

**CITY OF ONTARIO**  
**CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY**  
**TO THE ONTARIO REDEVELOPMENT AGENCY**  
**AGENDA**  
**APRIL 7, 2015**

**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)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One (1) case.*
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario v. 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***

Council Member Dorst-Porada

***INVOCATION***

Associate Pastor Albert B. Peterson II, Seventh Day Adventist Church

**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 March 3, 2015, and approving same as on file in the Records Management Department.

**2. BILLS/PAYROLL**

**Bills** February 22, 2015 through March 7, 2015 and **Payroll** February 22, 2015 through March 7, 2015, when audited by the Finance Committee.

**3. RESOLUTIONS TO APPROVE THE TRANSFER OF FORMER ONTARIO REDEVELOPMENT AGENCY PROPERTIES FROM THE CITY OF ONTARIO OR THE ONTARIO HOUSING AUTHORITY TO THE SUCCESSOR AGENCY**

- (A) That the City Council adopt a resolution approving and authorizing the transfer of former Ontario Redevelopment Agency properties from the City to the Successor Agency;
- (B) That the Successor Agency adopt a resolution approving and accepting the transfer of former Ontario Redevelopment Agency properties from the City to the Successor Agency;
- (C) That the Ontario Housing Authority adopt a resolution approving and authorizing the transfer of former Ontario Redevelopment Agency properties from the City to the Successor Agency; and
- (D) That the Successor Agency adopt a resolution approving and accepting the transfer of former Ontario Redevelopment Agency properties from the Ontario Housing Authority to the Successor Agency.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE TRANSFER OF CERTAIN PROPERTIES OF THE FORMER ONTARIO REDEVELOPMENT AGENCY FROM THE CITY OF ONTARIO TO THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY.

RESOLUTION NO. SA-\_\_\_\_\_

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE TRANSFER OF CERTAIN PROPERTIES OF THE FORMER ONTARIO REDEVELOPMENT AGENCY FROM THE CITY OF ONTARIO TO THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY.

RESOLUTION NO. OHA-\_\_\_\_\_

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE TRANSFER OF CERTAIN PROPERTIES OF THE FORMER ONTARIO REDEVELOPMENT AGENCY FROM THE ONTARIO HOUSING AUTHORITY TO THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY.



RESOLUTION NO. SA-\_\_\_\_\_

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE TRANSFER OF CERTAIN PROPERTIES OF THE FORMER ONTARIO REDEVELOPMENT AGENCY FROM THE ONTARIO HOUSING AUTHORITY TO THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY.

**4. AUTHORIZE AND AWARD THE PURCHASE OF REPLACEMENT FLEET VEHICLES/LONG BEACH BMW**

That the City Council authorize the purchase and delivery of four 2015 BMW R1200RT-P motorcycles from Long Beach BMW of Long Beach, California, in the amount of \$116,796 consistent with the terms and conditions of the Los Angeles Sheriff's Department Purchase Order No. PO-SH-15323008-1.

**5. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER – SERVICES)**

That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 32 (Archibald/Schaefer – Services).

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA,  
LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 32  
(ARCHIBALD/SCHAEFER – SERVICES).

**6. A DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT WITH SL ONTARIO DEVELOPMENT COMPANY LLC**

That the City Council authorize the City Manager to execute a Development Impact Fee Credit and Reimbursement Agreement (on file with the Records Management Department) with SL Ontario Development Company LLC (SLODC), a Delaware Limited Liability Company, for the construction of public infrastructure in the Park Place development project.

**7. A WATER PURCHASE AGREEMENT WITH AQUA CAPITAL MANAGEMENT LP**

That the City Council approve and authorize the City Manager to execute a water purchase agreement (on file with the Records Management Department) subject to non-substantive changes with Aqua Capital Management LP, a Delaware Limited Partnership located in Omaha, Nebraska, for the permanent transfer of overlying groundwater rights in the amount of \$3,820,244.

**8. A CONSTRUCTION CONTRACT AND PROFESSIONAL SERVICES AGREEMENT FOR THE CONSTRUCTION, MANAGEMENT, AND INSPECTION OF SEWER MAIN IMPROVEMENTS AT VARIOUS LOCATIONS/GCI CONSTRUCTION, INC./PARSON BRINKERHOFF, INC.**

That the City Council:

- (A) Approve the plans and specifications, and award Contract No. UT 1314-06 (on file with the Records Management Department) to GCI Construction, Inc. of San Clemente, California, for the construction of sewer main improvements at various locations in the amount of \$959,067 plus a 15% contingency of \$143,860, for a total amount of \$1,102,927; and authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project; and
- (B) Authorize the City Manager to execute a Professional Services Agreement (on file with the Records Management Department) with Parson Brinkerhoff, Inc. of San Bernardino, California, to provide construction management and inspection services for sewer main improvements at various locations in the amount of \$158,044 plus a 15% contingency of \$23,707, for a total amount of \$181,751.

**9. A PURCHASE AGREEMENT FOR STORM DRAIN FILTER SCREENS/JOHN COMMERCIAL SERVICES**

That the City Council approve and authorize the City Manager to execute a sole source Purchase Agreement/Order in the amount of \$139,000 for Fiscal Year 2014-15 with John Commercial Services of Anaheim, California, for the purchase and installation of 125 curb inlet storm drain debris screens citywide, and authorize the company as a sole source vendor for future purchases.

**10. AN ORDINANCE APPROVING AN AMENDMENT TO THE PROVISIONS OF THE ONTARIO MUNICIPAL CODE TITLE 9 (DEVELOPMENT CODE) REGARDING THE LOCATION AND OPERATION OF MASSAGE ESTABLISHMENTS AND THE OFFERING OF MASSAGE SERVICES**

That the City Council consider and adopt an ordinance approving the Development Code Amendment (File No. PDCA15-001), amending the provisions relating to the location and operation of massage establishments and the offering of massage services.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING THE PROVISIONS OF THE ONTARIO MUNICIPAL CODE TITLE 9 (DEVELOPMENT CODE) REGARDING THE LOCATION AND OPERATION OF MASSAGE ESTABLISHMENTS AND THE OFFERING OF MASSAGE SERVICES, AND MAKING FINDINGS IN SUPPORT THEREOF.

**11. GRANT OF TOWING CARRIER PERMITS AND AWARD OF CITY CONTRACT TOWING SERVICES AGREEMENTS**

That the City Council grant towing carrier permits and authorize the City Manager to execute City Contract Towing Services Agreements (on file with the Records Management Department) with Dietz Towing, LLC; James Fogelsong Towing and Storage Inc.; United Road Towing, DBA Bill and Wags Inc.; and Pepe's Towing Service, all of Ontario, California, for a period of five years.

**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.

**12. A PUBLIC HEARING TO CONSIDER RESOLUTIONS APPROVING [1] FILE NO. PGPA13-005, A GENERAL PLAN AMENDMENT, WHICH (A) REVISES THE POLICY PLAN OFFICIAL LAND USE PLAN (EXHIBIT LU-01) TO CHANGE THE LAND USE ON APPROXIMATELY 148 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF VINEYARD AVENUE AND FOURTH STREET, FROM MIXED USE AND PUBLIC SCHOOL, TO INDUSTRIAL, (B) REVISES THE POLICY PLAN FUTURE BUILDOUT (EXHIBIT LU-03) PROJECTIONS FOR THE MEREDITH GROWTH AREA, TO BE CONSISTENT WITH THE PROPOSED LAND USE CHANGES, AND (C) REVISES THE GENERALIZED AND GROWTH AREAS (EXHIBIT LU-04) TO BE CONSISTENT WITH THE PROPOSED LAND USE CHANGES; [2] FILE NO. PSPA14-003, A SPECIFIC PLAN AMENDMENT, WHICH MODIFIES THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN, ORIGINALLY ADOPTED IN 1981, TO REALIZE APPROXIMATELY 3 MILLION SQUARE FEET OF INDUSTRIAL LAND USES, UP TO 600 HOTEL ROOMS AND 1.1 MILLION SQUARE FEET OF COMMERCIAL LAND USES, AND UP TO 800 RESIDENTIAL UNITS, ON APPROXIMATELY 257.7 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF INTERSTATE 10 FREEWAY, BETWEEN VINEYARD AND ARCHIBALD AVENUES, AND PROVIDES PLANNING GUIDANCE ON LAND USES, CIRCULATION, UTILITIES AND INFRASTRUCTURE, DEVELOPMENT STANDARDS AND DESIGN GUIDELINES, AND SPECIFIC PLAN IMPLEMENTATION; [3] THE CERTIFICATION OF THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN AMENDMENT ENVIRONMENTAL IMPACT REPORT (EIR) (SCH #2014051020) PREPARED FOR THE GENERAL PLAN AMENDMENT AND SPECIFIC PLAN AMENDMENT; AND [4] THE ADOPTION OF FINDINGS OF OVERRIDING CONSIDERATIONS ADDRESSING TRAFFIC, AIR QUALITY, AND NOISE IMPACTS, WHICH THE EIR FOUND TO BE SIGNIFICANT AND UNAVOIDABLE**

That the City Council consider and adopt the following:

- (A) A resolution certifying the Meredith International Centre Specific Plan Amendment Environmental Impact Report (EIR), including Findings of Overriding Considerations addressing traffic, air quality, and noise impacts, which the EIR found to be significant and unavoidable;

(B) A resolution approving a General Plan Amendment (File No. PGPA13-005), which:

- (1) Revises the Policy Plan Official Land Use Plan (Exhibit LU-01) to change the land use on approximately 148 acres of land generally located at the southeast corner of Vineyard Avenue and Fourth Street, from Mixed Use and Public School, to Industrial; and
- (2) Revises the Policy Plan Future Buildout (Exhibit LU-03) for the Meredith growth area, to be consistent with the proposed Official Land Use Plan changes; and
- (3) Revises the Generalized and Growth Areas (Exhibit LU-04) to be consistent with the proposed Official Land Use Plan changes; and

(C) A resolution approving a Specific Plan Amendment (File No. PSPA14-003), which modifies the Meredith International Centre Specific Plan to allow for the development of approximately 3 million square feet of industrial land uses, up to 600 hotel rooms, up to 1.1 million square feet of commercial land uses, and up to 800 residential units, and revise the planning guidance on allowed land uses, circulation, utilities and infrastructure, development standards and design guidelines, and specific plan implementation.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN AMENDMENT, FILE NO. PSPA14-003, AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PLAN (APNS: 0110-311-15, 24, 26 AND 33).

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA13-005, A GENERAL PLAN AMENDMENT TO REVISE THE LAND USE ELEMENT OF THE POLICY PLAN, INCLUDING: (1) A REVISION TO THE LAND USE PLAN (EXHIBIT LU-01) TO CHANGE THE LAND USE ON APPROXIMATELY 148 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF VINEYARD AVENUE AND FOURTH STREET, FROM MIXED USE TO INDUSTRIAL (SEE EXHIBIT A); (2) A REVISION TO FUTURE BUILDOUT (EXHIBIT LU-03) PROJECTIONS FOR THE MEREDITH GROWTH AREA TO BE CONSISTENT WITH THE PROPOSED LAND USE CHANGES (SEE EXHIBIT B); AND (3) A REVISION TO THE GENERALIZED AND GROWTH AREAS (EXHIBIT LU-04) MAP TO BE CONSISTENT WITH THE PROPOSED LAND USE CHANGES (SEE EXHIBIT C), AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0110-311-15, 24, 26 AND 33. (CYCLE 1 FOR THE 2015 CALENDAR YEAR).

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA14-003, WHICH MODIFIES THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN, ORIGINALLY ADOPTED IN 1981, TO REALIZE APPROXIMATELY 3 MILLION SQUARE FEET OF INDUSTRIAL LAND USES, UP TO 600 HOTEL ROOMS, UP TO 1.14 MILLION SQUARE FEET OF COMMERCIAL LAND USES, AND UP TO 800 RESIDENTIAL UNITS, ALL ON APPROXIMATELY 257.7 ACRES OF LAND GENERALLY LOCATED SOUTH OF FOURTH STREET, NORTH OF THE INTERSTATE 10 FREEWAY, BETWEEN VINEYARD AND ARCHIBALD AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0110-311-12, 15, 21, 24, 26, 28, 32, 33, 36, 37, 43 & 44; AND 0110-321-05 & 25 THROUGH 29.

## **STAFF MATTERS**

City Manager Boling

## **COUNCIL MATTERS**

### ***GOLD LINE AUTHORITY DESIGNATION – ALTERNATE***

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

## **ADJOURNMENT**

**CITY OF ONTARIO  
CLOSED SESSION REPORT**  
City Council // Housing Authority // Other // (GC 54957.1)  
**April 7, 2015**

**ROLL CALL:** Wapner \_\_, Bowman \_\_, Dorst-Porada \_\_, Avila \_\_ Mayor / Chairman Leon \_\_.

**STAFF:** City Manager / Executive Director \_\_, City Attorney \_\_

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

- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One (1) case.*

**No Reportable Action**

**Continue**

**Approved**

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/ /

Disposition: \_\_\_\_\_

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

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

**No Reportable Action**

**Continue**

**Approved**

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Disposition: \_\_\_\_\_

Reported by: \_\_\_\_\_  
City Attorney / City Manager / Executive Director



# **CITY OF ONTARIO**

## *Agenda Report*

**April 7, 2015**

## **SECTION: CONSENT CALENDAR**

**SUBJECT: RESOLUTIONS TO APPROVE THE TRANSFER OF FORMER ONTARIO REDEVELOPMENT AGENCY PROPERTIES FROM THE CITY OF ONTARIO OR THE ONTARIO HOUSING AUTHORITY TO THE SUCCESSOR AGENCY**

### **RECOMMENDATION:**

- (A) That the City Council adopt a resolution approving and authorizing the transfer of former Ontario Redevelopment Agency properties from the City to the Successor Agency;
- (B) That the Successor Agency adopt a resolution approving and accepting the transfer of former Ontario Redevelopment Agency properties from the City to the Successor Agency;
- (C) That the Ontario Housing Authority adopt a resolution approving and authorizing the transfer of former Ontario Redevelopment Agency properties from the City to the Successor Agency; and
- (D) That the Successor Agency adopt a resolution approving and accepting the transfer of former Ontario Redevelopment Agency properties from the Ontario Housing Authority to the Successor Agency.

**COUNCIL GOALS: Regain Local Control of the Ontario International Airport  
Invest in the Growth and Evolution of the City's Economy**

**FISCAL IMPACT:** None.

**BACKGROUND:** Pursuant to Health and Safety Code Section 34172, the Ontario Redevelopment Agency ("Redevelopment Agency") was dissolved as of February 1, 2012. The City of Ontario elected to serve as the Successor Agency to the Ontario Redevelopment Agency ("Successor Agency").

The Redevelopment Agency previously directed the transfer of certain real properties ("Properties"), as further identified in the attached resolutions, through a Cooperation Agreement entered into by and

**STAFF MEMBER PRESENTING:** John Andrews, Economic Development Director

Prepared by: Charity Hernandez  
Department: Economic Development

City Manager  
Approval: 

Submitted to Council/O.H.A. 04/07/2015  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

**3**

between the Redevelopment Agency and the City, dated February 15, 2011. However, pursuant to Assembly Bill 1X 26, enacted in June 2011, and Assembly Bill 1484, enacted in June 2012 (collectively, the "Dissolution Act"), asset transfers between the former Redevelopment Agency, the City and/or the Ontario Housing Authority after January 1, 2011 are potentially invalid.

Pursuant to Health and Safety Code Section 34167.5, the State Controller's Office (SCO) scheduled an audit to review all transfers of the former Redevelopment Agency. The SCO finalized their findings in a report, dated September 30, 2014. The SCO's report provided that the transfer of the properties from the Redevelopment Agency to the City or Housing Authority pursuant to the Cooperation Agreement were unallowable transfers. The SCO Report directed the City to turn these properties over to the Successor Agency.

As a result, staff recommends approval of the attached resolutions transferring the properties back to the Successor Agency.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE TRANSFER OF CERTAIN PROPERTIES OF THE FORMER ONTARIO REDEVELOPMENT AGENCY FROM THE CITY OF ONTARIO TO THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY.

WHEREAS, pursuant to Health and Safety Code Section 34173(d), the City of Ontario ("City") elected to serve as the successor agency ("Successor Agency") to the former Ontario Redevelopment Agency ("Agency"); and

WHEREAS, prior to its dissolution, the Agency and City entered into a Cooperation Agreement, dated February 15, 2011, in which the Agency transferred certain real properties owned by the Agency, as further detailed in Attachment 1, to the City ("Properties"); and

WHEREAS, Assembly Bill 1X 26, enacted in June 2011, and AB 1484, enacted in June 2012 (collectively, the "Dissolution Act") required the dissolution of redevelopment agencies and established certain procedures and requirements for the wind-down of their activities; and

WHEREAS, pursuant to Health and Safety Code Section 34167.5, the State Controller's Office conducted a review, dated September 30, 2014, of all asset transfers made by the Agency to the City or any other public agency after January 1, 2011 ("SCO Report"); and

WHEREAS, the SCO Report determined that the transfer of the Properties from the Agency to the City was not allowable and directed the City to transfer the Properties to the Successor Agency, as the successor entity to the Agency; and

WHEREAS, in accordance with the SCO Report, the City agrees to transfer the Properties and the Successor Agency agrees to accept the transfer of the Properties; and

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

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

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

SECTION 2. CEQA Compliance. The approval of the transfer of Properties from the City to the Successor Agency does not commit the Successor Agency or City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 3. Transfer of Properties to the Successor Agency. The City hereby approves and authorizes the transfer of title to the Properties listed in Attachment 1 from the City to the Successor Agency.

SECTION 4. Implementation. The City Manager or his or her designee is hereby authorized and directed to, on behalf of the City, execute any and all documents, and take any and all action necessary to effectuate the transfer of the properties from the City to the Successor Agency in accordance with this Resolution and applicable law.

SECTION 5. Severability. If any provision of this Resolution or the application of any such provision 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 declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 6. Certification. The City Clerk shall certify to the adoption of this Resolution.

SECTION 7. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of April 2015.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2015-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 7, 2015 by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2015-       duly passed and adopted by the Ontario City Council at their regular meeting held April 7, 2015.

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MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

# ATTACHMENT 1

## PROPERTIES

<b>EMPORIA (Housing and Code Building)</b>	
<b>Site Address</b>	<b>APN</b>
221 W. Transit	1049-056-01
211 W. Transit	1049-056-02
211 W. Transit	1049-056-03
200 S. Laurel	1049-056-04
208 W. Emporia	1049-056-05
228 W. Emporia	1049-056-06
<b>MERCY HOUSE CONTINUUM OF CARE PERMANENT HOUSING UNITS (MERCY HOUSE)</b>	
<b>Site Address</b>	<b>APN</b>
517, 521, 525 N. Virginia	1048-442-13
<b>ONTARIO TOWN SQUARE C-1</b>	
<b>Site Address</b>	<b>APN</b>
120 E. D St.	1048-551-02
121 E. C Street	1048-551-04
<b>ONTARIO TOWN SQUARE B-1</b>	
<b>Site Address</b>	<b>APN</b>
126 E. C Street	1048-552-13
124 E. C Street	1048-552-14
230 N. Euclid	1048-552-18
<b>TAX DEFAULTED PROPERTIES (ACQUISITION)</b>	
<b>Site Address</b>	<b>APN</b>
708 E. Willow Street	1048-512-03
815 E. Woodlawn	1049-461-17
818 E. Woodlawn	1049-462-02
1034 E. State Street	1049-194-07
<b>ORA PROPERTIES (REDEVELOPMENT PROJECTS)</b>	
<b>Site Address</b>	<b>APN</b>
2000 E. Holt Blvd	0110-322-34
1947 Convention Center Way	0110-321-57
945 N. Via Alba	0210-204-19
0 S. Wineville	0238-152-27
1505 N. Mountain	1008-271-09
1557 N. Mountain	1008-271-07
0 W. 6th Street	1008-431-25
1437 N. Mountain	1008-431-21
1425 N. Mountain	1008-431-22
603 N. Euclid	1048-356-08
1125 E. Holt	1048-472-01
116 N. Virginia	1048-472-02
120 N. Virginia	1048-472-03
126 N. Virginia	1048-472-04

502 E. Nocta	1048-521-13
121 N. Euclid	1048-564-06
213 N. Fern	1048-572-06
403 W. B	1048-573-02
204 E. Transit	1049-064-01
208 E. Transit	1049-064-02
212 E. Transit	1049-064-03
228 E. Transit	1049-064-05
133 S. Malcolm	1049-094-09
1006 E. Holt	1049-131-09
0 N. Lemon Ave	1048-566-14
214 E. Holt Blvd	1049-063-02



RESOLUTION NO. SA-\_\_\_\_\_

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE TRANSFER OF CERTAIN PROPERTIES OF THE FORMER ONTARIO REDEVELOPMENT AGENCY FROM THE CITY OF ONTARIO TO THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY.

WHEREAS, pursuant to Health and Safety Code Section 34173(d), the City of Ontario ("City") elected to serve as the successor agency ("Successor Agency") to the former Ontario Redevelopment Agency ("Agency"); and

WHEREAS, prior to its dissolution, the Agency and City entered into a Cooperation Agreement, dated February 15, 2011, in which the Agency transferred certain real properties owned by the Agency, as further detailed in Attachment 1, to the City ("Properties"); and

WHEREAS, Assembly Bill 1X 26, enacted in June 2011, and AB 1484, enacted in June 2012 (collectively, the "Dissolution Act") required the dissolution of redevelopment agencies and established certain procedures and requirements for the wind-down of their activities; and

WHEREAS, pursuant to Health and Safety Code Section 34167.5, the State Controller's Office conducted a review, dated September 30, 2014, of all asset transfers made by the Agency to the City or any other public agency after January 1, 2011 ("SCO Report"); and

WHEREAS, the SCO Report determined that the transfer of the Properties from the Agency to the City was not allowable and directed the City to transfer the Properties to the Successor Agency, as the successor entity to the Agency; and

WHEREAS, in accordance with the SCO Report, the City agrees to transfer the Properties and the Successor Agency agrees to accept the transfer of the Properties; and

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

NOW, THEREFORE, THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

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

SECTION 2. CEQA Compliance. The approval of the transfer of Properties from the City to the Successor Agency does not commit the Successor Agency or City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 3. Transfer of Properties to the Successor Agency. The Successor Agency hereby approves and accepts the transfer of title to the Properties listed in Attachment 1 from the City to the Successor Agency.

SECTION 4. Implementation. The City Manager or his or her designee is hereby authorized and directed to, on behalf of the Successor Agency, execute any and all documents, and take any and all action necessary to effectuate the transfer of the properties from the City to the Successor Agency in accordance with this Resolution and applicable law.

SECTION 5. Severability. If any provision of this Resolution or the application of any such provision 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 Successor Agency declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 6. Certification. The City Clerk of the City of Ontario, acting on behalf of the Successor Agency as its Secretary, shall certify to the adoption of this Resolution.

SECTION 7. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of April 2015.

---

PAUL S. LEON, CHAIRMAN

ATTEST:

---

MARY E. WIRTES, AGENCY SECRETARY

APPROVED AS TO FORM:

---

AGENCY COUNSEL

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, in my official capacity as secretary to the Successor Agency to the Ontario Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. SA-        was duly adopted by the Successor Agency to the Ontario Redevelopment Agency at a regular meeting held on April 7, 2015 by the following vote:

AYES:            AGENCY MEMBERS:

NOES:           AGENCY MEMBERS:

ABSENT:        AGENCY MEMBERS:

\_\_\_\_\_  
MARY E. WIRTES, AGENCY SECRETARY

(SEAL)

The foregoing is the original of Resolution No. SA-        duly passed and adopted by the Successor Agency to the Ontario Redevelopment Agency at their regular meeting held April 7, 2015.

\_\_\_\_\_  
MARY E. WIRTES, AGENCY SECRETARY

(SEAL)

**ATTACHMENT 1****PROPERTIES**

<b>EMPORIA (Housing and Code Building)</b>	
<b>Site Address</b>	<b>APN</b>
221 W. Transit	1049-056-01
211 W. Transit	1049-056-02
211 W. Transit	1049-056-03
200 S. Laurel	1049-056-04
208 W. Emporia	1049-056-05
228 W. Emporia	1049-056-06
<b>MERCY HOUSE CONTINUUM OF CARE PERMANENT HOUSING UNITS (MERCY HOUSE)</b>	
<b>Site Address</b>	<b>APN</b>
517, 521, 525 N. Virginia	1048-442-13
<b>ONTARIO TOWN SQUARE C-1</b>	
<b>Site Address</b>	<b>APN</b>
120 E. D St.	1048-551-02
121 E. C Street	1048-551-04
<b>ONTARIO TOWN SQUARE B-1</b>	
<b>Site Address</b>	<b>APN</b>
126 E. C Street	1048-552-13
124 E. C Street	1048-552-14
230 N. Euclid	1048-552-18
<b>TAX DEFAULTED PROPERTIES (ACQUISITION)</b>	
<b>Site Address</b>	<b>APN</b>
708 E. Willow Street	1048-512-03
815 E. Woodlawn	1049-461-17
818 E. Woodlawn	1049-462-02
1034 E. State Street	1049-194-07
<b>ORA PROPERTIES (REDEVELOPMENT PROJECTS)</b>	
<b>Site Address</b>	<b>APN</b>
2000 E. Holt Blvd	0110-322-34
1947 Convention Center Way	0110-321-57
945 N. Via Alba	0210-204-19
0 S. Wineville	0238-152-27
1505 N. Mountain	1008-271-09
1557 N. Mountain	1008-271-07
0 W. 6th Street	1008-431-25
1437 N. Mountain	1008-431-21
1425 N. Mountain	1008-431-22
603 N. Euclid	1048-356-08
1125 E. Holt	1048-472-01
116 N. Virginia	1048-472-02

120 N. Virginia	1048-472-03
126 N. Virginia	1048-472-04
502 E. Nocta	1048-521-13
121 N. Euclid	1048-564-06
213 N. Fern	1048-572-06
403 W. B	1048-573-02
204 E. Transit	1049-064-01
208 E. Transit	1049-064-02
212 E. Transit	1049-064-03
228 E. Transit	1049-064-05
133 S. Malcolm	1049-094-09
1006 E. Holt	1049-131-09
0 N. Lemon Ave	1048-566-14
214 E. Holt Blvd	1049-063-02

RESOLUTION NO. OHA-\_\_\_\_\_

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE TRANSFER OF CERTAIN PROPERTIES OF THE FORMER ONTARIO REDEVELOPMENT AGENCY FROM THE ONTARIO HOUSING AUTHORITY TO THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY.

WHEREAS, pursuant to Health and Safety Code Section 34173(d), the City of Ontario ("City") elected to serve as the successor agency ("Successor Agency") to the former Ontario Redevelopment Agency ("Agency"); and

WHEREAS, prior to its dissolution, the Agency and City entered into a Cooperation Agreement, dated February 15, 2011, in which the Agency transferred certain real properties ("Properties") owned by the Agency, as further detailed in Attachment 1, to the Ontario Housing Authority ("Authority"); and

WHEREAS, Assembly Bill 1X 26, enacted in June 2011, and AB 1484, enacted in June 2012 (collectively, the "Dissolution Act") required the dissolution of redevelopment agencies and established certain procedures and requirements for the wind-down of their activities; and

WHEREAS, pursuant to Health and Safety Code Section 34167.5, the State Controller's Office conducted a review, dated September 30, 2014, of all asset transfers made by the Agency to the Authority or any other public agency after January 1, 2011 ("SCO Report"); and

WHEREAS, the SCO Report determined that the transfer of the Properties from the Agency to the Authority was not allowable and directed the Authority to transfer the Properties to the Successor Agency, as the successor entity to the Agency; and

WHEREAS, in accordance with the SCO Report, the Authority agrees to transfer the Properties and the Successor Agency agrees to accept the transfer of the Properties; and

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

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

SECTION 1. RECITALS. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. CEQA Compliance. The approval of the transfer of Properties from the Authority to the Successor Agency does not commit the Successor Agency or Authority to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.



SECTION 3. Transfer of Properties to the Successor Agency. The Authority hereby approves and authorizes the transfer of title to the Properties listed in Attachment 1 from the Authority to the Successor Agency.

SECTION 4. Implementation. The City Manager or his or her designee is hereby authorized and directed to, on behalf of the City, execute any and all documents, and take any and all action necessary to effectuate the transfer of the properties from the Authority to the Successor Agency in accordance with this Resolution and applicable law.

SECTION 5. Severability. If any provision of this Resolution or the application of any such provision 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 Authority declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 6. Certification. The Secretary of the Ontario Housing Authority shall certify as to the adoption of this Resolution.

SECTION 7. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of April 2015

\_\_\_\_\_  
PAUL S. LEON, CHAIRMAN

ATTEST:

\_\_\_\_\_  
MARY E. WIRTES, AUTHORITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
AUTHORITY COUNSEL

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

I, MARY E. WIRTES, Secretary of the Ontario Housing Authority, DO HEREBY CERTIFY that the foregoing Resolution No. OHA-    was duly passed and adopted by the Board Members of the Ontario Housing Authority at their regular meeting held April 7, 2015, by the following roll call vote, to wit:

AYES:           BOARD MEMBERS:

NOES:           BOARD MEMBERS:

ABSENT:         BOARD MEMBERS:

\_\_\_\_\_  
MARY E. WIRTES, AUTHORITY SECRETARY

(SEAL)

The foregoing is the original of Resolution No. OHA    duly passed and adopted by the Ontario Housing Authority at their regular meeting held April 7, 2015.

\_\_\_\_\_  
MARY E. WIRTES, AUTHORITY SECRETARY

(SEAL)

**ATTACHMENT 1****PROPERTIES**

<b>EMPORIA IN-FILL SITE</b>	
<b>Site Address</b>	<b>APN</b>
401 W. Holt Blvd.	1049-051-01
401 W. Holt Blvd.	1049-051-02
113 S. Vine Avenue	1049-051-03
205 1/2 S. Vine	1049-052-03
210 S. Fern Ave.	1049-052-04
215 S. Vine Ave.	1049-052-05
415 W. Transit St.	1049-052-09
209 S. Vine Ave.	1049-052-06
205 S. Vine Ave.	1049-052-07
205 S. Vine Ave.	1049-052-08
201 S. Vine Ave.	1049-052-10
325 W. Transit St.	1049-054-02
301 W. Transit St.	1049-054-03
303 W. Emporia	1049-059-07
<b>EUCLID IN-FILL</b>	
<b>Site Address</b>	<b>APN</b>
110 E. Maitland	1049-511-03
1004 S. Euclid	1049-563-10
1325 S. Euclid	1049-531-02
1329 S. Euclid	1049-531-01
<b>IDEAL MOBILE HOME PARK</b>	
1131 E. Holt Blvd	1048-472-11
905 E. Holt	1048-481-08
<b>INFILL HOUSING</b>	
<b>Site Address</b>	<b>APN</b>
115-115 1/2 S. Sultana	1049-091-11
<b>MERCY HOUSE CONTINUUM OF CARE PERMANENT HOUSING UNITS (MERCY HOUSE)</b>	
<b>Site Address</b>	<b>APN</b>
411 N. Parkside	1048-452-10
412 N. Parkside	1048-452-18
305 N. Begonia	1010-521-11
231 N. Begonia	1010-521-12
223 N. Begonia	1010-521-13
217 N. Begonia	1010-521-14
209 N. Begonia	1010-521-15
216 N. Begonia	1010-521-18
222 N. Begonia	1010-521-19
228 N. Begonia	1010-521-20
307-311 W. Francis	1050-371-24

<b>MISSION/OAKLAND</b>	
<b>Site Address</b>	<b>APN</b>
908 S. Oakland Avenue	1049-323-12
908 S. Oakland Avenue	1049-323-13
905 - 907 S. San Antonio	1049-323-06
911 S. San Antonio	1049-323-07
911 S. San Antonio	1049-323-08
<b>ONTARIO TOWN SQUARE C-1</b>	
<b>Site Address</b>	<b>APN</b>
334 N. Euclid Ave.	1048-551-01
127 E. "C" St.	1048-551-03
312 N. Euclid	1048-551-05
316 N. Euclid	1048-551-06
318, 320, 322 N. Euclid	1048-551-07
326 N. Euclid Ave. - Land Exchange	1048-551-08
330 N. Euclid Ave.	1048-551-09
<b>ONTARIO TOWN SQUARE B-1</b>	
<b>Site Address</b>	<b>APN</b>
228 N. Euclid	1048-552-15
208, 210, 214, 216, 220, 222, 224, and 226 N. Euclid	1048-552-16
240 N. Euclid	1048-552-17
200 N. Euclid	1048-552-19
<b>ONTARIO TOWN SQUARE A-1</b>	
<b>Site Address</b>	<b>APN</b>
128 N. Euclid	1048-553-01
115 N. Lemon	1048-553-05
127 E. Holt Blvd.	1048-553-06
123 E. Holt Blvd.	1048-553-07
121 E. Holt Blvd.	1048-553-08
115 E. Holt Blvd.	1048-553-09
110 N. Euclid	1048-553-10
110 N. Euclid	1048-553-11
110, 110 1/2, 112, 114 N. Euclid	1048-553-12
112 N. Euclid	1048-553-13
118 N. Euclid	1048-553-14
122 N. Euclid	1048-553-15
<b>TAX DEFAULTED PROPERTIES (ACQUISITION)</b>	
<b>Site Address</b>	<b>APN</b>
4th and Cucamonga	1048-131-52
<b>AFFORDABLE HOUSING DEVELOPMENTS</b>	
<b>Site Address</b>	<b>APN</b>
1449 E. D Street	0110-254-78
511 N. Palmetto Ave	1010-461-11
951-959 N. Palmetto Ave	1010-141-08

# CITY OF ONTARIO

*Agenda Report*  
April 7, 2015

**SECTION:**  
**CONSENT CALENDAR**

**SUBJECT: AUTHORIZE AND AWARD THE PURCHASE OF REPLACEMENT FLEET VEHICLES**

**RECOMMENDATION:** That the City Council authorize the purchase and delivery of four 2015 BMW R1200RT-P motorcycles from Long Beach BMW of Long Beach, California, in the amount of \$116,796 consistent with the terms and conditions of the Los Angeles Sheriff's Department Purchase Order No. PO-SH-15323008-1.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Maintain the Current High Level of Public Safety  
Operate in a Businesslike Manner

**FISCAL IMPACT:** The Fiscal Year 2014-15 Adopted Budget includes appropriations in the amount of \$120,000 for the purchase of the replacement vehicles listed above. The total cost of the vehicles recommended for purchase is \$116,796.

**BACKGROUND:** The four 2015 BMW R1200RT-P motorcycles recommended for purchase are replacements that will be assigned to the Police Department. The motorcycles have outlived their useful life and it is no longer cost effective to maintain them. They are scheduled for replacement pursuant to ongoing efforts to reduce expenses, maximize useful life expectancy and extend replacement cycles of fleet equipment while ensuring safe and reliable operation.

In general conformance with the provisions of Government Code Section 54201 through 54204 and the Ontario Municipal Code, Section 2-6.11(b)(3), allows for the purchase of supplies and equipment through cooperative purchasing with another governmental agency. Cooperative purchasing allows the City to pool its procurement power with other public agencies to obtain pricing lower than might otherwise be possible.

**STAFF MEMBER PRESENTING:** Brent Schultz, Housing and Municipal Services Director

Prepared by: Michael Johnson  
Department: Housing and Municipal Services

City Manager  
Approval: \_\_\_\_\_

Submitted to Council/O.H.A. 04/07/2015

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_



# CITY OF ONTARIO

*Agenda Report*  
April 7, 2015

SECTION:  
CONSENT CALENDAR

**SUBJECT:** AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER –  
SERVICES)

**RECOMMENDATION:** That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 32 (Archibald/Schaefer – Services).

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Focus Resources in Ontario's Commercial and Residential Neighborhoods  
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

**FISCAL IMPACT:** In accordance with the City Council's long standing direction that development in the New Model Colony generate sufficient revenue to fund its required City Services without reliance on the existing financial resources of the Old Model Colony, the use of Mello-Roos financing in connection with the Archibald/Schaefer development is projected to generate approximately \$330,000 per year, at build-out, to fund City services. As proposed, the maximum annual tax rate on each of the project's 229 single-family detached units is \$1,442. The use of Mello-Roos financing is critical in achieving the City Council's goal of "Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony." The use of Mello-Roos financing for the Archibald/Schaefer development will not generate funds for facilities, at this time, and bonds will not be issued as part of this formation.

**BACKGROUND:** On February 3, 2015, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 32 with the adoption of Resolution No. 2015-005, declaring the City's intention to establish the district and to authorize the levying of special taxes in the district. The Resolution of Intention set the public hearing on the establishment of the CFD for the regularly scheduled City Council meeting of March 17, 2015. On March 17, 2015, the City Council conducted the public hearing, adopted the resolution of formation for

**STAFF MEMBER PRESENTING:** Grant D. Yee, Administrative Services/Finance Director

Prepared by: Bob Chandler  
Department: Management Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 04/07/2015

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

5

the district, and introduced and waived further reading of an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 32 (Archibald/Schaefer – Services). Adoption of the ordinance will conclude the formation process for the District.

The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to finance various kinds of public infrastructure facilities and government services. Government services that may be included in a community facilities district include police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property owned by the City with an estimated useful life of five or more years.

