes the procedures and requirements to approve new development within the project site.

The overall land use concept for the Colony Commerce Center East Specific Plan takes advantage of the site's proximity to airports and regional freeway access. The land use concept provides for a range of industrial and business park uses, while offering a variety of development, employment opportunities and opportunities for a broad range of industries to accommodate an ever-changing industrial and business park environment.

The Specific Plan identifies the land use intensity anticipated in three proposed planning areas (see *Exhibit "A": Colony Commerce Center East Specific Plan Land Use Plan*). The Specific Plan is proposing a maximum Floor Area Ratio (FAR) of 0.60 within the Business Park land use designation (Planning Area 1) and 0.55 within the Industrial Land Use designation (Planning Area 2 & 3). The proposed FAR's for each of the Planning Areas is consistent with the Policy Plan Land Use Plan for

Business Park and Industrial and use designations. Planning Area 1, located within the eastern portion of the Specific Plan area, is 35.19 acres in size and can potentially be developed with 919,725 square feet of business park development. In addition, buildings within the Business Park zone should not exceed 100,000 square feet in size and anything over the 100,000 square feet will be subject to Planning Director review and approval. Planning Area 2, located within the middle and northwest portion of the Specific Plan is 49.65 acres in size and can potentially be developed with 1,189,514 square feet of industrial development. Planning Area 3, located along the southwest portion of the Specific Plan is 9.65 acres in size and can potentially be developed with 231,195 square feet of industrial development (see *Exhibit "B": Land Use Summary Table*).

Specific Plan Design\ Architecture Concept — The design theme and concept for Colony Commerce Center East Specific Plan was created to ensure a quality, cohesive design framework for the Specific Plan. This is empathized by the following design concepts:

- Establish development standards that ensure lasting value for business park and industrial developments.
- The architectural image of the Specific Plan will be perceived primarily from the public realm. Therefore, building massing, scale and roof forms, as the primary design components require articulation in their architectural expression as they relate to the public view.
- The business park and industrial land uses shall implement appropriate site planning and architectural design to be complimentary to the adjacent land uses.
- A theme wall/entry monument may be installed at the major project entries at the discretion of the builder or project developer.
- Site design shall facilitate the intended functions of developed and open space areas and provide for appropriate interactions between buildings and activity areas, good movement, vehicular access and parking, and pedestrian and bicycle travel.
- Buildings shall be oriented to define the street scene and provide for an aesthetically pleasing streetscape; and
- Major vehicular and pedestrian entries to the site from the public street system shall be readily visible.

The Colony Commerce Center East Specific Plan Design Guidelines have been established to promote high-quality architecture as required by the Ontario Development Code and The Ontario Plan (TOP). The proposed architecture theme of the Specific Plan will be a tilt-up Contemporary Style. The design guidelines of the Specific Plan will require all buildings to provide a recognizable base, body, roofline and entry. All buildings will be required to provide substantial glazing along the storefront office areas, incorporate material changes, wall and roof articulation, and architectural detailing.

Landscape Plan — The landscape palette for the Specific Plan (Table 7.1 of the Specific Plan) identifies the plant material and trees to be used within parking lots, along street parkways, within sign monument areas, and adjacent to buildings. Additionally, the Specific Plan establishes the overall landscape

coverage for the project and the landscape setbacks along the perimeter streets and interior property lines.

Circulation Concept — The circulation plan for the Specific Plan reinforces the objective of moving vehicles, pedestrians, cyclist, and public transit safely and efficiently through and around the project. The Specific Plan establishes the hierarchy and general location of roadways within the Colony Commerce Center East Specific Plan. Primary access into the project will be provided from Merrill Avenue on the north, and Archibald Avenue on the east.

Merrill Avenue has been designed to provide two points of access to the project site and Archibald Avenue has been designed to provide three points of access. One signalized intersection will be provided along Merrill Avenue and a second along Archibald Avenue.

Infrastructure and Services — Backbone infrastructure to serve all areas of the Specific Plan will be installed by the developers in accordance with the Ontario Ranch (New Model Colony) Master Plans for streets, water (including recycled water), sewer, storm drain, and fiber optic facilities. Natural gas will be provided by The Gas Company and electricity by Southern California Edison. Development of the project requires the installation by the developer of all infrastructure necessary to serve the project as a standalone development.

WILLIAMSON ACT CONTRACT: Agricultural lands under a Williamson Act Contract are governed by the California Land Conservation Act of 1965, also known as the Williamson Act. Upon annexation, the City of Ontario assumed responsibility for administration of the Land Conservation Contracts which existed in the Ontario Ranch area. The City adopted the Agricultural Overlay Zoning District, or a “Right-to-Farm” Ordinance, that would allow existing agricultural uses within Ontario Ranch to continue for as long as the landowner desired.

In conjunction with the proposed Colony Commerce Center East Specific Plan, Caprock Partners are requesting, on behalf of the property owners, tentative cancellation of Williamson Act Contract 70-159 prior to the non-renewal termination dates. The subject property, under the Williamson Act, totals 34.62 acres and located on the west side of Archibald Avenue, approximately 1,244 feet south of Merrill Avenue at 15112 South Archibald Avenue.

The cancellation will provide relief from the provisions of the Contract, thus allowing for development of the properties with an alternative use. The Notice of Non-Renewal, for the subject property Williamson Act Contract, was recorded with the County of San Bernardino on February 21, 2018 and will expire on January 1, 2028.

As required by the Williamson Act, there is a penalty fee for cancellation of an agricultural contract. The fee is equal to 12.5 percent of the unrestricted base value of the land as determined by the County Assessor’s Office. The fee for the subject property, as determined by the County Assessor, has not been received by staff. As required by the Williamson Act, once a copy of the Assessor’s value appraisal has been received, the appraisal will be sent to the Director of the Department of Conservation to allow them the opportunity to request a formal review from the Assessor. The State of California receives the money from the cancellation.

The cancellation process for Williamson Act Contracts identifies findings which must be made in order to cancel a Contract. The City Council must find that the proposed cancellation is consistent with the purposes of the Williamson Act or is in the public interest. Staff has reviewed the request and believes that the cancellation is consistent with the purposes of the Williamson Act as follows:

1. The cancellation is for land on which a Notice of Non-Renewal has been served.
2. Cancellation is not likely to result in the removal of adjacent lands from agricultural use.
3. Cancellation is for an alternative use which is consistent with the applicable provisions of the City's Policy Plan (General Plan).
4. Cancellation will not result in discontinuous patterns of urban development.
5. There is no proximate non-Contracted land, which is both available and suitable for the alternative proposed use or that development of the subject property will provide more contiguous patterns of urban development than development of proximate non-Contracted land.

The findings are identified in the attached Resolution. Following each required finding is the supporting statements that satisfy the requirements for cancellation.

CONDITIONS AND CONTINGENCIES: Prior to City Council approval of the Tentative Cancellation, the City Council must review and approve the Colony Commerce Center East Specific Plan and certify the corresponding Environmental Impact Report. In addition, the following conditions and contingencies will be required to be satisfied upon approval of the Tentative Cancellation by the City Council and before Final Cancellation. All applicable conditions must be satisfied within one year of the date of recording of the Certificate of Tentative Cancellation. Conditions and contingencies include:

1. A Certificate of Tentative Cancellation must be recorded with the County Clerk;
2. Payment in full of the penalty fee. If the fee is not paid or a Certificate of Cancellation is not issued within one year from the date of the recording of the Tentative Cancellation, the fee shall be recomputed;
3. Obtain all approvals necessary (including Specific Plan, EIR adoption, and Tentative Map(s) to commence the specified alternative use;

Within 30 days of satisfaction of the Conditions, the City Council must execute and record a Certificate of Final Cancellation of Contract.

COMPLIANCE WITH THE ONTARIO PLAN: The Colony Commerce Center East Specific Plan is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan (TOP).

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits the adoption and administration of specific plans as an implementation tool for elements contained in the

local general plan. Specific plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the general plan. The Colony Commerce East Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy analysis in *Appendix "Policy Plan (General Plan) Consistency,"* of the Specific Plan describes the manner in which the Colony Commerce Center East Specific Plan complies with the Policy Plan goals.

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 site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

AIRPORT LAND USE COMPATIBILITY: The project site is located within the Airport Influence Area of the Ontario International Airport (ONT) and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is also located within the Airport Influence of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

ENVIRONMENTAL REVIEW: On January 27, 2010, the City adopted The Ontario Plan (TOP) and certified the accompanying EIR. TOP serves as the City's new General Plan for the entire City, including the NMC (now referred to Ontario Ranch). TOP identified many areas that might have a potentially significant impact on the environment. These areas included: 1) Aesthetics; 2) Biological Resources; 3) Geology and Soils; 4) Hazards and Hazardous Materials; 5) Hydrology and Water Quality; 6) Land Use and Planning; 7) Mineral Resources; 8) Population and Housing; 9) Public Services; 10) Recreation; and 11) Utilities and Service Systems. Through the EIR process these potential impacts were analyzed, revisions were incorporated into the plan and/or mitigation measures were identified that reduced the potential environmental impacts to a level that was less than significant.

Even though an EIR was prepared for TOP, the analyses focused on the program or "big picture" impacts associated with development. With the submittal of the Colony Commerce Center East Specific Plan, staff is charged with evaluating the potential impacts of development at the project level. Staff completed an Initial Study for the project and determined that an EIR should be prepared for the Colony Commerce Center East Specific Plan. As noted in the Planning Commission staff report, dated March 27, 2018, an EIR was prepared addressing 15 key areas. The Colony Commerce Center East Specific Plan EIR (SCH# 2017031048) evaluates each of these areas and identifies mitigation measures and/or revisions to the plan to lessen the impacts of the project. Of the 15 areas considered by the EIR, all but three (3) of the impact areas were mitigated a level of less than significant. Even with the mitigation measures, the impacts to air quality, agriculture resources and transportation and traffic could not be reduced to less than significant, resulting in some impacts remaining potentially significant and unavoidable. While mitigation of all potential impacts to a level of less than significant is desirable, the fact that three areas will remain significant and unavoidable is not unexpected. The identification of these areas as significant and unavoidable validates the work previously completed for TOP. Staff continues to believe that the benefits of the proposed development outweigh the potential impacts associated with it. Therefore, staff recommends the City Council certify the EIR, including the adoption of the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan for the project.

PLANNING COMMISSION REVIEW: On March 27, 2018, the Planning Commission conducted a public hearing and voted (6-0) to recommend City Council certification of the Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) including the adoption of a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan; approval of the Colony Commerce Center East Specific Plan (File No. PSP16-003), and approval of the Tentative Cancellation of Williamson Act Contract 70-159 (File No. PWIL18-002).

Exhibit "A"
Colony Commerce Center East Specific Plan Land Use Map

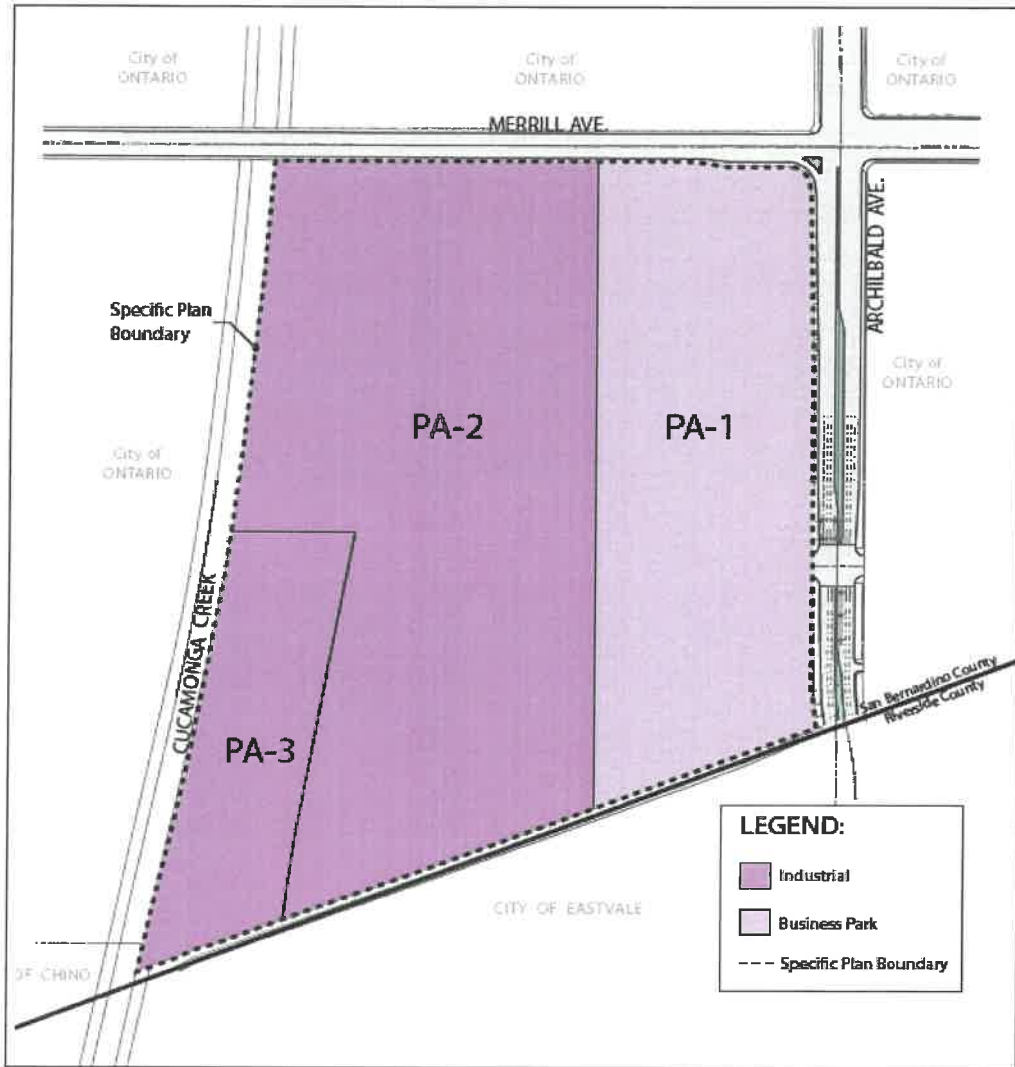
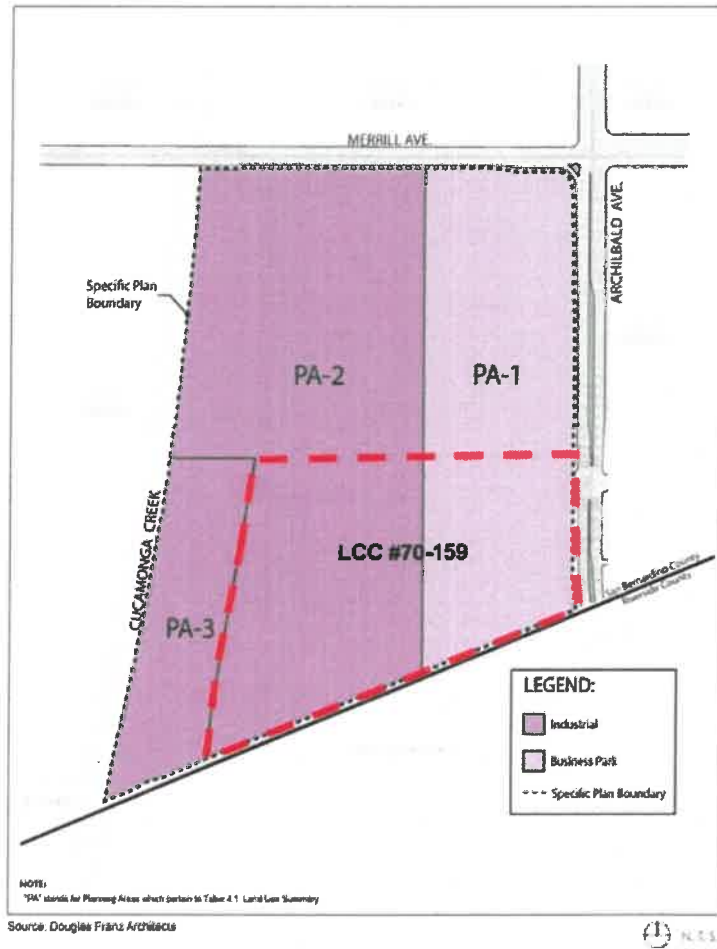


Exhibit "B"
Land Use Summary Table

Planning Area	Land Use	Acres	Maximum Potential Intensity (Gross Floor Area)	Max. Floor Area Ratio
PA-1	Business Park	45.19 ac	1,181,085 SF	0.60
PA-2	Industrial	39.65 ac	949,935 SF	0.55
PA-3	Industrial	9.65 ac	231,195 SF	0.55
	Total	94.49 ac	2,362,215 SF	

Exhibit "C"
Colony Commerce Center East Specific Plan Williamson Act Contract Location



File No. PSP16-003
Environmental Impact Report

(Provided under separate cover)

**COLONY COMMERCE CENTER EAST
FEIR /DEIR
and Appendices
(PSP16-003)**

**Complete text and all supporting documents are
available for public review during
normal business hours at the
City Clerk's office**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2017031048) PREPARED FOR THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN (FILE NO. PSP16-003) AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PLAN (APNS 0218-311-02, 0218-311-03, 0218-311-07, 0218-311-08, 0218-311-10 & 0218-311-13.)

WHEREAS, CAP ROCK PARTNERS LAND & DEVELOPMENT FUND I, L.P. (the "Applicant") proposes the Colony Commerce Center East Specific Plan ("Project") on an 94.4-acre site in the southern portion of the City of Ontario ("City"); and

WHEREAS, the Project under review considered the following: (1) certification of the Colony Commerce Center East Specific Plan Final Environmental Impact Report ("Final EIR"); (2) approval and adoption of the Colony Commerce Center East Specific Plan; (3) approval of a tentative tract map; (4) approval of a development plan; (5) approval of a Williamson Act Contract cancellation; (6) approval of a development plan; and (7) any related discretionary approvals; and

WHEREAS, the purpose of the Project is to adopt a Specific Plan for a 94.4 acre project site, and develop an 84.8 acre portion of the Specific Plan area as Phase 1 of the project with industrial warehouse/distribution and business park uses; and

WHEREAS, the Project site is located north of the County line flood control channel, south of Merrill Avenue, east of Cucamonga Creek control channel, and west of Archibald Avenue in the City of Ontario, within the County of San Bernardino, and consists of 94.4-acres located within that portion of the City commonly referred to as Ontario Ranch (formerly referred to as the New Model Colony), which was annexed into the City in November 1999; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Res. Code, §§ 21000 *et seq.*), the State CEQA Guidelines (14 CCR §§ 15000 *et seq.*) and the City's Local CEQA Guidelines, the City of Ontario is the lead agency for the Project, as the public agency with the principle responsibility for approving the Project; and

WHEREAS, the City prepared The Ontario Plan Final Environmental Impact Report ("TOP EIR") (SCH # 2008101140) in association with the 2009 General Plan Update ("GPA") and certified the TOP EIR on January 26, 2010; and

WHEREAS, the TOP EIR is a Program EIR from which later specific plan EIRs, such as the EIR for this Project, are tiered; and

WHEREAS, the City originally issued a Notice of Preparation ("NOP") for the Colony Commerce Center East Specific Plan for which the public review period ended April 17, 2017. The City received comments from multiple agencies on the NOP; and

WHEREAS, a public scoping meeting was held March 27, 2017, where comments were received; and

WHEREAS, after completing the Draft EIR (SCH# 2017031048), the City released the document for public review for a 45-day public comment period, beginning November 13, 2017, and ending on January 5, 2018, by filing a Notice of Availability with the County of San Bernardino Clerk's Office; and

WHEREAS, pursuant to Public Resources Code section 21092, the City also provided a Notice of Availability to all organizations and individuals who had previously requested such notice, and published the Notice of Availability on or about November 13, 2017, in the Inland Valley Daily Bulletin, a newspaper of general circulation in the Project area; and

WHEREAS, pursuant to City of Ontario Local CEQA Guidelines, the Notice of Completion was mailed to all residents and property owners within 600 feet of the Project. Copies of the Draft EIR were provided to public agencies, organizations and individuals. In addition, the City placed copies of the Draft EIR at the City of Ontario Planning Department, San Bernardino County Clerk's Office, and Public Library Main Branch; and

WHEREAS, during the 45-day comment period on the Draft EIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines section 15086; and

WHEREAS, during the official public review period for the Draft EIR, the City received ten (10) written comment letters, all of which the City responded to in the Final EIR; and

WHEREAS, the City prepared the Final EIR and, pursuant to Public Resources Code section 21092.5, the City provided copies of the Final EIR to all commenting agencies; and

WHEREAS, the City provided a Notice of Public Hearing and/or Intent to Certify an Environmental Impact Report to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing on or about April 6, 2018, in the Inland Valley Daily Bulletin, a newspaper of general circulation in the Project area; and

WHEREAS, all potential significant adverse environmental impacts were sufficiently analyzed in the Final EIR; and

WHEREAS, the City of Ontario Planning Commission conducted a public hearing on March 27, 2018, and concluded said hearing on that date. After considering all public testimony, the Planning Commission issued Resolution No. PC18-029, recommending City Council certification of the Project EIR; and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a hearing on the Project and concluded said hearing on that date; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, all the requirements of CEQA, the State CEQA Guidelines, and the City's Local Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the Project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA, the State CEQA Guidelines and the City's Local Guidelines; and

WHEREAS, all of the findings and conclusions made by the City Council pursuant to this Resolution are based upon all oral and written evidence presented to it as a whole and are not based solely on the information provided in this Resolution; and

WHEREAS, environmental impacts identified in the Final EIR which the City finds are less than significant and do not require mitigation are described in Section II hereof; and

WHEREAS, environmental impacts identified in the Final EIR as potentially significant but which the City finds can be mitigated to a level of less than significant, through the imposition of feasible mitigation measures identified in the Final EIR and set forth herein and in the Mitigation Monitoring and Reporting Plan, attached hereto as Exhibit A, are described in Section III hereof; and

WHEREAS, environmental impacts identified in the Final EIR as potentially significant and which the City finds cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth herein, are described in Section IV hereof; and

WHEREAS, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Section VII hereof; and

WHEREAS, because some environmental impacts identified in the Final EIR as potentially significant cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth herein, the City Council has balanced the economic, legal, social, technological, and other benefits of the Project against its significant and unavoidable impacts, and has determined that the benefits of the Project outweigh the unavoidable adverse impacts, and therefore, render those impacts "acceptable." The City Council has documented its determination regarding significant and unavoidable impacts in the Statement of Overriding Considerations in Section VIII hereof; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Final EIR, and all oral and written evidence presented to it during all meetings and hearings on the Project; and

WHEREAS, the Final EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, no comments made in the public hearings conducted by the City or any additional information submitted to the City have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines section 15088.5; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO RESOLVES AS FOLLOWS:

SECTION I

FINDINGS

Public Resources Code section 21002 states that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Section 21002 further states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Agencies demonstrate compliance with section 21002’s mandate by adopting findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines § 15091, subd. (a).) The approving agency must make written findings for each significant environmental effect identified in an EIR for a proposed project and must reach at least one of three permissible conclusions. The first possible finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (State CEQA Guidelines § 15091, subd. (a)(1).) The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding” and that “[s]uch changes have been adopted by such other agency or can and should be adopted by such other agency.” (State CEQA Guidelines § 15091, subd. (a)(2).) The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (State CEQA Guidelines § 15091, subd. (a)(3).)

Agencies must not adopt a project with significant environmental impacts if feasible alternatives or mitigation measures would substantially lessen the significant impacts. Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” State CEQA

Guidelines section 15364 adds “legal” considerations as another indicium of feasibility. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565.) Project objectives also inform the determination of “feasibility.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.) Further, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) An agency need not, however, adopt *infeasible* mitigation measures or alternatives. (State CEQA Guidelines § 15091, subds. (a), (b).) Further, environmental impacts that are less than significant do not require the imposition of mitigation measures. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347.)

Notably, section 21002 requires an agency to “substantially lessen or avoid” significant adverse environmental impacts. Thus, mitigation measures that “substantially lessen” significant environmental impacts, even if not completely avoided, satisfy section 21002’s mandate. (*Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521 (“CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level”); *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 309 (“[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible”).)

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (State CEQA Guidelines § 15091, subds. (a), (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Citizens of Goleta Valley v. Board of Supervisors*, *supra*, 52 Cal.3d at p. 576.)

The City Council has determined that based on all the evidence presented, including, but not limited to, the Final EIR, written and oral testimony given at meetings and hearings on the Project, and submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are: (1) less than significant and do not require mitigation; (2) potentially significant and each of these impacts will be avoided or reduced to a level of insignificance through the identified mitigation measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

SECTION II
RESOLUTION REGARDING ENVIRONMENTAL IMPACTS NOT REQUIRING
MITIGATION

Section 15091 of the State CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as “less than significant” where no mitigation is required. These findings will nevertheless fully account for all such effects identified in the Draft EIR in this Section II. Thus, the City Council hereby finds that the following potential environmental impacts of the Project are less than significant and do not require the imposition of mitigation measures:

A. Aesthetics

Impact: Does the Project have a substantial adverse effect on a scenic vista? (Draft EIR at p. 5.1-4.)

Finding: The Project would not have a substantial adverse effect on a scenic vista. (Draft EIR at p. 5.1-5.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The dominant scenic resource in the City of Ontario are the San Gabriel Mountains, which provide background views from the Archibald Avenue roadway corridor that is adjacent to the east of the Project site. In addition, less dominant long-distance background views of the Chino Hills can be seen from portions of Merrill Avenue; however, due to the distance and size of the hills, views along Merrill Avenue are screened by mature trees and building structures.

With implementation of the Development Plan for Phase 1 (PA-1 and PA-2), from certain vantage points along Archibald Avenue, existing views of the croplands would be replaced by industrial and office buildings; however, the 30-foot setback would provide a view corridor along Archibald Avenue, so that a long-range view of the San Gabriel Mountains would not be obscured. In addition, as described in the Specific Plan, the improvements to Archibald Avenue would be designed in accordance with the Master Plan of Streets and Highways to feature views of the mountains.

The existing long-range views of the Chino Hills from Merrill Avenue are partially obscured by existing vegetation and distant building structures. While the Project would introduce new buildings, the 23-foot setback from Merrill Avenue would provide a view corridor of the Chino Hills to the extent not already impacted.

Overall, the height, scale, and design of the Project would not hinder views of the mountain backdrop and would not result in visual degradation of the mountain vista. Therefore, impacts related to a substantial adverse effect on a scenic vista would be less than significant. (Draft EIR at pp. 5.1-4 – 5.1-5.)

Impact: Does the proposed Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Draft EIR Appendix A at p. 18.)

Finding: The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (Draft EIR Appendix A at p. 18.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The City of Ontario is served by three freeways: I-10, I-15, and SR-60. I-10 and SR-60 that traverse the northern and central portion of the City. The Project is located approximately 2.5 miles west of I-15, which is the closest of the three freeways to the site. The segments of these freeways have not been officially designated as scenic highways by the California Department of Transportation. Thus, the Project would not result in adverse impacts to a scenic resource within a state scenic highway. (Draft EIR Appendix A at p. 18.)

Impact: Does the proposed Project substantially degrade the existing visual character or quality of the site and its surroundings? (Draft EIR at p. 5.1-5.)

Finding: The Project would not substantially degrade the existing visual character or quality of the site and its surroundings (Draft EIR at p. 5.1-6.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project proposes conversion of the site from dairy, rural residential, and crop agriculture uses to a master planned industrial development consistent with the City's General Plan. Views of the Project site would change from the current agricultural uses, which could be considered unattractive due to the presence of older structures, dilapidated equipment, number of cows, stock pond, manure piles, fencing, and lack of landscaping. The proposed Project would result in the development of industrial warehousing/distribution, light industrial, and business buildings that would be implemented as part of the Phase 1 Development Plan (that includes PA-1 and PA-2) and pursuant to specific development regulation and design guidelines for future Phase 2 (that includes PA-3). The Specific Plan provides for a comprehensively developed project that includes: theme and character, site design, parking and loading facilities, walls and fences, landscaping, and streetscapes.

A limited number of mature trees are associated with the residential structures currently on the site, and a row of eucalyptus trees, along with a chained link fence, crosses the middle of the Project site from South Archibald Avenue west to the Cucamonga Creek Channel. These trees would be removed with implementation of the proposed Specific Plan. The City's Municipal Code has a provision to protect parkway trees within public rights-of-way. None of these trees are considered parkway trees maintained within public right-of-way and therefore would not be required to comply with this ordinance.

The eucalyptus trees would be replaced by landscaping that would contain new trees and that would increase and enhance overall landscaping features. The Specific Plan requires the provision of parking lot trees in planter islands to be provided at the ratio of one tree for every 10 parking spaces. The trees shall consist of 24-inch and 36-inch box sized trees. The Development Plan for Phase 1 provides 1,047 parking spaces and would result in at least 104 24-inch and 36-inch trees.

Although development pursuant to the Specific Plan would result in a change to the existing visual character of the site, the change in character represented by the industrial warehousing and business park development would be consistent with the Specific Plan design guidelines that include the standards related to the industrial theme and character, site design, parking, walls and fences, lighting, and landscaping that would ensure that a degradation of the visual character of the site would not occur.

The existing visual character of the Specific Plan area is neither unique nor of special aesthetic value or quality due to the presence of older structures, dilapidated equipment, dairy cows, dairy ponds, manure piles, fencing, and lack of landscaping. The northern portion of the site contains dairy uses (generally views of cows, soils, fencing, and barn/canopy structures) and the southern portion contains field crops. The two sides are separated by a row of eucalyptus trees and chained link fence.

The change from a dairy/agricultural use to the industrial warehousing and business park uses would change the character of the site but would not degrade the site because the Specific Plan design guidelines and the landscaping would enhance the aesthetics of the development. Also, the surrounding area is proposed for development and, as the character of the area gradually changes from rural to a more urban aesthetic, the design standards in the Specific Plan would ensure that the Project would not degrade the existing visual character of the area. Thus, with implementation of the design guidelines, impacts related to the visual character or quality of the site and its surroundings would be less than significant. (Draft EIR at pp. 5.1-5 – 5.1-6.)

Impact: Does the Project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area? (Draft EIR at p. 5.1-6.)

Finding: The Project would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area. (Draft EIR at p. 5.1-7.)

Mitigation Measures: No mitigation measures are necessary.

Standard Conditions

SC 3.28: Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building permits.

SC 3.29: Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on an adjoining site.

SC 3.30: Along pedestrian movement corridors the use of decorative low mounted bollard lighting standards, which reinforce pedestrian scale, shall be used. Steps ramps and seatwalls shall be illuminated with built-in light fixtures.

SC 3.31: All planned parking areas shall have a minimum maintained light level of one-foot candle or greater. The lighting shall be on from sunset to sunrise and be operated by a photocell. The site plan shall show all buildings, the parking areas, walkways, detailed landscaping and a point by point photometry calculation of required light levels.

Explanation:

Construction

Lighting would be needed during Project construction, which could generate light spillover to adjacent uses in the vicinity. However, as mandated in Section 5-29.09 of the Ontario Municipal Code, Construction Activity Noise Regulations, construction activities may only occur on weekdays between the hours of 7:00 a.m. and 6:00 p.m. or on a Saturday or Sunday between 9:00 a.m. and 6:00 p.m. These hour restrictions, which limit the work that could occur after sundown, would likewise minimize the potential for light spillage during construction. Also, construction-related illumination would be used only for safety and security purposes, as required by Ontario Municipal Code Section 4-11.11, Construction Site Security Provisions, and would only occur during the construction period. With adherence to the requirements of the Ontario Municipal Code regarding construction activities, light from construction activities would not impact the light sensitive uses across the street from Archibald Avenue that are located behind landscaping and a 6-foot high cement block wall. In addition, construction of Phase 1 and 2 of the Specific Plan would not include any materials that would generate offsite glare. Thus, construction of the Project would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.

Operations

The Project would introduce new lighting on the site consistent with the Specific Plan, which requires illumination of on-site areas for safety, security, and nighttime ambiance. Areas that would be lighted include parking areas, pedestrian walkways, graphics and signage, architectural and landscape features, and shipping and loading areas. Lighting from truck operations would also be a new source. However, the City requires a comprehensive lighting plan to be prepared and approved in conjunction with the site plans. Exterior lighting is required to be located and designed to minimize direct glare beyond the Project's parking areas. All lighting sources would be shielded, or diffused, to avoid glare and light intrusion to off-site areas, pedestrians, and motorists. In addition, the City's Standard Conditions 3.28 through 3.31 provide regulations related to lighting on the Project site, which would minimize the potential of impacts.

The new buildings would generally be constructed of concrete, and typical of most industrial warehousing building, would not include large areas of glass windows, metal, or other reflective materials used on buildings or in parking areas. Also, implementation of the City's Development Code would prevent glare. The City's Development Code General Provisions 12 and 14, state that light fixtures shall be full cut-off fixtures to prevent glare, and exterior building colors shall be low-reflecting and subtle. Overly intense, overly bright, or fluorescent or day-glow colors, shall not be used on a building exterior. Furthermore, the City's Standard Condition 3.29, provides regulations related to the prevention of glare in parking areas. Thus, with compliance with the Municipal Code and the City's Standard Conditions that are

verified through the plan check and the development permit process, impacts related to increased sources of glare would be less than significant. (Draft EIR at pp. 5.1-6 – 5.1-7.)

Impact: Does the Project have a cumulative impact to aesthetics? (Draft EIR at p. 5.1-7.)

Finding: The Project would not result in cumulatively considerable adverse impacts related to aesthetics. (Draft EIR at p. 5.1-8.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The conversion of the Specific Plan area from dairy/agricultural use to industrial warehousing uses would contribute to a change in the visual character of the area. However, the General Plan EIR determined that with implementation of Community Design Element policies, the City's Development Code, and Specific Plans (as required by the General Plan), impacts to the character and quality of the City (including the proposed Specific Plan area) would be less than significant. Pursuant to the City's General Plan implementation of the proposed Specific Plan would represent a consistent and logical continuation of the existing and planned pattern of development in Ontario. The cumulative change in visual condition that would result from the Specific Plan, in combination with nearby projects would not be considered adverse. First, the existing area is not considered of a unique or high quality. Second, the Project would be designed consistent with the Specific Plan design standards to ensure an appropriate design aesthetic. Third, development of the Project will represent a consistent and logical continuation of the existing and planned pattern of development in Ontario Ranch. The City has long anticipated that this area would transition from agricultural to urban uses. The cumulative change in visual condition that will result from the Project and nearby projects is not considered adverse or degrading, as each related cumulative project would be required to comply with the City's Design Standards with respect to architecture, landscaping, signs, lighting and other related items.

Application of the City's Development Code regulations require compliance with light and glare performance standards that would avoid significant effects. These regulations state that lighting shall be shielded to prevent light from shining onto adjacent properties or inclusion of features that could create glare. With implementation of the existing City regulations, the development that would occur by the related projects would not result in a cumulatively considerable contribution of light and glare. Thus, the cumulative effects of development from the Specific Plan in combination with cumulative projects related to aesthetics would be less than significant. (Draft EIR at pp. 5.1-7 – 5.1-8.)

B. Forest Resources

Impact: Does the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Draft EIR Appendix A at p. 22.)

Finding: The Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. (Draft EIR Appendix A at p. 22.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project site is not zoned as forest land, timberland, or timberland zoned Timberland Production, nor is it surrounded by land zoned for forest land, timberland, or Timberland Production. The Ontario Plan does not designate any forest land or timberland uses within the City of Ontario. Therefore, the Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. (Draft EIR Appendix A at p. 22.)

Impact: Does the Project result in the loss of forest land or conversion of forest land to non-forest uses? (Draft EIR Appendix A at p. 22.)

Finding: The Project would not result in the loss of forest land or conversion of forest land to non-forest uses. (Draft EIR Appendix A at p. 22.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project site is not zoned as forest land and currently contains agricultural uses. There is no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither TOP nor the City's Zoning Code provide designations for forest land. Therefore, the Project would not result in the loss of forest land or conversion of forest land to non-forest use. (Draft EIR Appendix A at p. 22.)

C. Air Quality

Impact: Does the Project conflict with or obstruct implementation of the applicable air quality plan? (Draft EIR at p. 5.3-17.)

Finding: The Project would not conflict with or obstruct implementation of the applicable air quality plan. (Draft EIR at p. 5.3-18.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The SCAQMD's 2016 AQMP is the applicable air quality plan for the proposed Specific Plan. A project that is consistent with the land use designated in a general plan would also be consistent with the SCAG's regional forecast projections, and thus also with the AQMP growth projections. The Specific Plan area is currently designated by the City General Plan as Industrial (I) and Business Park (BP). The permitted floor area ratio (FAR) for industrial land uses are 0.55 FAR and 0.60 FAR for Business Park land uses.

The Specific Plan (including PA-1, PA-2 and PA-3) proposes to construct and operate light manufacturing, warehousing/distribution and business uses with a total FAR of 0.46. Thus, the Specific Plan would be consistent with the existing allowable FAR and would not exceed SCAG's growth projections. As such, the proposed Specific Plan would not conflict with, or obstruct, implementation of the AQMP and impacts would be less than significant. (Draft EIR at pp. 5.3-17 – 5.3-18.)

Impact: Does the Project expose sensitive receptors to substantial pollutant concentrations? (Draft EIR at p. 5.3-24.)

Finding: The Project would not expose sensitive receptors to substantial pollutant concentrations. (Draft EIR at p. 5.3-24.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: With operation of all 3 PAs (both Phase 1 and 2), the highest average daily trips on a segment of road would be 50,400 daily trips on Archibald Avenue south of State Route 60 (SR 60). This traffic volume is not high enough to generate a CO “hot spot” per the 2003 AQMP hot spot study. Therefore, impacts related to CO “hot spots” from operation of the Specific Plan would be less than significant.

Also, after implementation of PPP AQ-1 through PPP AQ-3 and Mitigation Measures AQ-1 and AQ-2, construction emissions from operation of Phase 1 and 2 of the Specific Plan would not exceed the SCAQMD’s localized significance thresholds for any criteria pollutant at the nearest sensitive receptor. Operational emissions would not exceed the SCAQMD’s localized significance thresholds for any criteria pollutant at the nearest sensitive receptor. Therefore, implementation of the Specific Plan would result in a less than significant impact related to localized operational emissions.

The Diesel Mobile Source Health Risk Assessment identified that the maximum incremental cancer risk attributable to DPM source emissions at the closest sensitive receptor (119 feet north of the Specific Plan area) is estimated at 0.30 in one million, which is less than the threshold of 10 in one million. Also, non-cancer risks were estimated to be 0.00008, which is less than the threshold of 1.0. As such, implementation of both Phase 1 and 2 would result in less than significant impacts related to human health or cancer risks. (Draft EIR at pp. 5.3-24 – 5.3-27.)

Impact: Does the Project create objectionable odors affecting a substantial number of people? (Draft EIR Appendix A at p. 25.)

Finding: The Project would not create objectionable odors affecting a substantial number of people. (Draft EIR Appendix A at p. 26.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Emissions from construction equipment, such as diesel exhaust, and from volatile organic compounds from architectural coatings and paving activities, may generate odors; however, these odors would be temporary, intermittent in nature, and not expected to affect a substantial number of people. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of odor concern. Furthermore, short-term construction-related odors are expected to cease upon the drying or hardening of the odor-producing materials.

Odors generated by the operation of the proposed office and industrial Project are not expected to be significant or highly objectionable and would be required to be in compliance with SCAQMD Rule 402, which would prevent nuisances to sensitive land uses. During operations, consistent with City requirements, all project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations. Compared to existing conditions, the proposed Project would result in a positive impact through the elimination of current dairy and farming operations which produce odors in close proximity to residential uses across Merrill Avenue and Archibald Avenue.

Trucks and vehicles operating at the loading docks may emit odor during project operations. The nearest sensitive receptors to loading dock operations is one single family home, located more than 300 feet to the north across Merrill Avenue and a single-family neighborhood across Archibald Avenue to the east, located over 400 feet away. Therefore, by the time any diesel exhaust emissions reach the nearest sensitive receptor sites, they would be diluted to well below any level of odor concern. Therefore, impacts associated with operation and construction generated odors would be less than significant. (Draft EIR Appendix A at pp. 25-26.)

D. Biological Resources

Impact: Does the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Draft EIR Appendix A at p. 28.)

Finding: The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Draft EIR Appendix A at p. 28.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The City of Ontario does not have any ordinances protecting biological resources or trees. As a result, there would be no impacts. (Draft EIR Appendix A at p. 28.)

Impact: Does the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Draft EIR Appendix A at p. 28.)

Finding: The Project would not conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP. (Draft EIR Appendix A at p. 28.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project site does not fall within the boundaries of any HCP, NCCP, or other local or regional conservation plan. Therefore, there would be no impact related to conflict with the provisions of an adopted HCP, NCCP, or other habitat conservation plan. (Draft EIR Appendix A at p. 28.)

E. Cultural Resources

Impact: Does the Project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines? (Draft EIR at p. 5.5-11.)

Finding: The Project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. (Draft EIR at p. 5.5-11.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: There are several historic-era built structures within one-mile of the Specific Plan area; however, none of the structures have been identified as a significant historical resource. Similarly, the Specific Plan area contains one historic-era residence and historic-era dairy associated buildings. Although the structures meet the minimum age threshold to be considered historic, the updates to the structures over time and extensive remodeling have removed any of the structures' historic integrity, resulting in essentially modern buildings. In addition, the lack of architecturally distinguishing features reduces the noteworthiness of the home and the dairy facilities. There are several additional animal enclosure structures and foundations which appear to have been associated with the original agricultural use of the property. These are in varied states of upkeep, and do not convey a uniqueness required for consideration as a significant cultural resource.

Historic-era materials associated with the residence may be uncovered during the course of removing structures and vegetation, or within shallow depth excavation. However, the residence is not considered a significant resource, or potentially eligible for listing in the CRHR; therefore, if associated historic-era materials are discovered during the course of excavation, they would not be considered significant. Therefore, implementation of the Specific plan would not cause a substantial adverse change in the significance of a historical resource; and impacts related to historic resources would not occur. (Draft EIR, at pp. 5.5-11 – 5.5-12.)

Impact: Does the Project have the potential to result in any significant impacts on currently unknown human remains, including those interred outside of formal cemeteries? (Draft EIR Appendix A at p. 30.)

Finding: The Project does not have the potential to result in any significant impacts on currently unknown human remains, including those interred outside of formal cemeteries. (Draft EIR Appendix A at p. 30.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: There are no known informal or formal cemeteries within the Project site. California Health and Safety Code Section 7050.5 requires that if human remains are discovered within the project site, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of

death, and made recommendations concerning the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Although soil-disturbing activities associated with the proposed project could result in the discovery of human remains, compliance with existing law would ensure that impacts to human remains would be less than significant. (Draft EIR Appendix A at p. 30.)

F. Geology and Soils

Impact: Does the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving (1) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault or strong seismic ground shaking? (Draft EIR Appendix A at p. 31.)

Finding: The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault or strong seismic ground shaking. (Draft EIR Appendix A at p. 31.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: There are no active faults known on the site, and the Project site is located outside the Fault Rupture Hazard Zone. The closest fault zone to the Project site is the Chino-Central Avenue Fault Zone, which is located 5.5 miles from the site. Further, all development is required to comply with the Uniform Building Code seismic design standards as implemented by the City through the development permitting process to reduce geologic hazard susceptibility. Thus, there is no potential that the Project could expose people or structures to adverse effects related to ground rupture. (Draft EIR Appendix A at p. 31.)

Impact: Does the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving (2) Strong seismic ground shaking? (Draft EIR Appendix A at p. 31.)

Finding: The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. (Draft EIR Appendix A at p. 32.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project site is located in the seismically active Southern California region and, therefore, would likely be subjected to moderate to severe ground shaking.

Structures built in the City are required to be built in compliance with the California Building Code (CBC) (California Code of Regulations, Title 24, Part 2) that provides provisions for earthquake safety based on factors including building occupancy type, the types of soils onsite, and the probable strength of ground motion. All Project construction would also be developed in compliance with the Ontario Municipal Code, the recommendations of a geotechnical investigation and all other ordinances adopted by the City related to construction and safety. The Ontario Building Department would review the building plans through building plan checks, issuance of a building permit, and inspection of the building during construction, which would ensure that all required CBC seismic safety measures are incorporated into the building. Compliance with the CBC as verified by the City's review process, would reduce impacts related to strong seismic ground shaking to a less than significant level. (Draft EIR Appendix A at pp. 31-32.)

Impact: Does the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving (3) seismic-related ground failure, including liquefaction? (Draft EIR Appendix A at p. 32.)

Finding: The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. (Draft EIR Appendix A at p. 32.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project site is located in the southern portion of the City, which is identified by geotechnical reports and seismic hazard mapping as having low to moderate liquefaction susceptibility due to the presence of young, fine-grained soils. The previous geotechnical report prepared for the project site in September 2015 concluded that liquefaction and seismically induced settlement potentials are very low. In addition, The Seismic Hazards Map for the Corona North, California 7.5 Minute Quadrangle, published by the California Geological Survey (CGS) indicates that the subject site is not located within a designated liquefaction hazard zone. Thus, impacts related to liquefaction would be less than significant. (Draft EIR Appendix A at p. 32.)

Impact: Does the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides? (Draft EIR Appendix A at p. 32.)

Finding: The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides (Draft EIR Appendix A at p. 32.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The project site is located in the southern portion of the city where largely flat agricultural fields dominate the topography. The site gently falls to the south at an average gradient of 1 to 2 percent. The flat topography of the site does not present any potential risks related to landslides or other slope failure. In addition, the Corona North 7.5 Minute Quadrangle, which contains the project site does not show any landslide

areas. Development of the proposed Project would be required to adhere to CBC regulations, the Ontario Municipal Code, and all other ordinances adopted by the City related to landslide hazards and grading requirements. Thus, the Project would not result in any significant impacts associated with the exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. (Draft EIR Appendix A at p. 32.)

Impact: Does the Project result in substantial soil erosion or loss of topsoil? (Draft EIR Appendix A at p. 33.)

Finding: The Project would not result in substantial soil erosion or loss of topsoil. (Draft EIR Appendix A at p. 33.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Grading increases the potential for erosion by removing the protective vegetation, changing the natural drainage patterns, and constructing slopes. However, compliance with the CBC and review of grading and development plans by the City Engineer would ensure no significant soil erosion impacts will occur. In addition, the City requires an erosion/dust control plan for projects located within this area.

For construction activities, the Project would be required to prepare and implement a Storm Water Pollution Prevention Program (SWPPP) per requirements of the General Construction Permit (Order No. 2009-0009-DWQ) issued by the State Water Resources Control Board. The SWPPP would specify best management practices (BMPs) for reducing or eliminating soil erosion from the site during Project construction.

For operational activities under the Specific Plan, landscaping would exist throughout the Project site; and areas of loose topsoil that could erode by wind or water, would not exist. In addition, the hydrologic features of the Specific Plan area have been designed to slow, filter, and retain stormwater within landscaping and the two detention basins on the Project site, which would also reduce the potential for stormwater to erode topsoil. Furthermore, pursuant to Municipal Code Section 6-6.501, implementation of the Project requires a Stormwater Quality Management Plan (SWQMP), which is required for all new development/redevelopment projects, outlining appropriate non-structural and structural BMPs, including stormwater infiltration and treatment devices that would be implemented and installed to prevent pollutants from being discharged into the City's stormwater drainage system after construction. The SWQMP describes the operational BMPs that would be implemented pursuant to Municipal Code Section 6-6.505 to minimize or eliminate the potential for soil erosion or loss of topsoil during operation of the Project. As a result of implementation of these existing requirements, potential impacts related to substantial soil erosion or loss of topsoil would be less than significant. (Draft EIR Appendix A at p. 33.)

Impact: Is the Project located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Draft EIR at p. 5.6-6.)

Finding: The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. (Draft EIR at p. 5.6-6.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Specific Plan area is not located within a designated landslide or liquefaction hazard zone. Thus, impacts related to landslides would not occur from implementation of the Project. The geotechnical report prepared for the Project's Phase 1 concluded that the potential for liquefaction or lateral spreading at the site is very low, and that the Specific Plan area is not located within a liquefaction hazard zone. Impacts related to liquefaction would be less than significant. Because the Specific Plan area is not within a liquefaction hazard zone, the site is also not at risk of lateral spreading, and impacts would be less than significant. The Project does not include any groundwater extraction. The existing uses on the Project site obtain water supplies from onsite wells. Implementation of the proposed Specific Plan would remove the existing wells, and halt onsite groundwater pumping. Thus, impacts related to subsidence would be less than significant.

The onsite soils consist of alluvium that is generally not susceptible to collapse due to the granular nature of the soils and clay materials that are bonded; thus, the Specific Plan area does not have a high susceptibility of ground failure. Development of the Specific Plan would be required to conform to the seismic design parameters of the CBC. Compliance with the requirements of the CBC and City's municipal code for structural safety would reduce hazards from ground collapse to a less than significant level. (Draft EIR at pp. 5.6-6 – 5.6-8.)

Impact: Is the Project located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Draft EIR at p. 5.6-8.)

Finding: The Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. (Draft EIR at p. 5.6-8.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project site is underlain by soils that have an expansion index classification of very low. Also, the soils onsite would be excavated to a minimum of 3 feet below the bottom of the building footings or 5 feet below the ground surface, (whichever is greater), reconditioned, and recompact as engineered fill to support the building structures. This process would further reduce and the potential for expansion. Additionally, an engineering level design geotechnical report is required to be prepared and submitted to the City that details the Project designs that have been included to address potential geotechnical and soil conditions pursuant to the CBC requirements, that are included in the City's Municipal Code, which would ensure that impacts related to expansive soils would be less than significant. (Draft EIR at p. 5.6-8.)

Impact: Does the Project have significant impacts related to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Draft EIR Appendix A at p. 34.)

Finding: The Project would not have significant impacts related to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (Draft EIR Appendix A at p. 34.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project would be served by the City sewer utilities and does not propose the installation of any septic tanks or alternative wastewater disposal systems, and no impact would occur. (Draft EIR Appendix A at p. 34.)

Impact: Does the Project result in cumulatively considerable impacts related to geology and soils? (Draft EIR at p. 5.6-8.)

Finding: The Project would not result in cumulatively considerable impacts related to geology and soils. (Draft EIR at p. 5.6-9.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Site-specific development projects within Ontario are subject to uniform site-development policies and construction standards imposed by the City that are based on the state requirements in the CBC and site-specific geotechnical studies prepared to define site-specific conditions that might pose a risk to safety, such as those described previously for the Specific Plan. While increases in the number of people and structures subject to unstable geologic units and soils would be substantial through 2040 as the Ontario Ranch area builds out, given the application of CBC requirements by the City through the construction permitting process, the cumulative effects of development related to unstable geologic units and/or expansive soils; including landslides, lateral spreading, subsidence, liquefaction, movement, or collapse would be less than significant. (Draft EIR at pp. 5.6-8 – 5.6-9.)

G. Greenhouse Gas Emissions

Impact: Does the Project generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment? (Draft EIR at p. 5.7-11.)

Finding: The Project would not generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment. (Draft EIR at p. 5.7-11.)

Mitigation Measures: No mitigation measures are necessary.

Standard Condition

SC 3.10: The Project shall comply with the adopted California Energy Code (Code of Regulations, Title 24 Part 6).

Plans, Program and Policies

PPP GHG-1: GHG Screening Threshold Table: Prior to issuance of building permits, the applicant shall provide documentation to the City of Ontario Planning Department demonstrating that the project features included on construction and building plans shall achieve a minimum of 100 points on the City of Ontario's Greenhouse Gas Emissions Screening Table or demonstrate consistency with any future CAP.

Explanation: Implementation of the proposed Specific Plan would generate GHG emissions from construction activities, operational transportation, energy, waste disposal, and area sources (such as onsite equipment). The combined emissions from the operation of PA-1 through PA-3 would generate a total of 29,992.61 MT CO₂e per year, which would exceed the City's screening threshold of 3,000 MT CO₂e per year. However, pursuant to the City's "Greenhouse Gas Emissions, CEQA Thresholds and Screening Table" document, a project that would exceed the numerical threshold must then be evaluated against the City's Climate Action Plan. Pursuant to the CAP, a project that implements GHG reduction measures and garners a total of 100 points or greater is considered to have a less than significant impact.

