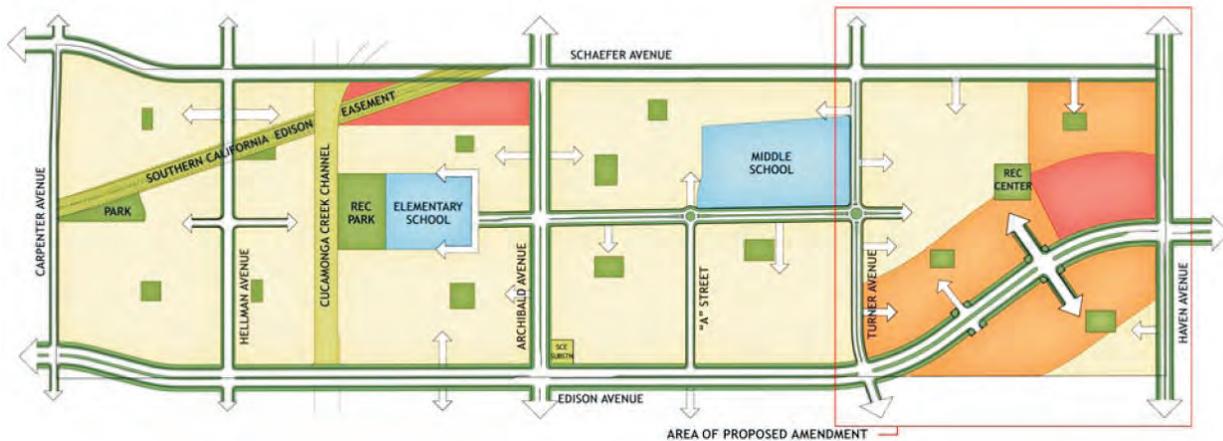
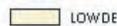
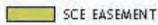
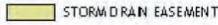


# The Avenue Specific Plan Amendment FINAL Supplemental Environmental Impact Report

State Clearinghouse #2005071109



**LEGEND**

- |  |  |
|--|--|
|  LOW DENSITY RESIDENTIAL    |  PARK                 |
|  MEDIUM DENSITY RESIDENTIAL |  SCE EASEMENT         |
|  RETAIL                     |  STORM DRAIN EASEMENT |
|  SCHOOL                     |  |

Prepared for:

City of Ontario  
Planning Department  
303 East "B" Street  
Ontario, CA  
909-395-2036



Prepared By:

The Altum Group  
73-255 El Paseo Drive, Suite 15  
Palm Desert, CA 92260  
760-346-4750



February 2, 2010



# The Avenue Specific Plan Amendment Final Supplemental Environmental Impact Report

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**APPENDIX A**  
Response letters to commenting agencies  
State Clearinghouse letter

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## **1.0 Introduction**

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On December 19, 2006, the City of Ontario approved The Avenue Specific Plan and certified a project specific EIR for one of the 30 planning Subareas of the New Model Colony (NMC), known as Subarea 18. The Final EIR (FEIR) identified several potentially significant environmental impacts that were mitigated to levels considered less than significant. The FEIR also identified several significant impacts that could not be mitigated to less than significant levels, but the benefits of the project outweighed the potential environmental impacts. As a consequence, a Statement of Overriding Considerations was concurrently adopted by the City Council.

Subsequently, the project proponent of The Avenue Specific Plan has modified the plan to include a larger number of residences and commercial space as a result of a rearrangement of some roadways and land uses within the Avenue Specific Plan area. The City of Ontario (City) coordinated the preparation of Supplemental Environmental Impact Report (SEIR) for The Avenue Specific Plan Amendment (Project) to address the potential environmental impacts associated with proposed modifications resulting in construction of 2,606 residences, 250,000 square feet of commercial space, and two schools on 569.4 acres within the NMC General Plan area of the City. The Project includes a Specific Plan Amendment. The proposed land use changes of the Amendment are consistent with the recently adopted General Plan Update, The Ontario Plan.

The Draft SEIR was circulated for public review and comment beginning on December 22, 2008 and ending on February 4, 2009. In accordance with Sections 15088 and 15088.5 of the CEQA Guidelines, this document responds to comments received on the Draft SEIR and is organized into four sections:

**1. Introduction**

**2. List of Commenters:** Provides a list of the agencies, organizations, and individuals that commented on the Draft SEIR.

**3. Responses to Comments:** Includes a copy of all the letters received on the Draft SEIR and provides responses to the comments in all the letters. Each comment letter has been assigned an alphabetical designation and individual comments area assigned a number for easy cross reference to the response. The responses explain the Draft SEIR analysis, support Draft SEIR conclusions, or provide information, corrections, or clarifications, as appropriate. Unless otherwise noted, references herein are related to the Draft SEIR. For reading ease, this section is organized with the responses immediately following the commenter's letter.

**4. Clarifications to the Draft EIR:** Includes a listing of refinements and clarifications that have been incorporated in the text of the Draft SEIR.

**5. Mitigation Monitoring and Reporting Program:** Includes the Mitigation Monitoring and Reporting Program for the mitigation measures outlined in the Draft SEIR.

### **1.1 INCORPORATION BY REFERENCE**

This Response to Comments document is part of the Final SEIR, which includes the Draft SEIR and technical appendices pursuant to Section 15132 of the CEQA Guidelines.

### **1.2 NEW INFORMATION AND CHANGES TO THE EIR**

Information contained within this document clarifies or supplements information presented in the Draft SEIR. This information does not constitute substantial new information as defined in Section 15088.5 of the CEQA Guidelines; nor does this information change the findings made in the Draft SEIR. Therefore, recirculation of the Draft SEIR is not required as defined in Section 15088.5 of the CEQA Guidelines.

## 2.0 List of Commenters

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A list of public agencies, organizations, and individuals that provided comments on the Draft SEIR is presented below. Each comment letter has been assigned an alphabetical designation. Each comment within each letter has been assigned an additional numerical designation so that each comment can be cross-referenced with an individual response. Responses follow each comment letter.

<b><u>Letter/Sender</u></b>	<b><u>Date</u></b>
A. County of San Bernardino Department of Public Works	January 7, 2009
B. California Regional Water Quality Control Board, Santa Ana Region	January 22, 2009
C. City of Chino	February 2, 2009
D. Southern California Edison	February 4, 2009
E. California Department of Toxic Substances Control	February 4, 2009

Response letters were transmitted to the commenting agencies via certified mail on January 21, 2010, which is at least 10 days prior to the Ontario City Council Meeting at which certification of the Final SEIR will be considered. Copies of the response letters are included in Appendix A of this Final SEIR. Also included in Appendix A is the letter from the State Clearinghouse acknowledging the City's compliance with State Clearinghouse review requirements and includes comments from state agencies that reviewed the Draft SEIR.

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## **3.0 Response to Comments**

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### **3.1 INTRODUCTION**

In accordance with Section 15088 of the CEQA Guidelines, the City, as the Lead Agency for the Project, evaluated comments received on the Draft SEIR and has prepared the following responses to the comments received.

The Draft SEIR was distributed for a 45-day public review period by the City from December 22, 2008 to February 4, 2009. The City has used several methods to elicit comments on the Draft SEIR. Copies of the Draft SEIR were distributed to state agencies through the State Clearinghouse of the Governor's Office of Planning and Research; a Notice of Availability of Draft SEIR that indicated where copies of the Draft SEIR could be obtained or reviewed, as well as a compact disc containing the Draft SEIR and technical appendices were distributed to various federal and local agencies, individuals, and organizations. In addition, a Notice of Availability was sent to residents within a 600 foot radius of the Project site. Copies of the Draft SEIR were available for review in the City Library and Planning Department, and the City published the Notice of Completion and Availability of the Draft SEIR in the Inland Valley Daily Bulletin on December 22, 2008.

### **3.2 COMMENT LETTERS AND RESPONSES**

The comment letters for the Draft SEIR and responses to comments are provided on the following pages.

**THE AVENUE SPECIFIC PLAN AMENDMENT  
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**  
Response to Comments  
February 2, 2010

# Letter A

**DEPARTMENT OF PUBLIC WORKS**  
FLOOD CONTROL • SOLID WASTE MGMT • SURVEYOR • TRANSPORTATION



COUNTY OF SAN BERNARDINO  
PUBLIC AND SUPPORT  
SERVICES GROUP

SOLID WASTE MANAGEMENT DIVISION  
222 West Hospitality Lane, Second Floor • San Bernardino, CA 92415-0017 • (909) 386-8701  
Administration/Engineering Fax (909) 386-8900

VANA R. OLSON  
Director of Public Works  
PETER H. WULFMAN  
Solid Waste Division Manager



January 7, 2009

Richard Ayala, Senior Planner  
City of Ontario/Planning Department  
303 East "B" Street  
Ontario, CA 91764

**RE: NOTICE OF PREPARATION OF A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT – AVENUE SPECIFIC PLAN**

Dear Mr. Ayala:

Thank you for the opportunity to comment on the above-referenced project.

The County of San Bernardino Solid Waste Management Division is responsible for the management and oversight of all County landfill and waste transfer operations. Staff has reviewed the document and finds that the environmental analysis concerning all solid waste generated by the proposed project is adequate.

A-1

Should you have any questions or comments, please feel free to contact Patrick Egle, S.C., Associate Planner, by phone at (909) 386-9012; by facsimile at (909) 386-8964, by mail to the address listed above, or by e-mail to [PEgle@swm.sbcounty.gov](mailto:PEgle@swm.sbcounty.gov).

Sincerely,

Nancy Sansonetti, AICP, S.C., Principal Planner/Chief  
Planning & Permitting Section

Ecc: Peter Wulfman, Division Manager – County of San Bernardino Solid Waste Management Division  
File

MARK H. UFFER  
County Administrative Officer  
NORMAN A. KANOLO  
Assistant County Administrator  
Public and Support  
Services Group

BRAD MITZELFELT  
PAUL BIANE

Board of Supervisors  
FRED OWEN Second District DENNIS HANSBERGER Third District  
GARY OVITT Fourth District  
JOSE GONZALES Fifth District

**THE AVENUE SPECIFIC PLAN AMENDMENT**  
**FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**  
Response to Comments  
February 2, 2010

---

**Responses to Comments Received from County of San Bernardino Department of Public Works**

*Response to Comment A-1*

Comment has been noted.

**THE AVENUE SPECIFIC PLAN AMENDMENT**  
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## Letter B



Linda S. Adams  
Secretary for  
Environmental Protection

### California Regional Water Quality Control Board Santa Ana Region

3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221  
[www.waterboards.ca.gov/santana](http://www.waterboards.ca.gov/santana)



Arnold Schwarzenegger  
Governor

January 22, 2009

Richard Ayala  
City of Ontario Planning Department  
303 East "B" Street  
Ontario, CA 91764

RECEIVED

JAN 26 2009

City of Ontario  
Planning Department

#### **DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AVENUE SPECIFIC PLAN, CITY OF ONTARIO, SCH# 2005071109**

Dear Mr. Ayala:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board), have reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for the proposed amendment of the Avenue Specific Plan (Project) in the City of Ontario.

The amended Project would change the previously adopted Project to encompass development of commercial uses (250,000 sf), schools, parks, and as many as 2,606 residential dwellings on 569.4 acres of former agricultural sites between Schaefer, Carpenter, Edison (Subarea 18), and Haven Avenues. The DSEIR reflects certain changes to the previously certified Final EIR for the Specific Plan and adds only those mitigation measures referenced in the Executive Summary, including those for the Hydrology/Water Quality Section indicated on p. 2-20. If the following water-quality related comments have only been partially addressed previously, we request that they be incorporated into the SEIR in order for the Project to best protect water quality standards (water quality objectives and beneficial uses) contained in the Water Quality Control Plan for the Santa Ana River Basin (Region 8 Basin Plan):

1. The Conclusions of the DSEIR Executive Summary (p. 2-28) indicate that with the implementation of the DSEIR's recommended mitigation measures (including those on p. 2-20), potentially significant impacts will still not be reduced to "less than significant levels" for hydrology and water quality. Therefore, toward further reduction of potentially significant impacts to beneficial uses<sup>1</sup>, a Project hydrological study should:

B-1a

<sup>1</sup> The Region 8 Basin Plan lists beneficial uses for the surface water and groundwater bodies in the project area, including: Cucamonga Creek, Reach 1 (Valley Reach): Groundwater Recharge (GWR), Water Contact Recreation (REC1, restricted access), Non-Contact Water Recreation (REC2), Limited Warm Freshwater Habitat (LWRM), and Wildlife Habitat (WILD). Santa Ana River, Reach 3 (Prado Dam to Mission Boulevard) has the above BUs, plus Agricultural Supply (AGR), Warm Freshwater Habitat (WARM), and support of Rare, Threatened, and Endangered Species habitat (RARE). The Project overlies the Chino 2 Groundwater Management Zone (GMZ), the beneficial uses of which are AGR, Municipal Supply (MUN), Industrial Supply (IND), and Process Supply (PROC), with groundwater Water Quality Objectives (WQO) 250 mg/l for TDS and 5 mg/l for NO3-N. Other narrative WQOs apply as well – see Region 8 Basin Plan Chapter 4. Where not already addressed, the SEIR must evaluate the potential for the Project to impact these beneficial uses and WQOs and identify mitigation for unavoidable impacts.