The Archibald/Schaefer project addresses the residential development of approximately 60 acres located north of Schaefer Avenue, south of Chino Avenue, east of Turner Avenue and west of Haven Avenue. At build out, the development is projected to include 229 single-family detached units. The CFD is being formed pursuant to the provisions of the landowner's applicable Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

Included, as part of the resolutions of intention and formation, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 32 (Archibald/Schaefer - Services). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council's adopted Mello-Roos Local Goals and Policies, and City staff have discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING  
SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY  
FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER – SERVICES).

WHEREAS, on February 3, 2015, the City Council (the “City Council”) of the City of Ontario (the “City”), pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”), adopted a resolution entitled “A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes” stating its intention to establish City of Ontario Community Facilities District No. 32 (Archibald/Schaefer – Services) (the “Community Facilities District”) and to finance certain services (the “Services”); and

WHEREAS, on March 17, 2015, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled “A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 32 (Archibald/Schaefer – Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District” (the “Resolution of Formation”) and “A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 32 (Archibald/Schaefer – Services)”, which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on March 17, 2015, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS  
FOLLOWS:

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the “Rate and Method of Apportionment”). The special taxes are hereby levied commencing in fiscal year 2015-16 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Services and incidental expenses pursuant to the Act.

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. This Ordinance shall take effect and shall be in force 30 days after the date of its adoption and prior to the expiration of 15 days from the passage thereof shall be published at least once in the *Inland Valley Daily Bulletin*, a newspaper of general circulation, printed and published in the City of Ontario, State of California, together with the names of the City Council members voting for and against the same.

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

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of April 2015.

---

PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3016 was duly introduced at a regular meeting of the City Council of the City of Ontario held March 17, 2015 and adopted at the regular meeting held April 7, 2015 by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3016 duly passed and adopted by the Ontario City Council at their regular meeting held April 7, 2015 and that Summaries of the Ordinance were published on March 24, 2015 and April 14, 2015, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
April 7, 2015

**SECTION:  
CONSENT CALENDAR**

**SUBJECT: A DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT WITH SL ONTARIO DEVELOPMENT COMPANY LLC**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute a Development Impact Fee Credit and Reimbursement Agreement (on file with the Records Management Department) with SL Ontario Development Company LLC (SLODC), a Delaware Limited Liability Company, for the construction of public infrastructure in the Park Place development project.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport

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

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

**FISCAL IMPACT:** The Development Agreement and the related tract map conditions require SLODC to construct Development Impact Fee (DIF) Program infrastructure with estimated costs of approximately \$26,501,678. The proposed DIF Credit and Reimbursement Agreement defines the amount of DIF Credit and DIF Reimbursement that SLODC may be eligible to receive when the infrastructure is completed. DIF Credit may be used in-lieu of the payment of Development Impact Fees and DIF Reimbursement is available when other developers that benefit from the construction of the infrastructure pay their respective Development Impact Fees.

**BACKGROUND:** SL Ontario Development Company LLC (Stratham-Lewis) and the City recognized the financial commitment required for construction in the New Model Colony area would be substantial. To adequately forecast these costs and gain assurance that the project could proceed under the existing policies, rules and regulations, SLODC entered into a Development Agreement with the City providing for the development of up to 1,437 dwelling units, to be constructed in three separate phases. The Development Agreement, approved in 2006, addressed issues of parkland, public facilities, public

**STAFF MEMBER PRESENTING:** Grant D. Yee, Administrative Services/Finance Director

Prepared by: Bob Chandler  
Department: Management Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 04/07/2015

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

6

services funding, infrastructure, and affordable housing. The Development Agreement between the City and SLODC was amended in 2013 to address the requirements for design and construction of specific public infrastructure to support the development and to align the Development Agreement with the provisions of the Construction Agreement Amendment executed between the City and NMC Builders.

The Development Agreement, as amended, requires SLODC to construct public infrastructure that is contained within the City Development Impact Fee Program. This infrastructure is within the water, streets, sewer, storm drain, fiber optic facilities and public park DIF infrastructure categories. The Development Agreement also recognizes that SLODC is eligible to receive DIF Credit towards the payment of DIF for the project upon completion of the construction of the public infrastructure up to the total DIF Obligation for the project in the respective DIF categories. As the estimated costs in the City's DIF Program for the required infrastructure exceeds the developer's DIF Obligations in the streets, sewer and fiber optic facilities DIF categories, SLODC is also eligible to receive future reimbursements from DIF collected when future development projects that benefit from the public infrastructure constructed by SLODC pay their respective DIF in these categories. The Development Agreement references a separate DIF credit agreement to provide for the specific limitations on the issuance of DIF Credit and Reimbursement and other related provisions.

The proposed agreement constitutes the separate DIF Credit and Reimbursement Agreement contemplated by the Development Agreement. It has been drafted in compliance with the City's DIF Policies and conforms to the Amended Construction Agreement between the City and NMC Builders. Under the provisions of the City's DIF Program, the City Manager is authorized to execute such agreements with the approval of the City Council.

## **Exhibit 1**

### **Legal Description of Property**

CONTAINS ALL OF TRACTS 18913-1 AND 17821 AS SHOWN ON MAPS FILED IN BOOK 338 OF TRACT MAPS, AT PAGES 1 THROUGH 7 AND BOOK 333 OF TRACT MAPS, PAGES 64 THROUGH 77, RESPECTIVELY, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.





### Exhibit 3

## SL Ontario DIF Facilities

Water and Recycled Water Facilities								
No.	DIF Program Project No.	DIF Project Description	Segment Description	DIF Eligible Costs	Maximum Funded Percentage	Maximum Funded Cost	Maximum Construction Costs	Maximum Design Costs
1	WT-011	Francis Zone Extension Distribution Lines	Water main in Archibald Avenue from County line to the water transmission main in Eucalyptus Avenue	\$ 34,792,560	1.87187%	\$ 651,273	\$ 586,146	\$ 65,127
2	WT-011	Francis Zone Extension Distribution Lines	Water main in Merrill Avenue from Archibald Avenue to SL Ontario Phase I easterly project limit	\$ 34,792,560	1.76963%	\$ 615,701	\$ 554,131	\$ 61,570
3	WT-016	NMC Recycled Water System	Recycled Water System Master Planned pipelines in Archibald Avenue from Merrill Avenue to SL Ontario Project limits	\$ 53,231,725	0.95797%	\$ 509,946	\$ 458,951	\$ 50,995
4	WT-016	NMC Recycled Water System	Recycled Water System Master Planned pipelines in Merrill Avenue from Archibald to Phase I easterly project limit	\$ 53,231,725	0.80322%	\$ 427,570	\$ 384,813	\$ 42,757
5	WT-011	Francis Zone Extension Distribution Lines	Water Main in Merrill Avenue to the Phase II easterly project limit	\$ 34,792,560	0.23037%	\$ 80,150	\$ 72,135	\$ 8,015
6	WT-016	NMC Recycled Water System	Recycled Water System Master Planned pipelines in Eucalyptus Avenue from westerly project limit to Haven Avenue	\$ 53,231,725	1.86548%	\$ 993,025	\$ 893,723	\$ 99,303
<b>Water Category DIF Program Improvements</b>						<b>\$ 3,277,665</b>	<b>\$ 2,949,899</b>	<b>\$ 327,767</b>

Exhibit 3  
**SL Ontario DIF Facilities**

Sewer Facilities								
No.	DIF Program Project No.	DIF Project Description	Segment Description	DIF Eligible Costs	Maximum Funded Percentage	Maximum Funded Cost	Maximum Construction Costs	Maximum Design Costs
1	SW-003	Eucalyptus Trunk Sewer	Sewerline in Eucalyptus Avenue from west of Haven Avenue to Archibald Avenue	\$ 1,010,134	100.0000%	\$ 1,010,134	\$ 909,121	\$ 101,013
2	SW-006	Mill Creek Trunk Sewer	Sewerline in Merrill Avenue from easterly limit of SL Ontario Phase I	\$ 6,499,430	17.24013%	\$ 1,120,510	\$ 1,008,459	\$ 112,051
Sewer Category DIF Program Improvements						\$ 2,130,644	\$ 1,917,580	\$ 213,064

Exhibit 3  
**SL Ontario DIF Facilities**

Storm Drain Facilities								
No.	DIF Program Project No.	DIF Project Description	Segment Description	DIF Eligible Costs	Maximum Funded Percentage	Maximum Funded Cost	Maximum Construction Costs	Maximum Design Costs
1	SD-022	Eucalyptus Ave. Archibald to 1300' E/O Archibald	Storm Drain in Eucalyptus Avenue from east of Archibald Avenue to Archibald Avenue Storm Drain in Park Place Phase III area	\$ 1,102,511	62.2569%	\$ 686,389	\$ 617,750	\$ 68,639
2	SD-026	Turner Ave. Laterals TRNR-X-2, X-3 and X-4	Storm Drain in Park View Avenue from east of Turner Storm Drain to Turner Storm Drain in Park Place Phase II area (TRNR-X-2)	\$ 2,508,748	24.10246%	\$ 604,670	\$ 544,203	\$ 60,467
3	SD-026	Turner Ave. Laterals TRNR-X-2, X-3 and X-4	Storm Drain in Eucalyptus Avenue from east of Turner Storm Drain to Turner Storm Drain in Park Place Phase III area (TRNR-X-3)	\$ 2,508,748	26.256%	\$ 658,686	\$ 592,817	\$ 65,869
Storm Drain Category DIF Program Improvements						\$ 1,949,745	\$ 1,754,770	\$ 194,974

**Exhibit 3**  
**SL Ontario DIF Facilities**

<b>Street and Transportation Facilities</b>							
<b>No.</b>	<b>DIF Program Project No.</b>	<b>DIF Project Description</b>	<b>Segment Description</b>	<b>DIF Eligible Costs</b>	<b>Maximum Funded Percentage</b>	<b>Maximum Funded Cost</b>	<b>Maximum Construction Costs</b>
1	ST-002	Archibald Avenue from Edison to south City Limits	Remaining lanes of Archibald Avenue from north Phase I limit to southern City limits	\$ 9,923,475	36.6902%	\$ 3,640,946	\$ 3,276,851
2	ST-003	Merrill Avenue, Archibald to Haven and Bellegrave Avenue from Haven Avenue to Milliken Avenue	Merrill Avenue, Archibald Avenue to easterly project limits	\$ 2,556,547	31.2200%	\$ 798,154	\$ 718,339
3	ST-024	NMC Traffic Control System	Signalized Intersection of Archibald and Merrill Avenues	\$ 22,245,200	0.92155%	\$ 205,000	\$ 184,500
4	ST-024	NMC Traffic Control System	Intersection of Archibald and	\$ 22,245,200	0.92155%	\$ 205,000	\$ 184,500
5	ST-003	Merrill Avenue, Archibald to Haven and Bellegrave Avenue from Haven Avenue to Milliken Avenue	Merrill Avenue (2 lanes south, striped median, 1 westbound lane and 6 foot shoulder) from easterly Phase I limits to transition then 1 lane each direction to Haven	\$ 2,556,547	11.024%	\$ 281,832	\$ 253,648
6	ST-011	Eucalyptus Avenue from Euclid to Milliken	Full Width Improvements on Eucalyptus Avenue Adjacent to Phase III	\$ 8,779,073	8.1484%	\$ 715,352	\$ 643,817
7	ST-011	Eucalyptus Avenue from Euclid to Milliken	One lane each direction and striped center median from Phase III limit to Haven	\$ 8,779,073	3.7218%	\$ 326,736	\$ 294,063
<b>Street Category DIF Program Improvements</b>						<b>\$ 6,173,019</b>	<b>\$ 5,555,717</b>

Exhibit 3  
**SL Ontario DIF Facilities**

Fiber Optic System Facilities								
No.	DIF Program Project No.	DIF Project Description	Segment Description	DIF Eligible Costs	Maximum Funded Percentage	Maximum Funded Cost	Maximum Construction Costs	Maximum Design Costs
1	FO-04	Fiber Optic Distribution Network	Construction of Distribution Network in Park Place Phase 1 Master Planned	18,099,100	2.042%	\$ 369,671	\$ 332,704	\$ 36,967
2	FO-04	Fiber Optic Distribution Network	Construction of Distribution Network in Park Place Phase 2 Master Planned	18,099,100	0.000%	\$ -	\$ -	\$ -
3	FO-04	Fiber Optic Distribution Network	Construction of Distribution Network in Park Place Phase 3 Master Planned	18,099,100	1.176%	\$ 212,931	\$ 191,638	\$ 21,293
		Fiber Optic Category DIF Program Improvements				\$ 582,602	\$ 524,342	\$ 58,260

Exhibit 3  
**SL Ontario Facilities**

Other Public Facilities						
No.	DIF Program Project No.	DIF Project Description	Segment Description	DIF Eligible Costs	Maximum Funded Percentage	Maximum Funded Cost
1	NA	NMC East Public Parks	Construction of 6.95 acres of public parks - Celebration Park	\$ 7,204,738	100.000%	\$ 7,204,738
2	NA	NMC East Public Parks	Construction of 5.0 acres of public parks - Celebration Park	\$ 5,183,265	100.000%	\$ 5,183,265
Total Other DIF Category Improvements						\$ 12,388,003

**Exhibit 4**  
**Total SL Ontario DIF Eligible Facilities**

Infrastructure Category	DIF Eligible Improvements to be Constructed by SL Ontario								
	Total DIF Eligible Costs	SL Ontario Max. DIF Eligible Costs	NMC Builders	DIF Obligations -		DIF Reimbursement	Total Phase I Improvements	Total Phase II Improvements	Total Phase III Improvements
			LLC Design Costs	Maximum DIF Credit					
Local Adjacent Water and Recycled Water Facilities	\$ 3,277,665	\$ 2,949,899	\$ 327,767	\$ 3,284,551	\$ -	\$ 2,204,490	\$ 80,150	\$ 993,025	
Local Adjacent Sewer System Facilities	\$ 2,130,644	\$ 1,917,580	\$ 213,064	\$ 606,127	\$ 1,524,517	\$ 1,120,510	\$ -	\$ 1,010,134	
Local Adjacent Storm Drain System Facilities	\$ 1,949,745	\$ 1,754,770	\$ 194,974	\$ 5,445,512	\$ -	\$ -	\$ 604,670	\$ 1,345,075	
Local Adjacent Streets and Bridges Facilities - DIF	\$ 6,173,019	\$ 5,555,717	\$ 617,302	\$ 2,609,879	\$ 3,563,140	\$ 4,644,100	\$ 486,832	\$ 1,042,088	
Local Adjacent Fiber Optic Facilities	\$ 582,602	\$ 524,342	\$ 58,260	\$ 666,912	\$ -	\$ 369,671	\$ -	\$ 212,931	
Other Public Facilities (Parks)	\$ 12,388,003	\$ 12,388,003	\$ -	\$ 16,804,278	\$ -	\$ 7,204,738	\$ 5,183,265	\$ -	
Totals	\$ 26,501,678	\$ 25,090,310	\$ 1,411,367			\$ 15,543,509	\$ 6,354,917	\$ 4,603,252	

## Exhibit 4

### Regional/Local Adjacent DIF Credit Program DIF Obligations

SL Ontario Unit Estimates		Regional Street	Local Adjacent Streets	Regional Water and Recycled Water	Local Adjacent Water and Recycled Water	Regional Sewer	Local Adjacent Sewer	Regional Storm Drain	Local Adjacent Storm Drain	Parks	Regional Fiber Optics	Local Adjacent Fiber Optics	Other Categories	Total DIF Obligations
Single Family units	1,437	\$ 3,189,853	\$ 2,609,879	\$ 7,663,952	\$ 3,284,551	\$ 404,084	\$ 606,127	\$ 2,932,199	\$ 5,445,512	\$ 16,804,278	\$ 285,819	\$ 666,912	\$ 6,442,071	\$ 50,335,236
Multi-Family units	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	1,437	\$ 3,189,853	\$ 2,609,879	\$ 7,663,952	\$ 3,284,551	\$ 404,084	\$ 606,127	\$ 2,932,199	\$ 5,445,512	\$ 16,804,278	\$ 285,819	\$ 666,912	\$ 6,442,071	\$ 50,335,236



Exhibit 4

2015 Development Impact Fees

New Model Colony:			55%		45% Local		35%		65% Local		70%		30% Local		40%		60% Local												30%		70% Local												
			Regional		Adjacent		Regional		Adjacent		Regional		Adjacent		Regional		Adjacent												Regional		Adjacent												
			Streets, Signals / Bridges		Streets, Signals / Bridges		Storm Drain		Water Distribution and Supply		Water Distribution and Supply		Water Distribution and Supply		Sewer Collection		Sewer Collection		Sewer Collection		Solid Waste Collection		General Facilities		Library		Public Meeting Facilities		Aquatics Facilities		Parks		Habitat Mitigation		Fiber Optics		Fiber Optics		Fiber Optics		Total DIF Fees		
Land Use	Police	Fire																																									
Single-Family - Detached	\$ 373	\$ 559	\$ 4,036	\$ 2,220	\$ 1,816	\$ 5,830	\$ 2,041	\$ 3,790	\$ 7,619	\$ 5,333	\$ 2,286	\$ 703	\$ 281	\$ 422	\$ 630	\$ 572	\$ 1,092	\$ 1,180	\$ 77	\$ 11,694	\$ 706	\$ 663	\$ 199	\$ 464	\$ 35,734																		
Multiple Family	\$ 334	\$ 470	\$ 2,695	\$ 1,482	\$ 1,213	\$ 1,323	\$ 463	\$ 860	\$ 4,183	\$ 2,928	\$ 1,255	\$ 533	\$ 213	\$ 320	\$ 434	\$ 119	\$ 969	\$ 1,046	\$ 69	\$ 10,363	\$ 153	\$ 663	\$ 199	\$ 464	\$ 23,354																		
High Density	\$ 334	\$ 470	\$ 1,667	\$ 917	\$ 750	\$ 1,080	\$ 378	\$ 702	\$ 2,220	\$ 1,554	\$ 666	\$ 322	\$ 129	\$ 193	\$ 217	\$ 87	\$ 766	\$ 828	\$ 55	\$ 8,200	\$ 113	\$ 663	\$ 199	\$ 464	\$ 17,022																		
Commercial Lodging	\$ 138	\$ 234	\$ 2,128	\$ 1,170	\$ 958	\$ 942	\$ 330	\$ 612	\$ 3,201	\$ 2,741	\$ 960	\$ 410	\$ 164	\$ 246	\$ 145	\$ 81	\$ -	\$ -	\$ -	\$ -	\$ 98	\$ 66	\$ 20	\$ 46	\$ 7,443																		
Retail/Service Uses	\$ 0.517	\$ 0.492	\$ 8.154	\$ 4.485	\$ 3.669	\$ 2.372	\$ 0.830	\$ 1.542	\$ 2.951	\$ 2.066	\$ 0.885	\$ 0.151	\$ 0.060	\$ 0.091	\$ 0.107	\$ 0.099	\$ -	\$ -	\$ -	\$ -	\$ 0.247	\$ 0.053	\$ 0.016	\$ 0.037	\$ 15.143																		
Office Uses	\$ 0.690	\$ 2.005	\$ 4.660	\$ 2.563	\$ 2.097	\$ 1.245	\$ 0.436	\$ 0.809	\$ 1.591	\$ 1.114	\$ 0.477	\$ 0.264	\$ 0.106	\$ 0.158	\$ 0.072	\$ 0.078	\$ -	\$ -	\$ -	\$ -	\$ 0.130	\$ 0.088	\$ 0.026	\$ 0.062	\$ 10.823																		
Business Park Uses	\$ 0.221	\$ 0.307	\$ 4.849	\$ 2.667	\$ 2.182	\$ 2.006	\$ 0.702	\$ 1.304	\$ 2.254	\$ 1.578	\$ 0.676	\$ 0.175	\$ 0.070	\$ 0.105	\$ 0.188	\$ 0.175	\$ -	\$ -	\$ -	\$ -	\$ 0.215	\$ 0.041	\$ 0.012	\$ 0.029	\$ 10.431																		
Industrial Uses	\$ 0.013	\$ 0.022	\$ 2.499	\$ 1.374	\$ 1.125	\$ 1.585	\$ 0.555	\$ 1.030	\$ 1.853	\$ 1.297	\$ 0.556	\$ 0.170	\$ 0.068	\$ 0.102	\$ 0.085	\$ 0.080	\$ -	\$ -	\$ -	\$ -	\$ 0.156	\$ 0.027	\$ 0.008	\$ 0.019	\$ 6.490																		
Institutional Uses	\$ 0.094	\$ 0.147	\$ 5.325	\$ 2.929	\$ 2.396	\$ 2.009	\$ 0.703	\$ 1.306	\$ 1.835	\$ 1.285	\$ 0.551	\$ 0.204	\$ 0.082	\$ 0.122	\$ 0.150	\$ 0.162	\$ -	\$ -	\$ -	\$ -	\$ 0.198	\$ 0.091	\$ 0.027	\$ 0.064	\$ 10.215																		

# CITY OF ONTARIO

Agenda Report  
April 7, 2015

SECTION:  
CONSENT CALENDAR

**SUBJECT: A WATER PURCHASE AGREEMENT WITH AQUA CAPITAL MANAGEMENT LP**

**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute a water purchase agreement (on file with the Records Management Department) subject to non-substantive changes with Aqua Capital Management LP, a Delaware Limited Partnership located in Omaha, Nebraska, for the permanent transfer of overlying groundwater rights in the amount of \$3,820,244.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The total purchase price of \$3,820,244 will acquire 283 acre-feet of Chino Basin Overlying Non-Agricultural Pool groundwater rights from Aqua Capital Management LP. If approved, funding will be included in the Proposed Fiscal Year 2015-16 Budget from the Water Capital Fund for this water rights purchase. The agreed upon compensation is based on current market rates for similar transactions. There is no impact to the General Fund.

**BACKGROUND:** The City obtains a majority of its water resources from the Chino Groundwater Basin. The basin has been adjudicated since 1978 (*Superior Court Case RCV 51010*), which allocated shares of the basin safe operating yield. The City's basin rights are less than its demand, and the City has supplemented its supplies through the investment of imported water, Chino Basin Desalter water, recycled water, one-time purchases from other basin parties, and the purchase of permanent basin overlying groundwater rights from Aqua Capital Management LP, Sunkist, Koll, Praxair and Southern California Edison.

In June 2014, the City purchased 300 acre-feet of permanent Chino Basin Overlying Non-Agricultural Pool water rights from Aqua Capital Management LP. This would be a second purchase from Aqua Capital Management LP, at the same price, for 283 acre-feet per year of permanent Chino Basin Overlying Non-Agricultural Pool water rights; subject to the requirements of the Chino Basin Judgment, Peace Agreements, subsequent amendments, and Watermaster approval.

**STAFF MEMBER PRESENTING:** Scott Burton, Utilities General Manager

Prepared by: Ryan Shaw  
Department: MU/Administration

City Manager  
Approval: 

Submitted to Council/O.H.A. 04/07/2015

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

# CITY OF ONTARIO

*Agenda Report*  
April 7, 2015

**SECTION:**  
**CONSENT CALENDAR**

**SUBJECT: A CONSTRUCTION CONTRACT AND PROFESSIONAL SERVICES AGREEMENT FOR THE CONSTRUCTION, MANAGEMENT, AND INSPECTION OF SEWER MAIN IMPROVEMENTS AT VARIOUS LOCATIONS**

**RECOMMENDATION:** That the City Council:

- (A) Approve the plans and specifications, and award Contract No. UT 1314-06 (on file with the Records Management Department) to GCI Construction, Inc. of San Clemente, California, for the construction of sewer main improvements at various locations in the amount of \$959,067 plus a 15% contingency of \$143,860, for a total amount of \$1,102,927; and authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project; and
- (B) Authorize the City Manager to execute a Professional Services Agreement (on file with the Records Management Department) with Parson Brinkerhoff, Inc. of San Bernardino, California, to provide construction management and inspection services for sewer main improvements at various locations in the amount of \$158,044 plus a 15% contingency of \$23,707, for a total amount of \$181,751.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The Fiscal Year 2014-15 Capital Improvement Program includes appropriations from the Sewer Capital Fund for this project. The recommended contract award to GCI Construction, Inc. is for \$959,067 plus 15% contingency of \$143,860, for a total amount of \$1,102,927. The recommended contract award to Parson Brinkerhoff, Inc. is for \$158,044 plus a 15% contingency of \$23,707, for a total amount of \$181,751. There is no impact to the General Fund.

**BACKGROUND:** The City's sewer system includes approximately 385 miles of pipeline, approximately 40% of which is more than 50 years old. The Sewer Master Plan has identified capacity

**STAFF MEMBER PRESENTING:** Scott Burton, Utilities General Manager

Prepared by: Peter Tran  
Department: MU/Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 04/07/2015

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

8

deficiencies in the City's sewer collection system and provides capital improvement recommendations to minimize the potential for sewer overflows and maintain reliable sewer service for the residents and businesses of the City. Improvements to the existing sewers along Riverside Drive (Sultana Avenue to Campus Avenue), Plaza Serena Street (Granada Court to Vineyard Avenue), Bon View Avenue (north of Francis Street), and the vacated Cherry Avenue (C Street to D Street) have been prioritized based on capacity deficiencies, deterioration, and the current level of maintenance activities required to provide adequate sewer service reliability. The proposed project consists of the installation of 1,474 linear feet of 15-inch diameter sewer pipeline, 591 linear feet of 10-inch diameter sewer pipeline, and 599 linear feet of 8-inch diameter sewer pipeline in order to correct existing deficiencies and minimize the potential for future overflows (see attached location map).

On February 4, 2014 the City Council awarded a Professional Services Agreement to Parsons Brinkerhoff, Inc. for the design services of sewer main improvements at various locations. Award of the construction management and inspection services was deferred to coincide with the construction phase of the project. Approval of the Professional Services Agreement to Parsons Brinkerhoff, Inc. for the construction management and inspection services will complete the award of the construction phase of the contract.

On February 12, 2015, 16 bids were received for construction of sewer main improvements at various locations. The bids ranged from a low bid amount of \$959,067 to a high bid amount of \$34,816,165. The lowest five bids are summarized below:

<b><u>Bidder</u></b>	<b><u>Location</u></b>	<b><u>Amount</u></b>
<b>GCI Construction, Inc.</b>	<b>San Clemente, CA</b>	<b>\$959,067</b>
Ramona, Inc.	Arcadia, CA	\$959,565
Downing Construction, Inc.	Redlands, CA	\$998,684
Creative Home/DBA: CHI Construction, Inc.	Anaheim, CA	\$1,020,389
MNR Construction, Inc.	Baldwin Park, CA	\$1,028,819

Staff recommends the award to GCI Construction, Inc. of San Clemente, California, based on their expertise and ability to perform the work in a timely manner and successful completion of this type of work in the past.

**ENVIRONMENTAL REVIEW:** The project is a component of the Master Plans approved by the City Council on December 4, 2012. A Mitigated Negative Declaration was prepared and approved for the Master Plans pursuant to the provisions of CEQA and addressed pipe alignment, sizes and installation for the City. An analysis of the project has determined that there is no deviation from the description of the overall Master Plans. Thus, no further CEQA analysis is required.



[illegible]

**LOCATION MAP**  
**ETA**



# CITY OF ONTARIO

*Agenda Report*  
April 7, 2015

SECTION:  
CONSENT CALENDAR

**SUBJECT: A PURCHASE AGREEMENT FOR STORM DRAIN FILTER SCREENS**

**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute a sole source Purchase Agreement/Order in the amount of \$139,000 for Fiscal Year 2014-15 with John Commercial Services of Anaheim, California, for the purchase and installation of 125 curb inlet storm drain debris screens citywide, and authorize the company as a sole source vendor for future purchases.

**COUNCIL GOALS: Regain Local Control of the Ontario International Airport  
Operate in a Businesslike Manner**

**FISCAL IMPACT:** The total cost for purchase and installation of 125 curb inlet storm drain debris screens is \$139,000. The City received funds from the State of California, Department of Resources Recycling and Recovery (CalRecycle) for the Used Oil Competitive Grant (UOC1) which will cover the cost of purchasing and installing the storm drain filters as well as related education and outreach programs on storm water pollution. There is no impact to the General Fund.

**BACKGROUND:** In February 2014, the City applied for a Used Oil Competitive Grant from the State of California, Department of Resources Recycling and Recovery. The grant is designed to provide funding opportunities for California cities to mitigate illegal disposal by increasing used oil and used oil filter collection, recycling opportunities, public education, source reduction, reuse of used oil, and prevention of storm water pollution from used oil. The City of Ontario's proposed program will reduce storm water pollution and improve water quality at drain outfalls into the San Bernardino County Flood Control District channels, local creeks and the Prado Basin. This will be accomplished by installing 125 storm drain filters in areas with historically higher levels of trash, debris, oil residue, other pollutants and poor runoff water quality.

City staff evaluated three different manufacturers of storm drain screens to prevent storm drain contamination. The focus of the evaluation was cost, ease of maintenance, reliability, and availability. Based on staff evaluation and references from other city users, the Ultra Curb Screen Plus received the lowest complaints, was considered to be cost effective, and a durable and sustainable product.

**STAFF MEMBER PRESENTING:** Mark Chase, Community and Public Services Director

Prepared by: Roberto Perez  
Department: Parks and Maintenance

City Manager  
Approval: 

Submitted to Council/O.H.A. 04/07/2015

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

9

Section 2-6.11 (b)(2) of the Ontario Municipal Code states that a sole source purchase is authorized if there is only one procurement source. John Commercial Services is the exclusive distributor and installer of the Ultra Curb Screen Plus in the southwest region of the United States. Staff recommends the sole source selection of John Commercial Services for the purchase and installation of curb inlet storm drain filter screens for storm drains citywide.

# **CITY OF ONTARIO**

*Agenda Report*  
April 7, 2015

**SECTION:  
CONSENT CALENDAR**

**SUBJECT: AN ORDINANCE APPROVING AN AMENDMENT TO THE PROVISIONS OF THE ONTARIO MUNICIPAL CODE TITLE 9 (DEVELOPMENT CODE) REGARDING THE LOCATION AND OPERATION OF MASSAGE ESTABLISHMENTS AND THE OFFERING OF MASSAGE SERVICES**

**RECOMMENDATION:** That the City Council consider and adopt an ordinance approving the Development Code Amendment (File No. PDCA15-001), amending the provisions relating to the location and operation of massage establishments and the offering of massage services.

**COUNCIL GOALS: Regain Local Control of the Ontario International Airport**

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

**Maintain the Current High Level of Public Safety**

**Operate in a Businesslike Manner**

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

**Focus Resources in Ontario's Commercial and Residential**

**FISCAL IMPACT:** None.

**BACKGROUND:** On March 17, 2015, the City Council introduced an ordinance approving the Development Code Amendment. The passage of SB 731 established a voluntary certification process for massage technicians through the California Massage Therapy Council (CAMTC), a non-profit benefit corporation, to create uniform standards for massage practitioners and therapists. Furthermore, the legislation provided massage therapists licensed by the State the ability to practice massage without any further license, permit or authorization. The legislation required massage establishments to be treated like other personal services uses, thereby limiting the City's land use authority.

In 2014, the passage of AB 1143 reinstituted the ability of local governments to regulate massage establishments through reasonable land use controls. The bill provided for:


- The ability of cities to require massage establishments to obtain a conditional use permit; and

**STAFF MEMBER PRESENTING:** Scott Murphy, Planning Director

Prepared by: Scott Murphy

Department: Planning

City Manager

Approval: 

Submitted to Council/O.H.A. 04/07/2015

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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- The ability to establish reasonable hours of operation; and
- The ability of local jurisdictions to conduct background checks on the business owners; and
- The ability of local jurisdictions to require background checks and licensing of massage therapists that are not licensed by CAMTC; and
- The ability of CAMTC to discipline massage therapists found in violation of the provisions of the law; and
- The ability to conduct reasonable inspections to ensure compliance with the local ordinance; and
- The ability of local jurisdictions to require a massage business owner to provide a list of all employees and independent contractors and their CAMTC certifications and to notify the City should this information change; and
- The ability to establish a dress code for therapists, consistent with the bill.

As a result, the City has initiated an amendment to the Development Code to provide reasonable regulations of massage establishments. The Code Amendment includes:

1. Table 13-1 of Article 13 of the Development Code shall be amended to conditionally permit massage establishments in the C2, C3, and C4 zoning designations; and
2. Section 9-1.1305 Massage Establishments and Services shall be amended to:
  - a) Require all massage therapist to obtain a certificate from the California Massage Therapy Council (CAMTC) or the City of Ontario prior to engaging in the business of massage; and
  - b) Limit the hours of operation to 8:00 a.m. to 10:00 p.m. on the same day. These hours of operation are similar to expected/anticipated hours of other services uses (e.g. doctor offices, beauty salons, insurance offices, , etc.); and
  - c) Require all employees to be clothed in a manner consistent with the Massage Therapy Act (AB 1147), which prohibits clothing that is transparent, see-through or substantially exposes the certificate holders undergarments; swim attire, unless providing water-based massage approved by CAMTC; clothing that exposes the certificate holders breasts, buttocks or genitals; or other garments determined by CAMTC to constitute unprofessional attire based on custom and practice of the profession in California; and
  - d) Require as a condition of business license issuance for a massage establishment, the business owner to provide a list of all employees and independent contractors and their CAMTC or City certifications. The business owner shall notify the City should this information change. Additionally, with the annual renewal of their business license, the business owner shall provide an updated list of all employees and their certifications; and

- e) Require as a condition of business license issuance for a massage establishment, the permittee to consent to the right of authorized representatives of the City's Police Department, Building Department, Fire Department, Code Enforcement Officers or San Bernardino County Health Department to enter the massage establishment during regular business hours for the purpose of making reasonable unscheduled inspections, to observe and enforce compliance with applicable regulations, laws, and provisions of this chapter; and
- f) Require a 300-foot separation between a massage establishment and any sensitive land use, including schools, preschools, daycare facilities or parks. In an article in Western Cities Magazine from March 2014, the significant expansion of massage establishments, post-SB 731, was noted. Additionally, the article mentioned that the Polaris Project, an organization formed to eradicate human trafficking, estimated that there were more than 5,000 “fake” massage businesses nationwide. Numerous websites host profiles of local massage establishments where consumers can comment and post reviews about their experiences, including information about sexual services they received. In Sacramento County 47 of the 87 open massage establishments had two or more comments from reviewers suggesting or explicitly stating that they received sexual services within the past year. Based on information gathered from surrounding businesses and preliminary research, 22 massage businesses in Sacramento County have indicators of commercial sex activity. In Ontario, similar techniques are used to identify businesses potentially engaging in commercial sex activity. These investigations have led to several raids and arrests for suspicion of prostitution. Given this information, a separation from sensitive land uses is appropriate.

On February 24, 2015, the Planning Commission considered the Development Code Amendment and unanimously recommended approval of the application to the City Council.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING THE PROVISIONS OF THE ONTARIO MUNICIPAL CODE TITLE 9 (DEVELOPMENT CODE) REGARDING THE LOCATION AND OPERATION OF MASSAGE ESTABLISHMENTS AND THE OFFERING OF MASSAGE SERVICES, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario ("Applicant" or "City") has initiated an Application for the approval of a Development Code Amendment, File No. PDCA15-001, to amend Title 9 of the Ontario Municipal Code regarding the location and operation of massage establishments and the offering of massage services (hereinafter referred to as "Application" or "Project"); and

WHEREAS, Government Code § 51030 recognizes the right of the City Council to enact an ordinance which provides for the licensing for regulation of the business of massage when carried on within the City; and

WHEREAS, in addition to the City's constitutional police powers, Government Code § 65850 permits the City to regulate the use of buildings, structures, and land as between industry, business, residences, open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources and other purposes, to regulate the size and use of lots, yards, courts and other open spaces, and to regulate the intensity of land use; and

WHEREAS, AB1147, adopted by the State legislature and signed by the Governor on September 18, 2014, provides local jurisdictions the opportunity to impose reasonable requirements on the location of massage establishments and the offering of massage services; and

WHEREAS, while many massage establishments offered legitimate services, articles reference a connection between massage establishments and illicit commercial sex activity; and

WHEREAS, operation of these illicit businesses poses a threat to the health, safety, and welfare of the citizens of Ontario; and

WHEREAS, the City Council finds and determines the need to adopt reasonable regulations which promote the operation of legitimate massage establishments and prevent problems of blight and deterioration which typically accompany, and are brought about by, large numbers of massage establishments that may act as fronts for prostitution and other illegal activity; 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 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; 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 February 24, 2015, the Planning Commission of the City of Ontario conducted a public hearing to consider the Project, and concluded said hearing on that date. After considering all public testimony the Planning Commission recommended City Council approval of the Development Code Amendment; and

WHEREAS, on March 17, 2015, the City Council of the City of Ontario conducted a public hearing and introduced this Ordinance; 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 15060(b) of the CEQA Guidelines, as the project will not result in a direct or reasonably foreseeable indirect physical change in the environment; 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 judgment of the City Council.

