CITY OF ONTARIO CITY COUNCIL AND HOUSING AUTHORITY AGENDA JANUARY 21, 2014

Paul S. Leon Mayor

Alan D. Wapner Mayor pro Tem

Jim W. Bowman Council Member

Debra Dorst-Porada Council Member

Paul Vincent Avila Council Member



Al C. Boling City Manager

John E. Brown City Attorney

Mary E. Wirtes, MMC City Clerk

James R. Milhiser Treasurer



WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to speak during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of chambers will not be permitted. All
 those wishing to speak including Council and Staff need to be recognized by the Chair
 before speaking.

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

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

CALL TO ORDER (OPEN SESSION)

6:00 p.m.

ROLL CALL

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

CLOSED SESSION PUBLIC COMMENT The Closed Session Public Comment portion of the Council/Housing Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

CLOSED SESSION

 GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: City of Ontario vs. City of Los Angeles, Los Angeles World Airports, and Los Angeles Board of Airport Commissioners, RIC 1306498

In attendance: Wapner, Bowman, Dorst-Porada, Avila, Mayor/Chairman Leon

PLEDGE OF ALLEGIANCE

Mayor pro Tem Wapner

INVOCATION

Mike Ingram, First Church of Christ, Scientist, Ontario

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

AGENDA REVIEW/ANNOUNCEMENTS: The City Manager will go over all updated materials and correspondence received after the Agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of December 3 and 17, 2013, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills November 17, 2013 through December 14, 2013 and **Payroll** November 17, 2013 through December 14, 2013, when audited by the Finance Committee.

3. A RESOLUTION DESIGNATING A CITY REPRESENTATIVE TO THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF THE FORMER ONTARIO REDEVELOPMENT AGENCY

That the City Council, as Successor Agency, adopt a resolution confirming Brent Schultz, Housing and Municipal Services Director, as the City representative to the Oversight Board of the Successor Agency of the former Ontario Redevelopment Agency.

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE MAYOR'S APPOINTMENT OF ONE (1) MEMBER TO THE OVERSIGHT BOARD CREATED BY HEALTH AND SAFETY CODE SECTION 34179.

4. PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL GEOTECHNICAL CONSULTING, MATERIAL TESTING, AND COMPACTION TESTING SERVICES/GROUP DELTA CONSULTANTS, INC./KLEINFELDER

That the City Council authorize the City Manager to execute three-year Professional Services Agreements (on file in the Records Management Department) with estimated annual amounts of \$100,000 each with Group Delta Consultants, Inc., of Ontario, California, and Kleinfelder, of Ontario, California, for on-call Geotechnical Consulting, Material Testing, and Compaction Testing Services; and authorize the City Manager to extend the agreements for an additional one year consistent with City Council approved budgets.

5. AN ORDINANCE GRANTING A ONE-YEAR TIME EXTENSION TO APPROVED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPLICATIONS THAT ARE DUE TO EXPIRE ON OR BEFORE MARCH 1, 2015

That the City Council consider and adopt an ordinance granting a one-year time extension to approved Development Plan, Conditional Use Permit and Variance applications that are due to expire on or before March 1, 2015.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, GRANTING A ONE-YEAR TIME EXTENSION TO ANY APPROVED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT OR VARIANCE APPLICATION THAT IS ACTIVE AND DUE TO EXPIRE ON OR BEFORE MARCH 1, 2015, AND MAKING FINDINGS IN SUPPORT THEREOF.

6. AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN CV INLAND INVESTMENTS 1, LP, AND THE CITY OF ONTARIO TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE

That the City Council consider and adopt an ordinance approving an amendment (File No. PDA13-002) to the Development Agreement between CV Inland Investments 1, LP, and the City of Ontario to update certain provisions of the existing Development Agreement to conform with the Construction Agreement Amendment with NMC Builders, LLC, and to provide for phasing of the construction of public infrastructure.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND CV INLAND INVESTMENTS 1, LP, FILE NO. PDA13-002, TO **UPDATE** CERTAIN **PROVISIONS** OF THE **EXISTING** DEVELOPMENT **AGREEMENT** TO CONFORM WITH CONSTRUCTION AGREEMENT AMENDMENT WITH NMC BUILDERS LLC, AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE AS PROVIDED IN TRACT MAP NOS. 18476 AND 18477, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-151-19 AND 23).

7. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN JS BRAY, LLC, JA BRAY, LLC, AND THE CITY OF ONTARIO TO PROVIDE FOR THE CONSTRUCTION OF UP TO 52 RESIDENTIAL UNITS AND REQUIRED INFRASTRUCTURE ON 9.43 ACRES OF LAND WITHIN THE COUNTRYSIDE SPECIFIC PLAN, LOCATED ON THE NORTH SIDE OF CHINO AVENUE, WEST OF ARCHIBALD AVENUE

That the City Council consider and adopt an ordinance approving the Development Agreement (File No. PDA13-004) between JS Bray, LLC, JA Bray, LLC, of Newport Beach, CA and the City of Ontario to provide for the construction of up to 52 residential units on 9.43 acres of land within the Countryside Specific Plan, located on the north side of Chino Avenue, west of Archibald Avenue (APNs: 0218-111-54 and 55).

ORDINANCE NO.	
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND JS BRAY, LLC, AND JA BRAY, LLC., FILE NO. PDA13-004, TO PROVIDE FOR THE CONSTRUCTION OF UP TO 52 RESIDENTIAL UNITS ON 9.43 ACRES WITHIN THE COUNTRYSIDE SPECIFIC PLAN, LOCATED ON THE NORTH SIDE OF CHINO AVENUE, WEST OF ARCHIBALD AVENUE (APNS: 0218-111-54 AND 55).

8. AN ORDINANCE APPROVING A REQUEST TO CHANGE THE ZONING DESIGNATION OF A 5.4-ACRE PARCEL FROM R2 TO R3, LOCATED AT THE SOUTHWEST CORNER OF PHILADELPHIA STREET AND CUCAMONGA AVENUE

That the City Council consider and adopt an ordinance approving the Zone Change (File No. PZC13-001) from R2, Medium Density Residential (11.1-16 dus/acre) to R3, High Density Residential (16.1-25 dus/acre), for property located at 1056 East Philadelphia Street (APN: 1051-141-03).

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC13-001, A REQUEST TO CHANGE THE ZONING DESIGNATION OF A 5.4-ACRE PARCEL FROM R2, MEDIUM DENSITY RESIDENTIAL (11.1 TO 16.0 DU/AC), TO R3. HIGH DENSITY RESIDENTIAL (16.1 TO 25.0 DU/AC), LOCATED AT THE SOUTHWEST CORNER OF PHILADELPHIA STREET AND CUCAMONGA AVENUE, AT 1056 EAST PHILADELPHIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1051-141-03.

9. AN ORDINANCE APPROVING A REQUEST TO CHANGE THE ZONING DESIGNATION OF A 0.57-ACRE PARCEL FROM AR TO R2, LOCATED NEAR THE NORTHEAST CORNER OF PALMETTO AVENUE AND PHILLIPS STREET

That the City Council consider and adopt an ordinance approving the Zone Change (File No. PZC13-003) from AR, Agriculture Residential (0-2.0 dus/acre) to R2, Medium Density Residential (11.1-16 dus/acre) for property located at 1229 South Palmetto Avenue (APN: 1011-551-01).

ORDINANCE NO.	
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC13-003, A REQUEST TO CHANGE THE ZONING DESIGNATION OF A 0.57-ACRE PARCEL FROM AR, AGRICULTURE RESIDENTIAL (0 TO 2.0 DU/AC) TO MEDIUM DENSITY RESIDENTIAL, R2 (11.1 TO 16.0 DU/AC), LOCATED NEAR THE NORTHEAST CORNER OF PALMETTO AVENUE AND PHILLIPS STREET, AT 1229 SOUTH PALMETTO AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1011-551-01.

10. APPLICATIONS FOR GRANTS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FY2015 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP), "AVOID THE 25" DUI CAMPAIGN AND AWARENESS, AND THE ALCOHOL BEVERAGE CONTROL (ABC) TASK FORCE GRANT PROGRAMS

That City Council authorize the City Manager to execute all documents necessary to apply for and accept 12-month grants in the amount of \$750,000 from the California Office of Traffic Safety (OTS) for participation in the FY2015 Selective Traffic Enforcement Program (STEP), "Avoid the 25" DUI Campaign and Awareness, and Alcohol Beverage Control (ABC) Task Force Grant Programs.

PUBLIC HEARINGS

Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing.

11. A PUBLIC HEARING TO CONSIDER A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND AN ORDINANCE APPROVING FILE NO. PSP12-001, A SPECIFIC PLAN (GRAND PARK) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, AND DESIGN GUIDELINES FOR APPROXIMATELY 320 GROSS ACRES LOCATED WITHIN THE NEW MODEL COLONY AND BOUNDED BY EDISON AVENUE TO THE NORTH, EUCALYPTUS AVENUE TO THE SOUTH, ARCHIBALD AVENUE TO THE WEST, AND HAVEN AVENUE TO THE EAST (APNS: 218-241-06, 10, 11, 13, 14, 15, 16, 19, 20, 22 AND 23)

That the City Council adopt a resolution certifying the Grand Park Specific Plan Environmental Impact Report (SCH# 2012061057), including the Statement of Overriding Considerations, and introduce and waive further reading of an ordinance approving the Grand Park Specific Plan (File No. PSP12-001).

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

Written communication. Oral presentation. Public hearing closed.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE GRAND PARK SPECIFIC PLAN, FILE NO. PSP12-001, AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PLAN (APNS: 0218-241-06, 10, 11, 13, 14, 15, 16, 19, 20, 22, AND 23).

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE GRAND PARK SPECIFIC PLAN, FILE NO. PSP12-001, ESTABLISHING LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, AND DESIGN GUIDELINES FOR 320.2 ACRES, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 1,327 DWELLING UNITS AND A 146.7 ACRE PUBLIC PARK, BOUNDED BY EDISON AVENUE TO THE NORTH, EUCALYPTUS AVENUE TO THE SOUTH, ARCHIBALD AVENUE TO THE WEST, AND HAVEN AVENUE TO THE EAST, AND MAKING FINDINGS IN SUPPORT THEREOF - APN(S): 218-241-06, 10, 11, 13, 14, 15, 16, 19, 20, 22 AND 23.

COUNCIL MATTERS

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

STAFF MATTERS

City Manager Boling

ADJOURNMENT

CITY OF ONTARIO

Agenda Report January 21, 2014

SECTION: CONSENT CALENDAR

SUBJECT:

A RESOLUTION DESIGNATING A CITY REPRESENTATIVE TO THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF THE FORMER ONTARIO REDEVELOPMENT AGENCY

RECOMMENDATION: That the City Council, as Successor Agency, adopt a resolution confirming Brent Schultz, Housing and Municipal Services Director, as the City representative to the Oversight Board of the Successor Agency of the former Ontario Redevelopment Agency.

COUNCIL GOALS: <u>Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health Invest in the Growth and Evolution of the City's Economy</u>

FISCAL IMPACT: The City of Ontario, as the Successor Agency, is responsible for administering any and all outstanding enforceable obligations of the former Ontario Redevelopment Agency. There is no compensation or reimbursement for serving on the Oversight Board and no City funds are involved with the confirmation of the subject appointment to the Oversight Board.

BACKGROUND: On January 10, 2012, the City Council adopted a resolution designating the City of Ontario as Successor Agency to the former Ontario Redevelopment Agency in connection with implementation of duties under Part 1.85 of the Health and Safety Code. The Successor Agency is responsible for the winding down of the former Redevelopment Agency's obligations and liquidating the Agency's assets with monitoring by an Oversight Board.

Health and Safety Code Section 34179 enacted by Assembly Bill 1X26 states that each Successor Agency shall have an Oversight Board composed of seven members detailed as follows:

- 1. One member appointed by the County Board of Supervisors;
- 2. One member appointed by the Mayor for the City that formed the Redevelopment Agency;

STAFF MEMBER PRESENTING: John Andrews, Economic Development Director

	Charity Hernandez Economic Development	Submitted to Cour	ncil/O.H.A. 01/21/2013
City Manager	100	Continued to: Denied:	
Approval:	All C		3

3. One member appointed by the largest Special District, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is of the type of special district that is eligible to receive property tax revenues pursuant to Section 34188.

4. One member appointed by the County Superintendent of Education to represent schools if the superintendent is elected. If the County Superintendent of Education is appointed, then the appointment made pursuant to this paragraph shall be made by the County Board of Education.

5. One member appointed by the Chancellor of the California Community Colleges to represent the community college districts in the County.

6. One member of the public appointed by the County Board of Supervisors.

7. One member representing the employees of the former redevelopment agency appointed by the Mayor or chair of the Board of Supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the Successor Agency at the time.

Of these seven seats, two fall under the responsibility of the City for purposes of appointment to the Oversight Board. The subject seats are at-large with no fixed term expiration date, therefore, appointees may be removed at any time. Pursuant to the statute, Oversight Boards will cease operation as of July 1, 2016, when all Oversight Boards will combine into one county-wide Oversight Board.

It is recommended that Brent Schultz, Housing and Municipal Services Director of the City of Ontario, assume the position to the City seat on the Oversight Board.

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE MAYOR'S APPOINTMENT OF ONE (1) MEMBER TO THE OVERSIGHT BOARD CREATED BY HEALTH AND SAFETY CODE SECTION 34179.

WHEREAS, the City Council of the City of Ontario ("City") created the Ontario Redevelopment Agency ("Agency") to engage in activities pursuant to the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) ("CRL"); and

WHEREAS, pursuant to Health and Safety Code Section 34172, the Agency was dissolved as of February 1, 2012; and

WHEREAS, Health and Safety Code Section 34173 designates a successor agency to the dissolved Agency, and provides that, with certain exceptions, all authority, rights, powers, duties and obligations previously vested with the dissolved Agency, under the CRL, are vested in the successor agency; and

WHEREAS, on January 10, 2012, the City Council adopted Resolution No. 2012-001 electing to serve as the successor agency to the dissolved Agency; and

WHEREAS, the City's actions, as successor agency to the dissolved Agency, are subject to review and approval by an oversight board ("Oversight Board"), created pursuant to Health and Safety Code Section 34179; and

WHEREAS, the Oversight Board is comprised of seven appointees from affected local taxing entities and the City, including one (1) member to be appointed by the Mayor; and

THEREFORE, at its meeting of January 21, 2014, the Mayor of the City of Ontario announced the appointment of Brent Schultz, Housing and Municipal Services Director, City of Ontario, as the Mayor's representative to the Oversight Board; and

WHEREAS, the City Council desires to confirm the Mayor's appointment to the Oversight Board; and

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

THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

<u>SECTION 1</u>. <u>Recitals</u>. The Recitals set forth above are true and correct and incorporated into this Resolution by this reference.

<u>SECTION 2</u>. <u>Confirmation of Mayoral Appointment</u>. The City Council hereby confirms the Mayor's appointment of Brent Schultz, Housing and Municipal Services Director, City of Ontario, as the Mayor's representative to the Oversight Board.

<u>SECTION 3</u>. <u>Implementation</u>. The City Council hereby authorizes and directs the City Manager to take any action necessary to carry out the purposes of this Resolution, including, but not limited to, notifying the San Bernardino County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Resolution and the Mayor's appointment of the abovenamed person to the Oversight Board, in accordance with Health and Safety Code Section 34179.

<u>SECTION 4</u>. <u>Severability</u>. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

<u>SECTION 5</u>. <u>Certification</u>. The City Clerk shall certify to the adoption of this Resolution.

<u>SECTION 6</u>. <u>Effective Date</u>. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 21st day of January 2014.

	PAUL S. LEON, MAYOR
ATTEST:	
MARY E. WIRTES, MMC, CITY CLERK	
APPROVED AS TO LEGAL FORM:	
BEST BEST & KRIEGER LLP	

CITY ATTORNEY

STATE OF C COUNTY OF CITY OF ON	SAN BERNARDINO)
foregoing Re	WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that esolution No. 2014- was duly passed and adopted by the City Council of Ontario at their regular meeting held January 21, 2014 by the following roll wit:
AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
	MARY E. WIRTES, MMC, CITY CLERK
(SEAL)	
_	g is the original of Resolution No. 2014- duly passed and adopted by the Council at their regular meeting held January 21, 2014.
	MARY E. WIRTES, MMC, CITY CLERK
(SEAL)	

CITY OF ONTARIO

Agenda Report January 21, 2014

SECTION: CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL GEOTECHNICAL CONSULTING, MATERIAL TESTING, AND COMPACTION TESTING SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute three-year Professional Services Agreements (on file in the Records Management Department) with estimated annual amounts of \$100,000 each with Group Delta Consultants, Inc., of Ontario, California, and Kleinfelder, of Ontario, California, for on-call Geotechnical Consulting, Material Testing, and Compaction Testing Services; and authorize the City Manager to extend the agreements for an additional one year consistent with City Council approved budgets.

COUNCIL GOALS: <u>Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health</u>

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

FISCAL IMPACT: In an effort to reduce costs for necessary outside professional services, staff has negotiated favorable fee structures for these two proposed agreements. Both firms have agreed to fixed billing rates for the three-year term that are competitive in the current market and comply with the State of California Department of Industrial Relations' prevailing wage and benefits guidelines. Rates will be evaluated annually to ensure continued compliance. The term of the agreements will be for three years with an additional one year option. The estimated amount per fiscal year is \$100,000 for each agreement. Funding for these services is included in the individual approved Capital Improvement Project budget.

BACKGROUND: There is a need for the Engineering Department to have on-call contracts with geotechnical and material testing companies to assure compliance with approved plans and specifications. The current on-call contracts expired at the end of 2013.

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

Prepared by: Department:		Submitted to Co-Approved:	uncil/O.H.A.	01/21/2014
City Manager	Mad	Continued to: Denied:		
Approval:				4

In response to the City's Request for Proposals (RFP), on October 4, 2013, twenty-eight proposals were received. Three interviews were conducted and the top two firms, Kleinfelder and Group Delta Consultants, Inc. were selected. All firms were notified in writing of the results.

Agreements with the two firms will provide City staff the resources to meet projected geotechnical consulting and material testing needs. Kleinfelder and Group Delta Consultants, Inc. have previously performed similar services for the City of Ontario in a satisfactory manner.

CITY OF ONTARIO

Agenda Report January 21, 2014

SECTION: CONSENT CALENDAR

SUBJECT: AN ORDINANCE GRANTING A ONE-YEAR TIME EXTENSION TO APPROVED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPLICATIONS THAT ARE DUE TO EXPIRE ON OR BEFORE MARCH 1, 2015

RECOMMENDATION: That the City Council consider and adopt an ordinance granting a one-year time extension to approved Development Plan, Conditional Use Permit and Variance applications that are due to expire on or before March 1, 2015.

COUNCIL GOALS: <u>Develop Strategies and Take Actions</u>, <u>Including Regaining Local Control of the Ontario International Airport</u>, to <u>Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health Invest in the Growth and Evolution of the City's Economy</u>

FISCAL IMPACT: Adoption of the resolution could result in the loss of fees for the processing of time extension requests (at the rate of \$490 per application). Conversely, future building permit fees, development impact fees and property tax revenues could be lost should current development applications be allowed to expire.

BACKGROUND: On December 17, 2013, the City Council introduced an ordinance granting a one-year time extension to approved Development Plan, Conditional Use Permit and Variance applications that are due to expire on or before March 1, 2015. The Development Code establishes the regulatory framework for controlling the development and use of land in the City. These regulations generally require an applicant to submit and have approved a Development Plan, and in some cases, a Conditional Use Permit and/or Variance application. City regulations further provide for the expiration of a Development Plan, Conditional Use Permit or Variance approval within a specified one-to two-year timeframe unless a building permit is issued or the approved use has commenced.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Department:	Charles Mercier Planning	Submitted to Counce Approved:	cil/O.H.A.	01/21/2014
City Manager Approval:	Alle	Continued to: Denied:		5

To assist developers, landowners and business owners during the economic slowdown, the City Council approved Ordinance No. 2910 in March 2009, extending the expiration date for approved Development Plan, Conditional Use Permit and Variance applications by one year. In January 2010, March 2011, December 2011, and March 2013, the City Council approved Ordinances 2917, 2933, 2947, and 2960, respectively, extending the expiration dates for a total of five years.

Although the economy is showing signs of recovery, developers, and land and business owners face the prospect of having their Development Plan, Conditional Use Permit and Variance approvals expire before they can obtain financing. Therefore, staff recommends the City Council grant an additional one-year time extension for all active Development Plan, Conditional Use Permit and Variance approvals which are due to expire before March 1, 2015. Attachment 1 is a listing of the affected applications. This action is consistent with the State Legislature and Governor's approval of several Senate and Assembly Bills over the past 3 years which have extended the expiration dates of any tentative subdivision maps that have not yet expired for a total of 7 years.

- SB 1185, approved in July 2008, extended the expiration date of any tentative subdivision map that had not expired by January 1, 2011, by one year;
- AB 333, approved in July 2009, extended the expiration date of any tentative subdivision map that had not expired by January 1, 2012, by two years;
- AB 208, approved in July 2011, extended the expiration date of any tentative subdivision map that had not expired by July 15, 2011, by two years; and most recently
- AB 116, approved in July 2013, extends the expiration date of any tentative subdivision map that was approved on or after January 1, 2000, and that has not expired on or before July 11, 2013, by two years. The bill additionally requires the extension of a tentative subdivision map approved on or before December 31, 1999, upon application by the subdivider at least 90 days prior to the expiration of the map.

ENVIRONMENTAL REVIEW: The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to § 15061(b) (3) of the CEQA Guidelines, which is the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ATTACHMENT 1: PROJECTS SUBJECT TO TIME EXTENSION

<u>File #</u>	<u>Applicant</u>	<u>Description</u>				
Residential						
PDEV05-042	Huntec Development	9 multiple-family units @ 1655 East Fourth Street				
PDEV06-048	Neal Sullivan	3 multiple-family units @ 1516 West Stoneridge Court				
PDEV09-016	Brian Johnson	178 multiple-family units @ NWC Milliken Avenue and Riverside Drive (Tuscana)				
PDEV10-007	T-Mobile	Wireless telecommunication tower @ 602 North Virginia Avenue				
PDEV10-016	T-Mobile	Wireless telecommunication tower @ 2713 South Grove Avenue				
PDEV11-003	Creative Design	4 multiple-family units @ 904 South Palmetto Avenue				
PDEV11-005	Spectrum Engineering	Monopine @ 1025 North Vine Avenue				
PDEV12-013	Brookfield	110 multiple-family townhouse units @ Festival SP				
Commercial						
PDEV06-036	Eric Au	28,000 SF addition @ NWC Vineyard Avenue and Walnut Street				
PDEV06-058	Shiv Talwar	122, 4-story hotel @ NWC I-10 Freeway and Haven Avenue (Staybridge)				
PDEV07-042	TGA Development	161-room, 4-story hotel @ SEC Haven Avenue and I-10 Freeway (Summerhill)				
PDEV07-049	Oliver McMillan	2-story, 114,654 SF office building @ Guasti SP				
PDEV08-008	Danny Yang	3,920 SF retail building @ SEC Archibald Avenue and Oakhill Street				
PDEV08-018	Sares Regis	19,530 SF office building @ SEC Haven Avenue and Francis Street				
PDEV08-024	Oliver McMillan	Two new retail/restaurant buildings, and reuse 4 historic structures @ Guasti SP				
PDEV09-017	Brian Johnson	26,000 SF commercial/retail @ NWC Milliken Avenue and Riveside Drive (Tuscana SP)				
PDEV10-010	Autozone	6,815 SF retail store @ SEC Holt Avenue and Pleasant Street				
PDEV10-013	JAFAM	Mixed-use project with 177 senior apartments and 19,000 SF retail @ NEC Mountain Avenue and Sixth Street				
PDEV11-001	Richard Barton Ent	935 SF building addition @ 845 North Euclid				
PDEV11-020	Spectrum Engineering	Monopine @ 1833 East Fourth				
Industrial						
PDEV07-001	Koll Co	7 industrial buildings totaling 178,368 SF @ n/s California Street, between Campus and Taylor Avenues				
PDEV10-008	Myung Chung	17,000 SF metal building @ 13500 South Milliken (Fuji Foods)				
PDEV10-014	Verizon	Monopole @ 2315 East Philadelphia				
PDEV11-016	Newcastle partners	90,591 SF warehouse @ SWC Cedar/Cucamonga				
PDEV12-010	Los Angeles SMSA	Monopine @ Metrolink station				

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, GRANTING A ONE-YEAR TIME EXTENSION TO ANY APPROVED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT OR VARIANCE APPLICATION THAT IS ACTIVE AND DUE TO EXPIRE ON OR BEFORE MARCH 1, 2015, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, existing City regulations establish, pursuant to the Development Code, a regulatory framework for controlling the development and use of land, which generally require a developer to submit and have approved by the City, a Development Plan, and in some cases, a Conditional Use Permit and/or Variance application. City regulations further provide for the expiration of Development Plans, Conditional Use Permits and Variances after specified periods of time, including two years for Development Plans and one year for Conditional Use Permits and Variances; and

WHEREAS, with the slow recovery in the economy, developers, and land and business owners face the prospect of having their Development Plan, Conditional Use Permit and Variance approvals expire before they can obtain financing or have their projects make any sort of economic sense to build; and

WHEREAS, the proposed measure is necessary to support of the economic recovery of the City. Over the past few years, the building industry has been mired in a deep recessionary trough and, because of the difficulty of securing financing, many projects for which Development Plans, Conditional Use Permits and Variances have already been approved, will expire within the next year, thereby, requiring developers to go through the entitlement process again, if a time extension is not requested; and

WHEREAS, the building industry wants to be in a position to take full advantage of any economic resurgence; and

WHEREAS, this measure is proposed in order to spare developers, landowners and business owners within the City the added time and expense of obtaining new approvals when the economic picture brightens in the future; and

WHEREAS, the activity is not a project as defined in Section 15378 of the California Environmental Quality Act Guidelines; and

WHEREAS, on December 17, 2013, the City Council of the City of Ontario conducted a public hearing to introduce the ordinance and concluded said hearing on that date: and

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

- NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:
- SECTION 1. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment directly or indirectly it prevents changes in the environment pending the completion of the contemplated Zoning Ordinance review
- <u>SECTION 2</u>. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes that:
- 1. The proposed measure is necessary to support the economic recovery of the City. The building industry has been hindered by recession followed by a slow economic recovery, and because of the difficulty of securing financing, many projects for which Development Plans, Conditional Use Permits and Variances have already been approved will soon expire within the next year, thereby, requiring developers to go through the entitlement process again, if a time extension is not requested; and
- 2. The proposed measure will spare developers, landowners and business owners within the City the added time and expense of obtaining new approvals when the future economic picture brightens, thereby aiding the City in a rapid economic recovery.
- SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves an ordinance granting a one year time extension to all active Development Plan, Conditional Use Permit and Variance approvals, which are active and due to expire on or before March 1, 2015.
- SECTION 4. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jobs, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.
- <u>SECTION 5</u>. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 E. B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. Publication. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 21st day of January 2014.

	PAUL S. LEON, MAYOR
ATTEST:	
MARY E. WIRTES, MMC, CITY CLERK	
APPROVED AS TO FORM:	
JOHN E. BROWN, CITY ATTORNEY	-

	CALIFORNIA F SAN BERNARDINO NTARIO)))
foregoing O Council of t	rdinance No was on the City of Ontario held D	ne City of Ontario, DO HEREBY CERTIFY that duly introduced at a regular meeting of the City ecember 17, 2013 and adopted at the regular ollowing roll call vote, to wit:
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
(SEAL)		MARY E. WIRTES, MMC, CITY CLERK
and adopted and that Su	l by the Ontario City Counc	e original of Ordinance No duly passed il at their regular meeting held January 21, 2014 e were published on December 24, 2013 and Daily Bulletin newspaper.
(SEAL)		MARY E. WIRTES, MMC, CITY CLERK

CITY OF ONTARIO

Agenda Report January 21, 2014

SECTION: CONSENT CALENDAR

SUBJECT:

AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN CV INLAND INVESTMENTS 1, LP, AND THE CITY OF ONTARIO TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE

RECOMMENDATION: That the City Council consider and adopt an ordinance approving an amendment (File No. PDA13-002) to the Development Agreement between CV Inland Investments 1, LP, and the City of Ontario to update certain provisions of the existing Development Agreement to conform with the Construction Agreement Amendment with NMC Builders, LLC, and to provide for phasing of the construction of public infrastructure.

COUNCIL GOALS: <u>Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health</u>

Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

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

Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: The proposed Development Agreement Amendment will update certain provisions of the existing Development Agreement to conform with the Construction Agreement Amendment with NMC Builders, LLC, and to provide for phasing of the construction of public infrastructure. In addition, the City will receive Public Service Funding fees plus development impact, compliance processing, licensing, and permitting fees. No Original Model Colony revenue will be used to support the New Model Colony development. The Development Agreement and the related tract map conditions require the developer to construct public infrastructure.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by:	Scott Murphy	Submitted to C	ouncil/O.H.A.	01/21/2014
Department:	Planning	Approved:		OTTATI AUT
		Continued to:		_
City Manager	100	Denied:		
Approval:	All.	-		
				6

BACKGROUND: On December 17, 2013, the City Council introduced an ordinance approving an amendment to the Development Agreement between CV Inland Investments 1, LP, and the City of Ontario. The City of Ontario recognized that the financial commitment required for construction in the New Model Colony was substantial. To adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, CV Inland entered into a Development Agreement with the City providing for the development of up to 143 dwelling units. The Development Agreement, approved in September 2007, addressed issues of parkland, public facilities, public services funding, infrastructure and affordable housing.

The Amendment incorporates new and modified provisions to conform to the Construction Agreement Amendment, including:

- Continues the requirement for funding of Fire Station No. 9
- Requires CV Inland to have evidence of compliance with the Construction Agreement requirements for participation in funding of regional water infrastructure and regional storm water treatment facilities (Mill Creek Wetlands)
- Modifies the amounts and escalation factors for the funding for City services

The amendment also incorporates specific requirements for the phased construction and completion of required public infrastructure, including regional and local streets and traffic signals, water and sewer utilities, and regional and local storm drain improvements.

The Development Agreement and the amendment continue to require funding for all new City expenses created by the development of the project. These expenses include all additional City-provided services, infrastructure and affordable housing requirements.

The main points of the Development Agreement including the provisions of the amendment are as follows:

Term: Maintains the same term of ten (10) years with a five (5) year option.

Assignment: Assignable with all terms and conditions applying to the assignee.

New provisions are added in the Amendment to recognize and provide

City approval of all partial assignments.

Fees:

Development

To be paid at current amounts; varies by category (i.e.; Streets and Impact Fees:

Bridges, Police, Fire, Open Space/Parks etc.). This is a separate fee

Bridges, Police, Fire, Open Space/Parks etc.). This is a separate fee from existing City licensing fees and permits and is due at building

permit issuance for each unit.

Public Services Reduces the fee from \$1,980/unit to \$1,800/unit due in two (2)

Funding Fees: installments:

- 1) \$900/unit with the issuance of each building permit or within 30 days of City commencing construction of Fire Station No. 9, whichever occurs first.
- 2) \$900 upon issuance of each remaining building permits, the cost of which shall increase each January 1, beginning January 1, 2014.

Community Facilities District (CFD):

City will cooperate with Owner to form a CFD to reimburse costs of the regional backbone infrastructure construction and maintenance of public facilities.

Parks/Open Space:

Maintains The Ontario Plan (General Plan) requirement of five (5) acres per 1,000 projected population through park dedication and/or the payment of in-lieu fees.