**THE AVENUE SPECIFIC PLAN AMENDMENT**  
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Mr. Richard Ayala

- 2 -

January 22, 2009

- a. Determine the level of storm drain infrastructure that the Project should have in order to treat and convey additional runoff to the area storm drain network. We anticipate that the Project's construction phase and addition of impervious surfaces will alter the volume and direction of stormwater and dry-weather flows to the regional drainage network, including the Cucamonga Creek Channel<sup>2</sup> (Channel). If so, any proposed inlet(s) and/or anticipated runoff volume to the Channel must be projected. Use of project-scale Low Impact Development (LID) and "Smart Growth" practices, including dampening hydrographic changes, conserving water, and maximizing groundwater recharge potential, are highly recommended to minimize a range of hydrological impacts that the project is likely to have. B-1a
  - b. Address the potential for the project to hydromodify downstream drainages and to cumulatively degrade them through erosion, scour, sedimentation, and instability. The SEIR should discuss BMPs for minimizing all anticipated hydromodification. The Project's jurisdictional delineation determined that the site has no waters of the U.S. or state. However, if the Project results in the discharge of fill to the Channel or a tributary, then the Project will require a Clean Water Act (CWA) Section 404 permit from the United States Army Corps of Engineers and a CWA Section 401 Water Quality Standards Certification from our office. B-1b
  - 2. We are concerned that during the construction phase, runoff may contain elevated levels of salts (total dissolved solids), nitrate, sediment, and hydrocarbons. All new construction must control pollutants from point and non-point sources by conforming to the Water Quality Management Plan (WQMP) required by the Regional Water Quality Control Board's Waste Discharge Requirements for San Bernardino County (NPDES Permit No. CAS618036), Order No. R8-2002-0012, San Bernardino County Flood Control District, the County of San Bernardino, and the Incorporated Cities of San Bernardino County within the Santa Ana Region Area-Wide Urban Storm Water Runoff, also known as the San Bernardino County municipal separate storm sewer system, or "San Bernardino County MS4" permit. B-2
  - 3. Cucamonga Creek is tributary to the Santa Ana River, Reach 3, which has an adopted Total Maximum Daily Load (TMDL)<sup>3</sup> for nitrate, in accordance with CWA Section 303(d). Further, both water bodies are included in the Middle Santa Ana River Watershed Bacterial Indicator TMDLs: Cucamonga Creek Channel, Reach 1, for coliform, and Santa Ana River Reach 3, for pathogens. The SEIR should reflect that implementation of MS4 controls on urban runoff will be required for TMDL compliance. B-3
- For consistency, the above comments are applicable to neighboring projects, particularly those of the New Model Colony (Great Park, etc.). B-4

<sup>2</sup> The Cucamonga Creek Channel, Reach 1 (Valley Reach) bisects the western portion of the Project site.

<sup>3</sup> These Region 8 TMDLs may be found at [www.swrcb.ca.gov/rwqcb8/water\\_issues/programs/tmdl/msar\\_tmdl.shtml](http://www.swrcb.ca.gov/rwqcb8/water_issues/programs/tmdl/msar_tmdl.shtml)

**THE AVENUE SPECIFIC PLAN AMENDMENT**  
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Mr. Richard Ayala

- 3 -

January 22, 2009

If you have any questions, contact Glenn Robertson at (951) 782-3259, or [grobertson@waterboards.ca.gov](mailto:grobertson@waterboards.ca.gov), or me at (951) 782-3234 or [madelson@waterboards.ca.gov](mailto:madelson@waterboards.ca.gov).

Sincerely,



Mark G. Adelson, Chief  
Regional Planning Programs Section

cc: State Clearinghouse

X:Groberts on Magnolia/Data/CEQA/CEQA Responses/ DEIR- City of Ontario-Avenue Specific Plan-MGA.doc

*California Environmental Protection Agency*

*Recycled Paper*

**THE AVENUE SPECIFIC PLAN AMENDMENT**  
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February 2, 2010

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**Response to Comments Received from California Water Quality Control Board, Santa Ana Region**

*Response to Comment B-1a*

Several master drainage plans were used in the preparation of the previously approved EIR Hydrology and Water Quality section which address storm drain infrastructure (Previously approved EIR, pp. 5.8-1 – 5.8-43). The addition of residential units and commercial space to the previously approved plan does not change the results of the previously approved EIR analysis. Mitigation Measure NMC WQ-1 (Draft SEIR, p. 2-20) is in place for the Project in order to address specific drainage issues for the Project. This mitigation requires that project hydrological studies will be prepared and submitted for review with the submission of Tentative Tract Maps within The Avenue Specific Plan. These hydrological studies will include a determination of the level of storm drain infrastructure that is needed to treat and convey the additional runoff from the increased impervious surface area to the area storm drain network. “Smart Growth” practices will be considered in the study.

*Response to Comment B-1b*

The previously certified FEIR included several statements regarding utilizing best management practices to minimize hydromodification of downstream drainages (Previously approved EIR, pp. 5.8-17 – 5.8-21). These conclusions are incorporated by reference and still apply to the current Project. In addition, the Project is not expected to result in discharge of fill to any waters of the U.S. or state; however, the Project will obtain Section 404 and 401 permits if discharge of fill into U.S. or state waters is necessary.

*Response to Comment B-2*

Comment is noted. The project will be subject to all applicable regulations and will comply with the Water Quality Management Plan required by the Regional Water Quality Control Board’s Water Discharge Requirements for San Bernardino County (NPDES Permit No. CAS618036). The Project’s developers and builders will obtain an NPDES storm water permit for construction activities and shall comply with the requirements of the permit (Previously approved EIR, p. 5.8-32, first paragraph). Mitigation measures incorporated into the Project which require compliance with the WQMP and MS4 permit include NMC WQ-5, NMC WQ-6, NMC WQ-7, and HWQ-1 (Draft SEIR, pp. 2-20 – 2-21.) These mitigation measures require the project to obtain and comply with all terms and conditions of the NPDES permit from the State Water Resources Control Board, including implementation of Best Management Practices (BMPs) and a Storm Water Pollution Prevention Plan (SWPPP).

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*Response to Comment B-3*

Comment is noted. The Project will implement MS4 controls in order to achieve TMDL compliance (Previously approved EIR, p. 5.8-38, last paragraph). In addition, Mitigation Measure HWQ-1 (Previously approved EIR, p. 5.8-42 and Draft SEIR, p. 2-21) will be implemented and will ensure the Project's compliance with the City's MS4 permit by requiring the Project to comply with NPDES regulations and implement BMPs to control TMDLs.

*Response to Comment B-4*

Comment is noted and will be considered in future planning.

**THE AVENUE SPECIFIC PLAN AMENDMENT**  
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February 2, 2010

# Letter C

DENNIS R. YATES  
Mayor

EARL G. BLOD  
Mayor Pro Tem



**CITY of CHINO**

GLENN DUNCAN  
TOM HAUGHEY  
EUNICE M. ULLOA  
Council Members

PATRICK J. GLOVER  
City Manager

February 2, 2009

Mr. Richard Ayala  
Senior Planner  
City of Ontario  
303 East B Street  
Ontario, CA 91764

RE: Draft Supplemental Environmental Impact Report for The Avenue Specific Plan

Dear Mr. Ayala:

Thank you for providing the City of Chino an opportunity to review and comment on the Draft Supplemental Environmental Impact Report for The Avenue Specific Plan.

Based upon staff's review of the project, the City of Chino has the following comments:

**Transportation**

Transportation Mitigation Measures are proposed at the intersection of Euclid Avenue and Edison Avenue on the west leg of Edison, which is in the City of Chino. The City of Chino's Circulation Element calls for three through lanes in the eastbound and westbound direction. Ultimate curb geometry has already been built west of the intersection of Euclid and Edison Avenues and does not accommodate four eastbound through lanes; therefore, the proposed mitigation is not feasible. Also, right turn overlap phases affect the u-turn movements at the intersection. Please revise proposed mitigation to achieve an acceptable Level of Service without adding an additional fourth through lane.

C-1

Thank you again for providing the City of Chino the opportunity to review the Draft Supplemental Environmental Impact Report for The Avenue Specific Plan.

Should you have any questions, please feel free to contact me at (909) 591-9893.



13220 Central Avenue, Chino, California 91710  
Mailing Address: P.O. Box 667, Chino, California 91708-0667  
(909) 627-7377 • (909) 591-6829 Fax  
Web Site: [www.ci.chino.ca.us](http://www.ci.chino.ca.us)

**THE AVENUE SPECIFIC PLAN AMENDMENT**  
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February 2, 2010

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FEB 2 2009 9:41AM City of Chicago Public Works Engin

No. 0266 P. 3

Mr. Richard Ayala  
Page 2  
February 2, 2009

Sincerely,



Kim Le  
Assistant Planner

cc: Community Development Department File  
Karen Nieckula, Associate Engineer

**THE AVENUE SPECIFIC PLAN AMENDMENT**  
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## **Response to Comments Received from City of Chino**

### *Response to Comment C-1*

This comment states that mitigation imposed by the original the Avenue Specific Plan EIR for impacts at the intersection of Euclid Avenue and Edison Avenue, within the City of Chino, is not feasible because Chino's General Plan Circulation Element calls on the intersection's west leg (Edison Avenue) being at most three through lanes in each direction, and thus four through lanes are not possible. However, this comment is outside the scope of the analysis of this SEIR.

As noted in State CEQA Guidelines section 15163, a supplemental EIR need only contain the information and analysis necessary to make the previous EIR adequate for the project as revised. Therefore this supplemental environmental review of the Avenue Specific Plan needs only address the changes in the Project that have been proposed. Thus, only that analysis that is needed to determine whether the revised Project would result in new or substantially greater significant impacts as compared to the original EIR need be conducted. The SEIR, as per the traffic study for the project revisions, identified the intersections that could potentially be affected by reductions of Levels of Service, as a result of the changes to the Project, such that these impacts could be deemed to be significant. The Euclid Avenue and Edison Avenue intersection is not one of these intersections, and thus the analysis and mitigation of the original EIR as to that intersection remains undisturbed and is not subject to further review, as per CEQA's strong policy in favor of the conclusiveness of environmental review that has been completed. Furthermore, it should be noted that the information regarding Chino's General Plan was available at the time of the original EIR but was not brought to the City's attention. Because this information was available at the time, it does not constitute "new information of substantial importance," as defined in State CEQA Guidelines section 15162(a)(3), that would independently render this information the subject of supplemental environmental review. Consequently, the feasibility of mitigation imposed in the original EIR, which does not bear on the proposed Project revisions, is beyond the scope of this SEIR.

The City of Ontario is currently working on a city-wide General Plan update. The traffic modeling and level of service analysis associated with the General Plan EIR is more comprehensive and up to date as compared to the previous analysis for the Avenue Specific Plan EIR. The General Plan analysis indicates that the Euclid and Edison intersection will require less mitigation than previously anticipated because of proposed land use density and redistribution changes. We understand that the City of Chino is also working on a General Plan update. Therefore, it would seem appropriate for us to cooperatively work together on a plan for this key intersection that will satisfy the future year traffic demands due to our respective General Plans and area growth.