SECTION 2. Based upon the substantial evidence presented to the Planning Commission, the Planning Commission's recommendation, the evidence presented to the City Council, and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The proposed Development Code Amendment is consistent with the goals and policies of the General Plan.

b. The proposed Development Code Amendment is reasonable and beneficial, and in the interest of good zoning practice.

c. The proposed Development Code Amendment will not have a significant adverse impact on the environment.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, and the recitals contained in this Ordinance, the City Council approves this Ordinance amending Title 9 of the Ontario Municipal Code (Development Code), as shown on the attached Exhibit "A".

SECTION 4. 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.

SECTION 6. Effective Date. This Ordinance shall become effective thirty (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 7<sup>th</sup> day of April 2015.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3017 was duly introduced at a regular meeting of the City Council of the City of Ontario held March 17, 2015, and adopted at the regular meeting held April 7, 2015, by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3017 duly passed and adopted by the Ontario City Council at their regular meeting held April 7, 2015 and that Summaries of the Ordinance were published on March 24, 2015 and April 14, 2015, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

Exhibit "A"

Table 13-1 of Article 13 is amended to read in its entirety as follows:

	AP	NC	C1	C2	C3	C4	EA
Massage Establishments	---	---	---	C	C	C	U

P: Permitted Use

C: Conditional use permit required

U: Refer to underlying zoning designation

---: Prohibited use

Section 1-9.1305 is amended to read in its entirety as follows:

MESSAGE ESTABLISHMENTS AND SERVICES. The following operational standards shall govern any business engaged in massage or any person acting as a massage practitioner or massage therapist:

- A. No person shall engage in the business of massage, or act as a massage practitioner or massage therapist, unless:
  1. Such person holds valid massage practitioner or massage therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to Business and Professions Code Section 4600 et seq.; or
  2. Such person holds a valid massage therapist permit issued by the City, pursuant to the following provisions:
    - a. Application and Filing.
      - (i) Any person desiring a massage therapist permit shall make application to the Zoning Administrator, along with a nonrefundable filing fee set by resolution of the City Council, to defray the City's cost of the investigation, inspections and report required by this chapter.
      - (ii) The application and fee required under this section shall be in addition to any license, permit or fee required under any other chapter of this Code.
      - (iii) Separate permits need not be obtained by a massage therapist operating in more than one location within the City, provided that the application for a single permit discloses each location at which the therapist may operate.
      - (iv) The application for a permit does not authorize the applicant to practice massage until such permit has been granted.



- (v) Each application for a massage therapist permit shall contain the following information:
- (1) The full true name under which the business will be conducted.
  - (2) The present or proposed address or addresses where the business is to be conducted.
  - (3) The applicant's full, true name, any other names used, date of birth, California driver's license number or California identification number, social security number, present residence address and telephone number, and the sex, height, weight, color of hair, and color of eyes of the applicant.
  - (4) The address of the previous 2 residences of the applicant and the inclusive dates at each address.
  - (5) Two (2) portrait photographs measuring 2 inches in width by 2 inches in height, taken within the 6 month period prior to application submittal.
  - (6) The applicant's business, occupation, and employment history for 5 years preceding the date of application, and the inclusive dates of same.
  - (7) At least 3 written statements, including dates of relationships, signed by persons who have knowledge of the applicant's background, qualifications and suitability for the position of massage therapist. Those persons shall have known the applicant for at least 3 years preceding the date of application.
  - (8) The permit history of the applicant, including whether such person has ever had any permit or license issued by any agency, board, city, county, territory or state, and the date of issuance for such permit or license and whether such permit or license was revoked or suspended. In addition, whether a vocational or professional license or permit was issued, revoked, or suspended, and the reason therefor.
  - (9) Convictions for any crime involving conduct which requires registration under any state law similar to and including California Penal Code Sec. 290, or for conduct which is a violation of the provisions of any state law similar to and including California Penal Code Sec. 266i, 315, 316, 318 or Sec. 647(b), or any crime involving pandering, dishonesty, fraud, deceit, or moral turpitude.

- (10) Convictions of any felony offense involving the sale of a controlled substance specified in California Health & Safety Code Sec. 11054, 11055, 11056, 11057 or 11058, or conviction in any other state of any offense which, if committed or attempted in this State, would have been punishable as one or more of the above-mentioned offenses of this division.
- (11) A complete definition of all services to be provided.
- (12) The name and address of any massage business or other like establishment owned or operated by any person whose name is required to be given pursuant to this section wherein the business or profession of massage is carried on.
- (13) Acceptable written proof that the applicant is at least 18 years of age.
- (14) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation or Charter together with the state and date of incorporation, and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than 5 percent of the stock of that corporation.
- (15) If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the County Clerk. If one or more of the partners is a corporation, the provisions of this subdivision pertaining to corporate applicants shall apply.
- (16) The name of the person designated by the applicant, corporation or partnership to act as its responsible managing officer in charge of the premises.
- (17) Acceptable written proof that the person designated by the applicant, corporation or partnership to act as its responsible managing officer in charge of the premises, is at least 18 years of age.

- (18) The applicant and the person designated by the applicant, corporation or partnership to act as its responsible managing officer in charge of the premises shall be required to furnish fingerprints for the purpose of establishing identification. Any required fingerprinting fee will be the responsibility of the applicant.
- (19) A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the applicant.
- (20) The name and address of the owner and lessor of the real property upon or in which the business is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a massage establishment will be located on his or her property.
- (21) Authorization for the City, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application.
- (22) A certificate from a medical doctor stating that the applicant (other than an owner not acting as a massage therapist) has, within 30 days immediately prior thereto, been examined and found to be free of any contagious or communicable disease.
- (23) The applicant (other than an owner not acting as a massage therapist) shall furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession, and work of massage therapists is taught.
- (24) The applicant shall, within 7 calendar days of the change, submit any change of address or fact that may occur during the procedure of applying for a massage establishment permit.
- (25) Such other identification and information as the Police Chief may require in order to discover the truth of the matters hereinbefore specified as required to be set forth in the application.

- (26) Nothing contained in these provisions shall be construed to deny to the Police Chief the right to take additional photographs of the applicant, nor shall anything contained in this chapter be construed to deny the right of the Police Chief to confirm the height and weight of the applicant.
- (vi) The applicant must furnish proof of education and training in accordance with one of the following:
  - (1) A diploma or certificate of graduation and transcripts from a 500 hour course of instruction from either a recognized school of massage or from an existing school or institution of learning outside the State, together with a certified transcript of the applicant's school records showing date of enrollment, hours of instruction and graduation from a course having at least a minimum requirement prescribed by Title 5, Division 21, of the California Administrative Code, wherein the theory, method, profession and work of massage are taught, and a copy of the school's approval by its State Board of Education. For the purpose of this provision, the term "recognized school of massage" shall mean any school or institution of learning which teaches the theory, ethics, practice, profession or work of massage, which has been approved pursuant to the California Education Code. Schools offering a correspondence course not requiring attendance shall not be deemed a State-recognized school. The City shall have a right to confirm that the applicant has actually attended class in a State-recognized school; or
  - (2) A diploma or certificate of graduation and transcripts from a minimum 200 hour course of instruction from schools or institutions as described in subparagraph (i), above, and furnish proof of completion of up to 300 hours of continuing education courses in massage from schools or institutions as described in subparagraph (i), above, or from equivalent organizations as determined by the Zoning Administrator. The minimum combined total course hours and continuing education hours shall equal no less than 500 hours.

- (vii) Each applicant must furnish proof that they hold and maintain a current national certification. For the purpose of this provision, the term “national certification” shall mean an independently prepared and administered national certification exam, which has been recognized by objective standards to fairly evaluate professional levels of skill, safety and competence, as determined by the National Commission for Certifying Agencies (NCCA) or a similar certifying body.
- (viii) Each applicant must furnish proof of membership in a state or national professional massage therapy organization or association, and that they are in good standing. For the purpose of this provision, the term “state or national professional massage therapy organization or association” means an organization or association for massage professionals, which meets each of the following requirements:
  - (1) Requires that its members meet minimal educational requirements appropriate to the nature of their work;
  - (2) Offers and encourages participation in continuing education programs;
  - (3) Has an established code of ethics and has enforcement procedures for the suspension and revocation of membership of persons violating the code of ethics; and
  - (4) The organization does not discriminate on the basis of race, sex, creed, color, age or sexual orientation.
- (ix) Each applicant must furnish the full name, address and telephone number of each massage establishment where the therapist will be employed.
- (x) Such other identification and information as the Zoning Administrator may require in order to discover the truth of the matters herein specified as required to be set forth in the application.

b. Investigation.

- (i) The Zoning Administrator shall refer massage therapist applications to the Police Chief for an investigation and recommendation.

(ii) The Police Chief shall conduct an investigation in such manner deemed appropriate, in order to ascertain whether such permit should be issued as requested. Upon completion of the investigation, the Police Chief shall recommend that the permit be granted if it is found:

- (1) All required fees have been paid.
- (2) The application conforms in all respects to the provisions of this chapter.
- (3) The applicant has not made a material misrepresentation in the application.
- (4) The applicant has not been convicted in a court of competent jurisdiction of an offense involving conduct which requires registration under any state law similar to and including California Penal Code Sec. 290, or for conduct which is a violation of the provisions of any state law similar to and including California Penal Code Sec. 266i, 315, 316, 318 or 647(b), or any crime involving pandering, dishonesty, fraud, deceit, or moral turpitude.
- (5) The applicant has not been convicted in a court of competent jurisdiction of an offense involving the sale of a controlled substance specified in California Health & Safety Code Sec. 11054, 11055, 11056, 11057 or 11058, or conviction in any other state of any offense which, if committed or attempted in this State, would have been punishable as one or more of the above-mentioned offenses of this division.
- (6) The applicant has not had a massage therapist, or other similar permit or license denied, revoked, or suspended by the City, or any other state or local agency prior to the date of approval.
- (7) The applicant is at least 18 years of age.

c. Review and Action.

- (i) The Zoning Administrator shall approve, conditionally approve or deny the application within 45 days of filing. The decision of the Zoning Administrator shall be final and conclusive in the absence of a timely filed appeal. Any appeal of such action shall be subject to the provisions of Article 5 (Appeals) of this chapter.

- (ii) All permits issued pursuant to the provisions of this chapter shall be nontransferable; provided, however, a change of location of a massage establishment may be permitted pursuant to the provisions of division (e) of these provisions.
- d. Permits not assignable. No massage therapist permit may be sold, transferred or assigned by the permittee, or by operation of law, to any other person or persons. Any such sale, transfer, assignment, or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be deemed terminated and void.
- e. Change of Location.
  - (i) A change of location of any massage therapist must first be approved by the Zoning Administrator, who must determine prior to approval that all ordinances and regulations of the City will be complied with at any proposed new location.
  - (ii) No permittee shall operate under any name or conduct any establishment under any designation not specified in permittee's permit.
  - (iii) Separate permits need not be obtained by a massage therapist operating in more than one location within the City for each such location; provided, that the application for a single permit for more than one location shall disclose each location at which the therapist may operate.
- f. Renewal of Permit.
  - (i) Massage therapists licensed pursuant to these provisions shall have 30 days from the date of expiration to renew their permit.
  - (ii) A massage therapist permit shall be renewed on a biannual basis. Permit renewal shall be contingent upon satisfactory compliance with all requirements of this chapter pertinent to massage services, including a current medical clearance and submission to a background investigation subsequent to fingerprint examination.
  - (iii) Every massage therapist licensed under this chapter shall annually complete at least 20 hours of continuing education courses in massage from schools or institutions as described in division A.2(a)(6) of these provisions, or from equivalent organizations as determined by the Zoning Administrator. Failure to complete such hours and submit proof of such completion in a form satisfactory to the Zoning Administrator at the time of permit renewal shall be grounds for denial of permit renewal.

g. Permit Suspension and Revocation.

- (i) The Zoning Administrator shall have jurisdiction to revoke any massage therapist permit granted in accordance with paragraphs (a) through (f), above. The Zoning Administrator may order any permits suspended, pending such action. It shall be unlawful for any person to carry on the business of a massage therapist until the suspended permit has been reinstated by the Zoning Administrator.
- (ii) An action to revoke a permit granted pursuant to these provisions shall be accomplished in the following manner:
  - (1) The Zoning Administrator shall conduct a hearing to determine whether the permit should be revoked. The Zoning Administrator shall prepare and deliver to the permittee, a written statement setting forth the factual basis for the proposed revocation, and shall state the time and place such hearing will be held, at least 10 days prior to the hearing.
  - (2) A permit may be revoked by the Zoning Administrator based upon any one or more of the following grounds:
    - (a) Permit approval was obtained by fraud;
    - (b) The permit is being, or has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation; or
    - (c) The permit has been so exercised as to be detrimental to the public peace, health, safety, welfare, or so as to constitute a nuisance to the annoyance of surrounding businesses or residents.
  - (3) The decision of the Zoning Administrator to revoke a permit shall be final and conclusive in the absence of a timely filed appeal.

h. Burden of proof at hearings. Unless otherwise specifically provided by law, the burden is on the permittee-applicant in any hearing conducted in accordance with paragraphs (a) through (g), above, to prove that the decisions made or action taken is unreasonable, erroneous or clearly abusive of discretion.



- B. Every massage establishment shall maintain facilities meeting the following requirements:
1. If wet and dry heat rooms, steam and vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools are offered, they shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open. Bathtubs shall be thoroughly cleaned and disinfected. All walls, ceilings, floors and other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition.
  2. Instruments for performing massage shall not be used on more than one patron unless they have been sterilized using sterilizing methods approved by the San Bernardino County Health Department.
  3. All employees, including massage practitioners and/or therapists, shall be clean, and shall be clothed in a manner consistent with the Massage Therapy Act, Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code.
  4. No person shall enter, be or remain in any part of a massage establishment while in possession of, consuming or using any alcoholic beverage or drugs, except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, manager or permittee shall not permit any such person to enter or remain upon such premises.
  5. No massage service may be carried on within any cubicle, room, booth or any area within a massage establishment which is not immediately accessible to supervisory, safety or inspection personnel during all hours of operation.
  6. No massage establishment employing massage therapists shall be equipped with tinted or "one-way" glass in any room or office.
  7. Pads used on massage tables, or on other furniture upon which massage services are performed, shall be covered with a durable, washable plastic or other waterproof material acceptable to the City.
- C. Massage establishment hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. of the same day.
- D. Maintain a 300-foot separation between a massage establishment and any sensitive land use, including schools, preschools, daycare facilities or parks.
- E. As a condition of business license issuance for a massage establishment, the permittee shall consent to the right of authorized representatives of the City's Police Department, Building Department, Fire Department, Code Enforcement Officers or San Bernardino County Health Department to enter the massage establishment during regular business hours for the purpose of making reasonable unscheduled inspections, to observe and enforce compliance with applicable regulations, laws, and provisions of this chapter.

- F. As a condition of business license issuance for a massage establishment, the business owner shall provide a list of all employees and independent contractors and their CAMTC or City certifications. The business owner shall notify the City should this information change. Additionally, with the annual renewal of their business license, the business owner shall provide an updated list of all employees and their certifications.
- G. The provisions of this section pertaining to massage services shall not apply to the following institutions or classes of individuals, while engaged in the performance of the duties of their respective professions:
1. Hospitals, nursing homes, sanatoriums or other similar health facilities duly licensed by the State;
  2. Recognized schools of massage;
  3. Physicians, surgeons, chiropractors, osteopaths, or physical therapists, who are duly licensed to practice their respective professions in the State, or other persons licensed to practice any healing art pursuant to Business and Professions Code Section 500 et seq.;
  4. Nurses registered under the laws of the State;
  5. Barbers, cosmetologists, beauticians and manicurists who are duly licensed under the laws of the State while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, scalp, hands and/or feet of the customer client;
  6. Coaches and trainers in accredited high schools, junior colleges, and colleges or universities, acting within the scope of their employment; and
  7. Trainers of amateur, semi-professional or professional athletes or athletic teams.
- H. Chair Massage Services.
1. Any person, corporation or partnership wishing to perform chair massage in the City must first be doing business at a fixed location in the City, having a valid business license, or a valid home occupation pursuant to the "home occupations" provisions of this section.
  2. Chair massage services may be performed only by a person with a valid massage practitioner or massage therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to Business and Professions Code Section 4600 et seq. or a valid City massage therapist permit.

3. Chair massage services may only be offered at commercial or industrial places of business within the AP, NC, C1, C2, C3, C4, M1, M2 and M3 zoning districts and the California Commerce Center North (Ontario Mills) Specific Plan.
4. The massage therapist offering chair massage must have a signed contract for service at each location the service is provided. A copy of such contract shall be provided for inspection upon demand, to any City official with responsibility for enforcement of this chapter. The contract shall specify the location, days and times the service is to be offered.
5. Chair massage shall be offered at a set time and day at each location and shall not be offered at any other time. Such service shall only be conducted between the hours of 8:00 a.m. and 10:00 p.m. of the same day.

I. Unlawful Conduct.

1. It shall be unlawful for any person, for financial or other consideration, to massage any other person, or give or administer any bath, or give or administer any of the other service set forth in this chapter for immoral purposes or in a manner intended to arouse, appeal to, or gratify the lust or passions or sexual desires.
2. It shall be unlawful for any massage therapist to massage the genital area of any patron or the breasts of any female patron or for any responsible managing officer in charge of the premises of a massage establishment to allow or permit such massage.
3. It shall be unlawful for a person serving as a massage therapist to be clothed in a manner inconsistent with the Massage Therapy Act, Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code. Massage therapists shall maintain their permit identification card clearly visible on their person during business hours.
4. It shall be unlawful for a massage therapist issued a permit by the City in accordance with division A.2 of these provisions, to perform any massage service at any location other than that location specified on the therapist's permit. If during the life of a permit, the applicant has any change in information concerning the original application, notification must be made to the Zoning Administrator, in writing, within 30 days of the change.
5. It shall be unlawful for any owner, manager, operator, responsible managing employee, or permittee in charge of or in control of a massage establishment to employ or permit a person to act as a massage therapist who is not in possession of a valid, unrevoked massage therapist permit issued pursuant to division A.2 of these provisions, or a valid massage practitioner or massage therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to Business and Professions Code Section 4600 et seq.

6. It is unlawful for any massage establishment, massage therapist or massage practitioner to provide, or to offer to provide, out-call massage services in the City. For the purpose of this provision, the term "out-call massage services" shall mean to engage in or carry on massage, not at a fixed location, but at a location designated by the customer or client. "Out-call massage services" shall not include chair massage services conducted pursuant to division G of these provisions.

J. Violations and Penalties.

1. Every person, except those persons who are specifically exempted by the massage services provisions pursuant to division F herein, whether acting as an individual, owner, employee of the owner, or operator or employee of the operator, or whether acting as a mere helper for the owner, employee, or operator, or whether acting as a participant or worker in any way who gives massages or conducts a massage establishment or room, or who gives or administers, or who practices the giving or administering of steam baths, electric light baths, electric tub baths, shower baths, sponge baths, vapor baths, fomentations, sunbathes, mineral baths, alcohol rubs, Russian, Swedish, or Turkish baths, or any other type of baths, salt glows, or any type of therapy, or who does or practices any of the other services or acts set forth in these provisions, without first obtaining a valid, unrevoked massage therapist permit issued pursuant to division A.2 of these provisions, or a valid massage practitioner or massage therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to Business and Professions Code Section 4600 et seq., or who shall violate any operational standard of the massage services provisions, shall be guilty of a misdemeanor.
2. Any owner, operator, manager, or permittee in charge or in control of a massage establishment who knowingly employs a person performing as a massage therapist, as defined in this chapter, who is not in possession of a valid, unrevoked massage therapist permit issued pursuant to division A.2 of these provisions, or a valid massage practitioner or massage therapist certification issued by the California Massage Therapy Council (CAMTC) pursuant to Business and Professions Code Section 4600 et seq., or who allows such an employee to perform, operate, or practice within such a place of business shall be guilty of a misdemeanor.
3. Any owner, operator, manager, or permittee in charge or in control of a massage establishment under this chapter shall be a Responsible Person. "Responsible Person" shall mean a person who causes a violation of this chapter or the Ontario Municipal Code to occur, or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee, or independent contractor causes a violation to occur, or allows a violation to exist or continue. A Responsible Person shall be liable for the violation of his or her agent, employee, or independent contractor. For the purposes of this chapter, there may be more than one Responsible Person for a violation.

4. Any massage establishment operated, conducted, or maintained contrary to the massage services provisions of this section shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the City may, in addition to or in lieu of prosecuting a criminal action hereunder, commence actions or proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law and shall take such other steps and apply to such courts as may have jurisdiction to grant such relief as will abate or remove such massage establishment and restrain and enjoin any person from operating, conducting or maintaining a massage establishment contrary to the provisions of this chapter.
5. Any violation of any of the provisions of this chapter shall be subject to punishment for violation in accordance with the penalty provisions set forth in Chapter 2 of Title 1 of the Ontario Municipal Code. Punishment for any violation of any of this chapter's provisions shall be in accordance with the Ontario Municipal Code punishment and fine provisions as set forth in Ontario Municipal Code section 1-2.01.

# CITY OF ONTARIO

*Agenda Report*  
April 7, 2015

**SECTION:**  
**CONSENT CALENDAR**

**SUBJECT: GRANT OF TOWING CARRIER PERMITS AND AWARD OF CITY CONTRACT TOWING SERVICES AGREEMENTS**

**RECOMMENDATION:** That the City Council grant towing carrier permits and authorize the City Manager to execute City Contract Towing Services Agreements (on file with the Records Management Department) with Dietz Towing, LLC; James Fogelsong Towing and Storage Inc.; United Road Towing, DBA Bill and Wags Inc.; and Pepe's Towing Service, all of Ontario, California, for a period of five years.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Maintain the Current High Level of Public Safety  
Operate in a Businesslike Manner

**FISCAL IMPACT:** The City's cost for administering the towing program is recovered through the administrative fees collected for nonconsensual vehicle tows.

**BACKGROUND:** The regulation of towing services ensures that tow carriers are selected fairly and objectively from among qualified firms through a public procurement process, and that the delivery of services is provided to the City and the public in a prompt and safe manner. Ontario Municipal Code (OMC), Title 4, Chapter 19, establishes the towing regulations and selection criteria for nonconsensual towing services provided to the City of Ontario including the requirement to have storage lots located within the City of Ontario city limits. This ensures adequate response times and limits the City's costs and administrative effort of having Police Department personnel conduct investigations at distant locations.

The selection process performed by the Chief of Police, Police Department, and Purchasing staff included a determination of the number of towing carriers required to meet the City's operational needs; a review of the performance related criteria such as average response times; facility locations and amenities; equipment types and quantities; and staff qualifications. In consideration of factors such as population, anticipated calls for service, area of coverage, and administrative costs associated with the

**STAFF MEMBER PRESENTING:** Brad Kaylor, Chief of Police

Prepared by: Darryl Polk  
Department: Police

City Manager  
Approval: 

Submitted to Council/O.H.A. 04/07/2015

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

11

number of towing carriers to be included on the rotational tow list, the Chief of Police, in accordance with OMC section 4-19.05(a), has established the number of required towing carriers to be four.

The current five-year Towing Services Agreements expire April 7, 2015. In March, five towing carriers responded to the City's Request for Proposal (RFP No. 96890) for City Initiated Contract Towing Services. As provided for in the OMC Section 4-19.06, the Police Department's Traffic Services Division conducted site inspections of each towing carrier that submitted a proposal. All five respondents were determined to have met the minimum bid qualifications; however, as the established number of required towing carriers is four, staff recommends that towing carrier permits and City Contract Towing Services Agreements be awarded to Dietz Towing, LLC; James Fogelsong Towing and Storage Inc.; United Road Towing, DBA Bill and Wags Inc.; and Pepe's Towing Service, all of Ontario, California.



# CITY OF ONTARIO

*Agenda Report*  
April 7, 2015

SECTION:  
PUBLIC HEARINGS

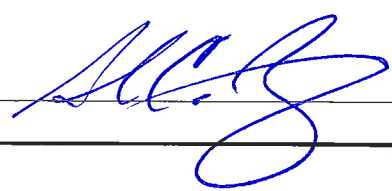
**SUBJECT: A PUBLIC HEARING TO CONSIDER RESOLUTIONS APPROVING [1] FILE NO. PGPA13-005, A GENERAL PLAN AMENDMENT, WHICH (A) REVISES THE POLICY PLAN OFFICIAL LAND USE PLAN (EXHIBIT LU-01) TO CHANGE THE LAND USE ON APPROXIMATELY 148 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF VINEYARD AVENUE AND FOURTH STREET, FROM MIXED USE AND PUBLIC SCHOOL, TO INDUSTRIAL, (B) REVISES THE POLICY PLAN FUTURE BUILDOUT (EXHIBIT LU-03) PROJECTIONS FOR THE MEREDITH GROWTH AREA, TO BE CONSISTENT WITH THE PROPOSED LAND USE CHANGES, AND (C) REVISES THE GENERALIZED AND GROWTH AREAS (EXHIBIT LU-04) TO BE CONSISTENT WITH THE PROPOSED LAND USE CHANGES; [2] FILE NO. PSPA14-003, A SPECIFIC PLAN AMENDMENT, WHICH MODIFIES THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN, ORIGINALLY ADOPTED IN 1981, TO REALIZE APPROXIMATELY 3 MILLION SQUARE FEET OF INDUSTRIAL LAND USES, UP TO 600 HOTEL ROOMS AND 1.1 MILLION SQUARE FEET OF COMMERCIAL LAND USES, AND UP TO 800 RESIDENTIAL UNITS, ON APPROXIMATELY 257.7 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF INTERSTATE 10 FREEWAY, BETWEEN VINEYARD AND ARCHIBALD AVENUES, AND PROVIDES PLANNING GUIDANCE ON LAND USES, CIRCULATION, UTILITIES AND INFRASTRUCTURE, DEVELOPMENT STANDARDS AND DESIGN GUIDELINES, AND SPECIFIC PLAN IMPLEMENTATION; [3] THE CERTIFICATION OF THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN AMENDMENT ENVIRONMENTAL IMPACT REPORT (EIR) (SCH #2014051020) PREPARED FOR THE GENERAL PLAN AMENDMENT AND SPECIFIC PLAN AMENDMENT; AND [4] THE ADOPTION OF FINDINGS OF OVERRIDING CONSIDERATIONS ADDRESSING TRAFFIC, AIR QUALITY, AND NOISE IMPACTS, WHICH THE EIR FOUND TO BE SIGNIFICANT AND UNAVOIDABLE**

**STAFF MEMBER PRESENTING:** Scott Murphy, Planning Director

Prepared by: Charles Mercier

Department: Planning

City Manager

Approval: 

Submitted to Council/O.H.A. 04/07/2015

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

12



**RECOMMENDATION:** That the City Council consider and adopt the following:

- (A) A resolution certifying the Meredith International Centre Specific Plan Amendment Environmental Impact Report (EIR), including Findings of Overriding Considerations addressing traffic, air quality, and noise impacts, which the EIR found to be significant and unavoidable;
- (B) A resolution approving a General Plan Amendment (File No. PGPA13-005), which:
  - (1) Revises the Policy Plan Official Land Use Plan (Exhibit LU-01) to change the land use on approximately 148 acres of land generally located at the southeast corner of Vineyard Avenue and Fourth Street, from Mixed Use and Public School, to Industrial; and
  - (2) Revises the Policy Plan Future Buildout (Exhibit LU-03) for the Meredith growth area, to be consistent with the proposed Official Land Use Plan changes; and
  - (3) Revises the Generalized and Growth Areas (Exhibit LU-04) to be consistent with the proposed Official Land Use Plan changes; and
- (C) A resolution approving a Specific Plan Amendment (File No. PSPA14-003), which modifies the Meredith International Centre Specific Plan to allow for the development of approximately 3 million square feet of industrial land uses, up to 600 hotel rooms, up to 1.1 million square feet of commercial land uses, and up to 800 residential units, and revise the planning guidance on allowed land uses, circulation, utilities and infrastructure, development standards and design guidelines, and specific plan implementation.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport

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

Maintain the Current High Level of Public Safety

Operate in a Businesslike Manner

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

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

**FISCAL IMPACT:** Policy CE3-2 of The Ontario Plan (TOP) requires those proposing General Plan Amendments to disclose reasonably foreseeable impacts through a fiscal analysis. As a result, a fiscal impact analysis was prepared by The Nadelson Dale Group in conjunction with the Environmental Impact Report. The fiscal impact analysis considers three scenarios – the current 1981 Specific Plan, TOP land use, and the proposed project. The report indicates that during the first twenty years, the proposed project would yield an annual net income of \$4.9 million, while the 1981 Specific Plan and TOP would generate \$2.4 million and \$3.5 million, respectively. Over that same 20-year period, the proposed project would generate a cumulative net income of \$84.6 million compared to \$23.7 million and \$22.2 million for the 1981 Specific Plan and TOP land use, respectively. The complete “Analysis of Market Absorption Potentials and Related Socioeconomic Impacts, Meredith International Centre Specific Plan” is contained in the Environmental Impact Report (EIR) as Appendix K.

**BACKGROUND:** The Meredith Specific Plan area is identified by TOP as part of the Ontario Airport Metro Center, an intense urban center, with a maximum residential density of 125 units per acre and a maximum floor area ratio of 3.0 for commercial and retail development. Since adoption of TOP in 2010,

the office market has remained stagnant and office vacancy rates in the City remain at 23% vacancy (Colliers International Inland Empire Market Report Q1 2014). Since the end of the economic downturn, the housing and retail markets have begun to expand, albeit slowly. The market for residential projects of 40 or more dwelling units per acre, however, has not yet begun to materialize in the Inland Empire, nor is it anticipated to for many years to come. As a result of these market conditions, the owners of the Meredith Specific Plan area have found themselves in the position of either waiting for a significant up-tick in the office and housing markets or exploring other options for development of their property.

In 2013, SRG Acquisitions, LLC, (the “Applicant”) had submitted requests for General Plan and Specific Plan Amendments to allow for the development of approximately 148 acres of the Meredith International Centre (“Meredith”) Specific Plan with industrial buildings. The applicant’s proposal recognizes the continuing strong industrial market, while reserving approximately 72 acres along the Interstate 10 frontage for commercial and office development, and approximately 21 acres at the northeasterly area of the Specific Plan for residential development.

The question of the land use is not simply a matter of one land use over another. The Environmental Impact Report addresses the potential impacts associated with the development and identifies those impacts that would remain significant and unavoidable with the project. The Specific Plan Amendment addresses many of the technical issues associated with industrial development of the site, including transition and buffering of land uses. The fiscal impact analysis prepared for the project indicates that the buildout of TOP land uses could take several decades to complete. Conversely, development of the Meredith Specific Plan, with the proposed changes, could be realized within the next 15-20 years. The fiscal costs associated with each development scenario have also been analyzed. As expected, TOP buildout of the site would generate more annual revenue and jobs for the City, albeit over a protracted time frame. The proposal, however, demonstrates greater revenue and similar job creation opportunities over the first 20 years of the development. The following report attempts to address these and other issues in more detail, laying out the pros and cons of development under TOP and the proposed amendments.

**GENERAL PLAN AMENDMENT DESCRIPTION:** The Applicant is requesting that the City Council approve a General Plan Amendment affecting approximately 257.7 acres of land generally located on the north side of Interstate 10, between Vineyard and Archibald Avenues. The proposed modifications are as follows:

- a. The Policy Plan (General Plan) Official Land Use Plan (Exhibit LU-01) would be revised, changing the land use on approximately 148 acres of land generally located at the southeast corner of Vineyard Avenue and Fourth Street, from Mixed Use and Public School, to Industrial (see *Exhibit A: Revised Official Land Use Plan (Exhibit LU-01)*, attached). The Official Land Use Plan currently designates the 257.7-acre Project site as “Mixed Use Meredith,” excepting an approximate 2-acre property located on Fourth Street, immediately west of the Cucamonga Channel, which is designated “Public School,” and the Cucamonga and Deer Creek Channels, which bisect a portion of the Meredith Mixed Use Area in a north-south direction, and are designated “Open Space – Non-Recreation.”
- b. The Policy Plan Future Buildout (Exhibit LU-03) projections would be revised to be consistent with the proposed Official Land Use Plan changes (see *Exhibit B: Revised Future Buildout (Exhibit LU-03)*, attached). The revised projections allow the City to plan for necessary levels of

community services and infrastructure capacities, based upon the theoretical build-out (dwelling units, population, non-residential building area, and employment) of each land use designation.

- c. The proposed changes to the Official Land Use Plan would require that the Policy Plan Generalized and Growth Areas (Exhibit LU-04) map also be revised (see Exhibit C: Revised Generalized and Growth Areas (Exhibit LU-04), attached). The Generalized and Growth Areas map the City's fundamental pattern of land use in a generalized form. The Project site is located within the Ontario Airport Metro Center of Generalized Area 2. The Ontario Airport Metro Center is envisioned as the most intensive concentration of development in the Inland Empire. The area benefits from major transportation facilities including the I-10 and I-15 freeways, LA/ONT Airport, and a variety of transit options. The proposed changes to the Official Land Use Plan would require that the Generalized and Growth Areas Map be revised to remove the proposed 148-acre Industrial Land Use Area from the Ontario Airport Metro Center Growth Area due to its proposed lower intensity of development.

**MEREDITH SPECIFIC PLAN AMENDMENT DESCRIPTION:** Adopted in 1981, the Meredith Specific Plan provided for a mix of high and low-rise office, food services, retail/commercial, and high-density residential development. The Specific Plan Amendment proposes to revise the Specific Plan land use plan to include a mix of Industrial, Urban Commercial, and Urban Residential land uses. The existing and proposed Specific Plan land use maps are attached as Exhibit D. Development of the Specific Plan is expected to occur incrementally, in response to market demand.

The proposed industrial land use district consists of approximately 148 acres of land bordered by Fourth Street on the north, Cucamonga Channel on the east, Inland Empire Boulevard on the south, and Vineyard Avenue on the west, and will allow for the construction of up to 3,007,000 square feet of light and general industrial, warehouse/distribution and corporate headquarters. A 2-acre portion of the industrial land use district contains the former Italo M. Bernt Elementary School and an adjacent lot owned by the Ontario Municipal Utilities Company. The Specific Plan allows for the continuation of these uses, as well as an option allowing the school site to redevelop in conjunction with the development of the balance of the industrial land use district.

The Urban Commercial land use district consists of approximately 72 acres of land located south of Inland Empire Boulevard, along the southerly length of the Specific Plan area. The Specific Plan development concept provides for up to 1,130,000 square feet of new Urban Commercial uses and 13,000 square feet of existing Urban Commercial uses located at the northwestern corner of Archibald Avenue and Inland Empire Boulevard, for a total of 1,143,000 square feet of commercial development, including up to 600 hotel rooms.

The Urban Residential land use district consists of approximately 21 acres of land located within the northeasterly portion of the Specific Plan area. The land use district allows for the construction of multiple-family residential dwellings at a density of 25 dwelling units per acre, accommodating 800 dwelling units.

In addition to the proposed changes to the Specific Plan Land Use Map, the Specific Plan Amendment also proposes revisions in the planning guidance on allowed land uses, circulation, utilities and infrastructure, development standards and design guidelines, and specific plan implementation.

**PROJECT ANALYSIS:** The Policy Plan component of The Ontario Plan establishes certain principals and policies that must be fulfilled when considering changes to the Official Land Use Map, as follows:

- *Policy CE3-2: We require those proposing General Plan Amendments to disclose reasonably foreseeable impacts through a fiscal analysis.*
- *Policy LU2-2: We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.*
- *Land Use Element Principle: We believe land uses and development should be consistent with the Vision while protecting the quality of life in existing neighborhoods.*

Staff has followed these basic tenets in reviewing the proposed General Plan and Specific Plan Amendments, and has identified the following issues for consideration by the City Council:

1. Fiscal Impact Analysis — As noted previously, a fiscal impact analysis was prepared in conjunction with the EIR. The study compares the 1981 Meredith Specific Plan, and the current TOP General Plan, and the proposed General Plan Amendment in three areas:
  - A real estate market analysis to forecast timing of demand for each of the land uses;
  - A fiscal impact analysis of the three scenarios; and
  - An analysis of the employment generation potential for the three scenarios.

The analysis addresses potential buildout using a time-phased approach that balances the theoretical buildout with market-based realities regarding development demand and timing. The analysis considers the potential impacts for each scenario at the theoretical buildout and the projected market-based development over the next 20 years.

In order to arrive at the 20-year projection, The Nadelson Dale Group has analyzed the various market sectors in the Inland Empire, identified Ontario's share of the market, and defined the Meredith Specific Plan area's share of the Ontario market. Table 1, summarizes the findings for Meredith's share of each market sector.

<i>Table 1: Projected Meredith Share of Certain Market Sectors</i>		
<i>Market Sector</i>	<i>Year 2020</i>	<i>Year 2035</i>
Office	155,898 sq. ft.	684,532 sq. ft.
Hotel – High Scenario	77 rooms	910 rooms
Retail – High Scenario	287,088 sq. ft.	1,227,011 sq. ft.
Residential	1,310 units	7,235 units
Industrial	6,741,495 sq. ft.	32,647,664 sq. ft.

*Note: TOP buildout projects 7.5 million sq. ft. of non-residential space and 2,958 residential units*

The market analysis forms the basis of the revenues and expenditures projected for the Meredith Specific Plan area under the three scenarios. The General Fund annual impacts

were considered both at Year 20 and the theoretical buildout of the specific plan area. The potential impacts are shown in Table 2.