Housing:

Maintains the provision of affordable housing as required by the General Plan through construction, rehabilitation, or by paying an In-Lieu Fee.

Schools:

Maintains the requirement to satisfy Mountain View Elementary School District and Chaffey High School District school facilities requirements.

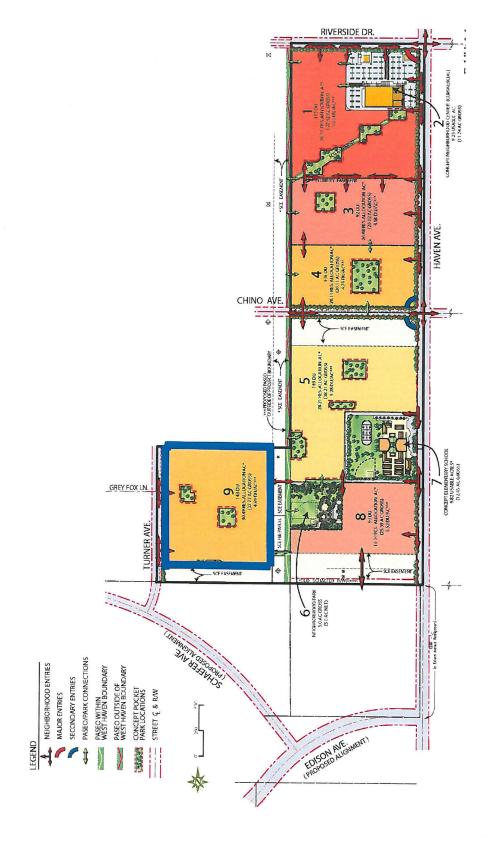
Termination:

Maintains the City's ability to terminate the Agreement if substantial evidence is found of noncompliance.

In considering the application at their meeting November 18, 2013, the Planning Commission found that the Development Agreement Amendment is consistent with State law, The Ontario Plan, the City's Development Agreement policies, and other Development Agreements previously approved for NMC development, and unanimously recommended approval of the Development Agreement Amendment to the City Council.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with the West Haven Specific Plan, for which an Environmental Impact Report (SCH #2004071095) was certified by the City Council on January 16, 2007. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference.

EXHIBIT "A" WEST HAVEN SPECIFIC PLAN LAND USE MAP



Page 4 of 4

ORDINANCE NO.	

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND CV INLAND INVESTMENTS 1, LP, FILE NO. PDA13-002, TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT TO CONFORM WITH THE CONSTRUCTION AGREEMENT AMENDMENT WITH NMC BUILDERS LLC, AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE AS PROVIDED IN TRACT MAP NOS. 18476 AND 18477, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-151-19 AND 23).

WHEREAS, California Government Code Section 65864 now provides, in pertinent part, as follows:

"The Legislature finds and declares that:

- (a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.
- (b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development."

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

"Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ..."

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

"A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ..."

WHEREAS, on the 4th day of April 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on the 10th day of September 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on the 4th day of September 2007, the City Council of the City of Ontario adopted Ordinance No. 2873, approving a Development Agreement between Ontario West Haven Associates, LP, and the City; and

WHEREAS, CV Inland Investments 1, LP, has acquired the property that is the subject of the Development Agreement and Amendment; and

WHEREAS, attached to this Ordinance, marked Exhibit "A" and incorporated herein by this reference, is the proposed Amendment to the Development Agreement between CV Inland Investments 1, LP, and the City of Ontario, File No. PDA13-002. Hereinafter in this Ordinance, the Development Agreement is referred to as the "Amendment"; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the West Haven Specific Plan, for which an Environmental Impact Report (SCH #2004071095) was certified by the City Council on January 16, 2007. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference; and

WHEREAS, on November 18, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Amendment and concluded said hearing on that date. After considering all public testimony, the Planning Commission unanimously recommended approval of the Amendment to the City Council; and

WHEREAS, on December 17, 2013, the City Council of the City of Ontario conducted a hearing to consider the Amendment and concluded said hearing on that date; and

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

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

SECTION 1. Based upon substantial evidence presented to the City Council during the above-referenced hearing on December 17, 2013, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

- a. The Amendment to the Development Agreement applies to 37.77 acres of residential land within the West Haven Specific Plan, generally located on the east side of Turner Avenue, south of Chino Avenue and is presently vacant; and
- b. The properties to the north and west of the Project site are within the R1 (Single Family Residential) zoning designation and are developed with houses. The property to the south of the project site within The Avenue Specific Plan, planned for single family residential development, and is vacant. The property to the east is within Planning Areas 5 and 8 of the West Haven Specific Plan, are planned for single family development, and are vacant; and
- c. The Development Agreement and the Amendment to the Development Agreement establishes parameters for the development of the West Haven residential projects. The Development Agreement also grants CV Inland Investments 1, LP, the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the West Haven Specific Plan; and
- d. The Amendment to the Development Agreement focuses revisions to the Development Agreement to bring it into consistency with the Construction Agreement between the City and New Model Colony Builders, ("NMC"), LLC; and
- e. The Amendment to the Development Agreement will provide for the phasing of various improvements established by the West Haven Specific Plan; and
- f. The Amendment to the Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and
- g. The Amendment to the Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and
- h. The Amendment to the Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and,
- i. The Amendment to the Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties but the benefits of the project outweighs the potential environmental impacts and the mitigation of these impacts were addressed in the West Haven Specific Plan EIR certified by the City Council on January 16, 2007.
- SECTION 2. Based upon the findings and conclusions set forth in Section 1 above, the City Council hereby approves the Project.

SECTION 3. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

<u>SECTION 4</u>. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

<u>SECTION 6</u>. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 21st day of January 2014.

TAGGED, ALT NOVED, AND AD	of 120 this 21 day of bandary 2014.
	PAUL S. LEON, MAYOR
ATTEST:	

MARY E. WIRTES, MMC, CITY CLERK

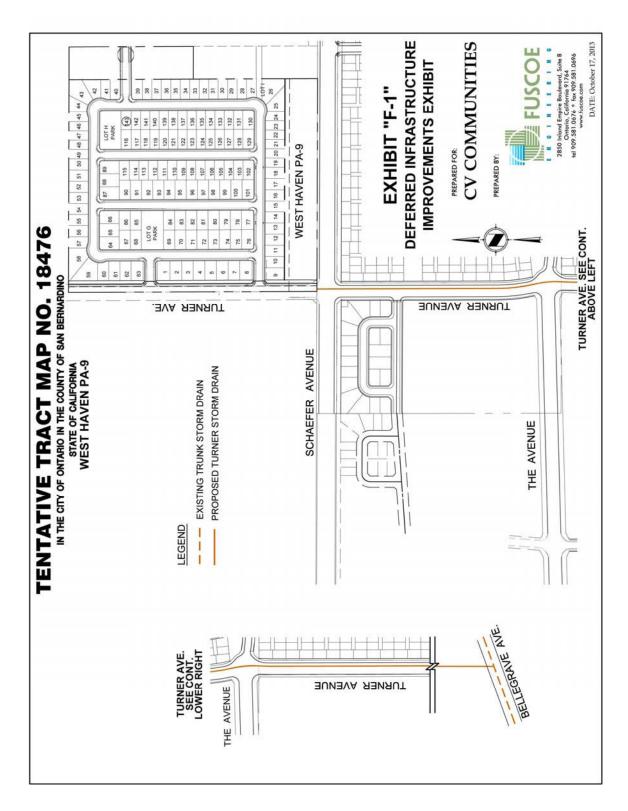
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BEST BEST & KRIEGER LLP CITY ATTORNEY

	CALIFORNIA F SAN BERNARDINO ITARIO)))
foregoing Or Council of the	dinance No was he City of Ontario held Do	e City of Ontario, DO HEREBY CERTIFY that duly introduced at a regular meeting of the City ecember 17, 2013 and adopted at the regular bllowing roll call vote, to wit:
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
(SEAL)		MARY E. WIRTES, MMC, CITY CLERK
and adopted and that Su	by the Ontario City Counc	original of Ordinance No duly passed il at their regular meeting held January 21, 2014 were published on December 24, 2013 and Daily Bulletin newspaper.
		MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

Exhibit "F-1"
Deferred Infrastructure Improvements Exhibit.



3439163.7

CITY OF ONTARIO

Agenda Report January 21, 2014

SECTION: CONSENT CALENDAR

SUBJECT:

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN JS BRAY, LLC, JA BRAY, LLC, AND THE CITY OF ONTARIO TO PROVIDE FOR THE CONSTRUCTION OF UP TO 52 RESIDENTIAL UNITS AND REQUIRED INFRASTRUCTURE ON 9.43 ACRES OF LAND WITHIN THE COUNTRYSIDE SPECIFIC PLAN, LOCATED ON THE NORTH SIDE OF CHINO AVENUE, WEST OF ARCHIBALD AVENUE

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the Development Agreement (File No. PDA13-004) between JS Bray, LLC, JA Bray, LLC, of Newport Beach, CA and the City of Ontario to provide for the construction of up to 52 residential units on 9.43 acres of land within the Countryside Specific Plan, located on the north side of Chino Avenue, west of Archibald Avenue (APNs: 0218-111-54 and 55).

COUNCIL GOALS: <u>Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health</u>

Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

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

Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: The proposed Development Agreement will provide funding from a community facilities district (CFD) for additional City services required to support the Countryside Specific Plan development, thereby mitigating the increased cost associated with such services. In addition, the City will receive Public Service Funding fees plus development impact, compliance processing, licensing, and permitting fees. No Original Model Colony revenue will be used to support the New Model Colony development.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

	Scott Murphy Planning	Submitted to Council/O.H.A. Approved:	01/21/2014
City Manager	MAA	Continued to: Denied:	
Approval:	efft. 2		7

BACKGROUND: On December 17, 2013, the City Council introduced an ordinance approving the Development Agreement between JS Bray, LLC, JA Bray, LLC, and the City of Ontario. The City of Ontario recognized that the financial commitment required for construction in the New Model Colony is substantial. To adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Bray is entering into a Development Agreement with the City providing for the development of up to 52 dwelling units. The Development Agreement provides funding for new City expenses created by the project, including operational costs related to the review, approval and administration of the Bray project, additional project related services, infrastructure and affordable housing requirements.

The Development Agreement proposes to include 9.43 acres of residential development as shown in Exhibit A (Specific Plan Map). The Agreement grants Bray a vested right to develop their project as long as Bray complies with the terms and conditions of the Countryside Specific Plan and EIR.

The main points of the Agreement are as follows:

Term: Ten (10) years with a five (5) year option.

Assignment: Assignable with all terms and conditions applying to the assignee. The

City has conditional approval and City will assess a processing fee.

Fees:

Development Impact: Varies by category (i.e.; Streets and Bridges, Police, Fire, Open

Space/Parks etc.). This is a separate fee from existing City licensing

fees and permits.

Public Services Funding: \$1,800/unit fee due in two (2) installments:

1) \$900 within 30 days following the City's start of construction of Fire Station No. 9.

2) \$900 upon issuance of remaining building permits, the cost of which shall increase each January 1, beginning January 1, 2014.

Community Facilities

District (CFD): City will cooperate with Owner to form a CFD to reimburse costs of

the regional backbone infrastructure construction and maintenance of

public facilities.

Parks/Open Space: As required by the General Plan, Owner will supply five (5) acres per

1,000 projected population through park dedication and/or the

payment of in-lieu fees.

Housing: Provide affordable housing as required by the General Plan through

construction, rehabilitation, or by paying an In-Lieu Fee.

Compliance: Owner will submit an annual monitoring report which the City will

> review for compliance. The City will assess a review/approval processing fee. If Owner is found to be in compliance, the City will

issue a Certificate of Compliance. If noncompliance is identified, a

letter of correction will be issued.

Schools: Must satisfy Mountain View Elementary School District and Chaffey

High School District school facilities requirements.

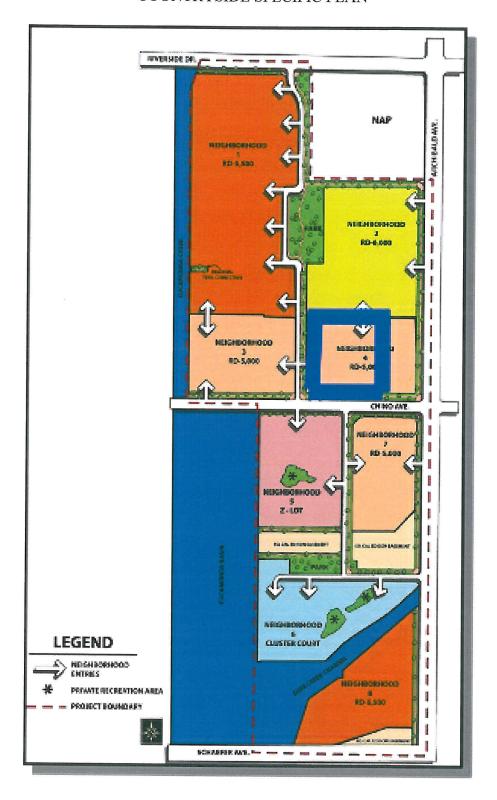
Termination: The City may terminate the agreement if substantial evidence is found

of noncompliance.

In considering the application at their meeting of November 18, 2013, the Planning Commission found that the Development Agreement was consistent with State law, The Ontario Plan, the City's Development Agreement policies, and other Development Agreements previously approved for NMC development, and unanimously recommended approval of the Development Agreement to the City Council.

ENVIRONMENTAL REVIEW: Pursuant to CEQA section 21166 and sections 15162 and 15163 of the CEQA Guidelines, an Addendum to the Certified Environmental Impact Report for the Countryside Specific Plan (SCH# 2004071001) was prepared by the City with regard to the Project ("Addendum"). The Addendum incorporates, by reference, the analysis contained in the Certified Environmental Impact Report for the Countryside Specific Plan, and addresses only those issues specific to the Project. As described in the Addendum and the Initial Study, the Certified Environmental Impact Report for the Countryside Specific Plan adequately describes the activity proposed. The Addendum concludes that the Project will not result in new, or substantially more adverse, significant environmental impacts than those disclosed in the Certified Environmental Impact Report for the Countryside Specific Plan.

EXHIBIT "A" COUNTRYSIDE SPECIFIC PLAN



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND JS BRAY, LLC, AND JA BRAY, LLC., FILE NO. PDA13-004, TO PROVIDE FOR THE CONSTRUCTION OF UP TO 52 RESIDENTIAL UNITS ON 9.43 ACRES WITHIN THE COUNTRYSIDE SPECIFIC PLAN, LOCATED ON THE NORTH SIDE OF CHINO AVENUE, WEST OF ARCHIBALD AVENUE (APNS: 0218-111-54 AND 55).

WHEREAS, California Government Code Section 65864 now provides, in pertinent part, as follows:

"The Legislature finds and declares that:

- (a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.
- (b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development."

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

"Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ..."

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

"A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ..."

WHEREAS, on the 4th day of April 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements.

WHEREAS, on the 10th day of September 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements.

WHEREAS, attached to this Resolution, marked Exhibit "A" and incorporated herein by this reference, is the proposed Development Agreement between JS Bray, LLC, and JA Bray, LLC, and the City of Ontario, File No. PDA13-004. Hereinafter in this Resolution, the Development Agreement is referred to as the "Agreement"; and

WHEREAS, on November 18, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Agreement and concluded said hearing on that date. After considering the public testimony, the Planning Commission voted unanimously to recommend approval of the Agreement to the City Council; and

WHEREAS, as the first action on the Project, on December 17, 2013, the City Council approved a Resolution adopting an Addendum to the Countryside Specific Plan Environmental Impact Report (SCH #2004071001) adopted by City Council on April 18, 2006, for File No. PSP04-001. The Addendum finds that the proposed project introduces no new significant environmental impacts, and all previously adopted mitigation measures are incorporated into the Project by reference; and

WHEREAS, on December 17, 2013, the City Council of the City of Ontario conducted a hearing to consider the Agreement and concluded said hearing on that date; and

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

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

- <u>SECTION 1</u>. Based upon substantial evidence presented to the City Council during the above-referenced hearing on December 17, 2013, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:
- a. The Development Agreement applies to 9.43 acres of residential land within the Countryside Specific Plan, generally located on the north side of Chino Avenue, west of Archibald Avenue and is presently vacant; and
- b. The property to the north is within Planning Area ("PA") 3 of the Countryside Specific Plan and developed with agriculture uses. The properties to the south are located within the Countryside Specific Plan, zoned PA 5 and 7 (Z-lot and alley-loaded, respectively) and developed with a single family residence. The property

to the east is located within the Countryside Specific Plan, zoned PA 4 (SF Conventional – 5,000 SF Min. Lots) and developed with agriculture uses. The property to the west is located within the Countryside Specific Plan, zoned PA 3 (SF Conventional – 5,000 SF Min. lot size) and is developed with agriculture uses; and

- c. The Development Agreement establishes parameters for the development of the Countryside residential projects. The Development Agreement also grants JS Bray, LLC, and JA Bray, LLC, the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design quidelines and development standards for the Countryside Specific Plan; and
- d. The Development Agreement focuses on the 9.43 acres of residential development within the Countryside Specific Plan; and
- e. The Development Agreement will provide for development of up to 52 residential units as established by the Countryside Specific Plan; and
- f. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and
- g. The Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and
- h. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and,
- i. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties but the benefits of the project outweighs the potential environmental impacts and the mitigation of these impacts were addressed in the Countryside Specific Plan EIR certified by the City Council on April 18, 2007.
- <u>SECTION 2</u>. Based upon the findings and conclusions set forth in Sections 1 above, the City Council hereby approves the Project.
- SECTION 3. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

<u>SECTION 4</u>. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

<u>SECTION 6</u>. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 21st day of January 2014.

	PAUL S. LEON, MAYOR
ATTEST:	
MARY E. WIRTES, MMC, CITY CLERK	-
APPROVED AS TO FORM:	
BEST BEST & KRIEGER LLP	

CITY ATTORNEY

STATE OF C COUNTY OF CITY OF ON	SAN BERNARDINO)))
foregoing Or Council of the	dinance No was	e City of Ontario, DO HEREBY CERTIFY that duly introduced at a regular meeting of the City ecember 17, 2013 and adopted at the regular following roll call vote, to wit:
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
(SEAL)		MARY E. WIRTES, MMC, CITY CLERK
and adopted and that Su	by the Ontario City Counci	original of Ordinance No duly passed at their regular meeting held January 21, 2014 were published on December 24, 2013 and aily Bulletin newspaper.
		MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report January 21, 2014

SECTION: CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A REQUEST TO CHANGE THE ZONING DESIGNATION OF A 5.4-ACRE PARCEL FROM R2 TO R3, LOCATED AT THE SOUTHWEST CORNER OF PHILADELPHIA STREET AND CUCAMONGA AVENUE

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the Zone Change (File No. PZC13-001) from R2, Medium Density Residential (11.1-16 dus/acre) to R3, High Density Residential (16.1-25 dus/acre), for property located at 1056 East Philadelphia Street (APN: 1051-141-03).

COUNCIL GOALS: <u>Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health</u>

Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The increase in residential density will provide for more residential units, thus increasing potential property tax revenues received by the City.

BACKGROUND: On December 17, 2013, the City Council introduced an ordinance approving the Zone Change. The project site is located at 1056 East Philadelphia Avenue on the southwest corner of Philadelphia Street and Cucamonga Avenue. It is surrounded by multi-family residential to the west, south, and east with non-conforming single-family residential and a religious assembly use to the north. The 5.4-acre site was previously utilized as a school and continuing education center. The buildings on the property were abandoned over the past year becoming dilapidated, vandalized and creating a public health and safety concern. As a result, all structures were demolished by the applicant in September 2013.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Department:	John Earle Hildebrand III Planning	Approved:	uncil/O.H.A.	01/21/2014
City Manager	Ma	Continued to: Denied:		
Approval:	Sec.			8

While the property was previously in use as a school, the site was designated R1 (1 to 5.0 dus/acre). In anticipation of the site redeveloping, The Ontario Plan ("TOP") provided a land use designation of MDR (11.1 to 25.0 dus/acre). Earlier this year, as part of the General Plan/Zoning Consistency Program, the City Council approved a Zone Change (File No. PZC12-003), which redesignated the property to R2, Medium Density Residential (11.1 to 16.0 dus/acre). At that time the applicant was in the process of finalizing their project design.

The development plans submitted by the applicant proposes the construction of 139 multi-family units (see Exhibit "C" and "D"). The project includes 16, three-story buildings distributed throughout the site. There are six different floor plans, ranging from one to three bedrooms and from 670 square-feet to 1,262 square feet in floor area.

Use	Amount	Rate	Parking Spaces
1 Bedroom	54 Units	1.75 Spaces Per Unit	95
2 Bedrooms	70 Units	2.0 Spaces Per Unit	140
3 Bedrooms	15 Units	2.5 Spaces Per Unit	38
		1 Space Per 4 (3-50 Units)	
Visitor	139 Total Units	1 Space Per 5 (51-100 Units)	29
		1 Space Per 6 (100+ Units)	
		Total Parking Spaces Provided:	302

This project includes several amenities in support of the 139 units. A dedicated building for the combined use of a leasing office, business center, fitness room, and lounge with a fireplace, is located adjacent to the pool and spa area. In addition, there are several pedestrian greenbelts, which lead to a central park area. The park includes picnic and BBQ facilities, as well as seating areas. Towards the south end of the property, there is a tot lot area, which includes playground equipment and additional seating areas.

In order to provide for the development of the 139-unit project, the applicant is requesting a zone change from R2 (11.1-16.0 dus/acre) to R3 (16.1-25.0 dus/acre). In considering the request, staff noted that the site bounded on the south and west by existing multi-family developments and a multi-family development exists to the east, across Cucamonga Avenue. The project to the east is developed in the R3 zone, consistent with the proposal. The developments to the south and west are developed under the R2 standards at a density of approximately 15 dwelling units per acre. The change in zoning designation is consistent with TOP land use designation and will provide for the orderly redevelopment of the site.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (General Plan), and City Council Priorities components of TOP. The goals and policies established by the Policy Plan, which are furthered by the proposed General Plan and Specific Plan Amendments, are detailed in the Planning Commission staff report dated November 18, 2013 (attached).

COMPLIANCE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN: The project site is located within the Airport Influence Area of LA/Ontario International Airport and has been found to be consistent with the policies and criteria set forth within the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP).

PLANNING COMMISSION REVIEW: On November 18, 2013, the Planning Commission voted unanimously (7-0) to recommend City Council approval of the proposed zone change. Furthermore, the Planning Commission approved the development project proposed by the applicant, including Planned Residential Development (File No. PRD13-001), a Development Plan (File No. PDEV13-014), and a Tentative Tract Map (File No. PMTT13-008), subject to the approval of the proposed Zone Change by City Council.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. On the basis of the initial study, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of insignificance, a Mitigated Negative Declaration ("MND") was prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines. Furthermore, to ensure that the mitigation measures are implemented, a Mitigation Monitoring and Reporting Program has been prepared for the Project pursuant to CEQA Guidelines Section 15097, which specifies responsible agencies/departments, monitoring frequency, timing and method of verification and possible sanctions for non-compliance with mitigation measures. The environmental documentation for this project is available for review at the Planning Department public counter upon request.

Exhibit A: Existing Zoning

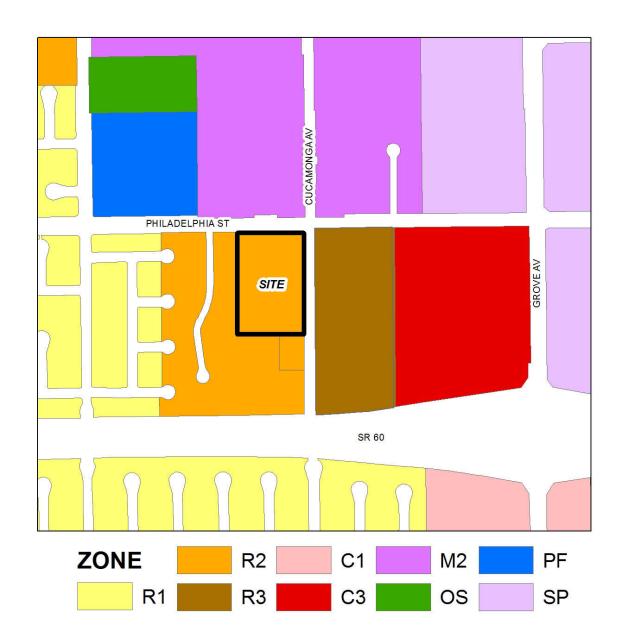


Exhibit B: Proposed Zoning

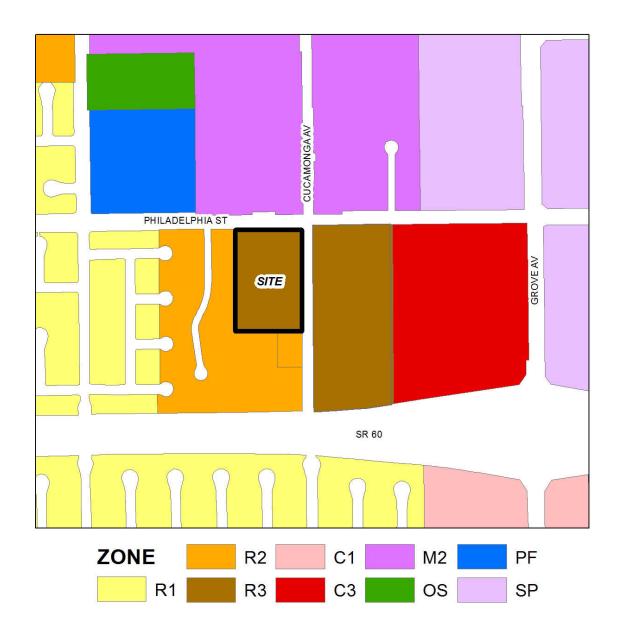


Exhibit C: Existing TOP Land Use

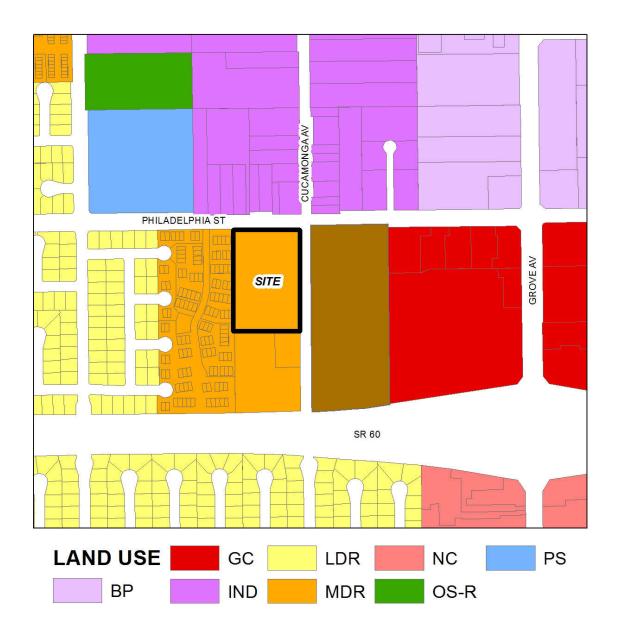


Exhibit D: Site Plan



Exhibit E: Building Elevations



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC13-001, A REQUEST TO CHANGE THE ZONING DESIGNATION OF A 5.4-ACRE PARCEL FROM R2, MEDIUM DENSITY RESIDENTIAL (11.1 TO 16.0 DU/AC), TO R3. HIGH DENSITY RESIDENTIAL (16.1 TO 25.0 DU/AC), LOCATED AT THE SOUTHWEST CORNER OF PHILADELPHIA STREET AND CUCAMONGA AVENUE, AT 1056 EAST PHILADELPHIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1051-141-03.

WHEREAS, SC Colony Limited Partnership ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC13-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located at the southwest corner of Philadelphia Street and Cucamonga Avenue, at 1056 East Philadelphia Street with a street frontage of 400 feet and a lot depth of 610 feet and is presently a vacant lot; and

WHEREAS, the property to the north of the Project site is within the M2 (Industrial Park) zoning district and is developed with a mixture of non-conforming single-family detached residential structures and a religious assembly use. The property to the south is within the R2 (11.1 to 16.0 du/ac) zoning district and is developed with multi-family residential uses. The property to the east is within the R3 (16.1 to 25.0 du/ac) zoning district and is developed with multi-family residential uses. The property to the west is within the R2 (11.1 to 16.0 du/ac) zoning district and is developed with multi-family residential uses; and

WHEREAS, Planning File Nos. PZC13-001, PRD13-001, PDEV13-014, and PMTT13-008 (TT18909) (the "Project") consist of a Zone Change, Planned Residential Development, Development Plan, and Tentative Tract Map to construct 139 multi-family units on approximately 5.4 acres of land generally located at the southwest corner of Philadelphia Street and Cucamonga Avenue; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, on November 18, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date. After considering all public testimony, the Planning Commission voted unanimously (7-0) to adopt a resolution recommending City Council approval of the proposed General Plan Amendment; and

WHEREAS, as the first action on the Project, on December 17, 2013, the City Council approved a Resolution adopting a Mitigated Negative Declaration ("MND"). The MND concluded that implementation of the Project would not result in any significant

negative environmental effects as a result of identifying certain design and operational mitigation measures, which have been included with the final Project's conditions of approval, as well as identified in the Mitigation Monitoring and Reporting Program and are hereby incorporated into the Project by reference; and

WHEREAS, on December 17, 2013, the City Council of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date; and

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

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

- SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the MND, the initial study and the administrative record for the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the MND, the initial study and the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:
- a. The MND, initial study and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines.
- b. The MND and initial study contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgement of the City Council;
- c. There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts.
- d. All environmental impacts of the Project are either insignificant or can be mitigated to a level of insignificance pursuant to the mitigation measures outlined in the MND, the Mitigation Monitoring and Reporting Program and the initial study.
- <u>SECTION 2</u>. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.
- SECTION 3. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Sections 1 and 2 above, the City Council hereby concludes as follows:

- a. The proposed zone change is consistent with the goals and policies of the general plan. The zone change is consistent with The Ontario Plan land use designation of MDR (11.1 to 25.0 du/ac) medium density residential. The zone change will implement The Ontario Plan's vision through construction of 139 multi-family dwelling units in conjunction with an accompanying Development Plan (File No. PDEV13-014).
- b. The proposed zone change is reasonable and beneficial, and in the interest of good zoning practice. The zone change will effectuate development that is consistent with The Ontario Plan's vision and Land Use Plan. The zone change is therefore reasonable and necessary to allow development pursuant to the City's long-term goals.
- c. The project site is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested zoning designation and anticipated development. The project site is 5.4 acres in area and will be improved with 139 multi-family residential dwelling units, pursuant to an accompanying Development Plan (File No. PDEV13-014). The site is of adequate area and shape to support a zone change.
- d. The proposed zone change will not adversely affect the harmonious relationship with adjacent parcels and land uses. The zone change will enable a multifamily residential development that is compatible with the other existing surrounding residential developments.
- e. The proposed zone change will not have a significant adverse impact on the environment. The accompanying Mitigated Negative Declaration analyzed the Project's environmental impact. Mitigation measures incorporated into the Project design reduced all impacts to less than significant. As a result, the Project will not create any significant environmental impacts.
- SECTION 4. Based upon the findings and conclusions set forth in Section 1, 2, and 3 above, the City Council hereby approves the Zone Change, File No. PZC13-001, as shown on the attached Exhibit "A".
- SECTION 5. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jobs, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.
- SECTION 6. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

<u>SECTION 7</u>. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

<u>SECTION 8</u>. The City Clerk shall certify to the adoption of this Ordinance.