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**THE AVENUE SPECIFIC PLAN AMENDMENT**  
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February 2, 2010

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## Letter D



Christian Nelson  
Region Manager  
Local Public Affairs

February 5, 2009



Mr. Richard Ayala, Senior Planner  
City of Ontario  
303 East B Street  
Ontario, CA 91764

RE: The Notice of Availability of a Draft Supplemental Environmental Impact Report (DSEIR) for the Avenue Specific Plan Amendment

Dear Mr. Ayala:

Southern California Edison (SCE) appreciates the opportunity to review and provide comment on the DSEIR for The Avenue Specific Plan. The project is described in the DSEIR as a proposal to amend The Avenue Specific Plan to allow for an additional 280 residential units and an additional 76,000 square feet of commercial, for a total of 2,606 residential units and 250,000 square feet of commercial. The amendment also includes a proposal to realign Schaefer Avenue.

SCE's comments regarding the proposed project address electric service provision, potential impacts to existing SCE facilities, and the California Public Utilities Commission (CPUC) process for implementing the requirements of the California Environmental Quality Act (CEQA).

### Electric Service Provision

SCE is the provider of electricity for this project. This letter is to advise The City of Ontario the electrical loads of this project have been determined to be within the parameters of the projected load growth which SCE is planning to meet in this area.

SCE undertakes expansion and/or modification of its electric systems and infrastructure to serve the load growth of existing customers and new projects. Since SCE's electrical system is provided by a network of facilities (SCE's electrical distribution, transmission, and generation systems), SCE appreciates your notifying us of these development plans in order to assist us in determining the future electrical needs of this area.

D-1

1551 East Francis Street  
Ontario, CA 91761-5714  
(909) 830-8495 FAX (909) 830-8407  
Fax: (909) 430-8407  
Christian.Nelson@sce.com

**THE AVENUE SPECIFIC PLAN AMENDMENT**  
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**THE AVENUE SPECIFIC PLAN AMENDMENT**  
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If the project is within the projected load growth for this area, SCE is basically stating that the total system demand is expected to continue to increase annually; however, excluding any unforeseen problems, SCE's plans for new distribution resources indicate our ability to serve all customers' loads within this area are in accordance with SCE's Design Standards, rules and tariffs, and will be adequate for the next ten years. SCE completes all work in accordance with the rules and tariffs as authorized by the CPUC and other governing entities. Any cumulative impacts related to electric service would be addressed through this process.

Please note that although SCE is currently capable of serving project loads, the project developer will be responsible for the costs of any new distribution and/or line extension work, per SCE's CPUC-approved tariff Rules 15 and/or 16, and of any relocation of facilities required to accommodate the distribution line and/or service extensions required by SCE to serve the project. In addition, it is essential the project developer review and/or discuss with SCE what measures can be taken to assure optimal conservation measures within this project's boundaries that will contribute to the overall energy savings goals of SCE and California.

D-1

Impacts to Existing Facilities

Project objectives itemized in the DSEIR on page 2-5 include a proposal to utilize SCE rights of way for pedestrian and bicycle trail linkages:

"Provide for the connectivity between residential neighborhoods and adjacent commercial retail land uses, as well as to the elementary and middle schools, by means of pedestrian and bicycle trail linkage along spine street and a trail incorporated into the Southern California Edison easement and Cucamonga Creek."

Please be aware, SCE Company right of ways are purchased for the exclusive use of SCE to operate and maintain its present and future facilities. Any proposed use will be reviewed on a case by case basis by SCE's Operating Department. Approvals or denials will be in writing based upon review of the maps provided by the developer and compatibility with SCE right of way constraints and rights. Please forward five (5) sets of development plans depicting SCE's facilities and associated land rights to:

D-2

Genie Sanders  
Corporate Real Estate  
9500 Cleveland Avenue, Suite 100  
Rancho Cucamonga, CA 91737

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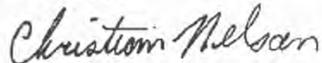
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CPUC CEQA Requirements

Please note if development plans result in the need to build new or relocate existing SCE electrical facilities that operate at or above 50 kV, the SCE construction may have environmental consequences subject to CEQA review as required by the California Public Utilities Commission (CPUC). If, those environmental consequences are identified and addressed by the local agency in the CEQA process for the larger project, SCE may not be required to pursue a later, separate, mandatory CEQA review through the CPUC's General Order 131-D (GO 131-D) process. If the SCE facilities are not adequately addressed in the CEQA review for the larger project, and the new facilities could result in significant environmental impacts, the required additional CEQA review at the CPUC could delay approval of the SCE power line portion of the project for up to two years or longer.

Once again, SCE appreciates the opportunity to review and respond to the DSEIR for this project. We request a copy of the certified Final SEIR for this project in hard copy and CD format when it becomes available. If you have any questions regarding this letter, please do not hesitate to contact me at (909) 930-8495.

Sincerely,



Christian Nelson  
Region Manager  
Southern California Edison Company

D-3

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**Response to Comments Received from Southern California Edison**

*Response to Comment D-1*

Comment has been noted.

*Response to Comment D-2*

Comment has been noted. Any plans for utilization of SCE rights-of-way will be submitted by the developer to SCE for review with subsequent approval or denial. In the case of denial, trails along and over Cucamonga Creek will be sufficient to serve the Project.

*Response to Comment D-3*

Comment has been noted. It is anticipated that the existing facilities over 50 kV will not be relocated. In the event that it is determined existing facilities need to be relocated, CEQA review will be completed at that time.

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## Letter E



Maureen F. Gorsen, Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor



February 4, 2009

Mr. Richard Ayala  
City of Ontario Planning Department  
303 East B Street  
Ontario, California 91764

NOTICE OF AVAILABILITY OF A DRAFT SUPPLEMENTAL ENVIRONMENTAL  
IMPACT REPORT FOR THE AVENUE SPECIFIC PLAN AMENDMENT (SCH#  
2005071109)

Dear Mr. Ayala:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "The project consists of an amendment to The Avenue Specific Plan. The adopted Specific Plan provided for 2,326 homes of low and medium density residential and up to 174,000 square feet (s.f.) of commercial development in addition to parks, a middle school and an elementary school. The Avenue Specific Plan Amendment proposes a realignment of Schaefer Avenue and the development of up to 2,606 homes and 250,000 s.f. of Neighborhood Center uses. This is an increase of 280 residential dwelling units and 76,000 s.f. of retail in the area bound by the realigned Schaefer Avenue to the north, Haven Avenue to the east, the Subarea 18 boundary to the south (existing Edison Avenue) and Turner Avenue to the west. In order for the proposed with the following changes within Subarea 18, now known as The Avenue Specific Plan area:

1. The Neighborhood Center proposed for the southeast corner of Edison Avenue and Haven Avenue to be relocated to the northeast corner of Edison Avenue and Haven Avenue.
2. The Medium Density Residential currently shown on the south side of Edison Avenue to be located on both the north and south sides of Edison Avenue in the areas nearest the proposed Neighborhood Center".

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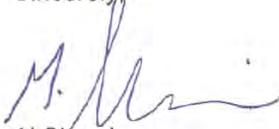
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Mr. Richard Ayala  
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Page 2

DTSC has reviewed the submitted document. Since all previous comments have been addressed in this document, DTSC has no additional comments at this time. If you have any questions regarding this letter, please contact me at (714) 484-5472 or at [ashami@DTSC.ca.gov](mailto:ashami@DTSC.ca.gov).

E-1

Sincerely,



Al Shami  
Project Manager  
Brownfields and Environmental Restoration Program - Cypress

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief  
Planning and Environmental Analysis Section  
CEQA Tracking Center  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806  
[nritter@dtsc.ca.gov](mailto:nritter@dtsc.ca.gov)

CEQA #2421

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**Response to Comments Received from California Department of Toxic Substances Control**

*Response to Comment E-1*

Comment has been noted.

## 4.0 Clarifications to the Draft Supplemental EIR

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### 4.1 INTRODUCTION

This section includes revisions to the text of the Draft SEIR. Revisions are listed by page number and section. Text additions to the Draft SEIR are shown as underlined text and text deletions are shown in ~~strikethrough~~.

### 4.2 REVISIONS TO THE TEXT OF THE DRAFT SEIR

#### Executive Summary and Section 4.1.6, Mitigation Measure AQ17

On pages 2-10 and 4-18 of the Draft SEIR, under the Newly Proposed Mitigation Measures, Measure AQ-17 incorrectly states that construction of buildings shall exceed current minimum statewide energy requirements by 30%. This is a typographical error and is noted in the Air Quality Technical Study as 20%. The Draft SEIR text shall be corrected as follows:

**AQ-17**—Construction of buildings shall exceed current minimum statewide energy requirements 320% beyond Title 24 standards for combined space heating, cooling and water heating; this may include, at a minimum, but is not limited to:

- Use of low emission water heaters
- Use of central water heating systems
- Use of energy efficient appliances
- Use of increased insulation
- Use of automated controls for air conditioners
- Use of energy-efficient parking lot lights
- Use of lighting controls and energy-efficient lighting

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## 5.0 Mitigation Monitoring and Reporting Program

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### 5.1 REGULATORY SETTING

The California Environmental Quality Act (CEQA) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted upon certification of an environmental document, to ensure that the mitigation measures identified within it are implemented. This MMRP ensures compliance with Public Resources Code Section 21081.6 during implementation of mitigation resources. At a minimum, the MMRP is required to identify:

- The party responsible for the mitigation;
- What is to be monitored;
- How the monitoring shall be accomplished; and
- The monitoring and reporting schedule.

A record of the MMRP for the Project (i.e. The Avenue Specific Plan Amendment, General Plan Amendment, cancellation of Williamson Act contracts, relocation of aboveground electrical facilities, development agreements, and tentative tract maps) will be maintained at the City of Ontario Planning Department, 303 East “B” Street, Ontario, California 91764.

Mitigation measures are defined for the issues of: Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services, and Transportation/Circulation. For all other issues analyzed in the EIR mitigation was not required or mitigation was not feasible.

### 5.2 APPROACH

The objective of this MMRP is to provide a program to monitor, document, and record compliance with all measures and conditions required to reduce potential environmental impacts associated with implementation of the Project. The previously approved Final EIR included mitigation measures identified in the NMC Final EIR that are applicable to the Project and are identified under the heading “NMC Mitigation Measures” and mitigation measures specific to the Project, identified as “Project Mitigation Measures.”

#### 5.2.1 NMC Mitigation Measures

A mitigation monitoring program was prepared as part of the *Final Environmental Impact Report for the City of Ontario Sphere of Influence (State Clearinghouse No. 98-061035)*, hereinafter referred to as the NMC MMP. The NMC MMP, states:

*Within the Sphere of Influence General Plan Amendment are the policies that mitigate the Plan’s potential environmental impacts. These policies are*

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*implemented through the programs that identify responsible agencies and time tables. In accordance with Government Code Section 65103(c), local officials must implement all the adopted general plan policies and programs. Furthermore, Government Code Section 65400(b) required the Development Department to annually report the General Plan's implementation status to the City Council. As a result, the program's required implementation will suffice for the policies mitigation monitoring plan.<sup>1</sup>*

The NMC MMP provides a table identifying the mitigation measures and the implementation programs that will serve as the mitigation monitoring plan. *Table MMRP-1* below, presents the NMC Mitigation Measures identified in the previously approved Final EIR as applicable to the Project and the applicable General Plan program that implements said mitigation.

**Table MMRP-1 NMC Mitigation Measures and Existing General Plan Implementation Programs**

<b>NMC Measure<sup>2</sup></b>	<b>Mitigation</b>	<b>Implementation Program</b>	<b>Responsible Agency<sup>3</sup></b>
<b>Air Quality</b>			
NMC AQ-1	I-14	Ongoing Monitoring or Updates	Development Agency Public Works Agency
<b>Cultural Resources</b>			
NMC C-1	I-10	Development Review Entitlement Processing	Development Agency Public Works Agency
<b>Hazards and Hazardous Materials</b>			
NMC HM-1	I-10	Development Review Entitlement Processing	Development Agency Public Works Agency
NMC HM-2	I-10	Development Review Entitlement Processing	Development Agency Public Works Agency
NMC HM-3	I-14	Ongoing Monitoring or Updates	Development Agency Public Works Agency

<sup>1</sup> Envicom Corporation. *City of Ontario, Sphere of Influence, Final Environmental Impact Report, Mitigation Monitoring Program (State Clearinghouse No. 97-061035)*. January 1998, document pages not numbered.

<sup>2</sup> Reference is made to the Project's Draft EIR for the complete text of the mitigation measure.

<sup>3</sup> Envicom Corporation. *City of Ontario Sphere of Influence New Model Colony General Plan Amendment*. January 1998. Section 8.0.