<i>Table 2: Potential Impacts to General Fund</i>			
	<i>Meredith Specific Plan 1981</i>	<i>TOP General Plan</i>	<i>Specific Plan Amendment</i>
Theoretical buildout - Net Annual Income	\$2,912,301	\$7,152,406	\$4,879,539
Year 20 – Net Annual Income	\$2,395,960	\$3,510,280	\$4,879,539
Percent of theoretical impact reached in Year 20	82%	49%	100%
Cumulative Net Cash Flow to General Fund, Years 1-20	\$23,698,599	\$22,193,335	\$84,567,289

2. Employment Generation — Utilizing the data obtained with the fiscal impact analysis, the study looks at the employment generation potential of each of the three scenarios for Year 20 and theoretical buildout. Based on the absorption projections for the Meredith Specific Plan area, the 1981 Meredith Specific Plan and TOP General Plan would generate significantly more employees at buildout (17,746 and 30,285 employees, respectively) than the Specific Plan Amendment (4,944 employees). In the near term (Year 20), the projected employment generation is relatively close: The 1981 Meredith Specific Plan would generate approximately 5,011 employees; TOP General Plan would generate approximately 6,611 employees; and the Specific Plan Amendment would generate approximately 4,944 employees.
3. Jobs-Housing Ratio — According to the Southern California Association of Governments, the City's current jobs-housing ratio is 2.30, compared to 1.17 for the overall Southern California region. TOP buildout foresees the City achieving a jobs-housing ratio of 3.15. With the proposed Specific Plan Amendment, the jobs-housing ratio would remain unchanged at 3.15 jobs per housing unit due to a reduction in both residential units and non-residential building area.
4. Impact on DIF (Development Impact Fees) — To the extent possible, the City requires projects to install the infrastructure necessary to serve their development, whether they be master planned or local facilities. In cases where the master planned facilities cannot be constructed with the project, Development Impact Fees are collected in lieu of construction. The DIF is adopted by the City Council as a means to pay for needed master planned infrastructure based on a fair share allocation of the costs for the facilities. Should the General Plan Amendment be approved, the shift in land use allocation will necessitate a revision to the DIF consistent with the land uses.
5. Analyzing and Minimizing Adverse Impacts — The project site is vacant; therefore, any physical development would have impacts on the surrounding residential and commercial properties. However, development pursuant to the proposed Meredith Specific Plan Amendment would orient land uses, and would implement perimeter landscaping and buffering elements so as to minimize potential conflicts with adjacent off-site land uses. That is, configuration and orientation of land uses under the project, combined with integral development standards and design guidelines established under the Meredith International

Centre Specific Plan Amendment, would act to preclude division or disruption of land uses, whether those land uses are internal or external to the project. The physical arrangement of the existing surrounding land uses would not be modified or otherwise substantively affected by the proposed General Plan Amendment and Specific Plan Amendment, or the subsequent development of the project site.

6. Consistency with the City's Overall Vision (Land Use Element Principle) — Uses and development concepts that would be implemented under the project differ from development envisioned under the 1981 Meredith Specific Plan, and are different than that reflected in The Ontario Plan EIR. Nonetheless, the project is considered to support TOP Vision of “sustained, community-wide prosperity which continuously adds value and yields benefits.” The proposed Meredith Specific Plan Amendment incorporates development standards and design guidelines that allow for flexible development of the project site, supporting the Policy Plan Vision of “sustained, community-wide prosperity which continuously adds value and yields benefits.” To these ends, the project would establish a mixed use development on a currently vacant site. Benefits of the project, including, but not limited to, jobs creation, and increased property tax and sales tax revenues, would promote community-wide prosperity and add value.
7. Urban Center vs. Industrial/Logistics — The proposed General Plan and Specific Plan Amendments will result in notable changes in the City's long-term land use and development policy. Industrial development has traditionally been restricted from the area north of I-10 and west of I-15, as the area has been envisioned for development with a mix of residential, mixed use (commercial/residential), and retail and service land uses.

The larger amounts of commercial development under the current Policy Plan Official Land Use Map and future buildout projections would theoretically generate substantial fiscal and employment benefits. However, the projected timing for completion of commercial development within the Specific Plan area would result in a prolonged buildout in order to achieve the 1981 Meredith Specific Plan land uses. Conversely, the development scenario offered by the proposed General Plan and Specific Plan Amendments offers lower benefits much sooner, as opposed to the substantial long-term employment opportunities and fiscal benefits provided under the current Policy Plan Official Land Use Map and 1981 Meredith Specific Plan.

**COMPLIANCE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN:** The proposed General Plan Amendment and Specific Plan Amendment are located within the Airport Influence Area of the 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).

**ENVIRONMENTAL REVIEW:** With the submittal of the Meredith International Centre Specific Plan Amendment, staff is charged with evaluating the potential impacts of development at the project level. An Initial Study was completed for the project and determined that an Environmental Impact Report (EIR) should be prepared for the Meredith International Centre Specific Plan Amendment. Through the Initial Study preparation and scoping meeting discussion, an EIR (SCH #2014051020) was prepared evaluating the following topics:

- Aesthetics
- Air Quality
- Greenhouse Gas (GHG) Emissions and Global Climate Change (GCC)
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Population and Housing
- Public Services and Utilities
- Transportation and Circulation
- Cumulative Impact Analysis
- Alternatives Analysis
- Growth-Inducing Impacts of the Proposed Action
- Significant Environmental Effects
- Significant and Irreversible Environmental Changes
- Energy Conservation

The Meredith International Centre Specific Plan Amendment Draft EIR evaluates each of the above areas and identifies mitigation measures and/or revisions to the plan to lessen the level of significance. Most of the environmental changes associated with the project can be reduced to below levels of significance with the implementation of standard conditions and the recommended mitigation measures; however, traffic, noise and air quality impacts from vehicle trips and emissions associated with the proposed project would remain significant and unavoidable, even after mitigation.

On March 19, 2015, the Planning Commission considered the General Plan Amendment (File No. PGPA13-005) and Specific Plan Amendment (File No. PSPA14-003) and voted 6-1 (Gregorek-no) to recommended approval of the applications to the City Council.

**CORRESPONDENCE:** One correspondence has been received about the application and is attached for City Council consideration.

## **BRIGGS LAW CORPORATION**

*San Diego Office:  
814 Morena Boulevard, Suite 107  
San Diego, CA 92110*

*Telephone: 619-497-0021  
Facsimile: 619-515-6410*

*Please respond to: Inland Empire Office*

*Inland Empire Office:  
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Upland, CA 91786*

*Telephone: 909-949-7115  
Facsimile: 909-949-7121*

*BLC File(s): 1708.99*

18 March 2015

Mayor, City Council, and Planning Commission  
City of Ontario  
303 East "B" Street  
Ontario, CA 91764

Re: Meredith International Centre Specific Plan and EIR

Dear Mayor, City Council, and Planning Commission:

I am writing I write to express my support of the Meredith International Centre Specific Plan Amendment Draft Environmental Impact Report (SCH No. 2014051020) ("SRG/Meredith Project"). I ask that the City approve the SRG/Meredith Project.

The SRG/Meredith Project Proponents reached out to my office, on behalf of several clients, early in the process and sought our input regarding (i) the type of environmental assessment (e.g., negative declaration, addendum, environmental impact report) that was appropriate for the SRG/Meredith Project; (ii) applicable design features to mitigate impacts to climate change and other issues; (iii) traffic design features adjacent to the project site, and (iv) applicable mitigation measures intended to mitigate impacts to climate change. We appreciated this early outreach and believe that such collaboration implements and fulfills the public policy prerogatives underlying the California Environmental Quality Act ("CEQA") (Pub. Res. Code §§ 21000 et seq.).

We agree that a project-specific EIR is appropriate for the SRG/Meredith Project. We are also in agreement with the design feature related to Energy Conservation which appears multiple times throughout the document--most notably in Section 3.4.10 on page 3-38 and Section 4.3.5 on page 4.3-44. This design feature/mitigation measure requires the implementation of a photovoltaic/solar power system on high-cube warehouse buildings in the industrial planning area. We are highly supportive of the implementation of this type of renewable-energy feature being employed on high cube warehouse projects such as this.

The SRG/Meredith Project Proponents sought the my firm's input into this design feature as they have previously done on one of their similar high cube warehouse projects located in the City of Chino. I believe such outreach is consistent with and implements the public participation requirements of CEQA. Furthermore, I encourage all developers to engage in the same sort of sustained, meaningful outreach that the SRG/Meredith Project Proponents engaged in because it helps to reduce the risk of delays caused by litigation, and as in the case it usually results in a development that everyone can be proud of.



Mayor, City Council, and Planning Commission  
City of Ontario

March 18, 2015  
Page 2

Because the SRG/Meredith Project proponents proceeded by way of a project-specific EIR--which is what my clients and I believe CEQA requires in this context--and because the above-referenced design feature are tremendous improvements over the usual development proposals we see, we urge the City Planning Commission and City Council to support the SRG/Meredith Project EIR and SRG/Meredith Project and approve it at your earliest convenience. We also look forward to seeing the Proponent break ground as soon as possible.

Please contact me directly should you have any questions or concerns.

Sincerely,

BRIGGS LAW CORPORATION

  
Cory J. Briggs

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN AMENDMENT, FILE NO. PSPA14-003, AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PLAN (APNS: 0110-311-15, 24, 26 and 33).

WHEREAS, Sares Regis (the "Applicant") proposes the Meredith International Centre Specific Plan Amendment ("Project") on an approximately 257-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 Meredith International Centre Specific Plan Amendment Final Environmental Impact Report ("Final EIR"); (2) approval and adoption of the Meredith International Centre Specific Plan Amendment; (3) approval and adoption of amendment to The Ontario Plan (TOP); (4) approval of zone change; approval of tentative parcel maps; (5) approval and adoption of Development Plan (5) approval of Conditional Use Permit; and (6) any related discretionary approvals; and

WHEREAS, the purpose of the Project is to develop mix of industrial, commercial, and residential land uses on approximately 257 acres located in the southeast portion of the City; and

WHEREAS, the site is generally located north of Interstate 10 (I-10), between Vineyard Avenue on the west and Archibald Avenue on the east. The northern boundary of the site, between Vineyard Avenue and Cucamonga Creek Channel, is formed by Fourth Street. Existing San Bernardino County Flood Control facilities form the northern boundary for the portion of the site located east of Deer Creek Channel; 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 are tiered; and

WHEREAS, the City originally issued a Notice of Preparation (“NOP”) for the Meredith International Centre Specific Plan Amendment Specific Plan EIR for which the public review period ended June 4, 2014. The City received comments from multiple agencies on the NOP; and

WHEREAS, a public scoping meeting was held May 20, 2014, where three (3) comments were received; and

WHEREAS, after completing the Draft EIR (SCH#2014051020), the City released the document for public review for a 45-day public comment period, beginning January 30, 2015, and ending on March 16, 2015 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 January 30, 2015, 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 five (5) 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 March 27, 2015, in the Inland Valley Daily Bulletin, a newspaper of general circulation in the Project area; and

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

WHEREAS, the City of Ontario Planning Commission conducted a public hearing on March 19, 2015, and concluded said hearing on that date. After considering all public testimony, the Planning Commission issued Resolution No. PC15-023, recommending City Council certification of the Project EIR; and

WHEREAS, on April 7, 2015, 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. Aesthetics:**

**Impact:** Does the proposed Project have a substantial adverse effect on a scenic vista.

**Finding:** The Project will have no substantial adverse impacts on aesthetics, including scenic vistas. (DEIR Section 4.12.5, pp. 4.12-26 through 28.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** No designated scenic vistas exist within the City. However, the Euclid Avenue Corridor, oriented north-south and located approximately 2.25 miles westerly of the Project site, is specifically identified in the Policy Plan EIR as an important and defining City visual resource. The Mission Boulevard Corridor, oriented east-west and located approximately 1.5 miles southerly of the Project site, is also noted as an important visual corridor within the City. Land uses and development proposed by the Meredith SPA would not adversely affect City vistas or other scenic resources noted above. In these regards, the Project site is approximately 2.25 miles distant from the Euclid Avenue Corridor; and is 1.5 miles from the Mission Boulevard Corridor. Physical separation between the Project site and these Corridors precludes potentially adverse Project-related effects on these visual resources. Further, land uses, and the scale and design of development proposed within the Specific Plan Area would be required to conform with the Meredith SPA Design Guidelines and Development Standards, and would not substantively interfere with, obstruct or degrade views of the City mountain backdrops. Additionally, the Project would be required to comply with Municipal Code regulations (e.g., Title 9 Development Code, Chapter 1: Zoning and Land Use Requirements) that require retention of significant natural features and open space preservation of views, contour grading, natural landscaping, and architectural design

that blends with the natural terrain of the City. The Project will conform with and support Policy Plan CD1-5, CD2-6, CD2-8 and CD3-3. (DEIR, Table 4.12-1) Finally, prior to the issuance of development permits, plans for individual projects within the Specific Plan Area would be reviewed by the City to ensure conformance with provisions of the Meredith SPA, the City Development Code, and Policy Plan Goals and Policies; thereby ensuring that the Project, as developed, would not have a substantial adverse effect on a scenic vista or other scenic resources of value to the City. (DEIR Section 4.12.5, pp. 4.12-26 through 28.)

**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.

**Finding:** The Project will have no substantial adverse impacts on aesthetics, including scenic resources. (Draft EIR, pp. 4.12-25, -26; see also, DEIR Sections 4.12.4 and 4.12.5.)

**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 Project will result in less-than-significant impacts to a designated State scenic highway. (DEIR, p. 4.12-26; Appendix A, p. 3-4.)

**Impact:** Does the proposed Project substantially degrade the existing visual character or quality of the site and its surroundings.

**Finding:** The Project will have no substantial adverse impacts on aesthetics, including degradation of the existing visual character or quality of the site. (DEIR Section 4.12, pp. 4.12-29 through 32.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Meredith SPA would implement an integrated and cohesive mixed-use development on currently vacant and underutilized properties. The Meredith SPA Development Plan (Section 2); Development Standards (Section 5); and Design Guidelines (Section 6) act to ensure that the developed Project would contribute to, and would not degrade, the existing visual character or quality of the site and its surroundings, and would implement, and would be consistent with, applicable Policy Plan Goals and Policies; and City Development Code regulations addressing development City aesthetic sensibilities and protection/preservation of City visual resources. Additionally, prior to the issuance of development permits, plans for individual projects within the Specific Plan Area would be reviewed by the City to ensure conformance with provisions of the Meredith SPA, the City Development Code, and Policy Plan Goals and Policies; thereby ensuring that the Project, as developed, would not substantially degrade the existing visual character or quality of the site and its surroundings. (DEIR Section 4.12, pp. 4.12-29 through 32.)

**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.



**Finding:** The Project will have no substantial adverse impacts on aesthetics, including light or glare. (DEIR Section 4.12.5, pp. 4.12-36 through 4-12-38.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project would implement new on-site lighting including parking lot lighting, general area lighting, illuminated signs, and building/security lighting. The Meredith SPA Development Standards specify that exterior lighting fixtures shall be downward directed, and that light sources shall be shielded and oriented away from public streets/freeways and residential properties. The Project is also subject to outdoor lighting requirements and performance standards articulated at City Development Code Article 33. In sum, all development within the Specific Plan would be subject to, and required to conform to, the Lighting Development Standards and Light Design Guidelines established under the Meredith SPA as well as Light, glare and heat environmental performance standards of the City Development Code, which will ensure that the Project does not create substantial light or glare that could potentially affect surrounding land uses.

## **B. Agricultural and Forest Resources:**

**Impact:** Does the proposed Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

**Finding:** The Project will have no impacts on agricultural and forest resources. (DEIR, Appendix A, p. 3-6, -7.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The site is presently vacant and does not contain any agricultural uses. Further, the site is not identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on any map prepared by the California Resources Agency, pursuant to the Farmland Mapping and Monitoring Program. (DEIR, Appendix A, p. 3-6.)

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

**Finding:** The Project will have no impacts on agricultural and forest resources. (DEIR, Appendix A, p. 3-6, -7.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Policy Plan Land Use Plan (Exhibit LU-1) designates the majority of the Project site as “Mixed Use - Meredith,” envisioning the development of a mix of urban uses, and the majority of the site is within the “Specific Plan” zoning district. No Williamson Act contracts are in place for the subject site or vicinity properties. The Project will therefore not conflict with any existing agricultural zoning designations, nor affect any existing Williamson Act contract(s). (DEIR, Appendix A, p. 3-6, -7.)

**Impact:** Does the proposed Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

**Finding:** The Project will have no impacts on agricultural and forest resources. (DEIR, Appendix A, p. 3-6, -7.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The site contains no forest or timberland. As such, the Project will not conflict with existing zoning for, or cause rezoning of, forest land or timberland. (DEIR, Appendix A, p. 3-7.)

**Impact:** Does the proposed Project result in the loss of forest land or conversion of forest land to non-forest use.

**Finding:** The Project will have no impacts on agricultural and forest resources. (DEIR, Appendix A, p. 3-6, -7.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither the Policy Plan nor the City's Development Code provide designations for forest land. Consequently, the Project would not result in the loss or conversion of forest land. (DEIR, Appendix A, p. 3-7.)

**Impact:** Does the proposed Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

**Finding:** The Project will have no impacts on agricultural and forest resources. (DEIR, Appendix A, p. 3-6, -7.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project would have no effect on Farmland or forest land. The Project does not involve other changes to the environment which could result in the conversion of farm land or forest land to other uses. (DEIR, Appendix A, p. 3-7.)

### **C. Air Quality**

**Impact:** Does the proposed Project create objectionable odors affecting a substantial number of people.

**Finding:** The Project will have no substantial adverse impacts relating to objectionable odors, and therefore impacts will be less than significant in this regard. (DEIR, Appendix A, p. 3-8.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** Temporary, short-term odor releases, such as odors from asphalt/paving materials, glues, paint, and other architectural coatings, could be associated with Project construction activities. Construction-related odor impacts are mitigated by established, already existing and enforced requirements for a material handling and procedure plan, which identifies odor sources, odor-generating materials and quantities permitted on site, and isolation/containment devices or mechanisms to prevent significant release of odors.

Long-term operations of the Project would not create significant objectionable odors, because its users are not associated with such odors. However, the Project will generate solid waste, which must be disposed of in a timely manner. Therefore, in accordance with current best management practices, Policy Plan Goals and Policies, and applicable Ontario Municipal Code requirements, all wastes are to be disposed of in covered receptacles and routinely removed, thereby limiting the escape of odors to the open air. It is expected that odors associated with the proposed land uses would quickly dissipate and would not adversely affect adjacent properties.

**Impact:** Does the proposed Project conflict with or obstruct implementation of the applicable air quality plan.

**Finding:** The Project will have no substantial adverse impacts relating to any applicable air quality plan, and therefore impacts will be less than significant in this regard. (DEIR Section 4.3.7.2, pp. 4.3-26 through -30)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project site is located within the South Coast Air Basin ("SCAB"), which is characterized by relatively poor air quality as measured under existing NAAQS and CAAQS. The South Coast Air Quality Management District ("SCAQMD") is responsible for air pollution control in the SCAB, and accordingly, the SCAQMD has adopted a series of Air Quality Management Plans (AQMPs) outlining strategies to achieve state and national ambient air quality standards. (DEIR, pp. 4.3-26, -27.)

The AQMP, last updated in 2012, incorporates the latest scientific and technical information and planning assumptions, including the 2012 Regional Transportation Plan/Sustainable Communities Strategy ("2012 RTP") and updated emission inventory methodologies for various emissions source categories. The SCAG 2012 RTP in turn derives its assumptions, in part, from general plans of cities located within the SCAG region. Accordingly, if a project is consistent with the development and growth projections reflected in the adopted general plan, it is considered consistent with the growth assumptions in the 2012 AQMP. (*Id.*, p. 4.3-27.)

Criteria for determining consistency with the AQMP, which are identified at Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD CEQA Air Quality Handbook (1993), are: (i) Criterion No. 1: The project under consideration will not result in an increase in the frequency or severity of existing NAAQS/CAAQS air quality violations or cause or

contribute to new NAAQS/CAAQS violations; or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP; (ii) Criterion No. 2: The project under consideration will not exceed the assumptions in the AQMP in 2011 or increments based on the years of Project build-out phase. (DEIR, p. 4.3-28.)

As explained in the DEIR, the NAAQS and CAAQS referenced in Criterion No. 1 comprise, and are reflected in, the SCAQMD Localized Significance Thresholds (LSTs). Neither the Project's construction-source emissions nor its operational-source emissions will exceed applicable LSTs, and therefore would not violate NAAQS or CAAQS. (DEIR, p. 4.3-28.) Further, the Project would implement applicable best available control measures (BACMs), and would comply with applicable SCAQMD rules, acting to further reduce its already less-than-significant air pollutant emissions. Moreover, the mixed-use characteristics of the Project, complemented by its urban location proximate to local and regional transportation facilities, will reduce vehicle miles traveled (VMT) and associated mobile-source (vehicular) emissions. Additionally, Project incorporation of contemporary energy-efficiency/energy conservation technologies and operational programs, and compliance with SCAQMD emissions reductions and control requirements will reduce stationary-source air emissions. (DEIR, p. 4.3-28, -29.) Therefore, the Project conforms with Consistency Criterion No. 1.

Criterion No. 2 addresses consistency (or inconsistency) of a given project with approved local and regional land use plans, and associated potential AQMP implications. AQMD emissions models and control strategies rely on and incorporate the City's general plan. Therefore, as explained in the DEIR, if a given project is consistent with and does not otherwise exceed the growth projections in the applicable local general plan, then that project would be considered consistent with the growth assumptions in the AQMP and would not affect the AQMP's regional emissions inventory for the Basin. (DEIR, p. 4.3-29.) Here, the Project's changes in land use designations proposed by the Project would, however, decrease rather than increase the effective development intensity of the subject site when compared to assumptions reflected in The Ontario Plan (TOP) Policy Plan, TOP EIR and the current AQMP. The Project will significantly decrease trip generation from the building of the Project site assumed in the TOP, resulting in an incremental decrease in operational source air pollutant emissions when compared to emissions that would be generated pursuant to development of the site as envisioned under the Policy Plan and The Ontario Plan EIR. The comparative decrease in operational-source emissions that would result from the Project's proposed change in land use designations would not require revision to the AQMP growth assumptions for the City and region, nor would the proposed change in land use designations affect the current regional emissions inventory for the Basin. Therefore, the Project conforms with Consistency Criterion No. 2.

In sum, The Project will not generate criteria source emissions not already reflected in the current AQMP regional emissions inventory. Accordingly, the Project will not conflict with or obstruct implementation of the applicable air quality plan, and its impacts in this regard are less-than-significant.

**D. Biological Resources:**

**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, or on federally protected wetlands as defined by Section 404 of the Clean Water Act.

**Finding:** The Project will have no impact on wetlands, riparian habitats, or other sensitive communities. (DEIR, Appendix A, 3-10.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project site is not located within a sensitive biological area, nor has it been designated conservation or habitat area. No sensitive plant species have been observed in the City of Ontario since 1992. No riparian habitat, federally-protected wetlands, nor any other sensitive natural community exist within the Project site. (DEIR, Appendix A, p. 3-11.)

**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.

**Finding:** The Project will have no substantial adverse impacts relating to wildlife movement corridors, and therefore will result in a less-than-significant impact. (DEIR, Appendix A, p. 3-10.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project site is surrounded on all sides by commercial and residential uses, as well as roadways and I-10. Due to the disturbed nature of the Project site and surrounding roadways and development, the potential for native wildlife species to use the Project site as a migratory corridor or nursery site is very unlikely. Accordingly, any impact would be less-than-significant. (DEIR, Appendix A, p. 3-11.)

**Impact:** Does the proposed Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or 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.

**Finding:** The Project will not conflict with any policies, ordinances, or conservation plan, and therefore will result in no impact in this regard. (DEIR, Appendix A, p. 3-10.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The City of Ontario does not have any ordinances protecting biological resources. The site is not part of an adopted HCP, NCCP or other approved habitat conservation plan. (DEIR, Appendix A, p. 3-11.)

#### **E. Geology/Soils:**

**Impact:** Will the proposed Project be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2010), thereby creating substantial risks to life or property.

**Finding:** The Project will have a less than significant impact related to expansive soils. (DEIR Section 4.10, pp. 4.10-11, -12.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The near-surface sediments where the Project site is located are composed primarily of granular soils, which are usually nonexpansive or have very low expansion potential. Additionally, as discussed in the Project Geotechnical Study . . . “Laboratory testing performed on a representative sample of the near surface soils indicates that these materials possess very low expansion potential (EI = 0). Based on these test results, no design considerations related to expansive soils are considered warranted for this site.” (DEIR Section 4.10, pp. 4.10-12.)

**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, or (3) landslides.

**Finding:** The Project will have no substantial adverse impacts, and will result in a less-than-significant impact, related to earthquake faults and seismic shaking. (DEIR, Appendix A, p. 3-14.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** There are no active faults known on the site and the Project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Ontario Plan (TOP) Draft EIR (Figure 5.7-2) identifies active and/or potentially active fault zones in the region, none of which are located within the City. (DEIR, Appendix A, pp. 3-14, -15.) The City of Ontario has adopted the 2013 California Building Code (CBC). The CBC provides procedures for earthquake resistant structural design, which includes considerations for on-site soil conditions, occupancy and configuration of the structure, including structural systems and height. As part of the City’s standard review and approval of development projects, the Project will provide the geotechnical study for review and approval by the City Engineer, and will comply with the recommendations of the approved geotechnical report, as well as all applicable provisions of the UBC and CBC. Compliance with these preexisting, already mandated requirements reduces potential strong seismic ground-shaking impacts to levels that are less-than-significant. (DEIR, Appendix A, p. 3-15.)

Additionally, the Project site is located on gently sloping terrain, with a relatively uniform slope of about two (2) percent from north to south. Elevation of the site is approximately 1,000 feet above mean sea level (msl). As such, the site is not internally susceptible to landsliding. Adjacent properties also present little topographic relief. As such, the potential for landslides or mudflows does not exist. (DEIR, Appendix, p. 3-16.)

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

**Finding:** The Project will have no substantial adverse impacts, and will result in a less-than-significant-impact, related to erosion or loss of topsoil. (DEIR, Appendix A, p. 3-16.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** Potential erosion impacts incurred during construction activities are assured to less-than-significant through the Project's mandated compliance with a City-approved Storm Water Pollution Prevention Plan (SWPPP) and compliance with SCAQMD Rules that prohibit grading activities and site disturbance during high wind events. At Project completion, potential soil erosion impacts in the area will be resolved, as pavement, roads, buildings, and landscaping are established, overcovering previously exposed soils. (DEIR, Appendix A, p. 3-16.)

Moreover, the Project involves construction of conventional industrial, commercial, and residential land uses and supporting site improvements within an essentially level area of the City. The Project does not propose to significantly alter existing topography. Any required cut/fill within the Project area will establish suitable building pads and facilitate efficient site drainage. (*Id.*)

**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.

**Finding:** The Project will have no impacts on soils due to septic tanks or wastewater disposal systems.

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project site will be served by municipal sewer services. No septic tanks or other alternative wastewater disposal systems are proposed by the Project.

#### **F. Global Climate Change and Greenhouse Gas Emissions:**

**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 Project will have no substantial adverse impacts on greenhouse gas emissions. (DEIR Section 4.4, p. 4.4-35 through -44.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The proposed Project is consistent with and supports AB 32 and the CARB Scoping Plan, is consistent with applicable City of Ontario Policy Plan Goals and Policies, and would comply with and implement applicable TOP EIR mitigation measures. At present, there are no other applicable plans, policies or regulations adopted for the purpose of reducing the Project's GHG emissions. (DEIR Section 4.4, p. 4.4-43.) The Project's GHG emissions would be reduced by approximately 32.81 percent when compared to a "business as usual" ("BAU") scenario. This reduction in emissions compared to BAU conditions supports the conclusion that Project is consistent with and supports AB 32 and the CARB Scoping Plan. (*Id.*; *see also*, DEIR Appendix E.)

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

**Finding:** The Project will have no substantial adverse greenhouse gas emissions impacts. (DEIR Section 4.4, p. 4.4-35 through -42.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project is consistent with the recommended measures and actions in the CARB Scoping Plan and AB 32. (DEIR, Table 4.4-6) The Project would realize an approximately 32.81 percent reduction in GHG emissions when compared to a BAU Scenario, and therefore would achieve CARB Scoping Plan and City GHG emissions reductions targets. The Project will also implement TOP EIR mitigation measures to reduce air pollutant emissions and air pollutant emissions impacts generally, and GHG emissions and GHG emissions impacts specifically. (DEIR, p. 4.4-41.) The Project would generate an estimated 73,645.72 metric tons CO<sub>2</sub>e emissions when compared to existing conditions. In context, the City of Ontario 2008 GHG emissions as estimated under the CCAP totaled 2.5 million metric tons CO<sub>2</sub>e emissions. Therefore, the Project's GHG emissions represent approximately 3 percent of the City's estimated 2008 GHG emissions total. The proposed Project will be consistent with the CCAP, would be in concert with AB 32 and international efforts to address global climate change, and would reflect specific local requirements that would substantially lessen cumulative GHG emissions impacts. The proposed Meredith SPA Project would therefore also fulfill the description of mitigation found in CEQA Guidelines §15130(a)(3) and §15183.5. The Project's incremental contribution to GHG emissions impacts would therefore not be cumulatively considerable, and any impact on this regard would be less-than-significant. (DEIR Section 4.4, p. 4.4-35 through -42.)

**G. 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.

**Finding:** The Project will have no substantial adverse impacts, and result in a less-than-significant impact, related to the release of hazardous materials into the environment. (DEIR, Appendix A, p. 3-18.)



**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Additionally, operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. The development of the Project will not result in conditions that are not currently addressed by already existing regulations applicable to the Project, and the Project would involve the likely release or upset of these hazardous materials into the environment. Accordingly, there will be a less-than-significant impact.

**Impact:** Is the proposed Project located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

**Finding:** The Project is not located on a Government Code Section 65962.5 site, and therefore there is no impact. (DEIR, Appendix A, p. 3-18.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project site is not listed on the hazardous materials site compiled pursuant to Government Code § 65962.5.

**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 Project will have no substantial adverse impacts, and result in a less-than-significant impact, on safety due to airport hazards. (DEIR, Section 4.6.5.2, p. 4.6-25.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project site is located approximately 0.5 miles northerly of the Ontario International Airport, and is located within the identified Airport Influence Area. As such, the Project is subject to the ONT ALUCP, which sets limits on future land uses and development near the airport in response to noise, safety, airspace protection, and overflight impacts of current and future airport activity. (DEIR, p. 4.6-25.)

The Project is located outside of all identified safety zones for the Airport, as designated within the ONT ALUCP. (DEIR, p. 4.6-25.) The Project would be developed in accordance with all City regulations and the ONT ALUCP, precluding significant impacts in this regard. Accordingly, the Project's potential to result in aircraft-related safety hazards for future occupants of the site is less-than-significant. The Project does not propose activities or uses that would otherwise affect airports or airport operations. (DEIR, p. 4.6-25.)

**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 Project will have no impacts on safety due to the proximity of a private airstrip. (DEIR, Appendix A, p. 3-18.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** No private airstrips are located within two miles of the Project site. (DEIR, Appendix A, p. 3-20.)

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

**Finding:** The Project will not interfere with an emergency response or evacuation plan, and will result in a less-than-significant impact in this regard. (DEIR, Appendix A, p. 3-18, 20.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project would not cause permanent alteration to vehicle circulation routes, and would not interfere with any identified emergency response or emergency evacuation plan. In accordance with existing City policies, coordination with the local fire and police departments during pre-construction review of the Project's plans will ensure that potential interference with emergency response and evacuation efforts are avoided. (DEIR, Appendix A, p. 3-20.)

**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 Project will have no substantial adverse impacts on wildfires, and therefore result in a less-than-significant impact. (DEIR, Appendix A, p. 3-19.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project site is located in an urbanizing area, and no wildlands are located in the vicinity of the Project site. Fire protection services are provided to the City and the Project site by the Ontario Fire Department. Pre-construction coordination with Fire Department staff and adherence to local fire regulations during construction and operation of the Project will be required. (DEIR, Appendix A, p. 3-20, -21.)

## **H. Hydrology and Water Quality:**

**Impact:** Does the proposed Project violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.

**Finding:** The Project will have no substantial adverse impacts on related to water quality or waste discharge, and therefore result in a less-than-significant impact. (DEIR Section 4.8.6.2, pp. 4.8-21 through 23.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project is mandated to acquire all necessary permits, and comply with City of Ontario and SARWQCB requirements, acting to preclude, or substantively reduce the potential of the Project to violate any water quality standards or waste discharge requirements. More specifically, consistent with established building code regulations, a site-specific drainage studies reflecting precise pad locations, proposed drainage structures, detention facilities, etc., are required prior to the issuance of building permits. (DEIR, p. 4.8-21.)

Additionally, the Project will connect to the existing sanitary sewer system serving the Project area, the plans for which are subject to review and approval by the City. The Project Applicant will also be required to apply for service and pay a mandated Connection Fee and ongoing Service Fees. Fees paid by the Project will be applied toward maintenance and expansion of City conveyance and treatment facilities.

The Project will be developed and operated in compliance with City/SARWQCB regulations and water quality standards, and accordingly will provide connection to, and interface with, existing and proposed drainage systems in the least invasive manner possible. To the extent feasible, the Project design will employ permeable materials and landscaped areas to enhance on-site capture and absorption of storm flows. All storm water discharges shall comply with applicable provisions of the County's National Pollutant Discharge Elimination System (NPDES) permit. (DEIR, p. 4.8-22.)

Finally, consistent with SARWQCB and City requirements, appropriate Best Management Practices (BMPs) will be employed throughout construction processes, thereby controlling potential discharge of pollutants, preventing sewage spills, and avoiding discharge of sediments into streets, storm water channels, or waterways. Similarly, the Project's mandated WQMP will act to control potential discharge of pollutants, prevent sewage spills, and avoid discharge of sediments into streets, storm water channels, or waterways due to operational activities over the life of the Project. All required drainage improvements will be designed and implemented to the satisfaction of the City and SARWQCB.

Accordingly, these preexisting, mandatory requirements ensure that the Project's impact on water quality and waste discharges will be less-than-significant. (DEIR, p. 4.8-23.)

**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 Project will have no substantial adverse impacts on groundwater supplies, and therefore result in a less-than-significant impact. (DEIR, Appendix A, p. 3-21.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project will not contribute to groundwater depletion, nor discernibly interfere with groundwater recharge. Water is provided throughout the City by the City of Ontario Utilities Department. Groundwater which may be consumed by the Project and the City of Ontario, as a whole, is recharged pursuant to the Department's policies and programs. The Project will not affect designated recharge areas. Additionally, the Project will not result in direct additions or withdrawals of groundwater. Further, construction proposed by the Project will not involve substructures or other intrusions at depths that would significantly impair or alter the direction or rate of flow of groundwater. Accordingly, the Project will have a less-than-significant impact on groundwater supplies. (DEIR, Appendix A, p. 3-23.)

**Impact:** Will the proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding or substantial erosion or siltation on or off-site, or create or contribute runoff water which would exceed the capacity of the existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff or otherwise substantially degrade water quality.

**Finding:** The Project will have no substantial adverse impacts in this regard, and therefore result in a less-than-significant impact. (DEIR Section 4.8.6.2, pp. 4.8-23 through 28.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project drainage concept will maintain the site's primary drainage patterns, and will implement drainage systems and detention areas to accept developed storm water discharges from the Project site and off-site sources. (DEIR, p. 4.8-23.) Impervious surfaces implemented by the Project could potentially increase runoff by up to 259.5 cfs. (DEIR, Table 4.8-1.) However, storm water conveyance and detention capabilities will be required to ensure that post-development storm water runoff volumes and velocities do not exceed pre-development conditions. This will be accomplished through the use of natural swales and mechanical detention systems that will allow measured storm water releases in a manner that will not increase the overall burden downstream. The precise system and detailed design will be developed, and approved by the City, at the time each increment of the Project is developed. The detention systems will be designed consistent with the recommendations of the required site-specific drainage studies.

Additionally, the Project's storm water management system will be developed and operated in compliance with City/SARWQCB regulations and water quality standards. The Project will provide connection to existing and proposed drainage systems in the least invasive manner possible. Design, configuration, and locations of proposed drainage system improvements will be reviewed and approved by the City/SARWQCB prior to, or concurrent with, application for grading permits. (DEIR, p. 4.8-24.)

Compliance with the Project SWPPP and regulatory requirements will significantly reduce water quality impacts resulting from the construction of the Project. (DEIR, p. 4.8-25.) Similarly, compliance with the Project WQMP and regulatory requirements will significantly

reduce water quality impacts resulting from the operation of the Project. (DEIR, p. 4.8-26, -27.) Accordingly, impacts related to the potential for the Project to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, result in substantial erosion or siltation on- or off-site, create or contribute runoff water which would exceed the capacity of the existing or planned storm water drainage systems, or provide substantial additional sources of polluted runoff, will be less-than-significant. (DEIR, p. 4.8-28.)

**Impact:** Will the proposed Project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, or place within a 100-year flood hazard area structures which would impede or redirect flood flows.