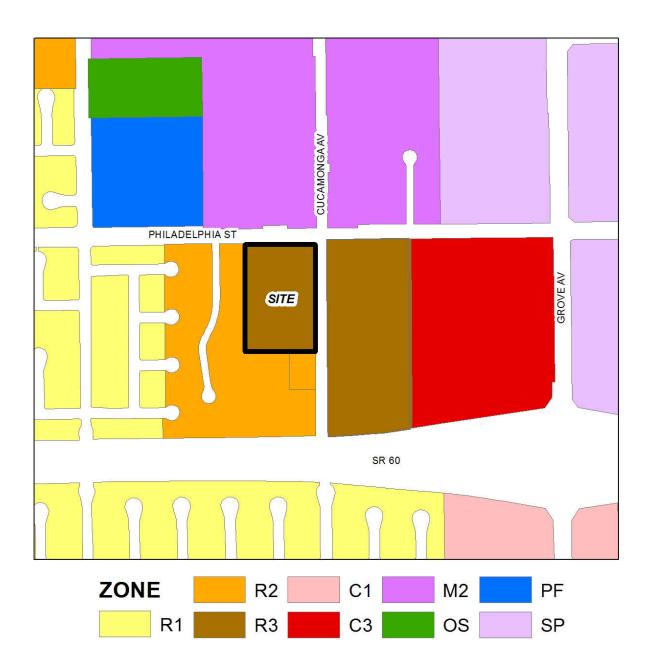
SECTION 9. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 21st day of January 2014.

	PAUL S. LEON, MAYOR
ATTEST:	
MARY E. WIRTES, MMC, CITY CLERK	
APPROVED AS TO FORM:	
BEST BEST & KRIEGER LLP CITY ATTORNEY	

	CALIFORNIA F SAN BERNARDINO ITARIO))
foregoing Or Council of t	rdinance No was he City of Ontario held D	ne City of Ontario, DO HEREBY CERTIFY that duly introduced at a regular meeting of the City ecember 17, 2013 and adopted at the regular ollowing roll call vote, to wit:
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
(SEAL)		MARY E. WIRTES, MMC, CITY CLERK
and adopted and that Su	I by the Ontario City Counc	e original of Ordinance No duly passed il at their regular meeting held January 21, 2014 e were published on December 24, 2013 and Daily Bulletin newspaper.
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

Exhibit "A" Zoning Map



CITY OF ONTARIO

Agenda Report January 21, 2014

SECTION: CONSENT CALENDAR

SUBJECT:

AN ORDINANCE APPROVING A REQUEST TO CHANGE THE ZONING DESIGNATION OF A 0.57-ACRE PARCEL FROM AR TO R2, LOCATED NEAR THE NORTHEAST CORNER OF PALMETTO AVENUE AND PHILLIPS STREET

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the Zone Change (File No. PZC13-003) from AR, Agriculture Residential (0-2.0 dus/acre) to R2, Medium Density Residential (11.1-16 dus/acre) for property located at 1229 South Palmetto Avenue (APN: 1011-551-01).

COUNCIL GOALS: <u>Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the Growth and Evolution of the City's Economy</u>

Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: None.

BACKGROUND: On December 17, 2013, the City Council introduced an ordinance approving a request to change a zoning designation. The application proposes a Zone Change to redesignate a 0.57-acre parcel, at 1229 South Palmetto Avenue (Exhibit A: *Existing Zoning Map*), from AR, Agriculture Residential, (0 to 2 dus/acre) to R2, Medium Density Residential, (11.1 to 16.0 dus/acre). With adoption of The Ontario Plan ("TOP") in 2010, the property was designated as Medium Density Residential (11.1 to 25.0 dus/acre), consistent with the adjoining properties to the north, east, and south. The zoning of the property remains AR, which is inconsistent with TOP. As part of TOP implementation, a General Plan/Zoning consistency program has been underway to bring the zoning of all properties into conformity with TOP land use designations. To date, the zoning designations of 753 properties have been changed consistent with TOP land use plan.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Department:	John Earle Hildebrand III Planning	Submitted to Cour Approved:	ncil/O.H.A.	01/21/2014
City Manager Approval:	All	Continued to: Denied:		9

Rather than waiting for the City's General Plan/Zoning consistency program to rezone the site, the property owner has submitted a Zone Change request in order to provide consistency with TOP and existing improvements to the property.

TOP Medium Density Residential ("MDR") designation for the site provides a density range of 11.1-25 dus/acre. The R2 Zoning Designation proposed allows for 11.1-16.0 dus/acre. This designation is consistent with the zoning designations of the properties to the north, south, and east. Based upon the parcel size of 0.57-acres, the site could support 6 to 9 dwelling units on the property, provided all development code regulations are met. However, due to the relatively small parcel size, the narrow 80-foot lot width, the existing dwelling units designed as single-family detached homes, and the location of the swimming pool, staff believes the maximum allowed density would not be achievable, but one to two additional units may be possible.

The property has previously been identified as containing an eligible historic resource. The Zone Change does not impact that status. When the property owner submits plans for site and structure improvements, the Historic Preservation Subcommittee ("HPSC") will review the proposed plan to ensure that the changes are consistent with the historic content of the site.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (General Plan), and City Council Priorities components of TOP. The goals and policies established by the Policy Plan, which are furthered by the proposed General Plan and Specific Plan Amendments, are detailed in the Planning Commission staff report dated November 18, 2013 (attached).

COMPLIANCE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN: The project site is located within the Airport Influence Area of LA/Ontario International Airport and has been found to be consistent with the policies and criteria set forth within the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP).

PLANNING COMMISSION REVIEW: On October 22 and November 18, 2013, the Planning Commission conducted a public hearing to consider the request. At that time, two residents spoke in opposition to the request, citing concerns with additional traffic and potential parking impacts. In considering their comments, the Commission noted that the number of units that could be constructed on-site will not generate significant additional traffic and that any additional units would required on-site parking consistent with Development Code requirements. As a result, the Planning Commission voted unanimously (7-0) to recommend City Council approval of the Zone Change request.

ENVIRONMENTAL REVIEW: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section § 15301 (Existing Facilities) of the CEQA Guidelines.

Exhibit A: Existing Zoning Map

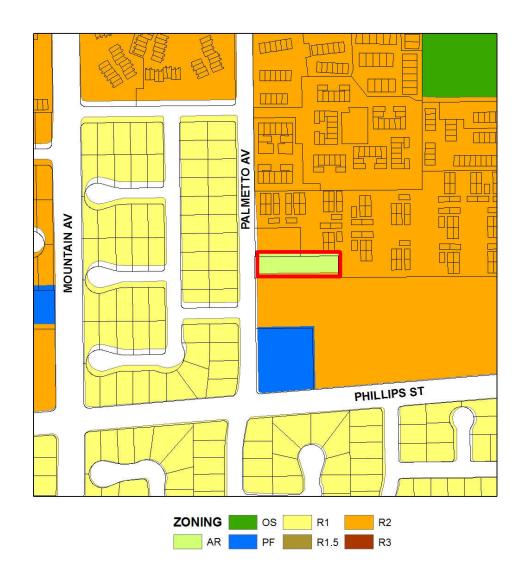
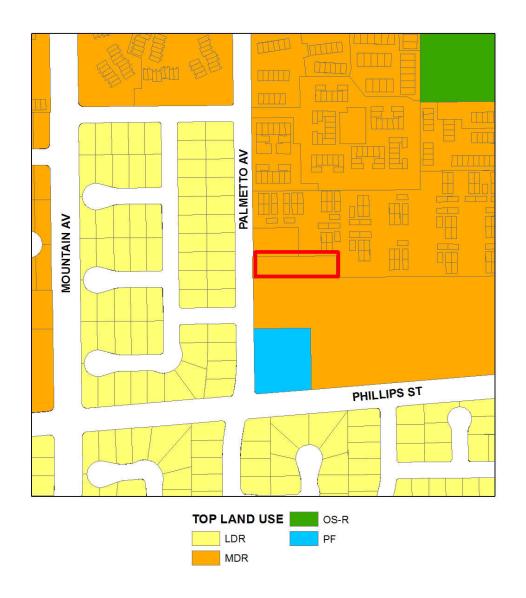


Exhibit B: Existing Land Use Map



ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC13-003, A REQUEST TO CHANGE THE ZONING DESIGNATION OF A 0.57-ACRE PARCEL FROM AR, AGRICULTURE RESIDENTIAL (0 TO 2.0 DU/AC) TO MEDIUM DENSITY RESIDENTIAL, R2 (11.1 TO 16.0 DU/AC), LOCATED NEAR THE NORTHEAST CORNER OF PALMETTO AVENUE AND PHILLIPS STREET, AT 1229 SOUTH PALMETTO AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1011-551-01.

WHEREAS, West Ridge Rentals ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC13-003, as described in the title of this ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located 1229 South Palmetto Avenue with a street frontage of approximately 80-feet and a lot depth of 308-feet and is presently improved with two residential dwelling units; and

WHEREAS, the property to the north of the Project site is within the Medium Density Residential, R2 (11.1 to 16.0 du/ac) zoning district and is developed with single-family detached and multi-family residential units. The property to the south is within the High Density Residential, R3 (16.1 to 25.0 du/ac) zoning district and is developed with multi-family apartments. The property to the east is within the Medium Density Residential, R2 (11.1 to 16.0 du/ac) zoning district and is developed with multi-family apartments. The property to the west is within the Low Density Residential, R1 (1.1 to 5.0 du/ac) zoning district and is developed with single-family detached homes; and

WHEREAS, approval of this Zone Change will enable the property to be consistent with The Policy Plan (General Plan) component of The Ontario Plan, which shows the property as having a Land Use designation of Medium Density Residential, MDR (11.1 to 25.0 du/ac); and

WHEREAS, approval of this Zone Change will enable the legalization of the two multi-family dwelling units, pursuant to a multi-family Zoning designation and also enable general site improvements, including public sewer connections and structure rehabilitation; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

- WHEREAS, on October 22, 2013, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and continued the Project to the November 18, 2013 Planning Commission hearing; and
- WHEREAS, on November 18, 2013, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and concluded said hearing at that time. After considering all public testimony, the Planning Commission issued Resolution No. PC13-064, recommending City Council approval of the application; and
- WHEREAS, on December 17, 2013, the City Council of the City of Ontario conducted a duly noticed public hearing and concluded said hearing at that time; and
- WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.
- NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:
- SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:
- a. The Project is categorically exempt from environmental review pursuant to Section § 15301 (Existing Facilities) of the CEQA Guidelines; and
- b. The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and
- c. The determination of CEQA exemption reflects the independent judgement of the City Council.
- <u>SECTION 2</u>. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.
- <u>SECTION 3</u>. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Sections 1 and 2 above, the City Council hereby concludes as follows:
- a. The proposed Zone Change is consistent with the goals and policies of The Ontario Plan. The Zone Change will enable the property to become consistent with The Policy Plan (General Plan) component of The Ontario Plan Land Use Designation of MDR (11.1 to 25 du/ac).

- b. The proposed Zone Change is reasonable and beneficial, and in the interest of good Zoning practice. The Zone Change is reasonable in that it enables the property to become consistent with The Policy Plan (General Plan) component of The Ontario Plan, as well as establishing a similar designation as the other multi-family properties in the area.
- c. The project site is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested Zoning designation and anticipated development. The property is physically suitable to support the multi-family Zoning designation.
- d. The proposed Zone Change will not adversely affect the harmonious relationship with adjacent parcels and land uses. The Zone Change enables the property to be more consistent with the surrounding properties, which share multi-family designations.
- e. The proposed Zone Change affects a 0.57-acre property and will not have a significant negative adverse impact on the environment.
- SECTION 4. Based upon the findings and conclusions set forth in Sections 1, 2, and 3 above, the City Council hereby approves the Project.
- <u>SECTION 5</u>. Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.
- SECTION 6. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jobs, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.
- <u>SECTION 7</u>. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 E. B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.
- SECTION 8. Publication. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 21st day of January 2014.

	PAUL S. LEON, MAYOR
ATTEST:	
MARY E. WIRTES, MMC, CITY CLERK	
APPROVED AS TO FORM:	
BEST BEST & KRIEGER LLP	

	CALIFORNIA F SAN BERNARDINO ITARIO))
foregoing Or Council of t	rdinance No was he City of Ontario held D	ne City of Ontario, DO HEREBY CERTIFY that duly introduced at a regular meeting of the City ecember 17, 2013 and adopted at the regular ollowing roll call vote, to wit:
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
(SEAL)		MARY E. WIRTES, MMC, CITY CLERK
and adopted and that Su	I by the Ontario City Counc	e original of Ordinance No duly passed il at their regular meeting held January 21, 2014 e were published on December 24, 2013 and Daily Bulletin newspaper.
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

Exhibit A: Zoning Map



CITY OF ONTARIO

Agenda Report January 21, 2014

SECTION: CONSENT CALENDAR

SUBJECT: APPLICATIONS FOR GRANTS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FY2015 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP), "AVOID THE 25" DUI CAMPAIGN AND AWARENESS, AND THE ALCOHOL BEVERAGE CONTROL (ABC) TASK FORCE GRANT PROGRAMS

RECOMMENDATION: That City Council authorize the City Manager to execute all documents necessary to apply for and accept 12-month grants in the amount of \$750,000 from the California Office of Traffic Safety (OTS) for participation in the FY2015 Selective Traffic Enforcement Program (STEP), "Avoid the 25" DUI Campaign and Awareness, and Alcohol Beverage Control (ABC) Task Force Grant Programs.

COUNCIL GOALS: <u>Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health

Maintain the Current High Level of Public Safety</u>

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

FISCAL IMPACT: Grant awards will be announced in July 2014 and each grant period is October 1, 2014 – September 30, 2015. These grants are reimbursable on a quarterly basis, each funding police overtime, equipment, supplies, and training to conduct DUI saturation patrols, special traffic enforcements, field enforcements, and/or sobriety checkpoints. The approximate grant funding reimbursement is \$750,000. The STEP grant, Avoid the 25, and the ABC Task Force grant may be comprised of, but not limited to, overtime enforcements, allied agency overtime enforcements, equipment, materials, and travel expenses. The City is not required to provide matching funds for the grants. If awarded, the revenue and associated expenditure adjustments will be included in the Fiscal Year 2014-15 First Quarter Budget Report.

BACKGROUND: The California Office of Traffic Safety (OTS), through the National Highway Traffic Safety Administration (NHTSA), offers local law enforcement agencies overtime grants to

STAFF MEMBER PRESENTING: Eric V. Hopley, Chief of Police

Prepared by: Department:	Police	Submitted to Council/O.H Approved: Continued to: Denied:	uncil/O.H.A.	01/21/2014
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migrate traffic safety program deficiencies, expand ongoing activities, develop new programs, and conduct sobriety checkpoints. The grant period includes two "National Impaired Driving Campaign" mobilization periods: Winter holiday period is from December 12, 2014 through January 1, 2015; and Labor Day period is from August 14, 2015 through September 1, 2015. Sobriety checkpoints, DUI saturation patrols and special traffic enforcements will be scheduled during each of the highly publicized mobilization periods, and additional operations will continue to be conducted outside the mobilization periods. Each overtime enforcement and checkpoint will be conducted accordingly to each operation which may include supervisors, officers, technicians, and/or clerical/other staff members.

The goals of the grant programs include: (1) reducing the number of people killed in alcohol-involved crashes through combined efforts of local law enforcement agencies; (2) California Highway Patrol, and OTS; (3) reducing the total number of traffic collisions that occur in the city; (4) informing drivers about increased enforcement periods and warning drivers that the only way to "Avoid" arrest and/or injury or death is to drive sober; (5) and network law enforcement agencies regionally and conduct multiple joint operations to decrease alcohol related issues such as DUIs and underage drinking.

CITY OF ONTARIO

Agenda Report January 21, 2014

SECTION: PUBLIC HEARINGS

SUBJECT:

A PUBLIC HEARING TO CONSIDER A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND AN ORDINANCE APPROVING FILE NO. PSP12-001, A SPECIFIC PLAN (GRAND PARK) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, AND DESIGN GUIDELINES FOR APPROXIMATELY 320 GROSS ACRES LOCATED WITHIN THE NEW MODEL COLONY AND BOUNDED BY EDISON AVENUE TO THE NORTH, EUCALYPTUS AVENUE TO THE SOUTH, ARCHIBALD AVENUE TO THE WEST, AND HAVEN AVENUE TO THE EAST (APNS: 218-241-06, 10, 11, 13, 14, 15, 16, 19, 20, 22 AND 23)

RECOMMENDATION: That the City Council adopt a resolution certifying the Grand Park Specific Plan Environmental Impact Report (SCH# 2012061057), including the Statement of Overriding Considerations, and introduce and waive further reading of an ordinance approving the Grand Park Specific Plan (File No. PSP12-001).

COUNCIL GOALS: <u>Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health</u>

Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

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

Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: Adoption of the Grand Park Specific Plan would result in both short and long term fiscal impacts to the City. Short term impacts include infrastructure improvements to serve the new development. The cost of these improvements is included in the Nexus Study and Development Impact Fees previously adopted by the City Council. The developer will be required to install improvements or pay the Development Impact Fee ("DIF") associated with the various improvements. Long term fiscal

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Department:	Rudy Zeledon Planning	_ Approved:	ouncil/O.H.A.	01/21/2014
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impacts include the ongoing operations and maintenance services (police, fire, maintenance, etc.) necessary to serve the new development. While the development will result in increased property and sales tax revenue, the increase is not sufficient to cover the cost of services associated with the project. To address this shortfall, the development will be required to form and/or join a Community Facilities District ("CFD") to cover the additional public service costs. No Original Model Colony dollars will be used to fund the New Model Colony development.

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

GRAND PARK SPECIFIC PLAN: The Grand Park Specific Plan serves to implement the City's Policy Plan for the project site and provides zoning regulations for development of the project site by establishing permitted land use, development standards, infrastructure requirements, and implementation requirements for development of the 320 acres within the Specific Plan boundaries. The Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character within the community, ensuring that excellence in community design is achieved during project development. The Grand Park Specific Plan establishes the procedures and requirements to approve new development within the project site to ensure TOP goals and policies are achieved.

The Grand Park Specific Plan proposes a land use plan that includes a mixture of uses and is based on the traditional neighborhood design principles and concepts. The Specific Plan is unique from previously approved specific plans in that the majority of land within the Specific Plan is devoted to public uses. The Specific Plan is comprised of the following land use categories:

- Residential 106.6 acres
- Public Park (Great Park) 146.7 acres
- Elementary School 11.2 acres
- High School 55.7 acres

Community Design — The Grand Park Specific Plan organizes residential areas around a simple and understandable grid pattern of streets with the focal point of the Specific Plan being the City's "Great Park," a planned ±450-acre park extending approximately four miles across the southern portion of the NMC. Residential areas are located within walking and biking distance to parks and schools and are connected through a network of greenbelts, sidewalks, off-street bike paths, and multi-use trails.

Residential Development — TOP Policy Plan Land Use Plan designates 44.3 acres of land within the Grand Park Specific Plan for Low Density Residential (2.1 - 5.0 du/ac) and 61.9 acres for Medium Density Residential (11.1 - 25 du/ac) with a development capacity of 1,561 dwelling units. The Grand Park Specific Plan proposes the development of up to 1,327 residential dwelling units. The 1,327 residential units will be contained within 8 distinctive Planning Areas. Planning Areas 2, 4, 5 and 6 are comprised of Low Density Residential (6-12 du/ac) uses. Planning Areas 1 and 3 are designated for

Medium Density Residential (12-18 du/ac) uses and Planning Areas 7 and 8 are comprised of High Density Residential (18-25 du/ac) uses.

<u>Residential Architectural Styles</u> — The architectural styles for the Specific Plan area have been selected in order to be reflective of older neighborhoods of historic Ontario as well as to accommodate innovative transitional architectural influences.

<u>Circulation Plan</u> — The primary entrances into the Grand Park community will occur from Edison Avenue on the north, Archibald Avenue on the west and Haven Avenue on the east. The primary eastwest street connecting Haven Avenue and Archibald Avenue through the Great Park, "Park Street", will provide internal access and connectivity between residential areas and the proposed high school and elementary school sites. Street traffic calming will be introduced through the incorporation of three roundabouts at key local street intersections along Park Street and by narrowing the pavement sections at intersections (intersections tapers).

<u>Landscape Plan</u> — Careful attention has been given to creating an appropriate and appealing landscape design which will compliment, enhance and reinforce the creation of the traditional neighborhoods within Grand Park through entry monumentation, enhanced/expanded parkways, and accent plantings.

<u>Parks and Trails</u> — The Great Park extends east from Campus Avenue to Haven Avenue. The eastern portion of the Great Park, between Archibald Avenue and Haven Avenue, is located along the lower portion of the Grand Park Specific Plan area. All of the Grand Park community is within ¼ mile walk of the Great Park. This eastern portion of the Great Park will include both passive and active areas. Pocket parks will also be provided within each residential neighborhood.

<u>Infrastructure and Services</u> — Backbone infrastructure to serve all areas of the Grand Park Specific Plan will be installed by the developer(s) in accordance with the NMC Master Plans for streets, water (including recycled water), sewer, storm drain, and fiber optic facilities. Natural gas will be provided by the Gas Company and electricity by Southern California Edison. While various improvements are currently under construction, conditions of approval for development of the project will require the installation of all infrastructure necessary to serve the project as a standalone development.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan (TOP). California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits the adoption and administration of specific plans as an implementation tool for elements contained in the local general plan. Specific plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the general plan. The Grand Park Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy analysis in *Table 9-1*, "*Policy Plan Consistency*," of the Specific Plan describes the manner in which the Grand Park Specific Plan complies with the Policy Plan goals and policies applicable to the Grand Park Specific Plan.

COMPLIANCE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN: The project site is located within the Airport Influence Areas of LA/Ontario International Airport and Chino Airport and has been found to be consistent with the policies and criteria set forth within the LA/Ontario International Airport and Chino Airport Land Use Compatibility Plans (ALUCP).

ENVIRONMENTAL REVIEW: On January 27, 2010, the City adopted The Ontario Plan (TOP) and certified the accompanying EIR. TOP EIR identified many areas that might have a potentially significant impact on the environment, including: 1) Aesthetics; 2) Biological Resources; 3) Geology and Soils; 4) Hazards and Hazardous Materials; 5) Hydrology and Water Quality; 6) Land Use and Planning; 7) Mineral Resources; 8) Population and Housing; 9) Public Services; 10) Recreation; and 11) Utilities and Service Systems. Through the EIR process, potentially significant impacts were analyzed, revisions were incorporated into the plan and/or mitigation measures were identified that reduced the potential environmental impacts to a level that was less than significant for most of the impacts. In some cases, however, the impacts could not be reduced to a level of less than significant and a Statement of Overriding Considerations was adopted. These areas included: 1) Agriculture; 2) Air Quality; 3) Cultural Resources; 4) Global Climate Change; 5) Noise; and 6) Transportation and Traffic.

Even though an EIR was prepared for TOP, the analyses focused on the program or "big picture" impacts associated with development. Staff completed an Initial Study for the project and determined that an EIR should be prepared at the project level for the Grand Park Specific Plan. As noted in the Planning Commission staff report dated December 16, 2013, an EIR was prepared addressing thirteen areas. The Grand Park Specific Plan EIR evaluated each of these various areas and identifies mitigation measures and/or revisions to the plan to mitigate the impact areas. Of the thirteen areas, two impacts areas, air quality and agricultural resources, could not be reduced to less than significant, resulting in the impacts remaining potentially significant and unavoidable.

While mitigation of all potential impacts to a level of less than significant is desirable, the fact that two areas will remain significant and unavoidable is not unexpected. The identification of these areas as significant and unavoidable validates the work previously completed for TOP. Staff determined that the benefits of the proposed development outweigh the potential impacts associated with it. Therefore, staff recommends the City Council certify the EIR, including the Statement of Overriding Considerations for the project.

PLANNING COMMISSION REVIEW: On December 16, 2013, the Planning Commission voted unanimously (6-0) to recommend City Council certification of the Grand Park Specific Plan Environment Impact Report (SCH# 2012061057) and approval of the Grand Park Specific Plan (File No. PSP12-001).

APPLICATION PROPONENTS: The Grand Park Specific Plan application is being requested by Distinguished Homes.

Grand Park Specific Plan Land Use Plan



RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE GRAND PARK SPECIFIC PLAN, FILE NO. PSP12-001, AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PLAN (APNS: 0218-241-06, 10, 11, 13, 14, 15, 16, 19, 20, 22, AND 23).

WHEREAS, Distinguished Homes (the "Applicant") proposes the Grand Park Specific Plan ("Project") on an approximately 320-acre site in the southern portion of the City of Ontario's ("City"); and

WHEREAS, the Project under review considered the following: (1) certification of the Grand Park Specific Plan Final Environmental Impact Report ("Final EIR"); (2) approval and adoption of the Grand Park Specific Plan; (3) cancellation of Williamson Act contracts for approximately 110 acres; (4) approval of tentative tract maps; (5) Site Plan Review; and (6) any related discretionary approvals; and

WHEREAS, the purpose of the Project is to develop a cohesive and attractive community, divided into neighborhoods, which are to be comprised of up to 1,327 residential units in a variety of housing types and densities on 106.6 acres, an 11.2-acre elementary school site, a 55.7-acre high school site, and 146.7 acres for the "Great Park"; and

WHEREAS, the Project site is located south of Edison Avenue, west of Haven Avenue, north of Eucalyptus Avenue, and east of Archibald Avenue in the City of Ontario, within the County of San Bernardino, and consists of approximately 320 acres located within that portion of the City commonly referred to as the New Model Colony, which was annexed into the City in November 1999; and

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

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

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

WHEREAS, the City originally issued a Notice of Preparation ("NOP") for the Grand Park Specific Plan for which the public review period ended July 18, 2012. The City received comments from multiple agencies on the NOP; and

WHEREAS, a public scoping meeting was held July 12, 2012, where no comments were received; and

WHEREAS, after completing the Draft EIR (SCH# 2012061057), the City released the document for public review for a 45-day public comment period, beginning August 2, 2013, and ending on September 16, 2013, by filing a Notice of Availability with the County of San Bernardino Clerk's Office; and

WHEREAS, pursuant to Public Resources Code section 21092, the City also provided a Notice of Availability to all organizations and individuals who had previously requested such notice, and published the Notice of Availability on or about August 2, 2013, in the Inland Valley Daily Bulletin, a newspaper of general circulation in the Project area; and

WHEREAS, pursuant to City of Ontario Local CEQA Guidelines, the Notice of Completion was mailed to all residents and property owners within 500 feet of the Project. Copies of the Draft EIR were provided to public agencies, organizations and individuals. In addition, the City placed copies of the Draft EIR at the City of Ontario Planning Department, City Clerk's Office, and Public Library Main Branch; and

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

WHEREAS, during the official public review period for the Draft EIR, the City received eleven (11) written comments, all of which the City responded to in the Final EIR; and

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

WHEREAS, the City provided a Notice of Public Hearing and/or Intent to Certify an Environmental Impact Report to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing on or about November 26, 2013, in the Inland Valley Daily Bulletin, a newspaper of general circulation in the Project area; and

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

WHEREAS, the City of Ontario Planning Commission conducted a public hearing on December 16, 2013, and concluded said hearing on that date. After considering all

public testimony, the Planning Commission issued Resolution No. PC13-082, recommending City Council certification of the Project EIR; and

WHEREAS, on January 21, 2014, the City Council of the City of Ontario conducted a hearing on the Project and concluded said hearing on that date; and

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

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

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

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

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

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

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

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

WHEREAS, because some environmental impacts identified in the Final EIR as potentially significant cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth herein, the City Council has balanced the economic, legal, social, technological, and other benefits of the Project against its significant and unavoidable impacts, and has determined that the benefits of the Project outweigh the unavoidable adverse impacts,

and therefore, render those impacts "acceptable." The City Council has documented its determination regarding significant and unavoidable impacts in the Statement of Overriding Considerations in Section VIII hereof; and

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

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

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

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

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

SECTION I

FINDINGS

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

Agencies demonstrate compliance with Section 21002's mandate by adopting findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) The approving agency must make written findings for each significant environmental effect identified in an EIR for a proposed project and must reach at least one of three permissible conclusions. The first possible finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (State CEQA Guidelines, § 15091, subd. (a)(1).) The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding" and that "[s]uch changes have been adopted by such other agency or can and should be adopted by such other agency." (State CEQA

Guidelines, § 15091, subd. (a)(2).) The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (State CEQA Guidelines, § 15091, subd. (a)(3).)

Agencies must not adopt a project with significant environmental impacts if feasible alternatives or mitigation measures would substantially lessen the significant impacts. Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." State CEQA Guidelines Section 15364 adds "legal" considerations as another indicia of feasibility. (See also Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 565.) Project objectives also inform the determination of "feasibility." (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 401, 417.) Further, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors," (Id.; see also Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715.) An agency need not, however, adopt infeasible mitigation measures or alternatives. (State CEQA Guidelines, § 15091, subds. (a), (b).) Further, environmental impacts that are less than significant do not require the imposition of mitigation measures. (Leonoff v. Monterey County Board of Supervisors (1990) 222 Cal.App.3d 1337, 1347.)

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

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

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

SECTION II

RESOLUTION REGARDING ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

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

A. <u>Aesthetics:</u>

Impact: Does the proposed Project have a substantial adverse effect on a scenic vista? (Draft EIR, at p. IV.A-15.)

Finding: The Grand Park Project will have no substantial adverse impacts on aesthetics, including scenic vistas. (Draft EIR, at p. IV.A-16, IV.A-17.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Scenic views of the mountains located approximately 12 miles north of the Site are visible on clear days from all north/south roadways in the Project Site. (Appendix A.2, at p.19.) Currently, dairy structures, rural residences, barns, windrows, and other visual obstructions exist within and near the Project Site. The proposed Project would not introduce structures that would impair views of the mountains from north/south roadways in any more significant ways than existing structures do currently.

Impact: Does the proposed Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings with a state scenic highway? (Draft EIR, at p. IV.A-15.)

Finding: The Grand Park Project will have no substantial adverse impacts on aesthetics, including scenic resources. (Draft EIR, at pp. IV.A15-IV.A-18.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: None of the roadways adjacent to and in the vicinity of the Project site is designated as a State scenic highway. The nearest State Scenic Highway, Route 18, is located near Big Bear Lake approximately 60 miles from the site. (Appendix A.2, at p.19.) No specific scenic resources such as rock outcroppings or unique features exist on the Project site.

Impact: Does the proposed Project substantially degrade the existing visual character or quality of the site and its surroundings? (Draft EIR, at p. IV.A-16.)

Finding: The Grand Park Project will have no substantial adverse impacts on aesthetics, including degradation of the existing visual character or quality of the site. (Draft EIR, at IV.A-16, IV.A-17.)

Mitigation Measures: No mitigation measures are necessary.

Explanation:

Construction-Related Impacts

During construction, the site's visual appearance would be altered due to the removal of existing structures, site preparation, and grading, and the construction of Project buildings and landscaping. Additionally, equipment and materials may be staged on-site and temporary facilities, such as portable toilets and construction offices, may be used on-site. Construction activities for the Project would be visible to adjacent land uses as well as pedestrians and motorists on adjacent streets. Temporary fencing would be placed along the periphery of the site to screen much of the on-site construction activity from view from the street level.

Project construction activities may require the removal of several mature windrow trees bordering the site, which could affect the visual quality of adjacent streets during the construction period. However, the Project's proposed landscaping plan would replace all removed street trees and increase and enhance overall landscaping features.