The Project would implement energy-saving and sustainable Project Design Features that provide GHG reduction features that would result in 103 points on the City's GHG Screening Threshold Table for industrial projects. Therefore, impacts related to the generation of GHG emissions would be less than significant. To ensure that development of each PA would include a minimum of 100 points, PPP GHG-1 has been included, which requires that prior to issuance of building permits, documentation shall be provided to the City to demonstrate that the Project features included in the construction specifications would achieve at least 100 points on the GHG Screening Threshold Table or achieve equivalent emission reductions. In addition, the City's standard conditions require compliance with the California Energy Code. Thus, impacts related to GHG emissions would be less than significant. (Draft EIR at pp. 5.7-11 – 5.7-21.)

Impact: Does the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs? (Draft EIR at p. 5.7-22.)

Finding: The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. (Draft EIR at p. 5.7-22.)

Mitigation Measures: No mitigation measures are necessary.

Standard Condition

SC 3.10: California Energy Code, listed previously.

Plans, Program and Policies

PPP GHG-1: GHG Screening Threshold Table, listed previously.

Explanation: The City has adopted a CAP that includes GHG emission inventories, identifies the effectiveness of California initiatives to reduce GHG emissions, and identifies

local measures to reduce GHG emissions. Through implementation of the CAP, the City meets the State's regulations for reducing GHG emissions, including the regulations of AB 32 and SB 32. The CAP is designed to ensure that the development accommodated by the buildout of the General Plan supports the goals of AB 32. In addition, implementation of the Specific Plan would not interfere with any requirements that assist in meeting state-adopted greenhouse gas emissions reduction targets, including that established under Executive Order S-3-05, Executive Order B-30-15, or SB 32.

As detailed previously, the Specific Plan includes several Project Design Features that exceed existing regulatory requirements that would reduce GHG emissions. In addition, CARB's Updated Scoping Plan provides strategies to reduce GHG emissions, which the Project is consistent with. With implementation of Project Design Features and PPP GHG-1, identified above, the Project would be compliant with the CAP and incorporate reduction measures sufficient to meet the 100 points or greater requirement. Thus, the Project would not conflict with an applicable plan related to greenhouse gas reductions. (Draft EIR at pp. 3.7-22 – 3.7-23.)

Impact: Does the Project result in cumulatively considerable impacts related to greenhouse gas emissions? (Draft EIR at p. 5.7-23.)

Finding: The Project would not result in cumulatively considerable impacts related to greenhouse gas emissions. (Draft EIR at p. 5.7-24.)

Mitigation Measures: No mitigation measures are necessary.

Standard Condition

SC 3.10: California Energy Code, listed previously.

Plans, Program and Policies

PPP GHG-1: GHG Screening Threshold Table, listed previously.

Explanation: The analysis of greenhouse gas emission impacts under CEQA contained in the EIR effectively constitutes an analysis of a Project's contribution to the cumulative impact of GHG emissions. As described previously, through implementation of the CAP, the City meets the State's regulations for reducing GHG emissions, including the regulations of Executive Order S-3-05, Executive Order B-30-15, AB 32, and SB 32. Specifically, the City's CAP implements performance standards that address GHG emissions. Therefore, with compliance with the CAP, through Standard Condition SC 3.10 and PPP GHG-1, the contribution of the Specific Plan to significant cumulative GHG impacts would be less than cumulatively considerable. (Draft EIR at pp. 5.7-23 -5.7-24.)

H. Energy

Impact: Does the Project result in the wasteful, inefficient, and unnecessary consumption of energy during construction and operation of the Project? (Draft EIR at p. 5.16-5.)

Finding: The Project would not result in the wasteful, inefficient, and unnecessary consumption of energy during construction and operation of the Project. (Draft EIR at p. 5.16-5.)

Mitigation Measures: No mitigation measures are necessary.

Standard Condition

SC 3.10: California Energy Code, listed previously.

Explanation: The Project would result in the use of energy during both construction and operation. During construction, the Project would consume energy through the combustion of fossil fuels in construction vehicles, worker commute vehicles, and construction equipment, the use of electricity for temporary buildings and lighting, and in the production of construction materials, among other things. Construction activities related to the proposed industrial warehousing buildings and the associated infrastructure would not be expected to result in demand for fuel greater on a per-unit-of-development basis than other development projects in Southern California. Demolition of existing dairy and residential structures that exist onsite would need to be undertaken; however, because the existing onsite development is limited and much of the demolition materials can be recycled, the limited demolition needed to implement the proposed Specific Plan is not considered to be wasteful. In addition, the extent of construction activities that would occur from implementation of the proposed Specific Plan is limited. Construction of Phase 1 (PA-1 and PA-2) would occur over an 18-month period between 2018 and 2019, and construction of Phase 2 (PA-3) would occur within less than a 12-month period after 2040, and the demand for construction-related electricity and fuels would be limited to those time frames.

Construction contractors are required to demonstrate compliance with applicable California Air Resources Board (CARB) regulations governing the accelerated retrofitting, repowering, or replacement of heavy duty diesel on- and off-road equipment. In addition, compliance with existing CARB idling restrictions and the use of newer engines and equipment would reduce fuel combustion and energy consumption. Overall, construction activities would require limited energy consumption, would comply with all existing regulations, and would therefore not be expected to use large amounts of energy or fuel in a wasteful manner. Thus, impacts related to construction energy usage would be less than significant.

During operations, the Project would consume energy through building heating and cooling, lighting, electronics, and commercial equipment, among other things. This use of energy is typical for urban development, and no operational activities or land uses would occur that would result in extraordinary energy consumption. The development that would occur pursuant to the proposed Specific Plan would be within an area where existing and planned infrastructure would provide for efficient delivery of electricity and natural gas to the Specific Plan area. The Specific Plan would also provide onsite pedestrian routes intended to reduce the onsite vehicle miles travelled, that would in-turn reduce vehicular related energy use. Furthermore, the Specific Plan would not inhibit feasible opportunities to use alternative energy sources, such as solar energy. The proposed buildings would be solar ready. Although, the Project's future tenants are not currently known, and the

use of solar panels is generally tailored to the electrical demands of the tenant, the building tenants would be able to install solar panels. Thus, the project would not inhibit the development of other alternative energy sources.

The Project would comply with the provisions of the California Building Code designed to reduce energy usage, and also incorporates measures that would reduce inefficient or wasteful usage of energy beyond the requirements of the Code. Pursuant to Standard Condition SC 3.10 and PPP GHG-1, the Project would incorporate measures that would increase energy efficiency. Thus, although implementation of the Specific Plan would increase demand for energy beyond existing conditions, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy because it implements specific measures designed to significantly minimize energy use and impacts would be less than significant. (Draft EIR at pp. 5.16-5 – 5.16-11.)

Impact: Does the Project result in cumulatively considerable impacts related to wasteful, inefficient, and unnecessary consumption of energy? (Draft EIR at p. 5.16-12.)

Finding: The Project would not result in cumulatively considerable impacts related to wasteful, inefficient, and unnecessary consumption of energy. (Draft EIR at p. 5.16-12.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: All development projects throughout the region would be required to comply with the energy efficiency standards in the Title 24 requirements. Additionally, some of the developments could provide for additional reductions in energy consumption by use of solar panels, sky lights, or other LEED type energy efficiency infrastructure. With implementation of the existing energy conservation regulations, cumulative electricity and natural gas consumption would not be cumulatively wasteful.

Petroleum consumption associated with the warehouse/distribution, light manufacturing, and business uses would be primarily attributable to transportation, especially vehicular use. However, state fuel efficiency standards and alternative fuels policies (per AB 1007 Pavely) would contribute to a reduction in fuel use, and the federal Energy Independence and Security Act and the state Long Term Energy Efficiency Strategic Plan would reduce reliance on non-renewable energy resources. For these reasons, the consumption of petroleum would not occur in a wasteful manner and would be less than cumulatively considerable. Overall, impacts from cumulative projects associated with energy would be less than significant.

I. Hazards and Hazardous Materials

Impact: Does the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous material? (Draft EIR at p. 5.8-12.)

Finding: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous material (Draft EIR at p. 5.8-12.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The proposed construction activities would involve the transport, use, and disposal of hazardous materials such as paints, solvents, oils, grease, and caulking during construction activities. In addition, hazardous materials would be needed for fueling and servicing construction equipment on the site. These types of materials are not acutely hazardous, and all storage, handling, use, and disposal of these materials are regulated by City of Ontario during building checks during construction activities. As a result, hazardous material impacts related to construction activities would be less than significant. Further, asbestos surveys and abatement would be required prior to demolition or renovation of the existing building pursuant to the existing South Coast Air Quality Management District (SCAQMD), Cal/OSHA, and California Health and Safety Code requirements. Compliance with these existing regulations would reduce impacts related to use, removal, and disposal of hazardous materials to a less than significant level.

Regarding operations, the Project would introduce new industrial uses, which oftentimes includes the use of industrial cleaning and janitorial products and solvents. Although the project would utilize common types of hazardous materials, normal routine use of these products pursuant to existing regulations would not result in a significant hazard to residents or workers in the vicinity of the project. Federal and state laws and regulations are in place that require businesses to plan and prepare for possible hazardous materials spills, releases, or emergencies. Any business that occupies a building within the Specific Plan that handles, stores, transports, or disposes of hazardous materials would require a permit from the San Bernardino County Fire Department, Hazardous Materials Division in order to register the business as a hazardous materials handler. Such businesses also are required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the County of San Bernardino Fire Department and the state Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business, and prepare a Hazardous Materials Business Emergency Plan that would provide a written set of procedures and information created to help minimize the effects and extent of a potential release of a hazardous material.

Compliance with existing regulations related to hazardous materials, which would be implemented during the City's occupancy permitting review, would reduce the potential of project operations to pose a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, to a less than significant level. (Draft EIR at pp. 3.8-12 – 3.8-13.)

Impact: Does the Project create a significant hazard to the public or the environment through the reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment? (Draft EIR at p. 5.8-13.)

Finding: Operation of the Project would not create a significant hazard to the public or the environment through the reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. (Draft EIR at p. 5.8-15.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The risks from hazardous materials would be adequately addressed through compliance with existing federal, state, and local regulations. Additionally, any business or facility which uses, generates, processes, produces, packages, treats, stores, emits, discharges, or disposes of hazardous material (or waste) would require a hazardous materials handler permit from the San Bernardino County Fire Department, Hazardous Materials Division, and would be required to prepare a Hazardous Materials Business Emergency Plan to minimize the effects and extent of a potential release of a hazardous material. Through existing City permitting and occupancy procedures, hazardous materials would be used and stored in accordance with applicable regulations and such uses would be required to comply with federal and state laws to reduce the potential consequences of hazardous materials accidents. As a result, implementation of the Specific Plan would not result in a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and impacts would be less than significant. (Draft EIR at p. 5.8-15.)

Impact: Does the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or school? (Draft EIR Appendix A at p. 37.)

Finding: The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or school. (Draft EIR Appendix A at p. 37.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: There are no proposed schools within the Specific Plan area. The nearest is Ramirez Intermediate School in the City of Eastvale, approximately one mile to the southeast of the Project site. Ramirez Intermediate School is not located along a construction or operational truck route for the Project. Therefore, there would be no impact related to handling or hazardous materials in close proximity of a school. (Draft EIR Appendix A at p. 37.)

Impact: Is the Project located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment? (Draft EIR at p. 5.8-15.)

Finding: The Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. (Draft EIR at p. 5.8-15.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Specific Plan area and surrounding areas are not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and as a result, impacts related to hazards from being located on or adjacent to a hazardous materials site would not occur from implementation of the Project. (Draft EIR at p. 5.8-15.)

Impact: Does the Project result in a safety hazard for people residing or working in the Project area for a project located within an airport land use plan or, where such plan has not been adopted, be within 2 miles of a public airport use airport or public use airport? (Draft EIR at p. 5.8-15.)

Finding: The Project would not result in a safety hazard for people residing or working in the Project area for a project located within an airport land use plan or, where such plan has not been adopted, be within 2 miles of a public airport use airport or public use airport. (Draft EIR at p. 5.8-16.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Ontario International Airport is approximately 4.9 miles north of the Specific Plan area, and is not located within a noise impact, safety zone, or overflight zone (ONT ALUC 2011). Therefore, impacts related to operation of the airport and the uses would not occur.

The Specific Plan area is located one mile east of the Chino Airport, and within the Chino Airport Overlay and within the Chino Airport Influence Area. In addition, the Specific Plan area is within Compatibility Zone D, which is identified as an area for primary traffic patterns and runway buffer area. The light industrial, warehousing/distribution, and business uses that would be implemented would be consistent with the Compatibility Zone D building requirements; including noise-sensitive outdoor uses, building heights, and would not result in a hazard to flight or a safety hazard for people in the Project area.

The Specific Plan area is located within Safety Zone 6 and development within this Safety Zone is required to provide approximately 10 percent of usable open land or an open area approximately every 0.25 mile to 0.5 mile; and that the area be at least 300 feet long by 75 feet wide. The open space land areas that would be provided by the Specific Plan are compliant with the criteria. Therefore, the Specific Plan would not result in a safety hazard related to the Chino Airport for people or structures in the Project area, and impacts would be less than significant. (Draft EIR at pp. 5.8-15 – 5.8-16.)

Impact: Is the Project within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the Project area? (Draft EIR Appendix A at p. 37.)

Finding: The Project is not within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the Project area. (Draft EIR Appendix A at p. 37)

Mitigation Measures: No mitigation measures are necessary.

Explanation: There are no private airstrips in the vicinity of the Project. Thus, there is no potential for safety hazards related to private airstrips. (Draft EIR Appendix A at p. 37.)

Impact: Does the Project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? (Draft EIR at p. 5.8-16.).

Finding: The Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. (Draft EIR at p. 5.8-16.)

Mitigation Measures: No mitigation measures are necessary.

Standard Conditions

SC 3.24: The site plan shall allow for adequate turning radii for emergency apparatus, and access turns shall be designed to meet the minimum requirements/standards per Ontario Fire Department Standard #B-005.

SC 3.25: The site plan shall allow for adequate ingress and egress to and from the Project. Additional access points may be required.

Explanation: The roadway improvements included in the Project would require the temporary closure of travel lanes, but full roadway closure and traffic detours are not expected to be necessary. Construction activities that may temporarily restrict vehicular traffic would be required to implement adequate measures to facilitate the safe passage of persons and vehicles through/around any required temporary road restrictions in accordance with Municipal Code Section 7-3.07, which requires that prior to any activity that would encroach into a right-of-way, the area of encroachment be safeguarded through the installation of safety devices that would be specified by the City's Engineering Department during the construction permitting process to ensure that construction activities would not physically interfere with emergency access in the site vicinity. Implementation of the Project through the City's permitting process would reduce potential construction related physical interference impacts to emergency access to a less than significant level.

During operation of the Project building users would be required to maintain adequate emergency access for emergency vehicles as required and verified by the City and the Ontario Fire Department, pursuant to the City's Standard Conditions of Approval SC 3.24 and SC 3.25. Because the Project is required to comply with all applicable City codes, as verified by the City and Fire Department, potential impacts related to emergency evacuation or emergency response plans would be less than significant. (Draft EIR at pp. 5.8-16 – 5.8-19.)

Impact: Does the Project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Draft EIR Appendix A at p. 38.)

Finding: The Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. (Draft EIR Appendix A at p. 38.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: According to the California Department of Forestry and Fire Protection's fire hazard map for the City of Ontario, the project site is not within a Very High Fire Hazard

Severity Zone (CAL FIRE 2011). Adjacent areas to the project site are also urbanized; therefore, there are no wildlands adjacent to the site that may expose people or structures to wildland fire hazards. No impact would occur. (Draft EIR Appendix A at p. 38.)

Impact: Does the Project result in cumulative impacts related to hazards and hazardous materials? (Draft EIR at p. 5.8-19.)

Finding: The Project would not result in cumulative impacts related to hazards and hazardous materials. (Draft EIR at p. 5.8-19.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Cumulative land use changes within the County and the City would have the potential to expose future area residents, employees, and visitors to chemical hazards through redevelopment of sites and structures that may be contaminated from either historic or ongoing uses. The severity of potential hazards for individual projects would depend upon the location, type, and size of development and the specific hazards associated with individual sites. All hazardous materials users and transporters, as well as hazardous waste generators and disposers are subject to regulations that require proper transport, handling, use, storage, and disposal of such materials to ensure public safety. Thus, if hazardous materials are found to be present on present or future project sites appropriate remediation activities would be required pursuant to standard federal and state regulations. Compliance with the relevant federal, state, and local regulations during the construction and operation of related projects would ensure that cumulative impacts from hazardous materials would be less than significant.

J. Hydrology and Water Quality

Impact: Does the Project violate any water quality standards or waste discharge requirements? (Draft EIR at p. 5.9-8.)

Impact: Does the Project otherwise substantially degrade water quality? (Draft EIR at p. 5.9-8.)

Finding: The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality. (Draft EIR at p. 5.9-8.)

Mitigation Measures: No mitigation measures are necessary.

Standard Conditions

SC 3.66: Prior to the approval of a Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented in this project during construction to reduce the discharge of sediment and other pollutants into the City's storm drain system.

SC 3.67: Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be submitted to and approved

by the Engineering Department. The WQMP shall be submitted using the San Bernardino County Stormwater Program's model form and shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.

SC 3.68: All projects that develop 1 acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water Resources Control Board's General Permit for Stormwater Discharge Associated with Construction Activity. Proof of filing a Notice of Intent (NOI) with the state for coverage under this permit is required prior to approval of the grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Discharge Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department.

Explanation: The use of BMPs during construction implemented as part of a SWPPP as required by the NPDES General Construction Permit and the City's Municipal Code Section 6-6 (and included as Standard Conditions SC 3.66 through SC 3.68) would serve to ensure that Project impacts related to construction activities resulting in a degradation of water quality would be less than significant. An Erosion and Sediment Transport Control Plan prepared by a qualified SWPPP developer will also be required to be included in the SWPPP for the Project. In addition, all construction activities would be required to comply with San Bernardino County guidelines for excavation and grading, the California Stormwater Quality Association Construction Manual, and the Ontario Municipal Code Section 6 Articles 4 and 5 that include specifications designed to minimize potential pollutants entering stormwater during construction. Therefore, compliance with the Statewide General Construction Activity Stormwater Permit requirements and other applicable requirements, which would be verified during the City's construction permitting process, which would ensure impacts would be less than significant.

As to operations, the City of Ontario Municipal Code Section 6-6.501 requires new development projects to prepare a WQMP (per the Regional MS4 Permit No. CAS618036) that would comply with the San Bernardino County Water Quality Management Plan, and not result in a degradation of the quality of receiving waters (Cucamonga Creek Channel and the Santa Ana River). In addition, the San Bernardino County MS4 Permit, implemented via the City Municipal Code Section 6-6, requires that all development incorporate all feasible LID BMPs to reduce potential project pollutants from entering the Cucamonga Creek Channel. The LID site design/BMP features that would be constructed with the Specific Plan include two onsite infiltration basins: one basin near the southwest corner of the Specific Plan area, and the other basin near the northwest corner. These basins would retain, slow, and filter the runoff before its discharge through storm drain connections to the County Line Channel, which then discharges to the Cucamonga Creek Channel. In addition, landscaped areas within the Specific Plan area would be developed as swales and designed to receive runoff from impervious surfaces, for example, building roofs and paved areas draining into swaled landscape areas to capture, retain, and infiltrate the runoff.

Operation of the Specific Plan would comply with BMPs pursuant to NPDES requirements and would comply with San Bernardino County Stormwater Program requirements

through implementation of the City's Municipal Code. Plans for grading, drainage, erosion control and water quality would be reviewed by the City Engineer prior to issuance of grading permits to ensure that the applicable and required LID BMPs are constructed during implementation of the Specific Plan. Thus, impacts related to degradation of water quality from operational activities would be less than significant. (Draft EIR at pp. 5.9-8 – 5.9-10.)

Impact: Does the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)? (Draft EIR Appendix A at p. 40.)

Finding: The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted). (Draft EIR Appendix A at p. 40.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project does not propose the use of any wells or direct groundwater extraction which would deplete groundwater supplies. Because the Project site would utilize domestic waterlines and would not rely on groundwater, any impacts related to groundwater supplies would be less than significant. Although development of the Project would increase the impermeable surface as compared to current conditions, groundwater recharge would not be affected to the point that it would create a net deficit in aquifer volume because the amount of stormwater that currently percolates into the ground would be redirected to landscaped areas and the detention basins, where it would infiltrate into the soil. The use of onsite storm water infiltration systems as a part of the Project's design would ensure that impacts related to increased impermeable surfaces are reduced to a less than significant level. In addition, the Project site is not located within a storage and recovery recharge area within the Chino Basin. Therefore, the Project would have less than significant direct impact on groundwater recharge. (Draft EIR Appendix A at p. 40.)

Impact: Does the Project substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Draft EIR at p. 5.9-11.)

Finding: The Project would not substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. (Draft EIR at p. 5.9-11.)

Mitigation Measures: No mitigation measures are necessary.

Standard Conditions

SC 3.64: A hydrology study and drainage analysis prepared and signed by a Civil Engineer registered in the State of California in accordance with the San Bernardino County Hydrology Manual and the City of Ontario's Standards and Guidelines is required. Additional drainage facilities may be required as a result of the findings of this study.

SC 3.66: Best Management Practices, listed previously.

SC 3.67: Water Quality Management Plan, listed previously.

SC 3.68: General Permit for Stormwater Discharge, listed previously.

SC 3.69: A SWPPP Plan. All projects that develop one (1) acre or more of total land area or which are part of a large phased development that will disturb at least one acre of land are required to prepare a Stormwater Pollution Prevention Plan (SWPPP) utilizing the model form in Appendix B of the 2003 CASQA Stormwater Best Management Practices (BMP) Handbook for Construction and submit a copy of the plan to the City Engineering Department for review. A copy of the adopted SWPPP shall be kept in the construction site office at all times during construction.

Explanation: The existing NPDES Construction General Permit, as included in the City's Municipal Code Section 6 Article 5, requires preparation and implementation of a SWPPP by a Qualified SWPPP Developer for the construction activities. The SWPPP is required to address site-specific conditions related to potential sources of sedimentation and erosion and would list the required BMPs that are necessary to reduce or eliminate the potential of erosion or alternation of a drainage pattern during construction activities. Compliance with the Construction General Permit and a SWPPP prepared by a Qualified SWPPP Developer and implemented by a Qualified SWPPP Practitioner would prevent construction-related impacts related to potential alteration of a drainage pattern or erosion from development activities. Overall, with implementation of the existing construction regulations, and City Standard Conditions (SC 3.64 and 3.66 through 3.69) that would be verified by the City's engineering during the permitting approval process, impacts related to alteration of an existing drainage pattern during construction for both Phase 1 and 2 (PA-1, PA-2, and PA-3) that could result in substantial erosion, siltation, increases in stormwater runoff, and flooding on- or off-site would be less than significant.

In addition, the City of Ontario Municipal Code Section 6-6.501 requires new development projects to prepare a WQMP that is required to include BMPs to reduce the potential of erosion and/or sedimentation through site design and structural treatment control BMPs. Implementation of the Specific Plan would comply with these requirements through compliance with the City's Municipal Code. As part of the permitting approval process, the drainage and water quality design and engineering plans would be reviewed by the City Engineer to ensure that it limits the potential for erosion and siltation. Overall, adherence to the existing regulations as implemented by the City's Standard Conditions and Municipal Code requirements would ensure that Project impacts related to alteration of a drainage pattern and erosion/siltation from operational activities would be less than significant. (Draft EIR a pp. 5.9-11 – 5.9-12.)

Impact: Does the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially

increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Draft EIR at p. 5.9-12.)

Finding: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. (Draft EIR at p. 5.9-12.)

Mitigation Measures: No mitigation measures are necessary.

Standard Conditions

SC 3.64: Hydrology study, listed previously.

Explanation: The Specific Plan area does not contain any streams or rivers. Development of the Specific Plan would result in an increase in the amount of impervious surfaces onsite, which would increase the onsite runoff. Thus, the Specific Plan includes construction of an onsite storm drain system that would route runoff into one of two onsite infiltration basins and would slow and filter the runoff before it is discharged into the County Line Channel. Landscaped areas would also be developed swales and designed to receive and infiltrate runoff water from impervious surfaces. In addition, the drainage facilities have been sized to adequately accommodate the stormwater flows from the Specific Plan area. Also, the City's Standard Condition SC 3.64 requires a hydrology study and drainage analysis to be prepared by a state registered civil engineer in accordance with the San Bernardino County Hydrology Manual and the City of Ontario's Standards and Guidelines, to ensure the drainage design would accommodate the Specific Plan development. As a result, impacts would be less than significant. (Draft EIR at pp. 5.9-12 – 5.9-15.)

Impact: Does the Project create or contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Draft EIR at p. 5.9-15.)

Finding: The Project would not create or contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (Draft EIR at p. 5.9-15.)

Mitigation Measures: No mitigation measures are necessary.

Standard Conditions

SC 3.64: Hydrology study, listed previously.

SC 3.67: Water Quality Management Plan, listed previously.

Explanation: The Specific Plan includes construction of an onsite storm drain system that would route runoff into one of two onsite infiltration basins and would slow and filter the runoff before it is discharged into the County Line Channel. In addition, the drainage facilities have been sized to adequately accommodate the stormwater flows from the Specific Plan area. Also, the City's Standard Condition SC 3.64 requires a hydrology

study and drainage analysis to be prepared by a state registered civil engineer in accordance with the San Bernardino County Hydrology Manual and the City of Ontario's Standards and Guidelines, to ensure the drainage design would accommodate the Specific Plan development. As a result, impacts would be less than significant.

Additionally, the City of Ontario Municipal Code Section 6-6.501 requires new development projects to prepare a WQMP (per Standard Condition 3.67) that would comply with the San Bernardino County Water Quality Management Plan and Stormwater Program requirements to minimize the potential of the Specific Plan to generate sources of pollution. The review of plans for grading, drainage, erosion control, and water quality by the City Engineer prior to issuance of grading permits would ensure the compliance of drainage improvements with all applicable City and County standards, which would reduce contaminants in stormwater runoff by capturing and infiltrating runoff within the Specific Plan area. Thus, implementation of the Specific Plan would not contribute substantial sources of polluted runoff, and impacts would be less than significant. (Draft EIR at p. 5.9-15.)

Impact: Does the Project place housing within a 100-year flood hazard area mapped on the Federal Flood Hazard Boundary and Flood Insurance Rate Map or other flood hazard delineation map? (Draft EIR Appendix A at p. 41.)

Finding: The Project would not place housing within a 100-year flood hazard area mapped on the Federal Flood Hazard Boundary and Flood Insurance Rate Map or other flood hazard delineation map. (Draft EIR Appendix A at p. 41.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Specific Plan area is not located within a 100-year flood hazard area and the Project does not include housing as a part of its development. Therefore, there is no potential for housing to be located within a 100-year flood hazard zone and no significant impacts would occur under the Project. (Draft EIR Appendix A at p. 41.)

Impact: Does the Project place within a 100-year flood hazard area structures that would impede or redirect flood flows? (Draft EIR Appendix A at p. 41.)

Finding: The Project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows. (Draft EIR Appendix A at p. 41.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Specific Plan area is not located within a 100-year flood hazard area. Therefore, there is no potential for structures to impede or redirect flood flows within a 100-year flood hazard zone. No impacts related to 100-year flood hazards areas would occur by the Project. (Draft EIR Appendix A at p. 41.)

Impact: Does the Project expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of levee or dam? (Draft EIR at p. 5.9-15.)

Finding: The Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of levee or dam (Draft EIR at p. 5.9-15.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The majority of the southern portion of the City of Ontario lies within the dam inundation area for the San Antonio Dam. The City's General Plan EIR concludes that catastrophic failure of the San Antonio Dam when it is at or near capacity could spread water two to four feet deep over the western and central parts of the City (which includes the Specific Plan area) 7.5 hours after failure of the San Antonio Creek Dam. This should provide adequate time for employees and visitors at the Project site to evacuate. In any event, the probability of catastrophic failure is very low due to the ongoing management of water volumes being held by the dam, and the City of Ontario Fire Department maintains a list of emergency procedures to be followed in the event of a failure. Because the likelihood of catastrophic failure of the San Antonio Dam is very low and the Specific Plan does not include residential uses, there would be adequate time to evacuate the Project area, and the City is prepared in the event of such failure, impacts related to the potential for injury or death involving flooding as a result of the failure of a dam would be less than significant. (Draft EIR at pp. 5.9-15 – 5.9-16.)

Impact: Does the Project expose people or structures to inundation by seiche, tsunami, or mudflow? (Draft EIR Appendix A at p. 42.)

Finding: The Project would not expose people or structures to inundation by seiche, tsunami, or mudflow (Draft EIR Appendix A at p. 42.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Pacific Ocean is approximately 31 miles from the Project site, and therefore there is no potential for tsunamis to impact the Project. In addition, the Project site is relatively flat, and no steep hillsides that are subject to mudflow are in the vicinity of the site. Cucamonga Creek, which is located directly east of the Project site, is not enclosed or semi-enclosed so that it would be conducive to the creation of a seiche. Therefore, there is no impact to the Project site due to seiche, tsunami, or mudflow. (Draft EIR Appendix A at p. 42.)

Impact: Does the Project result in cumulative impacts related to hydrology and water quality? (Draft EIR at p. 5.9-16.)

Finding: The Project would not result in cumulative impacts related to hydrology and water quality. (Draft EIR at p. 5.9-16.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Related developments within the Chino Watershed would be required to implement water quality control measures pursuant to the same NPDES General

Construction Permit that requires implementation of a SWPPP (for construction), a WQMP (for operation) and BMPs to eliminate or reduce the discharge of pollutants in stormwater discharges, reduce runoff, reduce erosion and sedimentation, and increase filtration and infiltration. These requirements are implemented to reduce incremental effects of individual projects so that they would not become cumulatively considerable. Therefore, overall potential impacts to water quality associated with present and future development in the watershed would not be cumulatively considerable with compliance with all applicable laws, permits, ordinances and plans. The Specific Plan would be implemented in compliance with all regulations, as would be verified during the permitting process. Therefore, cumulative impacts related to water quality would be less than significant.

Regarding drainage, the Project includes installation of infiltration basins that would retain, slow, and filter the runoff before its discharge through storm drain connections to the County Line Channel. These facilities would retain runoff and reduce erosion and siltation, and would be required to maintain pre-project hydrology, no net increase of offsite stormwater flows would occur. As a result, the Project would not generate runoff that could combine with additional runoff from cumulative projects that could cumulatively combine to impact erosion, siltation, flooding, and water quality. Thus, cumulative impacts related to drainage would be less than significant. Furthermore, with implementation of the drainage facilities, the Specific Plan's potential cumulative contribution to impacts related to dam inundation would be less than significant. (Draft EIR at p. 5.9-16.)

K. Land Use and Planning

Impact: Does the Project physically divide an established community? (Draft EIR Appendix A at p. 42.)

Finding: The Project would not physically divide an established community (Draft EIR Appendix A at p. 42.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Implementation of the proposed Project would change the current land uses located on the 94.4-acre site from agricultural uses including dairies and field crops into a business and industrial park with up to approximately 2.36 million square feet of total building space. The Project site also currently features three single-family residences that would be removed during demolition. The Project site is currently surrounded by agricultural uses to the north, west and directly adjacent to the south. There is a residential neighborhood located directly across Archibald Avenue to the east. The project site is bound by Merrill Ave. to the north, Archibald Ave. to the east, the Cucamonga Creek Channel to the west and a smaller drainage channel to the south that follows the San Bernardino-Riverside County border. The residential neighborhood to the east represents the northeastern most edge of the Eastvale Downs neighborhood of the City of Eastvale in Riverside County. Although the proposed project would replace existing agricultural uses with a planned industrial area, it would not physically divide an established community. The land uses proposed for the site are consistent with the land uses designated by TOP, and consistent with proposed business and industrial land uses in the immediate project vicinity. Thus, the Project would not divide an established community. (Draft EIR Appendix A at pp. 42-43.)

Impact: Does the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Draft EIR at p. 5.10-6.)

Finding: The Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. (Draft EIR at p. 5.10-6.)

Mitigation Measures: No mitigation measures are necessary.

Explanation:

SCAG Regional Transportation Plan

The SCAG Regional Transportation Plan policies focus largely on transportation and the efficiency of transportation, which are not applicable to the Specific Plan. However, the Specific Plan would implement and are consistent with the SCAG policies that are applicable as detailed in the Draft EIR Table 5.10-1, Specific Plan Consistency with Applicable SCAG Regional Transportation Plan. Therefore, implementation of the Specific Plan would not result in conflict with SCAG policies, and impacts would not occur.

The Ontario Plan

The Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario General Plan. Draft EIR Table 5.10-2 lists the General Plan policies that are applicable to the Specific Plan and evaluates the Project's compliance with each policy. As detailed, the Specific Plan would be consistent with the applicable General Plan policies, and impacts related to a conflict with a General Plan policy would not occur.

Ontario Development Code

Upon adoption of the Specific Plan, the development regulations and design standards within the Specific Plan would apply to the Project area and would establish the applicable zoning regulations and development standards. The Specific Plan would become the main land use implementation tool for the Project area. As stated in Section 1.01.035 of the City's Development Code, in the event of any conflict between the requirements of the Development Code and the standards contained within an adopted Specific Plan, the requirements of the Specific Plan shall govern, and when the provisions of a Specific Plan are silent on a specific matter, the regulations set forth in the Development Code shall apply. As such, the Specific Plan would not result in conflicts with the Ontario Development Code, and impacts would be less than significant.

Ontario International Airport Land Use Compatibility Plan

The Ontario International Airport is approximately 4.9 miles north of the Specific Plan area, and is not located within a noise impact, safety zone, or overflight zone of the airport. Therefore, the Specific Plan is not subject to the Ontario Airport ALUC policies; and the Specific Plan would not conflict with an ONT ALUC policy or plan that was adopted for the purpose of avoiding or mitigating an environmental effect, and land use impacts related to the airport would not occur.

Riverside County ALUCP

The Specific Plan area is located one mile east of the Chino Airport, is within the Chino Airport Overlay, and is within the Chino Airport Influence Area. In addition, the Specific Plan area is within Compatibility Zone D, which is identified as an area for primary traffic patterns and runway buffer area. The prohibited uses in the Compatibility Zone D area include highly noise-sensitive outdoor nonresidential uses and hazards to flight (such as physical [e.g., tall objects], visual, and electronic forms of interference). Within this zone airspace review is required for objects and structures that are taller than 70-feet in height.

The industrial and business park uses allowed by the existing General Plan land use designations and by the Specific Plan would not include any highly noise-sensitive outdoor uses, would not exceed the 70-foot high airspace review criteria, and would be consistent with the Compatibility Zone D criteria. Additionally, the Specific Plan area is located within Safety Zone 6, which allows the industrial warehousing uses, but limit uses that process large quantities of highly hazardous materials or uses that store more than 6,000 gallons of hazardous materials. The industrial warehousing uses would not process or store large quantities of hazardous materials. In addition, lands within Safety Zone 6T are required to provide approximately 10 percent of usable open land or an open area approximately every 0.25 mile to 0.5 mile; and that the area be at least 300 feet long by 75 feet wide. The Project is compliant with these regulations, and the Specific Plan would not result in a conflict related to the land use plans for the Chino Airport, and impacts would not occur. (Draft EIR at pp. 5.10-6- 5.10-21.)

Impact: Does the Project conflict with any applicable habitat conservation plan or natural community conservation plan? (Draft EIR Appendix A at p. 43.)

Finding: The Project would not conflict with any applicable habitat conservation plan or natural community conservation plan (Draft EIR Appendix A at p. 43.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project site is not located within any current habitat conservation plan or natural community conservation plan. Thus, the Project would not result in impacts related to habitat conservation plans or natural community conservation plans. (Draft EIR Appendix A at p. 43.)

Impact: Does the Project result in a cumulatively considerable impact with respect to land use impacts? (Draft EIR at p. 5.10-21.)

Finding: The Project would not result in a cumulatively considerable impact with respect to land use impacts. (Draft EIR at p. 5.10-21.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Cumulative development would result in substantial changes to existing land use patterns through conversion of agricultural and dairy lands into urban uses pursuant to the General Plan land use designations. Cumulative development would also

be subject to site-specific environmental and planning reviews that would address consistency with adopted General Plan goals, objectives, and policies, as well as with the City's Development Code and Airport Land Use Plan policies. As part of environmental review, projects would be required to provide mitigation for any inconsistencies with the General Plan and environmental policies that would result in adverse physical environmental effects. The cumulative projects as a whole would result in a more intensely developed built environment than currently exists, and would be required to be consistent with local General Plan policies.

While cumulative projects could include General Plan amendments and/or zone changes, modifications to existing land uses. Such amendments do not necessarily represent an inherent negative effect on the environment, particularly if the proposed changes involve changes in types and intensity of uses, rather than eliminating application of policies that were specifically adopted for the purpose of avoiding or mitigating environmental effects. Past and present cumulative projects do not involve amendments that would eliminate application of policies that were adopted for the purpose of avoiding or mitigating environmental effects. Thus, it is expected that the land uses of cumulative projects would be consistent with policies that avoid an environmental effect; therefore, cumulatively considerable impacts from cumulative projects related to policy consistency would be less than significant. (Draft EIR at p. 5.10-21.)

L. Mineral Resources

Impact: Does the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Draft EIR Appendix A at p. 44.)

Finding: The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. (Draft EIR Appendix A at p. 44.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: There are no known mineral resources on the Project site or in the area that would be impacted by the Project. The TOP EIR shows that the Project site is located in mineral resources zone 3 (MRZ-3), which means that the significance of mineral deposits is unknown. The TOP EIR states that development in MRZ-3 would not result in significant impacts because mineral resources of statewide or local importance are not identified in the California Geologic Survey PC maps. (Draft EIR Appendix A at p. 44.)

Impact: Does the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Draft EIR Appendix A at p. 44.)

Finding: The Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. (Draft EIR Appendix A at p. 44.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: There are no known mineral resources on the Project site or in the area. There is no loss of availability of any locally important mineral resource because the site is not designated as a mineral resource area. The Project would have no impact to the loss of important mineral resources. (Draft EIR Appendix A at p. 44.)

M. Noise and Vibration

Impact: Does the Project expose persons to or generate noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies? (Draft EIR at p. 5.11-18.)

Finding: The Project would not expose persons to or generate noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies. (Draft EIR at p. 5.11-18.)

Mitigation Measures: No mitigation measures are necessary.

Standard Conditions

SC 1.4: Noise sources associated with, or vibration created by, construction repair remodeling or grading of any real property shall not take place between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday. Noise levels created by said activities shall not exceed the noise standard of 65 dBA plus the limits specified in Section 9-1.3305.

SC 5.3: Detailed construction plans shall be approved and signed by an acoustical engineer to certify that noise abatement measures required to meet City standards have been incorporated (applies to all projects requiring an acoustical analysis and to any project within the 60 CNEL contour of any area source).

Explanation:

Construction Noise

The City's Noise Ordinance exempts construction noise from applicable regulations, provided construction is done within certain specified hours. The Project would comply with all requirements of the Noise Ordinance (Standard Condition SC 1.4) and, therefore, would not generate noise in excess of applicable standards. Further, as shown on Table 5.11-6 and Figure 5.11-4 of the Draft EIR, the construction noise levels from development of all 3 PAs, that would be experienced at the nearby sensitive receiver locations are expected to range from 47.5 to 64.9 dBA Leq, which would be less than the City of Chino's 65 dBA Leq significance threshold for construction noise, which is the most conservative of the construction noise standards (although none of the sensitive receivers are located in the City of Chino). Therefore, noise from construction activities would be less than significant.

Operation

The on-site Project-related noise sources are expected to include: idling trucks, delivery truck activities, parking, backup alarms, as well as loading dock activity, and roof-top air conditioning units. The Noise Study required as Standard Condition SC 5.3 identified that the noise levels at receiver locations would be less than the operational noise standards.

Specifically, the operational noise levels that are estimated to occur from operation of all 3 Pas at the nearby sensitive receiver locations would range from 27.4 to 54.2 dBA L_{max}. As a result, noise generated from operation of the Specific Plan would be less than significant. (Draft EIR at pp. 5.11-18 – 5.11-23.)

Impact: Does the Project expose persons to or generate excessive groundborne vibration or groundborne noise levels? (Draft EIR at p. 5.11-23.)

Finding: The Project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels. (Draft EIR at p. 5.11-23.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project would not generate vibration levels at any nearby sensitive receptor that exceed the applicable standard. The highest construction vibration levels are expected to approach 0.002 in/sec RMS at the nearby receiver locations which would be less than the vibration standard of 0.05 in/sec RMS. Furthermore, construction vibration levels would not be capable of causing building damage to nearby residential homes. The peak project-construction vibration levels approaching 0.003 in/sec PPV, would not exceed the FTA vibration levels for building damage at the residences near the project site. Construction would also be restricted to daytime hours consistent with City requirements thereby eliminating potential vibration impact during the sensitive nighttime hours. Therefore, vibration from construction would be less than significant.

The operation of the Project would include heavy trucks transiting on site to and from the loading dock areas. Typical truck vibration levels would be 0.001 in/sec RMS, based on the FTA Transit Noise Impact and Vibration Assessment, which would be less than the vibration threshold of 0.05 in/sec RMS, and therefore, would be less than significant. (Draft EIR at pp. 5.11-23 – 5.11-28.)

Impact: Does the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project? (Draft EIR at p. 5.11-29.)

Finding: The Project would not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. (Draft EIR at p. 5.11-29.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project's primary source of noise would be truck and vehicular operations. The highest Project generated daytime operational noise level increase over the existing ambient conditions would be 0.9 dBA L₅₀, and the highest nighttime Project generated noise level increase would be 0.4 dBA Leq. Since the Project operational noise level contributions would not exceed 1.5 dBA, the increases at the sensitive receiver locations would be less than significant and the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity. Therefore, operation of the proposed Specific Plan would result in a less than significant impact related to onsite generation of a permanent increase in ambient noise levels.

Regarding traffic noise, the Specific Plan would result in a Project-related traffic noise level increase of up to 0.4 dBA CNEL with operation of all three PAs, which is less than the significance thresholds. Thus, traffic related noise impacts would be less than significant. (Draft EIR at pp. 5.11-29 – 5.11-33.)

Impact: Does the Project result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project? (Draft EIR at p. 5.11-34.)

Finding: The Project would not result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project. (Draft EIR at p. 5.11-34.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The construction noise would only occur between the permitted hours of 7:00 a.m. to 6:00 p.m. any weekday, or on Saturday or Sunday from 9:00 a.m. to 6:00 p.m. and the noise increases would be temporary in nature, and would not generate continuously high noise levels. The operation of each piece of construction equipment would not be constant throughout the construction day, as equipment would be turned off when they are not in use. The typical operating cycle for a piece of construction equipment would involve one or two minutes of full power operation followed by three or four minutes at lower power settings. In addition, construction activities would move throughout the Specific Plan area, and only occur for a limited time in each location. Construction activities from implementation of the Specific Plan could result in a temporary and intermittent noise level increase ranging from 0.4 to 10.5 dBA Leq during the daytime hours at the closest sensitive receiver locations. This is less than the 12 dBA Leq significance threshold; therefore, the temporary or periodic increase in ambient noise levels from construction activities would be less than significant. (Draft EIR at p. 5.11-34.)

Impact: Does the Project expose people residing or working in the Project area to excessive airport noise levels? (Draft EIR at p. 5.11-34.)

Finding: The Project would not expose people residing or working in the Project area to excessive airport noise levels. (Draft EIR at p. 5.11-34.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Specific Plan area is located approximately 1.3 miles east of the nearest runway at the Chino Airport, is within the Chino Airport Overlay, and is partially located within the 55 to 60 dBA CNEL 2030 noise contour boundaries, which is below the 65 dBA compatibility standard.

Additionally, as described above, the Specific Plan area is within the airport influence area of the Ontario Airport; however, it is outside of the 60 dBA CNEL noise level contours and the planned uses are considered normally compatible land use that must reduce interior noise levels to 50 dBA CNEL. Standard building construction consistent with the State of California Green Building Standards Code typically provides up to 25 dBA CNEL of attenuation, which would reduce the exterior noise levels of up to 60 dBA CNEL from

Chino Airport to interior noise levels within the building of less than the interior noise level standard. Therefore, implementation of the Specific Plan would not expose people residing or working in the Project area to excessive noise levels, and impacts would be less than significant. (Draft EIR at pp. 5.11-34 – 5.11-35.)

Impact: Is the Project within the vicinity of a private airstrip and expose people residing or working in the Project area to excessive noise? (Draft EIR Appendix A at p. 45.)

Finding: The Project would not be within the vicinity of a private airstrip and expose people residing or working in the Project area to excessive noise. (Draft EIR Appendix A at p. 46.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: There are no private airstrips within the Project vicinity. Therefore, no impacts would occur. (Draft EIR Appendix A at p. 46.)

Impact: Does the Project result in a cumulatively considerable impact with respect to the exposure of sensitive receptors to noise or vibration? (Draft EIR at p. 5.11-35.)

Finding: The Project would not result in a cumulatively considerable impact with respect to the exposure of sensitive receptors to noise or vibration. (Draft EIR at p. 5.11-35.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Because noise attenuates logarithmically with distance, construction noise associated with the Project is localized in the proximity of the Specific Plan area. Due to the size and the intermittent timing and location of construction activities within the Specific Plan, the potential for cumulative noise and/or vibration impacts is limited. Thus, even if two adjacent projects were constructed at the same time, the varying construction activities on each large site would dissipate over the sites and would not combine to cumulatively increase and impact nearby sensitive receivers. Therefore, cumulative noise and/or vibration impacts associated with construction activities would be less than significant.

The operational noise from onsite activities at Specific Plan buildout would be less than the noise standards, and less than existing ambient noise in the Project vicinity; thus, operational noise from the Specific Plan would not combine with operational noise from nearby development projects to result in a cumulatively significant increase. Additionally, the traffic noise from implementation of the Specific Plan would result in a noise level increase of up to 0.4 dBA CNEL with operation of all three PAs, which is less than the significance thresholds, and therefore less than cumulatively considerable. As a result, cumulative traffic related noise impacts would be less than significant.

The Specific Plan area is located within airport land use designations that are appropriate for industrial business park developments, and the proposed Specific Plan would not result in exposure of people residing or working in the area to excessive noise levels from operation of either Chino Airport or Ontario Airport and would not result in an impact that could cumulatively combine. Similarly, each past, present, and foreseeable future project

must comply with the appropriate airport land use noise contour regulations, which are in place to reduce the potential noise impacts related to Chino Airport and Ontario Airport operations. Hence, cumulative impacts related to airport noise would not occur. (Draft EIR at pp. 5.11-35 – 5.11-36.)

N. Population and Housing

Impact: Does the Project induce substantial population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)? (Draft EIR Appendix A at p. 46.)

Finding: The Project would not induce substantial population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure). (Draft EIR Appendix A at p. 46.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project would transition the Specific Plan area from rural agricultural uses to industrial uses largely comprising warehouse/distribution and manufacturing space. The Project would generate additional long-term jobs in the area, but because the SANBAG subregion is housing rich, this increase in jobs is not anticipated to create a corresponding increase in a need for housing (because workers would come from the area). The City of Ontario is also considered jobs rich, suggesting that a large number of workers commute to the City, rather than live and work in the City. TOP policy CE1-1 identifies a need to improve the Inland Empire's balance between jobs and housing by promoting job growth that reduces the regional economy's reliance on out-commuting. As such, by providing new employment opportunities within the City, the Project would serve to help meet this policy and any impact related to population growth would be less than significant. (Draft EIR Appendix A at p. 46.)

Impact: Does the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Draft EIR Appendix A at p. 46.)

Finding: The Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. (Draft EIR Appendix A at p. 46.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project site includes primarily agricultural uses but does include 3 residences. With development of the Project, these residences would be demolished, and the occupants would relocate. However, the demolition of 3 residences is not considered to displace a substantial number of existing housing; thus, the impact would be less than significant. (Draft EIR Appendix A at p. 46.)

Impact: Does the Project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Draft EIR Appendix A at p. 47.)

Finding: The Project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. (Draft EIR Appendix A at p. 47.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: With the phased implementation of the Specific Plan, it is anticipated that residents of the 3 residences on the Project site would relocate. With so few residents being displaced and a large housing stock in the region, their relocation would not be substantial or require construction of replacement housing elsewhere. (Draft EIR Appendix A at p. 47.)

O. Public Services

Impact: Does the Project result in substantial adverse physical impacts associated with the provision of new or physically altered fire facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives? (Draft EIR at p. 5.12-3.)

Finding – Fire: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. (Draft EIR at p. 5.12-4.)

Mitigation Measures: No mitigation measures are necessary.

Explanation– Fire: The Specific Plan structures would be constructed from non-flammable concrete and cement, the buildings would have automatic ceiling-mounted fire sprinkler system and would include all fire related safety features pursuant to the California Fire Code (CFC), which is included in the City's Municipal Code as Section 4-4.01. Additionally, the City's Building Department and the Fire Department would review the building plans prior to approval to ensure that all applicable fire safety features are included in the Project. Furthermore, the Fire Department would complete an inspection of all new structures before approval of occupancy permits to ensure that all fire safety features are installed appropriately, which would reduce the potential for fire hazards during operation of the Project.

The City has eight existing fire stations; the closest of which is 4.1 miles north of the Project site. The City is also planning a new fire station that will be located 1 mile from the Project site and would be able to respond in approximately 3 minutes to an emergency within the Specific Plan area. These existing and planned fire facilities would respond to any emergency or medical services within the Specific Plan vicinity and have been planned to serve the buildout of the southern portion of the City, which includes the Project site. The Specific Plan would not result in a significant impact on the ability to maintain adequate level of fire protection service to the area and would not require provision of new or physically altered fire protection facilities, construction of which could cause significant environmental impacts. Thus, impacts related to fire protection services would be less than significant. (Draft EIR at p. 5.12-4.)

Impact: Does the Project result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives? (Draft EIR at p. 5.12-6.)

Finding – Police: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. (Draft EIR at p. 5.12-6.)

Mitigation Measures: No mitigation measures are necessary.

Explanation – Police: Implementation of the proposed Specific Plan would convert an agricultural site into light industrial, warehousing/distribution, and business uses, which would result in the addition of employees and potentially valuable goods within the Specific Plan area, which could result in an increase in calls for police services. However, the proposed Specific Plan would include installation of security features to reduce the potential for crime, such as the provision of low-intensity security lighting in parking areas and adjacent to buildings structure security. As described in the proposed Specific Plan illumination of on-site areas include: lighting for parking areas, pedestrian walkways, shipping and loading areas, and additional exterior areas. Additionally, the proposed Specific Plan specifically requires that a comprehensive lighting plan be prepared and approved in conjunction with the site plans, and that all plans shall be reviewed and approved by the Ontario Police Department. Also, pursuant to the City's existing permitting process, the Building Department would review and approve the final site plans to ensure that crime prevention through design measures are incorporated appropriately to provide a safe environment. Additionally, the Project would operate 24 hours per day, 7 days per week. This would ensure there is no time during which no person(s) are onsite, which lowers the potential for crime during non-occupied times. Therefore, development of the Specific Plan would include features to reduce the need for law enforcement services.

Although the Specific Plan would generate additional long-term employees within the Specific Plan area, this increase in employment is not anticipated to result in an increase in population that would generate an additional need for law enforcement services. Because the San Bernardino Association of Governments (SANBAG) subregion (including the City of Ontario) is housing rich, the increase in jobs from the Specific Plan is not expected to create a corresponding increase in population (because the new jobs created by the Specific Plan would be filled by existing residents from area).

Overall, implementation of the Specific Plan would result in an incremental increase in demands on law enforcement services but would not be substantial compared to the existing services provided by the Police Department. The Ontario Police Department has prepared for the growth of the Specific Plan region of the City and have the ongoing ability to provide police services to the area. Furthermore, buildout of the Specific Plan would not result or require development of new, or expansion of existing, Police Department facilities. Thus, impacts related to police services would be less than significant. (Draft EIR at pp. 5.12-6 – 5.12-7.)

Impact: Does the Project result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives? (Draft EIR Appendix A at p. 48.)

Finding – Schools: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. (Draft EIR Appendix A at p. 48.)

Mitigation Measures: No mitigation measures are necessary.