**Finding:** The Project will have no impact related to 100-year flood hazards. (DEIR, Appendix A, p. 3-22.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project site does not lie within a 100-year flood hazard zone. (DEIR, Appendix A, p. 3-23.) As such, no placement of structures in a 100-year flood hazard zone would occur as a result of Project implementation and no impact would occur relative to potential placement housing or other structures within a mapped 100-year flood hazard area.

**Impact:** Will the proposed Project expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.

**Finding:** The Project will have no substantial adverse impacts related to exposing people or structures to a significant risk of loss, injury or death, and therefore result in a less-than-significant impact. (DEIR Section 4.8.6.2, pp. 4.8-28.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The westerly portion of the Project site is located within the dam inundation area for San Antonio Dam. Catastrophic failure of the San Antonio Dam when it is at or near capacity could spread water two to four feet deep over the western and central parts of the City. However, the TOP EIR concluded that the probability of catastrophic failure is very low. Furthermore, the City of Ontario Fire Department maintains a list of emergency procedures to be followed in the event of a failure.

Because the likelihood of catastrophic failure of the San Antonio Dam is very low and the City is prepared in the event of such failure, the Project's impacts are less-than-significant.

**Impact:** Will the proposed Project expose people or structures to inundation by seiche, tsunami, or mudflow.

**Finding:** The Project will have no impact related to a potential seiche, tsunami or mudflow.

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project site is not located near any bodies of water or water storage facility that would be considered susceptible to seiche. Nor is the Project site located proximate to coastal waters, and as such, is not subject to tsunami hazards. No volcanoes are identified on the Project site, and the Project site has not historically been affected by volcanism. (DEIR, Appendix A, p. 3-24.)

## **I. Land Use:**

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

**Finding:** The Project will have no adverse impacts due to the division of any established neighborhood. (DEIR Section 4.1.5.2, pp. 4.1-27 through 31.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** No established communities exist within the Project site. Existing commercial uses located in the southeasterly portion of the Project site, at the northwest corner of Inland Empire Boulevard and Archibald Avenue have been developed consistent with the 1981 Meredith Specific Plan and would be incorporated as compatible elements of the proposed Meredith SPA. Any future development of these properties would be subject to development standards established under the Meredith SPA. The Project site is otherwise currently vacant and undeveloped, and does not propose elements or aspects that would otherwise physically divide an established community. The Project site will be developed consistent with land uses, development standards, and design guidelines established under the Meredith SPA as approved by the City, and also incorporates buffers between different uses, including but, not limited to, the landscape buffer between the Bernt School site and industrial uses, the 75 foot setback (with a minimum of 70 feet of landscaping) from all industrial uses, and the 25 foot setback from the Cucamonga Creek Channel ("Channel"). (DEIR Section 4.1.5.2, pp. 4.1-27 through 31.)

**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 Project will not conflict with any applicable land use plan, policy, or regulation regarding avoidance or mitigation of environmental effects. (DEIR Section 4.1.5.2, pp. 4.1-31 through 44.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project is subject to Land Use Designations, and Land Use Goals and Policies established by the Policy Plan component of The Ontario Plan ("TOP"). Approval of the Project will involve amendments to the Policy Plan Land Use Element, and the proposed

SPA would establish land use plans, development standards, and design guidelines directing the ultimate buildout of the Project site. Land uses and development reflected within the proposed Meredith SPA can be feasibly implemented consistent with applicable provisions of the City General Plan (as amended) and City Development Code. As shown in Table 4.1-5 in the DEIR, the Project is consistent with the applicable Land Use Element Goals and Policies, and therefore, it is consistent with the TOP. (DEIR Section 4.1.5.2, pp. 4.1-33 through 39.) Additionally, the Project is consistent with mobility, economy, and sustainability goals and policies articulated in the 2012-2035 RTP/SCS. (*Id.*, pp. 4.1-40 through 4.1-44.) Finally, prior to issuance of building permits, the City would review the final development plans for individual projects within the Specific Plan Area to ensure consistency with the Meredith SPA land use plans, development standards, design guidelines; and where applicable, City Development Code requirements.

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

**Finding:** The Project will not conflict with any HCP or Natural Community Conservation Plan, and therefore will result in no impact. (DEIR, Appendix A, p. 3-24.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The site is not located within any applicable habitat conservation plan or natural communities conservation plan. (DEIR, Appendix A, p. 3-26.)

## **J. Mineral Resources**

**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, or 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 Project will have no substantial adverse impact on mineral resources, resulting in a less-than-significant impact. (DEIR, Appendix A, p. 3-26.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** TOP Draft EIR (Figure 5.11-1) indicates that the Project site is classified pursuant to the California Geological Survey as Mineral Resource Zone 2 (MRZ-2). The MRZ-2 classification indicates that significant mineral deposits are present or there is a likelihood of their presence, and development should be controlled.

There are two (2) areas in the City that are designated by the California Geological Survey as Resource Sectors containing construction aggregate of “regional significance.” These are the Deer and Day Fans Resource Sector and the Day Creek Fan, Mira Loma Area Resource Sector. The Project site is located within the Deer and Day Fans Resource Sector, D-14.

The TOP draft EIR (page 5.11-6) states “[r]esource Sector D-14, approximately 268 acres, remains vacant; however, it is entirely surrounded by residential, commercial, and industrial uses. The use of Resource Sector D-14 for mineral extraction is likely to be infeasible because of adjacent residential uses. The proposed Ontario Plan would include a Mixed Use land use designation for Resource Sector D-14, which is currently vacant. The City of Ontario, under Ontario Plan Policy ER5-4, would prohibit future mining operations where such operations are incompatible with existing or proposed adjacent land uses. Policy ER5-4 is not expected to substantially limit the availability of mineral resources for extraction, as existing Mineral Resource Sectors in the City have either been developed or are bounded by land uses incompatible with mining. Consequently, impacts are less than significant.”

Accordingly, buildout of the Project site has been anticipated by the Policy Plan, and resulting impacts to mineral resources were determined to be less-than-significant. Additionally, due to proximate land uses, mining of the site has been deemed infeasible by the City. Therefore, loss of these aggregate resources is a less-than-significant impact.

#### **K. Noise:**

**Impact:** Does the proposed Project’s operational noise result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.

**Finding:** The Project’s operation will have no substantial adverse impacts, and result in a less-than-significant impact, on permanent ambient noise levels. (DEIR, p. 4.5-57.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** Unmitigated noise levels generated by Project operations and area sources will not exceed City standards, and thus will not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. (DEIR, p. 4.5-57.)

**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 Project will have no substantial adverse impacts, and result in a less-than-significant impact, relating to exposes people in the vicinity to excessive noise levels due to the proximity of an airport or airstrip. (DEIR, p. 4.5-57, -58.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** As illustrated at Figure 4.5-4 of the DEIR, Planning Areas 2 and 3, as well as a small portion of Planning Area 1, are located within the 60 to 65 dBA CNEL noise contour boundary of the LA/Ontario Airport, as established by the LA/Ontario Airport Land Use Compatibility Plan (ALUCP).



The ALUCP requires the interior areas of industrial and commercial land uses within the 60 to 65 dBA CNEL contour to meet an interior noise level standard of 50 dBA CNEL. The Project is also required to comply with the State of California Green Building Standards Code, which requires new developments which fall within an airport or freeway 65 dBA CNEL noise contour have a combined sound transmission class (STC) rating of the wall and roof-ceiling assemblies of at least 50. With aircraft noise levels ranging from 60 to 65 dBA CNEL, the STC rating of 50 would satisfy the ALUCP normally compatible standard of 50 dBA CNEL for interior noise levels. Therefore, compliance with already existing and enforceable requirements will ensure that this impact is less-than-significant.

**Impact:** For a project within the vicinity of a private airstrip, would the Project expose people residing or working in the project area to excessive noise levels.

**Finding:** The Project will have no impact relating to or resulting from private airstrips. (DEIR, Appendix A, p. 3-28.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** No private airstrips are located within the Project vicinity. (DEIR, Appendix A, p. 3-29.)

#### **L. Population/Housing:**

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

**Finding:** The Project will have no substantial adverse impacts, and result in a less-than-significant impact, resulting from population growth. (DEIR, Section 4.13.5.2, p. 4.13-15 through -19.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project is not growth inducing, but instead is a response to current and anticipated demands for industrial, commercial/retail, and residential products that would act to further, and would not conflict with, the Policy Plan Vision for the City and the subject site. (DEIR, p. 4.13-15.) Indeed, growth that would result from the Project would not exceed that which is envisioned and approved for the site pursuant to the 1981 Meredith Specific Plan, or the assumed development of the subject site considered and analyzed in the Policy Plan EIR. (DEIR, Table 4.13-6.)

Under both the Meredith SPA and the 1981 Meredith Specific Plan scenarios, residential development of the site would total an estimated 800 units and would be substantially less than the approximately 2,958 residential units assumed in the Policy Plan EIR. Accordingly, the potential for direct growth inducement resulting from the creation of new housing within the subject site would be substantively the same under the approved 1981 Meredith Specific Plan and the proposed 2014 Meredith Specific Plan Amendment, and would be reduced when compared to residential growth anticipated under the Policy Plan EIR. (DEIR, 4.13-16, -17.)

Indirect growth inducement can occur from additional jobs (e.g., non-residential uses). The proposed 2014 Meredith SPA would yield the same total non-residential building square footage as that envisioned under the 1981 Meredith Specific Plan, although the composition of non-residential land uses under the Meredith SPA would include industrial land uses, which were not envisioned under or approved as part of the 1981 Meredith Specific Plan; nor assumed under the Policy Plan Development Scenario (Policy Plan Development Scenario) for the subject site. Under either the proposed Meredith SPA, or the 1981 Meredith Specific Plan, non-residential building areas would total an estimated 4,150,000 square feet, and would be substantially less than the 7,500,000 square feet of non-residential uses assumed for the site under the Policy Plan EIR. (DEIR, 4.13-17.) At buildout, employment generated under the 1981 Meredith Specific Plan (17,746 jobs), and/or the Policy Plan Development and/or the Policy Plan Development would be substantially greater than the approximately 4,944 jobs resulting from buildout of the Meredith SPA. (DEIR, 4.13-18.)

Finally, the Project is within SCAG population growth projects. Accordingly, the Project's direct and indirect growth inducement impacts are less-than-significant. (DEIR, 4.13-18, -19.)

**Impact:** Would the Project displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

**Finding:** The Project will have no impact resulting from displacing housing or people. (DEIR, Appendix A, p. 3-28.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project site is largely undeveloped, with the exception of a small school and limited commercial uses. No residential uses are located on the site. As such, the Project does not have the potential to displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, or displace substantial numbers of people necessitating the construction of replacement housing elsewhere. (DEIR, Appendix A, p. 3-29.)

**Impact:** Would the Project substantively affect applicable City of Ontario Policy Plan Goals and Policies addressing employment/housing balance.

**Finding:** The Project will have no substantial adverse impacts, and result in a less-than-significant impact, relating to compliance with the City's Policy Plan Goals and Policies. (DEIR, Section 4.13.5.2, p. 4.13-19 through -22)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project will not conflict with applicable employment/housing balance Goals/Policies. (DEIR, Table 4.13-7.) In fact, the Project is consistent with, and will support, these Goals/Policies.

**Impact:** Would the Project conflict with or obstruct implementation of the Policy Plan Housing Element.

**Finding:** The Project will have no substantial adverse impacts, and result in a less-than-significant impact, relating to compliance with the City's Policy Plan Housing Element. (DEIR, Section 4.13.5.2, p. 4.13-22 through -29.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project will not conflict or obstruct implementation of the Policy Plan Housing Element. (DEIR, Table 4.13-8.) In fact, the Project is consistent with, and will support, Policy Plan Housing Element Goals/Policies.

#### **M. Public Services & Utilities:**

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

**Finding:** The Project's operation will have no substantial adverse impacts, and result in a less-than-significant impact, on fire protection services, police services, or schools. (DEIR, Section 4.7.5.2, pp. 4.7-10 through -14)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project will not significantly affect emergency service response times or service ratios. Development impact fees and sales tax generated by development within the Specific Plan area, in combination with other funding sources (e.g., City general fund, grant monies) will be available to support fire and police protection services consistent with demands for those services accruing from new development. The City of Ontario will ultimately determine the most effective use of revenues generated by the Project, and how these funds will be employed for the provision and enhancement of fire and police protection services.

Although the Project may result in increased student populations, each increment of development within the Specific Plan area would require payments to the affected school district(s) to accommodate any potential need for new or expanded facilities. Further, the SPA represents buildout of the site at a lesser intensity than currently envisioned by TOP. The TOP EIR notes at Section 5.14, "Public Services" that future development consistent with TOP would have less-than-significant effects on fire protection services, police protection services, and schools, even though the TOP anticipated more development at the Project site, and accordingly, more demand for these services. (DEIR, 4.7-13.)

#### **Fire Protection Services**

Fire protection/suppression and emergency medical response services for the Project would be provided by the Ontario Fire Department. Station 5, located approximately 0.6 mile westerly of the site, would likely provide initial response to the Project site based on its proximity. Development of the Project would result in an incremental increase in the overall demand for fire protection and emergency medical response services.

Prior to issuance of building permits, all development plans for individual projects within the Specific Plan area will be reviewed by the City and the Fire Department to ensure compliance with Fire Department Conditions of Approval to include emergency access and fire flow requirements, along with any fire prevention, protection, and/or suppression requirements as specified under existing City Ordinances and applicable Building Code and Fire Code provisions.

The Project is required to comply with agency-specific criteria outlined in the Project Conditions of Approval, which is expected to include Project Conditions of Approval from the Fire Department through the City's final site plan and plan check/building permit review processes. The Project will comply with these Conditions of Approval and subsequent requirements of the Fire Department, should they be identified. Compliance with these requirements acts to further reduce potential demands for, and impacts upon, fire department services and emergency medical services.

Moreover, development impact fees assessed for the Project, as well as tax revenues generated by the proposal, will provide supplemental funding available to expand or enhance current fire protection services available to the Project and vicinity.

Accordingly, the Project's impacts on fire services will be less-than-significant. (DEIR, p. 4.7-11.)

#### Police Protection Services

Law enforcement services for the Project site and vicinity properties are currently provided by the Ontario Police Department. The demand for police services generated by the Project could lead to the redeployment of police officers throughout the City to account for the new development. All development plans for individual projects within the Specific Plan area will be reviewed by the City Planning Department, City Building Department, and the Ontario Police Department to ensure the incorporation of appropriate safety and security elements throughout the Project, e.g., appropriate building and parking lot security and alarm systems, adequate outdoor lighting, and provision of defensible spaces. Additionally, development impact fees and sales tax revenues generated by the Project will provide supplemental funding to expand or enhance current police protection services available to the Project and vicinity.

Accordingly, the Project's impacts on police services will be less-than-significant. (DEIR, p. 4.7-12.)

#### Schools

School impacts attributable to development projects are sufficiently mitigated by payment of school impact fees. Upon the issuance of building permits, all individual projects within the Specific Plan area will be required to pay requisite fees to the appropriate district(s), ensuring that the Project will have a less-than-significant impact. (DEIR, p. 4.7-12.)

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

**Finding:** The Project would not increase use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration would occur, and therefore, will result in a less-than-significant impact. (DEIR, Appendix A, p. 3-31.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project will be required to pay all applicable park development impact fees required of new development for the provision of Citywide parkland and park development. Further, the residential uses developed pursuant to the Project will incorporate onsite recreational facilities to serve future residents. On this basis, the potential for the Project to adversely affect parks or recreational facilities based on increased demands for services is considered less-than-significant. (DEIR, Appendix A, p. 3-32.)

The Project will also have a less-than-significant impact on any other public facilities because development of the Project will require established public agency oversight, including but not limited to: actions by the City Planning and Building and Safety Divisions, and the City Public Works Department. These actions typically fall within routine tasks of these agencies and are funded by existing review and processing fees. The Project will not create a level of demand that would require the provision of new facilities to serve these demands. (*Id.*)

**Impact:** Will the proposed Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

**Finding:** The Project's operation will have no substantial adverse impacts, and result in a less-than-significant impact, result from the construction or expansion of storm water facilities. (DEIR, Appendix A, p. 3-36.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project proposes typical industrial, commercial and residential uses, and would not cause or result in discharge of pollutants not accommodated within the Inland Empire Utility Agency (IEUA) treatment regimen. According to this regimen, acceptable wastewater [total dissolved solids (TDS) less than 550 mg/l] discharged from the Project will be treated and reclaimed for subsequent non-potable uses. Wastewater demands of the Project can be accommodated within the scope of existing and programmed IEUA facilities and would not cause or result in exceedance of wastewater treatment requirements of the Regional Water Quality Control Board, and the potential for the Project to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board result in a less-than-significant impact. (DEIR, Appendix A, pp. 3-37, -38.)

**Impact:** Will the proposed Project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**Finding:** The Project's operation will have no substantial adverse impacts, and result in a less-than-significant impact, relating to the construction or expansion of storm water facilities. (DEIR, Section 4.7.5.2, pp. 4.7-14 through -17)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project incorporates all necessary drainage and storm water management systems, and will comply with all storm water system design, construction, and operational requirements mandated under the City Municipal Code and within regulations established by other agencies, such as the SARWQCB and California Department of Water Resources.

The Specific Plan's drainage concept will maintain the site's primary drainage patterns, and will implement drainage systems and detention areas to accept developed storm water discharges from the Project site and off-site sources. Additionally, consistent with established building code regulations, site-specific drainage studies reflecting precise pad locations, proposed drainage structures, detention facilities, etc., are required prior to the issuance of building permits. The Project's storm water management components, and compliance with regulatory requirements act to preclude potentially adverse drainage and storm water runoff impacts.

As concluded in the DEIR, the Project incorporates all necessary drainage and storm water management systems and the Project's potential to require or result in the construction of new storm water drainage facilities or expansion of existing facilities will result in a less-than-significant impact. (DEIR, p. 4.7-17.)

**Impact:** Will 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 Project's operation will have no substantial adverse impacts, and result in a less-than-significant impact, related to water supply. (DEIR, Section 4.7.5.2, pp. 4.7-17 through -20)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** A water supply assessment (WSA) was prepared for the Project. (DEIR, Appendix H) Based on this information, the DEIR summarizes the Project's anticipated water demand, and compares the demand that the TOP assumed for build-out of the Project site. (DEIR, p. 4.7-19; Tables 4.7-2 & 4.7-3.) The Project accounts for only 50% of the anticipated water demand assumed for the Project site within TOP and accounted for within the City's 2010 UWMP. The 2010 UWMP concluded that the City would be able to meet 100 percent of its dry year demand under a normal water year, single dry year, and multiple dry years. Additionally, as part of the entitlement process, the Project Applicant is also required to comply with conditions of approval which include construction of infrastructure and payment of Development Impact Fees (DIF).

As a result, sufficient water supplies are available to serve the Project from existing entitlements and resources, and any impact on water supplies will be less-than-significant. (DEIR, p. 4.7-20.)

**Impact:** Will the proposed Project 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.

**Finding:** The Project's operation will have no substantial adverse impacts, and result in a less-than-significant impact, related to wastewater treatment. (DEIR, Section 4.7.5.2, pp. 4.7-20 through -23.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** Conservatively assuming that 100 percent of the Project's water demand will be generated as wastewater, development within the Specific Plan area can be anticipated to generate 691,800 gpd of wastewater. (DEIR, p. 4.7-20.)

The receiving water reclamation plants have a total combined capacity of 60.3 mgd, with a combined average daily flow of 44.8 mgd. Not taking into account the anticipated expansion of each plant, the plants currently have 15.5 mgd of surplus capacity. Wastewater generated by development of the Project would represent 4 percent of current surplus treatment capacity, and would not require expansion or modification of existing wastewater treatment facilities. (DEIR, p. 4.7-22.)

Additionally, the EIR prepared for TOP concluded that, upon implementation of regulatory requirements and standard conditions of approval, buildout of the City would not result in significant impacts to wastewater treatment facilities. Finally, Wastewater generated by the Project is typical of domestic generators, and wastewater resulting from the Project uses will not require treatment beyond that provided by existing facilities. (*Id.*)

Accordingly, the Project's impacts related to wastewater will be less-than-significant. (DEIR, p. 4.7-23.)

**Impact:** Will the proposed Project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal need, and/or comply with federal, state, and local statutes and regulations related to solid waste.

**Finding:** The Project's operation will have no substantial adverse impacts, and result in a less-than-significant impact, related to solid waste. (DEIR, Section 4.7.5.2, pp. 4.7-23 through 24.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project is expected to generate 9,738 tons of solid waste annually, which equates to approximately 27 tons of solid waste on a daily basis. (DEIR, Table 4.7-4.) Accordingly, Project-generated solid waste would represent 0.4 percent of the permitted daily throughput of El Sobrante Landfill. Additionally, City recycling programs and payment of development impact fees reduce any solid waste impacts. (DEIR, p. 4.7-24.)

Accordingly, the Project's impacts related to solid waste will be less than significant.

## **N. Traffic and Circulation:**

**Impact:** Would the Project substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), or result in inadequate emergency access.

**Finding:** The Project will have no substantial adverse impacts, and result in a less-than-significant impact, related to transportation hazards. (DEIR, p. 4.2-119 through -121)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** To ensure appropriate design and implementation of all Project circulation improvements, the final design of the Project site plan, to include locations and design of proposed driveways, shall be reviewed and approved by the City Traffic Engineer, and the City's Police and Fire Departments will review the Project's plans in regard to emergency access.

Additionally, on-site traffic signing and striping would be implemented in conjunction with detailed construction plans for the Project site. Sight distance at each project access point will be reviewed with respect to standard Caltrans and City of Ontario sight distance standards at the time of preparation of final grading, landscape and street improvement plans.

The Project Construction Area Traffic Management Plan (Plan), also summarized within the EIR Project Description, would identify traffic controls for any street closures, detours, or other potential disruptions to traffic circulation during Project construction. The Plan would also be required to identify construction vehicle access routes, and hours of construction traffic.

The implemented Project, inclusive of the design features noted at EIR Section 3.0, "Project Description" and detailed in the Meredith SPA would not substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access. (DEIR, p. 4.2-120.) Accordingly, the Project will have a less-than-significant impact in that regard.

**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 Project will have no substantial adverse impacts, and result in a less-than-significant impact, related to air traffic patterns. (DEIR, p. 4.2-121 through -122)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project conforms to all applicable provisions of the ONT ALUCP, which is the only airport near the Project site, all future development on the Specific Plan area would be required to comply with development standards and design guidelines established in the Meredith SPA, as well as the applicable requirements of the City of Ontario Development Code (please refer to City of Ontario Municipal Code Title 9, Development Code, Chapter 1 Zoning and Land Use Requirements, Sec. 9-1.2980. Airport Safety Zones). (DEIR, 4.2-121.)



The Project does not propose or require development or operations that would conflict with state law, federal regulations and/or adopted master plans and land use compatibility plans for the ONT and/or Chino Airport. Nor does the Project propose elements or aspects that would interfere with or obstruct City coordination with laws, regulations or plans for the ONT and/or Chino Airport. The Project does not propose or require amendment to the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP). Nor would the Project otherwise interfere or obstruct the City's administration and maintenance of the ONT ALUCP.

Accordingly, the Project will result in a less-than-significant impact with relating to a change in air traffic patterns. (EIR, p. 4.2-122.)

**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 Project will not conflict with any adopted policies, plans, or programs supporting alternative transportation, and therefore, its impact in this regard will be less than significant. (DEIR, Appendix A, p. 3-34.)

**Mitigation Measures:** No mitigation measures are necessary.

**Explanation:** The Project does not present elements or aspects that would conflict with adopted alternative transportation policies. On a long-term basis, the Project may result in increased demand for public transportation due to increases in population and as increased employment/retail opportunities become available onsite; however, transit agencies routinely review and adjust their ridership schedules to accommodate public demand. The need for transit-related facilities including, but not limited to, bus shelters and bicycle parking will be coordinated between the City and the Project Applicant, with input from transit providers as applicable, as part of the City's standard development review process.

Additionally, light rail transit line is tentatively planned (by others) along the east side of the Cucamonga Creek Channel, westerly adjacent to Planning Areas 3 and 4. This project is currently being studied by the Gold Line Foothill Construction Authority to provide transportation to and from Ontario International Airport, which is located approximately one-half mile southerly of the Project site. Future development proposals within the SPA area would consider this potential use and be designed to facilitate its use by residents, employees, and visitors.

Accordingly, the Project's impacts related to conflicts with policies, plans or programs supporting alternative transportation are less than significant. (DEIR, Appendix A, pp. 3-35, -36.)

### **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.

##### **A. Air Quality:**

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

**Finding:** The DEIR identifies a potentially significant impact related carcinogenic exposures from freeway-source pollutants. (DEIR, p. 43.-72.) Pursuant to CEQA Guidelines 15091(a), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the EIR to a less-than-significant level. (DEIR, pp. 4.3-70 through -75.)

##### **Mitigation Measures:**

4.3.6 Residential units within the Project site shall include the installation and maintenance of air filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 16 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2.

**Explanation:** Before mitigation, the incremental increased risk for carcinogenic exposures at the maximum exposed residential receptor (MEIR) resulting from freeway-source emissions totaled 20 in one million, which would SCAQMD threshold of 10 in one million. However, after the implementation of Mitigation Measure 4.3.6, which will be imposed on the Project, the freeway-source carcinogenic health risks at the Project site would total 7.14 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million, making this impact less-than-significant. (DEIR, p. 4.3-73.)

Additionally, the Project will result in the following impacts related to sensitive receptors, which are all less than significant before mitigation:

- For chronic noncarcinogenic effects, the SCAQMD hazard threshold index of 1.0 would not be exceeded,
- Maximum PM10 and PM2.5 emissions concentrations attributable to freeway sources will not exceed applicable SCAQMD significance thresholds.

- Maximum CO concentrations attributable to freeway sources, when added to the existing background concentration, will not cause an exceedance of the CAAQS for CO concentrations.
- Maximum NO<sub>2</sub> concentrations attributable to freeway sources when added to the existing background concentration will not cause an exceedance of the CAAQS for NO<sub>2</sub> concentrations.
- Short duration exposures to toxic and criteria pollutants, such as would occur for residents/patrons utilizing outdoor amenities, will be within acceptable limits.

(DEIR, pp. 4.3-73, -74.)

Accordingly, after mitigation, all of the Project's impacts on sensitive receptors will be less-than-significant

## **B. Biological Resources:**

**Impact:** Does the Project 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:** The DEIR identifies potentially significant impacts to the California horned lark and the burrowing owl. (DEIR Section 4.9, pp. 4.9-11.) Pursuant to CEQA Guidelines § 15091(a), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the EIR to a less than significant level. (DEIR Section 4.9, pp. 4.9-11 through 14.)

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

- 4.9.1 Avoidance of Nesting Migratory Birds: All suitable habitat will be thoroughly surveyed within 72 hours prior to clearing for the presence of nesting birds by a qualified biologist (Project Biologist). The Project Biologist shall be approved by the City and retained by the Applicant. The survey results shall be submitted by the Project Applicant to the City Planning Department. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer, with the final buffer distance to be determined by the Project Biologist. The buffer area shall be avoided until, as determined by the Project Biologist, the nesting cycle is complete or it is concluded that the nest has failed. In addition, the Project Biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

- 4.9.2 Burrowing Owl Avoidance: Breeding season avoidance measures for the burrowing owl including, but not limited to, those that follow shall be implemented. A pre-construction survey for resident burrowing owls shall be conducted by a qualified Project Biologist within 30 days prior to construction activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site will be resurveyed for owls. Pre-construction survey methodology shall be based on Appendix D (Breeding and Non-breeding Season Surveys and Reports) of the CDFW Staff Report on Burrowing Owl Mitigation (CDFW) March 7, 2012 (CDFW Burrowing Owl Mitigation Staff Report). Results of the pre-construction survey shall be provided to CDFW and the City. Should any burrowing owl be found on site, CDFW shall be notified of such within 24 hours. If the pre-construction survey does not identify burrowing owls on the Project site, then no further mitigation shall be required. If burrowing owls are found to be utilizing the Project site during the pre-construction survey, measures shall be developed by the Project Biologist in coordination with CDFW to avoid impacting occupied burrows during the nesting period. These measures shall be based on the most current CDFW protocols and would minimally include establishment of buffer setbacks from occupied burrows and owl monitoring during Project construction activities.
- 4.9.3 Burrowing Owl Passive Exclusion: During the non-breeding season (September 1 through January 31), if burrows occupied by migratory or non-migratory resident burrowing owls are detected during a pre-construction survey, then burrow exclusion and/or closure may be used to passively exclude owls from those burrows. Burrow exclusion and/or closure shall only be conducted by the Project Biologist in consultation and coordination with CDFW employing incumbent CDFW guidelines.
- 4.9.4 Mitigation for Displaced Owls: In consultation with the City, Project Applicant, Project Biologist, and CDFW, and consistent with mitigation strategies outlined in the CDFW Burrowing Owl Mitigation Staff Report, a mitigation plan shall be developed for the "take" of any owls displaced through Project construction activities. Strategies may include, but are not limited to, participation in the permanent conservation of off-site habitat replacement area(s), and/or purchase of available burrowing owl conservation bank credits.
- 4.9.5 Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Applicant shall obtain a Regional Board 401 Certification, or a written waiver of the requirement for such an agreement or permit, from the California Regional Water Quality Control Board. Written verification of such a permit or waiver shall be provided to the City of Ontario Planning Department.
- 4.9.6 Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from the California Department of Fish and Wildlife. Information to be provided as part of the Streambed Alteration Agreement (if required) shall include but not be limited to the following:

- Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- Discussion of avoidance measures to reduce project impacts; and,
- Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

Written verification of such a streambed alteration agreement/permit, or waiver, shall be provided to the City of Ontario Planning Department.

- 4.9.7 Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Applicant shall obtain a 404 permit, or a written waiver of the requirement for such an agreement or permit, from the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the City of Ontario Planning Department.

**Explanation:** As stated in the DEIR, no special status plant species were found on the Project site, due to the disturbed nature of the site, and the absence of any current or historic site records indicating their presence, no special status plant species are likely present onsite. Only one special status wildlife species was found on site – the California horned lark – and the DEIR also finds that portions of the Project site contain suitable habitat for the burrowing owl. The DEIR also notes that the onsite drainage may be subject to US Army Corps of Engineers and/or California Department of Fish and Wildlife (CDFW) jurisdiction. (DEIR Section 4.9, p. 4.9-11.)

The aforementioned Mitigation Measures 4.9.1 through 4.9.1, which will be imposed on the Project, ensure that after mitigation, the Project's impacts on biological resources will be less than significant because the implementation of these Mitigation Measures will reduce potential impacts to migratory birds (*e.g.*, the horned lark) and the burrowing owl, consistent with requirements and protocols established by the CDFW and observed by the City. No other candidate, sensitive, or special status species would be potentially affected by the Project. (DEIR Section 4.9, p. 4.9-14; see also FEIR Chapter 3, pp. 3-13 - 3-14.)

Additionally, consultation with U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and the California Regional Water Quality Control Board, as required by Mitigation Measures 4.9.5 through 4.9.7, which will be imposed on the Project, ensure that no impacts to potential jurisdictional areas occur as a result of the Project. (DEIR Section 4.9, pp. 4.9-15.)

### **C. Cultural Resources:**

**Impact:** Does 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.

**Finding:** While the DEIR concludes that any impacts on historical or archaeological resources would be less-than-significant, the Project will nonetheless incorporate

mitigation measures to ensure that impact remains less-than-significant. Pursuant to CEQA Guidelines § 15091(a), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the EIR to a less-than-significant level. (DEIR Section 4.11.5.2, pp. 4.11-14 through -18.)

### **Mitigation Measures:**

- 4.11.1 Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:

“If during grading or construction activities, cultural resources are discovered on the Project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archeologist and any affected Tribes (Tribes). Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist and the Tribe determines the resources to be historic or unique, avoidance and/or mitigation would be required pursuant to and consistent with CEQA Guidelines Sections 15064.5 and 15126.4 and Public Resources Code Section 21083.2 and the Cultural Resources Treatment and Monitoring Agreement required under Mitigation Measure 4.11.2.”

- 4.11.2 At least 30 days prior to seeking a grading permit, the Project applicant(s) shall contact potentially affected Tribes to notify the Tribes of grading, excavation, and the monitoring program and to coordinate with the City of Ontario and the Tribes to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall include, but not be limited to, outlining provisions and requirements for addressing the treatment of cultural resources; Project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. A copy of this signed agreement shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.

- 4.11.3 Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:

“If human remains are encountered, California Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the San Bernardino County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable time frame. Subsequently, the Native American Heritage Commission shall identify the “most likely descendant” within 24 hours of receiving notification from the coroner. The most likely descendant shall then have 48 hours to make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.”

- 4.11.4 All cultural materials, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.11.2, that are collected during the grading monitoring program and from any previous archeological studies or excavations on the Project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the affected Tribe's/Tribes' curation facility(ies), which meets the standards set forth in 36 CFR Part 79 for federal repositories.
- 4.11.5 All sacred sites, should they be encountered within the Project site, shall be avoided and preserved as the preferred mitigation, if feasible as determined by a qualified professional in consultation with the affected Tribe(s). To the extent that a sacred site cannot be feasibly preserved in place or left in an undisturbed state, mitigation measures shall be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.
- 4.11.6 Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:

“If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted immediately within 50 feet of the discovery. The developer, the Project archeologist, and the Tribe(s) shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the developer and the Tribe cannot agree on the significance of or the mitigation for such resources, these issues will be presented to the City of Ontario Planning Director. The Planning Director shall make the determination based on the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe(s). Notwithstanding any other rights available under the law, the decision of the Planning Director shall be

appealable to the City of Ontario. In the event the significant resources are recovered and if the qualified archaeologist determines the resources to be historic or unique as defined by relevant state and local law, avoidance and mitigation would be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.”

- 4.11.7 To address the possibility that cultural resources may be encountered during grading or construction, a qualified professional archeologist shall monitor all construction activities that could potentially impact archaeological deposits (e.g., grading, excavation, and/or trenching). However, monitoring may be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural and/or paleontological resources.

**Explanation:** An intensive archaeological survey of the Project area was conducted between late March 2014 and early July 2014. As stated in the DEIR, these surveys and all other research and field investigations conclude that the Project site is clear of any significant historical or archaeological resources. The potential for identifying prehistoric or historic archaeological resources is very low and, therefore, no further studies are recommended. (DEIR, p. 4.11-15.)

Although the likelihood for archaeological and historic resources to exist onsite is considered extremely low, the above-cited Mitigation Measures 4.11.1 through 4.11.7, which will be imposed on the Project, have been incorporated to fully ensure the protection of cultural resources that may be present in a buried context within the Project area.

**Impact:** Does the proposed Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (DEIR Section 4.11.5.2, pp. 4.11-19, -20.)

**Finding:** The DEIR identified the potential for the identification of fossil specimens if older alluvial deposits are discovered during Project excavations and site preparation. (DEIR, p. 4.11-19.) Pursuant to CEQA Guidelines § 15091(a), 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 to a less than significant level.

#### **Mitigation Measures:**

- 4.11.8 Any excavation exceeding eight feet below the current grade shall be monitored by a qualified paleontologist. If older alluvial deposits are encountered at shallower depths, monitoring shall be initiated once these deposits are encountered. A qualified paleontologist is defined as an individual with an M.S. or a Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques. A paleontological monitor may be retained to perform the on-site monitoring in place of the qualified paleontologist. The paleontological monitoring program should follow the local



protocols of the Western Center (Hemet) and/or the San Bernardino County Museum and a paleontological monitoring plan should be developed prior to the ground altering activities. The extent and duration of the monitoring can be determined once the grading plan is understood and approved. The paleontological monitor shall have the authority to halt any Project-related activities that may be adversely impacting potentially significant resources. If paleontological resources are uncovered or otherwise identified, they shall be recovered, analyzed in accordance with standard guidelines, and curated with the appropriate facility (e.g., the Western Center at the Diamond Valley Reservoir, Hemet).

**Explanation:** The Project site is relatively flat and does not contain any unique geological features. No evidence of paleontological resources was identified during the survey and none was expected in the younger alluvial deposits. The potential for evidence of fossil-bearing soils is still possible, depending on the nature of the Project related excavations and site preparation. If older alluvial deposits are encountered, there is a potential for the identification of fossil specimens and the area(s) should be considered sensitive for such resources. Therefore, although no strong potential for paleontological resources was identified as part of the Project Cultural Resources Investigation, the Project has the potential to expose as-yet unidentified older Quaternary deposits that could reveal the presence of paleontological (fossil) resources.

The above-cited Mitigation Measure 4.11.8, which will be imposed on the Project, ensures any paleontological impacts are less than significant by requiring paleontological monitoring during Project construction activities.

#### **D. Geology/Soils:**

**Impact:** Would the proposed Project expose people or structures to potentially substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction; or 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. (DEIR Section 4.10, pp. 4.10-9 through 4.10-11)

**Finding:** The DEIR identifies a potentially significant impact resulting from potentially collapsible near surface soils. (DEIR Section 4.10, pp. 4.10-9, -10.) Pursuant to CEQA Guidelines § 15091(a), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the EIR to a less-than-significant level.

#### **Mitigation Measure:**

- 4.10.1 Design and development of the Project shall comply with recommendations and performance standards identified within the Final Geotechnical Study. Where the Project Geotechnical Study is silent, requirements of the California Building Code as adopted and implemented by the City shall prevail.