Visible construction activities would also include truck traffic to and from the site. However, the impact of construction trucking would not significantly impact the visual quality of the area, since the local roadways are intended to accommodate a range of vehicle types, including trucks incidental to construction and deliveries that particularly relate to existing agricultural operations in the area. Furthermore, construction-related visual impacts would only occur on a short-term basis. (Draft EIR, at p. IV.A-16.)

Operational Impacts

The Grand Park Project will cause existing facilities supporting dairy farming (i.e., barns, pole barns, sheds, water pumps) to be replaced with residential neighborhoods, parks, and schools, and commercial uses. (Draft EIR, at p. IV.A-16, IV.A-17.) To most viewers, construction of the Project will be a visual improvement of the Project's environment. With the conversion of the site from existing and former dairy operations and crop agriculture, which may be considered unattractive due to the presence of older

structures, dilapidated equipment, crowds of livestock, dairy ponds, fencing, and lack of landscaping, development of the proposed uses would be considered a positive, beneficial impact. This is because the orderly development of a cohesive residential community as planned by the NMC with large planned recreational facility would be considered visually attractive and uniform in terms of scale, quality, and character. Such new uses would be developed consistent with the approved Specific Plan, which itself would be consistent with the land use types and intensities, as well as the development standards, design guidelines, and architectural themes envisioned by TOP. Furthermore, without the Project, the aesthetic character of the Project Site will become increasingly diminished and increasingly incompatible with surrounding uses, as urban development continues on surrounding properties. Extensive design guidelines are included in the Grand Park Specific Plan to ensure future construction will incorporate aesthetically pleasing design elements for the proposed residential and commercial uses. While the visual character of the Project vicinity will change as land uses transition from those dominated by agriculture to an urban setting, the Project will not substantially degrade the existing visual character or quality of the Project Site. (Draft EIR, at p. IV.A-17.)

Impact: Does the proposed Project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? (Draft EIR, at p. IV.A-18, IV-A.19.)

Finding: The Grand Park Project will have no substantial adverse impacts on aesthetics, including light or glare. (Draft EIR, at p. IV.A-19.)

Mitigation Measures: No mitigation measures are necessary.

Explanation:

Construction-Related Impacts

Lighting needed during Project construction could generate light spillover to future adjacent uses in the Project vicinity, including the residential uses developed as part of The Avenue Specific Plan to the north, Parkside Specific Plan to the west, Subarea 29 Specific Plan to the south, and the proposed Subarea 24 Specific Plan to the east. However, construction activities would occur primarily during daylight hours and any construction-related illumination would be used for safety and security purposes only, in compliance with OMC light intensity requirements, and would only occur for the duration needed in the finite construction process. Thus, with adherence to existing OMC regulations, light resulting from construction activities would not significantly impact residential uses, substantially alter the character of off-site areas surrounding the construction area, or interfere with the performance of an off-site activity. (Draft EIR, at p.IV.A-18.)

Operational Impacts

The proposed Project will introduce new sources of nighttime light and glare into the area from parking lot, residential, park, school, and security lighting. (Draft EIR, at

p.IV.A-18, IV.A-19.) Spill of light onto surrounding properties, and "night glow" can be reduced by using hoods and other design features. (*Ibid.*) Inclusion of these design features in the Project is addressed through standard City conditions of approval, plan check and permit procedures, and code enforcement practices. Although additional light and glare sources would be created, the use of landscaping, directional lighting criteria, and building design criteria incorporated directly into the Specific Plan will ensure any impacts are is less than significant. (Draft EIR, at pp.IV.A-18, IV.A-19.)

Glare

In general, sun reflection that has the greatest potential to interfere with driving occurs from the lower stories of a tall structure. However, due to the nature of the proposed land uses, including building heights and amount of associated reflective surfaces, it is not expected that substantial glare would be generated during any portion of the year or time of day. Any glare effects would be limited to the immediate area near parking lots and residential or educational structures. Because the development of proposed uses would not generate substantial glare, impacts would be less than significant and no mitigation is required. (Draft EIR, at p. IV.A-19.)

Impact: Does the proposed Project have a cumulative impact to aesthetics? (Draft EIR, at p.IV.A-19.)

Finding: The Grand Park Project will have no substantial adverse impacts on aesthetics, including cumulative impacts. (Draft EIR, at pp. IV.A-19, IV.A-20.)

Mitigation Measures: No mitigation measures are necessary. (Draft EIR, at p.IV.A-19.)

Explanation: Implementation of the TOP would change the existing visual character in the NMC from existing rural agricultural land to urbanized land with integrated planned communities. Implementation of the TOP policies of the Community Design Element through the Grand Park Specific Plan will assure visual quality through coordinated site planning, landscaping and complementary architectural design. No substantial adverse cumulative aesthetic and visual character impacts would occur.

Implementation of the proposed Specific Plan as well as the other planned development in the area would introduce new or expanded sources of artificial light. Consequently, ambient light levels are expected to increase substantially in the Project area. Given the location within the rural NMC area, the additional artificial light sources introduced by these projects would alter the existing minimal lighting environment that is currently created by the agricultural uses in the area. However, cumulative lighting would not be expected to interfere with the performance of off-site activities given the fact that development on surrounding land would be developed with urban uses consistent with the TOP, and policies would therefore be implemented to minimize the potential for lighting-related adverse effects. Each development in the area would provide lighting for proposed uses per City requirements and consistent with City lighting standards. As a result, cumulative artificial light impacts would be less than significant. (Draft EIR, at p. IV.A-19.)

With regard to glare, it is anticipated that the related projects within the vicinity of the Project site would not include tall structures or structures with large expanses of glass or other reflective material, and therefore would not create significant glare impacts. Given that the proposed Specific Plan would not include uses that would be expected to generate substantial glare, it would not contribute to any cumulative increase in glare in combination with the related project. As such, cumulative glare impacts are concluded to be less than significant. (Draft EIR, at p. IV.A-20.)

B. <u>Agricultural Resources:</u>

Impact: Does the proposed Project conflict with existing zoning for agricultural use, or a Williamson Act contract.

Finding: The Grand Park Project will have no substantial adverse impacts on existing Williamson Act contracts and agricultural zoning.

Mitigation Measures: No mitigation measures are necessary.

Explanation: Land within the Project area is located within an area of the NMC planned for urban development, and the surrounding agricultural properties will be developed with urban uses per approved and proposed Specific Plans. The City's adoption and implementation of the NMC anticipates the conversion of the Project site from agricultural uses to urban uses. Since the adoption of the TOP, notices of non-renewal have been filed by property owners of a large portion of the agricultural preserve property within the NMC, including some of the parcels on-site.

The filing of non-renewal notices by the property owners is reflective of the lack of a long-term commitment to agricultural uses in this area. The western half of the Project site is currently enrolled in active Williamson Contracts, with contract expiration for approximately 70 of those acres to occur in 2017. Within the eastern portion of the site, the two approximately 20-acre parcels at the southeast corner of the site have contracts that expire in 2013 with a petition for cancellation. The remaining acres are not enrolled in any Williamson Act contracts. The cancellation of existing on-site Williamson Act contracts and subsequent removal of agricultural operations on-site is not considered a significant impact.

With compliance with the City's Agricultural Overlay District standards, the Project's residential, school and park uses, no significant land use or zoning conflicts would arise. (Draft EIR, at pp. IV.B-8–9.)

C. <u>Air Quality and Greenhouse Gas:</u>

Impact: Would the proposed Project conflict any applicable plan, policy or regulation of an agency adopted for the purpose of reducing emissions of greenhouse gases.

Finding: The Grand Park Project will have no substantial adverse impacts on greenhouse gas emissions.

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project proposes mixed residential, recreational and educational uses that are consistent with TOP policies to reduce Citywide GHG emissions (Draft EIR p. IV.C-43.) The Project design features are similar to many of the air quality and GHG emission reduction strategies in the 2012 RTP/SCS (Draft EIR p. IV.C-45.) No significant conflicts with adopted plans, policies or regulations would occur.

Impact: Would the proposed Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Finding: The Grand Park Project will have no substantial adverse greenhouse gas emissions impacts.

Mitigation Measures: No mitigation measures are necessary.

Explanation: With reliance upon a conservative Tier 4 Horizon Year 2030 Target threshold of 6.6 MTCO2e/SP/year for a general/specific plan, the Project GHG service population impacts are less than significant. (Draft EIR p. IV.C-42.)

D. <u>Biological Resources:</u>

Impact: Does the proposed Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service? (Draft EIR, at p. IV.D-19.) Does the proposed Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act. (Draft EIR, at p. IV.D-22.)

Finding: The Grand Park Project will have no substantial adverse impacts on riparian habitat, federally protected wetlands, or a sensitive natural community. (Draft EIR, at p.IV.D-22.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Biological Resources Study (2012) did not identify any drainage features onsite that would support riparian habitat, nor any potentially jurisdictional waters or wetlands on the site (Draft EIR, at p. IV.D-22.) The Project site does not support any plant communities or habitat types considered sensitive by the CDFW's CNDDB (Draft EIR, at p. IV.D-17.) Therefore, implementation of the proposed Project would not result in any impacts related to riparian vegetation, protected waters or wetlands, or sensitive natural communities.

Impact: Does the proposed Project interfere substantially with the movement of any native resident or migratory fish or wildlife species; substantially diminish habitat for fish, wildlife, or plants or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Draft EIR, at p. 5.4-23.) Please see Section III for discussion of impacts to migratory bird habitat.

Finding: The Grand Park Project will have no substantial adverse impacts on movement of any native resident or migratory fish or animal species, nor will it diminish habitat for such species. (Draft EIR, at p. IV.D-22.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project Site is immediately surrounded by farms with livestock fencing that normally excludes large mammals (Draft EIR, at p. IV.D-22). Residential and commercial development are present further to the north, south and east. The Project Site does not occur within a narrow corridor that would link large areas of undeveloped open space. The Project Site does not provide for regional wildlife movement and does not serve as a wildlife corridor. See Section III for impacts to migratory bird habitat.

Impact: Does the proposed Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Draft EIR, at p. IV.D-19.)

Finding: The Grand Park Project will not conflict with any local policies or ordinances protecting biological resources. (Draft EIR, at p. IV.D-22.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The City does not have specific municipal ordinances related to biological resources. (Draft EIR, at p. 5.4-32.) There are no trees on the Project Site that are regulated by the City's Tree Ordinance and Parkway Tree Regulations (Draft EIR, at p. IV.D-12, IV.D-22.) Therefore, implementation of the proposed Project would not conflict with any local policies addressing biological resources.

Impact: Does the proposed Project conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. (Draft EIR, at p. IV.I-8.)

Finding: The Grand Park Project will not conflict with any HCP or Natural Community Conservation Plan. (Draft EIR, at p. IV.I-8.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project Site is not located within the boundaries of an adopted habitat conservation plan or natural community conservation plan. (Draft EIR, at p.IV.I-8.) No conflicts with any adopted Natural Community Conservation Plan or Habitat Conservation Plan will occur with Project implementation.

Although the Project is located within the Ontario Recovery Unit for federally endangered Delhi Sands Flower-loving Fly (DSFLF), much of the habitat in the unit has been eliminated by longstanding agricultural land uses; this is in fact the case at the Project site (Draft EIR, at p. IV.D-23). Based on the Biological Resources Study (MBA 2012) in Draft EIR, Appendix D, the majority of the Project site contains no suitable

habitat for this species. Although there were a few small patches of low quality habitat along portions of the northern and southern boundaries, the only constituent habitat element observed within the Project site is Delhi Sand soils.

Past years of protocol surveys for DSFLF at these locations in 2006 and 2007 were previously conducted on the basis that the Project site contains Delhi Sands. No other habitat factors were identified. Two years of protocol surveys determined that DSFLF is absent from the Project site. The surveys concluded that these marginally suitable habitat areas contained sandy soils, but lacked the typical vegetation that is associated with occupied habitat. Suitable habitat for this species includes sparse open sandy habitat dominated by California buckwheat (*Eriogonum fasciculatum*), telegraph weed (*Heterotheca grandiflora*), and California croton (*Croton californicus*).

The habitat quality of the patches of sandy soil along the northern and southern boundary were significantly reduced for potential to support DSFLF (AMEC 2007). Based on the existing site conditions (MBA 2012), the portion of the Project site that contains Delhi Sands soil is still routinely disturbed and, it is reasonable to assume that DSFLF remains absent from the Project site and will not occupy the Project site in the foreseeable future. The habitat remains largely unsuitable for DSFLF and previous protocol surveys were conducted only as a conservative effort based on the presence of Delhi sands (MBA 2012). Even the best of these areas, however, were highly disturbed and contained essentially no native plant species associated with the DSFLF or its habitat (AMEC 2007). The Project site does not support suitable habitat for the federally endangered DSFLF. Therefore, the Project would not conflict with the Ontario Recovery Unit for the DSFLF. (Draft EIR, at p. IV.D-23.)

E. Geology/Soils:

Impact: Does the proposed Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving (1) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (2) strong seismic groundshaking. (Draft EIR, at p. IV.F-7, IV.F-8.)

Finding: The Project will be required to comply with California Building Code (CBC) standards and applicable City standards and procedures to reduce seismic-related hazards.

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project site is not located within the limits of an Alquist-Priolo Fault Zone and will conform to applicable state and local codes to reduce the potential for seismic groundshaking to less than significant levels. (Draft EIR, at p. IV.F-9–10.)

Impact: Will the proposed Project result in substantial soil erosion or loss of topsoil.

Finding: The Grand Park Project will have no substantial adverse impacts soil erosion or loss of topsoil.

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project Site is generally level and not subject to high erosion potential that would result in down cutting, sheet wash, slumping, or bank failures from heavy rain events. Construction of the proposed Project will not cause a significant change to local topography. The Grand Park Specific Plan does not propose significant changes in site elevations or excessive stormwater discharges that would result in a high potential for erosion. The Project would implement a Stormwater Pollution Prevention Plan (SWPPP) for construction activities and best management practices (BMPs) for control of erosion and sedimentation in compliance with the Project water quality management plan (WQMP) (Draft EIR, at p.IV.H-26.) Therefore, implementation of the proposed Project would result in less than significant impacts related to soil erosion.

While the proposed Project may have minor impacts to topsoil as a result of site grading, the Project Site would ultimately be converted to urban uses and no longer used for agricultural production, which would require topsoil. Therefore, less than significant impacts due to the loss of topsoil would result from Project implementation.

Impact: Does the proposed Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (Appendix A.2, at p. 30.)

Finding: The Grand Park Project will have no substantial adverse impacts on soils due to septic tanks or wastewater disposal systems.

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project does not propose the use of septic tanks or any alternative wastewater disposal systems. Wastewater disposal services would be provided through connections to a regional system. Therefore, implementation of the proposed Project would not result in impacts related to onsite or alternative wastewater disposal systems. (Appendix A.2, at p. 30.)

F. <u>Hazards and Hazardous Materials:</u>

Impact: Will the proposed Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or water within one-quarter mile of an existing or proposed school.

Finding: The Grand Park Project will have a less than significant impact to hazards and hazardous materials because it involves minimal or no hazardous emissions or materials. (Draft EIR, at pp. IV.G-22)

Mitigation Measures: No mitigation measures are necessary.

Explanation:

Construction-related Impacts

In the short term, the proposed Project will involve storing limited quantities of petroleum products on-site during construction-related activities. Given the mandatory compliance with the City's Environmental Performance Standards (City of Ontario 2000), the proposed Project will not create a health hazard or use, produce, or dispose of materials that pose a hazard to human, animal, or plant populations within the Project area. The Environmental Performance Standards are contained in the City's Municipal Code, Article 33, Section 9-1.3300. No impact from the temporary storage of hazardous materials during the construction phase is anticipated.

Should suspected contamination be encountered during site demolition and grading activities, the hazardous materials would be addressed through remediation, as applicable, to the satisfaction of affected regulatory agencies. With adherence to the characterization and remediation requirements of affected agencies, existing contamination would not pose a risk during construction activities, and therefore impacts would be less than significant. (Draft EIR, at pp. IV.G-21–22.)

Operational Impacts

The Grand Park Project identifies several uses, including residential, parks and schools. However, minimal or no hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste will take place as part of the proposed Project. Generation and use of hazardous materials by residential, educational, and recreational uses within the Project area is considered to have a less than significant impact due to the Project's mandatory compliance with the City's Environmental Performance Standards (City of Ontario 2000). (Draft EIR, at p. IV.G-22.)

Impact: Is the proposed Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport and would result in a safety hazard for people residing or working in the Project vicinity.

Finding: The Grand Park Project will have no substantial adverse impacts on safety due to airport hazards. (Draft EIR, at pp IV.G-24, IV.G-25)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Ontario Airport (ONT) is not located within two miles of the Project Site. The Project Site does not directly lie within the flight path of ONT and no impacts are anticipated related to penetrations of air space, safety zones or other protection areas. The Project Site is located within the Chino Airport Influence Area (AIA) Zone E of the Airport Land Use Compatibility Plan (ACLUP), which does not place any land use restrictions on the property. The proposed Project does not include any buildings or structures that would exceed the 100 foot height limitation for this zone. (Draft EIR, at pp IV.G-24, IV.G-25)

Impact: Is the proposed Project within the vicinity of a private airstrip such that it would result in a safety hazard for people residing or working in the Project vicinity.

Finding: The Grand Park Project will have no adverse impacts on safety due to the proximity of a private airstrip. (Appendix A.2, at p. 33.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project Site is not located in the vicinity of any private airstrip; therefore, no significant impacts in regards to airport operations will occur with Project implementation. (Appendix A.2, at p. 33.)

Impact: Does the proposed Project impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Finding: The Grand Park Project will not interfere with an emergency response or evacuation plan. (Appendix A.2, at p. 33.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project Site will be served by the City Police Department, the City Fire Department, and Emergency Medical Services provided by the Fire Department. The City's Disaster Preparedness Plan, as contained within the City's General Plan, includes policies and procedures to be administered in the event of a disaster. The Project will comply with the requirements of the Ontario Fire Department and all City requirements for fire and other emergency access. (Appendix A.2, at p. 33.)

Impact: Does the proposed Project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Finding: The Grand Park Project will have no substantial adverse impacts on wildfires. (Appendix A.2, at p. 33.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project Site is surrounded by predominantly agricultural uses and is not located near wildlands. The Project will remove the majority of existing brush from the Project Site as well as any other fire hazards associated with dairy farming which include grass, brush, hay, and manure piles. (Appendix A.2, at p. 33.)

G. <u>Hydrology and Water Quality:</u>

Impact: Will the proposed Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

Finding: The Grand Park Project will not substantially deplete groundwater supplies or interfere with groundwater recharge. (Appendix A.2, at p. 34)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project site currently utilizes groundwater for irrigation of crops and for livestock activities, which will cease once the proposed Specific Plan has been fully implemented. Once developed, the Specific Plan would be served by domestic water supplies provided by the City Public Works Agency, the majority of which would be supplied by local groundwater basins. As described in the TOP EIR, the City's water demand is accommodated through potable and non-potable water managed by the City's Public Works Agency. The City will manage groundwater supplies to ensure that withdrawals to meet domestic water demands do not exceed the maximum safe yield for the Chino Basin, and preclude the potential for significant adverse effects. (Appendix A.2, at p. 34.)

H. <u>Land Use:</u>

Impact: Does the proposed Project physically divide an established neighborhood.

Finding: The Grand Park Project will have no adverse impacts due to the division of any established neighborhood (Appendix A.2, at p. 37.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The TOP identifies the Project Site as located in an area that would be developed with urban land uses. Adjacent land uses exhibit no strong spatial community or neighborhood pattern. The Project will become an integral part of the NMC, which is a series of planned communities. The Project will have no impacts with regard to physically dividing an established neighborhood. (Appendix A.2, at p. 37.)

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

Finding: The Grand Park Project will not conflict with any applicable land use plan, policy, or regulation regarding avoidance or mitigation of environmental effects. (Draft EIR, at p.IV.I-6, IV.I-7.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Grand Park Specific Plan includes development regulations and design standards consistent with the TOP and Development Code. The specific plan was prepared in conformance with the goals and policies of TOP (Section 9, General Plan Consistency, The Grand Park Specific Plan). SCAG regional policies embodied in the RCP and RTP/SCS have been incorporated in TOP, and the Grand Park Specific Plan is consistent with TOP. (Draft EIR, at p.IV.I-6, IV.I-7.)

Impact: Does the proposed Project conflict with any applicable habitat conservation plan (HCP) or natural community conservation plan.

Finding: The Grand Park Project will not conflict with any HCP or Natural Community Conservation Plan. (Draft EIR, at p. IV.I-8.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project Site is not located within the boundaries of an adopted habitat conservation plan or natural community conservation plan. (Draft EIR, at p.IV.I-8). Although the Project is located within the Ontario Recovery Unit for Delhi Sands Flower-loving Fly (DSFLF), much of the habitat in the unit has been eliminated by longstanding agricultural land uses; this is in fact the case at the Project site (Draft EIR, at p. IV.D-23). The Project site does not support suitable habitat for the federally endangered DSFLF.

I. <u>Mineral Resources</u>

Impact: Will the proposed Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.

Finding: The Grand Park Project will have no adverse impacts on mineral resources. (Appendix A.2, at p. 38.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: There are no known mineral resources on the Project Site or immediate vicinity. The Project Site is not located within an area of locally important mineral resource recovery delineated in TOP. The Project Site is not located within an area that has been classified or designated as a mineral resource area by TOP. (Appendix A.2, at p. 38.)

Impact: Will the proposed Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Finding: The Grand Park Project will have no adverse impacts on any mineral resource recovery sites. (Appendix A.2, at p. 38.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: There are no known mineral resources on the Project Site or immediate vicinity. (Appendix A.2, at p. 38.)

J. Noise:

Impact: Is the proposed Project located within airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, public use airport or private airstrip, such that it will expose people residing or working in the Project vicinity to excessive noise levels.

Finding: The Grand Park Project will have no substantial adverse impacts such that it would expose people in the vicinity to excessive noise levels due to the proximity of an airport or airstrip. (Draft EIR, at p. IV.J-25.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: While the Project Site is located near both the Chino and Ontario Airports, it is not within the 65 dBA Community Noise Equivalent Level (CNEL) contour of either airport. Planned residential, school and park uses would be compatible with anticipated noise levels from aircraft flights in the vicinity, and the Project would not expose people to excessive noise levels. (Draft EIR, at p. IV.J-25–26.)

Impact: Would the Project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

Finding: The Grand Park Project will have no substantial adverse groundborne vibration or groundborne noise impacts.

Mitigation Measures: No mitigation measures are necessary.

Explanation: No vibration-sensitive structures such as historic buildings and fragile buildings or uses such as hospital operation rooms and scientific laboratories are currently present within 100 feet of the Project site that may be affected by the proposed Project. (Draft EIR at p. IV.J-13)

The proposed Project would generate ground-borne vibration during site clearing and grading activities or large bulldozer operation. Based on the vibration data provided in Table IV.J-7, vibration velocities from the operation of construction equipment would range from approximately 0.003 to 0.089 inch per second PPV at 25 feet from the source of activity. As this estimated level of Project-related construction vibration is considerably below the 1.0 inches per second PPV significance threshold (potential building damage), vibration impacts associated with construction would be less than significant. (Draft EIR at p. IV.J-18)

K. <u>Population/Housing:</u>

Impact: Does the proposed Project induce substantial population growth into the area, either directly or indirectly.

Finding: The Grand Park Project will have no substantial adverse impacts on area population growth. (Appendix A.2, at p. 41.))

Mitigation Measures: No mitigation measures are necessary.

Explanation: Although the Grand Park Specific Plan proposes residential development that represents growth, this growth was anticipated and planned for as part of the NMC development, as evaluated in TOP EIR. The development of the proposed Project is consistent with the NMC growth. (Appendix A.2, at p. 41.)

L. <u>Public Services:</u>

Impact: **Police.** Would the Project result in substantial adverse physical impacts associated with provision of new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police services.

Finding: The Project will have no substantial physical impacts associated with provision of new or physically altered police facilities (Draft EIR, p. IV.K.1-6).

Mitigation Measures: No mitigation measures are necessary.

Explanation: Project development would be occur consistent with TOP, and would include project design features that would ensure maximum visibility and security for areas including but not limited to entrances, pathways, corridors, open space, and parking lots and structures. Development would also include lighting in residential and public structures that would facilitate public safety.

The City has also adopted a Development Impact Fee (DIF) program that addresses the long-term financial needs of the City departments that will serve the community. A portion of the DIF program has been allocated for Public Safety (Police Services) to help offset future demand for new infrastructure. Additional revenues will be realized through increased sales and property taxes, which will also go towards offsetting City costs in providing direct services to the residents and others using our City. With adoption of TOP authorizing the future build out of the City, environmental impacts to public safety were analyzed and mitigated through DIF and other funding mechanisms. In addition to the Police DIF for additional equipment and facilities, the City entered into the construction agreement with NMC builders to form CFD's for funding police operations and maintenance. In addition, a one-time gap fees from NMC to fund the upfront police and fire operating costs before full build-out. Each future police facility would prepare a CEQA initial study to determine which topical issues were adequately evaluated by the EIR prepared for TOP and which topical issues would require a separate, site-specific analysis. (Draft EIR, at pp. IV.K.1-6–7.)

Impact: **Fire.** Would the Project result in substantial adverse physical impacts associated with provision of new or physically altered fire facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire services.

Finding: The Project will have no substantial physical impacts associated with provision of new or physically altered fire facilities (Draft EIR, p. IV.K.2-10).

Mitigation Measures: No mitigation measures are necessary.

Explanation: Per TOP EIR, the Ontario Fire Department has "Automatic Aid Agreements" with the cities that border Ontario, including Upland, Rancho Cucamonga, Fontana, and Chino, and a mutual aid agreement with the City of Los Angeles, Los Angeles World Airports (LAWA) to provide additional support for the Los Angeles/Ontario International Airport (LAONT). The Ontario Fire Department participates in the State of California Master Mutual Aid System, which provides statewide resources if necessary. The following fire departments, in the event additional response teams or assistance are needed during a major emergency in the City, would provide mutual aid coverage: Chino Valley Fire Protection District (Fire Station Nos. 63 and 65); Montclair Fire Department (Fire Station Nos. 151 and 152); Upland Fire Department (Fire Station No. 161); Rancho Cucamonga Fire Department (Fire Station Nos. 172 and 174); San Bernardino County Fire Department- Central Valley Battalion (Fire Station No. 72 and 74); and Ontario Airport Fire Department (Fire Station No. 150). (Draft EIR, at p. IV.K.2-7.)

With the addition of the new fire station near Archibald Avenue and Edison Avenue and the planned fire station on Mill Creek Avenue in the surrounding project area, and based on current facilities and firefighter staffing, the staffing and fire services would be adequate to serve the project site and its generated residential population. TOP, Uniform Fire Codes (UFC), and adopted ordinances would aid the OFD in providing adequate fire services and medical emergency response in the area. Furthermore, project development would also be consistent with all applicable requirements set forth in the California Fire Code (CFC) in regards to fire safety measures, which would also reduce the increase of fire protection services. (Draft EIR, at p. IV.K.2-10.)

Further, the City has adopted a Development Impact Fee (DIF) program that addresses the long-term financial needs of the City departments that will serve the community. A portion of the DIF program has been allocated for Public Safety (Fire Services) to help offset future demand for new infrastructure. Additional revenues will be realized through increased sales and property taxes, which will also go towards offsetting City costs in providing direct services to the residents and others using our City. With adoption of TOP authorizing the future build out of the City, environmental impacts to public safety were analyzed and mitigated through DIF and other funding mechanisms. In addition to the Police DIF for additional equipment and facilities, the City entered into the construction agreement with NMC builders to form CFD's for funding police operations and maintenance. Each future police facility would prepare a CEQA initial study to determine which topical issues were adequately evaluated by the EIR prepared for TOP and which topical issues would require a separate, site-specific analysis. (Draft EIR, at p. IV.K.2-10.)

Impact: **Schools.** Would the Project result in substantial adverse physical impacts associated with provision of new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.

Finding: The Project will have no substantial physical impacts associated with provision of new or physically altered school facilities (Draft EIR, p. IV.K.3-5).

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project is consistent with TOP policies regarding education. The Project includes the development of one elementary school and one high school. Development and design of these schools will be planned and coordinated with Mountain Valley School District (MVSD) and Chaffey Joint Union High School District (CJUHSD). Payment of the state mandated developer impact fees established by MVSD and CJUHSD and compliance with SB 50 is considered full mitigation for school related impacts. (Draft EIR, p. IV.K.3-5–6.)

Impact: **Parks and Recreation.** Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Finding: The Project would not increase use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration would occur. (Draft EIR, p. IV.K.4-6)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project would include development of the City Great Park, an approximately 147-acre park along the southern portion of the Specific Plan to serve the Project and other City residents. The acreage provided by the Great Park would meet the City's park acreage requirements in the Municipal Code. The Project complies with Quimby Act parkland space or in-lieu fee requirements for new residential subdivisions. The Project would be consistent with TOP policies designed to provide residents with access to mini, neighborhood, and community park sites, and pedestrian and bike access to parks would be available through neighborhood greeenways. (Draft EIR, p. IV.K.4-6–7.)

Impact: Recreational Facilities. Does the Project include recreational facilities or require construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

Finding: The Project does not include recreational facilities or require construction or expansion of recreational facilities that would have an adverse physical environmental effect. (Draft EIR, p. IV.K.4-6)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project would include development of the City Great Park, an approximately 147-acre park along the southern portion of the Specific Plan to serve the Project and other City residents. The acreage provided by the Great Park would meet the City's park acreage requirements in the Municipal Code. The Project complies with Quimby Act parkland space or in-lieu fee requirements for new residential subdivisions.

The Project would be consistent with TOP policies designed to provide residents with access to mini, neighborhood, and community park sites, and pedestrian and bike access to parks would be available through neighborhood greeenways. (Draft EIR, p. IV.K.4-6–7.)

M. <u>Transportation and Circulation:</u>

Impact: Does the proposed Project result in a change in air traffic patterns, either an increase in traffic levels or a change in location that results in substantial safety risks.

Finding: The Grand Park Project will have no adverse impacts on air traffic patterns. (Appendix A.2, at p. 45.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project Site does not directly lie within the flight path of Ontario Airport or Chino Airport and no impacts related to penetrations of air space, safety zones or other protection areas would occur. The Project does not include any uses or structures that could alter air traffic patterns at Ontario Airport, Chino Airport or any other airport. (Appendix A.2, at p. 45.)

Impact: Does the proposed Project result in inadequate emergency access.

Finding: The Grand Park Project will have no adverse impacts on emergency access. (Appendix A.2, at p. 45–46.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Development of the Project Site will improve emergency access by completing planned road segments in the Project vicinity. The Project Site will be developed to conform to all standard City conditions of approval, and permits related to emergency access. (Appendix A.2, at p. 45–46.)

Impact: Does the proposed Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Finding: The Grand Park Project will not conflict with any adopted policies, plans, or programs supporting alternative transportation. (Appendix A.2, at p. 46.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project is designed to emphasize pedestrian movement by providing a variety of residential housing types within easy walking distance to recreational amenities and school sites. Connectivity within the Project Site is provided through a system of pedestrian and bicycle trails and greenways to link residential neighborhood with schools, parks and bus transit stops. (Appendix A.2, at p. 46.)

N. Utilities/Service Systems

Impact: **Water Supply.** Does the proposed Project have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed.