Explanation – Schools: The Project includes a planned industrial development and would not create a direct demand for public school services, as there are no residential uses that would result in the presence of any school-aged children requiring public education. Although the Project would not create a demand for additional public school services, the Project Applicant would be required to pay school fees as prescribed by state law prior to the issuance of building permits. With mandatory payment of fees as stated, impacts to public schools would be less than significant. (Draft EIR Appendix A at p. 48.)

Impact: Does the Project result in substantial adverse physical impacts associated with the provision of new or physically altered parks facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives? (Draft EIR Appendix A at p. 48.)

Finding – Parks: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered parks facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. (Draft EIR Appendix A at p. 48.)

Mitigation Measures: No mitigation measures are necessary.

Explanation – Parks: The Project involves development of a business and industrial park and would not directly provide new housing opportunities and new residents to the area. Although new employees may occasionally use local parks, such increase in use is considered marginal and would not result in deterioration to facilities such that the construction or expansion of recreational facilities would be necessary. Therefore, impacts related to public parks would be a less than significant impact. (Draft EIR Appendix A at p. 48.)

Impact: Does the Project result in substantial adverse physical impacts associated with the provision of new or physically altered other public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives? (Draft EIR Appendix A at p. 48.)

Finding – Other Public Facilities: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered other public

facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. (Draft EIR Appendix A at p. 48.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Because the Project would not result in an increase in the City's population, it is not expected to result in a demand for other public facilities/services, including libraries, community recreation centers, post offices, and animal shelters. As such, the Project would not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could create the need to construct new facilities. (Draft EIR Appendix A at p. 48.)

Impact: Does the Project result in substantial adverse cumulative physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities? (Draft EIR at p. 5.12-7.)

Finding: The Project would not result in substantial adverse cumulative physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities. (Draft EIR at p. 5.12-7.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: As discussed above, the Project would not result in an increase in population that would impact the provision of services or require the construction of new or expanded facilities. With respect to fire services, because of the geographical coverage of existing and new fire stations in the area, cumulative projects are not anticipated to result in the need for another new or expanded fire station, the construction of which could result in significant impacts. In addition, because the Project would be consistent with buildout assumptions of the General Plan and would implement fire safety design features and it would not result in a cumulatively considerable increase to the need for fire and emergency response, and impacts would be less than cumulatively significant.

With respect to police services, cumulative development would generate a proportional increase in calls for police services. The development projects would be reviewed by City Police Department staff prior to development permit approval to ensure adequate security measures are provided for each site-specific development in the City. It is anticipated that future development would result in the need for additional sworn officers and equipment, but implementation of the Specific Plan would not create a cumulatively considerable need for a new or expanded police station, the construction of which could result in an environmental impact. Therefore, cumulative impacts associated with police services from implementation of the Specific Plan would be less than cumulatively significant. (Draft EIR at p. 5.12-7.)

P. Recreation

Impact: Does the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Draft EIR Appendix A at p. 49.)

Finding: The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (Draft EIR Appendix A at p. 49.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Development of the Project would not directly increase housing or population, which typically cause an increase in the demand for and use of existing neighborhood parks and other citywide recreational facilities. Although new employees may occasionally increase the use of existing local parks, neighborhood and regionals parks, employees' limited use would not result in deterioration to facilities such that the construction or expansion of recreational facilities would be necessary. Thus, impacts related to the physical deterioration of existing recreation parks or facilities would be less than significant. (Draft EIR Appendix A at p. 49.)

Impact: Does the Project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment? (Draft EIR Appendix A at p. 49.)

Finding: The Project would not include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment. (Draft EIR Appendix A at p. 49.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project proposes to develop a planned industrial area on the site. The Project does not propose any new on- or off-site recreational facilities. The indirect increase in population as a result of new employment opportunities would not result in use of recreational facilities sufficient to cause deterioration such that the construction or expansion of recreational facilities would be necessary. Therefore, the Project would not result in environmental impacts related to the construction or expansion of recreational facilities. (Draft EIR Appendix A at p. 49.)

Q. Transportation and Traffic

Impact: Does the Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in a substantial safety risk? (Draft EIR at p. 5.13-37.)

Finding: The Project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in a substantial safety risk. (Draft EIR at p. 5.13-38.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Specific Plan area is located one mile east of the Chino Airport, and within the Chino Airport Overlay and within the Chino Airport Influence Area. The Specific Plan area is within Compatibility Zone D, which is identified as an area for primary traffic patterns and runway buffer area. Within this zone, airspace review is required for objects and structures that are taller than 70-feet in height.

The Specific Plan structures would not exceed the 70-foot high airspace review criteria, and the height of the structures would not result in a change in air traffic patterns or result in a substantial safety risk. Therefore, impacts would not occur. (Draft EIR at p. 5.13-38.)

Impact: Does the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Draft EIR at p. 5.13-38.)

Finding: The Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (Draft EIR at p. 5.13-38.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The roadway improvements and installation of driveways that would be implemented during construction of the proposed Project could require the temporary closure of travel lanes, but full roadway closure and traffic detours are not expected to be necessary. However, construction activities may temporarily restrict vehicular traffic that could increase hazards. Therefore, the construction activities would be required to implement measures to facilitate the passage of persons and vehicles through/around any required temporary road restrictions, and ensure the safety of passage in accordance with Municipal Code Section 7-3.07, which requires that prior to any activity that would encroach into a right-of-way, the area be safeguarded through the installation of safety devices that would be specified by the City's Engineering Department during the construction permitting process to ensure that construction activities would not increase hazards. Implementation of the Specific Plan through the City's permitting process would reduce potential construction related increases in hazards to a less than significant level.

The Project would be compatible with planned industrial and business park development in the surrounding area. The Project also would be located in proximity to City-designated truck routes along Merrill Avenue and Archibald Avenue, which would reduce potential incompatibilities with residential properties developed within other Specific Plans and with primary bicycle and pedestrian travel ways of Ontario Ranch. As such, no transportation hazards would be created as a result of an incompatible land use.

All improvements within the public rights-of-way would be installed in conformance with City design standards. On-site traffic signing and striping would be implemented in conjunction with detailed construction plans for the site. Sight distance at each Project driveway would be reviewed for conformance with City of Ontario sight distance standards at the time of preparation of final grading, landscape, and street improvement plans.

Accordingly, the Project would not create or substantially increase safety hazards due to any design feature and impacts would be less than significant. (Draft EIR at pp. 5.13-38 – 5.13-39.)

Impact: Does the Project result in inadequate emergency access? (Draft EIR Appendix A at p. 51.)

Finding: The Project would not result in inadequate emergency access. (Draft EIR Appendix A at p. 51.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project would be designed to provide access for all emergency vehicles and meet all applicable City of Ontario Fire and Police Department access requirements. During construction activities that include road and sidewalk improvements, both Archibald Avenue and Merrill Avenue would maintain one open lane to ensure emergency access. In addition, the Project would still allow emergency vehicles to access to the residential neighborhoods to the east. As a result, the Project would not have any significant impacts to emergency access. (Draft EIR Appendix A at p. 51.)

Impact: Does the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Draft EIR at p. 5.13-39.)

Finding: The Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. (Draft EIR at p. 5.13-39.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: A Class II bikeway and a sidewalk would be installed on the southern side of Merrill Avenue located along the Specific Plan's northern boundary; and a sidewalk would be developed along the western side of Archibald Avenue, from Merrill Avenue to the Specific Plan's southern boundary. These facilities implemented by the Specific Plan would provide additional pedestrian and bicycle facilities in the area. In addition, the Project would not alter any existing bicycle or pedestrian facilities.

There are no existing bus or other transit routes in the vicinity of the Specific Plan area. As no public transit facilities exist, the Specific Plan would not conflict with or decrease the performance of such facilities. Overall, impacts related to conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities would be less than significant. (Draft EIR at p. 5.13-39.)

R. Tribal Cultural Resources

Impact: Does the Project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (Draft EIR at p. 5.14-4.)

Finding: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). (Draft EIR at p. 5.14-5.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The City of Ontario conducted AB 52 consultation with the Gabrieleño Band of Mission Indians – Kizh Nation, which did not identify any TCRs. Additionally, no sites were documented in NAHC's Sacred Lands File search conducted for the USGS quadrangle that encompasses the Plan Area. Furthermore, there are not site or properties in the Plan Area that are listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources. Therefore, impacts to TCRs would be less than significant. (Draft EIR at p. 5.14-5.)

S. Utilities and Service Systems

Impact: Does the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Draft EIR at p. 5.15-4.)

Finding: The Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. (Draft EIR at p. 5.15-4.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Wastewater that would be generated from restrooms, break areas, and appliances (e.g., dishwashers) would comply with the wastewater treatment standards of the RWQCB. To ensure that wastewater flows do not exceed RWQCB requirements, the City requires users of the City's wastewater system to obtain a wastewater discharge permit (pursuant to Municipal Code Section 6-7.301) that identifies the type and amount of wastewater that would be discharged into the sewer system. As such, implementation of the Project would not exceed wastewater treatment requirements of the Santa Ana RWQCB, and significant impacts would not occur. (Draft EIR at p. 5.15-4.)

Impact: Does the Project require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Draft EIR at p. 5.15-4.)

Finding: The Project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (Draft EIR at p. 5.15-4.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Although construction of the onsite sewer lines and connection to the existing trunk sewer are included as part of the Specific Plan and would be necessary for operation of the planned land uses, no extensions or expansions to the existing sewer or wastewater treatment system serving the region would be required. The necessary installation of onsite sewer line and connection to the existing line is included as part of

the Specific Plan and would not result in any physical environmental effects beyond those identified in other sections of this EIR. Therefore, the Specific Plan would not result in the construction of new wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, and impacts would be less than significant. (Draft EIR at pp. 5.15-4 – 5.15-5.)

Impact: Does the Project result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? (Draft EIR at p. 5.15-5.)

Finding: The Project would not result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. (Draft EIR at p. 5.15-5.)

Mitigation Measures: No mitigation measures are necessary.

Explanations: Operation of the Specific Plan at buildout would generate approximately 188,800 gallons per day (0.19 mgd) of wastewater that would be conveyed to the IEUA Water Recycling Plant RP-5 for disposal. RP-5 currently treats 9 mgd, has the capacity to treat 16.3 mgd, and has two plant expansion projects planned that would expand capacity of the facility to 22.5 mgd. Thus, the addition of 188,800 gallons per day (0.19 mgd) from operation of the Specific Plan would be accommodated by the existing facilities and would not result in a capacity constraint related to serving the Specific Plan in addition to IEUA's existing commitments. Impacts related to wastewater treatment plant capacity would not occur from implementation of the Project. (Draft EIR at p. 5.15-5.)

Impact: Does the Project have sufficient water supplies available from existing entitlements and resources, and no new or expanded entitlements are needed? (Draft EIR at p. 5.15-8.)

Finding: Sufficient water supplies available from existing entitlements and resources, and no new or expanded entitlements are needed. (Draft EIR at p. 5.15-9)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The City of Ontario's projected water supply (potable and recycled) would meet the projected water demand associated with build out of the Specific Plan in addition to the City's existing and planned future uses, and sufficient water supplies would be available to serve the Project from existing entitlements and resources and are new or expanded entitlements would not be needed. As a result, impacts related to water supply would not occur from implementation of the Specific Plan. (Draft EIR at pp. 5.15-8 – 5.15-10.)

Impact: Does the Project require the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Draft EIR at p. 5.15-10.)

Finding: The Project would not require the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (Draft EIR at p. 5.15-10.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Although construction of the water lines would be necessary for operation of the Specific Plan land uses, these facilities have been planned by the City in its Water Master Plan, and no extensions or capacity expansions beyond the planned system would be required. The necessary installation of water lines is included as part of the Specific Plan and would not result in any physical environmental effects beyond those identified in other Findings. Therefore, the Specific Plan would not result in the construction of new unplanned water facilities or expansion of existing planned facilities, the construction of which could cause significant environmental effects. Therefore, impacts would be less than significant. (Draft EIR at p. 5.15-10.)

Impact: Does the Project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Draft EIR at 5.15-13.)

Finding: The Project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (Draft EIR at 5.15-13.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Although construction of the drainage system and connection to the existing storm drain system is part of the Project, these facilities have been planned by the City in its Storm Drain Master Plan, and no extensions or expansions beyond the planned system would be required. The necessary installation of drainage improvements lines is included as part of the Specific Plan and would not result in any physical environmental effects beyond those identified in other Findings. Therefore, the Specific Plan would not result in the construction of new unplanned storm water drainage facilities or expansion of existing planned facilities, the construction of which could cause significant environmental effects, and impacts would be less than significant. (Draft EIR at p. 5.15-13.)

Impact: Is the Project served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs? (Draft EIR at p. 5.15-15.)

Finding: The Project is served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs. (Draft EIR at p. 5.15-15.)

Mitigation Measures: No mitigation measures are necessary.

Explanation:

Construction

The El Sobrante Sanitary Landfill is permitted to accept 16,054 tons per day of solid waste. In August 2016, the landfill averaged 8,534 tons per day; thus, it has an average daily additional capacity of 7,520 tons per day that would be able to accommodate the addition of 17.64 tons of waste per week from construction of Phase 1 (PA-1 and PA-2), and the 4.9 tons of waste from construction of Phase 2 (PA-3). Project construction impacts to landfill capacity would be less than significant.

Operations

Operation of all 3 PAs would generate approximately 3.41 tons per day of solid waste. As described above, the El Sobrante Sanitary Landfill is permitted to accept 16,054 tons per day of solid waste. In August 2016, the landfill averaged 8,534 tons per day; thus, it has an average daily additional capacity of 7,520 tons per day that would be able to accommodate the addition of 3.41 tons of waste per day from operation of the Specific Plan or 6.41 tons of waste not assuming the reductions required by AB 341 starting in 2020 (i.e., applying the 2017 standards). Therefore, the Specific Plan would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs, and impacts related to landfill capacity would be less than significant. (Draft EIR at pp. 5.15-15 – 5.15-16.)

Impact: Does the Project comply with federal, state, and local statutes and regulations related to solid waste? (Draft EIR at p. 5.15-16.)

Finding: The Project would comply with federal, state, and local statutes and regulations related to solid waste. (Draft EIR at p. 5.15-16.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: All solid waste-generating activities within the City is subject to the requirements set forth in AB 939 that requires diversion of a minimum of 50 percent of construction and demolition debris. In addition, after 2020 the operations within the Specific Plan area and the City's solid waste hauler would be required to divert 75 percent of solid waste pursuant to AB 341. Implementation of the Specific Plan would be consistent with all state regulations. All projects in the City undergo development review and permitting, which includes an analysis of project compliance with these programs. Therefore, development under the Specific Plan would comply with all solid waste policies and objectives; and impacts related to compliance with regulations related to solid waste would not occur. (Draft EIR at p. 5.15-16.)

Impact: Does the Project result in a cumulatively considerable impact to utilities and services systems, including water supply, wastewater generation, and/or solid waste? (Draft EIR at p. 5.15-16.)

Finding: The Project would not result in a cumulatively considerable impact to utilities and services systems, including water supply, wastewater generation, and/or solid waste. (Draft EIR at p. 5.15-16.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: With implementation of the project sewer improvements, the proposed Specific Plan would not combine with other development projects to result in a cumulatively substantial increase in wastewater such that new or expanded facilities would be required, which could result in an environmental impact. Thus, increases in wastewater in the system would result in a less than significant cumulative impact. Additionally, the RP-5 facility currently treats 9 mgd, has the capacity to treat 16.3 mgd, and has two plant expansion projects planned that would expand capacity of the facility to 22.5 mgd (IEUA 2017). Due to this volume of excess capacity that is designed to accommodate future growth, the increase in wastewater flow from cumulative projects would not significantly impact the RP-5 facility. As a result, impacts related to cumulative projects wastewater treatment and conveyance capacity would be less than significant.

The water system has been designed by the City's Water Master Plan to accommodate buildout of the Specific Plan area. Thus, with implementation of the project's water infrastructure improvements, the proposed Specific Plan would not combine with other development projects to result in a cumulatively substantial need for new or expanded water facilities would be required, which could result in an environmental impact. Thus, increases in water deliveries in the system from implementation of the proposed Specific Plan would result in a less than significant cumulative impact. Additionally, as described above, the City anticipates increasing its total water supply from 33,802 AFY to 73,640 AFY in 2040, which would meet all of the City's projected water needs in regular and multiple dry years by pursuing the following: full utilization of the City's groundwater rights in the Chino Basin allowed under the Judgment (including increased groundwater recharge with stormwater and recycled water); expanding use of recycled water; and expanding use of desalter water from the Chino Basin Desalter Authority. Because these projections include water supply needs from the proposed Specific Plan, cumulative impacts would be less than significant.

The water, wastewater, and drainage systems that would serve the Project site and vicinity have been designed to accommodate build out of the area, and includes capacity designed to meet the cumulative demand for water and wastewater utilities and drainage. Thus, cumulative impacts related to water, wastewater, and drainage utilities would not occur. Similarly, because development of the Specific Plan area has been included in the City's land use planning and growth projections, which are used in regional landfill capacity planning, increases in solid waste from cumulative projects would be less than significant. (Draft EIR at pp. 5.15-16 – 5.16.-18.)

SECTION III

IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The City Council hereby finds that mitigation measures have been identified in the EIR that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. This section also sets out in greater detail specific impacts that were determined to be less than significant even without the implementation of mitigation measures. The potentially significant impacts and the mitigation measures that

will reduce them to a less than significant level are set out in the EIR and summarized below.

A. Air Quality

Impact: Construction of the Project could violate an air quality standard or contribute substantially to an existing or projected air quality violation. (Draft EIR at p. 5.3-18.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR.

Plans, Program and Policies:

PPP AQ-1: The following measures shall be incorporated into construction plans and specifications as implementation of SCAQMD Rule 403 (4):

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.
- The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.

PPP AQ-2: The following measures shall be incorporated into construction plans and specifications as implementation of Rule 1113 (9). Only "Low-Volatile Organic Compounds" paints (no more than 100 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with SCAQMD Rule 1113 shall be used.

PPP AQ-3: Plans, specifications, and contract documents shall note that a sign shall be posted on-site stating that construction workers shall not idle diesel engines in excess of 5 minutes.

Mitigation Measures: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measure AQ-1: Low VOC: The construction plans and specifications shall state that project construction shall exceed the requirements of SCAQMD Rule 1113 by utilizing only "Low-Volatile Organic Compounds" paints that are no more than 50 gram/liter of VOC, as

specified in the Table of Standards 1 of Rule 1113.

Mitigation Measure AQ-2: Tier 3:

The construction plans and specifications shall state that project construction shall utilize all construction equipment greater than 150 horsepower (>150 HP) shall be CARB certified tier 3 or higher.

Explanation: Emissions resulting from construction of the Project would exceed criteria pollutant thresholds for VOC and NOx. Thus, Mitigation Measure AQ-1 is included to require construction to exceed the requirements of SCAQMD Rule 1113 by utilizing only “Low-Volatile Organic Compounds” paints that are no more than 50 gram/liter of VOC, as specified in the Table of Standards 1 of Rule 1113. Additionally, Mitigation Measure AQ-2 is included to require all construction equipment greater than 150 horsepower (>150 HP) to be CARB certified tier 3 or higher. With implementation of Mitigation Measures AQ-1 and AQ-2, emissions of VOC and NOx from construction activities would be reduced to below the SCAQMD significance thresholds, and impacts would be less than significant. In addition, the Project would comply with SCAQMD Rules 403, 481, 1108, 1113, and 1143, which are included as PPP AQ-1 through PPP AQ-3. (Draft EIR at pp. 5.3-18 – 5.3-23.)

Impact: Would the Project (construction) expose sensitive receptors to substantial pollutant concentrations? (Draft EIR at p. 5.3-25.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR.

Plans, Program and Policies:

PPP AQ-1: SCAQMD Rule 403, listed previously.

PPP AQ-2: SCAQMD Rule 1113, listed previously.

PPP AQ-2: Truck idling limits, listed previously.

Mitigation Measures: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measure AQ-1: Low VOC, listed previously.

Mitigation Measure AQ-2: Tier 3, listed previously.

Explanation: The closest sensitive receptor to the Specific Plan area is an existing agricultural use with residential home on Merrill Avenue that is 119 feet north of the Specific Plan area (including both Phase 1 and 2). The Draft EIR Table 5.3-18 identifies daily localized onsite emissions that are estimated to occur during construction of Phase 1 and 2 of the Specific Plan. As shown, emissions during the peak construction activity would exceed the SCAQMD's localized significance thresholds for emissions of PM10, and

PM2.5. Therefore, PPP AQ-1 through PPP AQ-3 and Mitigation Measures AQ-1 and AQ-2 would be implemented to reduce construction emissions. With implementation of PPPs and mitigation measures, impacts related to localized significance thresholds for construction activity of Phase 1 and 2 would be less than significant. (Draft EIR at pp. 5.43-25 – 5.3-26.)

B. Biological Resources

Impact: The Project could have a substantial adverse effect, either directly or through habitat modifications, on a special-status wildlife species identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Services. (Draft EIR at p. 5.4-13).

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR.

Mitigation Measures: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measure BIO-1: **Burrowing Owl:** Burrowing Owl focused surveys shall be conducted during the breeding season (February 1 through August 31) prior to approval of a demolition or grading permit to determine the presence or absence of burrowing owls within PA-1, PA-2 or PA-3. The surveys shall be conducted by a qualified biologist pursuant to the survey protocol provided in Appendix D of the CDFW Staff Report on Burrowing Owl Mitigation dated March 7, 2012. If burrowing owls are determined present, occupied burrows shall be avoided to the greatest extent feasible pursuant to the CDFW Burrowing Owl Mitigation guidelines that include, but is not limited to: conducting pre-construction surveys, avoiding occupied burrows during the nesting and non-breeding seasons, implementing a worker awareness program, biological monitoring, establishing avoidance buffers, and flagging burrows for avoidance with visible markers. If occupied burrows cannot be avoided, acceptable methods may be used to exclude burrowing owl either temporarily or permanently, pursuant to a Burrowing Owl Exclusion Plan that shall be prepared and approved by CDFW. The Burrowing Owl Exclusion Plan shall be prepared in accordance with the guidelines in the Staff Report on Burrowing Owl Mitigation.

Mitigation Measure BIO-2: **Nesting Birds:** Prior to the issuance of any grading permit that would remove potentially suitable nesting habitat for raptors or songbirds, the project applicant shall demonstrate to the satisfaction of the City of

Ontario that either of the following have been or will be accomplished:

1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.
2. Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected a buffer of 300 feet (500 feet for raptors) around the nest adjacent to construction will be delineated, flagged, and avoided until the nesting cycle is complete. The buffer may be modified, and/or other recommendations proposed as determined appropriate by the biological monitor to minimize impacts.

Explanation: Seven special-status wildlife species were determined to have a potential to occur within PA-1, PA-2 or PA-3. The burrowing owl was determined to have a moderate potential to nest and forage in the Specific Plan area due to the presence of suitable habitat, including disturbed, low-growing vegetation, bare ground, and a few small fossorial mammal burrows. Implementation of the Specific Plan could result in significant direct impacts to a burrowing owl if present. No burrowing owls were observed within the survey area during the 4 breeding season surveys. Thus, although the Draft EIR acknowledged the potential for burrowing owls to be present on the project site, no burrowing owls or occupied habitat are anticipated to be impacted by the proposed project. However, Mitigation Measure BIO-1 has been included to require focused surveys during the breeding season prior to approval of demolition or grading permits to determine the presence or absence of burrowing owl in accordance with CDFW protocol. If a burrowing owl is observed during the focused surveys, Mitigation Measure BIO-1 would reduce potential impacts to burrowing owls in compliance with guidelines published by CDFW. Implementation of Mitigation Measure BIO-1 would reduce potential impacts to burrowing owl to a less than significant level.

Also, the remaining six special-status wildlife species with a potential to occur were determined to have a low potential based on the quality of habitat in the Specific Plan area and vicinity, and known occurrence data. Five of the six species were determined to only have a potential to forage and not nest or roost in the Specific Plan area (golden eagle, Swainson's hawk, western mastiff bat, big free-tailed bat, and pallid bat). As such, no direct impacts would occur to these species, and impacts to foraging habitat would be

less than significant based on the limited and low-quality habitat onsite and in the surrounding area. Impacts to these special-status species would be less than significant.

One special-status species, the white-tailed kite, was considered to have a potential to nest as well as to forage in the Specific Plan area (PA-1, PA-2 and PA-3). However, this potential was considered low due to the proximity to human disturbance from the active farming and dairy operation. Regardless, if whitetailed kite is present and nesting onsite, impacts to nesting habitat would be considered potentially significant. Since the Specific Plan area also has the potential to support other migratory birds and raptors, a nesting bird survey is required prior to construction. If white-tailed kites or other migratory birds or raptors are observed during the nesting bird survey, compliance with Mitigation Measure BIO-2 in accordance with MBTA would reduce impacts to a less than significant level. (Draft EIR at pp. 5.4-13 – 5.4-14; Final EIR at p. 3-2.)

Impact: The Project could have a substantial adverse effect on a riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations of the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (Draft EIR at p. 5.4-14.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR.

Mitigation Measure: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measure BIO-3:

Jurisdictional Areas: Prior to the issuance of any grading permit for permanent impacts in the areas designated as jurisdictional features, the project applicant shall obtain regulatory permits from the USACE, RWQCB, and CDFW. If the regulatory agencies or an updated jurisdictional delineation determine that the area(s) identified as jurisdictional features are not jurisdictional, no mitigation is required. Otherwise, the following shall be incorporated into the permitting, subject to approval by the regulatory agencies:

1. Onsite or off-site enhancement, restoration, and/or creation of USACE/RWQCB jurisdictional “waters of the U.S.” within the Santa Ana Watershed at a ratio no less than 0.5:1 or within an adjacent watershed at a ratio no less than 1:1 for permanent impacts, and for any temporary impacts, restoration of the impact area to pre-project conditions (i.e., pre-project contours and revegetate, where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity

preservation, permittee-responsible mitigation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or in-lieu fee program.

2. Onsite or off-site enhancement, restoration and/or creation of CDFW jurisdictional streambeds within the Santa Ana Watershed at a ratio no less than 0.5:1 or within an adjacent watershed at a ratio no less than 1:1 for permanent impacts, and for any temporary impacts restoration of the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, permittee-responsible mitigation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or in-lieu fee program.

Purchase of any mitigation credits through an agency-approved mitigation bank or in-lieu fee program should occur prior to any impacts to jurisdictional drainages. Any mitigation proposed on land acquired for the purpose of in-perpetuity mitigation that is not part of an agency-approved mitigation bank or in-lieu fee program shall include the preservation, enhancement, restoration, and/or creation, of similar habitat pursuant to a future Habitat Mitigation and Monitoring Plan (HMMP) that may be required as part of regulatory permitting. The HMMP shall be prepared prior to any impacts to jurisdictional features and shall provide details as to the implementation of the mitigation, maintenance, and future monitoring. The HMMP shall include location information, project description, mitigation measures and location measures, objectives of mitigation (i.e., required mitigation by USACE), description of existing ecological functions needing to be replaced, the entity responsible for the mitigation, and the plant palette to be implemented. In addition, the HMMP shall include the short-term and long-term maintenance, monitoring, performance standards and adaptive management activities. The goal of the compensatory mitigation shall be to preserve, enhance, restore, and/or create similar habitat with equal or greater function and value than the impacted habitat.

Explanation: The Specific Plan area contains an irrigated wetland that may be considered jurisdictional pursuant to Section 1602 of the California Fish and Game Code as regulated by CDFW. The entire irrigated wetland is proposed for permanent impacts, which includes 0.55 acre of potential CDFW jurisdiction. Since the irrigated wetland is entirely supported by irrigation of the existing crop field, the resource agencies may determine during the permitting process that the wetland area is not jurisdictional due to its dependence on the irrigation. Once irrigation ceases, an updated wetland delineation would determine whether or not the wetland area persists prior to commencement of the permitting process. However, for the purposes of the EIR analysis, the irrigated wetland is assumed to be CDFW jurisdictional.

If a bridge widening is required over the Cucamonga Creek Channel at Merrill Avenue as part of implementation of the Specific Plan, temporary impacts would occur to approximately 0.28-acre of area within the Cucamonga Creek Channel, which is a jurisdictional streambed pursuant to Section 1602 of the California Fish and Game Code, as regulated by CDFW. In addition, temporary impacts would occur to approximately 0.11-acre of jurisdictional streambed within County Line Channel in order to install storm drain connection from the project site to the County Line Channel.

Mitigation Measure BIO-3 would be implemented to comply with Section 1602 of the California Fish and Game Code and obtain regulatory permits. Mitigation Measure BIO-3 requires compensatory mitigation to impacted jurisdictional areas. Compliance with Mitigation Measure BIO-3 would reduce impacts to CDFW jurisdiction to a less than significant level. (Draft EIR at pp. 5.4-14 – 5.4-17.)

Impact: The Project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means. (Draft EIR at p. 5.4-17.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR.

Mitigation Measure: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measure BIO-3: Jurisdictional Areas, listed previously.

Explanation: The Specific Plan area contains an irrigated wetland that may be considered a USACE/RWQCB federally protected wetland, which is regulated under Section 404 of the CWA. The entire irrigated wetland is proposed for development, which includes 0.55-acre area of potential USACE/RWQCB jurisdiction. Since the irrigated wetland is entirely supported by irrigation of the existing crop field in the Specific Plan area, it may be determined during the permitting process that the wetland area is not jurisdictional due to its dependence on the irrigation.

If the bridge crossing over the Cucamonga Creek Channel at Merrill Avenue needs to be widened, temporary impacts would occur to approximately 0.16-acre of USACE/RWQCB jurisdiction pursuant to a Section 404 permit. In addition, temporary impacts would occur to

approximately 0.11-acre of USACE/RWQCB jurisdiction within the County Line Channel in order to install a storm drain connection from the Specific Plan site to the County Line Channel. Therefore, Mitigation Measure BIO-3 is included to ensure permitting by USACE and/or RWQCB, and provide compensatory mitigation as required by USACE and RWQCB, which would reduce impacts to a less than significant level. (Draft EIR at p. 5.4-17.)

Impact: The Project could interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Draft EIR at p. 5.4-17.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR.

Mitigation Measure: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measure BIO-2: Nesting Birds, listed previously.

Explanation: The Specific Plan area (PA-1, PA-2 and PA-3) supports limited potential live-in and marginal movement habitat for species on a local scale (i.e., some reptile, bird, and small mammal species), but it likely provides little to no function facilitating wildlife movement for species on a regional scale and is not identified as a regionally important dispersal or seasonal migration corridor. The only potential for regional scale movement would be within Cucamonga Creek, although the majority of the creek is channelized in concrete and surrounded by chain link fence. Additionally, implementation of the Specific Plan near the Cucamonga Creek Channel would only include the temporary bridge widening at Merrill Avenue, which would not impede any regional wildlife movement. As such, impacts to regional wildlife movement would be less than significant.

The Specific Plan area has the potential to support songbird and raptor nests due to the presence of shrubs, ground cover, and limited trees onsite. Nesting activity typically occurs from February 15 to August 31 for songbirds and January 15 to August 31 for raptors. Disturbing or destroying active nests is a violation of the MBTA (16 U.S.C. 703 et seq.). In addition, nests and eggs are protected under Fish and Game Code Section 3503. As such, direct impacts to breeding birds (e.g. through nest removal) or indirect impacts (e.g. by noise causing abandonment of the nest) is considered a potentially significant impact. Therefore, Mitigation Measure BIO-2 would be implemented to reduce impacts to a less than significant level. (Draft EIR at pp. 5.4-17 – 5.4-18.)

Impact: The Project could result in cumulatively considerable impacts to biological resources, including wildlife movement, special status species, or jurisdictional waters. (Draft EIR at p. 5.4-18.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR.

Mitigation Measure: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measures: BIO-1 through BIO-3, listed previously.

Explanation: The Project site has been subjected to decades of agricultural and dairy uses that provide limited potential for special-status plants, burrowing owl, migratory bird species, and jurisdictional resources. Cumulatively considerable impacts to these limited biological resources would not occur from implementation of the Specific Plan with implementation of the identified mitigation measures. (Draft EIR at pp. 5.4-18 – 5.4-19.)

C. Cultural Resources

Impact: The Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. (Draft EIR at p. 5.5-12.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR.

Mitigation Measure: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measure CUL-1: **Archaeological Resources:** Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City of Ontario Building Department, or designee, from a qualified professional archeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archeologist has been retained to provide on-call services in the event archeological resources are discovered. The archeologist shall be present at the pre-grading conference to establish procedures for archeological resource surveillance. In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the City shall be immediately notified. The archeologist shall be contacted to flag the area in the field and determine if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)). If the find is considered a "resource" the archeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. A qualified archaeologist and a Native American Monitor of Gabrieleño Ancestry shall evaluate all archaeological resources unearthed by project construction activities. If

the resources are Native American in origin, they shall have the opportunity to consult with the City and/or project developer on appropriate treatment and curation of these resources. If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the applicant's expense. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archaeologist. Resources shall be identified and curated into an established accredited professional repository. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. Excavation as a treatment option will be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project.

Explanation: The Phase I Cultural Assessment determined that no previously identified resources have been identified within the Specific Plan area or within a one-mile radius. Additionally, no resources were observed during the course of the onsite field survey. As a result, mitigation relating to monitoring of excavation activities are not required; however, due to the long history of human occupation in the Ontario area, archaeological resources could exist within the Specific Plan area. Thus, Mitigation Measure CUL-1 has been included to mitigate the potential impacts of inadvertent discoveries of potential resources during construction activities. Mitigation Measure CUL-1 requires an archeologist to be retained to provide on-call services and that in the event that potential archaeological resources are inadvertently discovered during ground-disturbing activities, work must be halted within 50 feet of the find until it can be evaluated by a qualified archaeologist. With implementation of Mitigation Measure CUL-1, impacts related to a substantial adverse change in the significance of an archaeological resource would be less than significant. (Draft EIR at p. 5.5-12.)

Impact: The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Draft EIR at p. 5.5-12.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR.

Mitigation Measure: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measure CUL-2: Paleontological Resources: Prior to the issuance of the first grading permit, the applicant shall provide a

letter to the City of Ontario Building Department, or designee, from a paleontologist selected from the roll of qualified paleontologists maintained by San Bernardino County, stating that the paleontologist has been retained to provide services for the project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite for the review and approval by the City. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall require paleontological monitoring of excavation that exceeds depths of five feet. The PRIMP shall state that the project paleontologist may re-evaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations deeper than four feet have been completed.

In the event that paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.

Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage and treatment shall be done at the applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.

Explanation: The Specific Plan area is underlain by older Quaternary deposits that are highly sensitive for vertebrate fossils. They are generally located 5 feet in depth below the ground surface. Because construction of the Specific Plan would include excavation of areas to a maximum depth of 7 feet below the ground surface, impacts to paleontological resources could occur during implementation of the Specific Plan. As a result, Mitigation Measure CUL-2 has been included to monitor any substantial excavations, take sediment samples to determine the potential for fossils in the construction area, and deposit any fossils uncovered during construction in an accredited and permanent scientific institution for the benefit of current and future generations, which would reduce the potential impacts related to destruction of a unique paleontological resource to a less than significant level. (Draft EIR at p. 5.5-12.)

Impact: The Project could result in a cumulatively considerable impact to historic, paleontological, or archaeological resources. (Draft EIR at p. 5.5-13.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR.

Mitigation Measure: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measures: CUL-1 and CUL-2, listed previously.

Explanation: The Specific Plan area does not contain any historic resources; and is not adjacent to any resources. Thus, the Project would not contribute to a cumulatively considerable impact related to historic resources. The Specific Plan would implement Mitigation Measures CUL-1 and CUL-2 to ensure that the Specific Plan would not contribute to a cumulative loss of archaeological or paleontological resources; therefore, impacts would be less than cumulatively significant. (Draft EIR at p. 5.5-13.)

D. Hazards and Hazardous Materials

Impact: Construction of the Project could create a hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Draft EIR at p. 5.8-13.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR.

Standard Conditions

SC 3.5: Projects located within the Ontario Ranch must comply with the Methane Assessment for Projects in the Ontario Ranch.

SC 3.66: Prior to the approval of a Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically

identify the BMPs that will be implemented in this project during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system.

SC 3.67: Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the Engineering Department. The WQMP shall be submitted on the San Bernardino Count Stormwater Program's model form and shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.

SC 3.68: All projects that develop 1 acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water Resources Control Boards General Permit for Storm Water Discharge Associated with Construction Activity. Proof of filing a Notice of Intent (NOI) with the state for coverage under this permit is required prior to approval of the grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Discharge Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department.

SC 3.69: A SWPPP Plan. All projects that develop one 1 acre or more of total land area or which are part of a large phased development that will disturb at least one acre of land are re to prepare a Storm Water Pollution Prevention Plan SWPPP utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP Handbook for Construction and submit a copy of the plan to the City Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction.

Plans, Program and Policies

PPP HAZ-1: Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building Department that an asbestos survey has been conducted at all existing buildings located on the project site. If asbestos is found, the project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.

PPP HAZ-2: Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building Department that a lead-based paint survey has been conducted at all existing buildings located on the project site. If lead-based paint is found, the project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. Cal-OSHA has established limits of exposure to lead contained in dusts and fumes.

Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.

Mitigation Measure: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measure HAZ-1: Prior to approval of grading permits, the project applicant shall hire a qualified environmental consultant to conduct a limited soils investigation to identify the hazards related to the soils: 1) in the vicinity of the diesel and oil tanks; 2) in the east central agricultural irrigation well-head area where mixing and storage of agricultural chemicals occurs and where discarded herbicide containers were observed; 3) near the septic systems; and 4) in maintenance areas where petroleum and hazardous substances have been used and stored.

Soil remediation and/or export of hazardous materials must be performed in accordance with applicable regulatory requirements from the Regional Water Quality Control Board, Department of Toxic Substances Control, and the South Coast Air Quality Management District requirements. A Soil Management Plan shall be prepared to ensure the appropriate reporting, oversight, and protocols used during construction to protect the health and safety of workers and the environment. The Soil Management Plan shall include methodology and procedures to perform additional testing during soil disturbance activities if unknown potentially hazardous materials are identified. If additional contamination is discovered, soil disturbance activities within the area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up remedial measures in accordance with the Soil Management Plan are completed.

Explanation: Implementation of the Specific Plan could potentially result in the accidental release of hazardous materials. The use of BMPs during construction implemented as part of a Stormwater Pollution Prevention Plan (SWPPP) as required by the National Pollution Discharge Elimination System General Construction Permit (and included as Standard Conditions SC 3.66, SC 3.67, and SC 3.68) would minimize potential adverse effects to workers, the public, and the environment to a less than significant level.

The Project site has been used for dairy farm and agricultural activities since 1938 and the Phase I identified potential hazards related to these long-term uses and recommended soils testing, which has been included as Mitigation Measure HAZ-1 to identify levels of soils contamination, and implement removal pursuant to federal and state regulations, if soils

exceed human screening levels. With implementation of Mitigation Measure HAZ-1, impacts related to contaminated soils would be reduced to a less than significant level.

Diesel fuel and oil are stored in aboveground storage tanks on the Project site, and four septic tanks exist onsite that may have been impacted by hazardous material uses on the site. Due to the existence of stained soils, the Project excavation and grading would be required to implement Mitigation Measure HAZ-1, which would manage soil excavation and grading activities to segregate and stockpile soil with detectable contaminants and disposed of it at a suitable receiving/disposal facility. In addition, all development is required to comply with the City's Standard Condition 3.5, which provides methane guidelines for development that would be implemented during construction, which would reduce potential impacts related to methane to a less than significant level.

Demolition of older onsite structures could result in the release of hazardous materials. However, asbestos abatement contractors must follow state regulations contained in California Code of Regulations Sections 1529, and 341.6 through 341.14 as implemented by SCAQMD Rule 1403 to ensure that asbestos removed during demolition or redevelopment of the existing buildings is transported and disposed of at an appropriate facility. The contractor and hauler of the material are required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition permit until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. These requirements are included as PPP HAZ-1 to ensure that the Project applicant submits verification to the City that the appropriate activities related to asbestos have occurred, which would reduce the potential of impacts related to asbestos to a less than significant level.

Lead-based materials may also be located within existing structures in the Specific Plan area. Federal regulations to manage and control exposure to lead-based paint are described in Code of Federal Regulations Title 29, Section 1926.62, and state regulations related to lead are provided in the California Code of Regulations Title 8 Section 1532.1, as implemented by Cal-OSHA. These regulations cover the demolition, removal, cleanup, transportation, storage and disposal of lead-containing material. Cal/OSHA's Lead in Construction Standard requires project applicants to develop and implement a lead compliance plan when lead-based paint would be disturbed during construction or demolition activities. The plan must describe activities that could emit lead, methods for complying with the standard, safe work practices, and a plan to protect workers from exposure to lead during construction activities. In addition, Cal/OSHA requires 24-hour notification if more than 100 square feet of lead-based paint would be disturbed. These requirements are included as PPP HAZ-2 to ensure that the Project applicant submits verification to the City that the appropriate activities related to lead have occurred, which would reduce the potential of impacts related to lead based materials to a less than significant level. (Draft EIR at pp. 5.8-13 – 5.8-15.)

E. Tribal Cultural Resources

Impact: The Project could cause an adverse change in the significance of a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, that considers the significance of the resource to a California Native American tribe. (Draft EIR at p. 5.14-5.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR.

Mitigation Measures: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measure CUL-1: Archaeological Resources, listed previously.

Mitigation Measure TCR-1: **Native American Monitoring:** Prior to commencement of any excavation activities, the project developer shall retain a Native American Monitor of Gabrieleño Ancestry to:

- Conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of Gabrieleño Ancestry, and the general steps the Monitor would follow in conducting a salvage investigation.
- Monitor all project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, and grubbing) of previously undisturbed native soils to a maximum depth of 30 feet below ground surface. At their discretion and expense, a Native American Monitor of Gabrieleño Ancestry can be present during the removal of dairy manure to native soil.

Mitigation Measure TCR-2: **Native American Human Remains:** Prior to the start of ground disturbing activities, the project developer shall designate a location within the footprint of the project site for the respectful reburial of Native

American human remains and/or ceremonial objects. All human skeletal material discoveries shall be reported immediately to the County Coroner. The Native American Monitor shall immediately divert work a minimum of 50 feet from the discovery site and place an exclusion zone around the burial. The Native American Monitor shall notify the construction manager who shall contact the San Bernardino County Coroner. Pursuant to California Health and Safety Code, Section 7050.5, all construction activity shall be diverted while the San Bernardino County Coroner determines if the remains are Native American.

If the San Bernardino County Coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the San Bernardino County Coroner. Reburial will be in an appropriate setting. If the San Bernardino County Coroner determines the remains to be modern, the San Bernardino County Coroner shall take custody of the remains.

If Native American, the San Bernardino County Coroner shall notify the Native American Heritage Commission (NAHC) as mandated by state law who will then appoint a Most Likely Descendent. The discovery shall be confidential and secure to prevent further disturbance. In the case where discovered human remains cannot be documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside working hours. The Native American Tribe of Gabrieleño Ancestry shall make every effort to recommend diverting the project and keep the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. If data recovery is approved by the Tribe, documentation shall be taken, which includes at a minimum, detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. No scientific study or the utilization of any invasive diagnostics shall be allowed to any Native American human remains. Cremations will either be removed in bulk or means necessary to

ensure complete recovery of all material. If the discovery of human remains includes four (4) or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The project developer shall consult with the Tribe regarding avoidance of all cemetery sites.

Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container onsite if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site, but at a location agreed upon between the Tribe and the developer and protected in perpetuity. There shall be no publicity regarding any cultural materials recovered. Once complete, a final report of all activities shall be submitted to the NAHC.

Explanation: Although no Tribal Cultural Resources (TCRs) have been identified, during the AB 52 consultation, the Gabrieleño Band of Mission Indians – Kizh Nation requested the presence of Native American monitors during the grading process to identify tribal cultural resources, should any be discovered. Mitigation Measure TCR-1 requires Native American resource sensitivity training and monitoring of previously undisturbed native soil. If potential resources are encountered, Mitigation Measure CUL-1 requires that along with an archaeologist, a Native American Monitor of Gabrieleño Ancestry shall evaluate all archaeological resources unearthed by Project construction activities. Mitigation Measure TCR-2 ensures the respectful treatment and reburial of Native American human remains and/or ceremonial objects should any be encountered. With implementation of the mitigation measure, impacts to TCRs are not anticipated to be significant.

Furthermore, the project would be subject to CEQA Guidelines Section 15064.5, PRC Section 21083.2 and 5097.9, and Health and Safety Code Section 7050.5, to properly recover and evaluate any TCRs if encountered. The project has not been selected as a site recommended for historic designation, and the project site is not identified on any historic resource list or database. Furthermore, no sites were documented in the NAHC's Sacred Land File search. Therefore, with implementation of Mitigation Measures CUL-1, TCR-1 and TCR-2, and the aforementioned regulations, impacts to TCRs would be reduced to less than significant levels. (Draft EIR at p. 5.14-5.)

Impact: The Project could result in cumulative impacts related to Tribal Cultural Resources. (Draft EIR at p. 5.14-6.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR.

Mitigation Measures: Implementation of the following required mitigation measures would reduce potentially significant impacts to a less than significant level.

Mitigation Measure CUL-1: Archaeological Resources, listed previously.

Mitigation Measure TCR-1: Native American Monitoring, listed previously.

Mitigation Measure TCR-2: Native American Human Remains, listed previously.

Explanation: Cumulative impacts to TCRs would be reduced by compliance with applicable regulations and consultations required by AB 52. As described above, the Specific Plan area is not known to contain TCRs; however, Mitigation Measure CUL-1, TCR-1 and TCR-2 would be implemented to ensure that impacts would not occur in the case of an inadvertent discovery of a potential TCR. These mitigation measures ensure that the Specific Plan would not contribute to a cumulative loss of TCRs. Therefore, cumulative impacts would be less than significant. (Draft EIR at p. 5.14-6.)

SECTION IV

RESOLUTION REGARDING SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS

Public Resources Code section 21002 states that “it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

Section 15364 of the State CEQA Guidelines defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

The City Council hereby finds that, despite the incorporation of feasible measures outlined in the Final EIR, the following impacts cannot be fully mitigated to a less than significant level. Despite these significant and unavoidable impacts, the City nevertheless approves the Project because of the benefits described in the Statement of Overriding Considerations included herein.

A. Agricultural Resources

Impact: The Project would convert prime farmland, unique farmland, or farmland of statewide importance (farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. (Draft EIR at p. 5.2-7.)

Finding: Specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this

impact to a less than significant impact. The conversion of Prime and Unique Farmland to non-agricultural use is considered significant and unavoidable. (Draft EIR at p. 5.2-7.)

Mitigation Measures: No feasible mitigation measures on or off the Project site were identified or put forth that would eliminate this potentially significant impact altogether or reduce it below the level of significance.

Explanation: The Specific Plan would implement the urban land uses identified by the City's General Plan. Buildout of the General Plan land uses identified for the Ontario Ranch area would result in conversion of virtually all of the existing agricultural land to urban uses. Impacts to agricultural lands as a result of such conversion were found to be significant and unavoidable impacts for which the City Council adopted a Statement of Overriding Considerations. As described by the City's General Plan EIR (page 5.2-10), the City is focusing on developing land in an economically productive way that would serve the growing population, and Ontario's future development emphasizes mixed-use, commercial, industrial, and residential projects rather than supporting the continuation of agricultural uses, which are becoming less economically viable.

The Specific Plan is consistent with the City's General Plan. Thus, it follows that implementation of the conversion of urban land uses by the Specific Plan, which implements the General Plan, would also result in significant and unavoidable impacts related to the conversion of Prime and Unique Farmland to non-agricultural use. Therefore, impacts would be significant and unavoidable. (Draft EIR at pp. 5.2-7 – 5.2-8.)

Impact: The Project would conflict with an existing Williamson Act Contract. (Draft EIR at p. 5.2-8.)

Finding: Specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Specific Plan would result in a significant and unavoidable impact related to conflict with a Williamson Act contract. (Draft EIR at p. 5.2-8.)

Mitigation Measures: No feasible mitigation measures on or off the Project site were identified or put forth that would eliminate this potentially significant impact altogether or reduce it below the level of significance.

Explanation: One parcel within the Specific Plan area (parcel 218-31-08) is within an active Williamson Act contract. As described above, the Petition of Cancellation and the Notice of Non-Renewal will be filed by the property owner with the City of Ontario upon Project approval. Implementation of the Specific Plan would include a cancellation of the Williamson Act contract, which would be a significant and unavoidable impact. In order to approve the Williamson Act contract cancellation, the City must find that the cancellation is consistent with the purposes of the Williamson Act and make specific findings per Government Code Section 51282(b)). As described in Table 5.2-2 of the Draft EIR, the proposed contract cancellation can be found to be consistent with the required findings. However, implementation of the proposed Specific Plan would result in a significant and unavoidable impact related to conflict with a Williamson Act contract. (Draft EIR at pp. 5.2-8 – 5.2-9.)

Impact: The Project would involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use. (Draft EIR at p. 5.2-9.)

Finding: Specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The loss of agricultural land is considered significant and unavoidable (Draft EIR at p. 5.2-10.)

Plans, Program and Policies (PPPs)

PPP AG-1: Deed Disclosure. In order to reduce conflicting issues between sensitive receptors and agricultural uses, all new units in the Specific Plan shall be provided with a deed disclosure or similar notice approved by the City Attorney regarding the proximity and nature of neighboring agricultural uses. This disclosure shall be applied at the tentative map stage to the affected properties, or otherwise prior to finalizing the sale or lease agreement of any property. The written disclosure shall be supplied to the property purchaser or leaser by the vendor or vendor's agent. The content and text of the disclosure shall be approved by the City Attorney and shall include language to inform new tenants that existing agricultural uses may create nuisances such as flies, odors, dust, night-light, and chemical spraying.

Mitigation Measures: No feasible mitigation measures on or off the Project site were identified or put forth that would eliminate this potentially significant impact altogether or reduce it below the level of significance.

Explanation: Development of the Specific Plan could facilitate the conversion of other farmland within the Project vicinity through the extension of public infrastructure and increases in land values. The properties surrounding the Specific Plan area are currently utilized for agricultural operations and residential uses; however, there is encroaching land development consistent with General Plan, which includes the properties to the north and west of the Specific Plan area. Although implementation of the Specific Plan would result in the conversion of agricultural land to other uses, it is occurring consistent with that previously identified policies in the General Plan EIR. Thus, consistent with the findings of the General Plan EIR, Project impacts related to other changes in the environment which, due to their location or nature, could result in conversion of farmland to non-agricultural would be significant and unavoidable.

The City has an Agricultural Overlay Zone/Right to Farm ordinance to serve as a "buffering" device between existing agricultural uses and urban development, to allow existing agricultural uses to continue through notice in the form of a deed disclosure to future homeowners that agricultural nuisances (odors, noises, etc.) are present and that they have a right to exist until development occurs as long as the land is not developed otherwise. The deed disclosure ensures that new land uses within the Specific Plan area are made aware of nearby agricultural operations and the potential effects of these operations on the new

land uses, thereby reducing potential conflicts between existing agricultural use and other non-agricultural uses. The right-to-farm ordinance also protects against the forced sale or conversion of agricultural lands. Implementation of the City's right-to-farm ordinance has been included as PPP AG-1 to reduce potential pressure to convert agricultural land to other uses. However, impacts would remain significant and unavoidable. (Draft EIR at pp. 5.2-9 – 5.2-10.)

Impact: The Project would result in cumulatively considerable impacts related to agricultural resources. (Draft EIR at p. 5.2-10.)

Finding: Specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The loss of agricultural land is considered a cumulatively significant impact. (Draft EIR at p. 5.2-10.)

Plans, Program and Policies

PPP AG-1: Deed Disclosure. Listed previously.

Mitigation Measures: No feasible mitigation measures on or off the Project site were identified or put forth that would eliminate this potentially significant impact altogether or reduce it below the level of significance.

Explanation: Throughout the County of San Bernardino, pending and planned future development proposals exist that would result in the additional conversion of agricultural land, including Prime Farmland and Important Farmland, to non-agricultural uses. Important Farmland in San Bernardino County has declined in the past and all of the prime agricultural land in the southern area of Ontario is planned for development by the City's General Plan. This is a significant cumulative impact and was identified as such in General Plan EIR.