**Explanation:** As stated in the DEIR, the Project Geotechnical Investigation concludes that the site is not subject to significant ground rupture, liquefaction, lateral spreading, or landslide hazards. However, the native near-surface native soils vary in density and composition, and laboratory testing indicates that some of the near surface soils may be collapsible and subject to minor consolidation under the anticipated foundation loads. Based on their variable strengths and densities, these soils could result in excessive post-construction settlement. (DEIR Section 4.10, pp. 4.10-9, -10.)

After the implantation of Mitigation Measure 4.10.1, which will be imposed on the Project, all impacts related to geology and soils will be reduced to a less-than-significant level. The Project Geotechnical Study concludes that the Project site is acceptable for the proposed development, contingent on compliance with recommendations and performance standards identified in the Study. Additionally, the site- and design-specific Final Geotechnical Study will verify all findings and recommendations. Accordingly, design of structures in accordance with the Final Geotechnical Study, the CBC, and current seismic engineering practices is sufficient to reduce hazards at the Project site below the level of significance. (*Id.*, p. 4.10-9.)

Additionally, through established Site Plan, Building Permit, and Certificate of Occupancy requirements, the City will verify that required design and construction measures are incorporated throughout Project development and are functionally implemented in the completed structures and facilities. Accordingly, it is anticipated that any site-specific geologic constraints which may be encountered during the course of Project implementation can be mitigated to a less than significant level within the context of the findings and recommendations of the Project Geotechnical Study, and existing City/CBC seismic design regulations, standards, and policies. (*Id.*, p. 4.10-10.)

## **E. Hazards and Hazardous Materials**

**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 DEIR identifies a potentially significant impact. (DEIR Section 4.6, pp. 4.6-24.) Pursuant to CEQA Guidelines § 15091(a), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the EIR to a less-than-significant level.

### **Mitigation Measures:**

- 4.6.1 Prior to the issuance of grading permits, soil samples shall be taken from various areas of the Project site. Any soils found to contain pesticide levels in excess of the residential and/or industrial/commercial soil screening levels (presented in Table 4.6-1 of this EIR) shall be treated onsite or disposed of offsite, consistent with Section 4.6.4.5 of this EIR. Additional samples shall be collected from the perimeter and bottom of the excavation to confirm that pesticide concentrations in excess of the screening levels do not remain. Any additional impacted soil identified during this process shall be removed and additional confirmatory samples shall be obtained until non-actionable concentrations are obtained.

- 4.6.2 Prior to demolition or major renovations to the Italo M. Bernt School, a comprehensive asbestos and LBP survey shall be completed of suspect materials. If discovered, ACMs and peeling LBP shall be removed and disposed of by a State-licensed abatement contractor prior to demolition/renovation. Similarly, if during grading activities, buried asbestos-containing transite pipes are discovered, these materials shall also be removed and disposed of by a State-licensed abatement contractor.

The Project developer shall submit documentation to the City Building Department that asbestos and lead-based paint issues are not applicable to their property, or that appropriate actions, as detailed in Section 4.6.4.5 of this EIR, will be taken to abate asbestos or lead-based paint issues prior to development of the site.

**Explanation:** The DEIR identifies a potentially significant impact on existing or proposed school from the Project's localized criteria pollutant emissions (LSTs). The SCAQMD LSTs are based on allowable pollutant concentrations established under the California Ambient Air Quality Standards and National Ambient Air Quality Standards (CAAQS/NAAQS). The CAAQS and NAAQS reflect air quality conditions that are considered safe, and are intended to protect the public health and welfare. Exceedance of the SCAQMD LSTs and related violations of the CAAQS and/or NAAQS would indicate that criteria pollutant emissions concentrations could adversely affect the public health and welfare and could be considered hazardous. (DEIR, p. 4.6-22.) However, after implementation of the mitigation measures discussed in the Air Quality section of the DEIR, which will be imposed on the Project, construction-source criteria pollutant emissions concentrations would not exceed applicable SCAQMD LSTs, and would therefore be less-than-significant. Additionally, Project operational-source criteria pollutant emissions concentrations, even without mitigation, would not exceed applicable SCAQMD LSTs and would therefore be less-than-significant. (DEIR, p. 4.6-23.)

The DEIR also identifies potential on-site hazards on the proposed school site that include residual pesticides and/or herbicides that may be present in the soil, possible ACMs and LBP that may be present within the school, and underground asbestos-containing transite pipe that may have been used for transferring water as part of the historical agricultural uses onsite. The current SPA assumes the continuation of the school use. Left undisturbed, ACMs and LBP do not pose a significant hazard. The following mitigation is proposed in the event that the school use is discontinued and the buildings are demolished. Notwithstanding the foregoing, the above-cited Mitigation Measures 4.6.1 and 4.6.2, which will be imposed in the Project, will be implemented to ensure that in the event that the school use is discontinued and the buildings are demolished, the Project's impacts relating to hazards remains less than significant. (DEIR, p. 4.6-24.)

Finally, the DEIR identifies a potential impact resulting from diesel truck emissions. However, the Project Health Risk Assessment (DEIR, Appendix D) characterizes and quantifies potential diesel emissions generated by, and health risk exposure resulting from, Project operations. As concluded in the Project HRA, all potential DPM-source health risks exposures would be less-than-significant. (DEIR, p. 4.6-23.)

## **F      Noise**

**Impact:** Does the proposed Project's operational noise result in exposure of persons to, or generation of, noise levels in excess of standards established in the City's General Plan or Noise Ordinance.

**Finding:** The DEIR concludes that the Project will result in a less than significant impact related to exposure of persons to, or generation of, operational noise levels in excess of standards established in the City's General Plan or Noise Ordinance, but nonetheless incorporates mitigation to further reduce operational noise levels. Pursuant to CEQA Guidelines § 15091(a), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the EIR to a less-than-significant level. (DEIR Section 4.5-49 through -56.)

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

4.5.9      If the Project is developed under the Option A scenario:

- Construct the recommended 8-foot high noise barriers at the western and eastern boundaries of Planning Area 4, as shown on Exhibit 10-A of the Noise Impact Analysis.

4.5.10     If the Project is developed under the Option B scenario:

- Construct the recommended 8-foot high noise barriers at the western and eastern boundaries of Planning Area 4, as shown on Exhibit 10-B of the Noise Impact Analysis.
- Construct the recommended 8-foot high noise barrier at the southern property boundary at the existing school, as shown on Exhibit 10-B of the Noise Impact Analysis.

4.5.11     All trucks, tractors, and forklifts shall be operated with proper operating and well maintained mufflers.

4.5.12     Maintain quality pavement conditions that are free of bumps to minimize truck noise.

4.5.13     The truck access gates and loading docks within the truck court on the project site shall be posted with signs which state:

- Truck drivers shall turn off engines when not in use;
- Diesel trucks servicing the Project shall not idle for more than five (5) minutes; and
- Post telephone numbers of the building facilities manager to report violations

**Explanation:** The Project may be developed under one of two scenarios: Option A or Option B. Under Option A, the existing Italo M. Bernt Elementary School would be demolished and redeveloped with industrial uses as part of Planning Area A. Under Option B, the school would remain in place and operational. (DEIR, p. 45-28 n. 1.)

Under Option A, the Project's operational noise level projections range from 25 to 55.6 dBA Leq, and therefore will not exceed the City of Ontario or the City of Rancho Cucamonga noise level standards. (DEIR, Table 4.5-16.) Under the Option A scenario, the Project would contribute operational stationary/area-source noise levels of up to 0.1 dBA Leq (daytime) and 0.1 dBA Leq (nighttime) at nearby receiver locations. (DEIR, Tables 4.5-17 & 4.5-18.) In no instance would Project operational stationary area-source noise cause or result in an exceedance of the maximum acceptable ambient condition (65 dBA daytime/45 dBA nighttime). Nor would the Project operational stationary/area-source noise result in an increase of 1.5 dBA or greater in instances where noise levels without the Project already exceed the maximum acceptable ambient condition. The Project's operational noise impacts would therefore less than significant under Option A.

Under Option B, operational noise levels will range from 25.0 to 44.6 dBA Leq and will not exceed the City of Ontario or the City of Rancho Cucamonga noise level standards. (DEIR, Table 4.5-19.) Under the Option B scenario, the Project would contribute operational stationary/area-source noise levels of up to 0.4 dBA Leq (daytime) and 0.2 dBA Leq (nighttime) at nearby receiver locations. (DEIR, Tables 4.5-20 & 4.5-21.) In no instance would Project operational stationary area-source noise cause or result in an exceedance of the maximum acceptable ambient condition (65 dBA daytime/45 dBA nighttime). Nor would the Project operational stationary/area-source noise result in an increase of 1.5 dBA or greater in instances where noise levels without the Project already exceed the maximum acceptable ambient condition. The Project's operational noise impacts would therefore less than significant under Option B.

Based on the preceding analysis, under either development scenario (Option A or B), the Project's operational stationary area-source noise will not cause or result in an exceedance of the maximum acceptable ambient condition (65 dBA daytime/45 dBA nighttime). Nor will the Project's operational stationary/area-source noise result in an increase of 1.5 dBA or greater in instances where noise levels without the Project already exceed the maximum acceptable ambient condition. Therefore, Project operational noise would not result in exposure of persons to, or generation of, noise levels in excess of standards established in the City's General Plan or Noise Ordinance. (DEIR, p. 4.5-55.) Accordingly, the Project's impacts in this regard will be less-than-significant.

## **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. Air Quality:**

**Impact:** Does the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation.

**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 the Project’s emissions of criteria pollutants during both the operation and construction of the Project. (State CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures and project design features 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, as stated in the City’s Statement of Overriding Considerations (Section VIII herein). The Project’s impact on air quality from its emissions of criteria pollutants is considered significant and unavoidable. (DEIR Section 4.3.7.2, p. 4.3-30 through 4.3-70.)

#### **Mitigation Measures:**

4.3.1 The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403 and limit fugitive dust emissions:

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour;

- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day;
- The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less; and
- Only “Zero-Volatile Organic Compounds” paints (no more than 150 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used.

4.3.2 Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling.

4.3.3 Construction contractors for development proposals within the Project site shall ensure implementation of, and compliance with, the following provisions and performance standards:

- Equipment meeting CARB Tier 4 standards is recommended for use if such equipment is available. All construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by the CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- Diesel trucks employed for site construction activities shall meet Environmental Protection Agency (EPA) 2007 model year NOx emissions requirements.
- A copy of each piece of construction equipment’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.
- Construction contractors are encouraged to apply for SCAQMD Surplus Off-Road Opt-In for NOx (SOON) funds. Please contact SCAQMD or refer to information provided at: <http://www.aqmd.gov/home/programs/business/business-detail?title=vehicle-engine-upgrades>

4.3.4 Prior to the issuance of building permits, the Project Applicant shall submit energy demand calculations to the City (Planning and Building Departments) demonstrating that the increment of the Project for which building permits are being requested would achieve a minimum 5% increase in energy efficiencies beyond incumbent California Building Code Title 24 performance standards.

Representative energy efficiency/energy conservation measures to be incorporated in the Project would include, but would not be limited to, those listed below (it being understood that the items listed below are not all required and merely present examples; the list is not all-inclusive and other features that would comparably reduce energy consumption and promote energy conservation would also be acceptable):

- Increase in insulation such that heat transfer and thermal bridging is minimized;
- Limit air leakage through the structure and/or within the heating and cooling distribution system;
- Use of energy-efficient space heating and cooling equipment;
- Installation of electrical hook-ups at loading dock areas;
- Installation of dual-paned or other energy efficient windows;
- Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards;
- Installation of automatic devices to turn off lights where they are not needed;
- Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings;
- Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors;
- Design of buildings to accommodate photo-voltaic solar electricity systems or the installation of photo-voltaic solar electricity systems; and
- Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products.

4.3.5 The developer of the industrial phase of the Project (Planning Area 1) will install on the roofs of the warehouse buildings a photo-voltaic electrical generation system (PV system) capable of generating 1,600,000 kilowatt hours per year. The developer may install the required PV system in phases on a pro rata square foot basis as each building is completed; or if the PV system is to be installed on a single building, all of the PV system necessary to supply the PV estimated electrical generation shall be installed within two years (24 months) of the first building that does not include a PV system receives a certificate of occupancy.



4.3.5.1 The following measures shall be implemented in order to reduce Project operational-source VOC, NO<sub>x</sub>, CO, PM<sub>10</sub> and PM<sub>2.5</sub> emissions:

- The Lead Agency shall consider incentives and phase-in schedules for alternatively fueled trucks;
- The final Project site plan(s) shall be designed such that any truck check-in points are located sufficiently interior to the Project site to preclude queuing of trucks onto public streets and minimize truck idling times<sup>1</sup>;
- Truck routes shall be clearly marked acting to minimize the potential for truck traffic through residential areas;
- Truck operators with year 2006 or older trucks shall apply in good faith for Carl Moyer, VIP, Prop 1B or similar funding to replace/retrofit their trucks with cleaner-than-required engines, equipment, and emission reduction technologies. Should funds be awarded, the recipient shall accept and use them for their intended purpose(s).
- Electrical panels for warehouse facilities shall be appropriately sized to allow for future expanded use to include electric charging for trucks and to provide power for onboard auxiliary equipment.
- Residential products developed within the Project site shall utilize Energy Star heating, cooling, and lighting devices; and Energy Star appliances.
- Use of outdoor lighting shall be limited to that needed for safety and security purposes.
- Sweepers employed within the Project site shall be non-diesel. Sweepers equipped with High-Efficiency Particulate Arrestance (HEPA) filters are recommended for use if such equipment is available.
- Cleaning products shall be water based, or shall be AQMD-certified as “low – VOC-content.”

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<sup>1</sup> Note also that pursuant to requirements of the proposed *Meredith International Centre Specific Plan Amendment (Specific Plan Amendment, EIR Appendix B)* “If entry gates are used, they shall be positioned to allow enough distance for the stacking of at least two (2) trucks on the lot to preclude queuing of trucks on public streets” (Specific Plan Amendment, Section 5.0 E., *Industrial Development Standards*, p. 5-9). The City would ensure compliance with requirements of the Specific Plan Amendment through established City design and development review processes.

## **Explanation:**

### Construction Emissions

Without mitigation, the Project's construction-source air pollutant emissions would exceed applicable SCAQMD regional thresholds for VOC and NOx, CO, and PM2.5. (DEIR, Table 4.3-5.) Mitigation Measures 4.3.1, 4.3.2 and 4.3.3, which will be imposed on the Project, will significantly reduce emissions, and reduce the Project's construction-source PM2.5 emissions to a less-than-significant level. However, even after imposing all feasible mitigation measures, the Project's temporary, construction-source emissions for VOC, NOx and CO will still exceed applicable thresholds. (DEIR, Table 4.3-6.) This is a significant and unavoidable impact. No feasible mitigation exists to reduce this impact to a less-than-significant level, and as detailed in the City's Statement of Overriding Considerations (Section VIII), the City finds and declares that the Project's benefits significantly outweigh this impact.

While the Project will result in this significant and unavoidable temporary air quality impact, it bears noting that the Project would not result in significant construction-source air quality impacts not already considered and addressed in The Ontario Plan EIR. (DEIR, p. 4.3-34.) Indeed, Mitigation Measures 4.2.1, 4.3.2 and 4.3.3 are consistent with and would support construction-source air quality mitigation measures identified at The Ontario Plan EIR Mitigation Measure 3-1 (DEIR, p. 4.3-33; The Ontario Plan EIR, pp. 5.3-27, 5.3-28; see also FEIR, Responses AQMD-12, 15, 16, and 17.)

### Operational Emissions

Without mitigation, the Project's operational-source emissions would exceed applicable SCAQMD regional thresholds for VOC, NOx, CO and PM10.5 by the 2017 increment of Project development. (DEIR, 4.3-7.) Under Project building conditions in 2020, without mitigation, the Project's operational-source emissions would exceed the applicable SCAQMD regional thresholds for VOC, NOx, CO, PM10 and PM2.5.

In addition to Mitigation Measures 4.3.4 and 4.3.5, which will significantly reduce the Project's operational-source emissions and will be imposed on the Project, the Project's operational-source emissions will also be reduced by Project's conservation/sustainability design features and attributes described at EIR Section 3.4.10. The design features include (i) incorporation of sustainable design features necessary to achieve a "Certified" rating under the United States Green Building Council's Leadership in Energy & Environmental Design (LEED) program; (ii) the developer of the industrial phase of the Project (Planning Area 1) will install on the roofs of the warehouse buildings a photo-voltaic electrical generation system (PV system) capable of generating 1,600,000 kilowatt hours per year; (iii) all on-site cargo handling equipment (CHE) will be powered by non-diesel fueled engines (i.e., electric engines); (iii) regional vehicle miles traveled (VMT) and associated vehicular-source emissions are reduced by virtue of pedestrian connections to surrounding areas that will be provided by the Project, and the Project's mixed-use configuration and proposed co-location of industrial, urban commercial and urban residential land uses together with supporting amenities; and (iv) subsequent development proposals within the Project site will be required to implement a Water Conservation Strategy and demonstrate a minimum 20% reduction in indoor water usage when compared to baseline water demand and incorporate other water efficiency requirements.

While these Project design features and Mitigation Measures 4.3.4 and 4.3.5 will significantly reduce the Project's operation-source criteria emissions, under 2017 conditions, even after imposing all feasible mitigation measures, the Project operational-source VOC, NO<sub>x</sub>, CO, and PM<sub>10</sub> emissions will exceed applicable thresholds. (DEIR, Table 4.3-9.) Similarly, even after imposing all feasible mitigation measures, the Project operational-source VOC, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions will exceed applicable thresholds. (DEIR, Table 4.3-10.) This is a significant and unavoidable impact. No feasible mitigation exists to reduce this impact to a less-than-significant level, but as explained in the City's Statement of Overriding Considerations (Section VIII), the City finds and declares that the Project's benefits significantly outweigh this impact.

The predominance of Project operational source emissions would be the byproduct of mobile-source (Project traffic) fuel combustion (approximately 90 percent of the Project operational-source emissions, by weight, would be generated by Project traffic). Neither the Project Applicant nor the City has any regulatory control over these tail pipe emissions. Rather, vehicle tail pipe source emissions are regulated by CARB and USEPA. As summarized previously at 4.3.5, Regional Air Quality Trends, as the result of CARB and USEPA actions, basin-wide vehicular-source emissions have been reduced dramatically over the past years and are expected to further decline as clean vehicle and fuel technologies improve. The Project would implement design features, and operational programs acting to reduce operational-source emissions. In addition to the Mitigation Measures and Project design features, compliance with all applicable SCAQMD Rules will further reduce Project operational-source emissions to the furthest extent possible.

### Localized Impacts

The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the national and/or state ambient air quality standards (the NAAQS and CAAQS). Collectively, the NAAQS/CAAQS establish LSTs. (DEIR, p. 4.3-48.)

The SCAQMD instructs lead agencies to use the CalEEMod modeling system to analyze impacts from LSTs. CalEEMod calculates construction emissions (off-road exhaust and fugitive dust) based on the number of equipment hours and the maximum daily soil disturbance activity possible for each piece of equipment. (DEIR, p. 4.3-50.) Without mitigation, the maximum daily construction-source emissions would exceed applicable SCAQMD LSTs for PM<sub>10</sub>. (Table 4.3-12.) However, after implementation of Mitigation Measures 4.3.1 through 4.3.4, the Project's maximum daily construction-source emissions will not exceed applicable SCAQMD LSTs. (DEIR, Table 4.3-13.) Accordingly, the localized air quality impacts resulting from the construction of the Project will be less-than-significant.

The Project Operational-Source Emissions LST Analysis evaluates emissions generated by all on-site stationary/area sources inclusive of on-site landscaping/maintenance activities, facility energy consumption, on-site equipment use (yard trucks, etc.), and all on-site passenger car and truck travel. (DEIR, p. 4.3-52.) Even without mitigation, the Project's operational-source emissions will not exceed any applicable SCAQMD LSTs. Therefore, even without mitigation, the localized air quality impacts resulting from the operation of the Project will be less-than-significant.

**Impact:** Does the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal/national 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 the Project's cumulative emissions of criteria pollutants during both the operation and construction of the Project. (State CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures and project design features 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, as stated in the City's Statement of Overriding Considerations (Section VIII). The Project's cumulative impact on air quality is considered significant and unavoidable. (DEIR, pp. 4.3-76 through -77.)

**Mitigation Measures:**

4.3.1 The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403 and limit fugitive dust emissions:

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour;
- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day;
- The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less; and
- Only "Zero-Volatile Organic Compounds" paints (no more than 150 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used.

4.3.2 Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling.

4.3.3 During grading activity, all rubber tired dozers and scrapers ( $\geq 150$  horsepower) shall be CARB Tier 3 Certified or better. Additionally, during grading activity, total horsepower-hours per day for all equipment shall not exceed 149,840; and the maximum (actively graded) disturbance area shall not exceed 26 acres per day.

4.3.4 Prior to the issuance of building permits, the Project Applicant shall submit energy demand calculations to the City (Planning and Building Departments) demonstrating that the increment of the Project for which building permits are being requested would achieve a minimum 5% increase in energy efficiencies beyond incumbent California Building Code Title 24 performance standards. Representative energy efficiency/energy conservation measures to be incorporated in the Project would include, but would not be limited to, those listed below (it being understood that the items listed below are not all required and merely present examples; the list is not all-inclusive and other features that would comparably reduce energy consumption and promote energy conservation would also be acceptable):

- Increase in insulation such that heat transfer and thermal bridging is minimized;
- Limit air leakage through the structure and/or within the heating and cooling distribution system;
- Use of energy-efficient space heating and cooling equipment;
- Installation of electrical hook-ups at loading dock areas;
- Installation of dual-paned or other energy efficient windows;
- Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards;
- Installation of automatic devices to turn off lights where they are not needed;
- Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings;
- Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors;
- Design of buildings to accommodate photo-voltaic solar electricity systems or the installation of photo-voltaic solar electricity systems; and
- Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products.

4.3.5 The developer of the industrial phase of the Project (Planning Area 1) will install on the roofs of the warehouse buildings a photo-voltaic electrical generation system (PV system) capable of generating 1,600,000 kilowatt

hours per year. The developer may install the required PV system in phases on a pro rata square foot basis as each building is completed; or if the PV system is to be installed on a single building, all of the PV system necessary to supply the PV estimated electrical generation shall be installed within two years (24 months) of the first building that does not include a PV system receives a certificate of occupancy.

- 4.3.6 Residential units within the Project site shall include the installation and maintenance of air filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 16 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2.

**Explanation:** The Project area is designated as an extreme non-attainment area for ozone, a serious non-attainment area for PM10, and a non-attainment area for PM2.5. The Project-specific evaluation of emissions indicates that even after application of all feasible mitigation measures (Mitigation Measures 4.3.1 through 4.3.6), the Project's construction-source VOC and NOx emissions would exceed applicable SCAQMD regional significance thresholds. (See above) The fact that the Project construction-source emissions of the ozone precursors VOC and NOx would exceed applicable SCAQMD thresholds indicates that the Project impacts in this regard will be significant on an individual basis, and under SCAQMD significance criteria, would therefore also be cumulatively considerable. (DEIR, p. 4.3-76.) Project construction-source emissions of VOC and NOx would therefore contribute to a cumulatively considerable net increase in the ozone precursors VOC and NOx within the encompassing ozone non-attainment area. Additionally, NOx is a precursor to PM10/PM2.5, and Project construction-source emissions of NOx would therefore contribute to a cumulatively considerable net increase in PM10/PM2.5 levels within the encompassing PM10/PM2.5 nonattainment area. (*Id.*)

Even after the application of all feasible mitigation measures (Mitigation Measures 4.3.1 through 4.3.6), as also discussed above, the Project's operational-source VOC, NOx, PM10, and PM2.5 emissions would exceed applicable SCAQMD regional thresholds. The fact that the Project operational-source emissions of VOC, NOx, PM10, and PM2.5 would exceed applicable SCAQMD thresholds indicates that the Project impacts in this regard is significant on an individual basis, and under SCAQMD significance criteria, would therefore also be cumulatively considerable. Project operational-source emissions of the ozone precursors VOC and NOx; as well as PM10, and PM2.5 particulate emissions in exceedance of applicable SCAQMD regional thresholds would result in a cumulatively considerable net increase of criteria pollutants within the encompassing ozone and PM10/PM2.5 non-attainment areas.

Mitigation Measures 4.3.1 through 4.3.6 significantly reduce the Project's criteria pollutants during both the construction and operation phases, but the above-described exceedances will persist. Accordingly, the Project will result in a significant and unavoidable cumulative air quality impact by resulting in cumulative consideration net increases in criteria pollutants for which the Project region is non-attainment. No feasible mitigation exists to reduce this impact to a less-than-significant level, and as explained in the City's Statement of Overriding Considerations (Section VIII), the City finds and declares that the Project's benefits significantly outweigh this impact.

## **B. Noise**

**Impact:** Does the proposed Project's construction activities and associated noise result in 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, or does the proposed Project's construction activities and associated noise result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.

**Finding:** The DEIR identifies a potentially significant impact from hourly noise levels associated with the various phases of Project construction. (DEIR, p. 4.5-33.) Accordingly, 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. (CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, which will be imposed on the Project, 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 for the reasons identified in the Statement of Overriding Considerations adopted by the City (Section VIII herein). The Project's temporary, short-term noise impact resulting from construction activities is considered significant and unavoidable. (DEIR, Section 4.5.5.2, pp. 4.5-18 through -37.)

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

- 4.51 Prior to approval of grading plans and/or issuance of building permits, plans shall include a note indicating that noise-generating Project construction activities shall occur between the permitted hours of 7:00 a.m. and 6:00 p.m. on weekdays, or Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays. The Project construction supervisor shall ensure compliance with the note and the City shall conduct periodic inspection at its discretion.
- 4.5.2 Install temporary noise control barriers that provide a minimum noise level attenuation of 10.0 dBA when Project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be made.
  - The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.
  - The noise control barriers and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity.

- 4.5.3 During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receivers nearest the Project site.
- 4.5.4 The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receivers nearest the Project site (i.e., to the south) during all Project construction.
- 4.5.5 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, or Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays). The Project Applicant shall prepare a haul route exhibit for review and approval by the City of Ontario Planning Division prior to commencement of construction activities. The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.

**Explanation:** The construction of the Project would result in unmitigated hourly noise levels that are expected to exceed the acceptable construction noise level threshold of 65 dBA Leq at nearby sensitive receiver locations during peak activity near the property line. (DEIR, p. 4.5-33; Tables 5.4.-6 & 4.5-7.)

All feasible mitigation has been incorporated to reduce the Project's short-term noise impacts resulting from construction through the above-cited Mitigation Measures 4.5.1 through 4.5.5. However, construction noise levels are still likely to exceed the City's 65 dBA Leq construction noise level threshold due to the Project's close proximity to noise-sensitive receivers. (DEIR, Tables 4.5-8 & 4.5-9.) It bears noting that the Project's noise will be temporary and intermittent, and these noise levels will tend to diminish as the use of heavy equipment in the early construction stages concludes and will dissipate entirely at the end of construction activities.

Accordingly, the Project will result in a significant and unavoidable impact resulting from construction noise. No feasible mitigation exists to reduce this impact to a less-than-significant level, and as explained in the City's Statement of Overriding Considerations (Section VIII), the City finds and declares Project's benefits significantly outweigh this impact.

**Impact:** Does the proposed Project's vehicular-source noise result in exposure of persons to, or generation of, noise levels in excess of standards established in the City's General Plan or Noise Ordinance, or other applicable standards of other agencies.

**Finding:** The DEIR identifies potentially significant noise impacts from both off-site vehicular sources, on-site exterior impacts, and on-site interior impacts. (DEIR, pp. 4.5-



43, -44.) Accordingly, 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. (CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, which will be imposed on the Project, 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 for the reasons identified in the Statement of Overriding Considerations adopted by the City ((Section VIII herein). While on-site exterior and interior impacts will be reduced to a less than significant level, The Project's noise impact resulting from off-site vehicular-sources is considered significant and unavoidable. (DEIR, Section 4.5.5.2, pp. 4.5-38 through -46)

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

- 4.5.6 First floor residential patio areas adjacent to Inland Empire Boulevard shall include the construction of 6-foot high noise barriers.
- 4.5.7 All residential uses proposed within the Specific Plan shall be equipped with a means of mechanical ventilation (e.g., air conditioning).
- 4.5.8 All second floor residential façades facing Inland Empire Boulevard shall require upgraded windows with a minimum STC rating of 29.

**Explanation:** After incorporation of the noise barriers required by Mitigation Measure 4.5.6, which will be imposed on the Project, the mitigated future exterior noise levels will range from 51.7 to 65.0 dBA CNEL, which meets the City of Ontario 65 dBA CNEL exterior noise level standard, reducing any on-site exterior noise impacts to a less than significant level. (DEIR, Table 4.5-13.) After incorporation of Mitigation Measures 4.5.7 and 4.5.8, which will be imposed on the Project, the mitigated interior noise levels will range from 35.9 to 44.0 dBA CNEL, which is below the City standard of 45 dBA CNEL, reducing any on-site interior noise impacts to a less-than-significant level. (DEIR, Table 4.5-14.)

However, no feasible mitigation measures exist that would reduce off-site vehicular-source noise impacts to less-than-significant levels. The results of this analysis are consistent with the findings of the City of Ontario Policy Plan Environmental Impact Report (EIR) which states: "No mitigation measures are available that would prevent noise levels along major transportation corridors from increasing as a result of substantial increases in traffic volumes . . . ." Accordingly, off-site vehicular-source noise impacts as a result of the Project are considered significant and unavoidable. (DEIR, p. 4.5-46.) No feasible mitigation exists to reduce this impact to a less-than-significant level, but as explained in the City's Statement of Overriding Considerations (Section VIII), the City finds and declares that the Project's benefits significantly outweigh this impact.

**Impact:** Does the proposed Project vehicular-source noise result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.

**Finding:** The DEIR identifies potentially significant noise impacts resulting from off-site vehicular noise sources. (DEIR, pp. 4.5-46.) Accordingly, 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. (CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, which will be imposed on the Project, 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 for the reasons identified in the Statement of Overriding Considerations adopted by the City (Section VIII herein). The Project's noise impact related to a substantial permanent noise increase is considered significant and unavoidable. (DEIR, Section 4.5.5.2, pp. 4.5-46 through -49.)

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

- 4.5.6 First floor residential patio areas adjacent to Inland Empire Boulevard shall include the construction of 6-foot high noise barriers.
- 4.5.7 All residential uses proposed within the Specific Plan shall be equipped with a means of mechanical ventilation (e.g., air conditioning).
- 4.5.8 All second floor residential façades facing Inland Empire Boulevard shall require upgraded windows with a minimum STC rating of 29.

**Explanation:** Implementation of Mitigation Measures 4.5.6 through 4.5.8, which will be imposed on the Project, will reduce on-site exterior and interior permanent ambient noise to less-than-significant levels.

However, no feasible mitigation measures exist that would reduce off-site vehicular-source noise impacts to less-than-significant levels. Specifically, Project vehicular-source noise contributions to ambient noise conditions affecting certain Study Area roadways would represent a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. No mitigation measures are available that would prevent noise levels along major transportation corridors from increasing as a result of substantial increases in traffic volumes.

The results of this analysis are consistent with the findings of the City of Ontario Policy Plan Environmental Impact Report (EIR) which states: "No mitigation measures are available that would prevent noise levels along major transportation corridors from increasing as a result of substantial increases in traffic volumes . . . ." Accordingly, off-site vehicular-source noise impacts as a result of the Project are considered significant and unavoidable. (DEIR, p. 4.5-46.) No feasible mitigation exists to reduce this impact to a less-than-significant level, and as explained in the City's Statement of Overriding Considerations (Section VIII herein), the City finds and declares that the Project's benefits significantly outweigh this impact.

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

**Finding:** The DEIR identifies potentially significant, temporary vibration impacts from construction of the Project, during the construction of Planning Area 1. (DEIR, pp. 4.5-61.) Accordingly, 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. (CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, which will be imposed on the Project, 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 for the reasons identified in the Statement of Overriding Considerations adopted by the City (Section VIII herein). The Project's temporary impacts related to vibrations during the construction of Planning Area 1 are considered significant and unavoidable. (DEIR, Section 4.5.5.2, pp. 4.5-58 through -61)

**Mitigation Measures:**

4.5.14 The operation of heavy equipment shall only occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, or Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays, and avoided at the Project site boundary nearest receiver location R4 whenever feasible.

**Explanation:** The DEIR analyzes the vibration impacts of the Project's construction at the 13 sensitive receptor sites near the Project area for Planning Area 1 (DEIR, Table 4.5-22) and Planning Areas 2, 3 & 4 (Table 4.5-23.) Using the construction vibration assessment methods provided by the Federal Transit Administration (FTA), the proposed Project would result in a less-than-significant impact on all potential receivers, except for receiver location R4, located in the City of Rancho Cucamonga, during construction of Phase 1 of the Project. (DEIR, p. 4.5-60.)

Although Mitigation Measure 4.5.14, which will be imposed on the Project, will avoid impacts to receiver location R4 when feasible, construction of Planning Area 1 is still expected to generate vibration levels exceeding applicable City of Rancho Cucamonga vibration significance criteria. (DEIR, p. 4.5-61.) Accordingly, the Project will result in a significant and unavoidable impact in this regard. No feasible mitigation exists to reduce this impact to a less-than-significant level, and as explained in the City's Statement of Overriding Considerations (Section VIII herein), the City finds and declares that the Project's benefits significantly outweigh this impact.

It is important to note that construction-source vibration impacts would be temporary, intermittent and transitory, occurring only when construction equipment is operating proximate to the Project site perimeter. Construction activities at the Project site would be restricted to daytime hours consistent with City requirements, thereby precluding potential construction-source vibration impacts during sensitive nighttime hours.

## **C. Traffic and Circulation**

**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:** The DEIR identifies potentially significant traffic and circulation impacts. (DEIR, pp. 4.2-57, Tables 4.2-11 & 4.2-12.) Accordingly, 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. (CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, which will be imposed on the Project, 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 for the reasons identified in the Statement of Overriding Considerations adopted by the City (Section VIII herein). The Project's cumulative transportation and circulation impacts on certain study intersections. (DEIR, Section 4.2.8, pp. 4.2-53 through -119.)

### **Mitigation Measures:**

#### **4.2.1**

- Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the improvements as summarized at Table 4.2-21 at the intersection of: I-10 EB Ramp at 4th Street (Study Area Intersection 14);
- Prior to the issuance of the first Certificate of Occupancy for the Project, the Project Applicant shall construct the improvements as summarized at Table 4.2-21 at the intersection of: Haven Avenue at Inland Empire Boulevard (Study Area Intersection 30).

#### **4.2.2**

Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of Year 2017 improvements as summarized at Table 4.2-21 at the intersections of:

- Archibald Avenue at Arrow Route (Study Area Intersection 2);
- I-10 EB Ramp at 4th Street (Study Area Intersection 14); and
- Haven Avenue at 4th Street (Study Area Intersection 25).

4.3.3 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of required Year 2020 improvements as summarized at Table 4.2-21 at the intersections of:

- Archibald Avenue at Arrow Route (Study Area Intersection 2);
- I-10 EB Ramp at 4th Street (Study Area Intersection 14);
- Archibald Avenue at 4th Street (Study Area Intersection 23)
- Haven Avenue at 4th Street (Study Area Intersection 25);
- Archibald Avenue at Inland Empire Boulevard (Study Area Intersection 28); and
- Vineyard Avenue at I-10 EB Ramps (Study Area Intersection 32).

4.2.4 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of Year 2035 improvements as summarized at Table 4.2-21 at the intersections of:

- Archibald Avenue at Arrow Route (Study Area Intersection 2);
- Baker Avenue at 8th Street (Study Area Intersection 3);
- Hellman Avenue at 6th Street (Study Area Intersection 9);
- Haven Avenue at 6th Street (Study Area Intersection 12);
- Vineyard Avenue at 4th Street (Study Area Intersection 20);
- Archibald Avenue at 4th Street (Study Area Intersection 23);
- Haven Avenue at 4th Street (Study Area Intersection 25); and
- Archibald Avenue at Inland Empire Boulevard (Study Area Intersection 28)

4.2.5 Prior to the issuance of building permits, the Project applicant shall participate in the City's DIF program and in addition shall pay the Project's fair share for the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 in the amount(s) agreed to by the City and Project Applicant. The City shall ensure that the improvements specified at Mitigation Measures 4.2.1 through 4.2.4 which are under the City of Ontario jurisdiction be constructed pursuant to the fee program at that point in time necessary to avoid identified potentially significant impacts.