Finding: The Grand Park Project will have no substantial adverse impacts on water supplies. (Draft EIR, at p.IV.M.1-6)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The City's Water Master Plan (WMP) accounts for development of the Proposed Project as part of the total demand for the NMC. The land use designations for Project Site in the TOP land use plan would result in a demand of approximately 1,190 AFY, while the Project is estimated to have a total water service demand of approximately 1,164 AFY (Draft EIR Table IV.M.1-2.) Impacts to potable and recycled water supply are less than significant.

Impact: **Wastewater**. Would the Project: 1) result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments; or 2) require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Finding: The Project would not have an adverse impact on wastewater treatment capacity and wastewater facilities. (Draft EIR, p. IV.M.2-4)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project would contribute approximately 1.2 percent of the NMC estimated average wastewater dry weather flow and approximately 2.21 percent during peak dry weather wastewater flows, which is accounted for within the City's Sewer Master Plan Update estimate. The Project's projected wastewater generated flow of 0.32 mgd and peak flow of 0.58 mgd is considered minimal and well within the projected IEUA RP-5 facility's first phase and ultimate treatment capacity limits. Impacts to proposed wastewater facilities and infrastructure would be less than significant. (Draft EIR, p. IV.M.2-4.)

Impact: **Solid Waste.** Will the proposed Project (1) be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs; and (2) comply with federal, state, and local statutes and regulations related to solid waste.

Finding: The Grand Park Project will have no substantial adverse impacts on solid waste disposal, and it will comply with all applicable federal, state, and local statutes and regulations related to solid waste. (Draft EIR, at p. IV.M.3-6, IV.M.3-7)

Mitigation Measures: No mitigation measures are necessary.

Explanation: Solid waste collected from the Project would be sent to the West Valley Material Recovery Facility and transferred to El Sobrante Landfill. El Sobrante has a maximum daily capacity of 16,054 tons per day, an estimated remaining capacity of 78 percent and is not scheduled for closure until the year 2045. The Project would generate approximately 105.84 tons per day of solid waste, representing an increase of approximately 85.54 tons per day of solid waste over existing agricultural uses of the site. The Project's total daily solid waste generation represents approximately 0.7 percent of El Sobrante's allowable daily amount. Impacts to solid waste facilities serving the Project would be less than significant. (Draft EIR, at p. IV.M.3-6–7.)

Impact: Does the proposed Project have cumulative impacts on utilities/service systems.

Finding: The Grand Park Project will have no substantial adverse cumulative impacts on utilities or service systems. (Draft EIR, pp. IV.M.1-10, IV.M.2-8, IV.M.3-7.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: No mitigation measures are necessary for impacts associated with utilities/service systems. The Grand Park Specific Plan component of the Project provides detailed guidelines associated with infrastructure and services to ensure the Project will meet the City's standards and regulatory requirements. (Draft EIR, pp. IV.M.1-10, IV.M.2-8, IV.M.3-7.)

SECTION III

IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

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

F. Air Quality:

Impact: Will the proposed Project expose sensitive receptors to substantial pollutant concentrations.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. (Draft EIR, p.IV.C-36–37.)

Mitigation Measures:

- **AQ-1.** During project construction, the following measures shall be implemented to the satisfaction of the City of Ontario:
 - a) Prior to the year 2015, off road diesel powered construction equipment greater than 50 horsepower shall meet or exceed United States Environmental Protection Agency (EPA Tier 3 off road emission standards.
 - b) In the year 2015 and after, off-road diesel-powered construction equipment greater than 50 horsepower shall implement one of the following: meet EPA Tier 4 emissions standards, meet EPA Tier 4 Interim emissions standards, or meet EPA Tier 3 standards with California Air Resources Board verified Level 3 filters to reduce 85 percent diesel particulate matter. If a good faith effort to rent equipment within 200 miles of the project has been conducted, the results of which are submitted to the City, but has been unsuccessful in obtaining the necessary construction equipment, then Tier 3 equipment can be used.
 - c) Require the use of 2007 and newer diesel haul trucks (e.g. material delivery trucks and soil import/export).
 - d) A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
 - e) Encourage construction contractors to apply for South Coast Air Quality Management District's Surplus Off-Road Opt-In for NOx (SOON) funds. Incentives could be provided for those construction contractors who apply for SCAQMD SOON funds. The SOON Program provides funding assistance to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program be found following website: can at the http://www.agmd.gov/tao/Implementation/SOONProgram.htm.
 - f) Use electricity from power poles rather than temporary diesel or gasoline power generators.
- AQ-2. In order to minimize traffic congestion and delays that increase idling and acceleration emissions, prior to issuance of any grading permits the developer shall:
 - a) Specify to the satisfaction of the City Building Department the location of equipment staging areas, stockpiling/storage areas and construction parking areas; and,

b) Specify to the satisfaction of the City Engineering Department the proposed construction traffic routes utilizing nearest truck routes in conformance with the California Vehicle Code and Ontario Municipal Code.

If required by the City, the developer shall provide a traffic control plan that incorporates the above location and route information, as well as any safe detours around the construction site and any temporary traffic control (e.g. flag person) during construction-related truck hauling activities.

- **AQ-3.** The following measures shall be applied to all projects during construction of the project:
 - a) Use paints with a volatile organic compound (VOC) content 10 grams per Liter or lower for both interior surfaces.
 - b) Recycle leftover paint. Take any left over paint to a household hazardous waste center; do not mix leftover water-based and oil-based.
 - Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.
 - d) For water-based paints, clean up with water only. Whenever possible, do not rinse the clean up water down the drain or pour it directly into the ground or the storm drain. Set aside the can of clean up water and take it to the hazardous waste center (www.cleanup.org).
 - e) Use compliant low VOC cleaning solvents to clean paint application equipment.
 - f) Keep all paint and solvent laden rags in sealed containers to prevent VOC emissions.
- AQ-7. During project construction, the following measures in the below table shall be implemented, to the satisfaction of the City of Ontario, to address compliance with South Coast Air Quality Management District Rule 403.

Table 1: Grand Park Specific Plan Air Quality Mitigation Measure AQ-7

Best Available Control Measure ¹	Associated Measure in CalEEMod ²
Clearing and Grubbing 02-1 Maintain stability of soil through pre-watering of site prior to clearing and grubbing. 02-2 Stabilize soil during clearing and grubbing activities. 02-3 Stabilize soil immediately after clearing and grubbing activities.	Water exposed surfaces three times per day Soil stabilizers for unpaved roads
Earth Moving Activities 08-1 Pre-apply water to depth of proposed cuts 08-2 Re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 feet in any direction 08-3 Stabilize soils once earth-moving activities are complete	Pre-water to 12 percent
 Import/Export of Bulk Materials 09-1 Stabilize material while loading to reduce fugitive dust emissions. 09-2 Maintain at least six inches of freeboard on haul vehicles. 09-3 Stabilize material while transporting to reduce fugitive dust emissions. 09-4 Stabilize material while unloading to reduce fugitive dust emissions. 09-5 Comply with Vehicle Code Section 23114. 	Water exposed surfaces three times per day
Landscaping 10-1 Stabilize soils, materials, slopes Guidance: Apply water to materials to stabilize; maintain materials in a crusted condition; maintain effective cover over materials; stabilize sloping surfaces using soil until vegetation or ground cover can effectively stabilize the slopes; hydroseed prior to rain season.	Replace ground cover in disturbed areas when unused for more than 10 days
Staging Areas 13-1 Stabilize staging areas during use by limiting vehicle speeds to 15 miles per hour.	Reduce speed on unpaved roads to 15 miles per hour.
Traffic Areas for Construction Activities	

Best Available Control Measure ¹	Associated Measure in CalEEMod ²
 15-1 Stabilize all off-road traffic and parking areas. 15-2 Stabilize all haul routes. 15-3 Direct construction traffic over established haul routes. Guidance: Apply gravel/paving to all haul routes as soon as possible to all future roadway areas; barriers can be used to ensure vehicles are only used on 	Water exposed surfaces three times per day
established parking areas/haul routes.	
Sources: 1 SCAQMD Rule 403 2 Applied in CalEEMod - output in Appendix A.	

- **AQ-8.** During project construction, the following measures shall be implemented to the satisfaction of the City of Ontario:
 - a) Construct or build with materials that do not require painting or use prepainted construction materials to the extent feasible.
 - b) Daily soil disturbance shall be limited to no more than 5.0 acres per day.
 - c) All clearing, grading, earth moving, or excavation activities shall cease when winds (as instantaneous gusts) exceed 25 miles per hour.

Explanation: Sensitive receptors have the potential to be affected by dust generated during short-term construction activities. However, with implementation of Mitigation Measure AQ-7, impacts related to dust would be reduced to a less than significant level through watering exposed areas and stabilizing soils and using groundcovers. The localized impact analysis demonstrated that the Project would exceed the localized thresholds for PM2.5 during the construction year 2018. However, this effect will be reduced to less than significant levels with proper compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 and implementation of Mitigation Measure AQ-1, which will minimize emissions from construction equipment by using modern, lower emissions equipment. The main source of air pollutant emissions during operations are from offsite motor vehicles traveling on the roads surrounding the Project. The CO hot spot analysis demonstrated that emissions of CO during operation would not result in an exceedance of the most stringent ambient air quality standards for CO. With implementation of Mitigation Measures AQ-1 through AQ-3, which would limit CO and VOC emissions from equipment and paint products during construction, impacts of exposure of sensitive receptors to pollutant concentrations would be less than significant. (Draft EIR, p.IV.C-36–37.)

G. Biological Resources:

Impact: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

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

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

Burrowing Owl

BIO-1. Suitable habitat for burrowing owl (BUOW) is present on the site, therefore, prior to issuance of a grading permit, the project applicant shall have a biologist conduct focused protocol surveys for BUOW to map the location of suitable burrows, if any, and to formally determine presence or absence on the project site. Four focused surveys shall be conducted with at least one survey between 15 February and 15 April, and three surveys, at least three weeks apart, between 15 April and 15 July, with at least one survey after 15 June. The first focused survey can coincide with mapping of suitable burrows.

If no BUOW are found but suitable habitat is still present, repeat preconstruction surveys should be conducted not more than 30 days prior to initial ground-disturbing activity.

If BUOW is found during the focused surveys, the following mitigation measures should be implemented prior to the BUOW nesting season (February 1 through August 31).

Avoidance: No disturbance should occur within 160 feet (50 m) of occupied burrows during the non-breeding season, which extends between September 1 and January 31. No disturbance should occur within 250 feet (75 m) during the breeding season. In addition, a minimum of 6.5 acres of foraging habitat must be preserved contiguous with occupied burrow sites for each pair of breeding burrowing owls (with or without dependent young) or single unpaired resident bird.

On-site mitigation: If the avoidance requirements cannot be met, then passive relocation should be implemented; this measure can only be implemented during the non-breeding season. Passive relocation is conducted by encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond 160 feet (50 m) from the impact area and are within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair relocated. On-site habitat should be preserved in a conservation

easement and managed to maintain BUOW habitat. Owls should also be excluded from burrows in the immediate impact area and within a 160-foot (50 m) buffer of the impact area by installing one-way doors in burrow entrances. These exclusion doors must be left on the burrows for 48 hours to ensure that owls have left the burrows before excavation occurs. One alternate natural or artificial burrow should be provided for each burrow that will be directly impacted. The impact area should be monitored for 1 week to ensure owl use of alternate burrows before excavation begins. When possible, burrows should be manually excavated and refilled to prevent reoccupation of burrows in the impact area.

Off-site mitigation: If the project will impact suitable habitat on-site below the threshold level of 6.5 acres per relocated pair or single bird, the habitat should be replaced off-site. Off-site habitat must be suitable and approved by CDFG, and the land should be placed in a conservation easement in perpetuity and managed for BUOW habitat. Off-site habitat preservation should be provided as summarized in the table below:

Mitigation Type	Mitigation Ratio per pair or single BUOW
Replacement of occupied habitat with occupied habitat	1.5 times 6.5 (9.75) acres
Replacement of occupied habitat with habitat contiguous to currently occupied habitat	2 times 6.5 (13.0) acres
Replacement of occupied habitat with suitable unoccupied habitat	3 times 6.5 (19.5) acres

BIO-2. Nesting Birds. The project applicant will have a biologist prepare a preconstruction nesting bird survey, which will be required prior to any vegetation removal or ground disturbance activities. Any activity that may potentially cause a nest failure, requires a biological monitor including soil sampling, and tree removal.

Removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions.

If suitable nesting habitat must be removed during the nesting season, a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If active nests are observed, construction activity must be prohibited within a buffer around the nest, as determined by a biologist, until the nestlings have fledged. Because the proposed project will result in the

loss of eucalyptus tree windrows, which provide potential foraging and nesting habitat for raptors, the proposed project will be subject to paying mitigation fees for the cumulative losses of raptor nesting and foraging habitat. This will mitigate the impact below a level significance.

Prior to issuance of grading permit(s), Project applicant(s) shall pay their fair share towards the \$22.7 million for the habitat land acquisition within the Chino/El Prado Basin Area that shall serve as the designated Waterfowl and Raptor Conservation Area (WRCA). The fee shall be paid in accordance with the September 10, 2002 modification to NMC GPA Policy 18.1.12 and Implementation Measure I-6, that state a 145-acre WRCA shall be provided through either a mitigation land bank, or by purchasing a property through development mitigation/impact fees. The habitat land acquisition shall be managed by Land Conservancy, a non-profit organization selected by the City and The Endangered Habitat's League and the Sierra Club.

Explanation:

Impacts to Burrowing Owl Habitat: The Draft EIR analysis assumes the likely presence of a number of species, including burrowing owl and nesting birds, and accordingly identifies measures to address the likely presence of these species. As indicated in the Draft EIR, p. IV.D-24, because burrowing owls were observed within the Project site in the 2006 Biological Assessment (Draft EIR, Appendix D), and because suitable habitat for burrowing owl (BUOW) is present on the site, focused protocol surveys for BUOW are recommended to map the location of suitable burrows, if any, and to formally determine presence or absence on the site. Accordingly, the Draft EIR includes a detailed Mitigation Measure BIO-1, which includes protocol and pre-construction surveys, avoidance measures, along with provisions for on-site and off-site mitigation, measures that will reduce any potential impacts to a less than significant level. (Draft EIR, pp. IV-27 through IV-30).

Impacts to Nesting Bird Habitat: Potential impacts to the loggerhead strike, tri-colored black bird, and white-tailed kite are discussed in the Biological Resources Study (Draft EIR, Appendix D), as well as the Draft EIR (p. IV.D-23). The white-tailed kite is listed as a Fully Protected Species by the California Department of Fish and Wildlife. A Fully Protected Species is protected by the California Department of Fish and Game Code and does not allow for any permits for incidental take of the species. Therefore, any Project related impacts associated with the white-tailed kite are considered significant. This bird is not known to nest within the Project site, but has been known to forage in similar agricultural areas. These birds often eat their prey on the ground within shrub covered areas. The white-tailed kite, Loggerhead shrike, and tri-colored black bird, are all species that are protected while nesting under the Migratory Bird Treaty Act. Potentially suitable nesting habitat for all three of these species is present within the eucalyptus tree windrow and other residential trees. Implementation of mitigation measure BIO-2 (Draft EIR, p. IV.D-29) would result in avoidance of impacts to these and other nesting bird species.

The Project applicant will have a biologist prepare a pre-construction nesting bird survey, which will be required prior to any vegetation removal or ground disturbance activities. Any activity that may potentially cause a white-tailed kite nest failure requires a biological monitor during any vegetation or soil removal activities.

Removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions.

If suitable nesting habitat must be removed during the nesting season, a qualified biologist shall conduct a pre-construction nesting bird survey to identify any potential nesting activity. If active nests are observed, construction activity must be prohibited within a buffer around the nest, as determined by a biologist, until the nestlings have fledged. Because the proposed Project will result in the loss of eucalyptus tree windrows, which provide potential foraging and nesting habitat for raptors, the proposed Project will be subject to paying mitigation fees for the cumulative losses of raptor nesting and foraging habitat. This will mitigate the impact below a level significance.

Prior to issuance of grading permit(s), Project applicant(s) shall pay their fair share towards the \$22.7 million for the habitat land acquisition within the Chino/El Prado Basin Area that shall serve as the designated Waterfowl and Raptor Conservation Area (WRCA). The fee shall be paid in accordance with the September 10, 2002 modification to NMC GPA Policy 18.1.12 and Implementation Measure I-6, that state a 145-acre WRCA shall be provided through either a mitigation land bank, or by purchasing a property through development mitigation/impact fees. The habitat land acquisition shall be managed by Land Conservancy, a non-profit organization selected by the City and The Endangered Habitat's League and the Sierra Club. (Draft EIR, p. IV.D-29.)

H. Cultural Resources:

Impact: Will the proposed Project cause a substantial adverse change in the significance of a (1) historical or (2) archaeological resource as defined in Section 15064.5 (Draft EIR, at p. IV.E-22.)

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

Mitigation Measures:

- **CUL-1.** Prior to demolition of the structure complex located at 10084 Eucalyptus, the complex shall be recorded onto DPR523 forms.
- **CUL-2.** Cultural resource mitigation monitoring is required, within the constraints found in Mitigation Measure CUL-2 during all project-related earthmoving in the Specific Plan. The monitoring must be headed by a City-approved Project

Archaeologist, who may choose to use qualified field representatives (Inspector) during earthmoving. The Project Archaeologist must create a mitigation-monitoring plan prior to a City approved pregrade meeting. The mitigation monitoring plan document must contain a description of how and where historical and/or prehistoric artifacts will be curated if found during monitoring by the archaeological Inspector.

- **CUL-3.** Mitigation/monitoring by a qualified archaeological Inspector should take place on the project site once project-related excavations reach 4 feet below current grade, except within parcel #0218-241-15, where Inspections should begin once 2 feet below current grade.
- CUL-4. If, during the implementation of CUL-3, any historic or prehistoric cultural resources are inadvertently discovered by the archaeological Inspector, the find(s) must be blocked off from further construction-related disturbance by at least 50 feet, and the Project Archaeologist must then determine whether the find is a historic resource as is defined under §15064.5(a)(3) of the CEQA Guidelines. If the find(s) is not found to be a historic resource, it must be recorded onto DPR523 form sets and project-related excavation can then continue. If the find(s) is determined to be a historic resource, appropriate measures associated with impacts to such resources could include avoidance, capping, incorporation of the site in greenspace, parks or open space, or data recovery excavation of the find(s). No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect or appropriately mitigate the significant resource. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the Lead Agency where they would be afforded long-term preservation to allow future scientific study.

Explanation: Based on the historical evaluation of the dairy complex at 10084 Eucalyptus Avenue, this resource is not considered a significant resource. Prior to demolition of this structure complex, the complex will be recorded onto DPR523 forms. Less than significant impacts related to the demolition of this resource would result from Project implementation.

Though surveys of the Project site discovered no archaeological resources, there is a potential that during grading, significant archaeological or historical resources may be unearthed and mitigation is provided. Mitigation Measures C-1 through C-4 reduce impacts to such resources by mandating procedures for the treatment of discovered resources. (Draft EIR, at p. IV.E-22.)

Impact: Does the proposed Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Draft EIR, at p. IV.E-22.)

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

Mitigation Measures:

CUL-5. Once project-related excavations reach 15 feet in any one location in the Specific Plan, the City of Ontario shall require that a qualified Paleontologist be brought to the area(s) that have been cut at that depth and inspect the cut(s) to determine if the potential for impacts to fossil resources has risen from "low" to "moderate." If the potential for impacts has indeed risen to "moderate," then the City shall require that a qualified Paleontological Inspector monitor all cuts until all deep excavations are completed. Mitigation for impacts to any vertebrate finds shall follow all professional standards and any finds shall be offered to a museum the City names.

Explanation: Geologic maps indicate the City is situated on surface exposures of recent alluvium. These sediments have low potential to yield fossil resources or to contain significant paleontological resources. However, as depth of construction excavations increases, so does the potential for impact to significant paleontological resources. Fossils may be encountered in older sediments below 15 feet. Mitigation Measure CUL-5 reduces impacts to paleontological resources to less than significant levels by mandating procedures for their identification and proper disposition consistent with professional standards. (Draft EIR, at p. IV.E-22.)

I. Geology/Soils:

Impact: Is the proposed Project located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. (Draft EIR, at p. IV.F-8)

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

Mitigation Measures:

- **GEO-1.** Future development of urban uses on-site shall implement all applicable recommendations contained the geotechnical reports related to design, grading, and construction, to the satisfaction of the City Building Department, including the following:
 - During construction activities, the developer shall be required to perform removal and recompaction of compressible surficial soils for surficial materials with depths of five to eight feet below the existing ground surface in order to mitigate excessive materials settlement. Deeper removals shall be necessary in areas located between boreholes and test pits. Ultimate removal depths shall be determined based on observation and testing by the geotechnical consultant during grading operations.

- Prior to grading activities, the developer shall remove all manure and organic-rich soil and dispose of it off-site. In addition, additional testing of organic-rich soils shall be performed following removal of the manure to more accurately determine the actual depth and extent of excessive organic-rich soil that my also require removal from the remainder of the project site. Removals shall be monitored by the geotechnical consultant of record.
- Prior to grading operations, the developer shall export existing manure and organic-rich topsoil, as well as vegetation, off the property. For any remaining soils, exhibiting any organic content greater than one percent shall be thoroughly mixed with other soils during remedial grading.
- During grading activities, contingencies shall be made for balancing earthwork quantities based on actual shrinkage and subsidence.
- Design and construct structures according to Chapter 16 of the 2010 California Building Code.
- Rocks exceeding 12 inches in diameter shall be reduced in size or removed from the project site.
- Reinforced steel in contact with soil shall use Type II Modified Portland Cement in combination with a 3-inch concrete cover.

Explanation: The on-site soils are characterized by high manure and organics content, and therefore may exhibit substantial compressibility and potential for settlement when structures are placed on these materials. Given this condition, structures constructed on-site could be subjected to damage from ground settlement or collapse, which would be considered a potentially significant impact. However, removal of organic content, off-site disposal of these materials, and recompaction of residual soils, included as Mitigation Measure GEO-1, would serve to reduce the risks associated with compressible soils to an acceptable level. With removal of organics and recompaction of on-site soils, impacts would be less than significant. Mitigation Measure GEO-1 will be implemented to assure that all applicable design, grading and construction recommendations will be followed to reduce to less than significant levels the impacts associated with unstable geologic units and soils. (Draft EIR, at p. IV.F-11.)

E. Hazards and Hazardous Materials

Impact: Does the proposed Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or through routine transport, use or disposal of hazardous materials. (Draft EIR, at p. IV.G-21.)

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

Mitigation Measures: Implementation of Project-specific mitigation measures would reduce potentially significant impacts to a less than significant level. (Draft EIR, at p. IV.G-23.)

- **HAZ-1.** Prior to issuance of a grading permit, the Project Applicant shall hire a qualified environmental consultant to excavate and dispose of contaminated soils, or treat in-situ (in place), in accordance with applicable regulatory requirements. If during grading activities additional contamination is discovered, grading within such an area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up measures are implemented so as to render the area suitable for grading activities to resume.
- **HAZ-2.** Prior to demolition and/or renovation activities, all fluorescent light ballasts and pole-mounted transformers shall be inspected for PCBs. Any PCB-containing fluorescent light ballasts and/or transformers shall be disposed of in accordance with applicable regulatory requirements.
- HAZ-3. During removal of on-site gasoline and diesel USTs, soil sampling shall be conducted below and in the immediate vicinity of the UST and associated piping. The Project Applicant shall submit the results of the soil survey to the City of Ontario (City) Building Department. If soil contamination is found, it shall be removed or remediated in accordance with applicable regulatory requirements.
- **HAZ-4.** Prior to issuance of demolition permits, the Project Applicant shall submit verification to the City Building Department that an asbestos survey has been conducted at all existing buildings located on the project site. If asbestos is found, the Project Applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403.
- Prior to issuance of demolition permits, the Project Applicant shall submit verification to the City Building Department that a lead-based paint survey has been conducted at all existing buildings located on the project site. If leadbased paint is found, the Project Applicant shall follow all procedural requirements and regulations for proper removal and disposal of the leadbased paint.
- HAZ-6. Prior to issuance of grading or building permits, the Project Applicant shall hire a qualified environmental consultant to perform a Phase I Environmental Site Assessment and methane gas survey for the Lee Property (Property B) and the Morris Property (Property F) not previously investigated. The applicant shall adhere to and implement all applicable recommendations in the Phase I and methane reports to address any potential hazards in these portions of the project area.

HAZ-7. The Project Applicant shall implement all applicable recommendations for grading activities contained in the methane soil gas reports prepared for the properties within proposed Specific Plan area to the satisfaction of the City Building Department. This shall include a post-construction soil gas investigation and installation of methane mitigation systems where post-grading methane levels exceed 5,000 ppm (0.5 percent), should any such levels occur.

Explanation: The Project area has been utilized for agricultural operations, including dairies, for several decades. Agricultural activities have resulted in potential Recognized Environmental Conditions on the site and the potential for previously unknown contamination. Hazardous materials, which are primarily associated with past agricultural uses, include fuels, organic waste, pesticides, fertilizers, asbestos, and lead-based paint. Should suspected contamination be encountered during site demolition and grading activities, the hazardous materials would be addressed through remediation to the satisfaction of affected regulatory agencies. In specific instances where residual contamination is known or suspected to exist, appropriate remedial actions will be taken as required by affected regulatory agencies. Mitigation measures, including a requirement to remediate any known or previously undiscovered hazardous materials prior to issuance of grading permits, would reduce potential health risks to acceptable levels, which are included as Mitigation Measures HAZ-1 through HAZ-7. With implementation of applicable mitigation measures, impacts of listed hazardous materials sites would be less than significant.

The Project's residential, educational and recreational uses will comply with the City's Environmental Performance Standards (Municipal Code Article 33, Section 9-1.3300) as they apply to the handling and disposition of any hazardous materials. In so doing, these uses will have a less than significant impact. (Draft EIR, at pp. IV.G-21–22.)

F. Hydrology and Water Quality

Impact: Does the proposed Project violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality. (Draft EIR, at p. IV.H-26)

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

Mitigation Measures:

- **HWQ-1.** Local storm drain facilities shall be sized to convey the 10- and/or 100-year storm event per a final drainage plan reviewed and approved by the City Engineer, or per the requirements of other applicable agencies.
- **HWQ-2.** The project applicant(s) shall obtain approval from affected public agencies for the storm drain connection from the on-site collection system to NMC Master Plan storm drain facilities.

- **HWQ-3.** The project applicant(s) for future development projects shall prepare and submit a Notice of Intent to comply with the Construction General Permit to the California State Water Resources Board.
- **HWQ-4.** The project applicant(s) shall prepare a Stormwater Pollution Prevention Plan (SWPPP) per requirements of the Construction General National Pollutant Discharge Elimination System (NPDES) Permit.
- HWQ-5. Project-related construction activities shall implement stormwater quality BMPs, as required by the project's SWPPP, which may include, but are not limited to, any of the following: Employee and Subcontractor Training Have a training session for employees and subcontractors to understand the need for implementation and usage of BMPs.
- **HWQ-6.** The project applicant(s) shall prepare a WQMP addressing post-construction water quality BMPs.

Explanation: The short-term construction phase and the long-term operations of the proposed Project have the potential to release pollutants offsite and into receiving waters of the U.S. that have the potential to adversely impact water quality. The Construction General Permit authorizes and regulates stormwater discharge into surface waters if construction activities disturb one or more acres of land. It also prohibits non-stormwater discharges that contain hazardous substances, whether or not the non-stormwater discharges are authorized by a General Permit. For projects less than 1.0 acres in size, the General Permit requires land developers and construction contractors to apply for coverage under the Construction General Permit, obtain a Waste Discharge Identification Number, and to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) containing appropriate Best Management Practices (BMPs) to control erosion and prevent pollution.

Adverse impacts on stormwater quality would occur due to construction and associated earthmoving activities. Construction of the proposed development projects within the Specific Plan area would have the potential to produce typical pollutants, such as: nutrients; heavy metals; pesticides and herbicides; toxic chemicals related to construction and cleaning; waste materials, including wash water, paints, wood, paper, concrete, food containers, and sanitary wastes; fuel; and lubricants. Prior to construction, a Notice of Intent (NOI) and SWPPP would be required to reduce pollutant loadings. Impacts on water quality due to construction would be less than significant with implementation of applicable mitigation measures.

To address long-term operational water quality impacts, a WQMP, which outlines the proposed BMPs the developer is required to implement following construction activities, will be implemented for each future on-site development project per requirements of the RWQCB and the San Bernardino County Stormwater Program. Installation of required BMPs included in the WQMP would greatly reduce the pollutant loads from the Project site. Development and operation of proposed uses on-site would be expected to increase loadings of trash, nutrients, bacteria, pesticides and herbicides, oil and grease,

and household hazardous wastes into the local storm drain system, Cucamonga Creek, and downstream receiving waters, because of the increased intensity of use at the sites. However, implementation of BMPs, per the approved WQMP, would reduce pollutant loadings. Therefore, water quality impacts due to operation of proposed development within the Specific Plan area would be less than significant with implementation of applicable mitigation measures listed below. (Draft EIR, at pp. IV.H-26, 29.)

The development of uses proposed under the Grand Park Specific Plan would increase impervious areas and the intensity of on-site activities, which would impact both preand post-construction stormwater quality. Increased pollutant loading would occur immediately off-site. However, implementation of construction and post-construction BMPs as required by HWQ-5 and HWQ-6, and the preparation and implementation of a WQMP, SWPPP, and a NOI, included as mitigation below, would reduce impacts on water quality to a less than significant level.

Impact: Would the proposed Project substantially alter the existing drainage pattern of the site or area; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

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

Mitigation Measures: Refer to Mitigation Measures HWQ-1 through HWQ-6.

Explanation: The Project Site, as with much of the NMC, is currently in agricultural use; thus only a small portion consists of impervious surfaces. Implementation of the proposed Project will not alter existing drainage patterns so much as it will channelize and direct drainage patterns through the construction of the storm drain master plan improvements to serve the Project site.

The City's 2012 Storm Drain Master Plan identifies storm drain improvements to serve the Project site. Completion of these Master Plan improvements will provide permanent storm drain service to the Project. That portion of the Master Plan storm drain system that lies within the Project site would be constructed as part of the development of the Project (Draft EIR, Figure IV.H-3.). The exact size and location of the proposed Master Plan storm lines may change based on final design.

On-site storm drains would convey the on-site flows to the proposed Master Plan system. No interim detention basins are proposed. The developer is required to construct the ultimate storm drain improvements as identified on the Master Plan of Drainage, including the connection to the County Line Channel.

The Grand Park Specific Plan would tie-in to the County Line Stormwater Channel via the NMC Master Plan storm drains in Archibald Avenue and Turner Avenue. This facility is a regional facility that would serve the NMC and portions of Riverside County east of the Project site. The facility has a drainage area of approximately 3,000 acres with a peak 100-year frequency storm flow rate of 3,400 cubic feet-per-second. This drain is an outlet and will carry storm flows for all major north-south systems east of the Cucamonga Creek Channel, which includes the Grand Park Specific Plan. Given compliance with City and RWQCB permit requirements for the provision of necessary onsite stormwater conveyance infrastructure, impacts related to alteration of existing drainage patterns and contributions of additional runoff water are less than significant with implementation of identified mitigation measures.

The potential to provide substantial additional sources of polluted runoff is substantially reduced with implementation of construction and post-construction BMPs, and the preparation and implementation of the WQMP, SWPPP, and a NOI, as required by Mitigation Measures HWQ-3 through HWQ-6, and impacts would be less than significant. (Draft EIR, at p. IV.H-25.)