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<b>NMC Measure<sup>2</sup></b>	<b>Mitigation</b>	<b>Implementation Program</b>			<b>Responsible Agency<sup>3</sup></b>
<b>Hydrology and Water Quality<sup>4</sup></b>					
NMC WQ-1	I-10	Development Processing	Review	Entitlement	Development Agency Public Works Agency
NMC WQ-2	I-10	Development Processing	Review	Entitlement	Development Agency Public Works Agency
NMC WQ-3	I-10	Development Processing	Review	Entitlement	Development Agency Public Works Agency
NMC WQ-4	I-10	Development Processing	Review	Entitlement	Development Agency Public Works Agency
NMC WQ-5	I-10	Development Processing	Review	Entitlement	Development Agency Public Works Agency
NMC WQ-7	I-10	Development Processing	Review	Entitlement	Development Agency Public Works Agency
NMC WQ-8	I-14	Ongoing Monitoring or Updates			Development Agency Public Works Agency
<b>Noise<sup>5</sup></b>					
NMC N-1	I-7 I-10	Subarea Specific Plans Development Processing	Review	Entitlement	Planning Department Development Agency Public Works Agency
NMC N-2	I-7 I-10	Subarea Specific Plans Development Processing	Review	Entitlement	Planning Department Development Agency Public Works Agency
NMC N-3	I-7 I-10	Subarea Specific Plans Development Processing	Review	Entitlement	Planning Department Development Agency Public Works Agency
NMC N-4	I-7 I-10	Subarea Specific Plans Development Processing	Review	Entitlement	Planning Department Development Agency Public Works Agency

<sup>4</sup> NMC WQ-6 is included in Table MMRP-2.

<sup>5</sup> NMC N-5, NMC N-7, and NMC N-9 are included in Table MMRP-2.

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<b>NMC Measure<sup>2</sup></b>	<b>Mitigation</b>	<b>Implementation Program</b>			<b>Responsible Agency<sup>3</sup></b>
NMC N-6	I-14	Ongoing Monitoring or Updates			Development Agency Public Works Agency
NMC N-8	I-10	Development Processing	Review	Entitlement	Development Agency Public Works Agency

**5.2.2 Project Mitigation Measures**

For the Project, monitoring may be initiated during planning and design, and/or construction. *Table MMRP-2* lists the mitigation measure, the responsible entity, frequency of reporting, monitoring method, and monitoring agency. It provides space for documenting verification of compliance (signature, date, and remarks).

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**Table MMRP-2 Mitigation Monitoring and Reporting Program for the Project**

Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.1 Agricultural Resources</b>							
AG-1 All residential units in the Project 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 rental agreement of any property. The written disclosure shall be supplied to the property purchaser or renter by the vendor or vendor's agent. The content and text of the disclosure shall include language to inform new residents that existing agricultural uses may create nuisances such as flies, odors, dust, night light, and chemical spraying.	City of Ontario  Developer	Prior to finalizing the sale or rental agreement of any property within the Project Site	Disclosure Documentation	Developer			

Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.2 Air Quality</b>							

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.2 Air Quality</b>							
AQ-1 Contractors shall maximize the use of construction equipment with low emission factors and high energy efficiency.	Developer Contractor	Ongoing throughout Project construction	Maintenance receipts and logs	SCAQMD			
AQ-2 During all phases of construction, all equipment shall be properly and routinely maintained, as recommended by manufacturer manuals.	Developer Contractor	Ongoing throughout Project construction	Maintenance receipts and logs	SCAQMD			
AQ-3 During all phases of construction, all contractors shall restrict idling time to five minutes or less in any given hour.	Developer Contractor	Ongoing throughout Project construction	Foreman's daily field notes	SCAQMD			
AQ-4 Where diesel equipment has to be used because there are no practical alternatives, the construction contractor shall use particulate filters, oxidation catalysts, and low sulfur diesel fuel as defined in SCAQMD Rule 431.2, i.e. diesel with sulfur content of 15 ppm by weight or less.	Developer Contractor	Ongoing throughout Project construction	Fuel Receipts Maintenance receipts and logs	SCAQMD			
AQ-5 If feasible, schedule intense earth-moving activities to occur outside the ozone season of May through October.	Developer Contractor	Ongoing throughout Project construction	Developer Contractor	Developer Contractor			
AQ-6 Schedule equipment usage to avoid simultaneous use of equipment.	Developer Contractor	Ongoing throughout Project construction	Developer Contractor	Developer Contractor			

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.2 Air Quality</b>							
AQ-7 Maximize the use aqueous or emulsified diesel fuel for construction equipment.	Developer Contractor	Ongoing throughout Project construction	Fuel receipts	Developer Contractor			
AQ-8 During construction of later phases, onsite electrical hookups shall be installed for electric hand tools such as saws, drills, and compressors, which will decrease the need for fuel powered generators and other fuel powered equipment.	Developer Contractor	Ongoing throughout Project construction	Foreman's daily field notes	Developer Contractor			
AQ-9 Maximize the use of zero-VOC paints (assumes no more than 100 gram/liter of VOC).	Developer Contractor	Ongoing throughout Project construction	Paint receipts	Developer Contractor			
AQ-10 Apply all paints using either high volume low-pressure (HVLP) spray equipment or by hand applications.	Developer Contractor	Ongoing throughout Project construction	Foreman's daily field notes	Developer Contractor			
AQ-11 In the event a dry cleaning or gasoline dispensing facility is proposed for the Project's commercial sites, the applicant shall prepare a health risk assessment prior to the issuance of occupancy permits.	Developer	Prior to issuance of occupancy permits	Health risk assessment document  Plan Check	City of Ontario			

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.2 Air Quality</b>							
AQ-12A mobile source health risk assessment shall be prepared for the Project's commercial sites prior to the issuance of occupancy permits.	Developer	Prior to issuance of occupancy permits	Health risk assessment document  Plan Check	City of Ontario			
AQ-13The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather.	Contractor	Ongoing throughout Project construction	Foreman's daily field notes	City of Ontario			
AQ-14The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).	Contractor	Ongoing throughout Project construction	Foreman's daily field notes	City of Ontario			
AQ-15During grading activities, chemical soil stabilizers shall be applied to inactive areas to reduce fugitive dust emissions.	Contractor	Ongoing throughout Project construction	Foreman's daily field notes	City of Ontario			
AQ-16Contractor shall ensure that all off-road heavy-duty construction equipment utilized during construction activity will be CARB Tier 2 Certified or better (to the extent feasible).	Contractor	Ongoing throughout Project construction	Maintenance logs	City of Ontario			

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.2 Air Quality</b>							
AQ-17 Construction of buildings shall exceed current minimum statewide energy requirements 20% beyond Title 24 standards for combined space heating, cooling and water heating; this may include, at a minimum, but is not limited to: <ul style="list-style-type: none"> <li>o Use of low emission water heaters</li> <li>o Use of central water heating systems</li> <li>o Use of energy efficient appliances</li> <li>o Use of increased insulation</li> <li>o Use of automated controls for air conditioners</li> <li>o Use of energy-efficient parking lot lights</li> <li>o Use of lighting controls and energy-efficient lighting</li> </ul>	Developer	Project Design Phase	Plan Check	City of Ontario			
AQ-18 Provide additional outdoor air ventilation through the design and implementation of a high efficiency HVAC system to improve indoor air quality for improved occupant comfort, well-being, and productivity in the office buildings.	Developer	Project design phase	Plan Check	City of Ontario			
AQ-19 Reduce the quantity of indoor air contaminants that are odorous, irritating and/or harmful to the comfort and well-being of installers and occupants through compliance with SCAQMD Rule 1168, which limits the VOC content of paints, varnish, floor coatings, stains, adhesives, sealants, and primers.	Developer	Project design phase	Plan Check	City of Ontario			

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.2 Air Quality</b>							
AQ-20 Provide site improvements such as street lighting, street furniture, route signs, and sidewalks or pedestrian paths to promote pedestrian activity for short trips.	Developer	Project design phase	Plan Check	City of Ontario			

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.2 Air Quality</b>							
<p>AQ-21 The Project will implement the following measures as Project design features in order to reduce the Project's impact on global climate change:</p> <p>Energy Efficiency</p> <ul style="list-style-type: none"> <li>• Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.</li> <li>• Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.</li> <li>• Install light colored "cool" roofs, cool pavements, and strategically placed shade trees.</li> <li>• Provide information on energy management services for large energy users.</li> <li>• Install energy efficient heating and cooling systems, appliances and equipment, and control systems.</li> <li>• Install light emitting diodes (LEDs) for traffic, and other outdoor lighting.</li> <li>• Limit the hours of operation of outdoor lighting.</li> <li>• Provide education on energy efficiency.</li> </ul>	Developer	Project design phase	Plan Check	City of Ontario			

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.2 Air Quality</b>							
<p>Renewable Energy</p> <ul style="list-style-type: none"> <li>• Install solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives.</li> </ul> <p>Water Conservation and Efficiency</p> <ul style="list-style-type: none"> <li>• Create water-efficient landscapes.</li> <li>• Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.</li> <li>• Use reclaimed water for landscape irrigation in new developments and on public property. Install the infrastructure to deliver and use reclaimed water.</li> <li>• Design buildings to be water-efficient. Install water-efficient fixtures and appliances.</li> <li>• Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.</li> <li>• Restrict the use of water for cleaning outdoor surfaces and vehicles.</li> <li>• Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site.)</li> </ul>	Developer	Project design phase	Plan Check	City of Ontario			

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.2 Air Quality</b>							
<ul style="list-style-type: none"> <li>• Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.</li> <li>• Provide education about water conservation and available programs and incentives.</li> </ul> Solid Waste Measures <ul style="list-style-type: none"> <li>• Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).</li> <li>• Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.</li> <li>• Provide education and publicity about reducing waste and available recycling services.</li> </ul>	Developer	Project design phase	Plan Check	City of Ontario			

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.3 Biology</b>							
BR-1 No less than two weeks and not more than four weeks prior to the commencement of any ground-disturbing activities, a preconstruction survey for burrowing owls shall be conducted by a qualified biologist. If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be resurveyed for owls. If owls are determined to be present within the construction footprint, they will be relocated in accordance with current California Department of Fish and Game protocol.	Developer	No less than two weeks and not more than four weeks prior to any ground-disturbing activities	Biological Report	City of Ontario  CDFG			
BR-2 A Biological Resources Survey shall be conducted for Planning Areas 1A, 1C, 2B, and 8B prior to the approval of the Tentative Tract Maps prepared for those properties. If suitable habitat is determined present onsite, subsequent focused surveys shall be completed and no "take" of any protected species and/or their habitat shall occur without obtaining the requisite regulatory permits from State and Federal agencies.	Developer	Prior to Tentative Tract Map approval	Biological Report  Plan Check	City of Ontario  USFWS  CDFG			

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.3 Biology</b>							
BR-3 A breeding bird survey shall be conducted prior to the removal of windrows scheduled between January 15 <sup>th</sup> and August 31 <sup>st</sup> . A nesting/breeding bird survey must be conducted one week prior to commencing tree removal. If any active nests are detected within the windrow, a buffer area around the nest(s) will be flagged and avoided until the nesting cycle is complete or it is determined that the nest(s) has failed. No grading, heavy equipment, or tree removal activities shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive bird nests (non-listed), and 100 feet of most common songbird nests. A qualified biological monitor will be present on the site to monitor tree removal or other construction activity in the vicinity of nest sites to assure that active nests are not disturbed. If no active nests are found during the survey, construction activities may proceed.	Developer	Between January 15 <sup>th</sup> and August 31 <sup>st</sup> if tree removal is scheduled for that timeframe	Biological Report	City of Ontario  USFWS			

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.3 Biology</b>							
BR-4 The Project proponent shall be required to pay City of Ontario development impact fees. Fees collected will be used "to acquire and restore mitigation lands to offset impacts to species now living in the New Model Colony and impacts to existing open space," according to the City of Ontario Development Impact Fee Calculation Report and the Settlement and General Release Agreement. This fee is currently \$4,320 per acre.	Developer	Prior to occupancy permit	Plan Check Receipt of payment	City of Ontario			
BR-5 To avoid direct impacts to burrowing owls, a pre-construction survey will be conducted by a qualified biologist no more than 30 days prior to any ground-disturbing activities, including demolition, manure clean up, and site grading. If burrowing owls are detected on site, they will be relocated in accordance with current protocols recognized by the CDFG. If present on site, burrowing owls must be relocated outside of the nesting season (February 1 through August 31), unless a qualified biologist confirms that the burrowing owls are not nesting, and CDFG approves in writing the relocation during the nesting season. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, then the site shall be re-surveyed for burrowing owls.	Developer	No more than 30 days prior to ground-disturbing activities	Biological Report	City of Ontario  CDFG			