4.2.6 Certain of the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 are proposed for intersections that either share a mutual border with the City of Rancho Cucamonga or are wholly located within the City of Rancho

Cucamonga. Because the City of Ontario does not have plenary control over intersections that share a border with the City of Rancho Cucamonga or are wholly located within the City of Rancho Cucamonga, the City of Ontario cannot guarantee that such improvements will be constructed. Thus, the following additional mitigation is required: The City of Ontario shall participate in a multi-jurisdictional effort with the City of Rancho Cucamonga to develop a study to identify fair share contribution funding sources attributable to and paid from private and public development to supplement other regional and State funding sources necessary to implement the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 that are located in the City of Rancho Cucamonga. The study shall include fair-share contributions related to private and or public development based on nexus requirements contained in the Mitigation Fee Act (Govt. Code § 66000 et seq.) and 14 Cal. Code of Regs. §15126.4(a)(4) and, to this end, the study shall recognize that impacts attributable to City of Rancho Cucamonga facilities that are not attributable to development located within the City of Ontario are not paying in excess of such developments' fair share obligations. The fee study shall also be compliant with Government Code § 66001(g) and any other applicable provisions of law. The study shall set forth a timeline and other agreed-upon relevant criteria for implementation of the recommendations contained within the study to the extent the other agencies agree to participate in the fee study program. Because the City of Ontario and the City of Rancho Cucamonga are responsible to implement this mitigation measure, the Project Applicant shall have no compliance obligations with respect to this Mitigation Measure.

- 4.2.7 Fair-share amount(s) agreed to by the City and Project Applicant for non-DIF improvements at intersections that share a mutual border with the City of Rancho Cucamonga, or are wholly located within the City of Rancho Cucamonga, shall be paid by the Applicant to the City of Ontario prior to the issuance of the Project's final certificate of occupancy. The City of Ontario shall hold the Project Applicant's Fair Share Contribution in trust and shall apply the Project Applicant's Fair Share Contribution to any fee program adopted or agreed upon by the City of Ontario and the City of Rancho Cucamonga as a result of implementation of Mitigation Measure 4.2.6. If, within five (5) years of the date of collection of the Project Applicant's Fair Share Contribution the City of Ontario and the City of Rancho Cucamonga do not comply with Mitigation Measure 4.2.6, then the Project Applicant's Fair Share Contribution shall be returned to the Project Applicant.
- 4.2.8 Certain of the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 are proposed for intersections under shared City of Ontario/Caltrans jurisdiction. Because the City of Ontario does not have plenary control over intersections under shared City of Ontario/Caltrans jurisdiction, the City of Ontario cannot guarantee that such improvements will be constructed. Thus, the following additional mitigation is required: The City of Ontario shall participate in a multi-jurisdictional effort with Caltrans to develop a study to identify fair share contribution funding sources attributable to and paid from private and public development to supplement other regional and State funding sources necessary to implement the improvements identified at Mitigation Measures 4.2.1 through

- 4.2.4 that are under shared City of Ontario/Caltrans jurisdiction. The study shall include fair-share contributions related to private and or public development based on nexus requirements contained in the Mitigation Fee Act (Govt. Code § 66000 et seq.) and 14 Cal. Code of Regs. §15126.4(a)(4) and, to this end, the study shall recognize that impacts attributable to Caltrans facilities that are not attributable to development located within the City of Ontario are not paying in excess of such developments' fair share obligations. The fee study shall also be compliant with
- 4.2.9 Fair-share amount(s) agreed to by the City and Project Applicant for non-DIF improvements at intersections that are under City of Ontario/Caltrans jurisdiction, shall be paid by the Applicant to the City of Ontario prior to the issuance of the Project's final certificate of occupancy. The City of Ontario shall hold the Project Applicant's Fair Share Contribution in trust and shall apply the Project Applicant's Fair Share Contribution to any fee program adopted or agreed upon by the City of Ontario and Caltrans as a result of implementation of Mitigation Measure 4.2.8. If, within five (5) years of the date of collection of the Project Applicant's Fair Share Contribution the City of Ontario and Caltrans do not comply with Mitigation Measure 4.2.8, then the Project Applicant's Fair Share Contribution shall be returned to the Project Applicant.

**Explanation:**

The DEIR identified potentially significant LOS impacts at various Study Intersections under Existing Conditions, Year 2017 Conditions, Year 2020 Conditions, and Year 2035 Conditions. (DEIR, Tables 4.2-11, 4.2-12, 4.2-15, 4.2-17 & 4.2-19.) After the incorporation of Mitigation Measures 4.2.1 through 4.2.9, which will all be imposed on the Project, the Project's impacts would be reduced to a less than a less-than-significant level when the recommended improvements referenced by these Mitigation Measures are constructed. (DEIR, Tables 4.2-13, 4.2-14, 4.2-16, 4.2-18, & 4.2-20) These improvements are summarized in Table 4.2-21 of the DEIR.

However, payment of fees required by the Mitigation Measures imposed on the Project would not ensure timely completion of required improvements at extra-jurisdictional intersections located within the City of Rancho Cucamonga, and/or at intersections under shared Caltrans/City of Ontario jurisdictional control. That is, within areas or at locations that are extra-jurisdictional to the City, or are under shared jurisdictional control, neither the Lead Agency nor the Project Applicant can autonomously construct improvements. Thus, while the physical improvements identified at extra-jurisdictional or shared-jurisdictional locations may be capable of mitigating potentially significant impacts, these improvements cannot be feasibly implemented or assured by the Project Applicant or the City of Ontario, nor can their timely completion be assured. Moreover, there are no plans to improve the affected intersection(s) within the Project's estimated opening date, and the City of Ontario does not have an existing agreement with extra-jurisdictional agencies regarding the improvement or timing of improvements at locations along, or beyond the City of Ontario corporate boundaries.

Further, Mitigation Measures requiring additional right(s)-of-way cannot be timely assured because acquisition of required right(s)-of-way may not be feasible. Potentially significant Project-related traffic/transportation/circulation impacts at locations where additional right-of-way would be required are therefore considered to remain significant and unavoidable pending completion of the required improvements.

In contrast, for intersections under the sole control of the City of Ontario and where sufficient right-of-way exists, improvements required to mitigate potentially significant impacts would be implemented consistent with demonstrated demands and pursuant to priorities established through the City's jurisdictional capital improvements programs. In this regard, the City of Ontario as the Lead Agency is considered authoritative in determining when and how City improvements should be programmed and implemented to ensure near-term and long-term adequacy of the City roadway system. (DEIR, p. 4.2-59.)

While the Project Applicant would timely construct required improvements at Haven Avenue at Inland Empire Boulevard (Study Area Intersection 30), reducing the potentially significant impacts on this intersection to a less-than-significant level (DEIR, p. 4.2-60), due to jurisdictional limitations and/or right(s)-of-way constraints, the Project's traffic impacts at the following Study Area intersections are considered cumulatively significant and unavoidable under at least one of the TIA analysis scenarios (Existing Conditions, Year 2017 Conditions, Year 2020 Conditions, and/or Year 2035 Conditions):

- Archibald Avenue at Arrow Route (Study Area Intersection 2);
- Baker Avenue at 8th Street (Study Area Intersection 3);
- Hellman Avenue at 6th Street (Study Area Intersection 9);
- Haven Avenue at 6th Street (Study Area Intersection 12);
- I-10 EB Ramp at 4th Street (Study Area Intersection 14);
- Vineyard Avenue at 4th Street (Study Area Intersection 20);
- Archibald Avenue at 4th Street (Study Area Intersection 23);
- Haven Avenue at 4th Street (Study Area Intersection 25);
- Archibald Avenue at Inland Empire Boulevard (Study Area Intersection 28); and
- Vineyard Avenue at I-10 EB Ramps (Study Area Intersection 32). (DEIR, 1-34, -35)

All of the intersections identified above are either not under the City's plenary control, and/or are subject to right-of-way constraints. In these instances, timely implementation of improvements required as mitigation for potentially significant cumulative traffic impacts cannot be assured, and impacts are therefore considered cumulatively significant and unavoidable pending completion of the required improvements.

Project traffic would also contribute to cumulatively significant impacts affecting analyzed freeway facilities within the Study Area. There are no feasible means for the Project Applicant or the City of Ontario to mitigate cumulatively freeway facilities impacts addressed through regional improvements plans and program, and these



impacts – including impacts resulting from CMP deficiencies – are accordingly recognized as cumulatively significant and unavoidable. (DEIR, pp. 5-99, -100, -118.) While the Project's traffic impacts are cumulatively considerable at the 51 Study Area freeway segments operating at deficient LOS without the Project, the Project would not result in any new freeway segment deficiencies. (DEIR, p. 4.2-63, -75, -85, -97.) Similarly, the Project's impact would be considered cumulatively considerable at Study Area freeway ramp junctions which currently operate at deficient LOS without the Project, but the Projects would not result in any new freeway ramp deficiencies. (*Id.*, pp. 4.2-66, -67, -76, -86, -98.) The Project's weaving impacts would be considered cumulatively considerable at the three Study Area freeway segments operating at deficient LOS without the Project, but again, would not result in any new freeway weaving deficiencies. (DEIR, 4.2-68, -77, -87, -99.) However, Project traffic impacts affecting eastbound 1-10 between Milliken Avenue and I-15 (Study Area freeway segment No. 21) will be both individually significant and cumulatively considerable

It bears noting that the Project would be implemented consistent with applicable provisions of the City's General Plan, and that the Project's impact in this regard would be less than significant. (DEIR, p. 4.2-117; Table 4.2-22.)

In light of the foregoing, the Project will result in a significant and unavoidable impact on traffic and circulation at the intersections identified above. No feasible mitigation exists to reduce this impact to a less-than-significant level, and as explained in the City's Statement of Overriding Considerations (Section VIII), the City finds and declares that the Project's benefits significantly outweigh the Project's significant and unavoidable impacts.

## **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." The topic of Significant Irreversible Environmental Changes need be addressed in EIRs prepared in connection with any of the following activities:

- (a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;
- (b) The adoption by a local agency formation commission of a resolution making determinations; or
- (c) A project which will be subject to the requirements for preparing of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. 4321-4347.

(CEQA Guidelines § 15127.)

The Project qualifies under Guidelines §15127(a) in that General Plan amendment(s) and amendment to the 1981 Meredith International Centre Specific Plan are required in order to implement the Project. As such, this EIR analysis addresses any significant irreversible environmental changes which would be involved in the proposed action should it be implemented. (Guidelines, Sections 15126(e) and 15127; see also, DEIR, p. 5-102) 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).

First, while the construction phase of the Project would result in the use of natural resources - construction materials and energy resources - their use will not result in shortfalls in the availability of these resources. (DEIR, Section 5.5, p. 5-103.)

Second, the Project's development of the site will commit the Project site to the Project's uses for the foreseeable future, thereby limiting the site's alternative uses. However, in light the current 1981 Meredith Specific Plan entitlements for the site, the much greater development intensities envisioned for the Project site by The Ontario Plan, and the urbanization of surrounding properties, the commitment of the Project site to uses proposed by the Project is appropriate and will not result in significant impacts. (DEIR, p. 5-103.)

Third, the Project does not present a significant possibility of irreversible environmental damages from any potential "environmental incidents" that could be associated with the Project because the Project does not entail the development of facilities or uses that would result in potentially significant environmental incidents, and moreover, all feasible mitigation measure have been imposed on the Project to reduce its potential environmental effects. (DEIR, p. 5-103.)

Finally, as fully explained in Section 5.6 of the DEIR, the Project will not result in or cause unwarranted or wasteful use of resources, including energy. (DEIR, p. 5-103.) Specifically, the City finds that both the Project's construction and operation would not result in the inefficient, wasteful or unnecessary consumption of energy, and the Project's potential impacts in that regard are less-than-significant. (DEIR, p. 5-124.) Indeed, the energy demands of the Project can be accommodated within the context of available resources and energy delivery systems. The Project would, therefore, not cause or result in the need for additional energy producing or transmission facilities and would not create or result in a potentially significant impact affecting energy resources or energy delivery systems.

Accordingly, the City finds and declares that the Project will not result in significant irreversible environmental changes.

## **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. Section 5.3 of the DEIR 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.

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

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

#### **Direct Growth-Inducing Impacts are Less-Than-Significant**

As explained in Section 5.3.2 of the DEIR, the proposed Project will result in a maximum of 800 dwelling units, which is consistent with residential development intensities currently approved for the subject site under the 1981 Meredith International Centre Specific Plan. Additionally, this intensity of development is much less intense in terms of resident population and overall development intensity when compared to that envisioned under The Ontario Plan EIR, which analyzed the impacts of the development of 2,958 residential units. Moreover, the proposed Project also calls for 4,150,000 square feet on non-residential uses and 600 hotel rooms, while the The Ontario Plan EIR analyzed the impacts of 7,500,000 square feet of non-residential uses and 1,200 hotel rooms. (DEIR, p. 5-98.)

Accordingly, the proposed Project's comparatively diminished development intensities would result in population growth and housing demands no greater than would result from land uses and development envisioned under and analyzed by The Ontario Plan EIR, which concluded that the TOP would have a less-than-significant impact on population and housing. (*Id.*; The Ontario Plan EIR, Section 5.13.) Similarly, as explained above, the Project would also implement industrial, commercial/retail, and office land uses at aggregate development intensities no greater than approved under the 1981 Meredith International Centre Specific Plan and envisioned under and analyzed by The Ontario Plan EIR, which means that the Project would not generate additional employment beyond that anticipated under the 1981 Meredith International Centre Specific Plan and envisioned under and analyzed by The Ontario Plan EIR. Therefore, employment opportunities created by the

Project would not result in or cause significant unanticipated permanent growth-inducing effects, and would result in a less-than-significant impact in this regard. (DEIR, p. 5-98.) The City finds that that Project will not directly result in any significant permanent growth-inducing impacts, nor will it result in any growth-inducing impacts that were not already analyzed under The Ontario Plan and The Ontario Plan EIR.

#### Indirect Growth Inducing Impacts are Less-Than-Significant

As explained in Section 5.3.3 of the DEIR, investment in the Project may have local and regional economic impacts which may result in indirect growth-inducing effects, including the Project's potential economic benefits, which could indirectly result in employment growth in the region. This growth, in combination with other anticipated employment growth in the region, could indirectly result in population growth and an increased demand for housing. However, the City finds that the Project's indirect growth-inducing impacts would be less than significant, particularly considering that, in general the Project area, is already significantly urbanized. (DEIR, pp. 5-98, -99.)

Additionally, because the development of the Project will entail upgrades to infrastructure in the immediate Project area, including abutting roadways, the implementation of the Project could serve to facilitate and encourage development of nearby properties. However, development of these properties is subject to Land Use Plans and Policies established under The Ontario Plan, and are subject to City Zoning Ordinance and City Development Code requirements and regulations. The impacts of any future projects in the Project area have already been anticipated and analyzed as part of The Ontario Plan, and moreover, these plans and codes/ordinances will ensure that any future projects will be required to mitigate its impacts. (DEIR, p. 5-99.)

Accordingly, the City finds that that Project will not indirectly result in any significant permanent growth-inducing impacts, nor will it result in any growth-inducing impacts that were not already analyzed under The Ontario Plan and The Ontario Plan EIR.

## **SECTION VII**

### **RESOLUTION REGARDING ALTERNATIVES**

For the reasons explained in Section 5.2 of the DEIR and the Statement of Overriding Considerations (Section VIII herein), the City Council hereby finds and 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) by developing the Project site with a productive mix of industrial, commercial retail, and residential uses. (DEIR, p. 5-53) The following additional objectives for the Project are identified as follows (DEIR, Section 5.2.1.2, pp. 5-53, -54; *see also*, DEIR, Section 3.5):

1. Create an integrated development that provides a full range of employment opportunities near residential uses.
2. Create a planned development wherein commercial uses would benefit from the site's freeway visibility.
3. Develop industrial uses that would support the Ontario International Airport and that would benefit from the Airport's proximity.
4. Construct residential uses proximate to employment opportunities and commercial services.
5. Provide an industrial park supporting varied warehouse distribution and industrial tenants.
6. Provide safe and convenient access for trucks in a manner that minimizes any potential disruption to residential areas.
7. Cluster industrial uses near existing roadway and freeways to reduce traffic congestion and air emissions.
8. Facilitate goods movement locally, regionally, nationally, and internationally.
9. Provide land uses that are compatible with surrounding land uses and that would Facilitate goods movement locally, regionally, nationally, and internationally.
10. Provide land uses that are compatible with surrounding land uses and that would not conflict with the policies and environmental constraints identified in the Policy Plan.
11. Complete the urbanization of the area north of I-10 and east of Vineyard Avenue with necessary infrastructure while incorporating high quality, consistent design standards.
12. Provide infrastructure and public improvements necessary to support each increment of Project development, and the Project in total.
13. Establish new development that would further the City's near-term and long-range fiscal goals.

## ALTERNATIVES:

Key provisions of the State CEQA Guidelines relating to the alternatives analysis (Section 15126.6 et seq.) are summarized below:

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. (DEIR, pp. 5-54 through -63.) The range of alternatives discussed in an EIR is governed by a “rule of reason,” which the State CEQA Guidelines Section 15126.6(f)(3) defines as:

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

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

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

### ALTERNATIVES ANALYSIS:

The goal for evaluating any alternatives is to identify ways to avoid or lessen the significant environmental effects resulting from implementation of the proposed Project, while attaining most of the Project objectives. The City has included the following nine alternatives for consideration (DEIR, pp. 5-49, -50, -54):

1. No Project/No Build Alternative
2. Alternative Sites
3. “No Threshold Exceedance” Alternative for Significant Traffic Impacts
4. “No Threshold Exceedance” Alternative for Significant Air Quality Impacts
5. “No Threshold Exceedance” Alternative for Significant Noise Impacts
6. Reduced Intensity Alternative-Meredith SPA Land Use Plan
7. Reduced Intensity Alternative-No Industrial Land Uses
8. Reduced Intensity Alternative-No Residential Land Uses
9. Ontario Plan EIR Development Scenario Alternative

### ALTERNATIVES CONSIDERED AND REJECTED

#### Alternative Sites

As stated in the CEQA Guidelines §15126.6 (f)(1)(2)(A), the “key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.” Guidelines §15126.6 (f) (1) also provides that when considering the feasibility of potential alternative sites, the factors that may be taken into account are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context) and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent). None of these factors establishes a fixed limit on the scope of reasonable alternatives.” (DEIR, pp. 5-58, -59.)

The Project considered herein is not subject to relocation to an alternative site. That is, the Project is in large part defined by its location. In this respect, the Project would implement an Amendment to the Meredith International Centre Specific Plan currently approved for, and applicable only to, the subject site. Moreover, there is not another available property within the City of sufficient acreage and appropriate configuration, with available utilities, access, and provision of public services. Additionally, at a

different location, the development would be something other than the Project considered herein. Further, relocation of the Project would compromise a number of basic Project Objectives. (DEIR, p. 5-59.) The Objectives met by the proposed Project, but not the alternative sites alternative, include (*Id.*):

- Create a planned development wherein commercial uses would benefit from the site's [I-10] freeway visibility
- Develop industrial uses that would support the Ontario International Airport [ONT] and that would benefit from the Airport's proximity
- Cluster industrial uses near existing roadway and freeways to reduce traffic congestion and air emissions
- Complete the urbanization of the area north of I-10 and east of Vineyard Avenue with necessary infrastructure while incorporating high quality, consistent design standards.

Accordingly, the City has rejected this alternative. This alternative does not achieve a number of the Project Objectives, and there is no evidence that it would reduce any significant and unavoidable impacts. Therefore, this alternative was not further analyzed by the EIR.

#### "No Threshold Exceedance" Alternative for Significant Traffic Impacts

Specific improvements identified in the Project TIA (EIR Appendix C) and summarized at Draft EIR Section 4.2 would provide a physical solution to identified potentially significant traffic impacts. Notwithstanding, at certain intersections that are either not under the City's plenary control, and/or are subject to right-of-way constraints, timely implementation of improvements required as mitigation for potentially significant cumulative traffic impacts cannot be assured, and impacts are therefore considered cumulatively significant and unavoidable pending completion of the required improvements. Likewise, for all Study Area freeway facilities receiving Project traffic contributions, mitigation of potentially significant cumulative impacts affecting these facilities cannot be autonomously implemented and timely assured by the City or the Project Applicant, and impacts are therefore considered cumulatively significant and unavoidable pending completion of the required improvements. Project traffic impacts at all other Study Area intersections would be less-than-significant, or less-than-significant as mitigated. Please refer also to the discussions of intersection LOS impacts presented at Section 4.2 of the EIR.

Any measurable additional traffic contributed to the above-noted facilities would result in significant traffic impacts similar to those occurring under the Project, requiring some manner of currently infeasible mitigation. Due to the fact that any viable development of the subject site would generate trips likely affecting some or all of the above-referenced facilities, resulting in significant and unavoidable impacts, the DEIR did not engage in further analysis of an alternative to the Project developed specifically to alleviate cumulatively significant traffic impacts at Study Area intersections and freeway facilities because there is no possible alternative that would result in no significant and unavoidable traffic impacts. (DEIR, p. 5-60.) Accordingly, the City has rejected this alternative as infeasible.



Moreover, it bears noting that the Reduced Intensity Alternative evaluated in detail in section 5.2.4 of the DEIR would act to generally reduce traffic volumes within the Study Area, and would act to diminish the magnitude of traffic impacts, but would not avoid significant traffic impacts affecting extrajurisdictional facilities.

#### “No Threshold Exceedance” Alternative for Significant Air Quality Impacts

Significant Project construction-source air quality impacts reflect maximum daily emissions generated by site disturbance and construction equipment operations. The acreage disturbed per day and associated construction equipment operations reflect adopted SCAQMD CalEEmod parameters, and would be consistent with any viable development of the subject site. There are no feasible alternative construction scenarios that would substantively reduce emissions and thereby avoid significant Project construction-source air quality impacts. As such, potential alternatives with the specific goal of avoiding significant construction-source air quality impacts resulting from the Project were rejected from consideration, and are not further evaluated in the DEIR. (DEIR, pp. 5-60, -61.)

Indeed, in order to reduce Project operational-source air quality emissions to levels that would preclude exceedance of all SCAQMD thresholds, the Project scope would need to be reduced by approximately 92.5 percent (this would achieve the most restrictive threshold [NO<sub>x</sub>] and all subordinate thresholds). At such a reduction in scope, however, none of the Project Objectives would not be realized. As such, potential alternatives with the specific goal of avoiding all significant operational-source air quality impacts resulting from the Project were rejected from consideration by the DEIR because no such alternative was possible. (DEIR, p. 5-61.) Accordingly, the City has rejected this alternative as infeasible.

Moreover, it bears noting that the Reduced Intensity Alternative evaluated in detail in section 5.2.4 of the DEIR would achieve the least restrictive, PM<sub>2.5</sub> emissions threshold, and would thereby avoid the Project’s otherwise significant operational-source PM<sub>2.5</sub> emissions impacts.

#### “No Threshold Exceedance” Alternative for Significant Noise Impacts

Project construction-source noise/vibration impacts reflect maximum noise levels generated by likely operations of typical construction equipment. The types and quantities of equipment employed, and associated maximum noise levels generated, would not differ substantively under any reasonable development scenario for the subject site. As such, potential alternatives with the specific goal of avoiding significant construction-source noise/vibration impacts resulting from the Project were rejected from consideration, and were not further evaluated in the DEIR because no such alternative is possible. (DEIR, p. 5-61.)

Additionally, Project vehicular-source noise contributions to ambient noise conditions along certain Study Area roadway segments would be individually significant and cumulatively considerable. In these instances, Project vehicular-source noise contributions would range from 1.5 dBA to 1.8 dBA CNEL and would affect roadway

segments already subject to unacceptable ambient noise conditions. There is no feasible means to mitigate off-site vehicular-source noise impacts that would result from the addition of Project traffic to the area roadway system. This conclusion is consistent with the findings of The Ontario Plan Environmental Impact Report (TOP EIR) which states in pertinent part: “Buildout of the Proposed Land Use Plan would result in an increase in traffic on local roadways in the City of Ontario, which would substantially increase the noise Environment” . . . and continuing . . . “No mitigation measures are available that would prevent noise levels along major transportation corridors from increasing as a result of substantial increases in traffic volumes”(TOP EIR, p. 5.12-40). As such, potential alternatives with the specific goal of avoiding significant vehicular-source noise impacts resulting from the Project were rejected from consideration, and were not further evaluated in the DEIR because no such alternative is possible. (DEIR, pp. -61, -62.) Accordingly, the City has rejected this alternative as infeasible.

Moreover, it bears noting that the Reduced Intensity Alternative evaluated in detail in section 5.2.4 of the DEIR would tend to diminish the magnitude of vehicular-source noise impacts otherwise occurring under the Project; and could potentially avoid significant Project-specific vehicular-source noise impacts projected to affect Vineyard Avenue south of Inland Empire Boulevard. However, even absent the Project, significant ambient vehicular-source noise conditions would persist along this roadway segment.

#### Reduced Intensity Alternative—No Industrial Land Uses

Under a Reduced Intensity Alternative—No Industrial Land Uses scenario, the subject site would be developed with only retail/commercial and residential uses. While this alternative would eliminate the Project’s significant and unavoidable impacts from PM2.5 emissions, it would not avoid any other significant and unavoidable impacts. (DEIR, p. 5-62.) Additionally, this alternative would not achieve the following basic Project Objectives:

- Create an integrated development that provides a full range of employment opportunities near residential uses.
- Develop industrial uses that would support the Ontario International Airport and that would benefit from the Airport’s proximity
- Provide an industrial park supporting varied warehouse distribution and industrial tenants.
- Cluster industrial uses near existing roadway and freeways to reduce traffic congestion and air emissions.

Accordingly, the City has rejected this alternative. This alternative does not achieve a number of the Project Objectives, and it only eliminates one portion of one of the Project’s significant and unavoidable impacts (the air quality impacts would remain significant and unavoidable overall). (DEIR, 5-62.) Therefore, this alternative was not further analyzed by the EIR.

### Reduced Intensity Alternative—No Residential Land Uses

Under a Reduced Intensity Alternative—No Residential Land Uses scenario, the subject site would be developed with only industrial and retail/commercial uses. While this alternative would eliminate the Project's significant and unavoidable impacts from PM<sub>2.5</sub> emissions, it would not avoid any other significant and unavoidable impacts. (DEIR, p. 5-62.) Additionally, this alternative would not achieve the following basic Project Objectives:

- Create an integrated development that provides a full range of employment opportunities near residential uses
- Construct residential uses proximate to employment opportunities and commercial services

Accordingly, the City has rejected this alternative. This alternative does not achieve a number of the Project Objectives, and it only eliminates one portion of one of the Project's significant and unavoidable impacts (the air quality impacts would remain significant and unavoidable overall). (DEIR, 5-63.) Therefore, this alternative was not further analyzed by the EIR.

### Ontario Plan EIR Development Scenario Alternative

As described in The Ontario Plan EIR, the Meredith Mixed Use Area [Project site] is . . . “[e]nvisioned as one of the most intensive developments in Ontario and intended to accommodate an intensive horizontal and vertical mixture of commercial, office, and residential uses based around a transit station . . . (Ontario Plan EIR, p. 3-37, Table 3-3).

Within the context of the Meredith Mixed Use Area development intensities described in The Ontario Plan EIR (>14.0 to 125.0 dwelling units per acre; 3.0 FAR for office and retail uses), the Meredith Mixed Use Area would be developed with up to 7.5 million square feet of commercial/retail/office uses; and up to 2,958 residential units at an average density of 40 dwelling units per acre. In contrast, the Project proposes approximately 3.0 million square feet of industrial uses; up to 800 residential units, and commercial/retail/office uses totaling approximately 1.1 million square feet.

When compared to the Project, the substantively greater development intensities envisioned for the Meredith Mixed Use Area under The Ontario Plan EIR would actually increase the severity and extent of significant environmental impacts otherwise occurring under the Project. (DEIR, p. 5-64.) Moreover, under the Ontario Plan EIR Development Scenario Alternative, no industrial land uses would be permitted or implemented, meaning that this alternative would not meet the following basic Project Objectives:

- Create an integrated development that provides a full range of employment opportunities near residential uses
- Develop industrial uses that would support the Ontario International Airport and that would benefit from the Airport's proximity
- Provide an industrial park supporting varied warehouse distribution and industrial tenants

- Cluster industrial uses near existing roadway and freeways to reduce traffic congestion and air emissions

Accordingly, the City has rejected this alternative as infeasible. This alternative does not achieve a number of the Project Objectives, and actually results in greater significant environmental impacts than the proposed Project, which is contrary to the purpose of the alternatives analysis under CEQA. (DEIR, 5-63.) Therefore, this alternative was not further analyzed by the EIR.

## DESCRIPTION AND EVALUATION OF REMAINING ALTERNATIVES ANALYZED IN DETAIL IN THE DEIR

### 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.

Given the subject site's current Ontario Policy Plan Land Use Plan Specific Plan designation; current Specific Plan entitlements; availability of infrastructure, services and access; lack of substantive environmental or physical constraints; and proximity of other urban development, it is considered unlikely that the subject site would remain vacant or in a "No Build" condition. Evaluation of a No Build condition would therefore "analyze a set of artificial assumptions that would be required to preserve the existing physical environment." This is inconsistent with direction provided at CEQA Guidelines, Section 15126.6 (e)(3)(b), as presented above.

If however, a hypothetical No Build scenario were maintained, its comparative environmental impacts would replicate the existing conditions discussions for each of the environmental topics evaluated in this EIR; and comparative impacts of the Project would be as presented under each of the EIR environmental topics. In all instances, a hypothetical No Build scenario would result in reduced environmental impacts when compared to the Project. However, a No Project/No Build condition would achieve none of the basic Project Objectives. (DEIR, p. 5-55.)

In light of the preceding discussions, it is considered unlikely that the subject site would remain vacant or in a "No Build" condition. That is, failure to proceed with the Project would not result in preservation of existing environmental conditions, and the practical result of the Project's non-approval would be the development of some other variety or configuration of urban Specific Plan uses within the subject site.

Accordingly, for the purposes of the EIR Alternatives Analysis, it is presumed that if the Project were not constructed, the No Project Alternative would comprise another proposal representing a foreseeable development scenario for the subject site; in this case, development of the site pursuant to the currently approved 1981 Meredith International Centre Specific Plan (1981 Specific Plan), which calls for the same level development as the proposed Project, except that the 1981 project calls for 600 more hotel rooms. (DEIR, Table 5.2-1.) This No Project Alternative is analyzed in detail and its impacts are compared with the proposed Project and the Reduced Intensity Alternative (discussed below) in Section 5.2.4 of the DEIR (pp. 5-65 through 5-85). The No Project alternative is also analyzed in detail with regard to its attainment of the Project Objectives when compared with the proposed Project and the Reduced Intensity Alternative in Section 5.2.5 of the DEIR (pp. 5-86 through -88).

Table 5.2-7 of the DEIR summarizes all these comparisons. As explained in Table 5.1-7, the No Project Alternative would result in less impacts than the proposed Project with regard to land use and planning, which is already less than-significant under the proposed Project. The No Project Alternative would not reduce any of the proposed Project's significant and unavoidable impacts to a less-than-significant level. Additionally, the No Project would result in increased impacts than the Project opposed with regard to traffic and circulation, air quality and GHG emissions, and would not achieve the following Project Objectives, all of which are achieved by the proposed Project:

- Create an integrated development that provides a full range of employment opportunities near residential uses.
- Develop industrial uses that would support the Ontario International Airport and that would benefit from the Airport's proximity.
- Provide an industrial park supporting varied manufacturing, warehouse distribution and industrial tenants.
- Cluster industrial uses near existing roadway and freeways to reduce traffic congestion and air emissions.

(DEIR, Table 5.2-7.)

The City finds and declares that the No Project Alternative is infeasible because it fails to meet any of the Project objectives, and does not reduce any significant and unavoidable impacts. In fact, the No Project alternative evaluated would actually result in more impacts than the proposed Project. The City rejects the No Project Alternative on those bases.

#### Alternative 2 – Reduced Intensity Alternative

Under the Reduced Intensity Alternative Meredith SPA Land Uses (hereafter referred to as the Reduced Intensity Alternative) the subject site would be developed with the types and configurations of land uses currently proposed but at an aggregate intensity scoped

to eliminate or substantively reduce the Project's identified significant and unavoidable air quality impacts, and in so doing would also reduce significant traffic and vehicular-source noise impacts otherwise resulting from the Project. (DEIR, p. 5-56.) The Reduced Intensity Alternative would result in the development of 2,606,000 square feet of non-residential uses, 502 dwelling units, and 377 hotel rooms. (DEIR, Table 5.2-2.)

This Reduced Intensity Alternative is analyzed in detail and its impacts are compared with the proposed Project and the No Project Alternative in Section 5.2.4 of the DEIR (pp. 5-65 through 5-85). The Reduced Intensity Alternative is also analyzed in detail with regard to its attainment of the Project Objectives when compared with the proposed Project and the Reduced Intensity Alternative in Section 5.2.5 of the DEIR (pp. 5-86 through -88).

Table 5.2-7 of the DEIR summarizes all these comparisons. As explained in Table 5.1-7, the Reduced Intensity Alternative would result in less impacts than the proposed Project with regard to GHG emissions and public services/utilities, which are already less than-significant under the proposed Project, and traffic and circulation, air quality, and noise, which are significant and unavoidable under the proposed Project. However, the Reduced Intensity Alternative would not reduce all the proposed Project's significant and unavoidable impacts to a less-than-significant level, only reducing the Project's impacts related to PM<sub>2.5</sub> emissions and operational, traffic-source noise. Additionally, the Reduced Intensity Alternative would not achieve the following Project Objectives, all of which are achieved by the proposed Project:

- Create an integrated development that provides a full range of employment opportunities near residential uses.
- Create a planned development wherein commercial uses would benefit from the site's freeway visibility.
- Develop industrial uses that would support the Ontario International Airport and that would benefit from the Airport's proximity. Construct residential uses proximate to employment opportunities and commercial services.
- Provide an industrial park supporting varied manufacturing, warehouse distribution and industrial tenants.
- Complete the urbanization of the area north of I-10 and east of Vineyard Avenue with necessary infrastructure while incorporating high quality, consistent design standards.
- Establish new development that would further the City's near-term and long-range fiscal goals.

(DEIR, Table 5.2-7.)

The Reduced Intensity Alternative would result in potential incremental reduction in certain significant environmental impacts otherwise occurring under the Project, but would not eliminate these impacts, and the Reduced Intensity Alternative will still have significant and

unavoidable impacts on traffic/circulation, air quality, and noise. The Reduced Intensity Alternative would broadly and substantively diminish attainment of the Project Objectives, with related diminishment of socio-economic benefits to the City and region, as explained in the analysis of the environmentally superior alternative herein. Accordingly, the City finds and declares that the Reduced Intensity Alternative is infeasible based on economic and social factors, and rejects this alternative on the foregoing basis.

### 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.

As discussed above, the Reduced Intensity Alternative would result in potential incremental reduction in certain significant environmental impacts otherwise occurring under the Project, but would not eliminate these impacts, and the Reduced Intensity Alternative will still have significant and unavoidable impacts on traffic/circulation, air quality, and noise. In this regard, the Reduced Intensity Alternative is identified as the environmentally superior alternative. (DEIR, p. 5-95.)

Countering its potential environmental benefits, the Reduced Intensity Alternative would broadly and substantively diminish attainment of the Project Objectives, with related diminishment of socio-economic benefits to the City and region. CEQA indicates that socioeconomic effects (while not lone determinants) are important considerations for decision-makers in evaluating and considering EIR Alternatives. With respect to socioeconomic effects, the Project and the Reduced Intensity Alternative would each have beneficial effects for the area. Either of these scenarios would contribute to area employment and the City's overall tax base. However, as noted previously, because the scope and variety of land uses would be reduced by approximately 37.2 percent under the Reduced Intensity Alternative, the resulting effective realization of the Project Objectives, to include economic benefits to the City and region, would likely be similarly diminished. (DEIR, p. 5-96.)

Additionally, at an approximate 37.2 percent reduction in the Project's development scope, the Reduced Intensity Alternative would not recognize the site's value as one of few remaining undeveloped properties within the City; or take advantage of the site's available acreage, access, or supporting infrastructure; and consequently would not result in development of the subject site in a manner considered to be its highest and best use.

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 Intensity 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. (DEIR, pp. 5-93 through 5-97.)

## **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) Air Quality, (2) Noise, and (3) Traffic and Circulation. 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. (See, e.g., DEIR, Tables 4.1-5, 4.2-22, 4.4-3, 4.12-1, 4.13-7, 4.13-8.) Implementing the General Plan is a legal and social prerogative of the City.

The Project will create approximately 5,011 jobs both from construction and operation of the Project. The Project is estimated to employ 4,944 people at buildout. (DEIR, p. 4.1-37; Appendix I, pp. ES-3, ES-5, Table ES-1.)

The Project will provide an integrated development that will provide a full range of employment opportunities near residential uses, resulting in a jobs and housing balance. (DEIR, pp. 4.13-9, -10, and -19, Table 4.13-7; see also, DEIR, p. 5-53, Appendix I, p. 9.) The Project will also provide onsite shopping opportunities for Project area residents. The Project’s “mixed use” character will reduce vehicle miles traveled (VMTs). (See, e.g., DEIR, p. 5-110 through -112.)

The Project will result in increased property tax and sales tax revenues, and would yield a net total of approximately \$84.6 million available to the City General Fund over the course of the Project’s estimated 20-year buildout time frame. Thereafter, the Project will generate a net General Fund impact of approximately \$4.9 million annually. The net present value of the Project’s 20-year net cash



flow is approximately \$50.2 million. (DEIR, p. 4.1-37; Appendix I, Tables ES-2B & ES-2C.)