G. Noise

Impact: Does the proposed Project result in 1) exposure of sensitive receptors to construction-related noise in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or 2) a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.

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

Mitigation Measures: The following mitigation measures will minimize potential noise impacts during construction of the proposed Project:

- **E-1.** All project construction vehicles or equipment, fixed or mobile, be equipped with standard and properly operating and maintained mufflers.
- **E-2.** Stockpiling and/or vehicle staging areas to be located as far as practical from existing residential units on and off the project site.
- **E-3.** Whenever feasible, schedule the noisiest construction operations to occur together to avoid continuing periods of the greatest annoyance.

Explanation: Construction activities have the potential to cause short-term noise impacts at sensitive receptors. Currently, no noise sensitive uses are located around the Project site. The surrounding area is currently agricultural land for dairy farming subject to approved Specific Plans for residential and institutional uses on the north, south and west that could be built and occupied prior to proposed Project construction. Construction of the proposed Project is anticipated to occur in phases subject to market and economic conditions. Development of individual planning areas and associated park and school facilities would occur as appropriate levels of master infrastructure, public facilities, and any required dedications are provided. Development phasing would be implemented by the City through the approval of tentative tract maps and development permits.

Noise produced by construction equipment varies substantially depending upon the type of equipment being used and its operation and maintenance. Construction noise is generally of relatively short duration, lasting from a few days to a period of months. Noise activities from construction activities would typically occur in several distinct phases, each with its own noise characteristics. The first phase site preparation, is generally the noisiest and has the shortest duration. Activities that occur during this phase include earthmoving and compacting of soils.

The Project will comply with City of Ontario Municipal Code (CCMC) Chapter 29, Noise, providing exterior/interior noise standards and specific noise restrictions, exemptions, variances for point and stationary noise sources, construction activity noise regulations and groundborne vibration limits. In order to reduce impacts associated with the operation of construction equipment, Mitigation Measure E-1 requires that construction equipment be equipped with standard and properly operating and maintained mufflers. Mitigation Measure E-2 requires stockpiling and/or vehicle staging areas to be located as far as practical from existing sensitive residential receptors on and off the Project site. Mitigation Measure E-3 specifies that, whenever feasible, the noisiest construction operations occur together to avoid continuing periods of greatest annoyance. Compliance with the City's Noise Ordinance and these mitigation measures would reduce construction impacts to sensitive receptors to less than significant levels. (Draft EIR, at pp. IV.J-16–18.)

Impact: Would the proposed Project cause a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project

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

Mitigation Measures: The following mitigation measures will reduce potential operation noise impacts (post-construction) of the proposed Project.

- **E-4.** Active recreational uses that are likely to draw cheering crowds, elicit loud play, or have amplified game announcements (i.e., stadiums, soccer fields, tennis courts, basketball courts, etc.) shall be located within the park's interior and away from surrounding residential and "noise sensitive" uses.
- **E-5.** Educational and recreational land uses (including educational campus, parks, and stadiums) shall be designed in such a manner that:
 - locate and orient vehicle access points away from residential and/or noise sensitive parcels.
 - locate loading and shipping facilities away from adjacent noise sensitive
 - incorporate structural building materials that mitigate sound transmission;
 - minimize the use of outside speakers and amplifiers;

- configure interior spaces to minimize sound amplification and transmission; and
- incorporate fences, walls landscaping and other noise buffers and barriers between incompatible uses, as appropriate.
- **E-6.** Sound barrier walls or earth berms of sufficient height and length shall be provided to reduce exterior noise levels to 65 CNEL or lower at outdoor noise sensitive uses, including residential backyards/courtyards and school playgrounds. Prior to the issuance of grading permits, an acoustical analysis report shall be prepared by a qualified acoustical consultant and submitted to the City Planning Department by the developer. The report shall specify the noise barriers' height, location, and types capable of achieving the desired mitigation affect.
- **E-7.** Parks if placed in the development areas where noise from traffic exceeds or is forecasted to exceed 70 dBA CNEL shall incorporate the following:
 - Sound barrier walls or earth berms of sufficient height and length shall be designed by a qualified acoustical consultant to reduce exterior noise levels to 70 CNEL or lower; or
 - Passive recreation areas, such as picnic tables, shall be located away from the roadway as far as possible.
- **E-8.** Prior to the issuance of building permit, an acoustical analysis shall be prepared by a qualified acoustical consultant for all new residential developments that are within 65 dBA CNEL or higher, for the purpose of documenting that an acceptable interior noise level of 45 dBA (CNEL) or below will be achieved with the windows and doors closed. The report shall be submitted at plan check to the City for approval.

Explanation: Future on- and off-site residential developments would surround the proposed public schools and park. Noise from the public schools and park would be generated by a variety of sources including voices, public address systems, parking lot noise, and most notably sports activities. These noise levels may be in excess of the exterior noise standards presented in the City Municipal Code for residential uses. It should be noted that public schools and parks are commonly located near residential areas with little or no compatibility problems. In general, the public schools and park would be designed with features that would be consistent with the General Plan. These design features may include, but would not be limited to locating student pick-up and drop-off areas as far away from residences as feasible, locating loading and shipping facilities away from adjacent noise sensitive uses, configuring buildings such that they serve as a buffer between play field and residences, minimizing the use of outside speakers and amplifiers, and erecting noise attenuation barriers between play fields and residences. With implementation of Mitigation Measures E-4 and E-5, the noise impacts from school and park uses would be reduced to a less than significant level. Mitigation

Measures E-6 and E-7 would reduce the exterior noise environments at proposed residential and school uses to meet the City's exterior noise standards and will reduce the noise impact to less than significant. In addition, Mitigation Measure E-8 will ensure that interior noise environments of residential structures meet the State and City noise insulation requirements. Thus, noise impacts would be reduced to less than significant.

The largest Project-related traffic noise impact is anticipated to occur along the segment of Schaefer Avenue, west of Archibald Avenue, where Project-related traffic could add 6.0 dBA CNEL to this roadway segment. The existing traffic volume at this segment is only 100 vehicles a day. The Project will add 300 vehicles per day at this location. However, the noise level generated by this addition of traffic would still be well below the 65 dBA residential standard. This area is characterized by agricultural uses, which are not deemed "sensitive" land uses. Therefore, even with the increase in traffic, the noise levels generated would still be compatible with surrounding land uses and would even be compatible with future residential land uses, if such uses were proposed. The increase in Project-related traffic noise at all other roadway segments would be less, which would be below the Project's 5 dBA significance threshold. Therefore, Project-related roadway noise impacts would be less than significant. (Draft EIR, at pp. IV.J-19-24.)

J. <u>Transportation/Circulation</u>

Impact: Would the proposed Project 1) conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; or 2) conflict with an applicable congestion management program, including but not limited to level of service standards, and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

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

Mitigation Measures:

L-1. Archibald Avenue / SR-60 WB Ramps.

The project shall contribute fair share development impact fees towards the following improvements to be completed as part of the freeway interchange improvement project included in the SANBAG 2010-2040 Measure I Nexus Study. The City will determine the fair share contribution from the proposed project contingent upon need at the time of Grand Park Specific Plan approval.

Provide an additional exclusive NB left-turn lane

- Re-stripe the SB shared through/right-turn lane as an exclusive right-turn lane and provide an additional exclusive SB right-turn lane
- Re-stripe the WB shared left-turn/through lanes as a shared left-turn/rightturn lane and provide an additional exclusive WB left-turn lane

L-2. Archibald Avenue / SR-60 EB Ramps

The project shall contribute fair share development impact fees towards the following improvements to be completed as part of the freeway interchange improvement project included in the SANBAG 2010-2040 Measure I Nexus Study. The City will determine the fair share contribution from the proposed project contingent upon need at the time of Grand Park Specific Plan approval.

- Re-stripe the NB shared through/right-turn lane as an exclusive right-turn lane
- Provide an additional exclusive SB left-turn lane
- Re-stripe the EB shared left-turn/through lanes as a shared left-turn/right-turn lane and provide an additional exclusive EB left-turn lane

L-3. Traffic Signals

Contingent upon need at the time of Specific Plan approval, the project shall construct or pay prior to issuance of building permits its fair share towards the installation of traffic signals at the following locations:

- Edison Avenue / A Street
- Edison Avenue / Turner Avenue
- Haven Avenue / Park Street
- Archibald Avenue / Park Street

The project shall pay its fair share towards the need to modify the existing traffic signal at the following location:

Archibald Avenue / Edison Avenue

Explanation:

The level of service analysis conducted to evaluate existing plus Project intersection operations indicates that all study area intersections are projected to operate at satisfactory levels of service (Draft EIR Table IV.L-2.) The level of service analysis conducted to evaluate 2030 No Project intersection operations shows that all study area intersections are projected to operate at satisfactory levels of service, except for the

following two intersections: Archibald Avenue/SR-60 WB Ramps (LOS F in the AM and PM peak hours) and Archibald Avenue/SR-60 EB Ramps (LOS F in the AM and PM peak hours). The 2030 With Project level of service analysis results show that all study area intersections are projected to operate at satisfactory levels of service except for these same two intersections during the same peak periods (Draft EIR Table IV.L-4).

Implementation of Mitigation Measures L-1 and L-2 would bring these deficient intersections to acceptable operating conditions (LOS D or better and V/C of less than 1.0) per the City standards. These measures are consistent with the recommended lane configurations identified in TOP (January 26, 2010). In addition, implementation of Mitigation Measure L-3 would ensure that traffic signals are installed when needed at intersections in the Project vicinity. The City will determine the fair share contributions from the proposed Project contingent upon the need at the time of the Grand Park Specific Plan approval. (Draft EIR, at pp. IV.L-21–24.)

The San Bernardino Associated Governments (SANBAG) Board approved modifications to the Congestion Management Program (CMP) to incorporate these provisions for the urbanized areas of the County, which includes the City in November 2005. The SANBAG Development Mitigation Program adopted into the Congestion Management Program (CMP) includes the Land Use/Transportation Analysis Program, Development Mitigation Nexus Study and the development mitigation implementation language. Jurisdictions in the San Bernardino Valley and Victor Valley, which includes the City of Ontario, subsequently approved the creation or update of Development Impact Fee (DIF) programs that include mitigation for improvements to freeway interchanges, rail/highway grade separations, and arterial streets on the regional network.

The SANBAG Nexus Study identifies the fair share contributions from new development for regional transportation improvements (freeway interchanges, railroad grade separations, and regional arterial highways). The Nexus Study identifies the Archibald Avenue/SR-60 interchange for improvements. Mitigation Measures L-1 and L-2 will be implemented by the City of Ontario to reduce potentially significant impacts associated with the proposed Project at the Archibald Avenue/SR-60 interchange ramps below the level of significance. In so doing, the Proposed Project will be in conformance with the applicable congestion management program, including but not limited to level of service standards, and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

Impact: Would the Project create cumulative impacts to related to Traffic and Transportation.

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

Mitigation Measures: Refer to Mitigation Measures L-1, L-2, and L-3.

Explanation: The traffic model utilized for the analysis of Project-specific impacts is based on the buildout of the eastern NMC, which accounts for cumulative growth in the area. The cumulative growth associated with implementation of the various specific plans in the area has been incorporated into the traffic model and is represented by the 2015 Without Project Conditions traffic volumes. Project impacts, and therefore cumulative impacts, would be reduced to less than significant with implementation of applicable intersection improvements included as mitigation measures. Likewise, cumulative impacts to roadway segments would be less than significant, as the traffic model indicates that no significant roadway segment impacts would occur even with implementation of the proposed Project and cumulative projects. (Draft EIR, at pp. IV.L-25–26.)

SECTION IV

RESOLUTION REGARDING SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS

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

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

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

A. Agricultural Resources:

Impact: The proposed Project would convert Prime Farmland as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Finding: Specific economic legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The loss of agricultural lands is considered significant at the Project site and cumulatively considerable. (Draft EIR, at p. IV.b-12.)

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

Explanation: Per the Draft EIR for The Ontario Plan (TOP), the conversion of agricultural uses was analyzed in the EIR prepared for the New Model Colony General Plan Amendment (NMC EIR). The NMC Final EIR evaluated the potential impacts to prime agricultural land and to agricultural productivity associated with the complete buildout of the NMC per the NMC General Plan on a broad programmatic level. With respect to the conversion of agricultural lands, the NMC Final EIR concluded: (i) the only prime agricultural land in the NMC that might not be converted to urban uses is approximately 200 acres owned by the Southern California Agricultural Land Foundation (SoCALF) and (ii) conversion of agricultural uses to urban uses within the NMC would result in a significant and unavoidable impact. With respect to agricultural productivity, the NMC Final EIR concluded that although a portion of the future losses in agricultural productivity in the NMC may be attributed to an existing and continued decline in agricultural productivity, market forces associated with the adoption of the NMC General Plan would probably increase the rate of conversion of agricultural land to urban uses resulting in a corresponding decline in long-term agricultural productivity. (Draft EIR, at pp. IV.B-2-3, 9.)

Implementation of the proposed Project would convert existing agricultural land and uses on the Project site to nonagricultural uses. This would result in the conversion of 91.01 acres of land with a soils type that qualifies as Prime Farmland to urban uses. This is considered a significant impact on Farmland and agricultural resources.

Project impacts to agricultural resources were analyzed using the Land Evaluation and Site Assessment (LESA) Model, which evaluate the quality of soils resources, and address the size of the Project site, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. The LESA Model was used to determine that impacts to farmland are significant and unavoidable (Draft EIR at p.IV.B-8).

The NMC Final EIR discussed the consolidation and preservation of the SoCALF properties to provide permanent retention of agricultural uses. However, due to their limited size (approximately 200 acres), they are not sufficient to provide mitigation for the conversion of agricultural land and uses on the Project site or for the regional conversion of agricultural lands. The City's Agricultural Overlay Zoning District, previously described in this section, would allow for continuation of similar agricultural uses (dairy and row crops) on portions of the property with phasing of the development. However, continued agricultural production on the Project site would be expected to be an interim use and would not provide mitigation for the expected conversion of agricultural land and agricultural uses on the Project site or for the regional conversion of agricultural lands. (Draft EIR at p. IV.B-9.)

The City expressly rejects as infeasible the provision of on-site mitigation for the loss of prime agricultural land and the existing agricultural uses for several reasons. First, because approximately 29% of the Project site (91.01 acres) is considered Prime Farmland, which is not evenly distributed across the Project site, and because most of the Project site is used for agricultural production, the only feasible on-site mitigation would be avoidance (i.e., to not implement the proposed Project). However, this is infeasible because of the inconsistency with the NMC General Plan designations for the Project site and the effect this would have on the overall implementation of the NMC. Development of the NMC is based upon general plan designations within thirty discrete planning subareas that are integrated and form a cohesive fabric of development. (Draft EIR at p. IV.B-10.)

Should one of these subareas depart significantly from the land uses that would be allowed under the general plan, a domino effect of potential indirect environmental effects could result due to results such as the off-setting of the balance between jobs and housing. Second, retaining a portion of the Project site for similar agricultural uses to those that currently exist on the Project site would also be infeasible. Due to the reasons previously described, partial retention would not fully mitigate the impact resulting from Project implementation. Another reason this is infeasible would be due to the inevitable land use conflicts that would occur based on adjacent development, which would include the proposed adjacent dwelling units, schools and parks. Third, agricultural in the region continues to decline in economic viability due to escalating land prices, environmental regulations, high water costs, increasing labor costs, competition from other regions in California and from other states. The NMC Final EIR stated that the future loss of agricultural productivity within the NMC is not solely the result of the proposed urbanization of the NMC. Therefore, agricultural uses on small acreages, such as portions of the Project site, would likely be, or quickly become, not economically viable.

The City also expressly rejects as infeasible the provision of off-site mitigation for the loss of agricultural land and agricultural uses. Using one of the other NMC planning subareas as mitigation for impacts related to the Project site would result in virtually the same issues and impacts described with regard to consideration of on-site mitigation. Therefore, similar to the reasons why on-site mitigation is not feasible, off-site mitigation within the NMC is also infeasible. In addition, off-site mitigation within the region is also considered infeasible due to the decreasing economic vitality of agriculture in the NMC and Southern California and increased urbanization pressures on existing agricultural lands. The Department of Conservation has commented on other EIRs suggesting fees to fund off-site mitigation for agricultural impacts. However, an off-site fee mitigation program would not avoid the loss of farmland, would not minimize the scope of the Project, would not repair, rehabilitate or restore the affected farmland and would not replace affected farmland with substitute farmland. Thus, such a program would not actually mitigate the significant impact of the Project. (State CEQA guidelines, §15370) Moreover, such a program is infeasible. The same factors that make on-site mitigation infeasible would apply off-site as well, because the challenges to continued agricultural production in the Chino Basin face agriculture throughout Southern California. (Defend the Bay v. City of Irvine (2004) 119 Cal. App. 4th 1261, 1270-72) At least one study has

found that environmental and economic factors may result in greater conversions than urban development. (See e.g. *Farmland Conversion: Perceptions and Realities*, Nicilai Kuminoff et al., Agricultural Issues Center, AIC Issues Brief, Number 16,2001.) For all of the reasons stated above, the City finds that mitigation for impacts to agricultural resources is infeasible. (Draft EIR at p. IV.B-11.)

A Statement of Overriding Considerations is presented in Section VIII of these findings. Further mitigation is deemed infeasible due to economic, social, or other considerations.

B. <u>Air Quality:</u>

Impact: Will the proposed Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (State CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project's impact to air quality is considered cumulatively significant and unavoidable. (Draft EIR, at p. IV.C-49.)

Mitigation Measures:

- **AQ-1.** During project construction, the following measures shall be implemented to the satisfaction of the City of Ontario:
 - a) Prior to the year 2015, off road diesel powered construction equipment greater than 50 horsepower shall meet or exceed United States Environmental Protection Agency (EPA Tier 3 off road emission standards.
 - b) In the year 2015 and after, off-road diesel-powered construction equipment greater than 50 horsepower shall implement one of the following: meet EPA Tier 4 emissions standards, meet EPA Tier 4 Interim emissions standards, or meet EPA Tier 3 standards with California Air Resources Board verified Level 3 filters to reduce 85 percent diesel particulate matter. If a good faith effort to rent equipment within 200 miles of the project has been conducted, the results of which are submitted to the City, but has been unsuccessful in obtaining the necessary construction equipment, then Tier 3 equipment can be used.
 - c) Require the use of 2007 and newer diesel haul trucks (e.g. material delivery trucks and soil import/export).

- d) A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- e) Encourage construction contractors to apply for South Coast Air Quality Management District's Surplus Off-Road Opt-In for NOx (SOON) funds. Incentives could be provided for those construction contractors who apply for SCAQMD SOON funds. The SOON Program provides funding assistance to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm.
- f) Use electricity from power poles rather than temporary diesel or gasoline power generators.
- AQ-2. In order to minimize traffic congestion and delays that increase idling and acceleration emissions, prior to issuance of any grading permits the developer shall:
 - a) Specify to the satisfaction of the City Building Department the location of equipment staging areas, stockpiling/storage areas and construction parking areas; and,
 - b) Specify to the satisfaction of the City Engineering Department the proposed construction traffic routes utilizing nearest truck routes in conformance with the California Vehicle Code and Ontario Municipal Code.
 - If required by the City, the developer shall provide a traffic control plan that incorporates the above location and route information, as well as any safe detours around the construction site and any temporary traffic control (e.g. flag person) during construction-related truck hauling activities.
- **AQ-3.** The following measures shall be applied to all projects during construction of the project:
 - a) Use paints with a volatile organic compound (VOC) content 10 grams per Liter or lower for both interior surfaces.
 - b) Recycle leftover paint. Take any left over paint to a household hazardous waste center; do not mix leftover water-based and oil-based.
 - Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.

- d) For water-based paints, clean up with water only. Whenever possible, do not rinse the clean up water down the drain or pour it directly into the ground or the storm drain. Set aside the can of clean up water and take it to the hazardous waste center (www.cleanup.org).
- e) Use compliant low VOC cleaning solvents to clean paint application equipment.
- Keep all paint and solvent laden rags in sealed containers to prevent VOC emissions.
- AQ-4. During operation, the following land use and building mitigation measures shall be implemented to the satisfaction of the City of Ontario that would assist in reducing both criteria pollutant and greenhouse gas emissions.
 - a) Require that new development projects prepare a demolition plan to reduce waste by recycling and/or salvaging nonhazardous construction and demolition debris.
 - b) Require that new developments design buildings to be energy efficient by siting buildings to take advantage of shade, prevailing winds, landscaping, and sun screening to reduce energy required for cooling
 - c) Mitigate climate change by decreasing heat gain from pavement and other hard surfaces associated with infrastructure.
 - d) Require the use of Energy Star appliances and fixtures in discretionary new development.
 - e) Encourage the performance of energy audits for residential and commercial buildings prior to completion of sale, and that audit results and information about opportunities for energy efficiency improvements be presented to the buyer
 - f) Require the installation of outdoor electrical outlets on buildings to support the use, where practical, of electric lawn and garden equipment, and other tools that would otherwise be run with small gas engines or portable generators.
 - g) Implement enhanced programs to divert solid waste from landfill operations
 - h) Create and preserve distinct, identifiable neighborhoods whose characteristics support pedestrian travel, especially within, but not limited to, mixed-use and transit oriented development areas
 - i) Provide continuous sidewalks with shade trees and landscape strips to separate pedestrians from traffic.

- AQ-5. During operation, the following transportation mitigation measures shall be implemented to the satisfaction of the City of Ontario that would assist in reducing both criteria pollutant and greenhouse gas emissions.
 - a) Provide safe and convenient access for pedestrians and bicyclists to, across, and along major transit priority streets. Encouraging new construction to include vehicle access to properly wired outdoor receptacles to accommodate ZEV and/or plug in electric hybrids (PHEV).
 - b) Reduce required road width standards wherever feasible to calm traffic and encourage alternative modes of transportation.
 - c) Add bicycle facilities to city streets and public spaces, where feasible.
 - d) Ensure new development is designed to make public transit a viable choice for residents
 - e) Ensure transit stops and bus lanes are safe, convenient, clean, sheltered, well-lit, and efficient.
 - f) Provide access for pedestrians and bicyclist to public transportation through construction of dedicated paths, where feasible
 - g) Require all new traffic lights installed be energy efficient traffic signals.
- AQ-6. During operation, the following landscape and water conservation mitigation measures shall be implemented to the satisfaction of the City of Ontario that would assist in reducing both criteria pollutant and greenhouse gas emissions.
 - a) Reduce per capita water consumption consistent with state law by 2020.
 - b) Promote the use of recycled water, including grey water systems for residential irrigation.
 - c) Implement building design guidelines and criteria developed by the City to promote water efficient building design, including minimizing the amount of non-roof impervious surfaces around the building(s).
 - d) Ensure water-efficient infrastructure and technology are used in new construction, including low-flow toilets and shower heads, moisture-sensing irrigation, and other such advances.
 - e) Require the use of reclaimed water for landscape irrigation in all new development and on public property where such connections are within the service boundaries of the City's reclaimed water system.

- f) Require all new landscaping irrigation systems installed within the project to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors.
- g) Requiring planting drought-tolerant and native species, and covering exposed dirt with moisture-retaining mulch or other materials such as decomposed granite.
- h) Promote planting of deciduous or evergreen low-VOC producing shade trees emphasizing native trees and vegetation.
- AQ-7. During project construction, the following measures in the below table shall be implemented, to the satisfaction of the City of Ontario, to address compliance with South Coast Air Quality Management District Rule 403.

Table 2: Grand Park Specific Plan Air Quality Mitigation Measure AQ-7

Best Available Control Measure ¹	Associated Measure in CalEEMod ²
Clearing and Grubbing 02-1 Maintain stability of soil through pre-watering of site prior to clearing and grubbing. 02-2 Stabilize soil during clearing and grubbing activities. 02-3 Stabilize soil immediately after clearing and grubbing activities.	Water exposed surfaces three times per day Soil stabilizers for unpaved roads
Earth Moving Activities 08-1 Pre-apply water to depth of proposed cuts 08-2 Re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 feet in any direction 08-3 Stabilize soils once earth-moving activities are complete	Pre-water to 12 percent
Import/Export of Bulk Materials 09-1 Stabilize material while loading to reduce fugitive dust emissions. 09-2 Maintain at least six inches of freeboard on haul vehicles. 09-3 Stabilize material while transporting to reduce fugitive dust emissions. 09-4 Stabilize material while unloading to reduce fugitive dust emissions. 09-5 Comply with Vehicle Code Section 23114.	Water exposed surfaces three times per day

Best Available Control Measure ¹	Associated Measure in CalEEMod ²
Landscaping 10-1 Stabilize soils, materials, slopes Guidance: Apply water to materials to stabilize; maintain materials in a crusted condition; maintain effective cover over materials; stabilize sloping surfaces using soil until vegetation or ground cover can effectively stabilize the slopes; hydroseed prior to rain season.	Replace ground cover in disturbed areas when unused for more than 10 days
Staging Areas 13-1 Stabilize staging areas during use by limiting vehicle speeds to 15 miles per hour.	Reduce speed on unpaved roads to 15 miles per hour.
Traffic Areas for Construction Activities 15-1 Stabilize all off-road traffic and parking areas. 15-2 Stabilize all haul routes. 15-3 Direct construction traffic over established haul routes.	Water exposed surfaces three times per day
Guidance: Apply gravel/paving to all haul routes as soon as possible to all future roadway areas; barriers can be used to ensure vehicles are only used on established parking areas/haul routes.	
Sources: 1 SCAQMD Rule 403 2 Applied in CalEEMod - output in Appendix A.	

- AQ-8. During project construction, the following measures shall be implemented to the satisfaction of the City of Ontario:
 - a) Construct or build with materials that do not require painting or use prepainted construction materials to the extent feasible.
 - b) Daily soil disturbance shall be limited to no more than 5.0 acres per day.
 - c) All clearing, grading, earth moving, or excavation activities shall cease when winds (as instantaneous gusts) exceed 25 miles per hour.

Explanation: The South Coast Air Basin is in nonattainment for PM₁₀, PM_{2.5}, nitrogen dioxide, and ozone. With regard to regional construction emissions, the air quality study determined that SCAQMD regional emission thresholds would be exceeded by the Project for VOC and NOx in certain years when the construction of several construction

phases would overlap. Therefore, without mitigation, the short-term construction emissions are considered to have a significant regional impact. (Draft EIR, at p. IV.C-32.)

With regard to horizon year 2030 operational regional emissions, the Project's emissions of VOC, NOx, and PM_{10} exceed the SCAQMD's regional thresholds and are considered significant. Emissions during the winter are also significant. Emissions of SOx are less than significant in both the summer and winter seasons. (Draft EIR, at p. IV.C-33.)

As the Project's emissions exceed the SCAQMD regional thresholds for NO_x , VOC, PM_{10} , or $PM_{2.5}$, the emissions could cumulatively contribute to an exceedance of a pollutant for which the basin is in nonattainment (ozone, nitrogen dioxide, PM_{10}), and would not be consistent with the goals of the AQMP.

Project emissions of VOC and NO_x may contribute to the background concentration of ozone and cumulatively cause health effects. Impacts may include the following: irrigation to respiratory system; reduce lung function; breathing pattern changes; reduction of breathing capacity; inflame and damage cells that line the lungs; make lungs more susceptible to infection; aggravate asthma; aggravate other chronic lung diseases; cause permanent lung damage; some immunological changes; increased mortality risk; vegetation and property damage. Children who live in high ozone communities and who participate in multiple sports have been observed to have a higher asthma risk. This is a significant cumulative health impact associated with ground-level ozone concentrations.

With the implementation of recommended mitigation measures AQ-1, AQ-2, AQ-3, AQ-7, and AQ-8, impacts would be less than significant during construction. Impacts related to a cumulatively considerable net increase in criteria pollutants after implementation of Mitigation Measures AQ-4 through AQ-6, however, would remain significant and unavoidable. (Draft EIR, at pp. IV.C-35–36.) No additional feasible mitigation measures have been identified which would further \reduce this cumulatively considerable net increase in criteria pollutants.

SECTION V

RESOLUTION REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

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

- The project would involve a large commitment of nonrenewable resources.
- The primary and secondary impacts of the project would generally commit future generations to similar uses.

- The project involves uses in which irreversible damage could result from any
 potential environmental incidents associated with the project.
- The proposed consumption of resources is not justified (e.g., the project results in wasteful use of energy).

The proposed Project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during the construction phase of the Project and continue throughout its operational lifetime. Project development would require a commitment of resources that would include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project site. Construction would require the use and consumption of non-replenishable or nonrenewable metals such as copper and lead, aggregate materials such as sand and stone used in concrete and asphalt, petrochemical construction materials such as plastics, and water. (Draft EIR, at p. VI-2.)

Construction vehicles and equipment, and the transportation of goods and people to and from the Project site would also consume non-renewable fossil fuels such as gasoline and oil. Project operation would continue to expend similar non-renewable resources that are currently consumed within the City of Ontario (City) and on-site. These include energy resources such as electricity, petroleum-based fuels, fossil fuels, and water. Energy resources would be used for heating and cooling buildings, transportation within the Project site, and building lighting. Fossil fuels are the primary energy source for Project construction and operation. This existing, finite energy source would thus be incrementally reduced. Under Title 24, Part 6, from the California Code of Regulation, conservation practices limiting the amount of energy consumed by the Project is required during operation. (Draft EIR, at p. VI-2.)

Limited use of potentially hazardous materials such as typical cleaning agents and pesticides for landscaping would be used and contained on-site. These hazardous materials would be used, handled, stored, and disposed of in accordance with manufacturer's instructions and applicable government regulations and standards. Compliance with these regulations and standards would serve to protect against significant and irreversible environmental change resulting from the accidental release of hazardous materials. In addition, demolition activities would comply with regulatory requirements to ensure that asbestos and lead-based paints are not released into the environment as well. Similarly, mitigation has been included to address any hazardous materials discovered during construction.

Project construction and operation would be committed to the use of slowly renewable and nonrenewable resources and would limit the availability of these resources and the Project's building site for future generations or for other uses during the life of the Project. However, the continued use of such resources would be on a relatively small scale and consistent with regional and local urban design and development goals for the area. As a result, the nonrenewable resources would not result in significant irreversible changes to the environment. (Draft EIR, at p. VI-3.)

SECTION VI

RESOLUTION REGARDING GROWTH INDUCING IMPACTS AND COMMITMENT OF RESOURCES

Section 15126.2(d) of the State CEQA Guidelines requires the EIR to address the growth-inducing impact of the Project. EIR Section 7.0 evaluates the potential for the proposed Project to affect economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. (Draft EIR, at p.VI-3.)

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

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

The proposed Project includes residential dwellings, parks, and school uses. In addition to these uses, onsite and offsite infrastructure improvements would be required that are related to stormwater collection and conveyance, domestic and reclaimed water supply, wastewater treatment, transportation-related improvements. These proposed land uses and related infrastructure are part of the overall land use plan envisioned by TOP for the NMC. Therefore, implementation of the Project would not induce growth not already envisioned by the City.

Development of the proposed Project would generate some short-term, construction-related employment opportunities. Though overall phasing of development will occur over several years, individual construction phases of the Project would require a limited labor force due to the relatively short-term nature of construction employment. Given the supply of construction workers in the local work force, it is likely that these workers would come from within the Inland Empire area. Therefore, given the availability of local workers, the proposed Project would not be considered growth inducing from a short-term employment perspective.