The loss of the 40 acres of Prime Farmland and 1.7 acres of Unique Farmland by the Specific Plan, although a small percentage of farmland within the County, would still constitute a cumulatively considerable contribution to the loss and conversion of these agricultural lands. Further, because no feasible mitigation, due to the lack of available contiguous parcels of high-quality agricultural land in the project region, as well as rising land costs and competition for use of land for commercial and residential uses, is available to reduce this impact, cumulative impacts would be significant. The loss of this prime farmland and other agricultural land is considered to be a significant cumulative impact, and the contribution of the proposed project, although small as a percentage, would still constitute a cumulatively considerable contribution. Consequently, the cumulative impact of the proposed project on Prime Farmland and the conversion of agricultural uses would be significant and unavoidable. Similarly, the acceleration of the Williamson Act contract non-renewal would constitute a cumulatively considerable contribution to a conflict with a Williamson Act Contract. Consequently, the cumulative impact of the Specific Plan on agricultural lands and conflict with an existing Williamson Act contract would be significant and unavoidable. (Draft EIR at p. 5.2-10.)

B. Air Quality

Impact: Operation of the Project would violate an air quality standard or contribute substantially to an existing or projected air quality violation. (Draft EIR at p. 5.3-18.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (State CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project would result in a significant and unavoidable impact to an existing or projected air quality violation. (Draft EIR at p. 5.3-19.)

Project Design Features:

PDF AQ-1: All future employees shall be provided with information on ride sharing, vanpooling/carpooling, or other transit opportunities. This measure may be satisfied through the creation of a public message board within each project building or other reasonable alternative means of communication.

Mitigation Measures: Although the implementation of the following required mitigation measures would reduce air emissions, the impact to an air quality violation would be significant and unavoidable.

Mitigation Measure AQ-3: **Diesel Trucks** The construction plans and operational specifications shall state that contractors and building operators (by contract specifications) shall ensure that on-road heavy-duty diesel trucks with a gross vehicle weight rating greater than 14,000 pounds will have a 2010 model year engine or newer or will be equipped with a particulate matter trap, as available.

Mitigation Measure AQ-4: **Idling Regulations** The project plans and specifications shall include signs at loading dock facilities that identify CARB anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for trucks drivers to restrict idling to no more than 3 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park", and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and CARB to report violations.

Explanation: The Project would generate air emissions from trucking operations and from natural gas used for cooking and heating. Energy, mobile, water, and waste-related emissions generated by the Project were compiled using the California Emissions

Estimator Model (CalEEMod). The CalEEMod analysis concluded emissions generated during operation of both phases of the Project would exceed SCAQMD's regional significance thresholds for NOx.

Mitigation Measures AQ-3 and AQ-4 and Project Design Feature PDF AQ-1 were incorporated to reduced NOx emissions; however, emissions from operation would continue to exceed regional thresholds of significance established by the SCAQMD for emissions of NOx. These emissions are generally related to vehicular emissions and neither the applicant nor the City of Ontario can reduce emissions from vehicles. Therefore, NOx emissions exceedances of applicable SCAQMD regional thresholds that would occur from operation of the proposed Specific Plan (both Phase 1 and 2) would be significant and unavoidable. (Draft EIR at pp. 5.3-19 – 5.3-23, Final EIR at p. 3-1.)

Impact: The Project would result in a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard. (Draft EIR at p. 5.3-23.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (State CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project would result in a significant and unavoidable and cumulatively considerable net increase of a criteria pollutant for which the Project region is in non-attainment. (Draft EIR at p. 5.3-23.)

Mitigation Measures: Although the implementation of the following required mitigation measures would reduce air emissions, the cumulative impact would be significant and unavoidable. Refer to Mitigation Measures AQ-3 and AQ-4 identified above.

Explanation: CEQA's cumulative air quality analysis focuses on whether a specific project would result in a cumulatively considerable increase in emissions. The net increase in emissions over existing conditions would result in the generation of NOx emissions that exceed SCAQMD thresholds. Because the SCAQMD project-specific thresholds are designed to identify those projects that would result in significant levels of air pollution and to assist the region in attaining the applicable state and federal ambient air quality standards, any exceedance of these thresholds would also contribute a considerable amount of criteria air pollutant emissions to the region's emissions profile and would not impede attainment and maintenance of Ambient Air Quality Standards. Thus, because the Project would have a significant and unavoidable operational air quality impact with respect to NOx emissions, the Project would also have a cumulatively considerable impact. (Draft EIR at pp. 5.3-23 – 5.3-24.)

C. Transportation and Traffic

Impact: The Project would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system,

taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. (Draft EIR at p. 5.13-15.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (State CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project would result in a significant and unavoidable impact associated with conflicts with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. (Draft EIR at p. 5.13-15.)

Mitigation Measure: Although the implementation of the following required mitigation measures would reduce traffic impacts, traffic impacts would be significant and unavoidable.

Mitigation Measure TR-1: Prior to issuance of occupancy permits for the buildings that are proposed by the Specific Plan, project applicants/developers shall make fair-share payments to the City of Ontario toward construction of the traffic improvements listed below. The following traffic improvements and facilities are necessary to mitigate impacts of the proposed Specific Plan and shall be included in the fee mechanism(s) as implemented by the City of Ontario:

Existing Plus Project Improvements

- **Archibald Avenue / Limonite Avenue (#26 Eastvale):** Improve the operation of this intersection by installing a 2nd southbound left turn lane.

Opening Year (2019) Plus Project Improvements

- **Euclid Av. / Merrill Av. (#1 Caltrans, Chino, Ontario):** Modify the intersection to provide a 3rd northbound through lane, a 2nd southbound left turn lane, a 3rd southbound through lane, a 2nd westbound left turn lane, a westbound right turn lane, and modify the traffic signal to implement overlap phasing on the westbound right turn lane. Implementation of this improvement will require addition of a second eastbound receiving lane on Merrill Av.
- **Grove Av. / Merrill Av. (#7 Chino, Ontario):** Modify the intersection to provide an eastbound left turn lane, 2nd eastbound through lane, and a 2nd westbound through lane.
- **Flight Av. / Merrill Av. (#8 Chino, Ontario):** Modify the intersection to install a traffic signal, restripe to provide a northbound left turn lane within the painted median, provide a 2nd eastbound through lane, and a 2nd westbound through lane.

- **Hellman Av. / Merrill Av. (#9 Chino, Ontario):** Modify the intersection to install a traffic signal, provide a northbound left turn lane and right turn lane, provide a 2nd eastbound through lane, provide an eastbound right turn lane, provide a westbound left turn lane, and provide a 2nd westbound through lane.
- **Archibald Av. / SR-60 WB Ramps (#14 Caltrans, Ontario):** Modify the intersection to provide a 2nd northbound left turn lane and a westbound left turn lane.
- **Archibald Av. / Riverside Dr. (#17 Ontario):** Modify the intersection to provide a 2nd northbound left turn lane, a 2nd southbound left turn lane, an eastbound right turn lane, and modify the traffic signal to implement overlap phasing on the westbound right turn lane.
- **Archibald Av. / Schaefer Av. (#19 Ontario):** Modify the intersection to install a traffic signal, provide a northbound left turn lane, provide a shared eastbound left-through-right turn lane, and provide a shared westbound left-through-right turn lane.
- **Archibald Av. / Ontario Ranch Rd. (#20 Ontario):** Modify the intersection to provide a 2nd northbound left turn lane, and modify the traffic signal to implement overlap phasing in the northbound right turn lane.
- **Archibald Av. / Merrill Av. (#22 Ontario):** Modify the intersection to provide a 2nd eastbound left turn lane, a 2nd eastbound through lane, an eastbound free-right turn lane, a 2nd northbound left turn lane, a 3rd northbound through lane, a 3rd southbound through lane, a southbound right turn lane, 2nd westbound through lane, and modify the traffic signal to implement overlap phasing in the southbound right turn lane.
- **Archibald Av. / Limonite Av. (#26 Eastvale):** Modify the intersection to provide 2nd northbound and southbound through lanes, a 2nd westbound left turn lane, and 2nd westbound right and left turn lanes.
- **Harrison Av. / Limonite Av. (#28 Eastvale):** Modify the intersection to provide a 3rd westbound through lane.
- **I-15 Southbound Ramps / Limonite Av. (#35 Caltrans, Eastvale):** Modify the intersection to provide 3rd eastbound and westbound through lanes.

Horizon Year (2040) Plus Project Improvements

- **Euclid Av. / Kimball Av. (#2 Caltrans, Chino):** Modify the intersection to provide a 3rd northbound through lane, a 3rd southbound through lane, a 2nd southbound left turn lane, a southbound right turn lane, 2nd eastbound left turn lane, westbound right turn lane, a 2nd westbound left turn lane, and modify traffic signal to implement overlap phasing on the southbound and westbound right turn lanes.
- **Euclid Av. / Pine Av. (#4 Caltrans, Chino):** Modify the intersection to provide a 3rd northbound through lane, a 3rd southbound through lane, a northbound free-right turn lane, a 2nd southbound left turn lane, southbound right turn lane, 2nd eastbound through lane, 2nd westbound through lane, westbound channelized right turn lane.

- **Grove Av. / Merrill Av. (#7 Chino, Ontario):** Install a traffic signal.
- **Flight Av. / Merrill Av. (#8 Chino, Ontario):** Modify the intersection to install a southbound left turn lane, southbound shared through-right turn lane, eastbound left turn lane, and modify the traffic signal to implement overlap phasing on the eastbound right turn lane.
- **Hellman Av. / Merrill Av. (#9 Chino, Ontario):** Modify the intersection to install a 2nd northbound through lane, an additional northbound through lane, a southbound left turn lane, a southbound shared through-right turn lane, an eastbound left turn lane, a westbound right turn lane, and modify traffic signal to implement overlap phasing on the northbound right turn lane.
- **Archibald Av. / SR-60 EB Ramps (#15 Caltrans, Ontario):** Restripe the intersection to provide 3 northbound through lanes, a northbound right turn lane, and a 2nd southbound left turn lane.
- **Archibald Av. / Chino Av. (#18 Ontario):** Modify the intersection to provide a 3rd southbound through lane.
- **Archibald Av. / Ontario Ranch Rd. (#20 Ontario):** Modify the intersection to provide 3rd northbound, southbound, and eastbound through lanes, provide a 2nd and 3rd westbound through lane.
- **Archibald Av. / Eucalyptus Av. (#21 Ontario):** Modify the intersection to provide a northbound left turn lane, 3rd northbound and southbound through lanes, eastbound left turn lane, eastbound shared through-right turn lane, and a westbound left turn lane.
- **Archibald Av. / Merrill Av. (#22 Ontario):** Modify the intersection to provide a 2nd westbound left turn lane.
- **Archibald Av. / Limonite Av. (#26 Eastvale):** Modify the intersection to provide a northbound left turn lane, a 3rd northbound and southbound through lane, a southbound right turn lane, 2 eastbound left turn lanes, 2 westbound left turn lanes, and 2 eastbound through lanes.
- **Sumner Av. / Limonite Av. (#29 Eastvale):** Modify the intersection to provide a 2nd northbound left turn lane.
- **I-15 Southbound Ramps / Limonite Av. (#35 Caltrans, Eastvale):** Redesign the interchange.
- **I-15 Northbound Ramps / Cantu Galleano Rd. (#36 Caltrans, Eastvale):** Modify the traffic signal to implement a 120-second cycle length.

Explanation: The Project would generate traffic from passenger vehicles and trucks accessing the future uses at the Specific Plan. As detailed in Section 5.13, *Transportation and Circulation*, the Specific Plan would result in traffic impacts within the City of Ontario, City of Eastvale, City of Chino, and on Caltrans facilities. The EIR has provided mitigation measures that would reduce the impacts of the Specific Plan, however, impacts would remain significant and unavoidable, as described below.

Existing Plus Project

Intersections. There would be no intersections that are currently operating at an acceptable LOS (in any jurisdiction) that would operate at an unacceptable LOS with project traffic included. Therefore, there are no direct project impacts. There are, however, three intersections that are currently operating at an unacceptable LOS under existing conditions that would also operate at an unacceptable LOS with traffic associated with Phase 1 of the Specific Plan. In the existing plus project condition, the Project would result in impacts at Archibald Avenue and Limonite Avenue that is under the jurisdiction of the City of Eastvale; and the City of Ontario cannot guarantee implementation of the mitigation measure improvements outside of its jurisdiction. In addition, the Project traffic is anticipated to warrant a traffic signal at the intersection of Archibald Avenue at Driveway 4, and the Project would contribute fair share fees towards this improvement through Mitigation Measure TR-1; however, the City does not have a formally adopted plan or program for the implementation of this improvement. Therefore, traffic impacts at these locations in the existing plus project condition would be significant and unavoidable.

Freeway Segments and Merge/Diverge Locations. The addition of Project traffic in the existing plus project condition would add to the existing deficient condition on the I-15 south of Limonite freeway segment and to three freeway merge/diverge locations in the a.m. peak hour. Therefore, Project impacts related to this freeway segment and the 3 merge/diverge locations in the a.m. peak hour would be significant in the existing plus project condition. Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects, and the City of Ontario cannot implement improvements on Caltrans facilities. Thus, there is no feasible mitigation available, and impacts would be significant and unavoidable.

Opening Year (2019) Plus Project

Intersections. In the 2019 plus project condition, the Project would add to the anticipated deficient conditions as several intersections. Roadway improvements have been identified to mitigate these deficiencies and Mitigation Measure TR-1 would be implemented to ensure that the Project pays its fair share. In addition, the Project traffic is anticipated to warrant a traffic signal at Hellman Avenue and Merrill Avenue. Within the City of Ontario, many of the improvements are included in the City's DIF program, which have been planned to accommodate the City's growth as identified in its General Plan. However, many of the needed improvements are not included in the DIF and are not planned improvements. However, notwithstanding this commitment to use the funds for the specified improvements, the uncertainty regarding the timing of the construction of the improvements means the impacts are considered significant and unavoidable even with implementation of Mitigation Measure TR-1. Also, many improvement areas are under the jurisdiction of Caltrans or the Cities of Chino and Eastvale; and the City of Ontario cannot guarantee implementation of the improvements within these jurisdictions. As a result, traffic impacts to intersections in the opening year 2019 plus project condition would be cumulatively significant and unavoidable.

Roadway Segments. The addition of Project traffic in 2019 would add to the deficient conditions at all of the roadway segments. As described above, roadway improvements have been identified to mitigate these deficiencies and Mitigation Measure TR-1 would

be implemented to ensure that the Project pays its fair share. However, many improvement locations are outside the jurisdiction of Ontario, or not included in the City's DIF program; thus, impacts related to roadway segments would be significant and unavoidable in 2019.

Freeway Segments and Merge/Diverge Locations. The addition of Project traffic in 2019 would add to the anticipated deficient condition at 4 freeway segments and 8 merge/diverge locations. As described above, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects, and the City of Ontario cannot implement improvements on Caltrans facilities. As such, no feasible mitigation is available, and impacts would be significant and unavoidable.

Horizon Year (2040) Plus Project

Intersections. In the 2040 plus project condition, the Project would add to the anticipated deficient conditions at several intersections. Roadway improvements have been identified to mitigate these deficiencies and Mitigation Measure TR-1 would be implemented to ensure that the Project pays its fair share. In addition, the Project traffic is anticipated to warrant a traffic signal at Hellman Avenue and Merrill Avenue. However, as described previously, many of the needed improvements are not included in the DIF and are not planned improvements. Also, many improvement areas are under the jurisdiction of Caltrans or the Cities of Chino and Eastvale; and the City of Ontario cannot guarantee implementation of the improvements outside of its jurisdiction. As a result, traffic impacts to intersections in the horizon year 2040 plus project condition would be cumulatively significant and unavoidable.

Roadway Segments. The addition of Project traffic after 2040 would add to the deficient conditions at all of the roadway segments. As described above, roadway improvements have been identified to mitigate these deficiencies and Mitigation Measure TR-1 would be implemented to ensure that the Project pays its fair share. However, many improvement locations are outside the jurisdiction of Ontario, or not included in the City's DIF program; thus, impacts related to roadway segments would be significant and unavoidable with 2040 project traffic.

Freeway Ramp Junction Merge/Diverge Locations. The addition of the 2040 Project traffic would add to the anticipated deficient condition at one SR-60 and two I-15 ramp junctions that are anticipated to continue to operate at an unacceptable LOS. As described above, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects, and the City of Ontario cannot implement improvements on Caltrans facilities. As such, no feasible mitigation is available, and impacts would be significant and unavoidable.

The City does earmark fair share funds paid for traffic improvements, meaning that any fair share fees paid for a certain improvement will necessarily be spent on that specific improvement (i.e., fair share fees cannot be spent on alternative improvements or other items). This type of structure has been found to comply with CEQA (*East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 304 [EIR was valid when it included mitigation that required payment of fair share fees to mitigate

traffic impacts and the lead agency described the fair share contributions as being collected at the plan check phase and placed into a special fund that will be used to fund the required improvements].) Notwithstanding this commitment to use the funds for the specified improvements, given the uncertainty regarding timing of improvements, and some of the improvements would be out of the control of the City of Ontario, the Project's traffic impacts would be significant and unavoidable. (Draft EIR at pp. 5.13-15 – 5.13-37; Final EIR at p. 3-3.)

Impact: The Project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. (Draft EIR at p. 5.13-15.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (State CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project would result in a significant and unavoidable impact associated with a conflict with an applicable congestion management program. (Draft EIR at p. 5.13.15.)

Mitigation Measures: Although the implementation of the following required mitigation measures would reduce traffic impacts, traffic impacts would be significant and unavoidable. Refer to Mitigation Measure TR-1 listed previously.

Explanation: Please refer to the explanation discussion immediately above regarding the Specific Plan's impacts to area intersections and roadway segments from traffic generation. (Draft EIR at pp. 5.13-15 – 5.13-37.)

Impact: The Project would result in cumulatively considerable impacts related to traffic on the circulation system, including intersections, roadway segments, and freeway interchanges. (Draft EIR at p. 5.13-39.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (State CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project would contribute a cumulatively considerable impact related to traffic. (Draft EIR at p. 5.13-39.)

Mitigation Measures: Although the implementation of the following required mitigation measures would reduce traffic impacts, traffic impacts would be significant and unavoidable. Refer to Mitigation Measure TR-1 listed previously.

Explanation: Please refer to the discussion above regarding Horizon Year (2040) project traffic impacts. The impacts of development in relation to roadway levels of service, in combination with past, present, and reasonably foreseeable future development would result in intersections, freeway segments, and freeway merge/diverge areas operating at unsatisfactory peak period levels of service in both the opening and horizon year cumulative traffic conditions. The addition of traffic from development of the Specific Plan would be cumulatively considerable due to the amount of traffic and significant impacts that would result from the anticipated vehicular and truck trips.

Although implementation of the Specific Plan would be required to contribute a fair share towards various improvements to mitigate the Specific Plan's impacts, and with payment of the fair share contribution, the Specific Plan's share of impacts would be mitigated when improvements at the impacted locations occur, many improvement locations are under the jurisdiction of the Cities of Jurupa Valley, Chino, and/or Eastvale. Therefore, the City of Ontario cannot guarantee implementation of the improvements, and traffic impacts would be cumulatively significant and remain significant and unavoidable. Also, because the construction/implementation of the improvements identified in Mitigation Measure TR-1 within the City of Ontario (whether listed in the City's DIF or not) is dependent upon the payment of similar fees by other projects that contribute to the impact, the exact timing of implementation of the improvements identified by the mitigation measure is uncertain. The City does earmark fair share funds paid for traffic improvements, meaning that any fair share fees paid for a certain improvement will necessarily be spent on that specific improvement (i.e., fair share fees cannot be spent on alternative improvements or other items). However, notwithstanding this commitment to use the funds for the specified improvements, the uncertainty regarding the timing of the construction of the improvements means the impacts are considered significant and unavoidable even with implementation of Mitigation Measure TR-1.

In addition, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects; therefore, no feasible mitigation available to reduce potential impacts. Furthermore, the City of Ontario cannot implement or guarantee implementation of improvements on Caltrans facilities. Thus, the Specific Plan would also result in cumulatively considerable significant impacts at Caltrans facilities. The proposed Specific Plan would not result in cumulative impacts related to a change in air patterns, design hazards, or alternative transportation. (Draft EIR at pp. 5.13-39 – 5.13-40.)

SECTION V

RESOLUTION REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(c) of the CEQA Guidelines requires that an EIR discuss "any significant irreversible environmental changes which would be involved in the proposed action should it be implemented." Generally, a project would result in significant irreversible environmental changes if one of the following scenarios is involved:

- The project would involve a large commitment of nonrenewable resources.

- The primary and secondary impacts of the project would generally commit future generations to similar uses.
- Irreversible damage can result from environmental accidents associated with the project.
- The proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy).

Implementation of the Project would require the long-term commitment of natural resources and land. The Project would consume limited, slowly renewable, and nonrenewable resources. This consumption would occur during the construction phase of the Project and continue throughout its operational lifetime. Project development would require a commitment of resources that would include (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project site. Construction would require the use and consumption of non-replenishable or non-renewable metals such as copper and lead, aggregate materials such as sand and stone used in concrete and asphalt, petrochemical construction materials such as plastics, and water. Construction vehicles and equipment and the transportation of goods and people to and from the project site would also consume nonrenewable fossil fuels such as gasoline and oil. (Draft EIR at p. 8-4.)

Project operation would continue to expend similar nonrenewable resources that are currently consumed within the City of Ontario and on-site. These include energy resources such as electricity, petroleum-based fuels, fossil fuels, and water. Energy resources would be used for heating and cooling buildings, transportation within the project site, and building lighting. Fossil fuels are the primary energy source for Project construction and operation. This existing, finite energy source would thus be incrementally reduced. Under California Code of Regulations Title 24, Part 6, conservation practices limiting the amount of energy consumed by the Project are required during operation. (Draft EIR at p. 8-4.)

Development of the Project would result in the construction of structures, facilities, or infrastructure on land that is currently undeveloped and used for agricultural uses. This land would be permanently committed to urban uses. Limited use of potentially hazardous materials such as typical cleaning agents and pesticides for landscaping would occur and would be contained on-site. These hazardous materials would be used, handled, stored, and disposed of in accordance with manufacturer's instructions and applicable government regulations and standards. Compliance with these regulations and standards would serve to protect against significant and irreversible environmental change resulting from the accidental release of hazardous materials. In addition, demolition activities would comply with regulatory requirements to ensure that asbestos and lead-based paints are not released into the environment. Similarly, mitigation has been included to address any hazardous materials discovered during construction. (Draft EIR at p. 5.8-13.)

SECTION VI

RESOLUTION REGARDING GROWTH-INDUCING IMPACTS AND COMMITMENT OF RESOURCES

Section 15126.2(d) of the State CEQA Guidelines requires the EIR to address the growth-inducing impact of the Project. EIR Section 8.1 evaluates the potential for the proposed Project to affect economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

There are direct and indirect growth inducing impacts that a project may have. To assess the potential for growth-inducing impacts, the project's characteristics that may encourage and facilitate activities that individually or cumulatively affect the environment must be evaluated.

Direct growth inducing impacts occur when the development of a project imposes new burdens on a community by directly inducing population growth, or by leading to the construction of additional developments in the same area. Also included in this category are projects that remove physical obstacles to population growth, such as a new road into an undeveloped area or a wastewater treatment plant with excess capacity that could allow additional development in the service area. Construction of these types of infrastructure projects cannot be considered isolated from the development they facilitate and serve. Projects that physically remove obstacles to growth or projects that indirectly induce growth are those which may provide a catalyst for future unrelated development in an area such as a new residential community that requires additional commercial uses to support residents.

Implementation of this Project would involve the extension of roads or other infrastructure pursuant to master plans into areas off-site that would facilitate additional planned growth pursuant to the TOP. The new infrastructure would be implemented pursuant to the City's master plans to ensure that excess capacity is not provided. Thus, infrastructure improvements would not result in significant growth inducing impacts.

The proposed Specific Plan project would result in development of 1,683,170 SF feet of non-residential employment generating uses by 2019, and an additional 231,195 SF feet of non-residential employment generating uses after 2040. At buildout the proposed Specific Plan would develop approximately 2,690 new jobs/employment opportunities. In addition, the proposed industrial warehousing uses that would stimulate economic activity in the Specific Plan area. While the Project can thus be anticipated to create local employment opportunities, the jobs represent a small portion of the estimated job growth, and would be within, and not exceed, SCAG's population forecast. As such, the proposed Specific Plan would result in direct employment growth at a level that is already anticipated in regional projections; and thus, would be less than significant.

The Specific Plan would implement economic activity that would result in an improvement in the jobs-household ratio, which is a benefit of the Specific Plan. The City of Ontario has had recent unemployment rates ranging between 5.2 and 14.2 percent, and most of the new jobs that would be created by the Specific Plan would be positions that do not require a specialized workforce, and this type of workforce exists in the City and surrounding areas.

Thus, due to the unemployment within the City and the availability of a workforce, it is anticipated that new jobs that would be generated from implementation of the Specific Plan would be filled by people within Ontario and surrounding communities and would not induce an unanticipated influx of new labor into the region. Therefore, job growth from buildout of the proposed Specific Plan would result in new permanent employment opportunities and stimulate economic activity; however, the Specific Plan would meet future employment demands per SCAG's 2016 projections.

Almost the entire area immediately surrounding the Specific Plan area is planned for urbanization. Project infrastructure will be located and sized to serve the Colony Commerce Center without surplus capacity that may otherwise induce unplanned growth within Ontario Ranch and surrounding jurisdictions. The extension of roads, water, and sewer lines to serve the project has been anticipated in the City's Circulation element and Ontario Ranch infrastructure master plans. Consequently, development of the Project will not affect areas currently designated as Industrial and Business Park surrounding the site, and the extension of infrastructure and services to the project site is not expected to induce future growth in these areas. Moreover, as required by the TOP, the City would have to approve a specific plan and conduct further environmental analysis for future development of these areas. The Project is consistent with the City's General Plan and the TOP, and would not induce growth beyond that which has already been approved for development by the City under the TOP.

Overall, the proposed Specific Plan would not remove any obstacles that would result in increased levels of growth that would not otherwise occur. Therefore, impacts would be less than significant.

SECTION VII

RESOLUTION REGARDING ALTERNATIVES

The City Council hereby declares that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. Section 15126.6 of the State CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly achieve most of its basic objectives, but would avoid or substantially lessen any of the significant effects identified in the EIR analysis. An EIR is not required to consider every conceivable alternative to a proposed project. Rather, an EIR must consider a reasonable range of alternatives that are potentially feasible; an EIR is not required to consider alternatives that are infeasible. In addition, an EIR should evaluate the comparative merits of the alternatives. Therefore, this section sets forth the potential alternatives to the Project analyzed in the EIR and evaluates them in light of the objectives of the Project, as required by CEQA.

OBJECTIVES

The Colony Commerce Center East Specific Plan lays out a series of project-specific objectives that have been carefully crafted to ensure that the project would be a quality industrial and business park development. The project objectives have been refined throughout the planning and design process for the project, and are listed below:

- To provide for the development of industrial and business facilities which utilize the site's prime location in proximity to Ontario International Airport and other regional transportation facilities.
- To create a high quality industrial and business development that attracts an array of businesses and provides employment opportunities to area residents.
- To provide industrial and business park uses within the project boundaries which are compatible with proposed and anticipated surrounding uses.
- To develop a flexible plan that meets the needs of an ever-changing business market, while assuring compliance with high development standards.
- To provide a plan for roadways, infrastructure, and utilities to support on-site land uses as the project evolves.
- Promote opportunities for water efficiency in the project architecture and project landscaping to promote water conservation.

ALTERNATIVES

Key provisions of the State CEQA Guidelines relating to the alternatives analysis (Section 15126.6 et seq.) are summarized below (Draft EIR at pp. 7-1 – 7-2.):

- The discussion of alternatives shall focus on alternatives to the Project or its location that are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the Project objectives or would be more-costly.
- The "No Project" alternative shall be evaluated along with its impact. The "No Project" analysis shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the Project is not approved.
- The range of alternatives required in an EIR is governed by a "rule of reason"; therefore, the EIR must evaluate only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Project.
- For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in the EIR.
- An EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative.

Rationale for Selecting Potentially Feasible Alternatives

The alternatives must include a no-project alternative and a range of reasonable alternatives to the Project if those reasonable alternatives would attain most of the Project objectives while substantially lessening the potentially significant Project impacts. The range of alternatives discussed in an EIR is governed by a "rule of reason," which the State CEQA Guidelines Section 15126.6(f)(3) defines as:

. . . set[ting] forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making.

Among the factors that may be taken into account when addressing the feasibility of alternatives (as described in the State CEQA Guidelines Section 15126.6(f)(1)) are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the Project proponent could reasonably acquire, control, or otherwise have access to an alternative site. An EIR need not consider an alternative whose effects could not be reasonably identified, and whose implementation is remote or speculative.

For purposes of this analysis, the Project alternatives are evaluated to determine the extent to which they attain the basic Project objectives, while significantly lessening any significant effects of the Project.

ALTERNATIVES ANALYSIS

The goal for evaluating any alternatives is to identify ways to avoid or lessen the significant environmental effects resulting from implementation of the proposed Project, while attaining most of the Project objectives. The City has included the following 3 alternatives for consideration:

- No Project/No Build Alternative
- Reduced Intensity Alternative
- Agricultural Retention Alternative

Alternatives Not Selected for Analysis

Alternative Site: An alternative site was considered and eliminated from further consideration. CEQA specifies that the key question regarding alternative site consideration is “whether any of the significant effects of the project would be avoided or substantially lessened by putting the project at another location.” In addition, an alternative site need not be considered when implementation is “remote and speculative,” such as when the alternative site is beyond the control of a project applicant.

For this project, there are no suitable alternative sites within the control of the project applicant. In the event land could be purchased of suitable size and developmental characteristics, based on the known general conditions in the southern portion of the City, an alternative site would likely have similar impacts after mitigation as the project. Given the size and nature of the proposed Specific Plan project and the project objectives, it would be impractical and infeasible to propose the project on an alternate site in the area with fewer environmental impacts.

The land use designation that has been established for the Specific Plan is consistent with a unified industrial development pattern planned in the southwest portion of Ontario Ranch. Surrounding properties, both within the NMC and adjacent jurisdictions, are designated in General Plans and/or pending Specific Plans as industrial or business park. Development of the Project on the Project site is necessary to complete the contiguous and unified urban development pattern in the area, and provide the necessary level of industrial facilities envisioned for the site in the TOP.

The City of Ontario is not aware of any similarly sized parcel that is not already zoned for industrial use by others and that would have the ability to substantially reduce one or more of the significant impacts of the project. As other land in the vicinity of the proposed Specific Plan or within the southern portion of the City are similarly used for agricultural purposes and include agricultural soils, the loss of prime farmland would still occur with an alternative site.

Given the industrial nature of the proposed project, a similarly sized project at an alternative location elsewhere within the South Coast Air Basin would result in the same project-level or cumulative air quality impacts that would occur with implementation of the Specific Plan. Likewise, a similarly sized project at an alternative location would result in similar traffic impacts in other jurisdictions that would be significant and unavoidable, because the City of Ontario cannot guarantee implementation of improvements outside of its jurisdiction. Therefore, analysis of an alternative site for the proposed 1,914,365 SF of industrial warehousing space is neither meaningful nor necessary, because the significant impacts resulting from the project would not be avoided or substantially lessened by its implementation.

DESCRIPTION OF ALTERNATIVES

Alternative 1 – No Project/No Build Alternative

In accordance with the CEQA Guidelines, the No Project/No Build Alternative for a development project on an identifiable property consists of the circumstance under which the Project does not proceed. Section 15126.6(e)(3)(B) of the Guidelines states that, "In certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained." Accordingly, Alternative 1 – No Project/No Build provides a comparison between the environmental impacts of the proposed Project in contrast to the environmental impacts that could result from not approving, or denying, the proposed Project. Because the City Planning Commission and/or City Council has discretionary authority over a proposed project and could choose to deny it, the environmental impacts of that action must be disclosed. As a result of this potential decision, the Project site could remain in its current state and condition for an undetermined period of time and not be the subject of any further development proposals. The dairy, row crops, and single family residential uses would remain. Evaluation of this alternative determines if any significant impacts identified with the proposed Project would be eliminated or if any less than significant impacts would be further reduced. (Draft EIR at p. 7-6.)

Alternative 2 – Reduced Intensity Alternative

Under this alternative, a 25 percent reduction in the building area of the proposed industrial warehousing uses would occur. The proposed project allows up to 1,914,365 SF of industrial building space (1,683,170 SF in Phase 1 that includes PA-1 and PA-2, and 231,195 SF in Phase 2 that includes PA-3). Under this alternative, the proposed industrial warehousing and business park use would be developed, but the building square footage would be reduced by a total of 478,591 SF. Therefore, under the Reduced Intensity Alternative, Phase 1 would develop 1,262,378 SF of industrial warehousing space; and Phase 2 would develop 173,396 SF of industrial warehousing space. Buildout of the Reduced Intensity Alternative would result in a total of 1,435,774 SF of industrial warehousing space. A proportional reduction in the amount of surface parking area would also occur by the Reduced Intensity Alternative. This alternative assumes that access to the site would be similar to the proposed Specific Plan with access from driveways on Merrill and Archibald Avenues. (Draft EIR at pp. 7-6 – 7-7.)

Alternative 3 – Agricultural Retention Alternative

Under this alternative the northern portion of the Specific Plan area that includes the dairy (approximately 52.4 acres) would be developed at a 0.55 FAR into 1,255,399 SF industrial warehousing uses. The southern portion of the site (approximately 42 acres) that contains row crops, 40 acres of prime farmland, 1.7 acres of unique farmland, and is within a Williamson Act contract would be retained in agricultural use. The Specific Plan area is within the City's Agricultural Overlay Zoning District, contained in Section 9-1.2700 of the Ontario Municipal Code, allows existing agricultural uses to continue. (Draft EIR at p. 7-7.)

EVALUATION OF ALTERNATIVES

Alternative 1 – No Project/No Build Alternative

The No Project/No Build Alternative would eliminate the significant and unavoidable impacts related to agriculture, air quality, and traffic that would occur from implementation of the proposed Specific Plan. This alternative would also eliminate the impacts related to biological resources, cultural resources, and tribal cultural resources that would require mitigation to be reduced to a less than significant level under the proposed Specific Plan. In addition, the No Project/No Build Alternative would reduce the project's less than significant impacts related to noise, public services, utilities, and energy.

However, the No Project/No Build Alternative would not provide remediation of hazardous substances on the project site, and this benefit to the environment that would occur from implementation of the proposed Specific Plan would not occur.

Implementation of the No Project/No Build Alternative would stop any new development from occurring within the project site, and none of the project objectives would be achieved under this alternative. The No Project/No Build Alternative would not provide for the development of industrial and business facilities in proximity to the Ontario Airport, attract businesses to provide employment opportunities to area residents, provide industrial and business park uses that are compatible with surrounding uses, provide a flexible plan that meets the needs of an ever-changing business market, or provide infrastructure to support on-site uses. (Draft EIR at pp. 7-7 – 7-11.)

The City finds that the No Project/No Build Alternative is infeasible based on several economic and social factors. A key consideration for the City is providing development consistent with the TOP, which would not occur by Alternative 1. The TOP was structured to provide for a coherent, integrated plan of land uses that would provide employment opportunities to future and existing area residents, as well as industrial uses that would serve the community. Alternative 1 would not provide for this development and would not generate employment opportunities. Also, Alternative 1 would not provide remediation of hazardous substances on the project site. Overall, the No Project/No Build Alternative fails to meet any of the Project objectives and is rejected on that basis.

Alternative 2 – Reduced Density Alternative

The Reduced Intensity Alternative would reduce the volume of vehicular trips, which would decrease the impacts related to air quality and traffic. However, significant and unavoidable impacts related to agriculture, air quality, and traffic would continue to occur from implementation of this alternative. This alternative would also reduce impacts related to noise, public services, utilities, and energy compared to the proposed Specific Plan. However, the environmental topic areas that would require mitigation by the proposed Specific Plan would continue to be required for the Reduced Intensity Alternative to reduce impacts to a less than significant level. Overall, although the volume of impacts would be less by the Reduced Intensity Alternative in comparison to the proposed Specific Plan, the Reduced Intensity Alternative would not eliminate the significant and unavoidable impacts of the proposed Specific Plan or eliminate the need for mitigation.

Implementation of the Reduced Intensity Alternative would achieve the project objectives, but not to the extent as would be achieved by the proposed Specific Plan. The Reduced Intensity Alternative would provide for the development of industrial and business facilities in proximity to the Ontario Airport, although 478,591 SF less than the proposed Specific Plan, which would have the ability to attract fewer or smaller businesses and less employment opportunities to area residents. In addition, the smaller development would provide less flexibility to meet the needs of an ever-changing business market. (Draft EIR at pp. 7-11 – 7-15.)

The City finds that the Reduced Intensity Alternative is infeasible based on several economic and social factors. A key consideration for the City is providing development consistent with the TOP, which permits buildout of the Specific Plan area at a density greater than that proposed by Alternative 2. The TOP was structured to provide for a coherent, integrated plan of land uses that would provide employment opportunities to future and existing area residents, as well as industrial uses that would serve the community. Here, Alternative 2 would not provide as much square footage for development that would use the Specific Plan area's prime location near Chino Airport. Also, this alternative would not generate employment opportunities to the same extent as the proposed Project. Finally, Alternative 2 would not avoid the significant and unavoidable agricultural resources, air quality, and traffic impacts of the Project. Therefore, the City rejects the Reduced Intensity Alternative in favor of the Project.

Alternative 3 – Agricultural Retention Alternative

The Agricultural Retention would avoid the significant agricultural impacts that would result from the Specific Plan. This alternative would also reduce impacts related to noise, public services, utilities, and energy compared to the proposed Specific Plan. In addition, the Agricultural Retention Alternative would reduce the volume of vehicular trips, which would reduce the level of impacts related to air quality and traffic. However, significant and unavoidable impacts related to air quality and traffic would continue to occur from implementation of this alternative, and this alternative would not implement the City's General Plan on the northern portion of the project site, which would result in a significant impact.

The environmental topic areas that would require mitigation with implementation of the proposed Specific Plan would continue to be required for the Agricultural Retention Alternative to reduce impacts to a less than significant level. Overall, although the impacts related to agriculture would not occur, and the volume of impacts would be less with the Agricultural Retention Alternative in comparison to the proposed Specific Plan, the Agricultural Retention Alternative would not eliminate the significant and unavoidable impacts related to air quality and traffic or eliminate the need for mitigation.

Implementation of the Agricultural Retention Alternative would achieve the project objectives, but not to the extent as would be achieved by the proposed Specific Plan, as 658,966 SF less development would occur, which would have the ability to attract fewer or smaller businesses and less employment opportunities to area residents. The remaining agricultural uses in the southern portion of the project area would be less compatible with surrounding industrial and business park uses that would be developed pursuant to the General Plan land use designations. In addition, the smaller development would provide less flexibility to meet the needs of an ever-changing business market. (Draft EIR at pp. 7-15 – 7-20.)

The City finds that the Agricultural Retention Alternative is infeasible based on several economic and social factors. Partial retention would not fully mitigate the impacts resulting from Project implementation. Although the impacts related to agriculture would not occur, and the volume of impacts would be less with the Agricultural Retention Alternative in comparison to the proposed Specific Plan, the Agricultural Retention Alternative would not eliminate the significant and unavoidable impacts related to air quality and traffic or eliminate the need for mitigation. Additionally, the Agricultural Retention Alternative would achieve the project objectives to a lesser extent; fewer or smaller businesses and less employment opportunities would be provided to area residents, and the Specific Plan would be less compatible with surrounding industrial and business park uses that would be developed pursuant to the General Plan land use designations.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the environmentally superior alternative, the

EIR shall identify another environmentally superior alternative among the remaining alternatives.

The Environmentally Superior Alternative among the other alternatives is the Agricultural Retention Alternative, which would retain land that is prime farmland, unique farmland, and within a Williamson Act contract; which would result in a 658,966-square-foot reduction in development within the Specific Plan area compared to the proposed Specific Plan.

The significant impact related to agriculture would not occur with implementation of the Agricultural Retention Alternative, and potential impacts from this alternative are less than the proposed project because a smaller area would be developed and fewer operational activities would occur from a smaller development. Thus, impacts related to noise, public services, utilities, and energy would be less compared to the proposed Specific Plan. However, the environmental topic areas that would require mitigation under the proposed Specific Plan would continue to be required for the Agricultural Retention Alternative to reduce impacts to a less than significant level, and the significant and unavoidable impacts related to air quality and traffic would remain.

In addition, the Agricultural Retention Alternative would not meet some of the project objectives to the same extent as the proposed project. The Agricultural Retention Alternative would have the ability to attract fewer or smaller businesses and less employment opportunities to area residents. The remaining agricultural uses in the southern portion of the project area would be less compatible with surrounding industrial and business park uses that would be developed pursuant to the General Plan land use designations. In addition, the smaller development would provide less flexibility to meet the needs of an ever-changing business market. Thus, the City finds that the Agricultural Retention Alternative is infeasible based these economic and social factors. (Draft EIR at pp. 7-20 – 7-22.)

SECTION VIII

RESOLUTION ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15093 and 15043, the City has balanced the economic, legal, social, technological, and other benefits of the proposed Project, including the provision of employment opportunities for highly trained workers, against the following unavoidable adverse impacts associated with the proposed Project identified in Section III, above, and has adopted all feasible mitigation measures with respect to the specific impacts described in Section IV in the environmental impact areas of Agricultural Resources, Air Quality, and Transportation and Traffic. The City also has examined alternatives to the proposed Project, none of which meet the Project objectives nor environmentally superior to the proposed Project.

The City, after balancing the specific economic, legal, social, technological, and other benefits of the proposed Project, has determined that the unavoidable adverse environmental impacts identified above and the findings for which are set forth in Section IV, above, may be considered “acceptable” due to the following specific considerations that outweigh the unavoidable, adverse environmental impacts of the Project. Each of the

separate benefits of the Project, as stated herein and as supported by substantial evidence in the record, is determined to be, unto itself and independent of the other Project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of other benefits, despite each and every unavoidable impact. Project benefits include:

1. The Project proposes development that implements the goals and land use designations contained within The Ontario Plan (TOP), as the City's General Plan. Implementing the General Plan is a legal and social prerogative of the City.
2. The Project would provide for high-quality industrial uses within the City and the TOP area and would increase employment opportunities for City and area residents.
3. The Project would remediate existing site conditions, which consist of historic agricultural and dairy-related uses that contributed to limited site contamination.
4. The land use plan provides for a range of industrial uses and opportunities to accommodate a changing industrial business environment. The planned industrial area will include wholesale and distribution, light manufacturing, and businesses with high-value, time-sensitive merchandise that could benefit from proximity to an airport.
5. The Project will implement greenhouse gas (GHG) reduction measures specified in the Draft EIR and will comply with the City's adopted Climate Action Plan, which strives to achieve GHG reductions City-wide that comply with the State's reduction requirements.
6. The Project would construct improvements and infrastructure consistent with the TOP and the City's various master plans for roadways and sewers, among others.
7. The Project will pay Development Impact Fees to the City prior to the issuance of building permits for each building.
8. The Project will be responsible for the construction of area-wide infrastructure construction within the New Model Colony, including water, sewer and storm drains as set forth in the Colony Commerce Center West Specific Plan.
9. The Project will ensure the availability and utilization of recycled water for all construction-related water uses including prior to, and during, any grading of the Property. The Project will also utilize recycled water for landscape irrigation needs.
10. The Project will pay a Public Services Funding Fee in the amount of Fifty-Six Cents (\$.56) per square foot for each non-residential building.
11. The Project will contribute to the funding of the Phase 2 Water Improvements needed to serve regional development and will benefit other properties within the Ontario Ranch area.

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these effects can be mitigated to a level of less than significant, except for unavoidable significant impacts as discussed in Section IV of these

Findings. The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project. The City Council further finds that except for the Project, all other alternatives set forth in the Final EIR are infeasible because they would prohibit the realization of Project objectives and/or of specific economic, social, and other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

For the foregoing reasons, the City Council hereby declares that the benefits provided to the public through approval and implementation of the Specific Plan outweigh any significant adverse environmental impacts of the Project. The City Council finds that each of the Project benefits outweighs the adverse environmental effects identified in the EIR, and therefore finds those impacts to be acceptable. The substantial evidence demonstrating the benefits of the Project are set forth in these findings, and in the documents in the record of proceedings, discussed in Section XI below. Therefore, the City adopts this Statement of Overriding Considerations.

SECTION IX

RESOLUTION REGARDING CERTIFICATION OF THE EIR

The City Council finds that it has reviewed and considered the Final EIR in evaluating the proposed Specific Plan, that the Final EIR is an accurate and objective statement that fully complies with CEQA, State CEQA Guidelines and the City's local CEQA Guidelines and that the Final EIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by State CEQA Guidelines, section 15088.5 has been received by the City after circulation of the Draft EIR that would require recirculation.

The City Council certifies the Environmental Impact Report based on the entirety of the record of proceedings, including but not limited to the following findings and conclusions:

A. Findings:

The following significant environmental impacts have been identified in the EIR and will require mitigation as set forth in Section IV of this Resolution but cannot be mitigated to a level of insignificance: agriculture (Project-related and cumulative), air quality (Project-related and cumulative), and traffic and transportation (Project-related and cumulative).

B. Conclusions:

1. Except as to those impacts stated above relating to agriculture, air quality, and traffic and transportation, all significant environmental impacts from the implementation of the proposed Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a level of insignificance.

2. Other alternatives to the proposed Specific Plan, which could potentially achieve the basic objectives of the proposed Specific Plan, have been considered and rejected in favor of the proposed Specific Plan.
3. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Specific Plan override and make infeasible any alternatives to the proposed Specific Plan or further mitigation measures beyond those incorporated into the proposed Project.

SECTION X

RESOLUTION ADOPTING A MITIGATION MONITORING AND REPORTING PLAN

Pursuant to Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Plan attached to this Resolution as Exhibit A. In the event of any inconsistencies between the mitigation measures as set forth herein and the Mitigation Monitoring and Reporting Plan, the Mitigation Monitoring and Reporting Plan shall control.

SECTION XI

RESOLUTION REGARDING CONTENTS AND CUSTODIAN OF RECORDS

The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario, 303 East "B" Street, Ontario, California. The custodian for these records is the Planning Director. This information is provided in compliance with Public Resources Code section 21081.6.

The record of proceedings for the City Council's decision on the Project consists of the following documents, at a minimum:

1. The NOP and all other public notices issued by the City in conjunction with the Project;
2. All comments submitted by agencies or members of the public during the 45-day comment period on the Draft EIR;
3. All comments and correspondence submitted to the City with respect to the Project, in addition to timely comments on the Draft EIR;
4. The Final Environmental Impact Report for The Colony Commerce East Specific Plan, including comments received on the Draft EIR, responses to those comments, and technical appendices;
5. The Mitigation Monitoring and Reporting Plan for the Project;
6. All findings, resolutions and ordinances adopted by the City Council or Planning Commission in connection with the Colony Commerce East Specific Plan Project, and all documents cited or referred to therein;
7. All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of

CEQA and with respect to the County's action on the Colony Commerce East Specific Plan;

8. All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public in connection with the Colony Commerce East Specific Plan, up through the close of the final City Council public hearing period;
9. Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Colony Commerce East Specific Plan;
10. Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;
11. The Ontario Plan (TOP), as the City's General Plan and all environmental documents prepared in connection with the adoption of the General Plan;
12. The New Model Colony General Plan and all environmental documents prepared in connection with the adoption of the General Plan (January 7, 1998);
13. Matters of common knowledge to the City, including, but not limited to Federal, State, and local laws and regulations;
14. Any documents expressly cited or referenced in these findings, in addition to those cited above; and
15. Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

SECTION XII

RESOLUTION REGARDING STAFF DIRECTION

A Notice of Determination shall be filed with the County of San Bernardino within five (5) working days of final Project approval.

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

PASSED, APPROVED, AND ADOPTED this 17th day of April 2018.