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.3 Biology</b>							
BR-6 To avoid impacts to nesting migratory birds, a nesting bird survey will be conducted by a qualified biologist prior to the removal of any potential nesting vegetation (or demolition of structures) between January 15 and August 31. This includes all trees, shrubs, herbaceous vegetation, ruderal areas, buildings, and other structures with the potential to support nesting birds. Nesting bird surveys will be conducted one week prior to any vegetation removal or demolition activities. If nesting birds are identified, then the vegetation or structures will be clearly marked with flagging, and the nest will not be disturbed until the nesting event has completed. No grading, heavy equipment, or vegetation removal activities shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive bird nests (non-listed), and 100 feet of most common songbird nests, in order to avoid impacts to nesting birds through construction noise. The biologist will consult with CDFG and or USFWS to finalize appropriate avoidance buffers from the nests.	Developer	Between January 15 <sup>th</sup> and August 31 <sup>st</sup> if vegetation removal is scheduled for that timeframe	Biological Report	City of Ontario  USFWS			

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					Signature	Date	Remarks
<b>5.2.2.4 Cultural Resources</b>							
CR-1 In the event that any subsurface archeological materials are encountered within any part of the Project Site, all ground-disturbing construction activities shall be suspended in the vicinity of the find until the deposit is recorded and evaluated by a qualified archeologist.	City of Ontario  Developer	Immediately upon encountering suspected archeological materials	Archaeologist's Report	City of Ontario  NHAC			
CR-2 In the event that any human remains are found, all construction activities must cease immediately and a qualified archeologist and the San Bernardino County Coroner must be notified.	City of Ontario  Developer	Immediately upon encountering suspected human remains	Archaeologist's and Coroner's Reports	City of Ontario  San Bernardino County Coroner			
CR-3 If the coroner determines the remains to be of Native American origin, he or she will immediately notify the Native American Heritage Commission (NAHC). The NAHC will then identify the most likely descendants to be consulted regarding treatment and/or reburial of the remains. The developer shall implement the recommendations of the most likely descendent pursuant to Public Resources Code Section 5097.98 et seq.	Developer San Bernardino County Coroner NAHC	Upon assessment of the remains	Coroner's Report	City of Ontario  San Bernardino County Coroner  NAHC			

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					Signature	Date	Remarks
<b>5.2.2.4 Cultural Resources</b>							
CR-4 Prior to any excavation into undisturbed, older Pleistocene sediment, a qualified paleontologist shall be retained during construction excavations in underlying, older Pleistocene deposits, if any, to observe construction excavations. In the event any unique paleontological resource is encountered, the resource shall be salvaged, recorded, and curated.	Developer	Ongoing during excavation	Prior to any excavation into undisturbed, older Pleistocene sediment	City of Ontario  Paleontologist			

Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.5 Geology and Soils</b>							
GS-1 Structural design shall conform to the seismic related recommendations contained within the Geotechnical Reports. These recommendations shall be reviewed and be approved by the City.	Developer	Prior to issuance of grading and/or building permits	Plan Check	City of Ontario			
GS-2 Seismic related structural design shall conform to applicable recommendations from the Structural Engineers Association of California, the California Building Code, the Uniform Building Code, and City codes.	Developer	Prior to issuance of grading and/or building	Plan Check	City of Ontario			

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					Signature	Date	Remarks
<b>5.2.2.5 Geology and Soils</b>							
		permits					
GS-3 As part of site grading and prior to the commencement of building construction, unconsolidated fill materials, organic rich soils, and manure, shall be excavated and removed off-site, and shall be replaced with engineered fill.	Developer	Prior to issuance of grading permits	Plan Check	City of Ontario			
GS-4 As part of the site grading and prior to the commencement of building construction, potentially compressible soils, which includes undocumented fill, shall be excavated to firm, competent native material and removed off-site.	Developer	Prior to issuance of grading permits	Plan Check	City of Ontario			
GS-5 Soils shall be tested to determine their corrosive potential. If corrosive soils are proven to be located onsite, all concrete that comes into contact with corrosive soil shall be designed based on Table 19-A-4 of the Uniform Building Code. All metals that come into contact with corrosive soils shall be protected according to the recommendations of a corrosion engineer.	Developer	Prior to approval of infrastructure and/or building permits	Plan Check	City of Ontario			

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					Signature	Date	Remarks
<b>5.2.2.5 Geology and Soils</b>							
GS-6 At the conclusion of site grading and prior to the commencement of building construction, soils at the finished grade elevation shall be tested to determine their expansion index. If the tested soils at the finished grade elevation exhibit a low, or higher, potential for expansion, the following construction measures shall be implemented: stiffened foundation design in accordance with the Uniform Building Code; deepened footings; and pre-saturation of the building pad to specified moisture content.	Developer	Prior to issuance of building permits	Plan Check	City of Ontario			

Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.6 Hazardous and Hazardous Materials</b>							
HM-1 Removal of structures, including, but limited to, under- and aboveground storage tanks, septic systems, and water wells shall conform to all Federal, State, and local agency regulations (specifically with those required by the City Building and Safety Department and the Hazardous Materials Division of the San Bernardino County Fire Department).	Developer  Contractor	Prior to removal of structures	Manifests  Federal, State, and local agency reporting	City of Ontario  County of San Bernardino			

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					Signature	Date	Remarks
<b>5.2.2.6 Hazardous and Hazardous Materials</b>							
<p>HM-2 Prior to grading activities, testing for the presence of methane gas in soils on Planning Areas 1A, 1C, 2B, 3A, 4, 6A, 6B, 8B, 9A-9D, and 11 shall be conducted. (The remaining Planning Areas within the Project Site have completed Methane Gas Investigations. The findings are summarized in Table 5.7-2 of this EIR.) Pursuant to the City Municipal Code Section 9-2.0435 (L), "A methane gas assessment shall be prepared by a licensed professional with expertise in soil gas assessments for subdivisions proposed on former dairies, poultry ranches, hog ranches, livestock feed operations and similar facilities to determine the presence of methane gas within the project boundary. The methane gas assessment shall identify monitoring and mitigation strategies and approaches. All mitigation measures/plans and specifications shall be reviewed and approved by the City of Ontario."</p> <p>Such an assessment may take two steps. A preliminary assessment will be done prior to grading to determine exactly where dairies have existed in the past so that the post grading assessment/mitigation measures can be focused on the portions of the Planning Areas that have included former agricultural activities. The second step will include actual</p>	Developer	Prior to issuance of grading permits	Methane gas investigation report	City of Ontario			

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					Signature	Date	Remarks
<b>5.2.2.6 Hazardous and Hazardous Materials</b>							
<p>testing of graded pads no sooner than 30 days after construction to determine if methane is detected above 5,000 ppm.</p> <p>In addition to Project-specific Mitigation Measure HM-2, the following grading guidelines included in the various Methane Gas Investigations conducted for the Project shall also be adhered to:</p> <ul style="list-style-type: none"> <li>• Careful clearing, grubbing, segregation, and stockpiling or disposal near surface, of organics-rich soils at the site prior to the initiation of mass grading activities.</li> <li>• The identification and segregation/stockpiling or disposal of deeper soils which contain elevated levels of organic material. Soils with an organic content of 0.4% or higher shall be segregated for controlled placement that ensures that methane levels are below 5,000 ppm.</li> <li>• Soils with organic content in excess of 0.4% shall not be placed as "deep" fill. Soils with organic contents in excess of this amount shall be placed in open areas within approximately two feet of the finished ground surface.</li> </ul>							
HM-3 To eliminate the risk of ground cracking, manure shall be removed from the site, such	Developer	Prior to issuance of	Plan Check	City of Ontario			

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					Signature	Date	Remarks
<b>5.2.2.6 Hazardous and Hazardous Materials</b>							
that the organic matter content of onsite soils shall not exceed 2% (a 2% total organic content is allowed, of which no more than 1% can be manure) in the building foundation areas when mixed with underlying clean soils and imported fill.	Contractor	building permits					
HM-4 To the extent not previously prepared and to properly assess and address potential hazardous materials within Planning Areas 1A, 1C, 2B, and 8B, a Phase I Environmental Site Assessment (ESA) shall be performed by a registered environmental assessor (REA) prior to the approval of the Tentative Tract Map, site plan or other discretionary approval for a given phase of development. If potential hazardous materials or conditions are identified in the Phase I report, the recommendations of the ESA shall be implemented. Such recommendations shall include surficial sampling and chemical analysis within agricultural areas or where soil staining was observed. The Phase I ESA shall be provided to the City and shall be included in any CEQA analysis prepared in connection with the consideration of the discretionary approval for development.	Developer	Prior to approval of Tentative Tract Maps	Plan Check	City of Ontario			
HM-5 If, while performing any excavation as part of Project construction, material that is believed to be hazardous waste as defined in Section	Developer	Ongoing throughout Project	Incident Report	City of Ontario			

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.6 Hazardous and Hazardous Materials</b>							
25117 of the California Health and Safety Code is discovered, the developer shall contact the City Fire Department and the County of San Bernardino Fire Department Hazardous Materials Division. Excavation shall be stopped until the material has been tested and the absence of hazardous waste has been confirmed. If hazardous waste is determined to be present, the California Department of Toxic Substances Control shall be contacted and the material shall be removed and disposed of pursuant to applicable provisions of California law.	Contractors	construction		San Bernardino County Fire Department  DTSC			

Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.7 Hydrology and Water Quality</b>							
NMC WQ-6 During construction of individual projects, the City Engineer shall ensure compliance with all the terms and conditions outlined in the National Pollutant Discharge Elimination System (NPDES) permit, including the implementation of Best Management Practices (BMPs).	City of Ontario Engineering Department	Ongoing	Inspection	City of Ontario			

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					Signature	Date	Remarks
<b>5.2.2.7 Hydrology and Water Quality</b>							
HWQ-1 All Project related development and construction activities shall comply with the National Pollutant Discharge Elimination System (NPDES) regulations. Prior to the issuance of a grading permit, applicants shall demonstrate compliance with NPDES Storm Water Permit requirements to the satisfaction of the City. Applicable BMP provisions shall be incorporated into the NPDES Permit.	Developer Contractor	Prior to issuance of grading permit	Plan Check	City of Ontario			
HWQ-2 All new residences within the Project Site shall be provided with water conservation devices such as low flow showers and toilets.	Developer Contractor	Prior to issuance of occupancy permit	Plan Check	City of Ontario			
HWQ-3 All public landscaped areas resulting from implementation of the Project shall be required to use recycled water for irrigation purposes once the planned regional reclaimed water system becomes functional at the Project Site.	Developer Contractor	Prior to approval of Landscape Plan	Plan Check	City of Ontario			
HWQ-4 All new storm drain infrastructure, other than interim facilities, shall be consistent with either the NMC Master Plan of Drainage, the Master Plan of Drainage Update for NMC East unless formal amendments or deviations are coordinated with and approved by the City.	Developer Contractor	Prior to approval of Storm Drain Plan	Plan Check	City of Ontario			

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					Signature	Date	Remarks
<b>5.2.2.7 Hydrology and Water Quality</b>							
HWQ-5 If grading or construction within any Planning Area proceeds prior to the installation of NMC Master Storm Drain Improvements needed to serve such Planning Area, interim detention basins, sized to accept upstream undeveloped flow in accordance with SWRCB requirements must be installed.	Developer  Contractor	Prior to approval of Storm Drain Plan	Plan Check	City of Ontario			

Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.8 Noise</b>							
NMC N-5 All prospective owners and occupants of residential units on the project site shall be formally notified prior to purchase, lease or rental, that certain units (without windows and doors closed), and outdoor areas could be subject to noise levels above City standards for residential uses. Such notification shall be in language approved by the City Planning Department, and shall be formalized in written Covenants, Conditions and Restrictions (CC&R) recorded on the title	Home Sellers  Rental Agents	Ongoing	Ongoing	City of Ontario Planning Department			