The Project would result in an additional 1,327 residential units in the City. Given an average household size of 3.6 persons per household, the Project would result in an additional 4,778 persons residing in the City. This population growth is consistent with

that planned under the NMC General Plan. Further, the Project is consistent with the anticipated growth planned for the City. The population growth envisioned for the Project Site has also been incorporated into SCAG projections. Thus, the Project would induce population growth; however, this growth has been planned for at the local and regional levels. (Draft EIR, at p.VI-3.)

In addition to the proposed land uses, onsite and offsite infrastructure improvements would be required that are related to storm water collection and conveyance, domestic and reclaimed water supply, wastewater treatment, and transportation-related improvements. The proposed land uses and related infrastructure are part of the overall land use plan envisioned by TOP for the entire NMC. Therefore, implementation of the Project would not induce growth not already envisioned by the City and already analyzed in the TOP and NMC Final EIR.

Commitment of Resources:

Implementation of the Project will require the long-term commitment of natural resources. Approval and implementation of the Project would result in an irretrievable commitment of non-renewable resources such as energy supplies. The energy resource demands will be used for construction activities, heating and cooling of buildings, transportation of people and goods, as well as lighting and other energy associated needs.

The consumption of nonrenewable resources will consist primarily of fossil fuels, lumber, sand and gravel, photochemical construction materials, steel, copper, lead, and water. The use of alternative energy sources such as solar and wind energy is growing dramatically in response to AB 32 and other state, federal and local requirements and initiatives. It is therefore likely that potentially significant savings in nonrenewable energy supplies will be realized over "business as usual" in the regionally and locally in the future.

A primary effect of the Project would be the commitment of approximately 320 acres of land currently in agricultural use to urban uses. The financial and material investments that would be required of the applicant and the City would result in further commitments of land resources making it likely that the same or similar uses would continue in the future. Implementation of the proposed Project represents a long-term commitment to urbanization. Environmental changes associated with the implementation of the Project result in alterations of the physical environment. If the Project is approved, and subsequently implemented, new structures would be built, additional utilities would be constructed, and circulation improvements would be made.

The commitment of resources and the levels of consumption associated with the proposed Project are consistent with anticipated changes within the City and the region as analyzed in TOP and the NMC Final EIR.

SECTION VII

RESOLUTION REGARDING ALTERNATIVES

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

OBJECTIVES:

One of the primary objectives of the Project is to implement The Ontario Plan (TOP) for the City's New Model Colony (NMC) area. The following additional objectives for the Grand Park Specific Plan are identified (Draft EIR, at p.II-34):

- 1. Create a livable community that enhances an outdoor lifestyle with interconnected sidewalks, pedestrian and bicycle trails, recreational uses, schools, and a diverse mix of housing types and architectural styles.
- 2. Design a circulation system to serve bicyclists and pedestrians as well as motorists.
- Provide adequate community facilities, such as an elementary school, high school, water, sewer, and stormdrains facilities, and new on- and offstreet bike paths.
- 4. Provide new parks, open space, trails, and greenbelts.
- 5. Promote a unique character and sense of place within the Grand Park Specific Plan.

ALTERNATIVES:

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

 The discussion of alternatives shall focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

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

Rationale for Selecting Potentially Feasible Alternatives

The alternatives must include a no project alternative and a range of reasonable alternatives to the project if those reasonable alternatives would attain most of the project objectives while substantially lessening the potentially significant project impacts. (Draft EIR, at p. 8-2.) The range of alternatives discussed in an EIR is governed by a "rule of reason," which the State CEQA Guidelines Section 15126.6(f)(3) defines as:

. . . set[ting] forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making.

Among the factors that may be taken into account when addressing the feasibility of alternatives (as described in the State CEQA Guidelines Section 15126.6(f)([1]) are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent could reasonably acquire, control, or otherwise have access to an alternative site. An EIR need not consider an alternative whose effects could not be reasonably identified, and whose implementation is remote or speculative. (Draft EIR, at p. V-1.)

For purposes of this analysis, the Project alternatives are evaluated to determine the extent to which they attain the basic Project objectives, while significantly lessening any significant effects of the Project.

ALTERNATIVES ANALYSIS:

The goal for evaluating any alternatives is to identify ways to avoid or lessen the significant environmental effects resulting from implementation of the proposed Project, while attaining most of the Project objectives. The City has included the following four alternatives for consideration:

- No Project/No Build Alternative
- Maximum Density as Allowed by TOP
- Reduced Density Alternative
- Agricultural Retention Alternative

Alternatives Not Selected for Analysis

Alternative Sites: The Grand Park Specific Plan site is proposed for development of urban uses, consistent with TOP, including various residential density transfers to allow for a minor redistribution of a variety of land uses to allow for consistent and compatible development in the area. Development of the proposed Project on another site would not be feasible for three main reasons. (Draft EIR, at p. V-2.)

First, the development pattern that has been developed for the Grand Park Specific Plan serves to unify the surrounding development within approved or pending Specific Plans, which themselves are consistent with The Ontario Plan. As such, development of the Grand Park Specific Plan on the Project site is necessary to complete the contiguous and unified urban development pattern in the area, and provide the necessary level of housing, schools, and regional recreation facilities envisioned for the site in The Ontario Plan.

Second, the Project applicant is already in possession of a portion of the Project site, the investment in which precludes the purchase of another site of comparable size and physical characteristics on which the proposed uses could be constructed. Given the existing and future development pattern in the Project area (and the proposed Project's contribution to that pattern) and the Project applicant's ownership of the majority of the property, development of the proposed uses on another site was determined to be infeasible. (Draft EIR, at p. V-3.)

Third, consideration of an alternative site would not avoid or substantially lessen any of the significant effects of the proposed Project. The proposed Project is anticipated to result in significant unavoidable adverse impacts related to:

 Agriculture. The NMC Final EIR identified the conversion of agricultural land within the NMC as a significant and unavoidable impact and adopted a Statement of Overriding Considerations. • Air quality. The proposed Project would result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.

Given the nature of the proposed Project, an alternative location within the South Coast Air Basin would not alleviate the anticipated Project-level or cumulative air quality impacts. Alternatively-located land in the Project vicinity would still be within the NMC and continue to involve agricultural soils and property used or designated for agricultural purposes, thereby still resulting in an overall loss of farmland. Therefore, analysis of an alternatively-located site is not considered necessary, because it would not provide avoid, or substantially lessen the significant impacts resulting from the proposed Project. (Draft EIR, at p. V-3.)

DESCRIPTION OF ALTERNATIVES

Alternative 1 - No Project Alternative/No Development

In accordance with the CEQA Guidelines, the No Project Alternative for a development project on an identifiable property consists of the circumstance under which the Project does not proceed. Section 15126.6(e)(3)(B) of the Guidelines states that, "In certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained." Accordingly, this Alternative provides a comparison between the environmental impacts of the proposed Project in contrast to the environmental impacts that could result from not approving, or denying, the proposed Project. Because the City Planning Commission and/or City Council has discretionary authority over a proposed project and could choose to deny it, the environmental impacts of that action must be disclosed. As a result of this potential decision, the Project site could remain in its current state and condition for an undetermined period of time and not be the subject of any further development proposals. Evaluation of this Alternative will determine if any significant impacts identified with the proposed Project would be eliminated or if any less than significant impacts would be further reduced. (Draft EIR, at p. V-7.)

Alternative 2 – Maximum Density As Allowed by TOP

This alternative reflects the maximum density as allowed by TOP and is intended to evaluate the potential for the maximum density as allowed by TOP. The proposed Project allows up to 1,327 attached and detached low-density, medium-density and high-density dwelling units on approximately 320 acres, along with an elementary school and high school site, and the Grand Park. Under this Alternative, all aspects of the proposed Project would remain the same including the land uses and distribution on the site, but the overall residential density would increase up to approximately 1,800 low-, medium-, and high-density residential units. (Draft EIR, at p. V-12.)

Alternative 3 – Reduced Density

This alternative is intended to evaluate the potential for reduced environmental impacts associated with an approximate 25 percent reduction in the number of

residential dwelling units proposed on the site. The proposed Project allows up to 1,327 attached and detached low-density, medium-density and high-density dwelling units on approximately 320 acres, along with an elementary school and high school site, and the Grand Park. Under this Alternative, the land use distribution on the site would remain, but the overall residential density would be reduced by 25 percent, resulting, for example, in the elimination of one of the High-Density planning areas, which has the potential for development of up to 995 residential units. (Draft EIR, at p. V-17.)

Alternative 4 – Agriculture Retention Alternative

This Alternative preserves the residential, school, and park land uses, but includes an agriculture land use. Approximately 25 percent of the Project area (80 acres) would be retained for agriculture. The City's Agricultural Overlay Zoning District (AOZD), contained in section 9-1.2700 of the Ontario Municipal Code, allows existing agricultural uses within the NMC to continue on an interim basis until development is proposed and includes dairies as a conditionally permitted use among the many agricultural land uses. The existing dairy represents the most likely land use that could be allowed to continue on the site under this Alternative. Therefore, for purposes of this Alternative evaluation, an existing dairy, occupying approximately 80 acres, would be retained. The proposed school sites, totaling approximately 60 acres would be retained. The proposed park would be retained and reduced in size to approximately 90 acres. This Alternative would include low- and medium density residential over approximately 90 acres, providing approximately 1,022 dwelling units—a reduction of 305 units. All other components of the proposed Project would remain the same. (Draft EIR, at p. V-22.)

EVALUATION OF ALTERNATIVES

Alternative 1 - No Project Alternative/No Development

The No Project Alternative is considered environmentally superior to the proposed Project because, even though it would create impacts related to Land Use and Planning, and under Population and Housing, the continuation of the existing uses on the Project site would eliminate or lessen the significant agriculture and air quality impacts related to the proposed Project. Moreover, given the substantial reduction in traffic under this alternative, impacts to intersections and roadways segments would be less than significant and no mitigation would be required. The continuation of the existing agricultural dairy uses on the site would eliminate or lessen the significant agriculture, air quality and traffic and circulation impacts related to the proposed Project. (Draft EIR, at pp. V-7–12.)

The City finds that the No Project Alternative is infeasible because it fails to meet any of the Project objectives, and rejects it on that basis.

Alternative 2 – Maximum Allowable Density as Allowed by TOP

With preparation of a Specific Plan demonstrating consistency with TOP, Alternative 2 would have land use and planning impacts and traffic impacts similar to

the proposed Project. However, with increased residential density, it is anticipated that traffic-related air pollutant emissions would be incrementally increased, and the contributions to cumulatively significant air emissions would be greater than those of the proposed Project. Impacts to agricultural resources would be similar to the significant and unavoidable impacts of the proposed Project. (Draft EIR, at pp. V-12–17.)

The City finds that the Maximum Allowable Density Alternative, while meeting all of the Project objectives, would fail to reduce the significant and unavoidable air quality and agriculture impacts of the proposed Project, and would likely contribute to greater cumulative air quality impacts. On this basis, the City rejects this Alternative in favor of the Project.

<u>Alternative 3 -- Reduced Density Alternative</u>

A number of the environmental impacts associated with the proposed Project are lessened with the Reduced Density Alternative. The less than significant impacts related to aesthetics/visual, biological resources, cultural resources, hazards and hazardous materials, hydrology/water quality, land use and planning, public services and utilities would remain similar. However, the less than significant impacts related to geology and soils, noise, police services, parks, and traffic/transportation would be lessened with this alternative. The significant and unavoidable impacts to agricultural resources would be similar.

As the overall development would be incrementally reduced by the lower residential density on-site, it is also anticipated that traffic-related air pollutant emissions would therefore be incrementally reduced, given the reduction in overall vehicle trips associated with the reduction in residential units. Likewise, stationary source emissions would be reduced since the overall development intensity on the Project site would be reduced, despite the reduction in acreage relative to the proposed Project. It is anticipated that short-term construction impacts and long-term operational air quality impacts would be potentially significant and would require mitigation measures to address such impacts. However, even with implementation of feasible mitigation measures, it is expected that construction-period impacts and vehicular emissions impacts would remain significant and unavoidable. This Alternative would result in Project and cumulative air quality impacts that are less than those associated with the proposed Project. (Draft EIR, at pp. V-17–22.)

Alternative 3 would fail to meet several of the Project objectives to the degree that would occur under the proposed Project (Draft EIR Table V-2). In particular, the further reduction in density represents a reduction in the overall number of planned residential units within the NMC as originally planned, and within TOP, which embodies land use and policy objectives of the NMC promoting jobs/housing balance within the City.

The City finds that the Reduced Density Alternative is infeasible based on several economic and social factors. A key consideration for the City is the provision of a variety of housing types and the provision of affordable housing. While the Reduced Density Alternative would still provide for attached and detached low-density, medium-

density and some high-density dwelling units on the site, it would not provide the range of housing alternatives to the extent that the Project would. Further, the proposed Project would better assist the City in satisfying its Regional Housing Needs Allocation (RHNA) as compared to the Reduced Density Alternative. Also, this Alternative fails to avoid the significant and unavoidable agricultural and air quality impacts of the proposed Project. Therefore, the City rejects the Reduced Density Alternative in favor of the Project.

<u>Alternative 4 – Agriculture Retention Alternative</u>

With the Agricultural Retention Alternative, the less than significant impacts related to aesthetics/visual, biological resources, cultural resources, geology and soils, fire and police services, schools, and utilities would all remain similar to those of the proposed Project. The less than significant impacts related to parks and traffic/transportation would be lessened with this alternative, while the less than significant impacts to land use and planning, noise, hazards and hazardous materials and hydrology/water quality would be greater. The impacts to agricultural resources and cumulative air resources would be reduced, but would remain significant and unavoidable. (Draft EIR, at pp. V-22–28.)

The City finds that the Agricultural Retention Alternative is infeasible based on several economic and social factors. Partial retention would not fully mitigate the impacts resulting from Project implementation. Inevitably, some land use conflicts would occur, due to the adjacent development, which would include the proposed adjacent dwelling units, schools and parks. Also, agriculture in the region continues to decline in economic viability due to escalating land prices, environmental regulations, high water costs, increasing labor costs, competition from other regions in California and from other states. The NMC Final EIR stated that the future loss of agricultural productivity within the NMC is not solely the result of the proposed urbanization of the NMC. Therefore, agricultural uses on small acreages, such as the 80 acre residual portion of the Project site identified with this alternative, would likely be, or quickly become, not economically viable.

Alternative 4 would fail to meet several of the Project objectives to the degree that would occur under the proposed Project (Draft EIR Table V-2). In particular, the further reduction in density represents a reduction in the overall number of planned residential units within the NMC as originally planned, and within TOP, which embodies land use and policy objectives of the NMC promoting jobs/housing balance within the City. Further, a key consideration for the City is the provision of a variety of housing types and the provision of affordable housing. While the Agricultural Retention Alternative would still provide for attached and detached low-density and medium-density dwelling units on the site, it would not provide the range of housing alternatives to the extent that the Project would. Further, the proposed Project would better assist the City in satisfying its Regional Housing Needs Allocation (RHNA) as compared to the Agricultural Retention Alternative.

Therefore, the City rejects this Alternative in favor of the Project.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives.

Draft EIR Table V-2 provides a comparison of the alternatives to the Project objectives. A description and evaluation of the potential impacts associated with each alternative is provided in the preceding Findings narrative. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the Project is addressed herein.

Of the alternatives analyzed in the EIR, the No Project Alternative is considered the overall environmentally superior alternative as it would reduce several of the impacts occurring under the proposed Project to no impact or levels that are less than significant. However, as indicated previously, this Alternative would not meet any of the identified objectives established for the proposed Project.

In accordance with the CEQA Guidelines requirement to identify an environmentally superior alternative from the remaining alternatives, a comparative evaluation of the remaining alternatives indicates that the Reduced Density Alternative would be the environmentally superior alternative. This Alternative would reduce more Project impacts than any remaining alternatives, but it would not fully meet all of the Project objectives and would not avoid the significant and unavoidable impacts of the proposed Project. (Draft EIR, at pp. V-28–29.)

SECTION VIII

RESOLUTION ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and the Guidelines Sections 15093 and 15043, the City has balanced the economic, legal, social, technological, and other benefits of the proposed Project, including the provision of employment opportunities for highly trained workers, against the following unavoidable adverse impacts associated with the proposed Project and has adopted all feasible mitigation measures with respect to these impacts: (1) Agricultural Resources, and (2) Air Quality (cumulative). The City also has examined alternatives to the proposed Project, none of which both meet the Project objectives and is environmentally superior to the proposed Project.

The City, after balancing the specific economic, legal, social, technological, and other benefits of the proposed Project, has determined that the unavoidable adverse environmental impacts identified above may be considered "acceptable" due to the

following specific considerations which outweigh the unavoidable, adverse environmental impacts of the proposed Project. Each of the separate benefits of the proposed Project, as stated herein, is determined to be, unto itself and independent of the other Project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of other benefits, despite each and every unavoidable impact. Project benefits include:

The Project proposes development that implements the goals and land use designations contained within The Ontario Plan (TOP), as the City's General Plan. Implementing the General Plan is a legal and social prerogative of the City.

The Project includes 60 acres devoted to schools, including an elementary school site and high school site which will be made available to the Mountain View School District. The establishment of quality public schools within the City provides numerous benefits to City residents, due to the effect the active civic and social involvement families and students attending such schools have on the affairs of the City and on the overall fabric of society. The City finds that high quality residential communities and schools serving such communities strengthens community and family ties, thereby contributing to the betterment of the long term health and welfare of the City and its residents.

The Project provides an approximate 147-acre site for the City's Grand Park. The Grand Park will include passive and active recreation facilities for the residents of Ontario, and is within walking and biking distance to residences of the Grand Park Specific Plan.

Provisions for pocket parks are included in the Project. Typical improvements for pocket parks include tot lots, picnic and barbeque facilities, multi-purpose trails, and informal play areas. Enhanced landscaped parkways will be provided along major streets serving the community. These enhanced parkways will include pedestrian walkways that connect the Specific Plan area to internal walkways within the community, linking residential neighborhoods to one another, to parks, and the proposed school sites. The City finds that creating walkable communities is a social prerogative of the City that is also in conformance with regional mobility goals.

The park and enhanced parkway system created by the Project will include multiple high quality elements, and the City finds that such high quality amenities and facilities implement the City's General Plan and foster high quality community relations, civic involvement and create a high quality of life for the City's residents.

The Project fosters a cohesive and distinctively identifiable mixed use community that integrates a diversity of residential neighborhoods, commercial spaces, and open space, and also provides a diversity of high quality housing to provide a variety of housing opportunities to a broad array of homeowners from diverse

social and economic backgrounds. The City finds that the provision of such housing will assist in the alleviation of the housing shortage existing in southern California.

The City finds that the provision of a diversity of high quality housing will also attract and stimulate additional job and economic growth in the City.

The Project provides for the provision of housing available to residents across a range of income levels. The provision of affordable housing is a statewide priority which the City is committed to implement as set forth in the City's General Plan, and as evident through approval of the project. The City finds that implementing statewide housing policy is a social and legal prerogative of the City.

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these effects can be mitigated to a level of less than significant except for unavoidable significant impacts as discussed in Section IV of these Findings. The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project. The City Council further finds that except for the Project, all other alternatives set forth in the Final EIR are infeasible because they would prohibit the realization of Project objectives and/or of specific economic, social and other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

For the foregoing reasons, the City Council hereby declares that the benefits provided to the public through approval and implementation of the Specific Plan outweigh any significant adverse environmental impacts of the Project. The City Council finds that each of the Project benefits outweighs the adverse environmental effects identified in the EIR, and therefore finds those impacts to be acceptable. The substantial evidence demonstrating the benefits of the Project are found in these findings, and in the documents found in the record of proceedings, discussed in Section XI below. Therefore, the City adopts this Statement of Overriding Considerations.

SECTION IX

RESOLUTION REGARDING CERTIFICATION OF EIR

The City Council finds that it has reviewed and considered the Final EIR in evaluating the proposed Specific Plan, that the Final EIR is an accurate and objective statement that fully complies with CEQA, State CEQA Guidelines and the City's local CEQA Guidelines and that the Final EIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by State CEQA Guidelines, section 15088.5 has been received by the City after circulation of the Draft EIR that would require recirculation.

The City Council certifies the Environmental Impact Report based on the entirety of the record of proceedings, including but not limited to the following findings and conclusions:

C. Findings:

The following significant environmental impacts have been identified in the EIR and will require mitigation as set forth in Section IV of this Resolution but cannot be mitigated to a level of insignificance: agriculture (Project-related and cumulative) and air quality (cumulative).

D. <u>Conclusions:</u>

- Except as to those impacts stated above relating to agriculture and air quality, all significant environmental impacts from the implementation of the proposed Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a level of insignificance.
- 2. Other alternatives to the proposed Specific Plan, which could potentially achieve the basic objectives of the proposed Specific Plan, have been considered and rejected in favor of the proposed Specific Plan.
- 3. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Specific Plan override and make infeasible any alternatives to the proposed Specific Plan or further mitigation measures beyond those incorporated into the proposed Project.

SECTION X

RESOLUTION ADOPTING A MITIGATION MONITORING AND REPORTING PLAN

Pursuant to Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Plan attached to this Resolution as Exhibit A. In the event of any inconsistencies between the mitigation measures as set forth herein and the Mitigation Monitoring and Reporting Plan, the Mitigation Monitoring and Reporting Plan shall control.

SECTION XI

RESOLUTION REGARDING CONTENTS AND CUSTODIAN OF RECORD

The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario, 303 East "B" Street, Ontario, California. The custodian for these records is the Planning Director. This information is provided in compliance with Public Resources Code Section 21081.6.

The record of proceedings for the City Council's decision on the Project consists of the following documents, at a minimum:

- The NOP and all other public notices issued by the City in conjunction with the Project;
- All comments submitted by agencies or members of the public during the 45day comment periods on the Draft EIR;
- All comments and correspondence submitted to the City with respect to the Project, in addition to timely comments on the Draft EIR;
- The Final Environmental Impact Report for The Grand Park Specific Plan, including comments received on the Draft EIR, responses to those comments, and technical appendices;
- The Mitigation Monitoring and Reporting Plan for the Project;
- All findings and resolutions adopted by the City Council or Planning Commission in connection with the Grand Park Specific Plan Project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the County's action on the Grand Park Specific Plan;
- All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public in connection with the Grand Park Specific Plan, up through the close of the public hearing period;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Grand Park Specific Plan;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;
- The Ontario Plan (TOP), as the City's General Plan and all environmental documents prepared in connection with the adoption of the General Plan;
- The New Model Colony General Plan and all environmental documents prepared in connection with the adoption of the General Plan (January 7, 1998);
- Matters of common knowledge to the County, including, but not limited to Federal, State, and local laws and regulations;
- Any documents expressly cited or referenced in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

SECTION XII

RESOLUTION REGARDING STAFF DIRECTION

A Notice of Determination shall be filed with the County of San Bernardino within five (5) working days of final Project approval.

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

PASSED, APPROVED, AND ADOPTED this 21st day of January 2014.

P	AUL S. LEON, MAYOR
ATTEST:	
MARY E. WIRTES, MMC, CITY CLERK	
APPROVED AS TO LEGAL FORM:	
BEST BEST & KRIEGER LLP CITY ATTORNEY	

	CALIFORNIA) F SAN BERNARDINO) NTARIO)	
foregoing Re	esolution No. 2014- was du Ontario at their regular meetir	City of Ontario, DO HEREBY CERTIFY that uly passed and adopted by the City Council of ng held January 21, 2014 by the following roll
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
(SEAL)	$\overline{\Lambda}$	MARY E. WIRTES, MMC, CITY CLERK
	ng is the original of Resolutior Council at their regular meeti	n No. 2014- duly passed and adopted by the ng held January 21, 2014.
	<u>N</u>	MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

EXHIBIT "A"

MITIGATION MONITORING AND REPORTING PLAN

[ATTACHED]

Mitigation Monitoring and Reporting Program Grand Park Specific Plan Project Ontario, California

State Clearinghouse No. 2012061057



Prepared for:

City of Ontario 303 East B Street Ontario, CA 91764

Contact: Richard Ayala, Senior Planner

Prepared by:

FirstCarbon Solutions | Michael Brandman Associates 220 Commerce, Suite 200 Irvine, CA 92602 714.508.4100

Contact: Thomas Holm, AICP



November 14, 2013

Article I. Mitigation Monitoring Reporting Program

The California Environmental Quality Act (CEQA) requires public agencies to develop monitoring programs for the purpose of ensuring compliance with those mitigation measures adopted as conditions of project approval in order to mitigate or avoid significant environmental effects identified in environmental impact reports. Mitigation measures identified within the Grand Park Specific Plan EIR have been described in sufficient detail to provide the necessary information to identify (1) the actions to be taken to reduce each significant impact, (2) the parties responsible for carrying out the mitigation measure, and (3) the timing of implementation of each mitigation measure.

A Mitigation Monitoring and Reporting Program (MMRP) for the Grand Park Specific Plan EIR is presented in Table 1. The purpose of the MMRP is to provide a framework outlining the implementation steps for each mitigation measure in the approved EIR. In addition, the MMRP provides a format to document that each mitigation measure has been implemented and a monitoring loop for tracking performance of each mitigation measure.

Table 1: Grand Park Specific Plan Project Mitigation Monitoring and Reporting Program

					Verifica		cation of Compliance	
Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Signature	Date	Remarks	
Air Quality and Greenhouse Gas Emissions	Short-term construction related activities would exceed the daily regional and local thresholds established by the South Coast Air Quality Management District for VOC and NOx. Expose sensitive receptors to substantial pollutant concentrations. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	AQ-1. During project construction, the following measures shall be implemented to the satisfaction of the City of Ontario: a) Prior to the year 2015, off road diesel powered construction equipment greater than 50 horsepower shall meet or exceed United States Environmental Protection Agency (EPA Tier 3 off road emission standards. b) In the year 2015 and after, off-road diesel-powered construction equipment greater than 50 horsepower shall implement one of the following: meet EPA Tier 4 emissions standards, meet EPA Tier 4 Interim emissions standards, or meet EPA Tier 3 standards with California Air Resources Board verified Level 3 filters to reduce 85 percent diesel particulate matter. If a good faith effort to rent equipment within 200 miles of the project has been conducted, the results of which are submitted to the City, but has been unsuccessful in obtaining the necessary construction equipment, then Tier 3 equipment can be used. c) Require the use of 2007 and newer diesel haul trucks (e.g. material delivery trucks and soil import/export). d) A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. e) Encourage construction contractors to apply for South Coast Air Quality Management District's Surplus Off-Road Opt-In for NOx (SOON) funds. Incentives could be provided for those construction contractors who apply for SCAQMD SOON funds. The SOON Program provides funding assistance to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm. f) Use electricity from power poles rather than temporary diesel or gasoline power generators.	During construction	Developer, contractor, and City Building Official				
Air Quality and Greenhouse Gas Emissions	Short-term construction related activities would exceed the daily regional and local thresholds established by the South Coast Air Quality Management District for VOC and NOx. Expose sensitive receptors to substantial pollutant concentrations. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	 AQ-2. In order to minimize traffic congestion and delays that increase idling and acceleration emissions, prior to issuance of any grading permits the developer shall: a) Specify to the satisfaction of the City Building Department the location of equipment staging areas, stockpiling/storage areas and construction parking areas; and, b) Specify to the satisfaction of the City Engineering Department the proposed construction traffic routes utilizing nearest truck routes in conformance with the California Vehicle Code and Ontario Municipal Code. If required by the City, the developer shall provide a traffic control plan that incorporates the above location and route information, as well as any safe detours around the construction site and any 	Prior to issuance of Grading permit	Developer, contractor and City Building Official				

		temporary traffic control (e.g. flag person) during construction- related truck hauling activities.			
Air Quality and Greenhouse Gas Emissions	Short-term construction related activities would exceed the daily regional and local thresholds established by the South Coast Air Quality Management District for VOC and NOx. Expose sensitive receptors to substantial pollutant concentrations. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	 AQ-3. The following measures shall be applied to all projects during construction of the project: a) Use paints with a volatile organic compound (VOC) content 10 grams per Liter or lower for both interior surfaces. b) Recycle leftover paint. Take any left over paint to a household hazardous waste center; do not mix leftover water-based and oil-based. c) Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors. d) For water-based paints, clean up with water only. Whenever possible, do not rinse the clean up water down the drain or pour it directly into the ground or the storm drain. Set aside the can of clean up water and take it to the hazardous waste center (www.cleanup.org). e) Use compliant low VOC cleaning solvents to clean paint application equipment. f) Keep all paint and solvent laden rags in sealed containers to prevent VOC emissions. 	During construction	Developer, contractor and City Building Official.	
		AQ-7. During project construction, the following measures in the below table shall be implemented, to the satisfaction of the City of Ontario, to address compliance with South Coast Air Quality Management District Rule 403. Note: Table 2: Grand Park Specific Plan Air Quality Mitigation Measure AQ-7, on the last past of this Mitigation Monitoring and Reporting Program, identifies each of the measures to be implemented.	During construction.	Developer, contractor, and City Building Official.	
		 AQ-8. During project construction, the following measures shall be implemented to the satisfaction of the City of Ontario: a) Construct or build with materials that do not require painting or use pre-painted construction materials to the extent feasible. b) Daily soil disturbance shall be limited to no more than 5.0 acres per day. c) All clearing, grading, earth moving, or excavation activities shall cease when winds (as instantaneous gusts) exceed 25 miles per hour. 	During grading and construction.	Developer, contractor and City Building Official	
Air Quality and Greenhouse Gas Emissions	Long-term operations would exceed the daily thresholds established by the South Coast Air Quality Management District for VOC, NOx, and PM10. Expose sensitive receptors to substantial pollutant concentrations. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air	 AQ-4. During operation, the following land use and building mitigation measures shall be implemented to the satisfaction of the City of Ontario that would assist in reducing both criteria pollutant and greenhouse gas emissions. a) Require that new development projects prepare a demolition plan to reduce waste by recycling and/or salvaging nonhazardous construction and demolition debris. b) Require that new developments design buildings to be energy efficient by siting buildings to take advantage of shade, prevailing winds, landscaping, and sun screening to reduce energy required for cooling c) Mitigate climate change by decreasing heat gain from pavement and other hard surfaces associated with infrastructure. 	Prior to the issuance of building permits During operation of the project	Developer, contractor and City Building Official City Planning Director	

	quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	 d) Require the use of Energy Star appliances and fixtures in discretionary new development. e) Encourage the performance of energy audits for residential and commercial buildings prior to completion of sale, and that audit results and information about opportunities for energy efficiency improvements be presented to the buyer f) Require the installation of outdoor electrical outlets on buildings to support the use, where practical, of electric lawn and garden equipment, and other tools that would otherwise be run with small gas engines or portable generators. g) Implement enhanced programs to divert solid waste from landfill operations h) Create and preserve distinct, identifiable neighborhoods whose characteristics support pedestrian travel, especially within, but not limited to, mixed-use and transit oriented development areas i) Provide continuous sidewalks with shade trees and landscape strips to separate pedestrians from traffic. 			
Air Quality and Greenhouse Gas Emissions	Long-term operations would exceed the daily thresholds established by the South Coast Air Quality Management District for VOC, NOx, and PM10. Expose sensitive receptors to substantial pollutant concentrations. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	 AQ-5. During operation, the following transportation mitigation measures shall be implemented to the satisfaction of the City of Ontario that would assist in reducing both criteria pollutant and greenhouse gas emissions. a) Provide safe and convenient access for pedestrians and bicyclists to, across, and along major transit priority streets. Encouraging new construction to include vehicle access to properly wired outdoor receptacles to accommodate ZEV and/or plug in electric hybrids (PHEV). b) Reduce required road width standards wherever feasible to calm traffic and encourage alternative modes of transportation. c) Add bicycle facilities to city streets and public spaces, where feasible. d) Ensure new development is designed to make public transit a viable choice for residents e) Ensure transit stops and bus lanes are safe, convenient, clean, sheltered, well-lit, and efficient. f) Provide access for pedestrians and bicyclist to public transportation through construction of dedicated paths, where feasible g) Require all new traffic lights installed be energy efficient traffic signals. 	During operation of the project	City Planning Director	
Air Quality and Greenhouse Gas Emissions	Long-term operations would exceed the daily thresholds established by the South Coast Air Quality Management District for VOC, NOx, and PM10. Expose sensitive receptors to substantial pollutant concentrations. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for	 AQ-6. During operation, the following landscape and water conservation mitigation measures shall be implemented to the satisfaction of the City of Ontario that would assist in reducing both criteria pollutant and greenhouse gas emissions. a) Reduce per capita water consumption consistent with state law by 2020. b) Promote the use of recycled water, including grey water systems for residential irrigation. c) Implement building design guidelines and criteria developed by the City to promote water efficient building design, including minimizing the amount of non-roof impervious surfaces around the building(s). d) Ensure water-efficient infrastructure and technology are used in new construction, including low-flow toilets and shower heads, 	During operation of the project	City Planning Director	