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. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 17, 2018 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. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held April 17, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

Colony Commerce Center East Specific Plan

Mitigation Monitoring and Reporting Plan

(Document follows this page)

Exhibit "A"

**TABLE 4-1: MITIGATION MONITORING AND REPORTING PROGRAM
COLONY COMMERCCENTER EAST SPECIFIC PLAN EIR**

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AESTHETICS			
Standard Condition SC 3.28: Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building permits.	Prior to Building Permits	City of Ontario Building/Planning Departments	
Standard Condition SC 3.29: Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on an adjoining site.	Prior to Building Permits	City of Ontario Building/Planning Departments	
Standard Condition SC 3.30: Along pedestrian movement corridors the use of decorative low mounted bollard lighting standards, which reinforce pedestrian scale, shall be used. Steps ramps and seatwalls shall be illuminated with built-in light fixtures.	Prior to Building Permits	City of Ontario Building/Planning Departments	
Standard Condition SC 3.31: All planned parking areas shall have a minimum maintained light level of one-foot candle or greater. The lighting shall be on from sunset to sunrise and be operated by a photocell. The site plan shall show all buildings, the parking areas, walkways, detailed landscaping and a point by point photometry calculation of required light levels.	Prior to Building Permits	City of Ontario Building/Planning Departments	
AGRICULTURE			
Plan, Program, or Policy PPP AG-1: Deed Disclosure. In order to reduce conflicting issues between sensitive receptors and agricultural uses, all new units in the Specific Plan shall be provided with a deed disclosure or similar notice approved by the City Attorney regarding the proximity and nature of neighboring agricultural uses. This disclosure shall be applied at the tentative map stage to the affected properties, or otherwise prior to finalizing the sale or lease agreement of any property. The written disclosure shall be supplied to the property purchaser or leaser by the vendor or vendor's agent. The content and text of the disclosure shall be approved by the City Attorney, and shall include language to inform new tenants that existing agricultural uses may create nuisances such as flies, odors, dust, night-light, and chemical spraying.	Prior to Approval of a Tentative Map	City of Ontario Planning Department Departments	
AIR QUALITY			
Plan, Program, or Policy PPP AQ-1: The following measures shall be incorporated into construction plans and specifications as implementation of SCAQMD Rule 403 (4): <ul style="list-style-type: none"> • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas 	Prior to Grading Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.</p> <ul style="list-style-type: none"> The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less. 			
<p>Plan, Program, or Policy PPP AQ-2: The following measures shall be incorporated into construction plans and specifications as implementation of Rule 1113 (9). Only "Low-Volatile Organic Compounds" paints (no more than 100 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with SCAQMD Rule 1113 shall be used.</p>	Prior to Building Permits	City of Ontario Building Department	
<p>Plan, Program, or Policy PPP AQ-3: Plans, specifications, and contract documents shall note that a sign shall be posted on-site stating that construction workers shall not idle diesel engines in excess of 5 minutes.</p>	Prior to Building Permits	City of Ontario Building Department	
<p>Mitigation Measure AQ-1: Low VOC: The construction plans and specifications shall state that project construction shall exceed the requirements of SCAQMD Rule 1113 by utilizing only "Low-Volatile Organic Compounds" paints that are no more than 50 gram/liter of VOC, as specified in the Table of Standards 1 of Rule 1113.</p>	Prior to Building Permits	City of Ontario Building Department	
<p>Mitigation Measure AQ-2: Tier 3: The construction plans and specifications shall state that project construction shall utilize all construction equipment greater than 150 horsepower (>150 HP) shall be CARB certified tier 3 or higher.</p>	Prior to Grading Permits	City of Ontario Building Department	
<p>Mitigation Measure AQ-3: Diesel Trucks: The construction plans and operational specifications shall state that contractors and building operators (by contract specifications) shall ensure that on-road heavy-duty diesel trucks with a gross vehicle weight rating greater than 14,000 pounds will have a 2010 model year engine or newer or will be equipped with a particulate matter trap, as available.</p>	Prior to Grading Permits	City of Ontario Building/Planning Departments	
<p>Mitigation Measure AQ-4: Idling Regulations: The project plans and specifications shall include signs at loading dock facilities that identify CARB anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for trucks drivers to restrict idling to no more than 3 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park", and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and CARB to report violations.</p>	Prior to Building Permits	City of Ontario Building/Planning Departments	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1: Burrowing Owl. Burrowing Owl focused surveys shall be conducted during the breeding season (February 1 through August 31) prior to approval of a demolition or grading permit to determine the presence or absence of burrowing owls within PA-1, PA-2 or PA-3. The surveys shall be conducted by a qualified biologist pursuant to the survey protocol provided in Appendix D of the CDFW Staff Report on Burrowing Owl Mitigation dated March 7, 2012. If burrowing owls are determined present, occupied burrows shall be avoided to the greatest extent feasible pursuant to the CDFW Burrowing Owl Mitigation guidelines that include, but is not limited to: conducting pre-construction surveys, avoiding occupied burrows during the nesting and non-breeding seasons, implementing a worker awareness program, biological monitoring, establishing avoidance buffers, and flagging burrows for avoidance with visible markers. If occupied burrows cannot be avoided, acceptable methods may be used to exclude burrowing owl either temporarily or permanently, pursuant to a Burrowing Owl Exclusion Plan that shall be prepared and approved by CDFW. The Burrowing Owl Exclusion Plan shall be prepared in accordance with the guidelines in the Staff Report on Burrowing Owl Mitigation.</p>	<p>Prior to Grading or Building Permits</p>	<p>City of Ontario Building Department</p>	
<p>Mitigation Measure BIO-2: Nesting Birds. Prior to the issuance of any grading permit that would remove potentially suitable nesting habitat for raptors or songbirds, the project applicant shall demonstrate to the satisfaction of the City of Ontario that either of the following have been or will be accomplished:</p> <ol style="list-style-type: none"> 1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds. 2. Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected a buffer of 300 feet (500 feet for raptors) around the nest adjacent to construction will be delineated, flagged, and avoided until the nesting cycle is complete. The buffer may be modified, and/or other recommendations proposed as determined appropriate by the biological monitor to minimize impacts. 	<p>Prior to Grading Permits</p>	<p>City of Ontario Building Department</p>	
<p>Mitigation Measure BIO-3: Jurisdictional Areas. Prior to the issuance of any grading permit for permanent impacts in the areas designated as jurisdictional features, the project applicant shall obtain regulatory permits from the USACE, RWQCB, and CDFW. If the regulatory agencies or an updated jurisdictional delineation determine that the area(s) identified as jurisdictional features are not</p>	<p>Prior to Grading Permits</p>	<p>City of Ontario Building Department</p>	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>jurisdictional, no mitigation is required. Otherwise, the following shall be incorporated into the permitting, subject to approval by the regulatory agencies:</p> <ol style="list-style-type: none"> 1. On-site or off-site enhancement, restoration, and/or creation of USACE/RWQCB jurisdictional "waters of the U.S." within the Santa Ana Watershed at a ratio no less than 0.5:1 or within an adjacent watershed at a ratio no less than 1:1 for permanent impacts, and for any temporary impacts, restoration of the impact area to pre-project conditions (i.e., pre-project contours and revegetate, where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, permittee-responsible mitigation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or in-lieu fee program. 2. On-site or off-site enhancement, restoration and/or creation of CDFW jurisdictional streambeds within the Santa Ana Watershed at a ratio no less than 0.5:1 or within an adjacent watershed at a ratio no less than 1:1 for permanent impacts, and for any temporary impacts. restoration of the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, permittee-responsible mitigation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or in-lieu fee program. <p>Purchase of any mitigation credits through an agency-approved mitigation bank or in-lieu fee program should occur prior to any impacts to jurisdictional drainages. Any mitigation proposed on land acquired for the purpose of in-perpetuity mitigation that is not part of an agency-approved mitigation bank or in-lieu fee program shall include the preservation, enhancement, restoration, and/or creation, of similar habitat pursuant to a future Habitat Mitigation and Monitoring Plan (HMMP) that may be required as part of regulatory permitting. The HMMP shall be prepared prior to any impacts to jurisdictional features and shall provide details as to the implementation of the mitigation, maintenance, and future monitoring. The HMMP shall include location information, project description, mitigation measures and location of measures, objectives of mitigation (i.e., required mitigation by USACE), description of existing ecological functions needing to be replaced, the entity responsible for the mitigation, and the plant palette to be implemented. In addition, the HMMP shall include the short-term and long-term maintenance, monitoring, performance standards and adaptive management activities. The goal of the compensatory mitigation shall be to preserve, enhance, restore, and/or create</p>			

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
similar habitat with equal or greater function and value than the impacted habitat.			
CULTURAL RESOURCES			
<p>Mitigation Measure CUL-1 Archaeological Resources: Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City of Ontario Building Department, or designee, from a qualified professional archeologist meeting the Secretary of Interior’s Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archeologist has been retained to provide on-call services in the event archeological resources are discovered. The archeologist shall be present at the pre-grading conference to establish procedures for archeological resource surveillance. In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the City shall be immediately notified. The archeologist shall be contacted to flag the area in the field and determine if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)). If the find is considered a “resource” the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. A qualified archaeologist and a Native American Monitor of Gabrieleño Ancestry shall evaluate all archaeological resources unearthed by project construction activities. If the resources are Native American in origin, they shall have the opportunity to consult with the City and/or project developer on appropriate treatment and curation of these resources. If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the applicant’s expense. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archaeologist. Resources shall be identified and curated into an established accredited professional repository. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. Excavation as a treatment option will be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project.</p>	Prior to Grading Permits	City of Ontario Building Department	
<p>Mitigation Measure CUL-2: Paleontological Resources: Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City of Ontario Building Department, or designee, from a paleontologist selected from the roll of qualified paleontologists maintained by San Bernardino County, stating that the paleontologist has been retained to provide services for the project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan</p>	Prior to Grading Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>(PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite for the review and approval by the City. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall require paleontological monitoring of excavation that exceeds depths of five feet. The PRIMP shall state that the project paleontologist may re-evaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations deeper than four feet have been completed.</p> <p>In the event that paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.</p> <p>Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage and treatment shall be done at the applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.</p>			
GEOLOGY AND SOILS			
<p>Standard Condition SC 3.6: The project shall comply with the adopted California Building Code California Code of Regulations, Title 24, Part 2.</p>	Prior to Building Permits	City of Ontario Building Department	
GREENHOUSE GAS EMISSIONS			
<p>Plan, Program, or Policy PPP GHG-1: GHG Screening Threshold Table: Prior to issuance of building permits, the applicant shall provide documentation to the City of Ontario Planning Department demonstrating that the project features included on construction and building plans shall achieve a minimum of 100 points on the City of</p>	Prior to Building Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
Ontario's Greenhouse Gas Emissions Screening Table or demonstrate consistency with any future CAP.			
Standard Condition SC 3.10: The project shall comply with the adopted California Energy Code (Code of Regulations, Title 24 Part 6).	Prior to Building Permits	City of Ontario Building Department	
HAZARDS AND HAZARDOUS MATERIALS			
Plan, Program, or Policy PPP HAZ-1: Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building Department that an asbestos survey has been conducted at all existing buildings located on the project site. If asbestos is found, the project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.	Prior to Demolition Permits	City of Ontario Building Department	
Plan, Program, or Policy PPP HAZ-2: Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building Department that a lead-based paint survey has been conducted at all existing buildings located on the project site. If lead-based paint is found, the project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. Cal-OSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.	Prior to Demolition Permits	City of Ontario Building Department	
Standard Condition SC 3.5: Projects located within the New Model Colony must comply with the Methane Assessment for Projects in the New Model Colony guideline.	Prior to Building Permits	City of Ontario Building Department	
Standard Condition SC 3.66: Prior to the approval of a Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the BMPs that will be implemented in this project during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system.	Prior to Grading Permits	City of Ontario Building Department	
Standard Condition SC 3.67: Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the Engineering Department. The WQMP shall be submitted on the San Bernardino Count Stormwater Program's model form and shall identify all Post-Construction, Site Design, Source Control, and	Prior to Grading Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.			
Standard Condition SC 3.68: All projects that develop 1 acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water Resources Control Boards General Permit for Storm Water Discharge Associated with Construction Activity. Proof of filing a Notice of Intent (NOI) with the state for coverage under this permit is required prior to approval of the grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Discharge Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department.	Prior to Grading Permits	City of Ontario Building Department	
Standard Condition SC 3.69: A SWPPP Plan. All projects that develop one 1 acre or more of total land area or which are part of a large phased development that will disturb at least one acre of land are re to prepare a Storm Water Pollution Prevention Plan SWPPP utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP Handbook for Construction and submit a copy of the plan to the City Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction.	Prior to Grading Permits	City of Ontario Building Department	
Standard Condition SC 3.24: The site plan shall allow for adequate turning radii for emergency apparatus, and access turns shall be designed to meet the minimum requirements/standards per Ontario Fire Department Standard #B-005.	Prior to Site Plan Approval	City of Ontario Building/Planning Departments	
Standard Condition SC 3.24: The site plan shall allow for adequate turning radii for emergency apparatus, and access turns shall be designed to meet the minimum requirements/standards per Ontario Fire Department Standard #B-005.	Prior to Site Plan Approval	City of Ontario Building/Planning Departments	
Mitigation Measure HAZ-1: Prior to approval of grading permits, the project applicant shall hire a qualified environmental consultant to conduct a limited soils investigation to identify the hazards related to the soils: 1) in the vicinity of the diesel and oil tanks; 2) in the east central agricultural irrigation well-head area where mixing and storage of agricultural chemicals occurs and where discarded herbicide containers were observed; 3) near the septic systems; and 4) in maintenance areas where petroleum and hazardous substances have been used and stored. Soil remediation and/or export of hazardous materials must be performed in accordance with applicable regulatory requirements from the Regional Water	Prior to Grading Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>Quality Control Board, Department of Toxic Substances Control, and the South Coast Air Quality Management District requirements. A Soil Management Plan shall be prepared to ensure the appropriate reporting, oversight, and protocols used during construction to protect the health and safety of workers and the environment. The Soil Management Plan shall include methodology and procedures to perform additional testing during soil disturbance activities if unknown potentially hazardous materials are identified. If additional contamination is discovered, soil disturbance activities within the area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up remedial measures in accordance with the Soil Management Plan are completed.</p>			
HYDROLOGY AND WATER QUALITY			
<p>Standard Condition SC 3.64: A hydrology study and drainage analysis prepared and signed by a Civil Engineer registered in the State of California in accordance with the San Bernardino County Hydrology Manual and the City of Ontario's Standards and Guidelines is required. Additional drainage facilities may be required as a result of the findings of this study.</p>	Prior to Grading Permits	City of Ontario Building Department	
<p>Standard Condition SC 3.66: Listed previously under Hazardous Materials</p>	Prior to Grading Permits	City of Ontario Building Department	
<p>Standard Condition SC 3.67: Listed previously under Hazardous Materials</p>	Prior to Grading Permits	City of Ontario Building Department	
<p>Standard Condition SC 3.68: Listed previously under Hazardous Materials</p>	Prior to Grading Permits	City of Ontario Building Department	
<p>Standard Condition SC 3.69: Listed previously under Hazardous Materials</p>			
NOISE			
<p>Standard Condition SC 1.4: Noise sources associated with, or vibration created by, construction repair remodeling or grading of any real property shall not take place between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday. Noise levels created by said activities shall not exceed the noise standard of 65 dBA plus the limits specified in Section 9-1.3305.</p>	During Construction	City of Ontario Building Department	
<p>Standard Condition SC 5.3: Detailed construction plans shall be approved and signed by an acoustical engineer to certify that noise abatement measures required to meet City standards have been incorporated (applies to all projects requiring an acoustical analysis and to any project within the 60 CNEL contour of any area</p>	Prior to Grading or Building Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
source.			
TRANSPORTATION AND CIRCULATION			
<p>Mitigation Measure TR-1: Prior to issuance of occupancy permits for the buildings that are proposed by the Specific Plan, project applicants/developers shall make fair-share payments to the City of Ontario toward construction of the traffic improvements listed below. The following traffic improvements and facilities are necessary to mitigate impacts of the proposed Specific Plan and shall be included in the fee mechanism(s) as implemented by the City of Ontario:</p> <p>Existing Plus Project Improvements</p> <ul style="list-style-type: none"> Archibald Avenue/Limonite Avenue (#26 Eastvale): Improve the operation of this intersection by installing a 2nd southbound left turn lane. <p>Opening Year (2019) Plus Project Improvements</p> <ul style="list-style-type: none"> Euclid Av./Merrill Av. (#1 Caltrans, Chino, Ontario): Modify the intersection to provide a 3rd northbound through lane, a 2nd southbound left turn lane, a 3rd southbound through lane, a 2nd westbound left turn lane, a westbound right turn lane, and modify the traffic signal to implement overlap phasing on the westbound right turn lane. Implementation of this improvement will require addition of a second eastbound receiving lane on Merrill Av. Grove Av./Merrill Av. (#7 Chino, Ontario): Modify the intersection to provide an eastbound left turn lane, 2nd eastbound through lane, and a 2nd westbound through lane. Flight Av./Merrill Av. (#8 Chino, Ontario): Modify the intersection to install a traffic signal, restripe to provide a northbound left turn lane within the painted median, provide a 2nd eastbound through lane, and a 2nd westbound through lane. Hellman Av. / Merrill Av. (#9 Chino, Ontario): Modify the intersection to install a traffic signal, provide a northbound left turn lane and right turn lane, provide a 2nd eastbound through lane, provide an eastbound right turn lane, provide a westbound left turn lane, and provide a 2nd westbound through lane. Archibald Av./SR-60 WB Ramps (#14 Caltrans, Ontario): Modify the intersection to provide a 2nd northbound left turn lane and a westbound left turn lane. Archibald Av./Riverside Dr. (#17 Ontario): Modify the intersection to provide a 2nd northbound left turn lane, a 2nd southbound left turn lane, an eastbound right turn lane, and modify the traffic signal to implement overlap phasing on 	<p>Prior to Occupancy Permits</p>	<p>City of Ontario Building Department</p>	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>the westbound right turn lane.</p> <ul style="list-style-type: none"> • Archibald Av./Schaefer Av. (#19 Ontario): Modify the intersection to install a traffic signal, provide a northbound left turn lane, provide a shared eastbound left-through-right turn lane, and provide a shared westbound left-through-right turn lane. • Archibald Av./Ontario Ranch Rd. (#20 Ontario): Modify the intersection to provide a 2nd northbound left turn lane and modify the traffic signal to implement overlap phasing in the northbound right turn lane. • Archibald Av./Merrill Av. (#22 Ontario): Modify the intersection to provide a 2nd eastbound left turn lane, a 2nd eastbound through lane, an eastbound free-right turn lane, a 2nd northbound left turn lane, a 3rd northbound through lane, a 3rd southbound through lane, a southbound right turn lane, 2nd eastbound left turn lane, 2nd eastbound through lane, eastbound free-right turn lane, 2nd westbound through lane, and modify the traffic signal to implement overlap phasing in the southbound right turn lane. • Archibald Av./Limonite Av. (#26 Eastvale): Modify the intersection to provide 2nd northbound and southbound through lanes, a 2nd westbound left turn lane, and 2nd westbound right and left turn lanes. • Harrison Av./Limonite Av. (#28 Eastvale): Modify the intersection to provide a 3rd westbound through lane. • I-15 Southbound Ramps/Limonite Av. (#35 Caltrans, Eastvale): Modify the intersection to provide 3rd eastbound and westbound through lanes. <p>Horizon Year (2040) Plus Project Improvements</p> <ul style="list-style-type: none"> • Euclid Av./Kimball Av. (#2 Caltrans, Chino): Modify the intersection to provide a 3rd northbound through lane, a 3rd southbound through lane, a 2nd southbound left turn lane, a southbound right turn lane, 2nd eastbound left turn lane, westbound right turn lane, a 2nd westbound left turn lane, and modify traffic signal to implement overlap phasing on the southbound and westbound right turn lanes. • Euclid Av./Pine Av. (#4 Caltrans, Chino): Modify the intersection to provide a 3rd northbound through lane, a 3rd southbound through lane, a northbound free-right turn lane, a 2nd southbound left turn lane, southbound right turn lane, 2nd eastbound through lane, 2nd westbound through lane, westbound channelized right turn lane. • Grove Av./Merrill Av. (#7 Chino, Ontario): Install a traffic signal. • Flight Av./Merrill Av. (#8 Chino, Ontario): Modify the intersection to install a southbound left turn lane, southbound shared through-right turn lane, eastbound left turn lane, and modify the traffic signal to implement overlap phasing on the eastbound right turn lane. 			

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<ul style="list-style-type: none"> • Hellman Av./Merrill Av. (#9 Chino, Ontario): Modify the intersection to install a 2nd northbound through lane, an additional northbound through lane, a southbound left turn lane, a southbound shared through-right turn lane, an eastbound left turn lane, a westbound right turn lane, and modify traffic signal to implement overlap phasing on the northbound right turn lane. • Archibald Av./SR-60 EB Ramps (#15 Caltrans, Ontario): Restripe the intersection to provide 3 northbound through lanes, a northbound right turn lane, and a 2nd southbound left turn lane. • Archibald Av./Chino Av. (#18 Ontario): Modify the intersection to provide a 3rd southbound through lane. • Archibald Av./Ontario Ranch Rd. (#20 Ontario): Modify the intersection to provide 3rd northbound, southbound, and eastbound through lanes, provide a 2nd and 3rd westbound through lane. • Archibald Av. / Eucalyptus Av. (#21 Ontario): Modify the intersection to provide a northbound left turn lane, 3rd northbound and southbound through lanes, eastbound left turn lane, eastbound shared through-right turn lane, and a westbound left turn lane. • Archibald Av./Merrill Av. (#22 Ontario): Modify the intersection to provide a 2nd westbound left turn lane. • Archibald Av./Limonite Av. (#26 Eastvale): Modify the intersection to provide a northbound left turn lane, a 3rd northbound and southbound through lane, a southbound right turn lane, 2 eastbound left turn lanes, 2 westbound left turn lanes, and 2 eastbound through lanes. • Sumner Av./Limonite Av. (#29 Eastvale): Modify the intersection to provide a 2nd northbound left turn lane. • I-15 Southbound Ramps/Limonite Av. (#35 Caltrans, Eastvale): Redesign the interchange. <p>I-15 Northbound Ramps/Cantu Galleano Rd. (#36 Caltrans, Eastvale): Modify the traffic signal to implement a 120-second cycle length.</p>			
TRIBAL CULTURAL RESOURCES			
Mitigation Measure CUL-1: Listed previously under Cultural Resources	Prior to Grading Permits	City of Ontario Building Department	
Mitigation Measure TCR-1: Native American Monitoring. Prior to commencement	Prior to Grading Permits	City of Ontario Building	

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<p>of any excavation activities, the project developer shall retain a Native American Monitor of Gabrieleño Ancestry to:</p> <ul style="list-style-type: none"> • Conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of Gabrieleño Ancestry, and the general steps the Monitor would follow in conducting a salvage investigation. • Monitor all project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, and grubbing) of previously undisturbed native soils to a maximum depth of 30 feet below ground surface. At their discretion and expense, a Native American Monitor of Gabrieleño Ancestry can be present during the removal of dairy manure to native soil. 		Department	
<p>Mitigation Measure TCR-2: Native American Human Remains. Prior to the start of ground disturbing activities, the project developer shall designate a location within the footprint of the project site for the respectful reburial of Native American human remains and/or ceremonial objects. All human skeletal material discoveries shall be reported immediately to the County Coroner. The Native American Monitor shall immediately divert work a minimum of 50 feet from the discovery site and place an exclusion zone around the burial. The Native American Monitor shall notify the construction manager who shall contact the San Bernardino County Coroner. Pursuant to California Health and Safety Code, Section 7050.5, all construction activity shall be diverted while the San Bernardino County Coroner determines if the remains are Native American.</p> <p>If the San Bernardino County Coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the San Bernardino County Coroner. Reburial will be in an appropriate setting. If the San Bernardino County Coroner determines the remains to be modern, the San Bernardino County Coroner shall take custody of the remains.</p> <p>If Native American, the San Bernardino County Coroner shall notify the Native American Heritage Commission (NAHC) as mandated by state law who will then appoint a Most Likely Descendent. The discovery shall be confidential and secure to prevent further disturbance. In the case where discovered human remains cannot be documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside working hours. The Native American Tribe of Gabrieleño Ancestry shall make every effort to recommend</p>	Prior to Grading Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>diverting the project and keep the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. If data recovery is approved by the Tribe, documentation shall be taken, which includes at a minimum, detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. No scientific study or the utilization of any invasive diagnostics shall be allowed to any Native American human remains. Cremations will either be removed in bulk or means necessary to ensure complete recovery of all material. If the discovery of human remains includes four (4) or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The project developer shall consult with the Tribe regarding avoidance of all cemetery sites.</p> <p>Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container onsite if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site, but at a location agreed upon between the Tribe and the developer and protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <p>Once complete, a final report of all activities shall be submitted to the NAHC.</p>			

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN (FILE NO. PSP16-003), TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 94 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 2,362,215 SQUARE FEET OF BUSINESS PARK AND INDUSTRIAL DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY ARCHIBALD AVENUE TO THE EAST, THE SAN BERNARDINO/RIVERSIDE COUNTY BOUNDARY TO THE SOUTH, THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE WEST AND MERRILL AVENUE TO THE NORTH, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-311-02, 0218-311-03, 0218-311-07, 0218-311-08, 0218-311-10 & 0218-311-13.

WHEREAS, CAPROCK PARTNERS LAND & DEVELOPMENT FUND I, L.P. ("Applicant") has filed an Application for the approval of a Specific Plan, File No. PSP16-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 94 acres of land, bounded by Archibald Avenue to the east, the San Bernardino/Riverside County boundary to the south, the Cucamonga Creek Flood Control Channel to the west and Merrill Avenue to the north, within the SP (AG) land use designation, and is presently improved with agriculture and farm related uses; and

WHEREAS, the property to the north of the Project site is within the Subarea 29 Specific Plan, and is currently vacant land. The property to the east is within the Subarea 29 Specific Plan, and is developed with residential development. The property to the south is within the County, and is developed with a county flood control channel. The property to the west is within the County, and is developed with the Cucamonga Flood Control Channel; and

WHEREAS, the Colony Commerce Center East Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that excellence in community design is achieved during project development. In addition, the Specific Plan will establish the procedures and requirements to approve new development within the project site to ensure TOP goals and policies are achieved; and

WHEREAS, the Colony Commerce Center East Specific Plan consists of approximately 94 acres of land, which includes the potential development of up to 2,362,215 square feet of industrial development; and

WHEREAS, a Williamson Act Cancellation (File No. PWIL18-002) has been submitted in conjunction with the proposed Colony Commerce Center East Specific Plan Tentative Cancellation Williamson Act Contract 70-159; and

WHEREAS, the land use intensity of the Colony Commerce Center East Specific Plan anticipated in the three planning areas is consistent with The Ontario Plan (TOP). The maximum Floor Area Ratio (FAR) permitted in each Planning Area conforms to the maximum 0.60 FAR permitted in the Policy Plan (General Plan) Land Use Plan for industrial business park. Planning Area 1, located along the eastern portion of the Specific Plan area, is 35.19 acres in size and can potentially be developed with 919,725 square feet of business park development. Planning Area 2, located along the middle portion of the Specific Plan is 49.65 acres in size and can potentially be developed with 1,189,514 square feet of industrial development. Planning Area 3, located along the southwest portion of the Specific Plan is 9.65 acres in size and can potentially be developed with 231,195 square feet of industrial development; and

WHEREAS, the Colony Commerce East Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy (General Plan) analysis in the *Appendix "Policy Plan (General Plan) Consistency,"* of the Specific Plan describes the manner in which the Colony Commerce East Specific Plan complies with the Policy Plan goals and policies applicable to the Colony Commerce East Specific Plan; and

WHEREAS, the Specific Plan does not conflict with the Land Use Policies of the General Plan (TOP) and will provide for development, in a manner consistent with the General Plan. The policy (General Plan) analysis in the *Appendix "Policy Plan (General Plan) Consistency,"* of the Specific Plan describes the manner in which the Colony Commerce East Specific Plan complies with the Policy Plan goals and policies applicable to the Colony Commerce East Specific Plan; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, an Environmental Impact Report (EIR) (SCH#2017031048) has been prepared in accord with the California Environmental Quality (CEQA), the State CEQA Guidelines and the City of Ontario Guidelines to address the environmental effects of the Specific Plan (Colony Commerce Center East); and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan (ALUCP), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, the project site is also located within the Airport Influence of Chino Airport and must be consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics, which addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; 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 March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Environmental Impact Report (EIR) (SCH#2017031048) for the Project, and concluded said hearing on that date, voting (6-0) to issue Resolution No. PC18-030, recommending the City Council approve the Application; and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a hearing to consider the Environmental Impact Report (EIR) (SCH#2017031048) for the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on April 17, 2018, the City Council approved a resolution adopting an Environmental Impact Report (EIR) (SCH#2017031048) prepared pursuant to CEQA; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Environmental Impact Report (EIR) (SCH#2017031048) prepared for the project and supporting documentation. Based upon the facts and information contained in the Environmental Impact Report (EIR) (SCH#2017031048) and supporting documentation, the City Council finds as follows:

(1) The Colony Commerce Center East Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The Colony Commerce Center East Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The Colony Commerce Center East Specific Plan EIR reflects the independent judgment of the City Council; and

(4) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and .

SECTION 2. Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance. 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. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), 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 Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the DAB, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 3. Concluding Facts and Reasons. Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 2, above, the City Council hereby concludes as follows:

(1) The approximately 94 acre Colony Commerce Center East Specific Plan is suitable for business park and industrial development 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. The proposed land uses in the proposed planning areas will also be in harmony in terms of access, size, and compatibility with existing land use in the surrounding area; and

(2) The proposed Colony Commerce Center East Specific Plan is in conformance with the Land Use Policies and Goals of the Policy Plan and will provide standards and guidelines for the harmonious development within the districts, in a manner consistent with the Policy Plan. The Specific Plan is proposing business park and industrial type development for the approximately 94 acre site, which is what is mandated by the land use plan of the Policy Plan, therefore, the proposed industrial uses will be in conformance with the the policies and goals of the Policy Plan; and

(3) During the Colony Commerce Center East Specific Plan review, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code 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 California Government Code Section 65351; and

(4) The proposed project is consistent with the adopted Housing Element. The Project site is not one of the properties (areas) listed in the Available Land Inventory in the Housing Element; and

(5) An Environmental Impact Report (EIR) (SCH#2017031048) has been prepared in accord with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Ontario Guidelines to address the environmental effects of the Specific Plan (Colony Commerce Center East).

SECTION 4. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 3, above, the City Council hereby APPROVES the herein described Application.

SECTION 5. *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 6. *Custodian of Records.* 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. *Severability.* 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. *Effective Date.* This Ordinance shall become effective 30 days following its adoption.

SECTION 9. *Publication and Posting.* 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 the 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 ____ day of _____ 2018.

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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held April 17, 2018 and adopted at the regular meeting held April 17, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

Attachment "A"

**File No. PSP16-003
Colony Commerce Center East
Specific Plan**

(Document follows this page)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PWIL18-002, A TENTATIVE CANCELLATION OF WILLIAMSON ACT CONTRACT NUMBER 70-159 FOR 34.62 ACRES OF LAND GENERAL LOCATED ON THE WEST SIDE OF ARCHIBALD AVENUE, APPROXIMATELY 1,244 FEET SOUTH OF MERRILL AVENUE AT 15112 SOUTH ARCHIBALD AVENUE, WITHIN PLANNING AREAS 1 AND 2 OF THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-311-08.

WHEREAS, Caprock Partners ("Applicant") has filed an Application for the approval of the cancellation of Williamson Act Contract Number 70-159, File No. PWIL18-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 34.62 acres of land generally located on the west side of Archibald Avenue, approximately 1,244 feet south of Merrill Avenue at 15122 South Archibald Avenue within Planning Area 1 (Business Park) and Planning 2 (Industrial) of the Colony Commerce Center East Specific Plan, and is presently improved with agriculture uses; and

WHEREAS, the property to the north of the Project site is within Planning Area 1 (Business Park) and Planning 2 (Industrial) of the Colony Commerce Center East Specific Plan, and is presently improved with agriculture uses. The property to the east is within the Planning Area 7 (Single Family Residential) of the Subarea 29 Specific Plan, and is developed with single family homes. The property to the south is located within City of Eastvale, and developed with a dairy use. The property to the west is developed with the Cucamonga Creek Flood Control Channel; and

WHEREAS, the subject property was annexed into the City of Ontario on November 30, 1999; and

WHEREAS, the City of Ontario certified the *Ontario Sphere of Influence Final Environmental Impact Report* in January 7, 1998. The Final EIR evaluated the potential impacts to prime agricultural land and to agricultural productivity that would result from the full and complete build-out of the New Model Colony (NMC) pursuant the General Plan Amendment. The Final EIR concluded that the conversion of agricultural uses to urban uses within the NMC would result in significant and unavoidable impacts to agriculture, therefore a Statement of Overriding Considerations was approved; and

WHEREAS, the City, upon annexation, assumed responsibility for administration of the Land Conservation Contracts which existed in the annexed area; and

WHEREAS, the City Ontario certified the Environmental Impact Report for The Ontario Plan (TOP) on January 27, 2010. The adoption of TOP also included the approval of the Policy Plan (General Plan), which replaced the previous Ontario General Plan and New Model Colony General Plan Amendment. The Final TOP EIR concluded that the conversion of agricultural uses to urban uses within Ontario Ranch (NMC) would result in significant and unavoidable impacts to agriculture, therefore a Statement of Overriding Considerations was approved; and

WHEREAS, The City's the Agricultural Overlay Zoning District, or a "right-to-farm" ordinance (Development Code Division 6.01, Section 6.01.035), allows existing agricultural uses within Ontario Ranch to continue for as long as the landowner desires; and

WHEREAS, in conjunction with the cancellation of the Williamson Act Contract, a Specific Plan (File No. PSP16-003) (Colony Commerce Center East) has been filed to establish land use designations, development standards, design guidelines and infrastructure improvements for approximately 94 acres of land, which include the potential development of 2,362,215 square feet of business park and industrial development; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were reviewed in conjunction with Colony Commerce Center East Specific Plan File No. PSP16-003, Environmental Impact Report (SCH#2017031048); and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to CEQA (Public Resources Code Section 21000 et seq.), and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; 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 March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting (6-0) to issue Resolution No. PC18-031, recommending the City Council approve the Application; and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the City Council of the City of Ontario, as follows:

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) and supporting documentation. Based upon the facts and information contained in the Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) and supporting documentation, the City Council finds as follows:

(1) The Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) reflects the independent judgment of the City Council; and

(4) All applicable mitigation measures adopted with the certification by the City Council of the Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) will become a condition of project approval; and

SECTION 2. *Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance.* 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. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), 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 Project, the City

Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 3. Concluding Facts and Reasons. Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. **The cancellation is for land on which a Notice of Non-Renewal has been served.** Pursuant with Government Code § 51245 a Notice of Non-Renewal of Williamson Act Contract Number 70-159, was recorded on February 21, 2018, as Instrument No. 2018-0062274, Official Records, has been served.

b. **Cancellation is not likely to result in the removal of adjacent lands from agricultural use.** Cancellation of the Williamson Act Contract No. 70-159 is not likely to result in the removal of adjacent lands from agricultural uses. The properties adjacent to the contracted land are part of Colony Commerce Center East Specific Plan. The change in use in these parcels would be due to the development of the specific plan and not to the cancellation of land conservation contracts. Moreover, the policy decision to transition uses in the area from agriculture to urban was made when the City adopted TOP Policy Plan. The environmental consequences of that decision were analyzed in the Environmental Impact Report certified in conjunction with The Ontario Plan (TOP). Thus, the City's prior planning decision, and not the cancellation of the contracts associated with this project, would be the cause of any influence on the decision to remove land from agricultural use. Additionally, to ease the transition from agricultural to urban uses and to minimize conflicts between the two uses, the City has adopted an Agricultural Overlay District.

c. **Cancellation is for an alternative use which is consistent with the applicable provisions of the City's General Plan.** The subject site is a part of Colony Commerce Center East Specific Plan and is planned in accordance with TOP Policy Plan depiction of Business Park (0.60 FAR) and Industrial (0.55 FAR).

d. **Cancellation will not result in discontinuous patterns of urban development. The cancellation of the Land Conservation Contracts will not result in discontinuous patterns of urban development.** The subject properties are part of Colony Commerce Center East Specific Plan. TOP Policy Plan includes requirements for subsequent approval by the City of a Specific Plan for development within Ontario Ranch. Specific Plans are required to ensure that sufficient land area is included to achieve unified districts and neighborhoods. Specific Plans are required to incorporate a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, provision for public services including parks and

schools, and urban design and landscape plans. Also, existing and future residential tracts bound The Colony Commerce Center East Specific Plan to the north and east, within the Subarea 29 Specific Plan. Further, a Specific Plan (Colony Commerce Center West Specific Plan) has been approved immediately to the west of the project site (Separated from the project site by the Cucamonga Creek Flood Control Channel). To the south of the subject property is an active dairy, located within the City of Eastvale, with access from Archibald Avenue and separated from the subject site by the Bellegrave Flood Control Channel. Because all lands within the Ontario Ranch, between the project sites and existing urban areas, will be urbanized in the near future, cancellation of the Williamson Act contracts associated with the Project would not result in leap-frog development.

e. ***There is no proximate non-Contracted land, which is both available and suitable for the alternative proposed use or that development of the subject property will provide more contiguous patterns of urban development than development of proximate non-Contracted land.*** The contracted land lies within the boundaries of Colony Commerce Center East Specific Plan. The adjacent non-contracted land is part of Colony Commerce Center East Specific Plan and is scheduled for future development, therefore not available. Development of the subject site and adjacent non-contracted land through Colony Commerce Center East Specific Plan will eliminate "leap frog" development. The existing and future residential tracts, located within the Subarea 29 Specific Plan, bound The Colony Commerce Center East Specific Plan to the north and east, which contributes to a continuous pattern of development. Properties within adjacent Subarea 29 Specific Plan and Colony Commerce Center West Specific Plan (contracted and non-contracted) are currently being developed with residential uses and future industrial development, thus are not available for the alternative proposed use. Furthermore, since the subject site is within Colony Commerce Center East Specific Plan, once the adjacent parcels are developed it will provide for more contiguous patterns of urban development than development of proximate non-contracted land.

SECTION 4. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 3, above, the City Council hereby APPROVES the herein described Application, attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 5. Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 6. Custodian of Records. 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. ***Certification to Adoption.*** The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of April 2018.

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. 2018-____ was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 17, 2018 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. 2018-____ duly passed and adopted by the Ontario City Council at their regular meeting held April 17, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**Certificate of Tentative Cancellation of
Land Conservation Contract 70-159**

(Document follows this page)

**CERTIFICATE OF TENTATIVE CANCELLATION
OF
LAND CONSERVATION CONTRACT**

This certifies that in accordance with the California Government Code Article 5, Chapter 7, Division 1 of Title 5 (beginning with Section 51280), the City Council of the City of Ontario has made findings necessary to support issuance of this Certificate of Tentative Cancellation to 70-159, hereinafter referred to as OWNER, for cancellation of the Land Conservation Contract attached hereto and made a part hereof as Exhibit "A".

This Certificate concerns 34.62 Acres of real property described in Exhibit "B" (map and legal description), attached hereto and made a part hereof, which is in the City of Ontario and which is (all) (a portion) of the property subject to the provisions of the above-referenced contract ("Property").

The petition for cancellation was accompanied by a proposal for a specified alternative use of the Property, and sets forth the following proposed alternative use:

The City of Ontario Policy Plan (General Plan) zones the subject property for Specific Plan. The subject property is a part of the Colony Commerce Center East Specific Plan (see attached: Colony Commerce Center East Concept Land Use Plan with Williamson Act Information) and is planned in accordance with the City of Ontario Policy Plan's (General Plan) land use designation of Industrial (FAR0.55 FAR) and Business Park (0.60 FAR) as illustrated by Exhibit LU-01 "Land Use Plan" of the Policy Plan (General Plan.

The City Council of the City of Ontario will, in accordance with Government Code Section 51283.4(b), within thirty (30) days of receipt of written notice from OWNER that the conditions and contingencies hereinafter set forth have been satisfied, make its determination whether or not such conditions and contingencies are, in fact, satisfied, and if it is determined that the conditions and contingencies have been satisfied, the City will execute, City Manager, a Certificate of Cancellation of the above Land Conservation Contract set forth in Exhibit "A" covering the Property and cause the same to be recorded.

The conditions and contingencies which must be satisfied prior to execution of a Certificate of Cancellation by the City Manager of the City of Ontario are as follows:

1. Payment in full of the cancellation fee, determined in accordance with Government Code Section 51283, in the amount of \$ _____; and
2. Certification of associated Environmental Impact Report; and
3. Approval of Tentative Maps on the subject property, which are required to commence the specified alternative use; and

Should the OWNER fail to pay the cancellation fee as herein provided within one (1) year from the date this Certificate is recorded or a Certificate of Cancellation cannot otherwise be issued within one (1) year from the date this Certificate is recorded, the cancellation fee shall be recomputed.

If the OWNER has been unable to satisfy the above conditions and contingencies, owner shall so notify the City of Ontario of the particular conditions or contingencies which they are unable to satisfy. Within thirty (30) days after receipt of such notice, and upon a determination that the OWNER is in fact unable to satisfy such conditions and contingencies, the City Manager of the City of Ontario shall execute a Certificate of Withdrawal of this Certificate of Tentative Cancellation and cause such certificate to be recorded.

This Certificate of Tentative Cancellation is hereby executed this _____ day of _____, 20__ by the Mayor of the City of Ontario.

City Manager

ATTEST:

City Clerk

A notary public or other officer completing this certificate certifies 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 _____

On _____ before me, _____, Notary Public,

personally appeared _____

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)

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BOOK 7396 PAGE 784

MAIL TO

(A) 2

COUNTY

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BOOK 7396 PAGE 784

NO FEE
D

LAND CONSERVATION CONTRACT

THIS CONTRACT is made and entered into this 24th day of FEBRUARY, 19 70, by and between
OSCAR E. DEBACH and BETH H. DEBACH

(All owners, including multiple owners, and spouses, must be entered above. If unmarried, so indicate.) hereinafter referred to as "OWNER" (for both singular and plural), and the COUNTY OF SAN BERNARDINO, a political subdivision of the State of California, hereinafter referred to as "COUNTY":

WITNESSETH

WHEREAS, OWNER possesses certain real property located within the COUNTY, which property is presently devoted to agricultural and compatible uses and is particularly described in Exhibit "A", attached hereto and made a part hereof, and

WHEREAS, said property is located in an agricultural preserve heretofore established by COUNTY by Resolution Dated 2/10/70, and

WHEREAS, both OWNER and COUNTY ^{with reference to preserve map} desire to limit the use of said property to agricultural and compatible uses in order to discourage premature and unnecessary conversion of such lands from agricultural uses, recognizing that such land has definite public value as open space and that the preservation of such land in agricultural production constitutes an important physical, social, esthetic and economic asset to the COUNTY to maintain the agricultural economy of the COUNTY and the State of California, and

WHEREAS, both OWNER and COUNTY intend that the terms, conditions, restrictions and construction of this contract shall be such as to qualify as an enforceable restriction under the provisions of California Revenue and Taxation Code Section 422, as amended, and

WHEREAS, it is the intent of COUNTY and OWNER that the continued existence of this contract is made dependent upon the existence of legislation or other law implementing Article XXVIII of the California Constitution so the effect of the terms, conditions and restrictions of the contract on property values for taxation purposes is as favorable to OWNER as the legislation existing on the last renewal date.

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NOW, THEREFORE, the parties in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. California Land Conservation Act of 1965, as amended - This contract is made and entered into pursuant to the California Land Conservation Act of 1965, as amended, (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code commencing with Section 51200) and is subject to all the provisions, including amendments thereto which may be enacted, which are specifically applicable to such contracts.

2. Agricultural and Compatible Uses - During the term of this contract or any renewals thereof, the above described land shall not be used for any purpose, other than the production of agricultural commodities for commercial purposes and compatible uses as listed in the resolution establishing the preserve within which the land is located, a copy of such list is attached hereto and marked as Exhibit "B".

3. Additional Agricultural Uses - The Board of Supervisors of COUNTY may from time to time and during the term of this contract or any extensions thereof, by resolution add to those uses listed in the resolution establishing the preserve within which the land is located; provided, however, said Board shall not eliminate, without written consent of OWNER, a compatible use during the term of this contract or any renewals thereof.

4. Condemnation - In the event of an action in eminent domain or on acquisition in lieu of eminent domain in respect to the land, or any part thereof, described herein, this contract shall be subject to the provisions of Government Code Sections 51290 et seq.

5. Term of Contract - This contract shall be effective commencing on January 1, 1970, and shall remain in effect for a period ending December 31, 1979, and during such renewals of this contract.

This contract shall be automatically extended for an additional year on the first day of each January (so that the unexpired term is ten (10) years from the first day of each January), unless notice of non-renewal is given pursuant to Government Code Section 51245 et seq. Upon receipt of timely notice of non-renewal by either party this contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

6. No Payments by County - OWNER shall not receive any payment from COUNTY in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of this contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to OWNER as a result of the effect on the method of determining the assessed value of land described herein and any reduction thereof due to the imposition of the limitations on its use contained herein.

7. Successors in Interest - This contract shall run with the land described herein, and shall be binding upon the heirs, successors and assigns of OWNER.

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8. Cancellation - Except as provided in Clause 9, below, this contract may be cancelled as to any or all of the land described in Exhibit "A" by mutual agreement of OWNER and COUNTY providing such cancellation is strictly pursuant to the provisions of Government Code Sections 51280 through 51285.

9. Restrictive Law Alteration - This contract may be cancelled by mutual agreement of COUNTY and OWNER without payments or public hearing if it is replaced by an enforceable restriction authorized by Article XXVIII of the California Constitution or whenever there is no operative legislation or other law implementing said Article at the time the cancellation is requested by OWNER.

10. Division of Land under Contract - Whenever the land under this contract is divided, the owner of any parcel may exercise, independent of any other owner of a portion of the divided land, any of the rights of the owner of the original contract, including the right to give notice of non-renewal and to petition for cancellation. The effect of any such action by the owner of a parcel created by the division of land under contract shall not be imputed to the owners of the remaining parcels and shall have no effect on the contract as it applies to the remaining parcels of divided land.

11. Information from Owner - OWNER, upon request of COUNTY, shall provide information relating to OWNER'S obligation under this contract.

12. Acts of Non-Renewal by County - Removal of land under this contract from an agricultural preserve shall be the equivalent of notice of non-renewal by COUNTY and COUNTY shall at least 60 days prior to the next renewal date following the removal, serve a notice of non-renewal as provided in Government Code Section 51245.

13. Termination Document Recordation - In the event of termination of this contract by (1) notice of non-renewal, (2) cancellation, (3) nullification by annexation or condemnation, the COUNTY shall record the appropriate documents in the County Recorder's Office and file such documents with any other governmental agency authorized to receive them.

14. Annexation of Land Within One Mile - In the event that the land of the OWNER, or any portion thereof, which is included in Exhibit "A" and is within one mile of the boundaries of a city at the time this contract is executed, is subsequently annexed by such city, but such city by its acts does not succeed to all the rights, duties and powers of this contract, then the OWNER and the land, or such portion thereof, shall be subject to a charge amounting to the differential (for the last five assessments prior to annexation, or the actual number of assessments, if less than five, during the existence of this contract) between the taxes as actually computed under this contract, and the taxes which would have been computed without the benefit of the restrictions of this contract.

15. Notices - Any notices required to be given hereunder or required to be given by law shall be given by United States Registered Mail, return receipt requested, and any notice to the COUNTY shall be sent to the Clerk to the Board of Supervisors of San Bernardino County, San Bernardino, California, and any notice to the OWNER shall be sent to the last known address as shown on the latest assessment roll. Such address shall be the proper address for every person in the case of multiple owners.

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16. Severability - It is understood and agreed by the parties hereto that if any of these provisions shall contravene the Land Conservation Act of 1965, as amended, or be invalid under any law, such contravention or invalidity shall not invalidate the entire contract, but it shall be construed as if not containing the particular provision or provisions held to be invalid, and the rights and obligations of the parties shall be construed and enforced accordingly.

IN WITNESS WHEREOF, OWNER and COUNTY have executed this Contract on the day and year first above written.

COUNTY OF SAN BERNARDINO

By: [Signature]
CHAIRMAN of the Board of
Supervisors

ATTEST:

V. DENNIS WARDLE, County Clerk
and ex officio Clerk of the
Board of Supervisors

By: [Signature]
Deputy

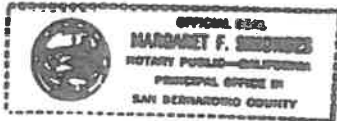
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STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO } ss:

On this 27th day of February, 1970, before me, Margaret F. Simondes, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Ruben S. Umbach known to me to be the Chairman of the Board of Supervisors of the County of San Bernardino that executed the within Contract and acknowledged to me that said County of San Bernardino did execute the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.



(SEAL)

Margaret F. Simondes
NOTARY PUBLIC in and for said
County and State

MARGARET F. SIMONDES
My Commission Expires June 28, 1972

NOTE: All owners, including multiple owners, and spouses, must execute this Contract. All signatures must be notarized, either separately or collectively. Please obtain the certification sheets necessary for the signatures and attach them after this page.

OWNER(S):

Oscar K. Umbach
Oscar K. Umbach

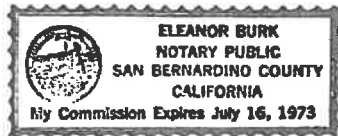
Ruth M. Umbach
Ruth M. Umbach

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO } ss.

On this 24th day of FEBRUARY, 19 70, before me
ELEANOR BURK, a Notary Public in and for said
County and State, residing therein, duly commissioned and sworn, personally
appeared OSCAR E. BEACH and RUTH M. BEACH

known to me to be the person(s) whose name(s) ~~was~~ (are) subscribed to the
within instrument, and acknowledged that ~~he~~ (they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this Certificate first above written.



Eleanor Burk
NOTARY PUBLIC in and for said
County and State
ELEANOR BURK

(SEAL)

STATE OF CALIFORNIA }
COUNTY OF _____ } ss.

On this _____ day of _____, 19____, before me
_____, a Notary Public in and for said
County and State, residing therein, duly commissioned and sworn, personally
appeared _____

known to me to be the person(s) whose name(s) is (are) subscribed to the
within instrument, and acknowledged that he (they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this Certificate first above written.

NOTARY PUBLIC in and for said
County and State

(SEAL)

map 7396 map 790

EXHIBIT "A"
DESCRIPTION OF PROPERTY

TAX PARCEL
NUMBER

EXACT DESCRIPTION FROM LAST TAX STATEMENT

218 311 04

Ptn Lots 5, 7 and 8 in Fraction of Sec. 22 T2S, R7W, beg.
at point 663.29 ft W of NE corner of said lot 5; thence E to
E line of Lot 7; thence S alg. E li of said lot 7 to SE
corner of Said Lot 7; thence SWly following S li of Said
Lot 7 and 8 and N li Jurupa Road to pt. 118.75ft E of Pt.
due S of POB; thence W 118.79 ft to pt. due S of POB; thence
N to POB less. 63 ac. lot 7 for Rd. and Exc. .80 AC
S. B. County Flood Control Dist. 43.70 AC

EXHIBIT "A"

Page -1-

UNIFORM RULES AND COMPATIBLE USES
FOR AGRICULTURAL PRESERVES IN SAN BERNARDINO COUNTY

The following uses are hereby determined to be agricultural and compatible uses within an agricultural preserve, and all other uses are prohibited therein:

- (1) Agricultural use, described as any use of land for the purpose of producing an agricultural commodity, consisting of any and all plant and animal products, for commercial purposes, provided such use is permitted by the applicable zoning and not prohibited by other law or ordinance.
- (2) A stand for display and sale of agricultural commodities produced on the premises or on other premises within the preserve.
- (3) Gas, electric, water, and communication utility facilities, and public service facilities of like nature operated by a public agency or mutual water company.
- (4) Public highways.
- (5) Fire protection works and facilities.
- (6) Flood control works, including channel rectification and alteration.
- (7) Public works required for fish and wildlife enhancement and preservation.
- (8) Improvements for the primary benefit of the lands within the preserve.
- (9) State improvements described in Section 51293, subsections (f) and (g) of the California Government Code.
- (10) One-family dwellings for the use only of an owner or manager of land within the agricultural preserve, or a person employed on said land, if such use is permitted by the applicable zoning, but not exceeding three (3) dwellings for each parcel of not less than ten (10) acres.
- (11) Farm labor camps, including temporary trailer housing, subject to the conditions of law or ordinance otherwise applicable.
- (12) Drying, packing or other processing of an agricultural commodity usually performed on the premises where it is produced.
- (13) Any other use, not inconsistent with uses listed in (1) above, existing on the date the land is included within an agricultural preserve, but such use once discontinued for two (2) years shall not be resumed unless permitted under these rules.
- (14) "Open space use" as defined in California Government Code Section 51201.
- (15) Any use required to be permitted by any amendment to the California Land Conservation Act of 1965 hereafter adopted.
- (16) Any use determined to be a compatible use in all agricultural preserves by the Board of Supervisors, after public hearing on ten (10) days' published notice and such other notice, if any, as they may specify. Thereafter such use shall be deemed a compatible use in any agricultural preserve, providing that it is not inconsistent with uses listed in paragraph (1) above.

EXHIBIT "A"

LEGAL DESCRIPTION OF LAND

ALL THAT CERTAIN LAND SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO, CITY OF ONTARIO, DESCRIBED AS FOLLOWS:

THAT PORTION OF GOVERNMENT LOTS 5, 7 AND 8, IN FRACTIONAL SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL GOVERNMENT SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 663.29 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 5; THENCE EAST TO THE EAST LINE OF SAID LOT 7; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 7 TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE SOUTHWESTERLY FOLLOWING THE SOUTHERLY LINE OF LOTS 7 AND 8, AND THE NORTHERLY LINE OF JURUPA RANCHO TO A POINT 118.79 FEET EAST OF A POINT DUE SOUTH OF THE POINT OF BEGINNING; THENCE WEST 118.79 FEET TO THE POINT DUE SOUTH OF THE POINT OF BEGINNING; THENCE NORTH TO THE POINT OF BEGINNING.

EXCEPT THEREFROM AN UNDIVIDED 1/2 INTEREST IN THE OIL AND MINERAL RIGHTS ON, IN OR UNDER SAID LAND AS PROVIDED IN AGREEMENT BETWEEN HELEN CURRIE MORGAN, ET AL., AND OSCAR IMBACH AND RUTH M. IMBACH, HUSBAND AND WIFE DATED MAY 8, 1944 AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY ON JUNE 10, 1944.

NOTE: A CONVEYANCE BY THOMAS M. MORGAN TO A TRUST WAS RECORDED NOVEMBER 18, 1992, INSTRUMENT NO. 92-477796, OFFICIAL RECORDS:

ALSO EXCEPT A PORTION OF GOVERNMENT LOTS 5 AND 8 IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF LOT 5, DISTANT 1878.69 FEET NORTH 89° 36' WEST FROM THE INTERSECTION OF THE EAST LINE OF SAID SECTION 22 AND SAID NORTH LINE OF LOT 5 PRODUCED EASTERLY; SAID POINT BEING 558.69 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 5; THENCE NORTH 89° 36' WEST ALONG SAID NORTH LINE OF LOT 5 A DISTANCE OF 104.60 FEET; THENCE SOUTH 0° 06' WEST, A DISTANCE OF 651.22 FEET; THENCE ALONG A 16,100 FOOT RADIUS CURVE TO THE LEFT FROM A TANGENT WHICH BEARS NORTH 10° 23' 20" EAST A DISTANCE OF 659.10 FEET TO THE POINT BEGINNING.

ALSO EXCEPT THAT PORTION OF LAND LYING WESTERLY OF THE EAST LINE OF THAT PROPERTY CONVEYED TO SOUTHERN CALIFORNIA EDISON COMPANY BY DEED RECORDED DECEMBER 20, 1974, IN BOOK 8581, PAGE 201, OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF ONTARIO, A MUNICIPAL CORPORATION AS MORE FULLY DESCRIBED IN GRANT DEED RECORDED APRIL 22, 2008 AS INSTRUMENT NO. 08-178326, OF OFFICIAL RECORDS.