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Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.8 Noise</b>							
	of each residential lot in the project. In addition, each advertisement, solicitation and sales brochure or other literature regarding the project shall contain the approved notification language.						
NMC N-7	All project construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers.	Developer Contractor	Ongoing throughout Project construction	Maintenance receipts and logs Foreman's daily field notes	Developer Contractor		
NMC N-9	Whenever feasible, the noisiest construction operations should be scheduled to occur together to avoid continuing periods of the greatest annoyance.	Developer Contractor	Ongoing throughout Project construction	Developer Contractor	Developer Contractor		
N-1	During all Project Site excavation and grading, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufactures' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.	Developer Contractor	Ongoing throughout Project construction	Maintenance receipts and logs Foreman's daily field notes	Developer City of Ontario		
N-2	The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors	Developer Contractor	Ongoing throughout Project construction	Foreman's daily field notes	Developer City of		

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					Signature	Date	Remarks
<b>5.2.2.8 Noise</b>							
nearest the project site during all project construction.				Ontario			
N-3 The construction contractor shall limit all construction-related activities that would result in high noise levels according to the construction hours to be determined by City staff.	Developer Contractor	Ongoing throughout Project construction	Foreman's daily field notes	Developer City of Ontario			
N-4 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.	Developer Contractor	Ongoing throughout Project construction	Foreman's daily field notes	Developer City of Ontario			
N-5 Architectural plans shall be submitted to the City for an acoustical plan check prior to the issuance of building permits to assure that the proper windows and/or doors are upgraded for sound reduction and proper ventilation systems are incorporated in order to meet the interior noise level requirement.	Developer	Prior to issuance of building permits	Plan Check	City of Ontario			

Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring/Regulatory Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.9 Public Services</b>							

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					Signature	Date	Remarks
<b>5.2.2.9 Public Services</b>							
PS-1 To reduce fire hazards, wood-shingled and shake-shingled roofs are prohibited.	Developer	Prior to issuance of building permits	Plan Check	City of Ontario			
PS-2 To reduce fire hazards, fire hydrant locations and water main sizes shall meet standards established by Ontario Fire Department and reviewed and implemented by the Engineering Department.	Developer	Prior to approval of Water and Sewer Plan and Street Improvement Plan	Plan Check	City of Ontario			
PS-3 To reduce fire hazards when water is provided to the site, adequate fire flow pressure shall be provided for residential areas and non-residential projects in accordance with currently adopted standards.	Developer	Prior to approval of Water and Sewer Plan	Plan Check	City of Ontario			
PS-4 To reduce fire hazards, adequate water supply shall be provided as approved by the Ontario Fire Department prior to the framing stages of construction.	Developer	Prior to issuance of building permit	Plan Check	City of Ontario			
PS-5 To reduce fire hazards, houses located on cul-de-sacs longer than 300 feet shall be constructed with residential fire sprinklers.	Developer	Prior to issuance of building permit	Plan Check	City of Ontario			

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					Signature	Date	Remarks
<b>5.2.2.9 Public Services</b>							
PS-6 To reduce fire hazards, access roadways designed in accordance with Ontario Fire Department standard to within 150' of all structures, shall be provided prior to the framing stages of construction. This access is to be maintained in an unobstructed manner throughout construction.	Developer  Contractor	Prior to issuance of building permit  Ongoing throughout Project construction	Plan Check  Foreman's daily field notes	City of Ontario  Developer			
PS-7 A fire station located within the Parkside Specific Plan must be operational prior to the issuance of any certificates of occupancy in The Avenue Specific Plan.	Developer	Prior to issuance of occupancy permit	Plan Check	City of Ontario			
PS-8 The developers/builders shall pay library, police, and fire service development impact fees.	Developer	Prior to issuance of occupancy permit	Receipt of payment	City of Ontario			

Impact Category and Mitigation Measures	Responsible Party	Frequency of Reporting	Monitoring Method	Monitoring Entity	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.10 Recreation</b>							

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					Signature	Date	Remarks
<b>5.2.2.10 Recreation</b>							
REC-1 The developers/builders shall pay in lieu park fees to meet the standard of five acres of parkland per thousand residents.	Developer	Prior to recordation of Final Map and/or issuance of occupancy permit	Plan Check  Receipt of payment	City of Ontario			

Impact Category and Mitigation Measures	Responsible Entity	Frequency of Reporting	Monitoring Method	Monitoring Agency	Verification of Compliance		
					Signature	Date	Remarks
<b>5.2.2.11 Transportation/Circulation</b>							
T-1 The Project developers shall pay the DIF Program Traffic Funding Contribution set forth on Table 5.15-4 (found in the Project EIR) consistent with the requirements contained in the DIF Program.	Developer	Monthly	Plan Check  Receipt of payment	City of Ontario			
T-2 The Project developers shall pay the Additional Fair Share Project Improvement Cost as set forth on Table 5.15-5.	Developer	Monthly	Plan Check  Receipt of payment	City of Ontario			
T-3 Right-in and right-out only access with appropriate signing on Carpenter Avenue for	Developer	At City acceptance	Plan Check	City of Ontario			

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					Signature	Date	Remarks
<b>5.2.2.11 Transportation/Circulation</b>							
		of facility	Signage				
T-4	Construct Carpenter Avenue (half-section improvements) as a Collector from Schaefer Avenue to Edison Avenue.	Developer	At City acceptance of facility	Plan Check	City of Ontario		
T-5	Construct Hellman Avenue as Collector from Schaefer Avenue to Edison Avenue.	Developer	At City acceptance of facility	Plan Check	City of Ontario		
T-6	Construct Archibald Avenue as a Divided Arterial from Schaefer Avenue to Edison Avenue.	Developer	At City acceptance of facility	Plan Check	City of Ontario		
T-7	Construct "A" Street as a Neighborhood entry Street (66-foot right-of-way and 36-foot paved travel area) from The Avenue to Edison Avenue.	Developer	At City acceptance of facility	Plan Check	City of Ontario		
T-8	Construct Turner Avenue as Collector from Schaefer Avenue to Edison Avenue.	Developer	At City acceptance of facility	Plan Check	City of Ontario		
T-9	Construct Haven Avenue (half-section improvements) as a Divided Arterial from the northern Project boundary to the southern Project boundary.	Developer	At City acceptance of facility	Plan Check	City of Ontario		
T-10	Construct Schaefer Avenue (full or half-section improvement as appropriate) as a Standard Arterial from the western Project boundary to Edison Avenue.	Developer	At City acceptance of facility	Plan Check	City of Ontario		

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					Signature	Date	Remarks
<b>5.2.2.11 Transportation/Circulation</b>							
T-11 Construct The Avenue (118' right-of-way) from Archibald to Turner Avenue.	Developer	At City acceptance of facility	Plan Check	City of Ontario			
T-12 Construct Edison Avenue (full or half-section improvements as appropriate) as a Divided Arterial from the western Project boundary to the eastern Project boundary.	Developer	At City acceptance of facility	Plan Check	City of Ontario			
T-13 Right-in and right-out only access with the appropriate signing on Carpenter Avenue for the intersection of Carpenter Avenue at Edison Avenue.	Developer	At City acceptance of facility	Plan Check Signage	City of Ontario			
T-14 Modify the existing traffic signals at the intersections of Archibald Avenue at Schaefer Avenue and Archibald Avenue at Edison Avenue.	Developer	At City acceptance of facility	Plan Check	City of Ontario			
T-15 The applicant shall pay their proportionate share (prior to building permit issuance) for or install (prior to occupancy of any structure), the above transportation improvements needed to serve the Project. The determination of whether the payment of proportionate share or installation of the improvements is required shall be made by the City Engineer at the time of Tentative Tract Map approval. The method for determining proportionate share is identified in the TIS,	Developer City Engineer	Prior to issuance of building permit or occupancy permit	City Notification	City of Ontario			
T-16 Adequate sight distance at the Project	Developer	Prior to	Plan Check	City of			

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					Signature	Date	Remarks
<b>5.2.2.11 Transportation/Circulation</b>							
driveways shall be provided to meet the minimum City requirements.		approval of Street Improvement Plan		Ontario			

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**Appendix A**

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Response Letters to Commenting Agencies

State Clearinghouse Letter





73-255 El Paseo Drive, Suite 15  
Palm Desert, CA 92260  
760-346-4750 Tel  
760-340-0089 Fax

The Altum Group

January 21, 2010  
File: 2017110400

**Attention: Commenting Agencies**  
**Reference: Comment Letter on The Avenue Specific Plan Amendment Draft Supplemental EIR  
(State Clearinghouse No. 2005071109)**

The City of Ontario (City) has received your comment letter in response to the circulation of the Draft Supplemental Environmental Impact Report (SEIR) for the Avenue Specific Plan Amendment. The Altum Group, on behalf of the City, is responding to comments made on the Draft SEIR. Enclosed is the Response to Comments on the Draft SEIR, which contains your original comment letter and the City's response to that letter. The Final SEIR will be heard for certification by the City of Ontario City Council on Tuesday, February 2, 2010. This notice serves to satisfy the requirements of the California Environmental Quality Act (CEQA) Section 21092.5(a). The SEIR, including technical appendices, are available for review at the City of Ontario at 200 N. Cherry Avenue, Ontario, CA 91764.

City Council Hearing: Tuesday, February 2, 2010, at 6:30 PM located at the City of Ontario Council Chambers, 303 East B Street, Ontario, CA 91764.

Thank you for your participation in the CEQA process and for your time and consideration of this project.

Sincerely,

**The Altum Group**

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Environmental Planner  
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c. Richard Ayala, City of Ontario Planning Department



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The Altum Group

January 21, 2010  
File: 2017110400

County of San Bernardino Department of Public Works  
Solid Waste Management Division  
222 West Hospitality Lane, Second Floor  
San Bernardino, CA 92415-0017

**Attention: Nancy Sansonetti  
Principal Planner/Chief**

Dear Ms. Sansonetti:

**Reference: The Avenue Specific Plan Amendment Draft Supplemental EIR**

On behalf of the City of Ontario (City), The Altum Group is responding to comments made on the Draft Supplemental Environmental Impact Report (SEIR) for the Avenue Specific Plan Amendment by the County of San Bernardino Department of Public Works Solid Waste Management Division in its letter to the City dated January 7, 2009.

Comment 1

*The County of San Bernardino Solid Waste Management Division is responsible for the management and oversight of all County landfill and waste transfer operations. Staff has reviewed the document and finds that the environmental analysis concerning all solid waste generated by the proposed project is adequate.*

Response to Comment 1

Comment has been noted. Thank you for reviewing and commenting on the Draft SEIR.

Sincerely,

**The Altum Group**

Cheri Flores  
Environmental Planner  
Tel: (760) 346-4750  
Fax: (760) 340-0089  
cheri.flores@thealtumgroup.com

Attachment: January 7, 2009 letter from San Bernardino County DPW  
The Avenue Specific Plan Amendment Final SEIR

c. Richard Ayala, City of Ontario Planning Department



73-255 El Paseo Drive, Suite 15  
Palm Desert, CA 92260  
760-346-4750 Tel  
760-340-0089 Fax

The Altum Group

January 21, 2010  
File: 2017110400

California Regional Water Quality Control Board  
Santa Ana Region  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

**Attention: Mark G. Adelson, Chief  
Regional Planning Programs Section**

Dear Mr. Adelson:

**Reference: The Avenue Specific Plan Amendment Draft Supplemental EIR**

On behalf of the City of Ontario (City), The Altum Group is responding to comments made on the Draft Supplemental Environmental Impact Report (SEIR) for the Avenue Specific Plan Amendment by the Santa Ana Regional Water Quality Control Board in its letter to the City dated January 22, 2009.

#### Comment 1a

*The Conclusions of the DSEIR Executive Summary (p.2-28) indicate that with the implementation of the DSEIR's recommended mitigation measures (including those on p. 2-20), potentially significant impacts will still not be reduced to "less than significant levels" for hydrology and water quality. Therefore, toward further reduction of potentially significant impacts to beneficial uses, a Project hydrological study should:*

*a. Determine the level of storm drain infrastructure that the Project should have in order to treat and convey additional runoff to the area storm drain network. We anticipate that the Project's construction phase and addition of impervious surfaces will alter that volume and direction of stormwater and dry-weather flows to the regional drainage network, including the Cucamonga Creek Channel (Channel). If so, any proposed inlet(s) and/or anticipated runoff volume to the Channel must be projected. Use of project-scale Low Impact Development (LID) and "Smart Growth" practices, including dampening hydrographic changes, conserving water, and maximizing groundwater recharge potential, are highly recommended to minimize a range of hydrological impacts that the project is likely to have.*

#### Response to Comment 1a

Several master drainage plans were used in the preparation of the previously approved EIR Hydrology and Water Quality section which address storm drain infrastructure (Previously approved EIR, pp. 5.8-1 – 5.8-43). The addition of residential units and commercial space to the previously approved plan does not change the results of the previously approved EIR analysis. Mitigation Measure NMC WQ-1 (Draft SEIR, p. 2-20) is in place for the Project in order to address specific drainage issues for the Project. This mitigation requires that project hydrological studies will be prepared and submitted for review with the submission of Tentative Tract Maps within The Avenue Specific Plan. These hydrological studies will include a determination of the level of storm drain infrastructure that is needed to treat and convey the additional runoff from the increased

**Reference: The Avenue Specific Plan Amendment Draft Supplemental EIR**

impervious surface area to the area storm drain network. “Smart Growth” practices will be considered in the study.