	ozone precursors) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	moisture-sensing irrigation, and other such advances. e) Require the use of reclaimed water for landscape irrigation in all new development and on public property where such connections are within the service boundaries of the City's reclaimed water system. f) Require all new landscaping irrigation systems installed within the project to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors. g) Requiring planting drought-tolerant and native species, and covering exposed dirt with moisture-retaining mulch or other materials such as decomposed granite. h) Promote planting of deciduous or evergreen low-VOC producing shade trees emphasizing native trees and vegetation.			
Biological Resources	Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the CDFG or USFWS.	Burrowing Owl BIO-1. Suitable habitat for burrowing owl (BUOW) is present on the site, therefore, prior to issuance of a grading permit, the project applicant shall have a biologist conduct focused protocol surveys for BUOW to map the location of suitable burrows, if any, and to formally determine presence or absence on the project site. Four focused surveys shall be conducted with at least one survey between 15 February and 15 April, and three surveys, at least three weeks apart, between 15 April and 15 July, with at least one survey after 15 June. The first focused survey can coincide with mapping of suitable burrows. If no BUOW are found but suitable habitat is still present, repeat preconstruction surveys should be conducted not more than 30 days prior to initial ground-disturbing activity. If BUOW is found during the focused surveys, the following mitigation measures should be implemented prior to the BUOW nesting season (February 1 through August 31). Avoidance: No disturbance should occur within 160 feet (50 m) of occupied burrows during the non-breeding season, which extends between September 1 and January 31. No disturbance should occur within 250 feet (75 m) during the breeding season. In addition, a minimum of 6.5 acres of foraging habitat must be preserved contiguous with occupied burrow sites for each pair of breeding burrowing owls (with or without dependent young) or single unpaired resident bird. On-site mitigation: If the avoidance requirements cannot be met, then passive relocation should be implemented; this measure can only be implemented during the non-breeding season. Passive relocation is conducted by encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond 160 feet (50 m) from the impact area and are within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair relocated. On-site habitat should be preserved in a conservation easement and managed to maintain BUOW habitat. Owls should also be excluded from burrows in t	Prior to issuance of Grading Permit (focused protocol surveys) Two to four weeks prior to commencement of ground-disturbing activities (preconstruction nesting bird survey)	Developer, Consulting Biologist, City of Ontario Planning Director and CFWS designated contact	

		hours to ensure that owls have left the bu occurs. One alternate natural or artificial for each burrow that will be directly impasshould be monitored for 1 week to ensure burrows before excavation begins. When be manually excavated and refilled to preburrows in the impact area. Off-site mitigation: If the project will implelow the threshold level of 6.5 acres perbird, the habitat should be replaced off-sisuitable and approved by CDFG, and the conservation easement in perpetuity and habitat. Off-site habitat preservation sho summarized in the table below:	burrow should be provided acted. The impact area e owl use of alternate possible, burrows should event re-occupation of a pact suitable habitat on-site relocated pair or single te. Off-site habitat must be land should be placed in a managed for BUOW			
		Mitigation Type	Mitigation Ratio per pair or single BUOW			
		Replacement of occupied habitat with occupied habitat	1.5 times 6.5 (9.75) acres			
		Replacement of occupied habitat with habitat contiguous to currently occupied habitat	2 times 6.5 (13.0) acres			
		Replacement of occupied habitat with suitable unoccupied habitat	3 times 6.5 (19.5) acres			
Biological Resources	Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the CDFG or USFWS. Implementation of the project in combination with the other related projects would result in the conversion of agricultural land uses to urban uses and elimination of the majority of windrows that, when used together, provide foraging habitat for migratory birds.	BIO-2. Nesting Birds. The project apply prepare a pre-construction nesting bird so required prior to any vegetation removal activities. Any activity that may potential requires a biological monitor including so removal. Removal of any trees, shrubs, or any other shall be conducted outside the avian nest season generally extends from early February slightly from year to year based conditions. If suitable nesting habitat must be removed season, a qualified biologist shall conducted outside the avian nest season generally extends from early February slightly from year to year based conditions. If suitable nesting habitat must be removed season, a qualified biologist shall conducted outside the proposed project will result in the proposed project will result windrows, which provide potential for again raptors, the proposed project will be subjuicted for the cumulative losses of raptor nesting will mitigate the impact below a level significant statement of any discovery for the cumulative losses of raptor nesting will mitigate the impact below a level significant statement of any transfer of any transfe	arvey, which will be or ground disturbance ally cause a nest failure, oil sampling, and tree or potential nesting habitating season. The nesting mary through August, but upon seasonal weather ed during the nesting at a nesting bird survey to factive nests are observed, within a buffer around the he nestlings have fledged. In the loss of eucalyptus tree ing and nesting habitat for ect to paying mitigation fees g and foraging habitat. This spificance.	Prior to commencement of ground-disturbing activities (pre-construction nesting bird survey)	Developer, Contractor, Consulting Biologist, and City of Ontario Planning Director	
		Prior to issuance of grading permit(s), Pr their fair share towards the \$22.7 million acquisition within the Chino/El Prado Ba the designated Waterfowl and Raptor Co	for the habitat land sin Area that shall serve as	Prior to issuance of Grading Permits (payment of fair share fees)	Developer and city of Ontario Planning Director	

		The fee shall be paid in accordance with the September 10, 2002 modification to NMC GPA Policy 18.1.12 and Implementation Measure I-6, that state a 145-acre WRCA shall be provided through either a mitigation land bank, or by purchasing a property through development mitigation/impact fees. The habitat land acquisition shall be managed by Land Conservancy, a non-profit organization selected by the City and The Endangered Habitat's League and the Sierra Club.			
Cultural Resources	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5	CUL-1. Prior to demolition of the structure complex located at 10084 Eucalyptus, the complex shall be recorded onto DPR523 forms.	Prior to issuance of Grading Permit	Developer, Consulting Archaeologist	
Cultural Resources	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5	CUL-2. Cultural resource mitigation monitoring is required, within the constraints found in Mitigation Measure CUL-2 during all project-related earthmoving in the Specific Plan. The monitoring must be headed by a City-approved Project Archaeologist, who may choose to use qualified field representatives (Inspector) during earthmoving. The Project Archaeologist must create a mitigation-monitoring plan prior to a City approved pregrade meeting. The mitigation monitoring plan document must contain a description of how and where historical and/or prehistoric artifacts will be curated if found during monitoring by the archaeological Inspector.	Prior to Grading (evidence of monitoring plan)	Developer, Consulting Archaeologist, and City Planning Director	
Cultural Resources	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5	CUL-3. Mitigation/monitoring by a qualified archaeological Inspector should take place on the project site once project-related excavations reach 4 feet below current grade, except within parcel #0218-241-15, where Inspections should begin once 2 feet below current grade.	During Grading	Developer, contractor and Consulting Archaeologist	
Cultural Resources	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5	CUL-4. If, during the implementation of CUL-3, any historic or prehistoric cultural resources are inadvertently discovered by the archaeological Inspector, the find(s) must be blocked off from further construction-related disturbance by at least 50 feet, and the Project Archaeologist must then determine whether the find is a historic resource as is defined under §15064.5(a)(3) of the CEQA Guidelines. If the find(s) is not found to be a historic resource, it must be recorded onto DPR523 form sets and project-related excavation can then continue. If the find(s) is determined to be a historic resource, appropriate measures associated with impacts to such resources could include avoidance, capping, incorporation of the site in greenspace, parks or open space, or data recovery excavation of the find(s). No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect or appropriately mitigate the significant resource. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the Lead Agency where they would be afforded long-term preservation to allow future scientific study.	During Grading	Developer, Contractor and Consulting Archaeologist	
Cultural Resources	Cause a substantial adverse change in the significance of a paleontological resource.	CUL-5. Once project-related excavations reach 15 feet in any one location in the Specific Plan, the City of Ontario shall require that a qualified Paleontologist be brought to the area(s) that have been cut at that depth and inspect the cut(s) to determine if the potential for impacts to fossil resources has risen from "low" to "moderate." If the potential for impacts has indeed risen to "moderate," then the	During Grading	Developer, Contractor and Consulting Paleontologist	

		City shall require that a qualified Paleontological Inspector monitor all cuts until all deep excavations are completed. Mitigation for impacts to any vertebrate finds shall follow all professional standards and any finds shall be offered to a museum the City names.			
Geology and Soils	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	GEO-1. Future development of urban uses on-site shall implement all applicable recommendations contained the geotechnical reports related to design, grading, and construction, to the satisfaction of the City Building Department, including the following:	Prior to approval of grading plans.	Developer and City of Ontario Building Official	
		 During construction activities, the developer shall be required to perform removal and recompaction of compressible surficial soils for surficial materials with depths of five to eight feet below the existing ground surface in order to mitigate excessive materials settlement. Deeper removals shall be necessary in areas located between boreholes and test pits. Ultimate removal depths shall be determined based on observation and testing by the geotechnical consultant during grading operations. Prior to grading activities, the developer shall remove all manure and organic-rich soil and dispose of it off-site. In addition, additional testing of organic-rich soils shall be performed following removal of the manure to more accurately determine the actual depth and extent of excessive organic-rich soil that my also require removal from the remainder of the project site. Removals shall be monitored by the geotechnical consultant of record. Prior to grading operations, the developer shall export existing manure and organic-rich topsoil, as well as vegetation, off the property. For any remaining soils, exhibiting any organic content greater than one percent shall be thoroughly mixed with other soils during remedial grading. During grading activities, contingencies shall be made for balancing earthwork quantities based on actual shrinkage and subsidence. Design and construct structures according to Chapter 16 of the 2010 California Building Code. Rocks exceeding 12 inches in diameter shall be reduced in size or removed from the project site. Reinforced steel in contact with soil shall use Type II Modified Portland Cement in combination with a 3-inch concrete cover. 			
Hazards and Hazardous Materials	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.	HAZ-1. Prior to issuance of a grading permit, the Project Applicant shall hire a qualified environmental consultant to excavate and dispose of contaminated soils, or treat in-situ (in place), in accordance with applicable regulatory requirements. If during	Prior to issuance of Grading Permit.	Developer, Contractor and City of Ontario Building Official	
	Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	grading activities additional contamination is discovered, grading within such an area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up measures are implemented so as to render the area suitable for grading activities to resume.			
Hazards and Hazardous Materials	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.	HAZ-2. Prior to demolition and/or renovation activities, all fluorescent light ballasts and pole-mounted transformers shall be inspected for PCBs. Any PCB-containing fluorescent light ballasts and/or transformers shall be disposed of in accordance with applicable regulatory requirements.	Prior to Demolition and Grading Permits	Developer and City of Ontario Building Official	

	Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment					
Hazards and Hazardous Materials	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	HAZ-3. During removal of on-site gasoline and diesel USTs, soil sampling shall be conducted below and in the immediate vicinity of the UST and associated piping. The Project Applicant shall submit the results of the soil survey to the City of Ontario (City) Building Department. If soil contamination is found, it shall be removed or remediated in accordance with applicable regulatory requirements.	Prior to Grading Permit	Developer and City of Ontario Building Official		
Hazards and Hazardous Materials	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	HAZ-4. Prior to issuance of demolition permits, the Project Applicant shall submit verification to the City Building Department that an asbestos survey has been conducted at all existing buildings located on the project site. If asbestos is found, the Project Applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403.	Prior to Demoliton and Grading Permits	Developer and City of Ontario Building Official		
Hazards and Hazardous Materials	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	HAZ-5. Prior to issuance of demolition permits, the Project Applicant shall submit verification to the City Building Department that a lead-based paint survey has been conducted at all existing buildings located on the project site. If lead-based paint is found, the Project Applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint.	Prior to Demoliton and Grading Permits	Developer and City of Ontario Building Official		
Hazards and Hazardous Materials	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	HAZ-6. Prior to issuance of grading or building permits, the Project Applicant shall hire a qualified environmental consultant to perform a Phase I Environmental Site Assessment and methane gas survey for the Lee Property (Property B) and the Morris Property (Property F) not previously investigated. The applicant shall adhere to and implement all applicable recommendations in the Phase I and methane reports to address any potential hazards in these portions of the project area.	Prior to issuance of Grading and Building Permits	Developer and City of Ontario Building Official		
Hazards and Hazardous Materials	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	HAZ-7. The Project Applicant shall implement all applicable recommendations for grading activities contained in the methane soil gas reports prepared for the properties within proposed Specific Plan area to the satisfaction of the City Building Department. This shall include a post-construction soil gas investigation and installation of methane mitigation systems where post-grading methane levels exceed 5,000 ppm (0.5 percent), should any such levels occur.	During Grading and post- Construction	Developer and City of Ontario Building Official		
Hydrology and Water	Violate any water quality standards or waste	a) Hydrology and Drainage	Prior to issuance of Grading	Developer and City of Ontario		
			1	1	1	

Quality	discharge requirements. Substantially alter the existing drainage pattern of the site or area. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	HWQ-1. Local storm drain facilities shall be sized to convey the 10-and/or 100-year storm event per a final drainage plan reviewed and approved by the City Engineer, or per the requirements of other applicable agencies.	Permits and during grading.	Engineer		
Hydrology and Water Quality	Violate any water quality standards or waste discharge requirements. Substantially alter the existing drainage pattern of the site or area.	a) Hydrology and Drainage HWQ-2. The project applicant(s) shall obtain approval from affected public agencies for the storm drain connection from the onsite collection system to NMC Master Plan storm drain facilities.	Prior to issuance of Grading Permits and during grading.	Developer and City of Ontario Engineer		
Hydrology and Water Quality	Violate any water quality standards or waste discharge requirements. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	b) Construction Water Quality HWQ-3. The project applicant(s) for future development projects shall prepare and submit a Notice of Intent to comply with the Construction General Permit to the California State Water Resources Board.	Prior to issuance of Grading Permits and during grading.	Developer and City of Ontario Engineer		
Hydrology and Water Quality	Violate any water quality standards or waste discharge requirements. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	b) Construction Water Quality HWQ-4. The project applicant(s) shall prepare a Stormwater Pollution Prevention Plan (SWPPP) per requirements of the Construction General National Pollutant Discharge Elimination System (NPDES) Permit.	Prior to issuance of Grading Permits and during grading.	Developer and City of Ontario Engineer		
Hydrology and Water Quality	Violate any water quality standards or waste discharge requirements. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	b) Construction Water Quality HWQ-5. Project-related construction activities shall implement stormwater quality BMPs, as required by the project's SWPPP, which may include, but are not limited to, any of the following: Employee and Subcontractor Training – Have a training session for employees and subcontractors to understand the need for implementation and usage of BMPs.	Prior to issuance of Grading Permits and during grading.	Developer and City of Ontario Engineer		
Hydrology and Water Quality	Violate any water quality standards or waste discharge requirements. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	c) Operational Water Quality HWQ-6. The project applicant(s) shall prepare a WQMP addressing post-construction water quality BMPs.	Prior to issuance of Grading Permits and during grading.	Developer and City of Ontario Engineer		
Noise	Exposure of persons to or generation of noise levels in excess of standards established in	b) Operation Mitigation Measures The following mitigation measure is recommended to reduce the	Prior to issuance of Building Permits	Developer and City of Ontario Building Official		

	the local general plan or noise ordinance, or applicable standards of other agencies. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	noise impacts from the proposed project: E-4. Active recreational uses that are likely to draw cheering crowds, elicit loud play, or have amplified game announcements (i.e., stadiums, soccer fields, tennis courts, basketball courts, etc.) shall be located within the park's interior and away from surrounding residential and "noise sensitive" uses.			
Noise	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	 b) Operation Mitigation Measure The following mitigation measure is recommended to reduce the noise impacts from the proposed project: E-5. Educational and recreational land uses (including educational campus, parks, and stadiums) shall be designed in such a manner that: locate and orient vehicle access points away from residential and/or noise sensitive parcels. locate loading and shipping facilities away from adjacent noise sensitive uses; incorporate structural building materials that mitigate sound transmission; minimize the use of outside speakers and amplifiers; configure interior spaces to minimize sound amplification and transmission; and incorporate fences, walls landscaping and other noise buffers and barriers between incompatible uses, as appropriate. 	Prior to issuance of Building Permits	Developer and City of Ontario Building Official	
Noise	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	b)Operation Mitigation Measure The following mitigation measure is recommended to reduce the noise impacts from the proposed project: E-6. Sound barrier walls or earth berms of sufficient height and length shall be provided to reduce exterior noise levels to 65 CNEL or lower at outdoor noise sensitive uses, including residential backyards/courtyards and school playgrounds. Prior to the issuance of grading permits, an acoustical analysis report shall be prepared by a qualified acoustical consultant and submitted to the City Planning Department by the developer. The report shall specify the noise barriers' height, location, and types capable of achieving the desired mitigation affect.	Prior to issuance of Building Permits	Developer and City of Ontario Building official	
Noise	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	 b) Operation Mitigation Measure The following mitigation measure is recommended to reduce the noise impacts from the proposed project: E-7. Parks if placed in the development areas where noise from traffic exceeds or is forecasted to exceed 70 dBA CNEL shall incorporate the following: Sound barrier walls or earth berms of sufficient height and length shall be designed by a qualified acoustical consultant to reduce exterior noise levels to 70 CNEL or lower; or Passive recreation areas, such as picnic tables, shall be located away from the roadway as far as possible. 	Prior to issuance of Building Permits	Developer and City of Ontario Building Official	
Noise	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or	b)Operation Mitigation Measure The following mitigation measure is recommended to reduce the noise impacts from the proposed project:	Prior to issuance of Building Permits	Developer and City of Ontario Building Official	

	applicable standards of other agencies. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	E-8. Prior to the issuance of building permit, an acoustical analysis shall be prepared by a qualified acoustical consultant for all new residential developments that are within 65 dBA CNEL or higher, for the purpose of documenting that an acceptable interior noise level of 45 dBA (CNEL) or below will be achieved with the windows and doors closed. The report shall be submitted at plan check to the City for approval.			
Noise	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	a) Construction Mitigation Measure Construction-related noise has the potential to result in significant impacts at sensitive receptors. Thus, the following measures are recommended to minimize construction-related noise impacts: E-1. All project construction vehicles or equipment, fixed or mobile, be equipped with standard and properly operating and maintained	Prior to issuance of Grading Permits	Developer and City of Ontario Building Official	
Noise	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	a) Construction Mitigation Measure Construction-related noise has the potential to result in significant impacts at sensitive receptors. Thus, the following measures are recommended to minimize construction-related noise impacts: E-2. Stockpiling and/or vehicle staging areas to be located as far as practical from existing residential units on and off the project site.	Prior to issuance of Grading Permits	Developer and City of Ontario Building Official	
Noise	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	a) Construction Mitigation Measure Construction-related noise has the potential to result in significant impacts at sensitive receptors. Thus, the following measures are recommended to minimize construction-related noise impacts: E-3. Whenever feasible, schedule the noisiest construction operations to occur together to avoid continuing periods of the greatest annoyance.	Prior to issuance of Grading Permits	Developer and City of Ontario Building Official	
Transportation and Circulation	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. Conflict with an applicable congestion management program, including but not limited to level of service standards, and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.	 L-1: Archibald Avenue / SR-60 WB Ramps The project shall contribute fair share development impact fees towards the following improvements to be completed as part of the freeway interchange improvement project included in the SANBAG 2010-2040 Measure I Nexus Study. The City will determine the fair share contribution from the proposed project contingent upon need at the time of Grand Park Specific Plan approval. Provide an additional exclusive NB left-turn lane Re-stripe the SB shared through/right-turn lane as an exclusive right-turn lane and provide an additional exclusive SB right-turn lane Re-stripe the WB shared left-turn/through lanes as a shared left-turn/right-turn lane and provide an additional exclusive WB left-turn lane 	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer	
Transportation and Circulation	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system,	L-2: Archibald Avenue / SR-60 EB Ramps The project shall contribute fair share development impact fees towards the following improvements to be completed as part of the	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer	

	taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. Conflict with an applicable congestion management program, including but not limited to level of service standards, and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.	freeway interchange improvement project included in the SANBAG 2010-2040 Measure I Nexus Study. The City will determine the fair share contribution from the proposed project contingent upon need at the time of Grand Park Specific Plan approval. Re-stripe the NB shared through/right-turn lane as an exclusive right-turn lane Provide an additional exclusive SB left-turn lane Re-stripe the EB shared left-turn/through lanes as a shared left-turn/right-turn lane and provide an additional exclusive EB left-turn lane			
Transportation and Circulation	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. Conflict with an applicable congestion management program, including but not limited to level of service standards, and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.	L-3: Traffic Signals Contingent upon need at the time of Specific Plan approval, the project shall construct or pay prior to issuance of building permits its fair share towards the installation of traffic signals at the following locations: - Edison Avenue / A Street - Edison Avenue / Turner Avenue - Haven Avenue / Park Street - Archibald Avenue / Park Street The project shall pay its fair share towards the need to modify the existing traffic signal at the following location: - Archibald Avenue / Edison Avenue	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer	

Table 2: Grand Park Specific Plan Air Quality Mitigation Measure AQ-7

	Best Available Control Measure ¹	Associated Measure in CalEEMod ²
Cleari 02-1 02-2 02-3	Ing and Grubbing Maintain stability of soil through pre-watering of site prior to clearing and grubbing. Stabilize soil during clearing and grubbing activities. Stabilize soil immediately after clearing and grubbing activities.	Water exposed surfaces three times per day Soil stabilizers for unpaved roads
Earth 08-1 08-2 08-3	Moving Activities Pre-apply water to depth of proposed cuts Re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 feet in any direction Stabilize soils once earth-moving activities are complete	Pre-water to 12 percent
Impor 09-1 09-2 09-3 09-4	t/Export of Bulk Materials Stabilize material while loading to reduce fugitive dust emissions. Maintain at least six inches of freeboard on haul vehicles. Stabilize material while transporting to reduce fugitive dust emissions. Stabilize material while unloading to reduce fugitive dust emissions. Comply with Vehicle Code Section 23114.	Water exposed surfaces three times per day
Guida a crus slopin	Stabilize soils, materials, slopes ance: Apply water to materials to stabilize; maintain materials in ted condition; maintain effective cover over materials; stabilize ag surfaces using soil until vegetation or ground cover can ively stabilize the slopes; hydroseed prior to rain season.	Replace ground cover in disturbed areas when unused for more than 10 days
Stagir 13-1	ng Areas Stabilize staging areas during use by limiting vehicle speeds to 15 miles per hour.	Reduce speed on unpaved roads to 15 miles per hour.
15-1 15-2 15-3	c Areas for Construction Activities Stabilize all off-road traffic and parking areas. Stabilize all haul routes. Direct construction traffic over established haul routes. ance: Apply gravel/paving to all haul routes as soon as possible to	Water exposed surfaces three times per day
Source	ure roadway areas; barriers can be used to ensure vehicles are used on established parking areas/haul routes.	

Note: See Table 1 for implementation timing and responsibility.

ORDINANCE NO.	

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE GRAND PARK SPECIFIC PLAN, FILE NO. PSP12-001, ESTABLISHING LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, AND DESIGN GUIDELINES FOR 320.2 ACRES, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 1,327 DWELLING UNITS AND A 146.7 ACRE PUBLIC PARK, BOUNDED BY EDISON AVENUE TO THE NORTH, EUCALYPTUS AVENUE TO THE SOUTH, ARCHIBALD AVENUE TO THE WEST, AND HAVEN AVENUE TO THE EAST, AND MAKING FINDINGS IN SUPPORT THEREOF – APN(S): 218-241-06, 10, 11, 13, 14, 15, 16, 19, 20, 22 AND 23.

WHEREAS, Distinguished Homes ("Applicant") has filed an Application for the approval of the Grand Park Specific Plan, File No. PSP12-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property bounded by Edison Avenue to the north, Eucalyptus Avenue to the south, and Archibald Avenue to the west, and Haven Avenue to the east. The site has a street frontage of approximately 4,576 along Edison Avenue and Eucalyptus Avenue and approximately 2,386 feet along Archibald Avenue and Haven Avenue and is presently improved with diary and agriculture uses; and

WHEREAS, the properties to the north of the Project site are zoned for Low and Medium Density Residential within The Avenue Specific Plan and are developed with dairy and agriculture uses. The properties to the south are within the Subarea 29 Specific Plan, zoned for Low Density Residential and are developed with dairy and agriculture uses. The properties to the east are zoned SP/AG (Specific Plan/Agriculture Preserve) and are developed with dairy and agriculture uses. The properties to the west are within the Parkside Specific Plan, zoned for Medium Density Residential and General Commercial and are developed with diary and agriculture uses; and

WHEREAS, the Specific Plan indentifies the allowable land uses, maximum development intensity consistent with TOP Policy Plan Land Use Plan, design guidelines, and development standards for the 320 acres of land; and

WHEREAS, the Specific Plan is comprised of approximately 320 acres of land into the following land use categories: 106.6 gross acres of residential, 11.2 gross acres for an elementary school, 55.7 gross acres for a high school and 146.7 gross acres for a public park; and

WHEREAS, TOP Policy Plan establishes a development capacity of 1,561 dwelling units for the Specific Plan area. As proposed, the Specific Plan allows the development of up to 1,327 residential dwelling units. In situations where developments encompass multiple properties (Specific Plans) and contain more than one land use designation, TOP Policy Plan allows the maximum number of units permitted for the development to be spread over the entire site, allowing the blending of the residential

densities. In addition, when calculating the number of units permitted, the existing parcel size (gross acres), before required dedication, is to be used. The 1,327 residential units will be contained within 8 distinctive Planning Areas (See Figure 2,), with Planning Area 2, 4, 5 and 6 comprised of Low Density Residential (6-12 du/ac), Planning Areas 1 and 3 comprised of Medium Density Residential (12-18 du/ac) and Planning Area 7 and 8 comprised of High Density Residential (18-25 du/ac). All Planning Areas are linked by a network of street separated sidewalks and bicycle trails connecting all neighborhoods to parks and schools; and

WHEREAS, the Specific Plan residential planning areas include a variety of housing products that respond to a variety of homeownership needs and desires. The Specific Plan offers a variety of conventional low density single family detached residential products as well as higher density motor court and stacked flats condominium style residential products; and

WHEREAS, California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits the adoption and administration of specific plans as an implementation tool for elements contained in the local general plan. Specific plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the general plan. The Grand Park Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy analysis in *Table 9-1, "Policy Plan Consistency,"* of the Specific Plan describes the manner in which the Grand Park Specific Plan complies with the Policy Plan goals and policies applicable to the Grand Park Specific Plan; and

WHEREAS, this Specific Plan will not be materially injurious or detrimental to the adjacent properties, but will have a significant impact on the environment or the surrounding properties. The benefits of the project, however, outweigh the potential environmental impacts and a Statement of Overriding Considerations is recommended for the project; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project are being reviewed in conjunction with the Grand Park Specific Plan (File No. PSP12-001) Environmental Impact Report (SCH # 2012061057); and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, on December 16, 2013, the Development Advisory Board of the City of Ontario conducted a hearing and issued Decision No. DAB138, recommending Planning Commission approval of the Application; and

WHEREAS, on December 16, 2013, the Planning Commission of the City of Ontario conducted a hearing and issued Resolution PC13-083 recommending the City Council approval of the Application; and

WHEREAS, as the first action on the Project on January 21, 2014, the City Council approved a Resolution certifying the Grand Park Specific Plan Final EIR (SCH# 2012061057). The Final EIR concluded that implementation of the Project could result in significant and unavoidable negative environmental effects despite the imposition of all feasible mitigation measures identified in the Final EIR. The City Council determined that the benefits of the project outweigh the avoidable adverse impacts as documented in the Statement of Overriding Considerations included in the Final EIR Resolution; and

WHEREAS, on January 21, 2014, the City Council of the City of Ontario conducted a hearing on the Project and concluded said hearing on that date; and

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

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

- SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained together with all written and oral reports included for the environmental assessment for the application. The City Council finds that the environmental impacts of this project were reviewed in conjunction with the Grand Park Specific Plan Environmental Impact Report (SCH # 2012061057) and supporting documentation and the City Council finds as follows:
- a. The Grand Park Specific Plan Environmental Impact Report contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- b. The Grand Park Specific Plan Environmental Impact Report was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- c. The Grand Park Specific Plan Environmental Impact Report reflects the independent judgment of the City Council; and
- d. All applicable mitigation measures adopted with the certification by the City Council of the Grand Park Specific Plan Environmental Impact Report will become a condition of project approval.
- <u>SECTION 2</u>. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:
- a. The 320 acre Specific Plan is suitable for the uses permitted in the proposed district in terms of access, size, and compatibility with existing land use in the surrounding area; and

- b. The proposed Grand Park Specific Plan is in conformance with the Land Use Policies and Goals of the Policy Plan and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and
- c. During the Specific Plan review, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section 65351; and
- d. The proposed project is consistent with the adopted Housing Element. The Project site is not one of the properties (areas) listed in the Available Land Inventory in the Housing Element.
- SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves the Project subject to each and every condition set forth in the Department reports, attached hereto and incorporated herein by this reference.
- <u>SECTION 4</u>. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.
- <u>SECTION 5</u>. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.
- SECTION 6. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.
- <u>SECTION 7</u>. Effective Date. This Ordinance shall become effective 30 days following its adoption.
- SECTION 8. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within

fifteen (15) days of the adoption. The ordinance, including the vote for and aga accordance with Government Code Sect	ainst the same, in the		
PASSED, APPROVED, AND ADO	OPTED this	_ day of	_2014.
	PAUL S. LEON, MAY	/OR	
ATTEST:			
MARY E. WIRTES, MMC, CITY CLERK			
APPROVED AS TO FORM:			
BEST BEST & KRIEGER LLP CITY ATTORNEY			

_	CALIFORNIA OF SAN BERNARDINO NTARIO)))	
foregoing C Council of t	Ordinance No wa	the City of Ontario, DO HEREBY is duly introduced at a regular mee nuary 21, 2014 and adopted at the ring roll call vote, to wit:	ting of the City
AYES:	COUNCIL MEMBERS:		
NOES:	COUNCIL MEMBERS:		
ABSENT:	COUNCIL MEMBERS:		
(SEAL)		MARY E. WIRTES, MMC, CITY	CLERK
and adopte and that	d by the Ontario City Cou	ne original of Ordinance No. uncil at their regular meeting held nance were published on Daily Bulletin newspaper.	
		MARY E. WIRTES, MMC, CITY	CLERK
(SEAL)			