APN: 0218-311-08-0-000

Exhibit "B"

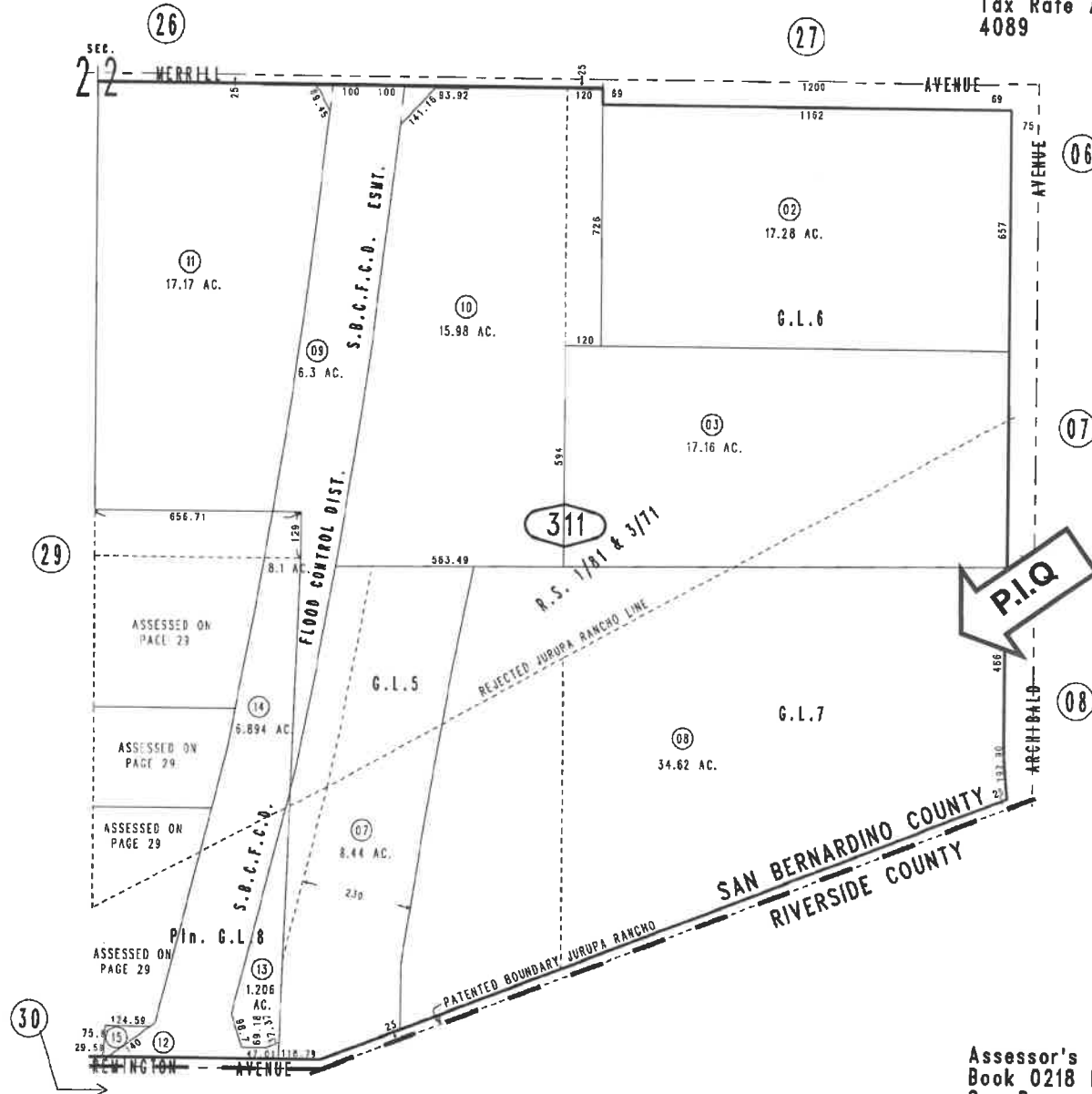
THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY.



S.E.1/4 Sec.22, T.2S.,R.7W., S.B.B.&M.

City of Ontario
Tax Rate Area
4089

0218 - 31



September 2004

Assessor's Map
Book 0218 Page 31
San Bernardino County

REVISED
05/17/16 RM-MC

CITY OF ONTARIO

Agenda Report
April 17, 2018

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT PROPOSING VARIOUS MODIFICATIONS, CLARIFICATIONS AND UPDATES TO CERTAIN PROVISIONS OF THE ONTARIO DEVELOPMENT CODE, INCLUDING CHAPTER 2.0, TABLE 2.02-1 (REVIEW MATRIX) TO STREAMLINE THE REVIEW PROCESS, CHAPTER 5.0 (ZONING AND LAND USE) ADDRESSING APPROPRIATE LAND USES, AND CHAPTER 8.0 (SIGN REGULATIONS) FOR MONUMENT SIGNS, WALL SIGNS, WAYFINDING SIGNS AND BILLBOARD SIGNS, AS IT RELATES TO THE ONT (ONTARIO INTERNATIONAL AIRPORT) ZONING DESIGNATION, GENERALLY LOCATED NORTH OF MISSION BOULEVARD, SOUTH OF AIRPORT DRIVE, EAST OF GROVE AVENUE, AND WEST OF HAVEN AVENUE

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving a Development Code Amendment (File PDCA18-002, on file with the Records Management Department) proposing various modifications, clarifications and updates to certain provisions of the Ontario Development Code, including Chapter 2.0, Table 2.02-1 (Review Matrix), Chapter 5.0 (Zoning and Land Use), Chapter 8.0 (Sign Regulations) as it relates to the ONT (Ontario International Airport) zoning designation.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Pursue the City's Goals and Objectives of Working with Other Governmental Agencies

FISCAL IMPACT: None.

BACKGROUND: While the Ontario International Airport Authority ("OIAA") has operational control of the airport, the land use control of the airport still falls to the City. As a result, it is imperative the City and OIAA work hand-in-hand to ensure the economic success of the airport.

STAFF MEMBER PRESENTING: Scott Murphy, Development Director

Prepared by: Scott Murphy
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2018
Approved: _____
Continued to: _____
Denied: _____

11

Dating back to 1992, the General Plan designation for the airport was “Industrial” and the property was zoned M3, General Industrial. The land uses allowed within the M3 zone were representative of the M3 zone and have not been changed to reflect the more commercial nature of the airport. As a result, land uses within the ONT zone have been re-evaluated in light of current operations.

Since taking over control of the airport, OIAA has made huge strides in restoring Ontario International Airport to the regional significance that it once enjoyed. As ridership has increased, OIAA has been approached by various individuals and companies about improvements to the airport, including the addition of new flights and physical improvements to the property. The nature of the inquiries requires OIAA to move quickly to secure potential opportunities. OIAA and City staff have worked together to propose changes to the review process, to streamline building permits for the airport.

To that end, the City is proposing several modifications to the Development Code to adjust and clarify certain provisions of the Code, which are summarized below. The proposed ordinance contains the detailed Development Code amendments.

The Development Code Amendment includes the following:

[A] Amend *Table 2.02-1: Review Matrix* to provide development applications that comply with all regulations and standards as a ministerial (administrative) permit and decision, requiring plan check. This will provide a more expedited review of development on the airport;

[B] Pursuant to the Joint Powers Authority, OIAA is designated as the lead agency for environmental review. As a result, *Table 2.02-1: Review Matrix* is amended to reflect OIAA’s responsibility for conducting the environmental review for property zoned ONT;

[C] Amend Table 5.02-1 (Land Use Matrix), adding certain land use classifications as shown on Exhibit A of the Resolution, to eliminate inappropriate industrial uses from the ONT zone and recognize the commercial nature of the airport; and

[D] Recognizing that Ontario International Airport is a regional draw and, as such, has unique signage needs to serve the traveling public, Chapter 8 Sign Regulations is being amended to provide for up to six (6) billboards and to allow the development of a uniform sign program to address monument sign, wall sign, and wayfinding/directional sign needs to serve the traveling public.

On March 27, 2018, the Planning Commission conducted a public hearing on the application. After considering all public testimony, the Planning Commission voted 4 to 2 to adopt its Resolution No. PC18-040, recommending approval of the Development Code Amendment.

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 site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT.

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 general rule 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.

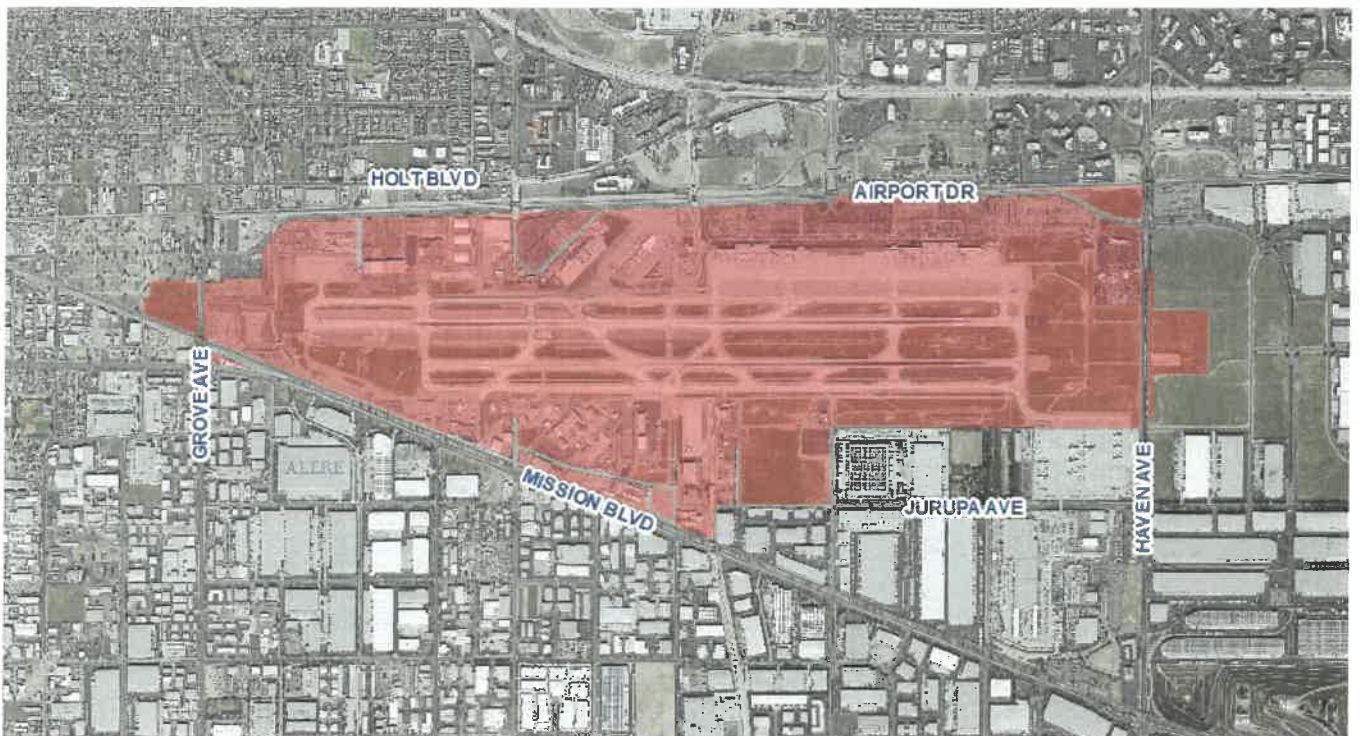


Figure 1. ONT Zone

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA18-002, A DEVELOPMENT CODE AMENDMENT PROPOSING VARIOUS MODIFICATIONS, CLARIFICATIONS AND UPDATES TO CERTAIN PROVISIONS OF THE ONTARIO DEVELOPMENT CODE, INCLUDING CHAPTER 2.0, TABLE 2.02-1 (REVIEW MATRIX) TO STREAMLINE THE REVIEW PROCESS, CHAPTER 5.0 (ZONING AND LAND USE) ADDRESSING APPROPRIATE LAND USES, AND CHAPTER 8.0 (SIGN REGULATIONS) FOR MONUMENT SIGNS, WALL SIGNS, WAYFINDING SIGNS AND BILLBOARD SIGNS, AS IT RELATES TO THE ONT (ONTARIO INTERNATIONAL AIRPORT) ZONING DESIGNATION, GENERALLY LOCATED NORTH OF MISSION BOULEVARD, SOUTH OF AIRPORT DRIVE, EAST OF GROVE AVENUE, AND WEST OF HAVEN AVENUE, 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. PDCA18-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which states long-term principles, 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, on December 1, 2015, the City Council approved a comprehensive update to the Ontario Development Code (Ordinance No. 3028), which became effective on January 1, 2016.

WHEREAS, the Ontario Planning Department has initiated alterations to the Development Code for the purpose of modifying, clarifying and updating certain provisions of the Ontario Development Code, including Chapter 2.0, Table 2.02-1 (Review Matrix), Chapter 5.0 (Zoning and Land Use), Chapter 8.0 (Sign Regulations) as it relates to the ONT (Ontario International Airport) zoning designation; and

WHEREAS, the Ontario International Airport is a regional significant facility serving the traveling public; and

WHEREAS, operation of Ontario International Airport is subject to a Joint Powers Agreement between the City of Ontario and the County of San Bernardino wherein the Ontario International Airport Authority ("OIAA") was created to oversee airport operations; and

WHEREAS, since taking over control of the airport, OIAA has made huge strides in increasing passenger ridership at Ontario International Airport; and

WHEREAS, OIAA has been approached by various individuals and companies about improvements to the airport, including the addition of new flights and physical improvements to the property. In either case, the nature of the inquiries requires OIAA to move quickly to secure potential opportunities; and

WHEREAS, while OIAA has operational control of the airport, the land use control of the airport still falls to the City. As a result, it is imperative the City and OIAA work hand-in-hand to ensure the economic success of the airport; and

WHEREAS, the City is proposing several modifications to the Development Code to streamline the review process for projects within the ONT zone; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport (ONT), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the ONT Airport Land Use Compatibility Plan (ALUCP), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date. The Commission voted 4 to 2 to adopt its Resolution No. PC18-040, recommending approval of the Development Code Amendment; and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. 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:

a. The administrative record have been completed in compliance with CEQA the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

b. 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 general rule 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; and

c. The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

d. The determination of the CEQA exemption reflects the independent judgment of the City Council.

SECTION 2. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the City Council finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project does not specifically affect the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 3. *Airport Land Use Compatibility Plan (ALUCP) Consistency.* As the recommending body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation, and finds that, at the time of Project implementation, the Project will be consistent with the policies and criteria set forth within the Ontario International Airport ALUCP.

SECTION 4. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 through 9 above, the City Council hereby concludes as follows:

a. 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

b. The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

SECTION 5. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby APPROVES the herein described Development Code Amendment, File No. PDCA18-002, attached as Exhibit "A".

SECTION 6. *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7. Custodian of Records. 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 8. Severability. 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 9. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 10. Publication and Posting. 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 the 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 _____ day of _____ 2018.

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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held April 17, 2018 and adopted at the regular meeting held _____ by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and, in the _____ Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A:

Proposed Development Code Amendment

(Development Code Amendment to follow this page)

Proposed Development Code Amendment File No. PDCA18-002:

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

<i>Applications, Actions, Decisions and Processes</i>	<i>Reviewing Authorities [4]</i>								
	<i>Planning Director</i>	<i>City Engineer</i>	<i>Building Official</i>	<i>Zoning Administrator [2]</i>	<i>Development Advisory Board</i>	<i>Historic Preservation Subcommittee [2]</i>	<i>Historic Preservation Commission</i>	<i>Planning Commission</i>	<i>City Council</i>
C. MINISTERIAL (ADMINISTRATIVE) PERMITS AND DECISIONS									
11. Wall, Fence, and Obstructions Plans (Ref. ODC Section 6.02.005)	X							A	A
12. Development Applications within the ONT zoning designation	X								
D. ENVIRONMENTAL DETERMINATIONS AND ACTIONS									
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 within the ONT zoning designation [9]	--	--	--	--	--	--	--	--	--

Notes:

- [1] A hearing is required pursuant to the procedures set forth in Division 2.03 (Public Hearings) of this Development Code.
- [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 shall be subject to concurrent review and action by that higher Reviewing Authority.

- [5] *The Approving Authority for a Stay of Permit Approval Time Limit shall be the same as 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 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 (OIAA) shall be the lead agency.*

Table 5.02-1: Land Use Matrix (Partial)

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
00 RESIDENTIAL										
	Accessory Residential Structures									
	· Accessory Dwelling Units	P	---	---	---	---	---	---	---	See Subsection A (Accessory Dwelling Units) of Section 5.03.010
	· Accessory Residential Structures (includes guesthouses, garages, carports, garden and tool sheds, and other ancillary buildings and structures determined appropriate by the Planning Director)	P	---	P	---	---	---	---	---	See Subsection B (Accessory Residential Structures) of Section 5.03.010
	Animal Keeping (as an accessory use)									
	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	---	---	---	---	---	See Section 5.03.410 (Urban Agriculture)
	Caretaker Quarters (excludes Caretaker Quarters established in conjunction with Self-Storage Facilities (NAICS 493190))	P	---	---	C	---	---	---	---	
	Community Gardens, Urban Farms, and Related Uses	A	A	A	---	A	A	---	A	See Section 5.03.410 (Urban Agriculture)
	Employee (Farmworker) Housing									
	· 6 or fewer employees	P	---	---	---	---	---	---	---	See Section 5.03.405 (Transitional Shelter Housing)
	· 7 to 12 employees	P	---	---	---	---	---	---	---	
	Home Occupations	A	---	A	---	---	---	---	---	See Section 5.03.240 (Home Occupations)
	Mixed-Use Developments (commercial developments incorporating single-family and/or multiple-family dwellings)	---	---	---	---	---	---	---	---	See Section 5.03.285 (Mixed-Use Developments)
	Mobilehome Parks	---	---	P	---	---	---	---	---	See Section 5.03.295 (Mobilehome Parks)
	Multiple-Family Dwellings	---	---	---	---	---	---	---	---	
	Second Dwellings	P	---	---	---	---	---	---	---	See Section 5.03.355 (Second Dwellings)
	Senior Citizen Housing Developments	---	---	---	---	---	---	---	---	See Section 5.03.360 (Senior Citizen Housing Developments)
	Single-Family Dwellings	P	---	---	---	---	---	---	---	See Section 5.03.365 (Single-Family Dwellings)
	Single Room Occupancy (SRO) Facilities	---	---	---	---	---	---	---	---	See Section 5.03.370 (Single Room Occupancy (SRO) Facilities)
	Supportive Housing	---	C	---	C	---	---	---	---	See Section 5.03.405 (Transitional Shelter Housing)
	Work/Live Units	---	---	---	---	---	---	---	---	See Section 5.03.425 (Work/Live Units)

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	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)	P	---	---	P	P	P	P	P	See Section 5.03.410 (Urban Agriculture)
	<i>Community Gardens</i>	A	A	A	A	A	A	A	A	
	<i>Urban Farms</i>	A	A	---	A	A	A	A	A	
	<i>Marijuana Cultivation</i>	---	---	---	---	---	---	---	---	See OMC Title 6, Chapter 18 for Marijuana Cultivation for Personal Use
112	Commercial Animal Production									
1121	Cattle Ranching and Farming	C	---	---	---	---	---	---	---	See Section 5.03.410 (Urban Agriculture)
1122	Hog and Pig Farming	---	---	---	---	---	---	---	---	
1123	Poultry and Egg Production	---	---	---	---	---	---	---	---	
1124	Sheep and Goat Farming	C	---	---	---	---	---	---	---	
1125	Aquaculture	C	---	---	---	---	---	---	---	
1129	Other Animal Production									
11291	<i>Apiculture (bee keeping and production)</i>	P	---	---	---	---	---	---	P	
11292	<i>Horses and Other Equine Production</i>	C	---	---	---	---	---	---	---	
11293	<i>Fur-Bearing Animal Production (limited to rabbits, chinchillas, and other similar small, fur-bearing animals)</i>	C	---	---	---	---	---	---	---	
11299	<i>All Other Animal Production, limited to the following (NAICS 112990):</i>									
112990	Kennels and Catteries (includes animals owned by the owner or occupant of the property, and those kept and/or boarded for remuneration)									
	• Fewer than 8 animals	P	---	---	---	---	---	---	---	See Section 5.03.410 (Urban Agriculture) and OMC Section 6-1.224 through Section 6-1.228 regarding commercial kennel licensing.
	• 8 or more animals	C	---	---	P	---	---	---	---	
112990	Alpaca and Llama Farming	C	---	---	---	---	---	---	---	See Section 5.03.410 (Urban Agriculture)
112990	Aviaries	C	---	---	---	---	---	---	---	
112990	Ostrich, Emu, and Rhea Farming	C	---	---	---	---	---	---	---	
115	Support Activities for Agriculture									
115110	Support Activities for Crop Production (limited to cotton ginning; soil preparation, planting and cultivating; crop harvesting; postharvest crop activities; farm labor contractors and crew leaders; and farm management services)	P	---	---	---	---	---	---	---	
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)	---	---	---	---	---	---	---	---	
22	UTILITIES									

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
221	Utilities									
2211	Electric Power Generation, Transmission and Distribution									
22111	Electric Power Generation									
221111	Hydroelectric Power Generation	---	---	---	---	---	---	---	---	
221112	Fossil Fuel Electric Power Generation	---	---	---	P	---	---	---	---	
221113	Nuclear Electric Power Generation	---	---	---	---	---	---	---	---	
221114,	Solar and Wind Electric Power Generation	---	P	---	---	---	---	---	C	See Section 5.03.160 (Electric Power Generation, Solar and Wind)
221115										
221116,	Geothermal, Biomass, and All Other Electric Power Generation (excepting solar and wind electric power generation)	---	---	---	---	---	---	---	---	
221117,										
221118										
22112	Electric Power Transmission, Control and Distribution (transformer stations and substations)	---	C	C	P	C	C	C	C	
23	CONSTRUCTION									
236,	Contractors (limited to businesses whose primary activity is performing specific activities involved in building construction, engineering and capital	---	---	---	P	---	---	---	---	
237,										
238										
	· Completely within a Building	---	---	---	P	---	---	---	---	
	· With Outdoor Storage (screened from public view)	---	---	---	P	---	---	---	---	See Section 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors)
31-33	MANUFACTURING									
311	Food Manufacturing									
3111	Animal Food Manufacturing	---	---	---	P	---	---	---	---	
3112	Grain and Oilseed Milling	---	---	---	C	---	---	---	---	
3113	Sugar and Confectionery Product Manufacturing	---	---	---	---	---	---	---	---	
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing	---	---	---	P	---	---	---	---	
3115	Dairy Product Manufacturing	---	---	---	P	---	---	---	---	
3116	Animal Slaughtering and Processing	---	---	---	C	---	---	---	---	
3117	Seafood Product Preparation and Packaging	---	---	---	C	---	---	---	---	
3118	Bread and Tortilla Manufacturing	---	---	---	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	---	---	---	---	See Section 5.03.190 (Food Manufacturing, Other)
312	Beverage and Tobacco Product Manufacturing									

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
3121	Beverage Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.025 (Alcoholic Beverage Sales) for regulations regarding alcoholic beverage sales for on-premise consumption (such as tasting rooms) and/or off-premise consumption.
3122	Tobacco Products Manufacturing	---	---	---	P	---	---	---	---	
313	Textile Mills (transforms basic fiber into fabric)	---	---	---	P	---	---	---	---	
314	Textile Product Mills (transforms fabric into product, except apparel)	---	---	---	P	---	---	---	---	
315	Apparel Manufacturing	---	---	---	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	---	---	---	---	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	---	---	---	---	See Section 5.03.255 (Leather and Allied Product Manufacturing, Other)
321	Wood Product Manufacturing	---	---	---	P	---	---	---	---	
322	Paper Manufacturing									
3221	Pulp, Paper, and Paperboard Mills	---	---	---	P	---	---	---	---	
3222	Converted Paper Product Manufacturing	---	---	---	P	---	---	---	---	
323	Printing and Related Support Activities	---	---	---	P	---	---	---	---	
324	Petroleum and Coal Products Manufacturing	---	---	---	C	---	---	---	---	
325	Chemical Manufacturing									
3251	Basic Chemical Manufacturing	---	---	---	C	---	---	---	---	
3252	Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing	---	---	---	---	---	---	---	---	
3253	Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing									
32531	Fertilizer Manufacturing (limited to mixing of purchased materials; excludes on-site composting facilities—see NAICS 562219)	C	---	---	C	---	---	---	---	
32532	Pesticide and Other Agricultural Chemical Manufacturing	---	---	---	---	---	---	---	---	
3254	Pharmaceutical and Medicine Manufacturing (excludes biological product manufacturing—see NAICS 325414, below)	---	---	---	P	---	---	---	---	See Section 5.03.325 (Pharmaceutical and Medicine Manufacturing)
325414	Biological Product (except diagnostic) manufacturing	---	---	---	C	---	---	---	---	

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
3255	Paint, Coating, and Adhesive Manufacturing	---	---	---	C	---	---	---	---	
3256	Soap, Cleaning Compound, and Toilet Preparation Manufacturing	---	---	---	C	---	---	---	---	See Section 5.03.375 (Soap, Cleaning Compound, and Toilet Preparation Manufacturing)
3259	Other Chemical Product and Preparation Manufacturing	---	---	---	C	---	---	---	---	
326	Plastics and Rubber Products Manufacturing									
3261	Plastics Product Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.335 (Plastics Product Manufacturing)
3262	Rubber Product Manufacturing	---	---	---	P	---	---	---	---	
327	Nonmetallic Mineral Product Manufacturing (except glass and glass product manufacturing)	---	---	---	C	---	---	---	---	
32721	Glass and Glass Product Manufacturing	---	---	---	C	---	---	---	---	
331	Primary Metal Manufacturing	---	---	---	C	---	---	---	---	
332	Fabricated Metal Product Manufacturing				P					
3321	Forging and Stamping	---	---	---	P	---	---	---	---	
3322	Cutlery and Hand Tool Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.135 (Cutlery and Hand Tool Manufacturing)
3323	Architectural and Structural Metals Manufacturing	---	---	---	P	---	---	---	---	
3324	Boiler, Tank and Shipping Container Manufacturing	---	---	---	P	---	---	---	---	
3325	Hardware Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.235 (Hardware Manufacturing)
3326	Spring and Wire Product Manufacturing	---	---	---	---	---	---	---	---	See Section 5.03.385 (Spring and Wire Product Manufacturing)
3327	Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing	---	---	---	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	---	---	---	---	
332812	Painting, Powder Coating and Polishing Metal and Metal Products for the Trade	---	---	---	C P	---	---	---	---	

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
3329	Other Fabricated Metal Product Manufacturing									
33291	Metal Valve Manufacturing	---	---	---	P	---	---	---	---	
33299	All Other Fabricated Metal Product Manufacturing									
332991	Ball and Roller Bearing Manufacturing	---	---	---	P	---	---	---	---	
332992	Small Arms Ammunition Manufacturing	---	---	---	P	---	---	---	---	
332993	Ammunition (except Small Arms) Manufacturing	---	---	---	P	---	---	---	---	
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing, limited to the following:									
	· Small Arms Manufacturing	---	---	---	P	---	---	---	---	
	· Other Ordnance and Accessories Manufacturing	---	---	---	P	---	---	---	---	
332996	Fabricated Pipe and Pipe Fitting Manufacturing	---	---	---	---	---	---	---	---	
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	---	---	---	---	---	---	---	---	See Section 5.03.185 (Fabricated Metal Product Manufacturing, All Other Miscellaneous)
333	Machinery Manufacturing	---	---	---	P	---	---	---	---	
334	Computer and Electronic Product Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.115 (Computer and Electronic Product Manufacturing)
335	Electrical Equipment, Appliance, and Component Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.165 (Electrical Equipment, Appliance, and Component Manufacturing)
336	Transportation Equipment Manufacturing	---	---	---	P	---	---	---	---	
337	Furniture and Related Product Manufacturing	---	---	---	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 (excepting Boutique Manufacturing Facilities)	---	---	---	P	---	---	---	---	See Section 5.03.265 (Manufacturing, Miscellaneous)
	Boutique Manufacturing Facilities	---	---	---	---	---	---	---	---	
42	WHOLESALE TRADE									
423	Merchant Wholesalers, Durable Goods									
4231	Motor Vehicles and Motor Vehicle Parts and Supplies	---	---	---	P	---	---	---	---	
4232	Furniture and Home Furnishings	---	---	---	P	---	---	---	---	
4233	Lumber and Other Construction Materials	---	---	---	P	---	---	---	---	
4234	Professional and Commercial Equipment and Supplies	---	---	---	P	---	---	---	---	
4235	Metals and Minerals (except Petroleum)	---	---	---	P	---	---	---	---	
4236	Household Appliances, and Electrical and Electronic Goods	---	---	---	P	---	---	---	---	

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
4237	Hardware and Plumbing, and Heating Equipment and Supplies	---	---	---	P	---	---	---	---	
4238	Machinery Equipment and Supplies	---	---	---	P	---	---	---	---	
4239	Miscellaneous Durable Goods	---	---	---	P	---	---	---	---	
423910	Sporting and Recreational Goods and Supplies	---	---	---	P	---	---	---	---	
423920	Toy and Hobby Goods and Supplies	---	---	---	P	---	---	---	---	
423930	Recyclable Materials (includes wholesale activity only; refer to NAICS 562920 (Material Recovery Facilities) for recovery/processing (recycling) activities)	---	---	---	P	---	---	---	---	
423940	Jewelry, Watches, Precious Stones, and Precious Metals	---	---	---	---	---	---	---	---	
423990	Other Miscellaneous Durable Goods, excepting ordnance and accessories	---	---	---	---	---	---	---	---	
424	Merchant Wholesalers, Nondurable Goods (excluding industrial gases, petroleum bulk stations and terminals, and fireworks and explosives merchant wholesalers)	---	---	---	P	---	---	---	---	
424690	Fireworks and Explosives	---	---	---	---	---	---	---	---	
424690	Industrial Gases and Liquefied Gases (except petroleum gases)	---	---	---	---	---	---	---	---	
424710	Petroleum Bulk Stations and Terminals	---	---	---	---	---	---	---	---	
424720	Petroleum and Petroleum Products (except bulk stations and terminals)	---	---	---	---	---	---	---	---	
425	Wholesale Electronic Markets and Agents, and Brokers									
425110	Business to Business Electronic Markets (via internet or other electronic means)	---	---	---	---	---	---	---	---	See Section 5.03.090 (Business to Business Electronic Markets)
425120	Wholesale Trade Agents and Brokers, limited to the following:									
	· Automobile auctions (wholesale auctions only)	---	---	---	---	---	---	---	---	
	· Durable and Nondurable Goods Agents and Brokers (office only)	---	---	---	---	---	---	---	---	See Section 5.03.155 (Durable and Nondurable Goods Agents and Brokers)

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
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	---	---	---	---	---	---	---	---	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	---	---	---	---	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers)
4412	Other Motor Vehicle Dealers									
441221	Recreational Vehicles, Motorcycles, Personal Watercraft, All Terrain Vehicles, and Other Similar Vehicles	---	---	---	---	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers)
441222	Boats	---	---	---	---	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers)
441229	All Other Motor Vehicles (such as truck-tractors, utility trailers, buses, and other similar vehicles)	---	---	---	P ---	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers)
4413	Automotive Parts, Accessories and Tire Stores									
441310	Automotive Parts and Accessories (excludes automotive repair)	---	---	---	---	---	---	---	---	
441320	Tire Stores	---	---	---	---	---	---	---	---	
442	Furniture and Home Furnishings Stores									See Section 5.03.210 (Furniture and Home Furnishings Stores)
443	Electronics and Appliance Stores				P					See Section 5.03.175 (Electronics and Appliance Stores)
444	Building Materials, Garden Equipment and Supplies Stores									
445	Food and Beverage Stores									
	Alcoholic Beverage Sales for Off-Premise Consumption (except beer, wine and liquor stores (see NAICS 4453); and business to consumer internet retail wine sales (Type 85 ABC license) (NAICS 454111))	---	---	---	C	---	---	---	---	See Section 5.03.025 (Alcoholic Beverage Sales)
4451	Grocery Stores									
44511	Supermarkets and Other Grocery Stores (primarily retailing a range of grocery items and meats), Commissaries and Food Stores	---	---	---	---	---	---	---	---	
44512	Convenience Stores	---	---	---	P	---	---	---	---	See Section 5.03.125 (Convenience Markets and Specialty Food Stores)
4452	Specialty Food Stores									
44521, 44522, 44523, 44529	Confectionary and Baked Goods, 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	---	---	---	---	
445230	Farmers Markets and Certified Farmers Markets	C	C	---	---	---	C	---	---	

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
4453 Beer, Wine and Liquor Stores		---	---	---	C P	---	---	---	---	
446 Health and Personal Care Stores										
446110 Pharmacies and Drug Stores		---	---	---	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 Dispensary	---	---	---	---	---	---	---	---	See Section 5.03.280 (Marijuana Dispensary)
44612	Cosmetics, Beauty Supplies, and Perfume Stores	---	---	---	P	---	---	---	---	
44613	Optical Goods Stores	---	---	---	P	---	---	---	---	
44619	Other Health and Personal Care Stores (limited to hearing aids, medical equipment and supplies, and prosthetics)	---	---	---	---	---	---	---	---	
447 Gasoline and Fueling Stations										
447110	Gasoline Fueling with Convenience Stores	---	---	---	---	---	---	---	---	
447190	Self-Serve and Full Service Fueling Stations	---	---	---	P	---	---	---	---	See Section 5.03.225 (Gasoline and Fueling Stations)
447190	Automated Fueling Facilities ("card lock" facilities)	---	---	---	P	---	---	---	---	See Section 5.03.225 (Gasoline and Fueling Stations)
447190	Truck Stops	---	---	---	C ---	---	---	---	---	
448 Clothing and Clothing Accessories Stores										
451 Sporting Goods, Hobby, Book, and Music Stores (includes sporting goods stores; hobby, toy and game stores; sewing, needlework and piece goods (fabric and upholstery materials) stores; musical instrument and supplies stores; book stores; and news dealers and newsstands)		---	---	---	P	---	---	---	---	
452 General Merchandise Stores										
4521 Department Stores		---	---	---	---	---	---	---	---	
4529 Other General Merchandise Stores										
452910	Warehouse Clubs and Supercenters	---	---	---	---	---	---	---	---	
452990	All Other General Merchandise Stores (limited to dollar stores, variety stores and catalog showrooms)	---	---	---	P	---	---	---	---	
453 Miscellaneous Store Retailers										
4531 Florists		---	---	---	P	---	---	---	---	
4532 Office Supplies, Stationery, and Gift Stores		---	---	---	P	---	---	---	---	
4533 Used Merchandise Stores (except motor vehicles), limited to the following (NAICS 453310):										
453310	Antique, Vintage and Collectibles Shops	---	---	---	---	---	---	---	---	
453310	Consignement Shops	---	---	---	---	---	---	---	---	
453310	Flea Markets and Swap Meets (indoor only)	---	---	---	---	---	---	---	---	

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
453310	Precious Metals, Gemstones, Jewelry, and Similar Merchandise (includes the purchase of used items, such as "cash for gold" stores)	---	---	---	P	---	---	---	---	
453310	Personal Property Donation Bins	---	---	---	---	---	---	---	---	See Section 5.03.320 (Personal Property Donation Bins)
453310	Thrift and Secondhand Stores, and Used Goods Stores	---	---	---	---	---	---	---	---	See Section 5.03.400 (Thrift and Secondhand Stores, and Used Goods Stores)
4539	Other Miscellaneous Store Retailers									
453910	Pet and Pet Supplies Stores	---	---	---	---	---	---	---	---	
453920	Art Dealers	---	---	---	---	---	---	---	---	
453930	Manufactured (Mobile) Home Dealers, limited to the following:									
	· Without Display of Homes	---	---	---	---	---	---	---	---	
	· With Indoor Display of Homes (no outdoor display of homes permitted)	---	---	---	---	---	---	---	---	
453991	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)	---	---	---	---	---	---	---	---	See Section 5.03.245 (Hookah Establishments, Smoking / Vaping Lounges, and Smoking / Vaping Retailers)
453998	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	---	---	---	---	---	---	---	---	
	· Auction Houses	---	---	---	---	---	---	---	---	
	· Industrial Retail Sales (limited to the ancillary retail sales of goods and/or product either manufactured, warehoused or wholesaled on-site)									
	[1] Up to 15% of Building GFA Area or 8,000 sq-ft, whichever is less	---	---	---	P	---	---	---	---	
	[2] Over 8,000 sq-ft or 15% of Building GFA	---	---	---	C P	---	---	---	---	
454	Nonstore Retailers									
4541	Electronic (Internet) Shopping and Auctions, and Mail-Order Houses (includes direct business to consumer internet retail sales, auction houses, and/or mail order retail sales)	---	---	---	P	---	---	---	---	See Section 5.03.170 (Electronic Shopping and Mail-Order Houses)
4542	Vending Machine Operators	---	---	---	---	---	---	---	---	
4543	Direct Selling Establishments	---	---	---	---	---	---	---	---	
454312	Fuel Dealers (liquefied petroleum gas)	---	---	---	---	---	---	---	---	
454390	Other Direct Selling Establishments	---	---	---	---	---	---	---	---	

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
48-49	TRANSPORTATION AND WAREHOUSING									
481	Air Transportation, limited to the following:									
	· Airport	---	---	---	P	---	---	---	---	See Section 5.03.020 (Air Transportation)
	· Helipad/Heliport	---	P	---	C P	---	---	---	---	
482	Rail Transportation, limited to the following:									
	· Railroad Passenger Terminals (limited to line haul)	---	P	---	C P	---	---	P	---	
	· Railroad Equipment Maintenance Yards	---	---	---	C	---	---	C	---	
484	Truck Transportation (includes general and specialized freight trucking)	---	---	---	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	P	C	C	C	C	
4853	Taxi and Limousine Services	---	---	---	P	---	---	---	---	
4855	Charter Bus Services	---	---	---	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	---	
4884	Support Activities for Road Transportation									
488410	Towing Services (see Motor Vehicle Storage (NAICS 493190) for vehicle storage requirements)	---	---	---	P ---	---	---	---	---	
488490	Bus Passenger Terminals (independent)	---	---	---	---	---	---	---	---	
4885	Freight Transportation Arrangement (limited to shipping agents and brokers)	---	---	---	---	---	---	---	---	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	---	---	---	---	
492	Couriers and Messengers	---	---	---	P	---	---	---	---	
493	Warehousing and Storage									
493110	General Warehousing and Storage, limited to the following:									
	· Within a Wholly Enclosed Building	---	---	---	P	---	---	---	---	
	· Outside Materials and Equipment Storage									
	[1] In conjunction with an allowed use	---	---	---	P	---	---	---	---	
	[2] As a primary use of property	---	---	---	P	---	---	---	---	
493120	Refrigerated Warehousing and Storage	---	---	---	P	---	---	---	---	

Exhibit-2

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493190	Other Warehousing and Storage, limited to the following:									
	· Bulk Petroleum Storage (tank farm)	---	---	---	---	---	---	---	---	
	· Lumber Storage	---	---	---	P	---	---	---	---	
	· Motor Vehicle Storage									
	[1] Indoor Vehicle Storage	---	---	---	P	---	---	---	---	See Section 5.03.310 (Motor Vehicle Storage Facilities)
	[2] Outdoor Vehicle Storage	---	---	---	P	---	---	---	C	
	· Self-Storage Facilities (includes one Caretaker Quarters)	---	---	---	P	---	---	---	---	
	51 INFORMATION									
	511 Publishing Industries (except Internet—see Other Information Services)									
	5111 Newspaper, Periodical, Book, and Directory Publishers	---	---	---	---	---	---	---	---	
	5112 Software Publishers	---	---	---	---	---	---	---	---	
	512 Motion Picture and Sound Recording Industries									
	5121 Motion Picture and Video Industries (except Motion Picture and Video Exhibition -- movie theaters)	---	---	---	P	---	---	---	---	
	51213 Motion Picture and Video Exhibition (movie theaters)	---	---	---	---	---	---	---	---	
	5122 Sound (Audio) Recording Facilities	---	---	---	P	---	---	---	---	See Section 5.03.380 (Sound (Audio) Recording Facilities)
	515 Broadcasting (except Internet—see Other Information Services)									
	515112 Radio Stations	---	---	---	P	---	---	---	---	
	515120 Television Broadcast Studios	---	---	---	P	---	---	---	---	
	515120 Radio and Television Transmission/Antenna Facilities	---	---	---	---	---	---	---	---	
	517 Telecommunications Facilities									
	517311 Wired telecommunications Facilities	P	P	P	---	P	P	P	P	
	517312 Wireless Telecommunications Facilities	C	P	P	P	P	P	P	P	See Section 5.03.420 (Wireless Telecommunications Facilities)
	5174 Satellite Facilities	---	---	---	P	---	---	---	---	
	5179 All Other Telecommunications (includes telecommunications resellers, radar station operations, and satellite telemetry operations and tracking stations)	---	---	---	---	---	---	---	---	
	518 Data Processing, Hosting and Related Services	---	---	---	P	---	---	---	---	See Section 5.03.140 (Data Processing, Hosting and Related Services)
	519 Other Information Services									
	51911 News Syndicates (office only)	---	---	---	---	---	---	---	---	
	51912 Libraries and Archives	---	P	---	---	---	---	---	---	
	51913 Internet Publishing and Broadcasting	---	---	---	---	---	---	---	---	
	52 FINANCE AND INSURANCE									
	522 Credit Intermediation and Related Activities									

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
5221	Depository Credit Intermediation (limited to commercial banking, savings institutions and credit unions)	---	---	---	---	---	---	---	---	See Section 5.03.145 (Depository Credit Intermediation) See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
5222	Nondepository Credit Intermediation (limited to loan processing, reserve, and clearinghouse activities, excepting pawnshops and pawn brokers)	---	---	---	---	---	---	---	---	
522298	Pawnshops and Pawnbrokers	---	---	---	---	---	---	---	---	
5223	Activities Related to Credit Intermediation									
52231	Mortgage and Nonmortgage Loan Brokers	---	---	---	---	---	---	---	---	
52232	Financial Transactions Processing and Clearinghouse Activities	---	---	---	---	---	---	---	---	
52239	Other Activities Related to Credit Intermediation (limited to check cashing, money order issuance, money transmission and payday advance services)	---	---	---	---	---	---	---	---	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	---	---	---	---	---	---	---	---	
53	REAL ESTATE, RENTAL AND LEASING									
531	Real Estate (limited to offices of real estate lessors, agents and brokers, property managers and appraisers, and escrow and listing services)	---	---	---	---	---	---	---	---	
531120	Banquet Facilities (standalone facilities only)	---	---	---	---	---	---	---	---	
532	Rental and Leasing Services									
5321	Automotive Equipment Rental and Leasing									
53211	Passenger Car Rental and Leasing	---	---	---	P	---	---	---	---	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	---	---	---	R	---	---	---	---	
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)	---	---	---	---	---	---	---	---	See Section 5.03.120 (Consumer Goods Rental)
5323	General Rental Centers (limited to home and garden tool and equipment rental)	---	---	---	---	---	---	---	---	See Section 5.03.230 (General Rental Centers)
5324	Commercial and Industrial Machinery and Equipment Rental and Leasing	---	---	---	C	---	---	---	---	

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>								Additional Regulations
		AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC
54	PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES								
541	Professional, Scientific and Technical Services, except Scientific Research and Development Services, and Veterinary and Animal Hospital Services (limited to 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)	---	---	---	---	---	---	---	---
5417	Scientific Research and Development Services	---	---	---	P	---	---	---	---
5419	Other Professional, Scientific, and Technical Services (except veterinary and animal hospital services)	---	---	---	P	---	---	---	---
541940	Veterinary and Animal Hospital Services	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)	---	---	---	---	---	---	---	---
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)	---	---	---	---	---	---	---	---
5613	Employment Services (limited to employment placement, executive search and temporary employment services)	---	---	---	---	---	---	---	---
5614	Business Support Services								
56141	Document Preparation Services	---	---	---	---	---	---	---	---
56142	Telephone Call Centers	---	---	---	---	---	---	---	---
56143	Business Service Centers								
561431	Private Mail Centers, and Postal Services and Supplies	---	---	---	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	---	---	---	---
56144	Collection Agencies	---	---	---	---	---	---	---	---
56145	Credit Bureaus	---	---	---	---	---	---	---	---
56149	Other Business Support Services (including repossession services, court reporting and stenotype services and all other business support services)	---	---	---	---	---	---	---	---
5615	Travel Arrangement and Reservation Services	---	---	---	P	---	---	---	---

Exhibit-2

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5616	Investigation and Security Services	---	---	---	---	---	---	---	---	
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 ---	---	---	---	---	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 ---	---	---	---	---	
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)	---	---	---	---	---	---	---	---	
	· Waste Transfer Facilities	---	---	---	C ---	---	---	---	---	
	· Recycling Facilities (implements the California Beverage Container Recycling and Litter Reduction Act (PRC Section 14500 et seq.))									
	[1] Reverse Vending Machines	---	---	---	---	---	---	---	---	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)	---	---	---	P ---	---	---	---	---	
	[3] Large Collection Facilities (a facility greater than 500 SF in area)	---	---	---	P ---	---	---	---	---	
	[4] Processing Facilities	---	---	---	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 ---	---	---	---	---	See Section 5.03.350 (Salvage Facilities)
	[2] With Outdoor Storage and/or Processing Activities	---	---	---	C ---	---	---	---	---	

Exhibit-2

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562112	Hazardous Waste Collection, limited to the following:									
	· Hazardous Waste Collection and Storage Facilities (except household hazardous waste collection facilities)	---	---	---	---	---	---	---	---	
	· Hazardous Waste Collection Services	---	---	---	---	---	---	---	---	
	· Household Hazardous Waste Collection Facility	---	---	---	P	---	---	---	---	
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	---	---	---	---	---	---	---	
5629	Remediation and Other Waste Management Services									
562910	Remediation Services	---	---	---	---	---	---	---	---	
562920	Material Recovery Facilities (MRF) (consists of the removal of recyclable materials from a waste stream)	---	---	---	---	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities))
562920	· Electronic Equipment Recycling	---	---	---	P	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities))
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)									See Sections 5.03.275 (Material Recovery Facilities) and 5.03.350 (Salvage Facilities)
562920	[1] Within a Wholly Enclosed Building	---	---	---	C	---	---	---	---	
562920	[2] With Outdoor Storage and/or Processing Activities	---	---	---	C	---	---	---	---	
562920	· Tires and Scrap Rubber Recycling	---	---	---	C	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities))
562991	Septic Tank and Related Services	---	---	---	---	---	---	---	---	
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)	---	---	---	---	---	---	---	---	

Exhibit-2

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61	EDUCATION SERVICES									
611	Educational Services									
6111, 6112, 6113	Elementary and Secondary Schools, Junior Colleges, and Colleges, Universities and Professional Schools (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	---	---	---	---	---	
	· Private Schools	---	C	C	---	---	---	---	---	
6114	Business Schools and Computer and Management Training	---	C	---	C	---	---	---	---	
6115	Technical and Trade Schools	---	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	---	---	---	P	---	---	---	---	
	· GFA 2,000 SF or more	---	---	---	C	---	---	---	---	
611620	Sports and Recreation Instruction (cheerleading, gymnastics, and martial arts)									
	· GFA less than 10,000 SF	---	---	---	P	---	---	---	---	
	· GFA 10,000 or More SF	---	---	---	C	---	---	---	---	
611691	Exam Preparation and Tutoring Services	---	---	---	---	---	---	---	---	
611692	Automobile Driving School	---	C	---	---	---	---	---	---	
611699	Other Schools of Instruction (public speaking, survival training, and speed reading)	---	C	---	---	---	---	---	---	
6117	Educational Support Services (limited to testing, evaluation, and tutorial services)	---	---	---	---	---	---	---	---	
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)	---	---	---	---	---	---	---	---	See Section 5.02.270 (Massage Establishments and Services) for massage therapists or massage practitioners See Section 6.01.035.B.2.c (Development Standards and Guidelines) for medical offices and clinics that front Euclid Avenue
6219	Other Ambulatory Health Care Services									
62191	Ambulance Services	---	---	---	C	---	---	---	---	
62199	All Other Ambulatory Health Care Services									

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
621991	Blood and Organ Banks	---	---	---	---	---	---	---	---	
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)	---	---	---	---	---	---	---	---	See Section 5.03.030 (Ambulatory Health Care Services—All Other Miscellaneous)
622	Hospitals	---	---	---	---	---	---	---	---	
623	Nursing and Residential Care Facilities									
6231	Nursing Care Facilities	---	---	C	---	---	---	---	---	
6232	Residential Mental Retardation, Mental Health and Substance Abuse Facilities									
	· 6 or fewer persons	---	---	P	---	---	---	---	---	
	· More than 6 persons	---	---	C	---	---	---	---	---	
6233	Community Care Facilities for the Elderly									
	· 6 or fewer persons	---	---	P	---	---	---	---	---	See Section 5.03.110 (Community Care Facilities for the Elderly—6 or Fewer Persons)
	· More than 6 persons	---	---	C	---	---	---	---	---	See Section 5.03.105 (Community Care Facilities for the Elderly—More Than 6 Persons)
6239	Other Residential Care Facilities									
	· 6 or fewer persons	---	---	P	---	---	---	---	---	See Section 5.03.345 (Residential Care Facilities, Other—6 or Fewer Persons)
	· More than 6 persons	---	---	C	---	---	---	---	---	
624	Social Assistance									
6241	Individual and Family Services									
62411	Child and Youth Services (limited to nonresidential social assistance services for children and youth)									
624110	Adoption Services, Child Guidance Agencies, Child Welfare Services, and Foster Care Placement Services	---	---	---	---	---	---	---	---	
624110	Teen Outreach Services and Youth Centers	---	---	---	---	---	---	---	---	
62412	Services for the Elderly and Persons with Disabilities									
624120	Senior Citizen and Adult Community Centers	---	P	---	---	---	---	---	---	
624120	Adult Day Care Services									
	· 6 or Fewer Persons	---	---	P	---	---	---	---	---	
	· 7 or More Persons	---	---	C	---	---	---	---	---	
624190	Other Individual and Family Services	---	---	---	---	---	---	---	---	
6242	Community Food and Housing, Emergency and Other Relief Services									
62421	Community Food Services (limited to food banks, meal delivery programs, and fixed and mobile soup kitchens)	---	---	---	C	---	---	---	---	
62422	Community Housing Services									

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
624221	Temporary Shelters									
	· Emergency Shelters	---	C	C	C	---	---	---	---	See Section 5.03.405 (Transitional Shelter Housing)
	· Transitional Housing	---	C	P	C	---	---	---	---	
	· Transitional Living Centers	---	---	---	C	---	---	---	---	
624229	Other Community Housing Services (agencies and organizations)	---	P	---	---	---	---	---	---	
62423	Emergency and Other Relief Services (administrative services/activities only)	---	---	---	---	---	---	---	---	
6243	Vocational Rehabilitation Services (limited to vocational habilitation and rehabilitation, and workshops for persons with disabilities)	---	C	---	P	---	---	---	---	
6244	Child Day Care Services, limited to the following:									
624410	Child Day Care Centers (Commercial Facilities)	---	P	C	---	---	---	---	---	See Section 5.03.100 (Child Day Care Services)
624410	Child Day Care Centers (Employer Provided Services)	---	P	---	---	---	---	---	---	
624410	Family Child Day Care (Residential Facilities)									
	· Large Family (7 to 14 children)	---	---	A	---	---	---	---	---	See Section 5.03.100 (Child Day Care Services)
	· Small Family (less than 8 children)	---	---	P	---	---	---	---	---	
71	ARTS, ENTERTAINMENT AND RECREATION									
711	Performing Arts, Spectator Sports, and Related Industries	---	C	---	---	---	---	---	---	
712	Museums, Historical Sites, and Similar Institutions									
7121	Museums, Historical Sites, and Similar Institutions									
71211	Museums	---	P	C	---	---	P	---	---	
71213	Zoos and Botanical Gardens	---	---	---	---	---	C	---	---	
713	Amusement, Gambling, and Recreation Industries									
7131	Amusement Parks and Arcades									
71311	Amusement and Theme Parks	---	---	---	C	---	C	---	---	
71312	Amusement Arcades (limited to video and electronic game arcades, cyber cafes and on-line and internet gaming facilities)	---	---	---	---	---	---	---	---	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									
71391	Golf Courses and Country Clubs	---	---	---	C	---	P	---	---	