Comment 1b

*b. Address the potential for the project to hydromodify downstream drainages and to cumulatively degrade them through erosion, scour, sedimentation, and instability. The SEIR should discuss BMP's for minimizing all anticipated hydromodification. The Project's jurisdictional delineation determined that the site has no waters of the U.S. or state. However, if the Project results in the discharge of fill to the Channel or a tributary, then the Project will require a Clean Water Act (CWA) Section 404 permit from the United States Army Corps of Engineers and a CWA Section 401 Water Quality Standards Certification from our office.*

Response to Comment 1b

The previously certified FEIR included several statements regarding utilizing best management practices to minimize hydromodification of downstream drainages (Previously approved EIR, pp. 5.8-17 – 5.8-21). These conclusions are incorporated by reference and still apply to the current Project. In addition, the Project is not expected to result in discharge of fill to any waters of the U.S. or state; however, the Project will obtain Section 404 and 401 permits if discharge of fill into U.S. or state waters is necessary.

Comment 2

*We are concerned that during the construction phase, runoff may contain elevated levels of salts (total dissolved solids), nitrate, sediment, and hydrocarbons. All new construction must control pollutants from point and non-point sources by conforming to the Water Quality Management Plan (WQMP) required by the Regional Water Quality Control Board's Waste Discharge Requirements for San Bernardino County (NPDES Permit No. CAS618036), Order No. R8-2002-0012, San Bernardino County Flood Control District, the County of San Bernardino, and the Incorporated Cities of San Bernardino County within the Santa Ana Region Area-Wide Urban Storm Water Runoff, also known as the San Bernardino County municipal separate storm sewer system, or “San Bernardino County MS4” permit.*

Response to Comment 2

Comment is noted. The project will be subject to all applicable regulations and will comply with the Water Quality Management Plan required by the Regional Water Quality Control Board's Water Discharge Requirements for San Bernardino County (NPDES Permit No. CAS618036). The Project's developers and builders will obtain an NPDES storm water permit for construction activities and shall comply with the requirements of the permit (Previously approved EIR, p. 5.8-32, first paragraph). Mitigation measures incorporated into the Project which require compliance with the WQMP and MS4 permit include NMC WQ-5, NMC WQ-6, NMC WQ-7, and HWQ-1 (Draft SEIR, pp. 2-20 – 2-21.) These mitigation measures require the project to obtain and comply with all terms and conditions of the NPDES permit from the State Water Resources Control Board, including implementation of Best Management Practices (BMPs) and a Storm Water Pollution Prevention Plan (SWPPP).

Comment 3

*Cucamonga Creek is tributary to the Santa Ana River, Reach 3, which has an adopted Total Maximum Daily Load (TMDL) for nitrate, in accordance with CWA Section 303(d). Further, both water bodies are included in the Middle Santa Ana River Watershed Bacterial Indicator TMDLs: Cucamonga Creek Channel, Reach 1, for*

**Reference: The Avenue Specific Plan Amendment Draft Supplemental EIR**

*coliform, and Santa Ana River Reach 3, for pathogens. The SEIR should reflect that implementation of MS4 controls on urban runoff will be required for TMDL compliance.*

Response to Comment 3

Comment is noted. The Project will implement MS4 controls in order to achieve TMDL compliance (Previously approved EIR, p. 5.8-38, last paragraph). In addition, Mitigation Measure HWQ-1 (Previously approved EIR, p. 5.8-42 and Draft SEIR, p. 2-21) will be implemented and will ensure the Project's compliance with the City's MS4 permit by requiring the Project to comply with NPDES regulations and implement BMPs to control TMDLs.

Comment 4

*For consistency, the above comments are applicable to neighboring projects, particularly those of the New Model Colony (Great Park, etc.).*

Response to Comment 4

Comment is noted and will be considered in future planning.

Thank you for reviewing and commenting on the Draft SEIR.

Sincerely,

**The Altum Group**



Cheri Flores  
Environmental Planner  
Tel: (760) 346-4750  
Fax: (760) 340-0089  
cheri.flores@thealtumgroup.com

Attachment: January 22, 2009 letter from SARWQCB  
The Avenue Specific Plan Final SEIR

c. Richard Ayala, City of Ontario Planning Department



73-255 El Paseo Drive, Suite 15  
Palm Desert, CA 92260  
760-346-4750 Tel  
760-340-0089 Fax

The Altum Group

January 21, 2010  
File: 2017110400

City of Chino  
P.O. Box 667  
Chino, CA 91708-0667

**Attention: Kim Le  
Assistant Planner**

Dear Ms. Le:

**Reference: The Avenue Specific Plan Amendment Draft Supplemental EIR**

On behalf of the City of Ontario (City), The Altum Group is responding to comments made on the Draft Supplemental Environmental Impact Report (SEIR) for the Avenue Specific Plan Amendment by the City of Chino in its letter to the City of Ontario dated February 2, 2009.

#### Comment 1

*Transportation Mitigation Measures are proposed at the intersection of Euclid Avenue and Edison Avenue on the west leg of Edison, which is in the City of Chino. The City of Chino's Circulation Element calls for three through lanes in the eastbound and westbound direction. Ultimate curb geometry has already been built west of the intersection of Euclid and Edison Avenues and does not accommodate four eastbound through lanes; therefore, the proposed mitigation is not feasible. Also, right turn overlap phases affect the u-turn movements at the intersection. Please revise proposed mitigation to achieve an acceptable Level of Service without adding an additional fourth through lane.*

#### Response to Comment 1

This comment states that mitigation imposed by the original the Avenue Specific Plan EIR for impacts at the intersection of Euclid Avenue and Edison Avenue, within the City of Chino, is not feasible because Chino's General Plan Circulation Element calls on the intersection's west leg (Edison Avenue) being at most three through lanes in each direction, and thus four through lanes are not possible. However, this comment is outside the scope of the analysis of this SEIR.

As noted in State CEQA Guidelines section 15163, a supplemental EIR need only contain the information and analysis necessary to make the previous EIR adequate for the project as revised. Therefore this supplemental environmental review of the Avenue Specific Plan needs only address the changes in the Project that have been proposed. Thus, only that analysis that is needed to determine whether the revised Project would result in new or substantially greater significant impacts as compared to the original EIR need be conducted. The SEIR, as per the traffic study for the project revisions, identified the intersections that could potentially be affected by reductions of Levels of Service, as a result of the changes to the Project, such that these impacts could be deemed to be significant. The Euclid Avenue and Edison Avenue intersection is not one of these intersections, and thus the analysis and mitigation of the original EIR as to that intersection remains undisturbed and is not subject to further review, as per CEQA's strong policy in favor of the conclusiveness of environmental review that has been completed. Furthermore, it should be noted that the

**Reference: The Avenue Specific Plan Amendment Draft Supplemental EIR**

information regarding Chino's General Plan was available at the time of the original EIR but was not brought to the City's attention. Because this information was available at the time, it does not constitute "new information of substantial importance," as defined in State CEQA Guidelines section 15162(a)(3), that would independently render this information the subject of supplemental environmental review. Consequently, the feasibility of mitigation imposed in the original EIR, which does not bear on the proposed Project revisions, is beyond the scope of this SEIR."

The City of Ontario is currently working on a city-wide General Plan update. The traffic modeling and level of service analysis associated with the General Plan EIR is more comprehensive and up to date as compared to the previous analysis for the Avenue Specific Plan EIR. The General Plan analysis indicates that the Euclid and Edison intersection will require less mitigation than previously anticipated because of proposed land use density and redistribution changes. We understand that the City of Chino is also working on a General Plan update. Therefore, it would seem appropriate for us to cooperatively work together on a plan for this key intersection that will satisfy the future year traffic demands due to our respective General Plans and area growth.

Thank you for reviewing and commenting on the Draft SEIR.

Sincerely,

**The Altum Group**



Cheri Flores  
Environmental Planner  
Tel: (760) 346-4750  
Fax: (760) 340-0089  
cheri.flores@thealtumgroup.com

Attachment: February 2, 2009 letter from City of Chino  
The Avenue Specific Plan Amendment Final SEIR

c. Richard Ayala, City of Ontario Planning Department



73-255 El Paseo Drive, Suite 15  
Palm Desert, CA 92260  
760-346-4750 Tel  
760-340-0089 Fax

The Altum Group

January 21, 2010  
File: 2017110400

Southern California Edison  
1351 East Francis Street  
Ontario, CA 91761-5715

**Attention: Christian Nelson  
Region Manager**

Dear Mr. Nelson:

**Reference: The Avenue Specific Plan Amendment Draft Supplemental EIR**

On behalf of the City of Ontario (City), The Altum Group is responding to comments made on the Draft Supplemental Environmental Impact Report (SEIR) for the Avenue Specific Plan Amendment by Southern California Edison in its letter to the City dated February 4, 2009.

Comment 1

*SCE is the provider of electricity for this project. This letter is to advise The City of Ontario the electrical loads of this project have been determined to be within the parameters of the projected load growth which SCE is planning to meet in this area.*

*SCE undertakes expansion and/or modification of its electric systems and infrastructure to serve the load growth of existing customers and new projects. Since SCE's electrical system is provided by a network of facilities (SCE's electrical distribution, transmission, and generation systems), SCE appreciates your notifying us of these development plans in order to assist us in determining the future electrical needs of this area.*

*If the project is within the projected load growth for this area, SCE is basically stating that the total system demand is expected to continue to increase annually; however, excluding any unforeseen problems, SCE's plans for new distribution resources indicate our ability to serve all customers' loads within this area are in accordance with SCE's Design Standards, rules and tariffs, and will be adequate for the next ten years. SCE completes all work in accordance with the rules and tariffs as authorized by the CPUC and other governing entities. Any cumulative impacts related to electric service would be addressed through this process.*

*Please note that although SCE is currently capable of serving project loads, the project developer will be responsible for the costs of any new distribution and/or line extension work, per SCE's CPUC-approved tariff Rules 15 and/or 16, and of any relocation of facilities required to accommodate the distribution line and/or service extensions required by SCE to serve the project. In addition, it is essential the project developer review and/or discuss with SCE what measures can be taken to assure optimal conservation measures within this project's boundaries that will contribute to the overall energy savings goals of SCE and California.*

Response to Comment 1

Comment has been noted.

**Reference: The Avenue Specific Plan Amendment Draft Supplemental EIR**

Comment 2

*Project objectives itemized in the DSEIR on page 2-5 include a proposal to utilize SCE rights of way for pedestrian and bicycle trail linkages:*

*"Provide for the connectivity between residential neighborhoods and adjacent commercial retail land uses, as well as to the elementary and middle schools, by means of pedestrian and bicycle trail linkage along spine street and a trail incorporated into the Southern California Edison easement and Cucamonga Creek."*

*Please be aware, SCE Company right of ways are purchased for the exclusive use of SCE to operate and maintain its present and future facilities. Any proposed use will be reviewed on a case by case basis by SCE's Operating Department. Approvals or denials will be in writing based upon review of the maps provided by the developer and compatibility with SCE right of way constraints and rights. Please forward five (5) sets of development plans depicting SCE's facilities and associated land rights to:*

*Genie Sanders  
Corporate Real Estate  
9500 Cleveland Avenue, Suite 100  
Rancho Cucamonga, CA 91737*

Response to Comment 2

Comment has been noted. Any plans for utilization of SCE rights-of-way will be submitted by the developer to SCE for review with subsequent approval or denial. In the case of denial, trails along and over Cucamonga Creek will be sufficient to serve the Project.