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
71394	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	---	---	---	---	
	· GFA 10,000 or More SF	---	---	---	C	---	---	---	---	
71395	Bowling Centers	---	---	---	---	---	---	---	---	
71399	All Other Amusement and Recreation Industries, limited to the following (NAICS 713990):									
713990	Adult-Oriented Businesses	---	---	---	P	---	---	---	---	See Section 5.03.015 (Adult-Oriented Businesses)
713990	Batting Cages -- Indoor	---	---	---	P	---	---	---	---	
713990	Batting Cages -- Outdoor	---	---	---	P	---	C	---	---	
713990	Billiard Parlors and Pool Halls	---	---	---	---	---	---	---	---	See Section 5.03.075 (Billiard Parlors and Pool Halls)
713990	Dancing, Dance Clubs, Dance Halls, Ballrooms and Discotheques	---	---	---	C	---	---	---	---	
713990	Escape, Exit, Mystery, and Puzzle Rooms	---	---	---	---	---	---	---	---	
713990	Golf Driving Ranges, Miniature and Pitch-N-Put Golf Courses, and Practice Ranges	---	---	---	C	---	C	---	---	
713990	Hookah Establishments	---	---	---	---	---	---	---	---	See Section 5.03.245 (Hookah Establishments)
713990	Live Entertainment	---	C	---	P	---	---	---	---	>10,00 SF REQUIRE CUP
713990	Off-Road Vehicle Riding Facilities (recreational)	---	---	---	---	---	---	---	---	
713990	Open Space and Park Lands (publicly owned facilities)	P	P	P	P	P	P	P	P	
713990	Shooting and Archery Ranges and Galleries -- Indoor Only	---	---	---	C	---	---	---	---	
713990	Simulated Racing (limited to go-carts, radio controlled vehicles and other similar facilities)	---	---	---	---	---	---	---	---	
713990	Simulated Shooting Games -- Indoor Only (limited to laser tag and paint ball)	---	---	---	---	---	---	---	---	
713990	Skating Rinks and Parks (indoor only)	---	---	---	C	---	---	---	---	
713990	Smoking Lounges, Vape Lounges, and Other Similar Facilities (excluding hookah facilities)	---	---	---	---	---	---	---	---	
713990	Stables (commercial riding)	---	---	---	---	---	C	---	---	
72 ACCOMMODATION AND FOOD SERVICES										
721 Accommodation (Lodging Facilities)										
7211 Traveler Accommodation										
72111	Hotels and Motels	---	---	---	P	---	---	---	---	See Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation)

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
72119	Other Traveler Accommodation									
721191	Bed-and-Breakfast Inns	---	---	C	---	---	---	---	---	See Section 5.03.070 (Bed-and-Breakfast Inns)
721199	All Other Traveler Accommodation									
	· Residence Inns	---	---	---	---	---	---	---	---	See Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation)
	· Cabins and Cottages	---	---	---	---	---	---	---	---	
	· Hostels	---	---	---	---	---	---	---	---	
7212	RV (Recreational Vehicle) Parks and Recreational Camps	---	---	---	---	---	---	---	---	
7213	Boarding, Lodging and Rooming Houses	A	---	A	---	---	---	---	---	See Section 5.03.080 (Boarding, Lodging and Rooming Houses)
722	Food Services and Drinking Places									
	Alcoholic Beverage Sales for On-Premise Consumption (except drinking places)	---	C	---	C	---	C	---	---	See Section 5.03.025 (Alcoholic Beverage Sales)
7223	Special Food Services									
72231	Food Service Contractors	---	---	---	---	---	---	---	---	
72232	Caterers	---	---	---	---	---	---	---	---	
72233	Mobile Food Services	---	---	---	---	---	---	---	---	See Section 5.03.290 (Mobile Food Services)
7224	Drinking Places (includes bars, cocktail lounges, nightclubs and taverns, and other similar facilities)	---	---	---	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	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
722513	Limited-Service and Fast Food Restaurants	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
722514	Cafeterias and Buffets	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
722515	Snack and Nonalcoholic Beverage Bars	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
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)									
81111	Motor Vehicle Mechanical and Electrical Repair and Maintenance									
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	---	---	---	---	See Section 5.03.065 (Automotive Repair and Maintenance—Servicing Facilities)
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	---	---	---	P	---	---	---	---	See Section 5.03.060 (Automotive Repair and Maintenance—General Repair Facilities)
	· Large Truck, Bus and Similarly Large Motor Vehicle Repair and Maintenance	---	---	---	P	---	---	---	---	
81112	Automotive Body, Paint, Interior and Glass Repair									
811121	Automotive Body, Paint, and Interior Repair and Customization									
	· Automobile, Light Truck and Van Body, Paint, and Interior Repair and Customization	---	---	---	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 -- no body or paint work is allowed)	---	---	---	P	---	---	---	---	
	· Large Truck and Bus Body, Paint, and Interior Repair and Maintenance	---	---	---	P	---	---	---	---	
	· Mobile Body and Paint Repair Services	---	---	---	P	---	---	---	---	See Section 5.03.050 (Automotive Body and Paint—Mobile Repair Services)
811122	Automotive Glass Replacement Shops (limited to stationary and mobile services)	---	---	---	P	---	---	---	---	See Section 5.03.055 (Automotive Glass Replacement Shops)
81119	Other Automotive Repair and Maintenance									
811191	Automotive Oil Change and Lubrication Shops	---	---	---	P	---	---	---	---	
811192	Car Washes--Full-Service and Self-Service (excludes facilities ancillary to fueling stations)									
	· Automobiles, Light Trucks and Vans	---	---	---	P	---	---	---	---	
	· Trucks and Similarly Large Vehicles	---	---	---	P	---	---	---	---	
	· Mobile Washing and Detailing Services	---	---	---	---	---	---	---	---	See Section 5.03.300 (Mobile Washing and Detailing Services)
811198	All Other Automotive Repair and Maintenance									
	· Emissions Testing (test only facilities)	---	---	---	---	---	---	---	---	

Exhibit-2

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties 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.</i>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
	• Rustproofing and Undercoating Shops	---	---	---	---	---	---	---	---	
	• Spray-On Bedliner Installation Shops	---	---	---	---	---	---	---	---	
	• Plug-In Electric Vehicle (PEV) Charging Facilities (ancillary to an allowed land use)	P	P	P	---	P	P	P	P	
8112	Electronic and Precision Equipment Repair and Maintenance	---	---	---	P	---	---	---	---	
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	---	---	---	P	---	---	---	---	
8114	Personal and Household Goods Repair and Maintenance									
811411, 811412	Home and Garden Equipment and Appliance Repair and Maintenance	---	---	---	P	---	---	---	---	
811420	Reupholsters and Furniture Repair	---	---	---	P	---	---	---	---	
811430	Footwear and Leather Goods Repair	---	---	---	---	---	---	---	---	
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	---	---	---	---	
811490	Boat Repair and Maintenance Services (no retail sales of new boats)	---	---	---	P	---	---	---	---	
811490	Motorcycle Repair and Maintenance Services (no retail sales of new motorcycles)	---	---	---	P	---	---	---	---	
812	Personal and Laundry Services									
8121	Personal Care Services									
81211	Hair, Nail, and Skin Care Services	---	---	---	---	---	---	---	---	
81219	Other Personal Care Services	---	---	---	---	---	---	---	---	
812191	Diet and Weight Reducing Centers	---	---	---	---	---	---	---	---	
812199	Other Personal Care Services, limited to the following:									
	• Chair Massage	---	---	---	P	---	---	---	---	See Section 5.03.270 (Massage Establishments and Services)
	• Color Consulting Services	---	---	---	---	---	---	---	---	
	• Day Spas	---	---	---	---	---	---	---	---	
	• Hair Removal Services	---	---	---	---	---	---	---	---	
	• Hair Replacement Services	---	---	---	---	---	---	---	---	
	• Make-Up Salons (includes the application of permanent cosmetics)	---	---	---	---	---	---	---	---	See Section 5.03.390 (Tattoo, Body Piercing, Branding, and Permanent Cosmetics Application)
	• Massage Establishments	---	---	---	---	---	---	---	---	See Section 5.03.270 (Massage Establishments and Services)
	• Tanning Salons	---	---	---	---	---	---	---	---	
	• Body Art Services (includes tattooing, body piercing, and branding)	---	---	---	---	---	---	---	---	See Section 5.03.390 (Tattoo, Body Piercing, Branding, and Permanent Cosmetics Application)
8122	Death Care Services									
812210	Funeral Director Services (limited to office/retail only)	---	---	---	---	P	---	---	---	See Section 5.03.205 (Funeral Director Services)

Exhibit-2

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812210	Funeral Parlors and Mortuary Services (excludes funeral establishments)	---	---	---	---	P	---	---	---	
812210	Funeral Establishments	---	---	---	---	P	---	---	---	
812220	Cemeteries	---	---	---	---	P	---	---	---	
812220	Crematories	---	---	---	---	C	---	---	---	
8123	Drycleaning and Laundry Services									
81231	Coin-Operated Laundries and Drycleaners	---	---	---	---	---	---	---	---	
81232	Drycleaning and Laundry Services (except Coin-Operated)	---	---	---	---	---	---	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
81233	Linen and Uniform Supply									
812331	Linen Supply	---	---	---	P	---	---	---	---	
812332	Industrial Launderers	---	---	---	P	---	---	---	---	
8129	Other Personal Services									
81291	Pet Care (except Veterinary and Kennel) Services, limited to the following (NAICS 812910):									
812910	Pet Grooming and Training Services	---	---	---	P	---	---	---	---	
812910	Pet Boarding and Sitting (Doggy Daycare) Services, and Shelters	---	---	---	P	---	---	---	---	
81292	Photofinishing	---	---	---	---	---	---	---	---	
812930	Parking Lots and Garages (commercial)	---	---	---	---	---	---	---	---	
81299	All Other Personal Services, limited to the following (NAICS 812990):									
812990	Astrology, Fortunetelling, Numerology, Palmistry, Phrenology and Psychic Reading Services	---	---	---	---	---	---	---	---	
812990	Funeral Planning Services (office only—excludes preparation of the dead for burial or interment, and the conducting of funeral services)	---	---	---	---	---	---	---	---	
812990	Party Planning Services	---	---	---	---	---	---	---	---	
812990	Personal Fitness Trainer	---	---	---	---	---	---	---	---	See Section 5.03.315 (Personal Fitness Trainer)
812990	Wedding and Funerary Chapels (excludes religious assembly)	---	---	---	---	---	---	---	---	
813	Religious, Grantmaking, Civic, Professional and Similar Organizations									
8131	Religious Organizations									
813110	Religious Assembly	---	C	C	---	---	---	---	---	
813110	Monasteries, Convents and Other Similar Facilities	---	---	C	---	---	---	---	---	
8132 , 8133 , 8134 , 8139	Grantmaking and Giving Services; Social Advocacy Organizations; Civic and Social Organizations; and Business, Professional, Labor, Political and Similar Organizations									
	· Offices Only	---	---	---	---	---	---	---	---	
	· Assembly Facilities	---	---	---	---	---	---	---	---	
92	PUBLIC ADMINISTRATION									
921	Executive, Legislative, and Other General Government Support	---	P	---	---	---	---	---	---	
922	Justice, Public Order, and Safety Activities									

Exhibit-2

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92211	Courts	---	P	---	---	---	---	---	---	
92212	Police Protection (limited to stations, substations and storefront facilities)	P	P	P	P	P	P	P	P	
92213	Legal Counsel and Prosecution	---	P	---	---	---	---	---	---	
92214	Correctional Institutions	---	---	---	---	---	---	---	---	
92215	Parole Offices and Probation Offices	---	P	---	---	---	---	---	---	
92216	Fire Protection	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	---	---	---	---	---	---	
	TEMPORARY AND INTERIM LAND USES, BUILDINGS, AND STRUCTURES									
	Temporary and Interim Land Uses	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	See Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures)
	· 5 to 10 years	C	C	C	A	C	C	C	C	
	· More than 10 years	---	---	---	A	---	---	---	---	

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 billboards established pursuant to a Billboard Relocation Agreement, implemented pursuant to Section 4.02.010 (Billboard Relocation Agreements) of this Development Code and billboards located within the ONT zone pursuant to Table 8.01-1: Sign Regulations Matrix.

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
F. SPECIAL USE ZONING DISTRICTS (excepting those "Specialty Signs" listed in Subsection F (Standards for Specialty Signs) of this Table)					
4. Ontario International Airport					
a. Temporary Signs					
▪ Real Estate Signs	One freestanding or wall sign per parcel.	24 SF per sign face.	7 FT		<p>[1] Only non-illuminated signs shall be allowed.</p> <p>[2] Signs shall be removed within 5 days following the sale or lease of the last unit, or final Building Department inspection.</p>
▪ Window Signs and Displays	Window signs	Limited to 25% of the window area.			<p>[1] Window signs shall be allowed for a maximum of 3 periods of 30 days, annually.</p> <p>[2] Window signs shall be allowed only on windows located on the ground floor of a building frontage.</p> <p>[3] Window signs shall be painted or mounted only on the inside of doors and windows.</p> <p>[4] Signs placed on the interior of a building that are located within 3 FT of a storefront window and are visible from the building exterior shall be deemed a window sign.</p>
▪ On-Site Signs and Banners	One wall-mounted sign or banner per business.	50 SF per sign face.			
b. Permanent Signs					

<p>▪ Wall Signs</p>	<p>One wall sign per tenant/building (for corner lots, one per street elevation, not to exceed 2 signs per building)</p> <p>As approved as part of a Uniform Sign Program</p>	<p>{1} One SF of sign per lineal FT of building frontage;</p> <p>{2} For corner lots, one SF of sign per lineal FT of building frontage, on each street; or one half SF of sign area for each lineal foot of lot frontage on one street only.</p> <p>{3} 200 SF maximum sign area, calculated as prescribed above. A calculation of less than 20 SF shall result in a maximum sign area of 20 SF.</p>			
<p>▪ Monument Sign</p>	<p>One monument sign per development.</p> <p>As approved as part of a Uniform Sign Program</p>	<p>50 SF per sign face.</p>	<p>7 FT</p>		<p>{1} Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division.</p> <p>{2} Signs shall not be located in any required setback area, unless authorized by the Planning Commission.</p>
<p>▪ Freeway Signs</p>	<p>{1} One sign per parcel having a minimum of 600 FT of freeway frontage, and is developed as a single entity.</p> <p>{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.</p> <p>{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.</p>	<p>150 SF per sign face.</p>	<p>35 FT maximum; however, the height may be increased to 45 FT if the site is at least 10 FT lower than the freeway finish surface.</p>	<p>No sign face (vertical or horizontal) shall exceed 25 FT in any direction.</p>	<p>{1} Any advertisement, text, symbols, or other indications displayed on the sign face shall be limited to 5 words, letters, numbers, figures, symbols or other indications to substitute for words.</p> <p>{2} Signs shall be separated by 600 FT. Signs may not be located further than 40 FT from the freeway.</p> <p>{3} Sign shall not have more than 2 display surfaces, unless approved by the Planning Commission.</p> <p>{4} No tentative map or parcel map shall be approved on a parcel upon which a bonus sign is located if the effect on the parcel upon which said bonus sign is located would be to reduce its area to less than 10 acres.</p>

					or its freeway frontage to less than 600 FT.
▪ Wayfinding/ Directional Signs	As approved as part of a Uniform Sign Program				
▪ Billboards	Three (3) LED signs Three (3) static message signs	LED – 675 sq. ft. per sign face Static – 250 sq. ft. per sign face Total square footage of all billboard signs shall not exceed 2,500 square feet.	LED – 35 feet Static – 35 feet	LED – 48 feet Static – 11 feet	All billboard signs shall be located in close proximity to the terminal 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.				

CITY OF ONTARIO

Agenda Report
April 17, 2018

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA18-001, TO ALLOW USED VEHICLE AUTOMOBILE DEALERS IN THE CR (REGIONAL COMMERCIAL) ZONING DISTRICT, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT, AND A ZONE CHANGE, FILE NO. PZC18-001, FROM OH (HIGH INTENSITY OFFICE) TO CR (REGIONAL COMMERCIAL) ON 2.34 ACRES OF LAND LOCATED AT THE TERMINUS OF TURNER AVENUE, SOUTH OF INTERSTATE 10, AT 520 NORTH TURNER AVENUE (APN:0210-551-01)


RECOMMENDATION: That the City Council consider and:

- (1) Adopt the Addendum to The Ontario Plan Environmental Impact Report;
- (2) Introduce and waive further reading of an ordinance approving File No. PDCA18-001, a Development Code Amendment to allow used vehicle automobile dealers as a conditionally permitted use in the CR (Regional Commercial) zoning district; and
- (3) Introduce and waive further reading of an ordinance approving File No. PZC18-001, a Zone Change from OH (High Intensity Office) to CR (Regional Commercial) on property located at 520 North Turner Avenue.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: Adoption of the proposed Development Code Amendment and Zone Change will have no direct fiscal impact.

STAFF MEMBER PRESENTING: Cathy Wahlstrom, Assistant Planning Director

Prepared by: Charles Mercier
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2018
Approved: _____
Continued to: _____
Denied: _____

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BACKGROUND: Carvana, LLC (the “Applicant”) is requesting the approval of a Development Code Amendment (File No. PDCA18-001) to allow used vehicle automobile dealers as a conditionally permitted land use in the CR (Regional Commercial) zoning district. Furthermore, the Applicant is requesting approval of a Zone Change from OH (High Intensity Office) to CR (Regional Commercial) on a 2.34-acre property located at 520 North Turner Avenue. The approval of these applications will facilitate the development of the project site with an automobile sales facility for Carvana, an on-line retailer of previously owned, late model automobiles.

The proposed Development Code Amendment will revise Table 5.02-1 (The Land Use Matrix) to allow used vehicle automobile dealers in the CR zoning district, subject to the approval of a Conditional Use Permit. Furthermore, Paragraph B.4 (CR (Regional Commercial – 0.4 Maximum FAR) Zoning District) of Development Code Section 5.01.005 (Establishment of Base Zoning Districts), which establishes the CR zoning district, will be amended, adding a statement providing that the CR zoning district is consistent with and implements the Office Commercial land use designation of the Policy Plan (General Plan) component of The Ontario Plan. Without the addition of this statement, the proposed zone change cannot be approved, as the property on which the zone change is proposed is located within the Office Commercial land use district.

In addition, to allowing properties within the Office Commercial land use district of the Policy Plan Land Use Plan to be zoned CR, conditions under which the Office Commercial property may be zoned CR are also proposed, including requirements that (1) the property must have a minimum of 350 lineal feet of freeway frontage along Interstate 10 or Interstate 15, and (2) the use of the property is restricted to automobile dealerships, allowing the sale of new and used automobiles, light trucks and vans.

On March 27, 2018, the Planning Commission considered the proposed Development Code Amendment and Zone Change, and with a 6 – 0 vote to recommend that the City Council approve the above-described applications.

AIRPORT LAND USE COMPATIBILITY PLAN COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The environmental impacts of the above-described applications were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum was prepared pursuant to CEQA, the State CEQA Guidelines and The City’s “Guidelines for the Implementation of the California Environmental Quality Act (CEQA)” which provides for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts that were not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NOS. PDCA18-001 AND PZC18-001.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study, and approved for attachment to the certified Environmental Impact Report, an addendum to The Ontario Plan Environmental Impact Report for File Nos. PDCA18-001 and PZC18-001 (hereinafter referred to as "Initial Study/Environmental Impact Report Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively referred to as "CEQA"); and

WHEREAS, File Nos. PDCA18-001 and PZC18-001 analyzed under the Initial Study/Environmental Impact Report Addendum, consists of a Development Code Amendment, File No. PDCA18-001, to allow used vehicle automobile dealers in the CR (Regional Commercial) zoning district, subject to the approval of a Conditional Use Permit, and a Zone Change, File No. PZC18-001, from OH (High Intensity Office) to CR (Regional Commercial), located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, in the City of Ontario, California (hereinafter referred to as the "Project"); and

WHEREAS, the Initial Study/Environmental Impact Report Addendum concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, The Ontario Plan Environmental Impact Report was certified on January 27, 2010, in which development and use of the Project site was discussed; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary to a project, but the preparation of a subsequent or supplemental EIR is not required; and

WHEREAS, the City determined that none of the conditions requiring preparation of a subsequent or supplemental EIR would occur from the Project, and that preparation of an addendum to the EIR was appropriate; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the City Council is the approving authority for the proposed approval to undertake the Project; and

WHEREAS, the City Council has reviewed and considered the Initial Study/Environmental Impact Report Addendum for the Project, has concluded that none of the conditions requiring preparation of a subsequent of supplemental EIR have occurred, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Environmental Impact Report Addendum for the Project are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Initial Study/Addendum and the Project, and concluded said hearing on that date. After considering the public testimony, the Planning Commission voted 6 to 0 to recommending approval (Resolution No. PC18-032) to the City Council of the Initial Study/Addendum; and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a hearing to consider the Initial Study/Addendum and the Project, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the City Council of the City of Ontario, as follows:

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. 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 environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report — State Clearinghouse No. 2008101140, certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGP06-001 (hereinafter referred to as “Certified EIR”).

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.

(5) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

(6) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

SECTION 2. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 and 2, above, the City Council hereby finds that based upon the entire record of proceedings before it, and all information received, that there is no

substantial evidence that the Project will constitute substantial changes to the Certified EIR, and does hereby approve the Addendum to the Certified EIR, attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 4. *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. *Custodian of Records.* 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 6. *Certification to Adoption.* The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of April 2018.

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. 2018-_____ was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 17, 2018 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. 2018-_____ duly passed and adopted by the Ontario City Council at their regular meeting held April 17, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**Addendum to The Ontario Plan
Environmental Impact Report**

(Addendum to follow this page)

Attachment A—ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT

California Environmental Quality Act Environmental Checklist Form

City of Ontario
Planning Department
303 East "B" Street
Ontario, California
Phone: (909) 395-2036
Fax: (909) 395-2420



Project Title/File No.: PDCA18-001 and PZC18-001

Lead Agency: City of Ontario, 303 East "B" Street, Ontario, California 91764, (909) 395-2036

Contact Person: Charles Mercier, Senior Planner, (909) 395-2425

Project Sponsor: Carvana, LLC, 1930 West Rio Salado Parkway, Tempe, Arizona 85281

Project Location: The project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County. As illustrated on Figures 1 and 2, below, the project site is located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue.

Figure 1—REGIONAL LOCATION MAP



Figure 2—VICINITY MAP



General Plan Designation: Office Commercial

Zoning: OH (High Intensity Office)

Description of Project: A Development Code Amendment, File No. PDCA18-001, to allow used vehicle automobile dealers in the CR (Regional Commercial) zoning district, subject to the approval of a Conditional Use Permit, and a Zone Change, File No. PZC18-001, from OH (High Intensity Office) to CR (Regional Commercial).

Project Setting: The affected property is a vacant 2.34-acre parcel of land, which lies within the OH (High Intensity Office) zoning district. The property is relatively flat, with a gentle 1 to 2 percent slope toward the southwest corner of the site, and contains numerous mature trees around its perimeter, of varying size and species. Land uses surrounding the project site are characterized by a mix of vacant, commercial office, and accommodation land uses. More specifically, Interstate 10 (San Bernardino Freeway) abuts the project site to the north. A hotel (Fairfield Inn) abuts project site to the east and is located within the Commercial-Hotel land use district of the Centrelake Specific Plan. Offices are located on property abutting the project site's south property line, which are located within the Office land use district of the Centrelake Specific Plan. The property abutting the project site to the west is unimproved and lies in the Office/Commercial land use district of the Guasti Plaza Specific Plan.

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Office Commercial	OH (High Intensity Office)	N/A
<i>North</i>	I-10 (San Bernardino Freeway)	I-10 (San Bernardino Freeway)	I-10 (San Bernardino Freeway)	N/A
<i>South</i>	Office	Office Commercial	SP (Specific Plan)	Office (Centrelake Specific Plan)
<i>East</i>	Hotel	Office Commercial	SP (Specific Plan)	Commercial/Hotel (Centrelake Specific Plan)
<i>West</i>	Vacant	Guasti Mixed Use	SP (Specific Plan)	Office/Commercial (Guasti Plaza Specific Plan)

Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement): (Insert description)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | |
|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

March 19, 2018

Date

Charles H. Mercier, Senior Planner
Printed Name and Title

City of Ontario Planning Department
For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from the "Earlier Analyses" Section may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analyses Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
1) AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CEQA Environmental Checklist Form
 File No(s): PGPA16-005 & PZC16-003

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in California Code of Regulations Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code Section 21074?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9) HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increase in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10) LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, airport land use compatibility plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11) MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12) NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
e) For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13) POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14) PUBLIC SERVICES. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15) RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16) TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17) UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
18) MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

EXPLANATION OF ISSUES

1) **AESTHETICS.** Would the project:

a) **Have a substantial adverse effect on a scenic vista?**

Discussion of Effects: The proposed project will not have a significant adverse effect aesthetically. As provided in TOP EIR, the City of Ontario's physical setting lends opportunities for many views of the community and surrounding natural features, including panoramic views of the San Bernardino and San Gabriel Mountains and stretches of open space and undeveloped land south of Riverside Drive. TOP EIR provides that compliance with TOP Policy CD1-5 in the Community Design Element will avoid significant impacts to scenic vista by making it the policy of the City to protect public views of the San Gabriel Mountains. The project under consideration proposes a Development Code Amendment and Zone Change. Subsequent development of the affected property is not anticipated to result in any alteration of existing public views of the San Gabriel Mountains. Since no adverse aesthetic impacts are expected, no mitigation is necessary.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Substantially damage scenic resources, including, but not limited to, tress, rock outcroppings and historic buildings within a state scenic highway?**

Discussion of Effects: The City of Ontario is served by three freeways: I-10, I-15, and SR-60. I-10 and SR-60 traverse the northern and central portion of the City, respectively, in an east-west direction. I-15 traverses the northeastern portion of the City in a north-south direction. These segments of I-10, I-15, and SR-60 have not been officially designated as scenic highways by the California Department of Transportation. In addition, there are no historic buildings or any scenic

resources identified on or in the vicinity of the project site. Therefore, it will not result in adverse environmental impacts.

Mitigation: None required.

c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

Discussion of Effects: The project would not degrade the existing visual character or quality of the site or its surroundings. The project site is located in an area that is characterized by commercial development and is surrounded by urban land uses. The proposed project would allow uses that closely correlate with land use designations in the surrounding area. Therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) **Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?**

Discussion of Effects: The proposed project would not introduce new lighting to the surrounding area beyond what was anticipated in the Certified TOP FEIR. Therefore, no new adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

2) **AGRICULTURE AND FOREST RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Discussion of Effects: The project site is not zoned for agricultural uses. The site is previously developed. The project will not create any new impacts to agricultural uses in the vicinity which were not identified in the Certified TOP FEIR. As a result, no new adverse environmental impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

Discussion of Effects: The project site is not zoned for agricultural use. The project site is currently zoned OH (High Intensity Office) and the proposed zoning is CR (Regional Commercial). Subsequent development on the project site would be consistent with the development standards and allowed land uses of the proposed zone. Furthermore, there is no Williamson Act contract in effect on the subject site. Therefore, no impacts to agricultural uses are anticipated, nor will there be any conflict with existing or Williamson Act contracts.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

Discussion of Effects: The project would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production because such land use designations do not exist within the City of Ontario. Therefore, no adverse impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

Discussion of Effects: There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, the proposed project would not result in the loss or conversion of forest land.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Involve other changes in the existing environment, which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

Discussion of Effects: The project site is not designated as Farmland and there are no agricultural uses occurring onsite. As a result, to the extent that the project would result in changes to the existing environment, those changes would not result in loss of Farmland to non-agricultural use.

Additionally, there is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code Section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, to the extent that the proposed project would result in changes to the existing environment, those changes would not impact forest land.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- 3) **AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) **Conflict with or obstruct implementation of the applicable air quality plan?**

Discussion of Effects: The City is located in a non-attainment region of South Coast Air Basin (SCAB). However, this impact has already been evaluated and mitigated to the extent feasible in TOP FEIR. TOP FEIR has addressed short-term construction impacts, however, and adequate mitigation (Mitigation Measure 3-1) has been adopted by the City that would help reduce emissions and air quality impacts. No new impacts beyond those identified in TOP FEIR would result from Project implementation. Changing the General Plan land use designations on various parcels will not generate significant new or greater air quality impacts than identified in TOP FEIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Discussion of Effects: The project will not generate significant new or greater air quality impacts than identified in TOP FEIR. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce emissions and air quality impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?**

Discussion of Effects: The proposed project closely correlates to the land use designations of the surrounding area and will not generate significant new or greater air quality impacts than identified in TOP FEIR. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce emissions and air quality impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) **Expose sensitive receptors to substantial pollutant concentrations?**

Discussion of Effects: As discussed in Section 5.3 of TOP FEIR, the proposed project is within a non-attainment region of the SCAB. Essentially this means that any new contribution of emissions into the SCAB would be considered significant and adverse. The project closely correlates to the land use designations of the surrounding area and will not generate significant new or greater air quality impacts than identified in TOP FEIR. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce air pollutants to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

e) **Create objectionable odors affecting a substantial number of people?**

Discussion of Effects: Any new buildings and any future development resulting from the proposed project will be required to comply with the standards in place at the time of development. The Project will not create significant objectionable odors. Therefore the Project will not introduce new odors beyond those previously analyzed in TOP EIR

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

4) **BIOLOGICAL RESOURCES.** Would the project:

a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Discussion of Effects: The project site is not located within an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional

plans, policies or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Discussion of Effects: The site does not contain any riparian habitat or other sensitive natural community identified by the Department of Fish & Game or Fish & Wildlife Service. Therefore, no adverse environmental impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Discussion of Effects: No wetland habitat is present on site. Therefore, project implementation would have no impact on these resources.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Discussion of Effects: New development on the project site would be subject to TOP FEIR requirements for implementation of regulatory and standard conditions of approval to mitigate for impacts to species and project-specific CEQA review will be undertaken at the appropriate time. Policy ER5-1 encourages efforts to conserve flood control channels and transmission line corridors as wildlife movement corridors. Therefore, no adverse environmental impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Discussion of Effects: The City of Ontario does not have any ordinances protecting biological resources. Therefore the project does not conflict with existing plans. As a result, no adverse environmental impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan?**

Discussion of Effects: The project site is not part of an adopted HCP, NCCP or other approved habitat conservation plan. As a result, no adverse environmental impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

5) **CULTURAL RESOURCES.** Would the project:

a) **Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?**

Discussion of Effects: The project contains no buildings constructed more than 50 years ago and cannot be considered for eligibility for listing in the California Register of Historic Resources. In addition, Title 9, Chapter 1, Article 4, Section 9-1.0412 and 9-1.0413, and Article 26 of the City of Ontario Municipal Code protects sensitive historical resources of local interest. No new impacts beyond those identified in TOP FEIR would result from the Project.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

Discussion of Effects: The Ontario Plan FEIR (Section 5.5) indicates no archeological sites or resources have been recorded in the City with the Archeological Information Center at San Bernardino County Museum. However, only about 10 percent of the City of Ontario has been adequately surveyed for prehistoric or historic archaeology. While no adverse impacts to archeological resources are anticipated, the City's Standard Conditions of Approval for New Development Projects, adopted by City Council Resolution No. 2017-027 on April 18, 2017 imposes conditions which provide that in the event of unanticipated archeological discoveries, construction activities will not continue or will moved to other parts of the project site and a qualified archaeologist shall be contacted to determine significance of these resources. If the find is discovered to be historical or unique archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines, avoidance or other appropriate measures shall be implemented.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Discussion of Effects: The City of Ontario is underlain by deposits of Quaternary and Upper-Pleistocene sediments deposited during the Pliocene and early Pleistocene time, Quaternary Older Alluvial sediments may contain significant, nonrenewable, paleontological resources and are, therefore, considered to have high sensitivity at depths of 10 feet or more below ground surface. In addition, the Ontario Plan FEIR (Section 5.5) indicates that one paleontological resource has been discovered in the City. However, the project proposes excavation depths to be less than 10 feet. While no adverse impacts are anticipated, standard conditions have been imposed on the project that in the event of unanticipated paleontological resources are identified during excavation, construction activities will not continue or will moved to other parts of the project site and a qualified paleontologist shall be contacted to determine significance of these resources. If the find is determined to be significant, avoidance or other appropriate measures shall be implemented.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) **Disturb any human remains, including those interred outside of formal cemeteries?**

Discussion of Effects: The project area has been previously disturbed by development and no known religious or sacred sites exist within the area. Thus, human remains are not expected to be encountered during any new construction activities on the project site; however, in the unlikely event that human remains are discovered, existing regulations, including the California Public

Resources Code Section 5097.98, would afford protection for human remains discovered during development activities. Furthermore, the City's Standard Conditions of Approval for New Development Projects, adopted by City Council Resolution No. 2017-027 on April 18, 2017, imposes conditions which provide that in the event that unanticipated discoveries of human remains are identified during excavation, construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and/or Native American consultation has been completed, if deemed applicable.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

e) **Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code Section 21074?**

Discussion of Effects: The proposed project is in an area that has been previously disturbed by development. No known Tribal Cultural Resources exist within the project area.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

6) **GEOLOGY & SOILS.** Would the project:

a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**

i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Discussion of Effects: There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Ontario Plan FEIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. Given that the closest fault zone is located more than ten miles from the project site, fault rupture within the project area is not likely. All future development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility; therefore, no adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

ii) **Strong seismic ground shaking?**

Discussion of Effects: There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Land Use Plan (Figure LU-6) of the Policy Plan (General Plan) FEIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. The closest fault zone is located more than ten miles from the project site. The proximity of the site to the active faults will result in ground shaking during moderate to severe seismic events. All future construction will be in compliance with the California Building Code, the Ontario Municipal Code, The Ontario Plan and all other ordinances adopted by the City related to construction and safety. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

iii) **Seismic-related ground failure, including liquefaction?**

Discussion of Effects: As identified in the TOP FEIR (Section 5.7), groundwater saturation of sediments is required for earthquake induced liquefaction. In general, groundwater depths shallower than 10 feet to the surface can cause the highest liquefaction susceptibility. Depth to ground water at the project site during the winter months is estimated to be between 250 to 450 feet below ground surface; therefore, the liquefaction potential within the project area is minimal. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

iv) **Landslides?**

Discussion of Effects: The project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving landslides because the relatively flat topography of the project site (less than 2 percent slope across the City) makes the chance of landslides remote. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal Code would reduce impacts to a less than significant level.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Result in substantial soil erosion or the loss of topsoil?**

Discussion of Effects: The proposed project would not create greater erosion impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Discussion of Effects: The project would not create greater landslide potential impacts than were identified in the Certified TOP FEIR. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Discussion of Effects: The majority of Ontario, including the project site, is located on alluvial soil deposits. These types of soils are not considered to be expansive; therefore, no adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

Discussion of Effects: The area is served by the local sewer system and the use of alternative systems is not allowed; therefore, there will be no impact to septic tanks or alternate wastewater disposal systems.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

7) **GREENHOUSE GAS EMISSIONS.** Would the project:

a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Discussion of Effects: The impact of buildout of The Ontario Plan on the environment due to the emission of greenhouse gases (“GHGs”) was analyzed in the Environmental Impact Report (“EIR”) for the Policy Plan (General Plan). According to the EIR, this impact would be significant and unavoidable. (Re-circulated Portions of the Ontario Plan Draft Environmental Impact Report, p. 2-118.) This EIR was certified by the City on January 27, 2010, at which time a statement of overriding considerations was also adopted for The Ontario Plan’s significant and unavoidable impacts, including that concerning the emission of greenhouse gases.

The project will not create greater impacts than were identified in the Certified TOP FEIR. Pursuant to Public Resources Code Section 21083.3, this impact need not be analyzed further, because (1) the proposed project would result in an impact that was previously analyzed in The Ontario Plan EIR, which was certified by the City; (2) the proposed project would not result in any greenhouse gas impacts that were not addressed in The Ontario Plan EIR; (3) the proposed project is consistent with The Ontario Plan.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary. The mitigation measures adopted as part of TOP FEIR adequately addresses any potential significant impacts and there is no need for any additional mitigation measures.

b) **Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Discussion of Effects: The project will not create significantly greater impacts than were identified in the Certified TOP FEIR. The proposed project is consistent with The Ontario Plan Goal ER 4 of improving air quality by, among other things, implementation of Policy ER4-3, regarding the reduction of greenhouse gas emissions in accordance with regional, state and federal regulations. In addition, the proposed project is consistent with the policies outlined in Section 5.6.4 of the Environmental Impact Report for The Ontario Plan, which aims to reduce the City’s contribution of greenhouse gas emissions at build-out by 15 percent, because the project is upholding the applicable City’s adopted mitigation measures as represented in 6-1 through 6-6. Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

8) **HAZARDS & HAZARDOUS MATERIALS.** Would the project:

a) **Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Discussion of Effects: The project is not anticipated to involve the transport, use or disposal of hazardous materials during project implementation; therefore, no adverse impacts are anticipated. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan will decrease the potential for health and safety risks from hazardous materials to a less than significant impact.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Discussion of Effects: The project is not anticipated to involve the use or disposal of hazardous materials during project implementation; therefore, no adverse impacts are anticipated. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan will decrease the potential for health and safety risks from hazardous materials to a less than significant impact.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?**

Discussion of Effects: The proposed project does not include the use, emissions or handling of hazardous or acutely hazardous materials, substances or waste; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project site is not listed on the hazardous materials site compiled pursuant to Government Code Section 65962.5; therefore, the project would not create a hazard to the public or the environment, and no impact is anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project will be consistent with existing and proposed improvements and land uses in the surrounding area and is not located within an airport safety zone for Ontario International Airport or Chino Airport; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The City's Safety Element, as contained within The Ontario Plan, includes policies and procedures to be administered in the event of a disaster. The Ontario Plan seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from every day and disaster emergencies. In addition, the project will comply with the requirements of the Ontario Fire Department and all City requirements for fire and other emergency access. Because future development would be required to comply with all applicable State and City codes, any impacts would be reduced to a less than significant level.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Discussion of Effects: The project site is not located in or near wildlands; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- 9) **HYDROLOGY & WATER QUALITY.** Would the project:

- a) **Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?**

Discussion of Effects: The project site is served by City water and sewer service and any development of the site will not adversely affect water quality standards or waste discharge requirements. Furthermore, compliance with established Codes and standards for any development on the project site would reduce any impacts to below a level of significance; therefore no adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. No increases in the current amount of water flow to the project site are anticipated, and the proposed project will not deplete groundwater supplies, nor will it interfere with recharge. The water use associated with the proposed use of the property will be negligible. The future development of the site will require the grading of the site and excavation is expected to be less than three feet and would not affect the existing aquifer, estimated to be about 230 to 250 feet below the ground surface. No adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental**

harm or potential for significant increases in erosion of the project site or surrounding areas?

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The existing drainage pattern of the project site will not be significantly altered and it will have no significant impact on downstream hydrology. Stormwater generated by the development of the project site will be discharged in compliance with the statewide NPDES General Construction Activities Stormwater Permit and San Bernardino County MS4 permit requirements. With the full implementation of a Storm Water Pollution Prevention Plan developed in compliance with the General Construction Activities Permit requirements, the Best Management Practices included in the SWPPP, and a stormwater monitoring program would reduce any impacts to below a level of significance. No streams or streambeds are present on the site. No changes in erosion off-site are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The development of the project site is not anticipated to significantly increase the flow velocity or volume of storm water runoff to cause environmental harm from the site, and will not create a burden on existing infrastructure. Furthermore, with the implementation of an approved Water Quality Management Plan developed for the site, in compliance with the San Bernardino County MS4 Permit requirements, stormwater runoff volume shall be reduced to below a level of significance.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (a&b) during construction and/or post-construction activity?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. It is not anticipated that the project would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or create or contribute stormwater runoff pollutants during construction and/or post-construction activity. Pursuant to the requirements of The Ontario Plan, the City's Development Code, and the San Bernardino County MS4 Permit's "Water Quality Management Plan" (WQMP), individual developments must provide site drainage and WQMP plans according to guidelines established by the City's Engineering Department. If master drainage facilities are not in place at the time of project development, then standard engineering practices for controlling post-development runoff may be required, which could include the construction of on-site storm water detention and/or retention/infiltration facilities; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The future development of the site will be required to comply with the statewide NPDES General Construction Permit and the City of Ontario's Municipal Code (Title 6,

Chapter 6 (Stormwater Drainage System)) to minimize water pollution. Thus it is anticipated that there is no potential for discharges of stormwater during construction that will affect the beneficial uses of the receiving waters; however, with the General Construction Permit requirement and implementation of the policies in The Ontario Plan, any impacts associated with the project would be less than significant; therefore, no impact resulting from the project is anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

Discussion of Effects: The proposed project does not include housing and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

h) **Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?**

Discussion of Effects: The proposed project is not within a 100-year flood hazard area and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. There are no levees or dams upstream from the project site that would result in significant risk of loss, injury or death involving flooding, as a result of failure; therefore, no impact are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

j) **Expose people or structures to inundation by seiche, tsunami or mudflow?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. There are no lakes or substantial reservoirs near the project site; therefore, impacts from seiche are not anticipated. The City of Ontario has relatively flat topography, less than two percent across the City, and the chance of mudflow is remote. Therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

10) **LAND USE & PLANNING.** Would the project:

a) **Physically divide an established community?**

Discussion of Effects: The project site is located in an area that is currently developed with urban land uses. The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. No adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Conflict with applicable land use plan, policy or regulation of agencies with jurisdiction over the project (including, but not limited to general plan, airport land use compatibility plan, specific plan, or development code) adopted for the purpose of avoiding or mitigation an environmental effect?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project does not interfere with any policies for environmental protection; therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

Discussion of Effects: There are no adopted habitat conservation plans in the project area; therefore, no conflicts or impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

11) **MINERAL RESOURCES.** Would the project:

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The project site is located within a mostly developed area surrounded by urban land uses. There are no known mineral resources in the area; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. There are no known mineral resources in the area; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

12) **NOISE.** Would the project result in:

- a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The project will not expose people to or generate noise levels in excess of standards as established in The Ontario Plan FEIR (Section 5.12). No additional analysis will be required at the time of site development review.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The uses associated with this proposed project are required to comply with the environmental standards contained in the City of Ontario Development Code; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: The project site is located within an urbanized area and proposed use of the site is consistent with existing and proposed land use in the surrounding area. Therefore, the project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing, and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. Development of the project site must comply with existing noise standards; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The project site is not located within the noise impact zones of the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP); therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

13) **POPULATION & HOUSING.** Would the project:

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?**

Discussion of Effects: The proposed project will not significantly affect population growth in the area and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The proposed project will not adversely affect housing in the area and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The proposed project will not adversely affect housing in the area and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

14) **PUBLIC SERVICES**. Would the project:

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

- i) **Fire protection?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a mostly developed area that is currently served by the Ontario Fire Department. The project will not cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- ii) **Police protection?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a developed area, currently served by the Ontario Police Department. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- iii) **Schools?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- iv) **Parks?**

Discussion of Effects: The site is in a mostly developed area, currently served by the City of Ontario. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

v) **Other public facilities?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a mostly developed area, currently served by the City of Ontario. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

15) **RECREATION.** Would the project:

a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. This project is not proposing any new housing or large employment generator that would cause an increase in the use of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. This project is not proposing any new housing or large employment generator that would cause an increase in the use of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

16) **TRANSPORTATION/TRAFFIC.** Would the project:

a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The project is in an area that is mostly developed, with street improvements existing. Any future development of the project site will be served by the existing circulation system or any necessary mitigation will be determined by analysis per the City of Ontario guidelines. The proposed project will have less impacts than the TOP EIR assumed resulting in less than significant impacts.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The project is in an area that is mostly developed with street improvements existing. The project will generate lower total nonresidential building area and jobs than the certified TOP EIR assumed, resulting in fewer impacts. The project will not conflict with an applicable congestion management program or negatively impact the level of service standards on adjacent arterials. Less than significant impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The project will not create a substantial safety risk or interfere with air traffic patterns at Ontario International Airport as it is outside of areas with FAA-imposed height restrictions. No impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Discussion of Effects: The project is in an area that is mostly developed. All street improvements are complete and no alterations are proposed for adjacent intersections or arterials. The project will, therefore, not create a substantial increase in hazards due to a design feature. No impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Result in inadequate emergency access?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. Development on the project site will be designed to provide access for all emergency vehicles and will, therefore, not create an inadequate emergency access. No impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **Result in inadequate parking capacity?**

Discussion of Effects: Development of the project site will be required to meet parking standards established by the Ontario Development Code and will, therefore, not create an inadequate parking capacity. No impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- g) **Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

Discussion of Effects: The project does not conflict with any transportation policies, plans or programs; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

17) UTILITIES AND SERVICE SYSTEMS. Would the project:

- a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

Discussion of Effects: The proposed project will not significantly alter wastewater treatment needs of Ontario and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: Development of the project site will be served by the City of Ontario. The project will be required to meet the requirements of the Ontario Engineering Department regarding storm drain facilities; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Discussion of Effects: The proposed project does not allow for construction beyond levels previously considered by the Certified TOP EIR; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- g) **Comply with federal, state, and local statutes and regulations related to solid waste?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

18) **MANDATORY FINDINGS OF SIGNIFICANCE**

Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Discussion of Effects: The proposed project does not have the potential to reduce wildlife habitat and threaten a wildlife species. Therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- a) **Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

Discussion of Effects: The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)**

Discussion of Effects: The project does not have impacts that are cumulatively considerable.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

Discussion of Effects: The project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

EARLIER ANALYZES

(Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D)):

- 1) Earlier analyzes used. Identify earlier analyzes used and state where they are available for review.
 - a) The Ontario Plan Final EIR
 - b) The Ontario Plan
 - c) City of Ontario Zoning

All documents listed above are on file with the City of Ontario Planning Department, 303 East "B" Street, Ontario, California 91764, (909) 395-2036.

- 2) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards.

Comments III.A and C were addressed in The Ontario Plan FEIR and considered a significant adverse effect that could not be mitigated. A statement of overriding considerations was adopted for The Ontario Plan FEIR.

MITIGATION MEASURES

The Mitigation Measures contained in the Certified TOP Environmental Impact Report adequately mitigate the impacts of the proposed project. These mitigation measures are contained in the Mitigation Monitoring Program

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC18-001, A ZONE CHANGE FROM OH (HIGH DENSITY OFFICE) TO CR (REGION COMMERCIAL) ON 2.34 ACRES OF LAND LOCATED AT THE TERMINUS OF TURNER AVENUE, SOUTH OF INTERSTATE 10, AT 520 NORTH TURNER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0210-551-01.

WHEREAS, Carvana, LLC ("Applicant"), has filed an Application for the approval of a Zone Change, File No. PZC18-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.34 acres of land generally located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the OH (High Density Office) zoning district, and is presently unimproved; and

WHEREAS, Interstate 10 (San Bernardino Freeway) abuts the project site to the north. The property to the east is within the Commercial/Hotel land use district of the Centrelake Specific Plan, and is developed with a hotel. The property to the south is within the Office land use district of the Centrelake Specific Plan, and is developed with office buildings. The property to the west is within the Office/Commercial land use district of the Guasti Plaza Specific Plan, and is vacant; and

WHEREAS, the Applicant is requesting approval of a Zone Change on the 2.34-acre project site, from OH (High Intensity Office) to CR (Regional Commercial); and

WHEREAS, being essential to the authorization of this Application, a Development Code Amendment (File No. PDCA18-001) was processed, reviewed and acted upon concurrently with this Zone Change, establishing that the CR zoning district is consistent with, and implements, the Office Commercial land use designation of the Policy Plan component of The Ontario Plan. Furthermore, consistent with the Development Code Amendment, the subject property has a minimum of 350 lineal feet of freeway frontage along Interstate 10, and the use of the subject property will be restricted to automobile dealerships, allowing the sale of new and used automobiles, light trucks and vans; and

WHEREAS, on March 27, 2018, the Planning Commission conducted a public hearing and approved a resolution recommending the City Council approval (Resolution No. PC18-032) of the use of an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGP06-001 (hereinafter referred to as "Certified EIR"). This Application introduces no new significant environmental impacts. Furthermore, all mitigation measures previously adopted with the Certified Environmental Impact Report are incorporated into the Project by reference; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan (ALUCP), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; 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 March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider for the Zone Change, and concluded said hearing on that date, voting 6 to 0 recommending (Resolution No. PC18-033) City Council approve the Application; and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a hearing to consider the Initial Study/Addendum and the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on April 17, 2018, the City Council approved a resolution adopting an Initial Study/Addendum to a previous Certified EIR prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based

upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report, certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the DAB; and

(5) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

(6) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Certified EIR, and all mitigation measures previously adopted by the Certified EIR, are incorporated herein by this reference.

SECTION 2. Additional Environmental Review Not Required. Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance.* 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. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), 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 Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 4. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 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 Priorities components of The Ontario Plan.*** The proposed Development Code Amendment will provide consistency between property being changed from OH (High Density Office) to CR (Regional Commercial) and its surrounding area through the requirement for a Conditional Use Permit, as-well-as implementation of location, minimum freeway frontage, and land use restrictions, which will serve to maintain a logical land use pattern in and around an affected property; and

(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 will protect the public interest, health, safety, convenience, and general welfare through application of the Conditional Use Permit requirement, and implementation of location, minimum freeway frontage, and land use restrictions, which will serve to maintain a logical land use pattern in and around an affected property.

SECTION 5. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby APPROVES the herein described Zone Change application, as shown in "Attachment A," attached hereto and incorporated by this reference.

SECTION 6. Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7. Custodian of Records. 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 8. Severability. 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 9. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 10. Publication and Posting. 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 the 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 ____ day of _____ 2018.

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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held April 17, 2018 and adopted at the regular meeting held _____, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK



(SEAL)

ATTACHMENT A:

File No. PZC18-001; Proposed Zone Change

Zoning Legend:

 OH, High Intensity Office	 CR, Regional Commercial
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Existing Zoning	Parcels	Proposed Zoning
 <p>INTERSTATE 10</p> <p>GUASTI RD</p> <p>TURNER AV</p> <p>OH, High Intensity Office</p>	<p>APN: 0210-551-01</p> <p>(One Property)</p>	 <p>INTERSTATE 10</p> <p>GUASTI RD</p> <p>TURNER AV</p> <p>CR, Regional Commercial</p>

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA18-001, A DEVELOPMENT CODE AMENDMENT TO ALLOW USED VEHICLE AUTOMOBILE DEALERS IN THE CR (REGIONAL COMMERCIAL) ZONING DISTRICT, 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. PDCA18-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which states long-term principles, 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, certain alterations to the City of Ontario Development Code are proposed, which will allow Used Vehicle Automobile Dealers in the CR (Regional Commercial) zoning district, subject to the approval of a Conditional Use Permit; and

WHEREAS, on March 27, 2018, the Planning Commission conducted a public hearing and approving a resolution recommending the City Council approve a Resolution adopting an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), certified by the City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts. Furthermore, all mitigation measures previously adopted with the Certified Environmental Impact Report are incorporated into the Project by reference; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility

Plan (ALUCP), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; 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 March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Development Code Amendment and concluded said hearing on that date. After considering the public testimony, the Planning Commission voted 6 to 0 to recommend approval (Resolution No. PC18-034) to the City Council of the Application; and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a hearing to consider the Initial Study/Addendum and the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on April 17, 2018, the City Council approved a resolution adopting an Initial Study/Addendum to the previously Certified The Ontario Plan Environmental Impact Report prepared pursuant to CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. Development Code Amendment. The City of Ontario Development Code is hereby amended as described in Subsections a and b, below.

a. Paragraph B.4 of Section 5.01.005 (Establishment of Base Zoning Districts) of the City of Ontario Development Code is hereby amended to read as follows:

"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 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).”

b. Table 5.02-1 (Land Use Matrix) of the City of Ontario Development Code is hereby amended to allow Used Vehicle Automobile Dealers (NAICS 441120) in the CR (Regional Commercial) zoning district, subject to the approval of a Conditional Use Permit.

SECTION 2. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. 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:

a. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report, certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

b. The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

c. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

d. All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.

e. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

f. There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts.

SECTION 3. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 2, above, the City Council finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

a. Does not constitute substantial changes to the Environmental Impact Report that will require major revisions to the Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

b. Does not constitute substantial changes with respect to the circumstances under which the Environmental Impact Report was prepared, that will require major revisions to the Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

c. Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Environmental Impact Report was certified/adopted, that shows any of the following:

1. The project will have one or more significant effects not discussed in the Environmental Impact Report; or

2. Significant effects previously examined will be substantially more severe than shown in the Environmental Impact Report; or

3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

4. Mitigation measures or alternatives considerably different from those analyzed in the Environmental Impact Report would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 4. *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* 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. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), 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 Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 5. *Concluding Facts and Reasons.* Based on the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4 above, the City Council hereby concludes as follows:

a. 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

b. The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

SECTION 6. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 6 above, the City Council hereby APPROVES the subject Development Code Amendment, File No. PDCA18-001.

SECTION 7. *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 8. *Custodian of Records.* 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 9. *Severability.* 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 10. *Effective Date.* This Ordinance shall become effective 30 days following its adoption.

SECTION 11. *Publication and Posting.* 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 the 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 ____ day of _____ 2018.

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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held April 17, 2018 and adopted at the regular meeting held _____, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
April 17, 2018

SECTION:
PUBLIC HEARINGS


SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA17-007) BETWEEN THE CITY OF ONTARIO AND ONTARIO AVENIDA PROPERTY OWNER LLC, FOR THE POTENTIAL DEVELOPMENT OF UP TO 176 RESIDENTIAL UNITS (FILE NO. PMTT16-003/TT 20012) ON 37.47 ACRES OF LAND, FOR PROPERTY GENERALLY LOCATED NORTH OF ONTARIO RANCH ROAD AND APPROXIMATELY 400 FEET WEST OF TURNER AVENUE, WITHIN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT OF PLANNING AREA 8A OF THE AVENUE SPECIFIC PLAN (APNs: 0218-201-20, 0218-201-26 and 0218-201-27)

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving a Development Agreement (File No. PDA17-007, on file with the Records Management Department) between the City of Ontario and Ontario Avenida Property OWNER LLC, for the potential development of up to 176 residential units (File No. PMTT16-003/TT 20012) on 37.47 acres of land, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan.

COUNCIL GOALS: 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)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: The proposed Development Agreement will provide funding from a community facilities district (CFD) for additional City services required to support The Avenue Specific Plan development, thereby mitigating the increased cost associated with such services. In addition, the City will receive Public Service Funding fees plus development impact, compliance processing, licensing, and

STAFF MEMBER PRESENTING: Cathy Wahlstrom, Assistant Planning Director

Prepared by: Rudy Zeledon
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2018
Approved: _____
Continued to: _____
Denied: _____

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permitting fees. No Original Model Colony revenue will be used to support the Ontario Ranch development.

BACKGROUND: The financial commitment required for construction in Ontario Ranch is substantial. To adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Ontario Avenida Property OWNER LLC, is entering into a Development Agreement with the City providing for the development of up to 176 dwelling units. The Development Agreement provides funding for new City expenses created by the project, including operational costs related to the review, approval and administration of the Ontario Avenida Property OWNER LLC, project, additional project related services, infrastructure and affordable housing requirements.

The Development Agreement proposes to include 37.47 acres of land within Planning Area 8A of The Avenue Specific Plan as shown in Exhibit A (The Avenue Specific Plan – Land Use Map). The Agreement grants Ontario Avenida Property OWNER LLC, a vested right to develop Tentative Tract Map 20012 as long as Ontario Avenida Property OWNER LLC, complies with the terms and conditions of The Avenue Specific Plan and Environmental Impact Report.

The term of the Development Agreement is for ten years with a five year option. The main points of the agreement address funding for all new City expenses created by the project which includes:

- Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, police, fire, open space/parks etc.);
- Public Service Funding to ensure adequate provisions of public services (police, fire and other public services);
- The creation of a Community Facilities District (CFD) for reimbursement of public improvements and maintenance of public facilities;
- The Park/Open Space Policy Plan requirement of five acres per 1,000 projected population through park dedication and/or the payment of in-lieu fees; and
- Public infrastructure improvements required to support the development of TT20012.

Other points addressed by the Agreement include provisions for affordable housing, as required by the Policy Plan, through construction, rehabilitation, or by paying an in-lieu fee, and satisfaction of the Mountain View School District and Chaffey Joint Union High School District school facilities requirements.

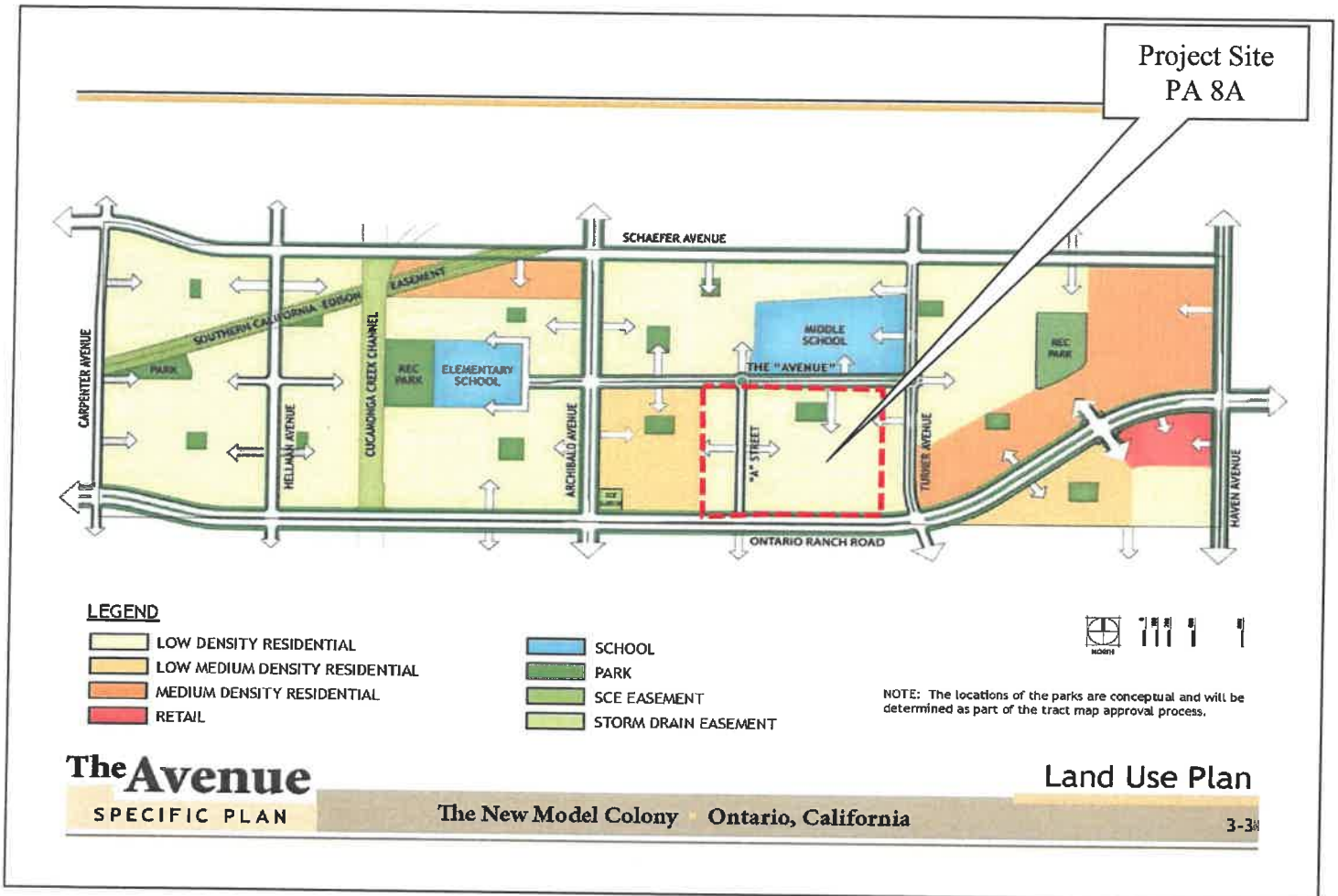
In considering the application at their meeting of March 27, 2018, the Planning Commission found that the Development Agreement was consistent with State law, The Ontario Plan, the City's Development Agreement policies, and other Development Agreements previously approved for Ontario Ranch developments; and with a 5 to 0 vote (Resolution No. PC18-039), recommended approval of the Development Agreement to the City Council.

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 site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously analyzed in The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on December 9, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

EXHIBIT "A"
The Avenue Specific Plan Land Use Plan



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FILE NO. PDA17-007, BETWEEN THE CITY OF ONTARIO AND ONTARIO AVENIDA PROPERTY OWNER LLC, FOR THE POTENTIAL DEVELOPMENT OF UP TO 176 RESIDENTIAL UNITS (FILE NO. PMTT16-003/TT20012) ON 37.47 ACRES OF LAND, FOR PROPERTY GENERALLY LOCATED NORTH OF ONTARIO RANCH ROAD AND APPROXIMATELY 400 FEET WEST OF TURNER AVENUE, WITHIN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT OF PLANNING AREA 8A OF THE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-241-010, 0210-241-11, 0218-241-13, 0218-241-17 AND 0218-241-18.

WHEREAS, CALIFORNIA GOVERNMENT CODE SECTION 65864 NOW provides, in pertinent part, as follows:

“The Legislature finds and declares that:

(a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.”

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

“Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ...”

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms,

restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

WHEREAS, on April 4, 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 10, 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, attached to this ordinance, marked Exhibit “A” and incorporated herein by this reference, is the proposed Development Agreement between the City of Ontario and Ontario Avenida Property OWNER LLC, for the potential development of up to 176 residential units (File No. PMTT16-003/TT 20012) on 37.47 acres of land, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan and as legally described in the attached Development Agreement. Hereinafter in this Ordinance, the Development Agreement is referred to as the “Development Agreement”; and

WHEREAS, on November 28, 2006, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution PC06-141 recommending City Council certification of The Avenue Specific Plan EIR and Issued Resolution PC06-143 recommending approval of The Avenue Specific Plan (File No. PSP05-003); and

WHEREAS, on December 9, 2006, the City Council of the City of Ontario issued Resolution No. 2006-131 certifying The Avenue Specific Plan EIR (SCH No. 2005071109) and

WHEREAS, on January 16, 2007, the City Council of the City of Ontario adopted Ordinance No. 2851 approving The Avenue Specific Plan; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”); and

WHEREAS, the environmental impacts of this project were previously analyzed in The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on December 9, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date. After considering the public testimony, the Planning Commission voted 5 to 0 to recommend approval (Resolution No. 18-039) of the Development Agreement to the City Council; and

WHEREAS, on April 17, 2018, the City Council of the City of Ontario conducted a public hearing to consider the Agreement and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, it is hereby found, determined, and ordained by the City Council of the City of Ontario as follows:

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previous The Avenue Specific Plan EIR (SCH# 2005071109) and supporting documentation. Based upon the facts and information contained in the previous The Avenue Specific Plan EIR (SCH# 2005071109) and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with The Avenue Specific Plan EIR (SCH# 2005071109), certified by the City of Ontario City Council on December 9, 2006, in conjunction with File No. PSP05-003.

(2) The previous The Avenue Specific Plan EIR (SCH# 2005071109) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous The Avenue Specific Plan EIR (SCH# 2005071109), was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous The Avenue Specific Plan EIR (SCH# 2005071109) reflects the independent judgment of the City Council; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous The Avenue Specific Plan EIR (SCH# 2005071109), and all mitigation measures previously adopted with The Avenue Specific Plan EIR (SCH# 2005071109), are incorporated herein by this reference.

SECTION 2. *Subsequent or Supplemental Environmental Review Not Required.* Based on the information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental to The Avenue Specific Plan EIR (SCH# 2005071109) is not required for the Project, as the Project:

(1) Does not constitute substantial changes to The Avenue Specific Plan EIR (SCH# 2005071109) that will require major revisions to The Avenue Specific Plan EIR (SCH# 2005071109) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which The Avenue Specific Plan EIR (SCH# 2005071109) was prepared, that will require major revisions to The Avenue Specific Plan EIR (SCH# 2005071109) due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time The Avenue Specific Plan EIR (SCH# 2005071109) was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in The Avenue Specific Plan EIR (SCH# 2005071109); or

(b) Significant effects previously examined will be substantially more severe than shown in The Avenue Specific Plan EIR (SCH# 2005071109); or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in The Avenue Specific Plan EIR (SCH# 2005071109) would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (180) and density (4.5 DU/AC) specified within The Avenue Specific Plan. Per the Available Land Inventory, The Avenue Specific Plan is required to provide 2,552 dwelling units with a density range of 2-12 DU/AC.

SECTION 4. *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* 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. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), 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 City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 5. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, the City Council hereby concludes as follows:

a. The Development Agreement applies to 37.47 acres of land, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan, and is presently used for agriculture and dairy uses; and

b. The properties to the north of the Project site are located within Low Density Residential\Middle School zoning designation of Planning Areas 6A, 6B and 9B and is currently being rough graded. The property to the east is within the Single Family Residential zoning district of Planning Area 8B of The Avenue Specific Plan and is developed with a single family home and an active agriculture use (Egg poultry farm). The properties to the south are within Medium Density Residential\Public School (Future High School) zoning district of Planning Areas 7A and 10 of the Grand Park Specific Plan and currently vacant and used for dairy farm (PA-7A). The property to the west is within Low Density Land Use zoning district of Planning Area 7 of The Avenue Specific Plan and is currently being mass graded; and

c. The Development Agreement establishes parameters for the development of Tentative Tract Map 20012 within the Planning Area 8A (Low Density Residential) for the potential development of 176 residential units. The Development Agreement also grants Ontario Avenida Property OWNER LLC, the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for The Avenue Specific Plan; and

d. The Development Agreement focuses on Tentative Tract Map 20012 that proposes to subdivide to subdivide 37.47 acres of land into 176 numbered lots for single family residential and open space purposes and 47 lettered lots for public streets, neighborhood edges, paseos, parks and parkways; and

e. The Development Agreement will provide for the development of up to 176 single family units as established for Planning Areas 8A of The Avenue Specific Plan;

and

f. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

g. The Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

h. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and

i. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project previously reviewed in conjunction with File No. PSP15-002, the Armstrong Ranch Specific Plan for which an Environmental Impact Report (SCH# 2016111009) was adopted by the City Council on December 5, 2017. This Application introduces no new significant environmental impacts. This application introduces no new significant environmental impacts; and

j. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 6. *City Council Action.* Based upon the findings and conclusions set forth in paragraphs 1, 2, 3 and 4 above, the City Council hereby APPROVES of the Development Agreement subject to each and every condition set forth in The Avenue Specific Plan and EIR, incorporated by this reference.

SECTION 7. *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 8. *Custodian of Records.* 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 9. *Severability.* 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 10. **Effective Date.** This Ordinance shall become effective 30 days following its adoption.

SECTION 11. **Publication and Posting.** 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 the 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 ____ day of _____ 2018.

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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held April 17, 2018 and adopted at the regular meeting held _____, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

Exhibit A:

**File No. PDA17-007;
Development Agreement**

(Development Agreement follows this page)

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Ontario
303 East "B" Street
Ontario California, California 91764
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6301

Space above this line for Recorder's Use Only

SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT

By and Between

City of Ontario, a California municipal corporation,

And

EDENGLLEN ONTARIO LLC, a Delaware limited liability company,

_____, 2018

San Bernardino County, California

**SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF ONTARIO AND EDENGLLEN ONTARIO LLC**

This Second Amendment (hereinafter "Second Amendment") is entered into effective as of the _____ day of _____ 2018 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and Edenglen Ontario LLC, a Delaware limited liability company (hereinafter "OWNER").

RECITALS

WHEREAS, the CITY and OWNER have previously entered into a Development Agreement pursuant to Section 65864, et seq., of the Government Code, (hereinafter the "Original Development Agreement"); and

WHEREAS, the CITY and OWNER have previously supplemented the Development Agreement pursuant to: the Supplemental Memorandum of Agreement By and Between the City of Ontario and Edenglen Ontario LLC, (hereinafter the "First Supplemental Memorandum") dated February 20, 2007; the Second Supplemental Memorandum of Agreement By and Between the City of Ontario and Edenglen Ontario LLC, (hereinafter the "Second Supplemental Memorandum") dated November 14, 2007; the Third Supplemental Memorandum of Agreement By and Between the City of Ontario and Edenglen Ontario LLC, (hereinafter the "Third Supplemental Memorandum") dated January 17th, 2008; the Amended and Restated Fourth Supplemental Memorandum of Agreement By and Between the City of Ontario and Edenglen Ontario LLC, dated, June 7, 2010 and the First Amendment to the Development Agreement by and between the City of Ontario and Edenglen Ontario LLC, dated January 1, 2011 (collectively, the Development Agreement); and

WHEREAS, OWNER and CITY also previously entered into the "Agreement For Temporary Water Service From and Abandonment of Agricultural Well, dated September 27, 2006 (hereinafter, the "Well Use Agreement"); and

WHEREAS, the Development Plan and Development Approvals as defined in the Development Agreement included all permits and other entitlements for use subject to approval or issuance by CITY, including the Subdivision Agreement for Final Tract Map No. 17392, known as the "A map", (hereinafter referred to as the "Subdivision Agreement") that, among other things, required the dedication of Rights of Way and the construction of public improvements; and

WHEREAS, the Development Plan and Development Approvals as defined in the Development Agreement also includes all permits and other entitlements for use subject to the approval or issuance by CITY, including the Subdivision Agreements for Final Tract Map Nos. 17558, 17559, 17560, 17561, 17562, 17563, 17564, 18789, 18790, 18791, and 17564; that among other things, required the construction of public improvements; and

WHEREAS, Section 2.5 of the Development Agreement specifies that the Development Agreement may be amended in whole or in part only in the manner provided for in Government Code Section 65868.1 and the procedure for adopting and entering into an amendment to the Development Agreement shall be the same as the procedure for adopting and entering into the Development Agreement; and

WHEREAS, OWNER has previously requested to modify the number of residential units that may utilize the existing temporary connection to CITY's sewer infrastructure and OWNER has acknowledged that by agreeing to expand the use of the existing temporary connection to CITY's sewer infrastructure, OWNER and CITY have reduced the capacity in CITY's sewer facilities such that other adjacent property owners may be unable to develop authorized uses on their property. In recognition of this, OWNER has previously agreed to construct improvements to the CITY's sewer facilities to expand the capacity of such facilities, if and when, the owners of the adjacent properties proceed with the development and connection to CITY's sewer infrastructure. Additionally, OWNER has previously agreed to provide sufficient security in the form of an acceptable Performance Bond or other acceptable security to ensure the construction of expanded sewer facilities, when CITY determines that such facilities are required, in the CITY's sole and absolute discretion; and

WHEREAS, it is recognized by OWNER and CITY that the availability of permanent sewer services and storm drain infrastructure to serve the Property may not be constructed without the future participation of other developable property owned by OWNER and others that will be served by the same infrastructure; and

WHEREAS, the Development Agreement between the City and OWNER, reflects the assumption that the consortium of developers, organized as NMC Builders LLC would jointly-fund and construct certain master planned infrastructure improvements, including the extension of recycled water facilities; sewer facilities and storm drain facilities to serve the Property. Since the approval of the Development Agreement between the City and the OWNER, the scope of the improvements to be constructed by NMC Builders LLC has been significantly reduced and will not be constructing these master planned infrastructure improvements to provide for the extension of recycled water, sewer or storm drain facilities to the Project; and

WHEREAS, the City of Ontario and NMC Builders LLC have previously entered into the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve the Easterly Portion of the New Model Colony in August 2012 (the "Construction Agreement Amendment") and such Construction Agreement Amendment no longer requires NMC Builders LLC to construct public improvements to serve the Project; and

WHEREAS, the Property is located in an area of the City of Ontario that has been known as the "New Model Colony" area and the New Model Colony area has now been renamed as "Ontario Ranch; and

WHEREAS, the CITY and OWNER have previously agreed to the use of interim facilities for storm drain and sewer utilities for the Project; and

WHEREAS, the CITY has previously agreed to allow the interim use of water from an agricultural well in-lieu of requiring the extension of master planned recycled water facilities to serve the Project; and

WHEREAS, the term of the Development Agreement was for a 10-year period and OWNER requested to extend the term of the Development Agreement for an additional 5-year period pursuant to Section 2 of the Development Agreement; and

WHEREAS, the CITY granted a temporary extension of the original term to allow the CITY and OWNER to negotiate the terms of this Second Amendment and to determine that OWNER was in compliance with the Development Agreement;

WHEREAS, upon approval and recordation of this Second Amendment, OWNER will be determined by CITY to be in compliance with the terms of the Development Agreement and CITY shall approve the extension of the term of the Development Agreement for an additional 5-year period;

WHEREAS, the CITY and OWNER agree that execution of this Second Amendment shall constitute Certification of Agreement Compliance under Section 6.4 of the Development Agreement and City shall issue "Certificate of Agreement Compliance" within 10 days following the effective date of this Second Amendment.

AGREEMENTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual agreements hereinafter contained, the parties agree as follows:

1. Modification of OWNER's Responsibility for Construction of Master Planned Sewer Facilities to Serve the Property. OWNER and CITY agree that the Section 1, including all subsections a. through i. of the First Amendment to the Development Agreement shall be replaced and superseded by the following:

1.1 OWNER agrees that within ninety (90) days of receiving written notice from CITY that master planned sewer facilities are available at or near the intersection of Ontario Ranch Road and Mill Creek Avenue, OWNER shall initiate the design and construction of permanent master planned sewer improvements from the Edenglen Project to a point of connection located at the intersection of Mill Creek Avenue and Ontario Ranch Road. OWNER agrees that OWNER shall diligently pursue and complete the construction of the permanent master planned sewer improvements to serve the Project within eighteen (18) months after notification from CITY. CITY agrees that this eighteen-month (18) period may be extended at the sole discretion of the City Engineer if OWNER requests an extension due to construction delays. The master planned sewer facilities to be constructed by

OWNER shall be as described in Exhibit F-A, attached hereto and incorporated herein.

- 1.2 OWNER also agrees that regardless of whether master planned sewer facilities are available at, or near, the intersection Ontario Ranch Road and Mill Creek Avenue, OWNER shall design and complete the construction of master planned sewer facilities in the Sewer Master Plan to serve the Property, including the extension of the master planned sewer facilities in Mill Creek Avenue, prior to, and as a condition precedent to OWNER requesting a building permit for the four hundred eighty fifth (485th) residential unit for the Property. Until such time as OWNER has completed the master planned sewer facilities to serve the Property, OWNER shall continue to be responsible for all costs for maintaining and operating the existing temporary sewer facilities including, but not limited to, all utilities and power costs, and the costs of on-going maintenance and repairs and connections to CITY's telemetry monitoring system. The master planned sewer facilities to be constructed by OWNER shall be as described in Exhibit F-B.
- 1.3 OWNER shall retain in full force and effect the Performance Bonds and Labor and Materials Bonds ("Bonds") to ensure that OWNER shall continue to be responsible to operate and maintain OWNER's sewer pumping facilities until permanent sewer facilities are completed and accepted by the CITY. If OWNER does not initiate the design and construction, or does not complete the design and construction, of the master planned sewer facilities in Mill Creek Avenue to serve the Project within the eighteen (18) month period as described in Section 1.1, OWNER concurs with, and OWNER shall cooperate with, all actions by CITY to compel the surety company that has issued the completion bonds for the sewer to initiate and/or complete the construction, as necessary, of the master planned sewer facilities as described in Exhibit F-A. Additionally, if OWNER fails to perform OWNER's responsibilities for the operation and maintenance of the sewer pumping facilities, as required by CITY, OWNER agrees that CITY shall proceed to call, and require performance by, the issuer of the Bonds.
- 1.4 CITY agrees that if a portion of the master planned sewer facilities as described in Exhibit F, are constructed by OWNER or others, OWNER may provide alternate security in the form of a new Bonds for the estimated remaining design and construction costs, as determined by the City Engineer, for the permanent master planned sewer facilities as described in Exhibit F-B and the estimated costs for the proper abandonment and removal of the temporary sewer facilities, in-lieu of the current Bonds for the construction of the previous master planned sewer facilities to serve the Property. If OWNER does not proceed with the construction and completion of the required master planned sewer improvements as described in Section 1.1 and Exhibit F-A or, alternatively Section 1.2 and Exhibit F-B, OWNER shall have breached this Second Amendment and CITY and OWNER agree that CITY shall proceed to call, and require performance by, the issuer of the Bonds.

2. Modification of OWNER's Responsibility for the Construction of Permanent Storm Drain Facilities to Serve the Property. CITY and OWNER agree that Section 2, including subsections a and b shall be replaced and superseded by the following:

"a. OWNER agrees that within ninety (90) days of receiving notice from CITY that permanent master planned storm drain facilities are available at, or near, the intersection of Ontario Ranch Road and Mill Creek Avenue OWNER agrees that OWNER shall diligently pursue and complete the construction of the permanent master planned storm drain improvements to serve the Project in Mill Creek Avenue from the Project to the connection to constructed storm drain improvements in Mill Creek Avenue and Ontario Ranch Road, within eighteen (18) months after notification from CITY. CITY agrees that this eighteen-month (18) period may be extended at the sole discretion of the City Engineer, if OWNER requests an extension due to construction delays. The master planned storm drain improvements to be constructed by OWNER shall be as described in Exhibit F-A, attached hereto and incorporated herein.

b. OWNER also agrees that regardless of whether master planned storm drain facilities are available at, or near, the intersection Ontario Ranch Road and Mill Creek Avenue, OWNER shall design and complete the construction of master planned storm drain improvements to serve the Property, including the extension of the master planned storm drain improvements in Mill Creek Avenue from the Project to a connection to the Countyline Channel, prior to, and as a condition precedent to OWNER requesting a building permit for the four hundred eighty fifth (485th) residential unit for the Property. Until such time as OWNER has completed the master planned storm drain facilities to serve the Property, OWNER shall continue to be responsible for all costs for maintaining and operating the existing temporary storm drain basin facilities including, but not limited to, the costs of any and all maintenance and repairs. The master planned storm drain improvements to be constructed by OWNER shall be as described in Exhibit F-B.

c. OWNER shall retain in full force and effect the Performance Bonds and Labor and Materials Bonds ("Bonds") to ensure that OWNER designs, constructs and completes the storm drain improvements in Mill Creek Avenue. If OWNER does not initiate the design and construction, or does not complete the design and construction, of the master planned sewer facilities in Mill Creek Avenue to serve the Project within the eighteen (18) month period as described in Section 2.1, OWNER concurs with, and OWNER shall cooperate with, all actions by CITY to compel the surety company that has issued the completion bonds for the storm drain improvements to initiate and/or complete the construction, as necessary, of the master planned storm drain improvements as described in Exhibit F-A. OWNER shall continue in full force and effect, the Performance Bond and Labor and Materials Bond ("Bonds") to ensure that OWNER shall continue to be fully responsible for the maintenance of OWNER's interim storm drain basin facilities until permanent storm drain facilities are completed.

d. CITY agrees that if a portion of the master planned storm drain improvements as described in Exhibit F-B, are constructed by OWNER or others, OWNER may provide alternate security in the form of a new Bonds for the estimated remaining design and construction costs, as determined by the City Engineer, for the permanent master planned sewer facilities as described in Exhibit F-B and the estimated costs for the proper abandonment and removal of the temporary storm drain basin facilities, in-lieu of the current Bonds for the construction of the previous master planned storm drain improvements to serve the Property. If OWNER does not proceed with the construction and completion of the required master planned storm drain improvements as described in Section 2.1 and Exhibit F-A or, alternatively Section 2.2 and Exhibit F-B, OWNER shall have breached this Second Amendment and CITY and OWNER agree that CITY shall proceed to call, and require performance by, the issuer of the Bonds.

3. Modifications to the Development Agreement and First Amendment regarding Development Impact Fees.

3.1 Modifications to of Section 4.2 of the Development Agreement regarding Development Impact Fees. CITY and OWNER agree to modify Section 4.2 of the Development as follows:

“a. Subsections 4.2.1.and 4.2.2 of the Development Agreement shall be replaced by the following Subsections 4.2.1 and 4.2.2:

“4.2.1 Amount of Development Impact Fee. Development Impact Fees (DIF) shall be paid by OWNER. The Development Impact Fee amounts to be paid by OWNER shall be the amounts that are in effect at the time such amounts are due. Nothing contained in this Agreement shall affect the ability of the CITY to impose new Development Impact Fees or amend the amounts of existing Development Impact Fees. Additionally, nothing contained in this Agreement shall affect the ability of other public agencies that are not controlled by CITY to impose and amend, from time to time, Development Impact Fees established or imposed by such other public agencies, even though such Development Impact Fees may be collected by CITY.

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable residential or other unit, except for the Open Space and Habitat Acquisition Development Impact fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit.”

b. Subsection 4.2.3 shall be retained and shall continue to be in full force and effect.

c. Subsections 4.2.4 and Subsections 4.2.5 shall be removed and replaced with the following Subsections 4.2.4 and 4.2.5:

“4.2.4 Construction of DIF Program Infrastructure (Construction Agreement). To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY’s Development Impact Fee Program and the Construction Agreement between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of the Construction Agreement and any amendments thereto. Use of DIF Credit issued to OWNER as a member of NMC Builders LLC to offset OWNER’s DIF payment obligations shall also be subject to the provisions of the Construction Agreement and any amendments thereto.

“4.2.5 Construction of DIF Program Infrastructure (Non-Construction Agreement). To date, OWNER has constructed and completed, and CITY has accepted public improvements that are in CITY’s Development Impact Fee Program. CITY has issued to OWNER credits against OWNER’s DIF Obligations and OWNER has previously used such credits against OWNER’s DIF Obligations in the amounts and in the DIF Program categories as shown in the attached Exhibit 1, attached hereto and incorporated herein. OWNER agrees that CITY has issued all DIF Credit due to OWNER from OWNER’s previously completed and accepted DIF Program public improvements. To the extent OWNER is required to construct and completes construction of additional public improvements that are included in CITY’s Development Impact Fee Program and such public improvements are not included the Construction Agreement Amendment between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of a separate Development Impact Fee Credit Agreement for Facility Construction (“DIF Credit Agreement”) between CITY and OWNER. Any and all limitations on the use of DIF Credit currently held by OWNER or issued to OWNER to offset OWNER’s DIF payment obligations shall also be subject to the provisions of a separate DIF Credit Agreement. CITY and OWNER agree that the DIF Credit Agreement between CITY and OWNER shall comply with CITY’s adopted policies applicable to such agreements. Notwithstanding the above, CITY shall not issue any DIF Credit to OWNER for the improvements constructed by OWNER in Mill Creek and Chino Avenues in the Storm Drain and Sewer DIF Local Adjacent DIF categories until the improvements are completed and connected to permanent master-planned sewer and storm drain systems.”

3.2 CITY’s Use of OWNER’s Refunded Development Impact Fees for the Construction of Permanent Master Planned Recycled Water Facilities to Serve the Property. The CITY and OWNER also agree to add the Subsection 4.2.6 to the Development Agreement as follows:

“4.2.6 CITY and OWNER agree that OWNER has previously paid to CITY, Development Impact Fees (DIF) in the Water DIF Category and it is anticipated that OWNER shall complete and CITY shall accept DIF Program Improvements in the Local Adjacent Water DIF category. CITY and OWNER agree that CITY and OWNER shall enter into a separate DIF Credit and Reimbursement Agreement as

referenced in Section 4.2.5. Subject to the provisions of such separate DIF Credit and Reimbursement Agreement, it is contemplated that OWNER's completed DIF Program Improvements in the Local Adjacent Water category will be eligible for DIF Credit from the City in the Local Adjacent Water category. Upon completion of such recycled water improvements by CITY, OWNER shall connect the recycled water system within the Edenglen Project to the permanent master planned Recycled Water line in Riverside Drive and abandon further use of the agricultural water provided under the Well Use Agreement between the City and OWNER. In recognition of the costs to the CITY for the design and construction of the extension of the Recycled Water improvements in Riverside Drive from Haven Avenue to a point adjacent to the Project, and as shown on the attached Exhibit F-B. OWNER's reimbursement for DIF Credit shall be reduced by an amount equal to the actual CITY costs for design and construction of the extension of the recycled water improvements up to a maximum reduction of four hundred thousand dollars \$400,000. The determination of the CITY's actual costs for the design and construction of the recycled water improvements in Riverside Drive will be included within the DIF Credit and Reimbursement Agreement and will be generally in conformance with the provisions of Section 1.5 of the Construction Agreement Amendment. OWNER shall also continue to maintain the existing recycled water system with the existing connection to the agricultural well until such time as the master planned recycled water facilities are available and OWNER has completed the construction of the connection to the master planned recycled water facilities in Riverside Avenue."

5. Disposition of Remaining Deposits in the Escrow Account for the Construction of Improvements. CITY and OWNER agree that Sections 3, 4 and 5 of the First Amendment to the Development Agreement are no longer applicable and shall be replaced and superseded by the following:

"a. Within thirty (30) days following the effective date of this Second Amendment, OWNER shall initiate construction to remediate the street improvements on Mill Creek Avenue and Chino Avenue immediately adjacent to the Project. Such remediation of the street improvement is to be completed by OWNER within a period of one hundred (180) days, including all reconstruction required to cure the pavement deficiencies of these street improvements. Once these street improvements are completed and accepted CITY shall issue DIF Credit to OWNER in the Local Adjacent Streets Category under the provisions of a DIF Credit and Reimbursement Agreement.

b. The remaining funds in the Escrow Account, which are \$602,928.51 as of January 16, 2018, established for the funding of the Mill Creek Avenue and Chino Avenue improvements will be retained within the Escrow Account and used exclusively for the OWNER's costs of reconstruction of the Mill Creek and Chino Avenue street improvements. Upon completion and acceptance of the Mill Creek and Chino Avenue street improvements by CITY, any remaining funds in Escrow Account shall be returned to OWNER. If OWNER's costs for the reconstruction of the Mill Creek and Chino Avenue street improvements exceed amount of remaining funds in the Escrow Account OWNER shall, at OWNER's option, either make additional deposits to the Escrow Account or fund

the costs for the reconstruction of the street improvements directly by OWNER outside of the Escrow Account. In either case, OWNER shall be responsible for the full costs for the reconstruction of the Mill Creek and Chino Avenue street improvements regardless of the availability of funds in the Escrow Account.

6. Restoration of Requirements within the Development Approvals – Subdivision Agreement – Final Tract Number 17392. OWNER agrees that Section 11 of the First Amendment to the Development Agreement is removed and replaced by the following:

“The requirements of the Subdivision Agreement for Final Tract Number 17392 are hereby modified as follows:

a. OWNER’s obligation to construct the extension of permanent sewer facilities from the Property to master planned sewer facilities as described in either Exhibit F-A or F-B to connect the Project to master planned sewer facilities shall be subject to the provisions of this Second Amendment.

b. OWNER’s obligation to construct the extension of permanent storm drain facilities from the Property to the County line Channel as describe in either Exhibit F-A or F-B to connect the Project to master planned storm drain facilities shall be subject to the provisions of this Second Amendment.

c. OWNER’s obligation to construct recycled water facilities to connect the Property to a permanent recycled water source in Riverside Drive shall be subject to the provisions of this Second Amendment.”

7. OWNER’s Continuing Obligations to Complete the Construction of the Neighborhood Edge Landscaping Behind the Sidewalk along Chino Avenue.

CITY and OWNER agree the completion of the construction of the neighborhood edge landscaping behind sidewalk along Chino Avenue, from Mill Creek Avenue to Edenglen Avenue may be deferred until OWNER files an application for modification of the Tract Map for Tract 17392 to retain the utility power lines along the north side of Chino Ave in their current location for both the transmission and distribution lines and revert the impacted developable lots to an expanded trail corridor within the existing SCE easement area or until OWNER relocates the utility poles and relocates the distribution facilities underground. OWNER shall will either file an application for a modification of Tract Map for Tract 17392 or initiate relocation of the utility poles and the undergrounding of the distribution facilities within one-hundred (180) days after the effective date of this Second Amendment.

8. OWNER’s Construction of Improvements. OWNER shall continue to follow CITY-approved bidding requirements, select a licensed contractor (approved by CITY in its reasonable discretion), and cause the construction of the required infrastructure all as detailed in the specifications to be provided by OWNER and approved by CITY. The construction of Improvements shall, without limitation, include the requirement that prevailing wages be paid as set forth herein and further described in the separate DIF Credit and Reimbursement Agreement. OWNER shall coordinate with CITY during the

bid and award process, and shall, prior to awarding the bid, provide to the CITY the submitted bids and the proposed contract.

9. Modification of OWNER's Other Requirements. CITY and OWNER agree that OWNER's Other Requirements as described in the Section 6 of the First Amendment and Exhibits 1-A and 1-B of the First Amendment have been completed or substantially completed by OWNER. The design and construction of the remaining infrastructure requirements for the Property are as described in Sections 1 and 2 herein and within the Subdivision Agreement for Final Tract Number 17392, as amended by the previous First Amendment and this Second Amendment.

10. Failure to Complete Any Remaining Required Improvements If OWNER fails to complete construction of any of the Improvements as described in Sections 1, 2, 5 and 7 or any of the remaining Improvements required by the Subdivision Agreement for Final Tract Number 17392, OWNER shall be deemed in default of the Development Agreement thereby entitling CITY to any and all remedies available, including, without limitation, any or all of the following:

- a. CITY shall have the right to decline to honor OWNER's use of DIF Credit(s) related to the affected improvements without liability;
- b. CITY may withhold any unissued OWNER's Project-related building permits, certificates of occupancy, or any other discretionary or ministerial approvals, without liability; and,
- c. CITY may terminate or modify the Development Agreement.

11. Extension of Term of Development Agreement. CITY and OWNER acknowledge that the term of the Development Agreement was for a period of ten (10) years from the effective date of the Development Agreement. CITY and OWNER also acknowledge that Section 2.3 of the Development Agreement provides that the term of the Development Agreement may be extended for an additional five (5) year period under certain conditions. CITY and OWNER agree that the required conditions have been met and CITY hereby grants an extension of the term of the Development Agreement for an additional five (5) year period. Such additional five (5) year period shall begin upon the date that this Second Amendment is effective.

12. Additional Documents/ Actions. The City Manager is authorized to approve and execute any documents and to take any actions necessary to effectuate the purposes of this Second Amendment to the Development Agreement.

13. Defined Terms/Other Provisions. Unless otherwise defined herein, capitalized terms contained in this Second Amendment shall have the meanings ascribed to them in the Development Agreement. Except as expressly amended herein, all provisions of the Development Agreement, as supplemented, restated and amended, shall remain.

14. Integration. This Second Amendment reflects the complete understanding of the parties with respect to the subject matter hereof. To the extent this Second Amendment conflicts with the Development Agreement, First Amendment, First Supplemental Memorandum, Second Supplemental Memorandum, Third Supplemental Memorandum, or Amended and Restated Fourth Supplemental Memorandum, this Second Amendment supersedes such previous document. In all other respects, the parties hereto re-affirm and ratify all other provisions of the Development Agreement, First Amendment, First, Second, Third and Fourth Supplemental Memoranda, as amended. This Second Amendment shall be recorded against the Property.

15. Indemnification. OWNER hereby agrees to indemnify, defend and hold harmless the CITY, its officials, officers, employees, agents, contractors and volunteers from and against any and all claims, suits or proceedings arising from or related to CITY's entering into, or carrying out, this First Amendment. This indemnification includes the payment of all penalties, fines, judgments, awards, decrees, attorney's fees and related costs or expenses incurred by the CITY.

16. Prevailing Wages. OWNER is aware of the requirements of California Labor Code Section 1720, et seq. (as amended by Stats 2001 ch 938 § 2 (S.B. 975)), and 1770, et seq., as well as California Code of Regulations, Title 8, Section 1600, et seq., (collectively, the "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, OWNER shall fully comply with such Prevailing Wage Laws. OWNER 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 OWNER's principal place of business and at the project site. OWNER shall defend, indemnify and hold the CITY, its officials, officers, employees, agents, contractors 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."

17. Excusable Delay. Notwithstanding the foregoing provisions, performance by either party hereunder shall not be deemed to be in default where delay or defaults are due to war, insurrection, strikes, lock-outs, riots, floods, earthquakes, fires, casualties, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation brought by a third party, unusually severe weather, reasonably unforeseeable property conditions, acts of the other party, acts or failure to act of the other party or any other public or governmental agency or entity, or any causes beyond the control or without the failure of the party claiming an extension of time to perform. An extension of time for any such cause (an "Excusable Delay") shall be for the time period of the delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of knowledge of the commencement of the cause or from the date of the notice if provided after such thirty-day period. Notwithstanding the foregoing, none of the foregoing events shall constitute

an Excusable Delay unless and until the party claiming such delay and interference delivers to the other party written notice describing the event, its cause, when and how such party obtained knowledge, the date and the event commenced, and the estimated delay resulting therefrom. Any party claiming an Excusable Delay shall make a good faith effort to deliver such written notice within thirty (30) days after it obtains actual knowledge of the event and performance by either party of any of its obligations hereunder may be extended by written agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment as of the date the ordinance adopting this Second Amendment becomes effective.

**SIGNATURE PAGE
TO SECOND AMENDMENT TO DEVELOPMENT AGREEMENT**

**EDENGLLEN ONTARIO LLC
"OWNER"**

Edenglen Ontario LLC, a Delaware limited liability company

By: _____
Name: Adrian Foley
Title: Authorized Representative
Date: _____

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa, City Manager

Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:
BEST, BEST & KRIEGER LLP

City Attorney

Exhibit 1

Edenglen DIF Credit Status/Potential Use of DIF Credit to Escrow to fund Improvements with Regional-Local Adjacent Splits

DIF Program Category	Amount of DIF Paid	Previously Refunded DIF	Current Unredeemed DIF Credit	Projected DIF Credit from Eligible Projects - Edenglen Constructed	Projected DIF Credit from NMC Builders* Permits	Potential Refund Amounts with NMC Builders DIF Credit without additional Permits	DIF Obligation for Remaining P-7 Units	Potential Refund Amounts with DIF from P7 units	DIF Obligation for Remaining P-8 Units	Potential Refund Amounts with DIF from P7 and P8 units	DIF Paid - Not Refunded - After Payment of DIF for all Units
Local Adjacent Streets	\$ 2,203,579	\$ (548,356)	\$ 1,655,223	\$ 377,721	\$ 1,413,892	\$ 1,655,223	\$ 121,685	\$ 1,776,908	\$ 118,850	\$ 1,895,758	\$ -
Regional Streets	\$ -	\$ -	\$ -	\$ -	\$ 242,790	\$ -	\$ 148,727	\$ 148,727	\$ 145,261	\$ 242,790	\$ 51,197
Local Adjacent Storm Drain	\$ 1,285,942	\$ (439,265)	\$ 846,677	\$ 775,977	\$ 656,967	\$ 846,677	\$ 253,897	\$ 1,100,574	\$ 84,275	\$ 1,184,849	\$ -
Regional Storm Drain	\$ -	\$ -	\$ -	\$ -	\$ 865,861	\$ -	\$ 136,714	\$ 136,714	\$ 45,379	\$ 182,092	\$ -
Local Adjacent Water	\$ 1,359,444	\$ (1,042,217)	\$ 317,227	\$ 546,405	\$ 338,183	\$ 317,227	\$ 153,142	\$ 470,369	\$ 122,980	\$ 593,349	\$ -
Regional Water	\$ -	\$ -	\$ -	\$ -	\$ 1,833,345	\$ -	\$ 357,331	\$ 357,331	\$ 286,954	\$ 644,285	\$ -
Local Adjacent Sewer	\$ 404,689	\$ -	\$ 404,689	\$ 206,387	\$ 85,370	\$ 291,757	\$ 28,261	\$ 320,018	\$ 31,340	\$ 351,358	\$ 112,932
Regional Sewer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Adjacent Fiber	\$ 34,320	\$ (36,067)	\$ (1,747)	\$ -	\$ 30,402	\$ -	\$ 18,840	\$ 30,402	\$ 45,482	\$ 30,402	\$ 39,734
Regional Fiber	\$ -	\$ -	\$ -	\$ -	\$ 192,773	\$ -	\$ 13,326	\$ 13,326	\$ 19,492	\$ 32,819	\$ 44,428
Totals	\$ 5,287,974	\$ (2,065,905)	\$ 3,222,069	\$ 1,906,490	\$ 5,659,581	\$ 3,110,884	\$ 1,263,017	\$ 4,354,368	\$ 920,906	\$ 5,157,702	\$ 248,290

Assumptions:

DIF Credit is issued for Storm Drain and Sewer Improvements that are not connected to Master Planned systems

Existing DIF Credit is reclassified to Regional and Local Adjacent splits

NMC Builders DIF Credit remains classified as Regional and Local Adjacent Credit

DIF Credits are not reduced by "DIF Credit Percentage Limitations" or "DIF Use Limitations"

Projected DIF Credit for Eligible Projects is based on Brookfield Estimates and not confirmed

All DIF Obligations are based upon current 2016 DIF Fee Amounts

Exhibit F-A

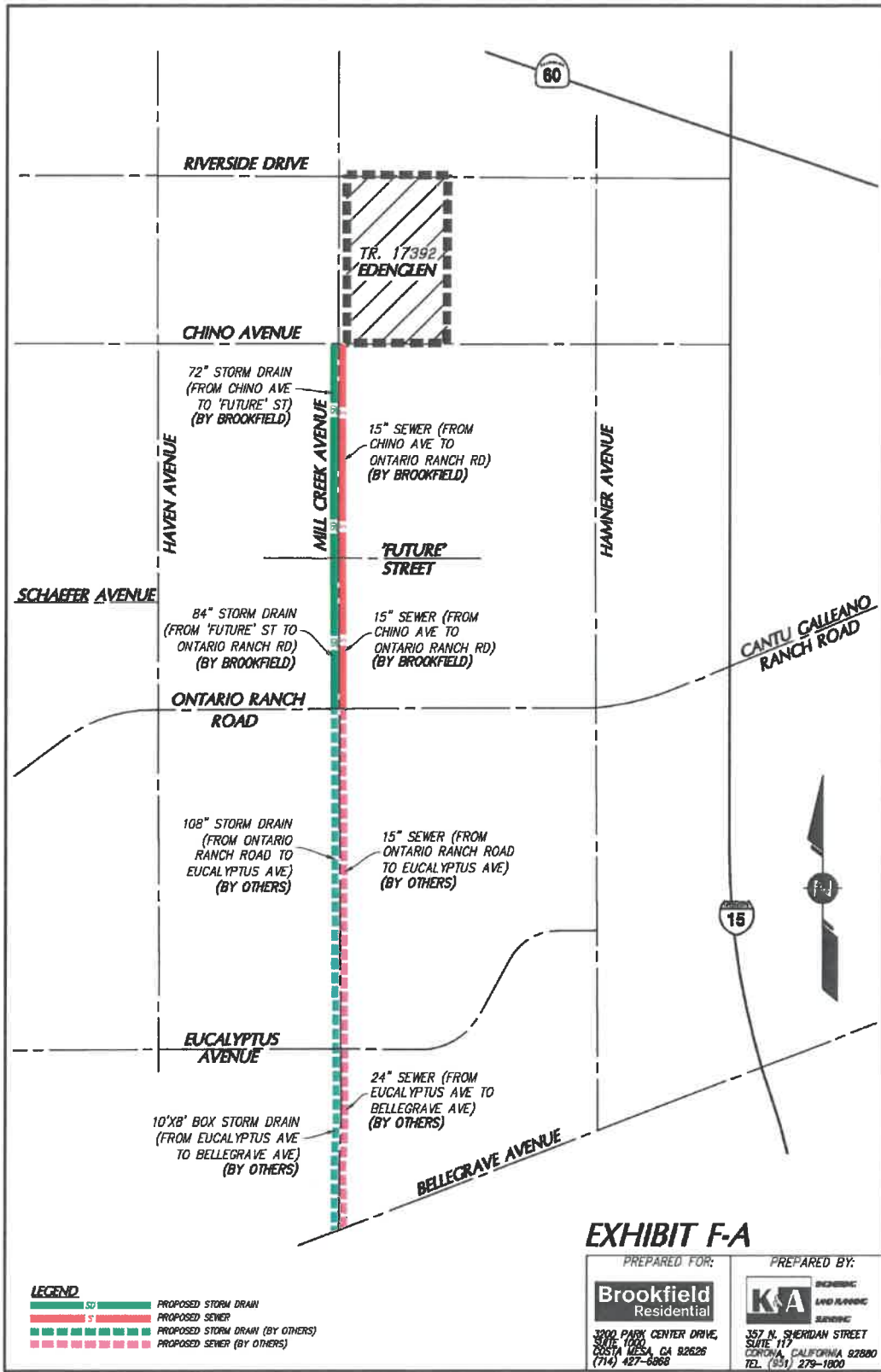


Exhibit F-B

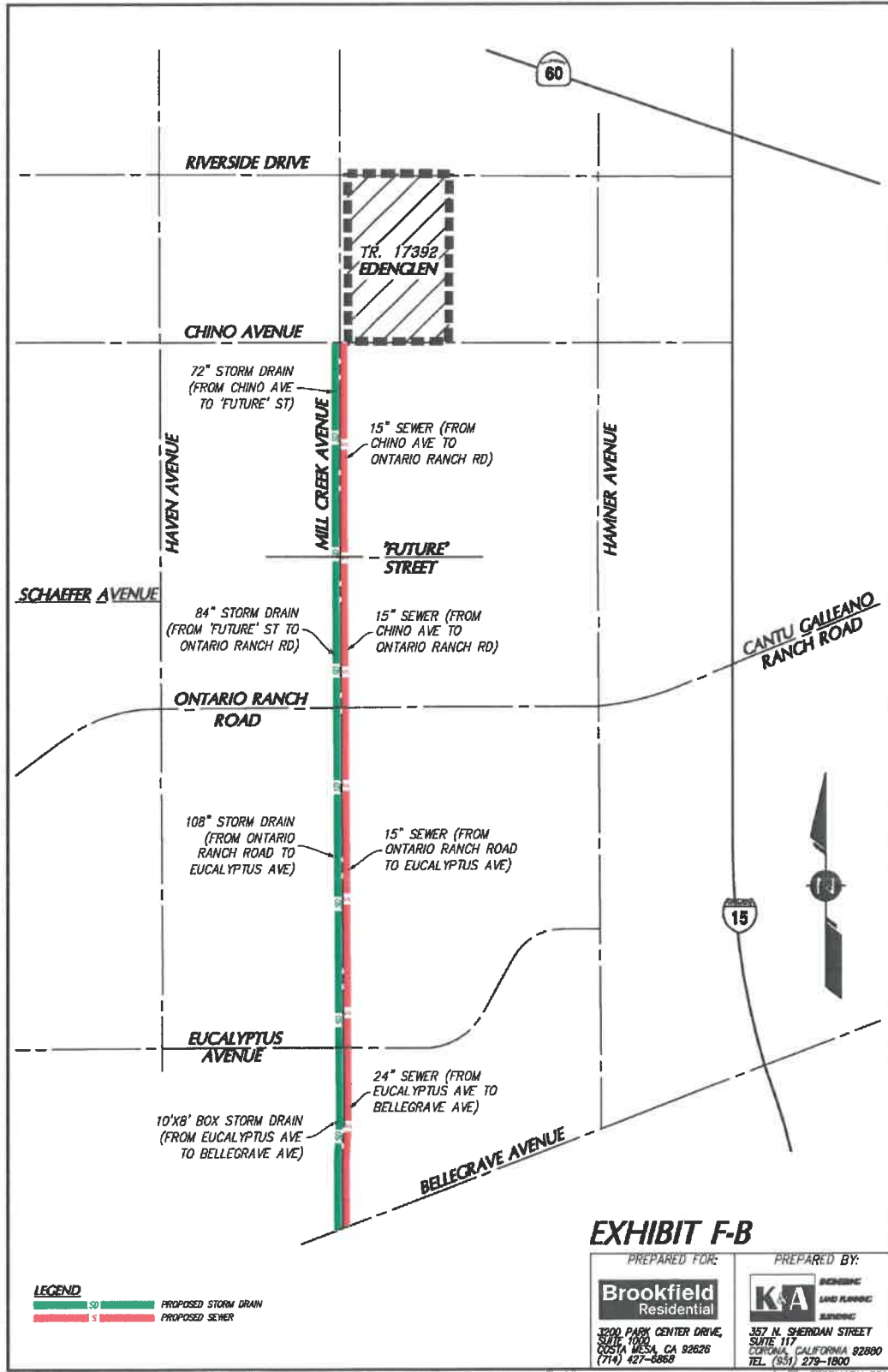


Exhibit F-C