Comment 3

*Please note if development plans result in the need to build new or relocate existing SCE electrical facilities that operate at or above 50 kV, the SCE construction may have environmental consequences subject to CEQA review as required by the California Public Utilities Commission (CPUC). If, those environmental consequences are identified and addressed by the local agency in the CEQA process for the larger project, SCE may not be required to pursue a later, separate, mandatory CEQA review through the CPUC's General Order 131-D (GO 131-D) process. If the SCE facilities are not adequately addressed in the CEQA review for the larger project, and the new facilities could result in significant environmental impacts, the required additional CEQA review at the CPUC could delay approval of the SCE power line portion of the project for up to two years or longer.*

*Once again, SCE appreciates the opportunity to review and respond to the DSEIR for this project. We request a copy of the certified Final SEIR for this project in hard copy and CD format when it becomes available. If you have any questions regarding this letter, please do not hesitate to contact me at (909) 930-8495.*

Response to Comment 3

Comment has been noted. It is anticipated that the existing facilities over 50 kV will not be relocated. In the event that it is determined existing facilities need to be relocated, CEQA review will be completed at that time.

Christian Nelson  
Region Manager  
Page 3 of 3

**Reference: The Avenue Specific Plan Amendment Draft Supplemental EIR**

Thank you for reviewing and commenting on the Draft SEIR.

Sincerely,

**The Altum Group**



Cheri Flores  
Environmental Planner  
Tel: (760) 346-4750  
Fax: (760) 340-0089  
cheri.flores@thealtumgroup.com

Attachment: February 4, 2009 letter from SCE  
The Avenue Specific Plan Amendment Final SEIR

c. Richard Ayala, City of Ontario Planning Department



73-255 El Paseo Drive, Suite 15  
Palm Desert, CA 92260  
760-346-4750 Tel  
760-340-0089 Fax

The Altum Group

January 21, 2010  
File: 2017110400

California Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, CA 90630

**Attention: Al Shami  
Project Manager**

Dear Mr. Shami:

**Reference: The Avenue Specific Plan Amendment Draft Supplemental EIR**

On behalf of the City of Ontario (City), The Altum Group is responding to comments made on the Draft Supplemental Environmental Impact Report (SEIR) for the Avenue Specific Plan Amendment by the Department of Toxic Substances Control in its letter to the City dated February 4, 2009.

Comment 1

*DTSC has reviewed the submitted document. Since all previous comments have been addressed in this document, DTSC has no additional comments at this time. If you have any questions regarding this letter, please contact me at (714) 484-5472 or at [ashami@DTSC.ca.gov](mailto:ashami@DTSC.ca.gov).*

Response to Comment 1

Comment has been noted. Thank you for reviewing and commenting on the Draft SEIR.

Sincerely,

**The Altum Group**

Cheri Flores  
Environmental Planner  
Tel: (760) 346-4750  
Fax: (760) 340-0089  
[cheri.flores@thealtumgroup.com](mailto:cheri.flores@thealtumgroup.com)

Attachment: February 4, 2009 letter from DTSC  
The Avenue Specific Plan Amendment Final SEIR

c. Richard Ayala, City of Ontario Planning Department



STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER  
GOVERNOR

CYNTHIA BRYANT  
DIRECTOR

February 5, 2009



Richard Ayala  
City of Ontario  
303 East B Street  
Ontario, CA 91764

Subject: The Avenue Specific Plan Amendment, File No. PGPA 07-002 and PSPA 07-004  
SCH#: 2005071109

Dear Richard Ayala:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 4, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures

cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2005071109  
**Project Title** The Avenue Specific Plan Amendment, File No. PGPA 07-002 and PSPA 07-004  
**Lead Agency** Ontario, City of

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**Type** SIR Supplemental EIR

**Description** The project consists of an amendment to The Avenue Specific Plan. The adopted Specific Plan provided for 2,326 homes of low and medium density residential and up to 174,000 sf of commercial development in addition to parks, a middle school and an elementary school. The Avenue Specific Plan Amendment proposes a realignment of Schaefer Avenue and the development of up to 2,606 homes and 250,000 sf of Neighborhood Center uses. This is an increase of 280 residential dwelling units and 76,000 sf of retail in the area bound by the realigned Schaefer Avenue to the north, Haven Avenue to the east, the Subarea 18 boundary to the south(existing Edison Avenue) and Turner Avenue to the west.

---

**Lead Agency Contact**

**Name** Richard Ayala  
**Agency** City of Ontario  
**Phone** (909) 395-2036 **Fax**  
**email**  
**Address** 303 East B Street  
**City** Ontario **State** CA **Zip** 91764

---

**Project Location**

**County** San Bernardino  
**City** Ontario  
**Region**  
**Lat / Long**  
**Cross Streets** Edison Avenue, Schaefer Avenue, Haven Avenue, Carpenter Avenue  
**Parcel No.** 218-122-01;218-181-17, -19 thru-26;218-191-04,-05,-14,-15,-16,-19,-20,-22,-24  
**Township** **Range** **Section** **Base** SBB&M

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**Proximity to:**

**Highways** I-5, SR-60  
**Airports** Ontario  
**Railways** SPRR  
**Waterways** Cucamonga Creek  
**Schools** Colony High, Ranch View  
**Land Use** Agriculture (Dairy), vacant, electrical transmission corridor  
GP: Low and Medium Density Residential, elementary school, middle school and Neighborhood Commercial  
Z: "SP/AG" (Specific Plan, Agricultural Overlay)

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**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Geologic/Seismic; Landuse; Noise; Population/Housing Balance; Public Services; Schools/Universities; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Wildlife

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**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 8; Department of Housing and Community Development; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission

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**Date Received** 12/22/2008 **Start of Review** 12/22/2008 **End of Review** 02/04/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.



**California Regional Water Quality Control Board**  
**Santa Ana Region**



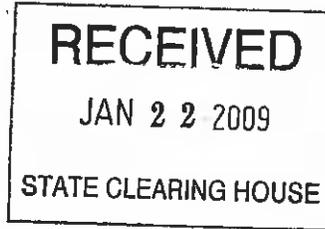
3737 Main Street, Suite 500, Riverside, California 92501-3348  
 Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221  
 www.waterboards.ca.gov/santaana

**Linda S. Adams**  
 Secretary for  
 Environmental Protection

**Arnold Schwarzenegger**  
 Governor

January 22, 2009

*Clear*  
*2-7-09*  
*e*



Richard Ayala  
 City of Ontario Planning Department  
 303 East "B" Street  
 Ontario, CA 91764

**DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AVENUE SPECIFIC PLAN, CITY OF ONTARIO, SCH# 2005071109**

Dear Mr. Ayala:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board), have reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for the proposed amendment of the Avenue Specific Plan (Project) in the City of Ontario.

The amended Project would change the previously adopted Project to encompass development of commercial uses (250,000 sf), schools, parks, and as many as 2,606 residential dwellings on 569.4 acres of former agricultural sites between Schaefer, Carpenter, Edison (Subarea 18), and Haven Avenues. The DSEIR reflects certain changes to the previously certified Final EIR for the Specific Plan and adds only those mitigation measures referenced in the Executive Summary, including those for the Hydrology/Water Quality Section indicated on p. 2-20. If the following water-quality related comments have only been partially addressed previously, we request that they be incorporated into the SEIR in order for the Project to best protect water quality standards (water quality objectives and beneficial uses) contained in the Water Quality Control Plan for the Santa Ana River Basin (Region 8 Basin Plan):

1. The Conclusions of the DSEIR Executive Summary (p. 2-28) indicate that with the implementation of the DSEIR's recommended mitigation measures (including those on p. 2-20), potentially significant impacts will still not be reduced to "less than significant levels" for hydrology and water quality. Therefore, toward further reduction of potentially significant impacts to beneficial uses, a Project hydrological study should:

The Region 8 Basin Plan lists beneficial uses for the surface water and groundwater bodies in the project area, including: Cucamonga Creek, Reach 1 (Valley Reach): Groundwater Recharge (GWR), Water Contact Recreation (REC1, restricted access), Non-Contact Water Recreation (REC2), Limited Warm Freshwater Habitat (LWRM), and Wildlife Habitat (WILD). Santa Ana River, Reach 3 (Prado Dam to Mission Boulevard) has the above BUs, plus Agricultural Supply (AGR), Warm Freshwater Habitat (WARM), and support of Rare, Threatened, and Endangered Species habitat (RARE). The Project overlies the Chino 2 Groundwater Management Zone (GMZ), the beneficial uses of which are AGR, Municipal Supply (MUN), Industrial Supply (IND), and Process Supply (PROC), with groundwater Water Quality Objectives (WQO) 250 mg/l for TDS and 5 mg/l for NO3-N. Other narrative WQOs apply as well – see Region 8 Basin Plan Chapter 4. Where not already addressed, the SEIR must evaluate the potential for the Project to impact these beneficial uses and WQOs and identify mitigation for unavoidable impacts.

- a. Determine the level of storm drain infrastructure that the Project should have in order to treat and convey additional runoff to the area storm drain network. We anticipate that the Project's construction phase and addition of impervious surfaces will alter the volume and direction of stormwater and dry-weather flows to the regional drainage network, including the Cucamonga Creek Channel<sup>2</sup> (Channel). If so, any proposed inlet(s) and/or anticipated runoff volume to the Channel must be projected. Use of project-scale Low Impact Development (LID) and "Smart Growth" practices, including dampening hydrographic changes, conserving water, and maximizing groundwater recharge potential, are highly recommended to minimize a range of hydrological impacts that the project is likely to have.
  - b. Address the potential for the project to hydromodify downstream drainages and to cumulatively degrade them through erosion, scour, sedimentation, and instability. The SEIR should discuss BMPs for minimizing all anticipated hydromodification. The Project's jurisdictional delineation determined that the site has no waters of the U.S. or state. However, if the Project results in the discharge of fill to the Channel or a tributary, then the Project will require a Clean Water Act (CWA) Section 404 permit from the United States Army Corps of Engineers and a CWA Section 401 Water Quality Standards Certification from our office.
2. We are concerned that during the construction phase, runoff may contain elevated levels of salts (total dissolved solids), nitrate, sediment, and hydrocarbons. All new construction must control pollutants from point and non-point sources by conforming to the Water Quality Management Plan (WQMP) required by the Regional Water Quality Control Board's Waste Discharge Requirements for San Bernardino County (NPDES Permit No. CAS618036), Order No. R8-2002-0012, San Bernardino County Flood Control District, the County of San Bernardino, and the Incorporated Cities of San Bernardino County within the Santa Ana Region Area-Wide Urban Storm Water Runoff, also known as the San Bernardino County municipal separate storm sewer system, or "San Bernardino County MS4" permit.
  3. Cucamonga Creek is tributary to the Santa Ana River, Reach 3, which has an adopted Total Maximum Daily Load (TMDL)<sup>3</sup> for nitrate, in accordance with CWA Section 303(d). Further, both water bodies are included in the Middle Santa Ana River Watershed Bacterial Indicator TMDLs: Cucamonga Creek Channel, Reach 1, for coliform, and Santa Ana River Reach 3, for pathogens. The SEIR should reflect that implementation of MS4 controls on urban runoff will be required for TMDL compliance.

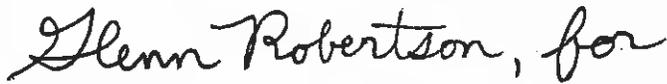
For consistency, the above comments are applicable to neighboring projects, particularly those of the New Model Colony (Great Park, etc.).

<sup>2</sup> The Cucamonga Creek Channel, Reach 1 (Valley Reach) bisects the western portion of the Project site.

<sup>3</sup> These Region 8 TMDLs may be found at [www.swrcb.ca.gov/rwqcb8/water\\_issues/programs/tmdl/msar\\_tmdl.shtml](http://www.swrcb.ca.gov/rwqcb8/water_issues/programs/tmdl/msar_tmdl.shtml)

If you have any questions, contact Glenn Robertson at (951) 782-3259, or [grobertson@waterboards.ca.gov](mailto:grobertson@waterboards.ca.gov), or me at (951) 782-3234 or [madelson@waterboards.ca.gov](mailto:madelson@waterboards.ca.gov).

Sincerely,



Mark G. Adelson, Chief  
Regional Planning Programs Section

cc: State Clearinghouse

X:Grobertson Magnolia/Data/CEQA/CEQA Responses/ DEIR- City of Ontario-Avenue Specific Plan-MGA.doc