The Project will promote community-wide prosperity and significant value to the larger area around the Project and in the City in general. The Project's significant job creation and fiscal benefits will further the City's identity as a leading urban center in Southern California. (DEIR, pp. 4.12-10.) The Project will complete the urbanization of the area north of I-10 and east of Vineyard Avenue with necessary infrastructure while incorporating high quality, consistent design standards. (*Id.*, p. 5-53.)

By developing high density residential uses, the Project will contribute to the City's supply of affordable housing. (DEIR, pp. 4.13-20, -21, and -28; Appendix I, pp. ES-7, 19.)

The Project's retail element will take advantage of the site's strategic freeway location to service specific market niches (*e.g.*, showroom retail, possibly related to office and industrial firms in the project area). (DEIR, Appendix I, p. ES-7.)

The Project's industrial uses will service unmet demand for several types of warehouse distribution and industrial tenants, which will support the Ontario International Airport. (DEIR, pp. 1-10, 3-40.)

The Project will result in the construction of a wide range of public improvements. (DEIR, pp. 1-10, 3-41.)

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, the DEIR, the FEIR, their appendices and attachments, and in the other documents found in the record of proceedings. 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:

### **A. Findings:**

The following significant environmental impacts have been identified in the EIR and will require mitigation as set forth in Section IV of this Resolution but cannot be mitigated to a level of insignificance: air quality, noise and traffic/circulation.

### **B. Conclusions:**

1. Except as to those impacts stated above relating to air quality noise, and traffic, 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 Amendment, which could potentially achieve some of the basic objectives of the proposed Specific Plan Amendment, have been considered and rejected in favor of the proposed Specific Plan Amendment based on findings that those alternatives were infeasible.
3. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Specific Plan Amendment override and make infeasible any alternatives to the proposed Specific Plan Amendment 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 45-day 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 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 Meredith International Centre 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 Meredith International Centre 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;

Matters of common knowledge to the City, 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 7<sup>th</sup> day of April 2015.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2015-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 7, 2015 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2015-        duly passed and adopted by the Ontario City Council at their regular meeting held April 7, 2015.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

**EXHIBIT “A”**

**MITIGATION MONITORING AND REPORTING PLAN**

[ATTACHED]

## 4.0 MITIGATION MONITORING PLAN

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### 4.1 INTRODUCTION

To ensure that the mitigation measures contained in this EIR are properly implemented, a monitoring plan has been developed pursuant to State law. This Mitigation Monitoring Plan (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and the appropriate timing for implementation of mitigation measures. As described at *CEQA Guidelines* §15097, this MMP employs both reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

- Assign responsibility for, and ensure proper implementation of mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of compliance with mitigation measures;
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated in the Project are presented in the following Section 4.2. Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented within this Section at Table 4.2-1.



## 4.2 MITIGATION MONITORING AND REPORTING

### **Mitigation Monitoring and Responsibilities**

As the Lead Agency, the City of Ontario is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

**Table 4.2-1**  
**Meredith International Centre SPA**  
**Mitigation Monitoring Plan**

*To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<b><u>Traffic and Circulation</u></b>				
<p>4.2.1</p> <ul style="list-style-type: none"> <li><i>Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the improvements summarized at Table 4.2-21 at the intersection of: I-10 EB Ramp at 4th Street (Study Area Intersection 14);</i></li> <li><i>Prior to the issuance of the first Certificate of Occupancy for the Project, the Project Applicant shall construct the improvements summarized at Table 4.2-21 at the intersection of: Haven Avenue at Inland Empire Boulevard (Study Area Intersection 30).</i></li> </ul>	Prior to issuance of building permits and first Certificate of Occupancy.	Applicant	City of Ontario, Planning Department	City shall verify payment of fees and completion of improvements prior to issuance of building permits and first Certificate of Occupancy.
<p>4.2.2</p> <p><i>Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of Year 2017 improvements as summarized at Table 4.2-21 at the intersections of:</i></p> <ul style="list-style-type: none"> <li><i>Archibald Avenue at Arrow Route (Study Area Intersection 2);</i></li> <li><i>I-10 EB Ramp at 4th Street (Study Area Intersection 14); and</i></li> <li><i>Haven Avenue at 4th Street (Study Area Intersection 25).</i></li> </ul>	Prior to issuance of building permits.	Applicant	City of Ontario, Planning Department	City shall verify payment of fees at issuance of building permits.
<p>4.2.3</p> <p><i>Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of Year required 2020 improvements as summarized at Table 4.2-21 at the intersections of:</i></p> <ul style="list-style-type: none"> <li><i>Archibald Avenue at Arrow Route (Study Area Intersection 2);</i></li> </ul>	Prior to issuance of building permits.	Applicant	City of Ontario, Planning Department	City shall verify payment of fees at issuance of building permits.

**Table 4.2-1**  
**Meredith International Centre SPA**  
**Mitigation Monitoring Plan**

*To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<ul style="list-style-type: none"> <li>• I-10 EB Ramp at 4<sup>th</sup> Street (Study Area Intersection 14);</li> <li>• Archibald Avenue at 4<sup>th</sup> Street (Study Area Intersection 23)</li> <li>• Haven Avenue at 4<sup>th</sup> Street (Study Area Intersection 25);</li> <li>• Archibald Avenue at Inland Empire Boulevard (Study Area Intersection 28); and</li> <li>• Vineyard Avenue at I-10 EB Ramps (Study Area Intersection 32)</li> </ul>				
<p>4.2.4 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of Year 2035 improvements as summarized at Table 4.2-24 at the intersections of:</p> <ul style="list-style-type: none"> <li>• Archibald Avenue at Arrow Route (Study Area Intersection 2);</li> <li>• Baker Avenue at 8<sup>th</sup> Street (Study Area Intersection 3);</li> <li>• Hellman Avenue at 6<sup>th</sup> Street (Study Area Intersection 9);</li> <li>• Haven Avenue at 6<sup>th</sup> Street (Study Area Intersection 12);</li> <li>• Vineyard Avenue at 4<sup>th</sup> Street (Study Area Intersection 20);</li> <li>• Archibald Avenue at 4<sup>th</sup> Street (Study Area Intersection 23);</li> <li>• Haven Avenue at 4<sup>th</sup> Street (Study Area Intersection 25); and</li> <li>• Archibald Avenue at Inland Empire Boulevard (Study Area Intersection 28)</li> </ul>	Prior to issuance of building permits.	Applicant	City of Ontario, Planning Department	City shall verify payment of fees at issuance of building permits.
<p>4.2.5 Prior to the issuance of building permits, the Project applicant shall participate in the City's DIF program and in addition shall pay the Project's fair share for the improvements identified at Mitigation Measures 4.2.1</p>	Prior to issuance of building permits.	Applicant	City of Ontario, Planning Department	City shall verify payment of fees at issuance of building permits.

**Table 4.2-1**  
**Meredith International Centre SPA**  
**Mitigation Monitoring Plan**

*To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<i>through 4.2.4 in the amount(s) agreed to by the City and Project Applicant. The City shall ensure that the improvements specified at Mitigation Measures 4.2.1 through 4.2.4 which are under the City of Ontario jurisdiction be constructed pursuant to the fee program at that point in time necessary to avoid identified potentially significant impacts.</i>				
<i>4.2.6 Certain of the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 are proposed for intersections that either share a mutual border with the City of Rancho Cucamonga or are wholly located within the City of Rancho Cucamonga. Because the City of Ontario does not have plenary control over intersections that share a border with the City of Rancho Cucamonga or are wholly located within the City of Rancho Cucamonga, the City of Ontario cannot guarantee that such improvements will be constructed. Thus, the following additional mitigation is required: The City of Ontario shall participate in a multi-jurisdictional effort with the City of Rancho Cucamonga to develop a study to identify fair share contribution funding sources attributable to and paid from private and public development to supplement other regional and State funding sources necessary to implement the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 that are located in the City of Rancho Cucamonga. The study shall include fair-share contributions related to private and or public development based on nexus requirements contained in the Mitigation Fee Act (Govt. Code § 66000 et seq.) and 14 Cal. Code of Regs.</i>	<i>Prior to issuance of final phase occupancy permits.</i>	<i>City of Ontario, City of Rancho Cucamonga</i>	<i>City of Ontario, Planning Department</i>	<i>City shall verify completion of the study prior to the issuance of final phase occupancy permits.</i>

**Table 4.2-1**  
**Meredith International Centre SPA**  
**Mitigation Monitoring Plan**

*To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<p>§15126.4(a)(4) and, to this end, the study shall recognize that impacts attributable to City of Rancho Cucamonga facilities that are not attributable to development located within the City of Ontario are not paying in excess of such developments' fair share obligations. The fee study shall also be compliant with Government Code § 66001(g) and any other applicable provisions of law. The study shall set forth a timeline and other agreed-upon relevant criteria for implementation of the recommendations contained within the study to the extent the other agencies agree to participate in the fee study program. Because the City of Ontario and the City of Rancho Cucamonga are responsible to implement this mitigation measure, the Project Applicant shall have no compliance obligations with respect to this Mitigation Measure.</p>				
<p>4.2.7 Fair-share amount(s) agreed to by the City and Project Applicant for non-DIF improvements at intersections that share a mutual border with the City of Rancho Cucamonga, or are wholly located within the City of Rancho Cucamonga, shall be paid by the Applicant to the City of Ontario prior to the issuance of the Project's final certificate of occupancy. The City of Ontario shall hold the Project Applicant's Fair Share Contribution in trust and shall apply the Project Applicant's Fair Share Contribution to any fee program adopted or agreed upon by the City of Ontario and the City of Rancho Cucamonga as a result of implementation of Mitigation Measure 4.2.6. If, within five (5) years of the date of collection</p>	<p>Prior to issuance of final certificate of occupancy.</p>	<p>Applicant</p>	<p>City of Ontario, Planning Department</p>	<p>City shall verify receipt of fees before issuance of certificate of occupancy.</p>

**Table 4.2-1**  
**Meredith International Centre SPA**  
**Mitigation Monitoring Plan**

*To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<i>of the Project Applicant's Fair Share Contribution the City of Ontario and the City of Rancho Cucamonga do not comply with Mitigation Measure 4.2.6, then the Project Applicant's Fair Share Contribution shall be returned to the Project Applicant.</i>				
<i>4.2.8 Certain of the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 are proposed for intersections under shared City of Ontario/Caltrans jurisdiction. Because the City of Ontario does not have plenary control over intersections under shared City of Ontario/Caltrans jurisdiction, the City of Ontario cannot guarantee that such improvements will be constructed. Thus, the following additional mitigation is required: The City of Ontario shall participate in a multi-jurisdictional effort with Caltrans to develop a study to identify fair share contribution funding sources attributable to and paid from private and public development to supplement other regional and State funding sources necessary to implement the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 that are under shared City of Ontario/Caltrans jurisdiction. The study shall include fair-share contributions related to private and or public development based on nexus requirements contained in the Mitigation Fee Act (Govt. Code § 66000 et seq.) and 14 Cal. Code of Regs. §15126.4(a)(4) and, to this end, the study shall recognize that impacts attributable to Caltrans facilities that are not attributable to development located within the City of Ontario are not paying in excess</i>	<i>Prior to issuance of final phase occupancy permits.</i>	<i>City of Ontario, Caltrans</i>	<i>City of Ontario, Planning Department</i>	<i>City shall verify completion of the study prior to the issuance of final phase occupancy permits.</i>

**Table 4.2-1**  
**Meredith International Centre SPA**  
**Mitigation Monitoring Plan**

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<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<p><i>of such developments' fair share obligations. The fee study shall also be compliant with Government Code § 66001(g) and any other applicable provisions of law. The study shall set forth a timeline and other agreed-upon relevant criteria for implementation of the recommendations contained within the study to the extent the other agencies agree to participate in the fee study program. Because the City of Ontario and Caltrans are responsible to implement this mitigation measure, the Project Applicant shall have no compliance obligations with respect to this Mitigation Measure.</i></p>				
<p><i>4.2.9 Fair-share amount(s) agreed to by the City and Project Applicant for non-DIF improvements at intersections that are under City of Ontario/Caltrans jurisdiction, shall be paid by the Applicant to the City of Ontario prior to the issuance of the Project's final certificate of occupancy. The City of Ontario shall hold the Project Applicant's Fair Share Contribution in trust and shall apply the Project Applicant's Fair Share Contribution to any fee program adopted or agreed upon by the City of Ontario and Caltrans as a result of implementation of Mitigation Measure 4.2.8. If, within five (5) years of the date of collection of the Project Applicant's Fair Share Contribution the City of Ontario and Caltrans do not comply with Mitigation Measure 4.2.8, then the Project Applicant's Fair Share Contribution shall be returned to the Project Applicant.</i></p>	<p>Prior to issuance of final certificate of occupancy.</p>	<p>Applicant</p>	<p>City of Ontario, Planning Department</p>	<p>City shall verify receipt of fees before issuance of certificate of occupancy.</p>

**Table 4.2-1**  
**Meredith International Centre SPA**  
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<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<b><u>Air Quality</u></b>				
<p>4.3.1 <i>The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403 and limit fugitive dust emissions:</i></p> <ul style="list-style-type: none"> <li>• <i>All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour;</i></li> <li>• <i>The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day;</i></li> <li>• <i>The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less; and</i></li> <li>• <i>Only “Zero-Volatile Organic Compounds” paints (no more than 150 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used.</i></li> </ul>	Prior to building plan check.	Applicant.	City of Ontario.	At building plan check.
4.3.2 <i>Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling.</i>	Prior to the issuance of grading plans.	Applicant	City of Ontario, Planning Department	At issuance of grading plans.



**Table 4.2-1**  
**Meredith International Centre SPA**  
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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>4.3.3 <del>During grading activity, all rubber tired dozers and scrapers (<math>\geq 150</math> horsepower) shall be CARB Tier 3 Certified or better. Additionally, during grading activity, total horsepower-hours per day for all equipment shall not exceed 149,840; and the maximum (actively graded) disturbance area shall not exceed 26 acres per day. <u>Construction contractors for development proposals within the Project site shall ensure implementation of, and compliance with, the following provisions and performance standards:</u></del></p> <ul style="list-style-type: none"> <li><u>Equipment meeting CARB Tier 4 standards is recommended for use if such equipment is available. All construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by the CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.<sup>1</sup></u></li> <li><u>Diesel trucks employed for site construction activities shall meet Environmental Protection Agency (EPA) 2007 model year NO<sub>x</sub> emissions requirements.</u></li> </ul>	During grading activity.	Construction contractor(s)	City of Ontario, Planning Department	Ongoing throughout grading activity.

<sup>1</sup> Equipment meeting Tier 4 standards is not generally or widely available at present.

**Table 4.2-1**  
**Meredith International Centre SPA**  
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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
<ul style="list-style-type: none"> <li><u>A copy of each piece of construction equipment'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.</u></li> <li><u>Construction contractors are encouraged to apply for SCAQMD Surplus Off-Road Opt-In for NOx (SOON) funds. Please contact SCAQMD or refer to information provided at: &lt;<a href="http://www.aqmd.gov/home/programs/business/business-detail?title=vehicle-engine-upgrades">http://www.aqmd.gov/home/programs/business/business-detail?title=vehicle-engine-upgrades</a>&gt;</u></li> </ul>				
<p>4.3.4 Prior to the issuance of building permits, the Project Applicant shall submit energy demand calculations to the City (Planning and Building Departments) demonstrating that the increment of the Project for which building permits are being requested would achieve a minimum 5% increase in energy efficiencies beyond incumbent California Building Code Title 24 performance standards. Representative energy efficiency/energy conservation measures to be incorporated in the Project would include, but would not be limited to, those listed below (it being understood that the items listed below are not all required and merely present examples; the list is not all-inclusive and other features that would comparably reduce energy consumption and promote energy conservation would also be acceptable):</p>	<p>Prior to issuance of building permits.</p>	<p>Applicant</p>	<p>City of Ontario, Planning Department</p>	<p>At issuance of building permits.</p>

**Table 4.2-1**  
**Meredith International Centre SPA**  
**Mitigation Monitoring Plan**

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<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<ul style="list-style-type: none"> <li>• Increase in insulation such that heat transfer and thermal bridging is minimized;</li> <li>• Limit air leakage through the structure and/or within the heating and cooling distribution system;</li> <li>• Use of energy-efficient space heating and cooling equipment;</li> <li>• Installation of electrical hook-ups at loading dock areas;</li> <li>• Installation of dual-paned or other energy efficient windows;</li> <li>• Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards;</li> <li>• Installation of automatic devices to turn off lights where they are not needed;</li> <li>• Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings;</li> <li>• Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors;</li> <li>• Design of buildings to accommodate photo-voltaic solar electricity systems or the installation of photo-voltaic solar electricity systems; and</li> <li>• Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products.</li> </ul>				

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4.3.5 The developer of the industrial phase of the Project (Planning Area 1) will install on the roofs of the warehouse buildings a photo-voltaic electrical generation system (PV system) capable of generating 1,600,000 kilowatt hours per year. <sup>2</sup> The developer may install the required PV system in phases on a pro rata square foot basis as each building is completed; or if the PV system is to be installed on a single building, all of the PV system necessary to supply the PV estimated electrical generation shall be installed within two years (24 months) of the first building that does not include a PV system receives a certificate of occupancy.	Prior to issuance of first building permit.	Planning Area 1 Developer	City of Ontario, Planning Department	City to verify before issuance of first building permit.
<p><u>4.3.5.1 The following measures shall be implemented in order to reduce Project operational-source VOC, NOx, CO, PM<sub>10</sub> and PM<sub>2.5</sub> emissions:</u></p> <ul style="list-style-type: none"> <li><u>• The Lead Agency shall consider incentives and phase-in schedules for alternatively fueled trucks.</u></li> <li><u>• The final Project site plan(s) shall be designed such that any truck check-in points are located sufficiently interior to the Project site to preclude queuing of trucks onto public streets and minimize truck idling times.</u></li> <li><u>• Truck routes shall be clearly marked acting to minimize the potential for truck traffic through residential areas.</u></li> <li><u>• Truck operators with year 2006 or older trucks shall apply in good faith for Carl Moyer, VIP.</u></li> </ul>	Prior to issuance of building permits.	Applicant	City of Ontario, Planning Department	At issuance of building permits.

<sup>2</sup> This electricity generation estimate is based on the amount of electricity to be consumed within Planning Area 1 at buildout and full occupancy.

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p><u>Prop 1B or similar funding to replace/retrofit their trucks with cleaner-than-required engines, equipment, and emission reduction technologies. Should funds be awarded, the recipient shall accept and use them for their intended purpose(s).</u></p> <ul style="list-style-type: none"> <li><u>Electrical panels for warehouse facilities shall be appropriately sized to allow for future expanded use to include electric charging for trucks and to provide power for onboard auxiliary equipment.</u></li> <li><u>Residential products developed within the Project site shall utilize Energy Star heating, cooling, and lighting devices; and Energy Star appliances.</u></li> <li><u>Use of outdoor lighting shall be limited to that needed for safety and security purposes.</u></li> <li><u>Sweepers employed within the Project site shall be non-diesel. Sweepers equipped with High-Efficiency Particulate Arrestance (HEPA) filters are recommended for use if such equipment is available.</u></li> <li><u>Cleaning products shall be water based, or shall be AQMD-certified as "low-VOC" content.</u></li> </ul>	Prior to issuance of first building permit.	Applicant	City of Ontario, Planning Department	City to verify Title 24 enhanced compliance before issuance of first building permit.
<p>4.3.6 Residential units within the Project site shall include the installation and maintenance of air filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 16 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2.</p>				

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	<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<b>Noise</b>					
4.5.1	<i>Prior to approval of grading plans and/or issuance of building permits, plans shall include a note indicating that noise-generating Project construction activities shall occur between the permitted hours of 7:00 a.m. and 6:00 p.m. on weekdays, or Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays. The Project construction supervisor shall ensure compliance with the note and the City shall conduct periodic inspection at its discretion.</i>	Prior to approval of grading plans and/or issuance of building permits.	Applicant	City of Ontario, Planning Department	At approval of grading plans and/or issuance of building permits.
4.5.2	<i>Install temporary noise control barriers that provide a minimum noise level attenuation of 10.0 dBA when Project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be made.</i>	Throughout construction	Construction contractor.	City of Ontario, Planning Department	Ongoing throughout construction activity.
	<ul style="list-style-type: none"> <li><i>The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.</i></li> <li><i>The noise control barriers and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity.</i></li> </ul>				

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<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
4.5.3 <i>During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receivers nearest the Project site.</i>	Throughout construction	Construction contractor.	City of Ontario, Planning Department	Ongoing throughout construction activity.
4.5.4 <i>The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receivers nearest the Project site (i.e., to the south) during all Project construction.</i>	Throughout construction	Construction contractor.	City of Ontario, Planning Department	Ongoing throughout construction activity.
4.5.5 <i>The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, or Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays). The Project Applicant shall prepare a haul route exhibit for review and approval by the City of Ontario Planning Division prior to commencement of construction activities. The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.</i>	Throughout construction	Construction contractor.	City of Ontario, Planning Department	Ongoing throughout construction activity.

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4.5.6 <i>First floor residential patio areas adjacent to Inland Empire Boulevard shall include the construction of 6-foot high noise barriers.</i>	Prior to issuance of first Certificate of Occupancy.	Applicant	City of Ontario, Planning Department	City shall verify before issuance of first Certificate of Occupancy.
4.5.7 <i>All residential uses proposed within the Specific Plan shall be equipped with a means of mechanical ventilation (e.g., air conditioning).</i>	Prior to issuance of first Certificate of Occupancy.	Applicant	City of Ontario, Planning Department	City shall verify before issuance of first Certificate of Occupancy.
4.5.8 <i>All second floor residential façades facing Inland Empire Boulevard shall require upgraded windows with a minimum STC rating of 29.</i>	Prior to issuance of first Certificate of Occupancy.	Applicant	City of Ontario, Planning Department	City shall verify before issuance of first Certificate of Occupancy.
4.5.9 <i>If the Project is developed under the Option A scenario: Construct the recommended 8-foot high noise barriers at the western and eastern boundaries of Planning Area 4, as shown on Exhibit 10-A of the Noise Impact Analysis.</i>	Prior to issuance of first Certificate of Occupancy.	Applicant	City of Ontario, Planning Department	City shall verify before issuance of first Certificate of Occupancy.
4.5.10 <i>If the Project is developed under the Option B scenario:</i> <ul style="list-style-type: none"> <li><i>Construct the recommended 8-foot high noise barriers at the western and eastern boundaries of Planning Area 4, as shown on Exhibit 10-B of the Noise Impact Analysis.</i></li> <li><i>Construct the recommended 8-foot high noise barrier at the southern property boundary at the existing school, as shown on Exhibit 10-B of the Noise Impact Analysis.</i></li> </ul>	Prior to issuance of first Certificate of Occupancy.	Applicant	City of Ontario, Planning Department	City shall verify before issuance of first Certificate of Occupancy.
4.5.11 <i>All trucks, tractors, and forklifts shall be operated with proper operating and well maintained mufflers.</i>	Throughout construction	Construction contractor.	City of Ontario, Planning Department	Ongoing throughout construction activity.
4.5.12 <i>Maintain quality pavement conditions that are free of bumps to minimize truck noise.</i>	Ongoing throughout Project operations.	Future tenant.	City of Ontario, Planning Department	Ongoing throughout Project operations.



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<p>4.5.13 <i>The truck access gates and loading docks within the truck court on the project site shall be posted with signs which state:</i></p> <ul style="list-style-type: none"> <li>• <i>Truck drivers shall turn off engines when not in use;</i></li> <li>• <i>Diesel trucks servicing the Project shall not idle for more than five (5) minutes; and</i></li> <li>• <i>Post telephone numbers of the building facilities manager to report violations.</i></li> </ul>	Ongoing throughout Project operations.	Future tenant.	City of Ontario, Planning Department	Ongoing throughout Project operations.
<p>4.5.14 <i>The operation of heavy equipment shall only occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, or Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays, and avoided at the Project site boundary nearest receiver location R4 whenever feasible.</i></p>	Throughout construction	Construction contractor.	City of Ontario, Planning Department	Ongoing throughout construction activity.

#### **Hazards/Hazardous Materials**

<p>4.6.1 <i>Prior to the issuance of grading permits, soil samples shall be taken from various areas of the Project site. Any soils found to contain pesticide levels in excess of the residential and/or industrial/commercial soil screening levels (presented in Table 4.6-1 of this EIR) shall be treated onsite or disposed of offsite, consistent with Section 4.6.4.5 of this EIR. Additional samples shall be collected from the perimeter and bottom of the excavation to confirm that pesticide concentrations in excess of the screening levels do not remain. Any additional impacted soil identified during this process shall be removed and additional confirmatory samples shall be obtained until non-actionable concentrations are obtained.</i></p>	Prior to the issuance of grading permits.	Applicant and contractor(s)	City of Ontario, Planning Department.	City shall verify prior to the issuance of grading permits. All soil reports will be submitted to the City Building Division.
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4.6.2 <i>Prior to demolition or major renovations to the Italo M. Bernt School, a comprehensive asbestos and LBP survey shall be completed of suspect materials. If discovered, ACMs and peeling LBP shall be removed and disposed of by a State-licensed abatement contractor prior to demolition/renovation. Similarly, if during grading activities, buried asbestos-containing transite pipes are discovered, these materials shall also be removed and disposed of by a State-licensed abatement contractor.</i>	Prior to the issuance of grading permits.	Applicant and contractor(s)	City of Ontario, Planning Department.	City shall verify prior to the issuance of grading permits. All soil reports will be submitted to the City Building Division.

*The Project developer shall submit documentation to the City Building Department that asbestos and lead-based paint issues are not applicable to their property, or that appropriate actions, as detailed in Section 4.6.4.5 of this EIR, will be taken to abate asbestos or lead-based paint issues prior to development of the site.*

#### **Biological Resources**

4.9.1 <del><i>Avoidance of Nesting Migratory Birds: If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season, all</i></del> <b><u>All</u></b> <i>suitable habitat will be thoroughly surveyed within 72 hours prior to clearing for the presence of nesting birds by a qualified biologist (Project Biologist). The Project Biologist shall be approved by the City and retained by the Applicant. The survey results shall be submitted by the Project Applicant to the City Planning Department. If any</i>	Throughout construction.	Applicant.	City of Ontario, Planning Department.	Ongoing throughout construction. Applicant shall provide survey results to City Planning Department.
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<p>active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer, with the final buffer distance to be determined by the Project Biologist. The buffer area shall be avoided until, as determined by the Project Biologist, the nesting cycle is complete or it is concluded that the nest has failed. In addition, the Project Biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.</p> <p>4.9.2 <i>Burrowing Owl Avoidance: Breeding season avoidance measures for the burrowing owl including, but not limited to, those that follow shall be implemented. A pre-construction survey for resident burrowing owls shall be conducted by a qualified Project Biologist within <del>14</del> 30 days prior to construction activities. If ground-disturbing activities are delayed or suspended for more than <del>14</del> 30 days after the pre-construction survey, the site will be resurveyed for owls. Pre-construction survey methodology shall be based on Appendix D (Breeding and Non-breeding Season Surveys and Reports) of the CDFW Staff Report on Burrowing Owl Mitigation (CDFW) March 7, 2012 (CDFW Burrowing Owl Mitigation Staff Report). Results of the pre-construction survey shall be provided to CDFW and the City. <u>Should any burrowing owl be found on site, CDFW shall be notified of such within 24 hours.</u> If the pre-construction survey does not identify burrowing owls on the Project site, then no further mitigation shall be</i></p>	<p>Within 30 days prior to disturbance at the Project site.</p>	<p>Applicant, Project Biologist</p>	<p>City of Ontario, Planning Department</p>	<p>City shall verify receipt of California Department of Fish and Wildlife approval of Avoidance Plan and results of Plan from Biologist.</p>

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<p><i>required. If burrowing owls are found to be utilizing the Project site during the pre-construction survey, measures shall be developed by the Project Biologist in coordination with CDFW to avoid impacting occupied burrows during the nesting period. These measures shall be based on the most current CDFW protocols and would minimally include establishment of buffer setbacks from occupied burrows and owl monitoring during Project construction activities.</i></p>				
<p>4.9.3 <i>Burrowing Owl Passive Exclusion: During the non-breeding season (September 1 through January 31), if burrows occupied by migratory or non-migratory resident burrowing owls are detected during a pre-construction survey, then burrow exclusion and/or closure may be used to passively exclude owls from those burrows. Burrow exclusion and/or closure shall only be conducted by the Project Biologist in consultation and coordination with CDFW employing incumbent CDFW guidelines.</i></p>	<p>Within 30 days prior to disturbance at the Project site.</p>	<p>Applicant, Project Biologist</p>	<p>City of Ontario, Planning Department</p>	<p>City shall verify receipt of California Department of Fish and Wildlife approval of Avoidance Plan and results of Plan from Biologist.</p>
<p>4.9.4 <i>Mitigation for Displaced Owls: In consultation with the City, Project Applicant, Project Biologist, and CDFW, and consistent with mitigation strategies outlined in the CDFW Burrowing Owl Mitigation Staff Report, a mitigation plan shall be developed for the "take" of any owls displaced through Project construction activities. Strategies may include, but are not limited to, participation in the permanent conservation of off-site habitat</i></p>	<p>Prior to issuance of grading permits.</p>	<p>Applicant, Project Biologist</p>	<p>City of Ontario, Planning Department</p>	<p>City shall verify receipt of California Department of Fish and Wildlife approval of Exclusion Plan and results of Plan from Biologist.</p>

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<i>replacement area(s), and/or purchase of available burrowing owl conservation bank credits.</i>				
4.9.5 <i>Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Applicant shall obtain a Regional Board 401 Certification, or a written waiver of the requirement for such an agreement or permit, from the California Regional Water Quality Control Board. Written verification of such a permit or waiver shall be provided to the City of Ontario Planning Department.</i>	Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas.	Applicant.	City of Ontario, Planning Department	At issuance of any grading permits.
4.9.6 <i>Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from the California Department of Fish and Wildlife. Information to be provided as part of the Streambed Alteration Agreement (if required) shall include but not be limited to the following:</i>	Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas.	Applicant.	City of Ontario, Planning Department	At issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas.
<ul style="list-style-type: none"> <li><i>Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);</i></li> <li><i>Discussion of avoidance measures to reduce project impacts; and,</i></li> </ul>				

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<ul style="list-style-type: none"> <li>Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.</li> </ul> <p>Written verification of such a streambed alteration agreement/permit, or waiver, shall be provided to the City of Ontario Planning Department.</p>				
4.9.7 Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Applicant shall obtain a 404 permit, or a written waiver of the requirement for such an agreement or permit, from the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the City of Ontario Planning Department.	Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas.	Applicant.	City of Ontario, Planning Department	At issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas.
<b><u>Geology and Soils</u></b>				
4.10.1 Design and development of the Project shall comply with recommendations and performance standards identified within the Final Geotechnical Study. Where the Project Geotechnical Study is silent, requirements of the California Building Code as adopted and implemented by the City shall prevail.	Prior to building plan check.	Applicant.	City of Ontario, Planning Department	At building plan check.
<b><u>Cultural Resources</u></b>				
4.11.1 Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:	Prior to development approval on the Project site and issuance of any grading, building, or other permit.	Applicant.	City of Ontario, Planning Department	At development approval on the Project site and issuance of any grading, building, or other permit.

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<p><i>"If during grading or construction activities, cultural resources are discovered on the Project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archeologist and any affected Tribes (Tribes). Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist and the Tribe determines the resources to be historic or unique, avoidance and/or mitigation would be required pursuant to and consistent with CEQA Guidelines Sections 15064.5 and 15126.4 and Public Resources Code Section 21083.2 and the Cultural Resources Treatment and Monitoring Agreement required under Mitigation Measure <del>4.9.2</del> <b>4.11.2</b>."</i></p>				
<p>4.11.2 <i>At least 30 days prior to seeking a grading permit, the Project applicant(s) shall contact potentially affected Tribes to notify the Tribes of grading, excavation, and the monitoring program and to coordinate with the City of Ontario and the Tribes to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall include, but not be limited to, outlining provisions and requirements for addressing the treatment of cultural resources; Project grading and development scheduling;</i></p>	<p>At least 30 days prior to seeking a grading permit.</p>	<p>Applicant.</p>	<p>City of Ontario, Planning Department</p>	<p>At issuance of grading permit.</p>

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<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<p><i>terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. A copy of this signed agreement shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.</i></p>				
<p>4.11.3 <i>Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:</i></p> <p><i>“If human remains are encountered, California Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the San Bernardino County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable time frame. Subsequently, the Native American Heritage Commission shall identify the “most likely descendant” within 24 hours of receiving notification from the coroner. The most likely descendant shall then</i></p>	<p>Prior to development approval on the Project site and issuance of any grading, building, or other permit.</p>	<p>Applicant.</p>	<p>City of Ontario, Planning Department</p>	<p>At development approval on the Project site and issuance of any grading, building, or other permit.</p>



**Table 4.2-1**  
**Meredith International Centre SPA**  
**Mitigation Monitoring Plan**

*To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<i>have 48 hours to make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98"</i>				
4.11.4 <i>All cultural materials, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure <del>4.9.2</del> <b>4.11.2</b>, that are collected during the grading monitoring program and from any previous archeological studies or excavations on the Project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the affected Tribe's/Tribes' curation facility(ies), which meets the standards set forth in 36 CFR Part 79 for federal repositories.</i>	Throughout grading/prior to issuance of building permit.	Qualified professional archeologist/ Applicant.	City of Ontario, Planning Department	At issuance of building permit.
4.11.5 <i>All sacred sites, should they be encountered within the Project site, shall be avoided and preserved as the preferred mitigation, if feasible as determined by a qualified professional in consultation with the affected Tribe(s). To the extent that a sacred site cannot be feasibly preserved in place or left in an undisturbed state, mitigation measures shall be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.</i>	Throughout grading.	Construction contractor.	City of Ontario, Planning Department	Ongoing throughout grading.
4.11.6 <i>Prior to development approval on the Project site and issuance of any grading, building, or other permit</i>	Prior to development approval on the Project	Applicant.	City of Ontario,	At development approval on the Project site and

**Table 4.2-1**  
**Meredith International Centre SPA**  
**Mitigation Monitoring Plan**

*To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<p><i>authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:</i></p> <p><i>“If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted immediately within 50 feet of the discovery. The developer, the Project archeologist, and the Tribe(s) shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the developer and the Tribe cannot agree on the significance of or the mitigation for such resources, these issues will be presented to the City of Ontario Planning Director. The Planning Director shall make the determination based on the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe(s). Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the City of Ontario. In the event the significant resources are recovered and if the qualified archaeologist determines the resources to be historic or unique as defined by relevant state and local law, avoidance and mitigation would be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.”</i></p>	<p>site and issuance of any grading, building, or other permit.</p>		<p>Planning Department</p>	<p>issuance of any grading, building, or other permit.</p>
<p>4.11.7 To address the possibility that cultural resources may be encountered during grading or construction, a qualified</p>	<p>Throughout construction.</p>	<p>Applicant.</p>	<p>City of Ontario,</p>	<p>Throughout construction, or until the qualified</p>

**Table 4.2-1**  
**Meredith International Centre SPA**  
**Mitigation Monitoring Plan**

*To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/ Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<i>professional archeologist shall monitor all construction activities that could potentially impact archaeological deposits (e.g., grading, excavation, and/or trenching). However, monitoring may be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural and/or paleontological resources.</i>			Planning Department	professional archeologist is satisfied that construction will not disturb cultural and/or paleontological resources.
<p>4.11.8 <i>Any excavation exceeding eight feet below the current grade shall be monitored by a qualified paleontologist. If older alluvial deposits are encountered at shallower depths, monitoring shall be initialed once these deposits are encountered. A qualified paleontologist is defined as an individual with an M.S. or a Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques. A paleontological monitor may be retained to perform the on-site monitoring in place of the qualified paleontologist.</i></p> <p><i>The paleontological monitoring program should follow the local protocols of the Western Center (Hemet) and/or the San Bernardino County Museum and a paleontological monitoring plan should be developed prior to the ground altering activities. The extent and duration of the monitoring can be determined once the grading plan is understood and approved. The paleontological monitor shall have the authority to halt any Project-related activities that may be adversely impacting potentially significant resources. If paleontological resources are uncovered or otherwise identified, they shall be recovered,</i></p>	Throughout grading and excavation activities.	Applicant.	City of Ontario, Planning Department	At issuance of a building permit.

**Table 4.2-1**  
**Meredith International Centre SPA**  
**Mitigation Monitoring Plan**

*To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/ Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<i>analyzed in accordance with standard guidelines, and curated with the appropriate facility (e.g., the Western Center at the Diamond Valley Reservoir, Hemet).</i>				

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA13-005, A GENERAL PLAN AMENDMENT TO REVISE THE LAND USE ELEMENT OF THE POLICY PLAN, INCLUDING: (1) A REVISION TO THE LAND USE PLAN (EXHIBIT LU-01) TO CHANGE THE LAND USE ON APPROXIMATELY 148 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF VINEYARD AVENUE AND FOURTH STREET, FROM MIXED USE TO INDUSTRIAL (SEE EXHIBIT A); (2) A REVISION TO FUTURE BUILDOUT (EXHIBIT LU-03) PROJECTIONS FOR THE MEREDITH GROWTH AREA TO BE CONSISTENT WITH THE PROPOSED LAND USE CHANGES (SEE EXHIBIT B); AND (3) A REVISION TO THE GENERALIZED AND GROWTH AREAS (EXHIBIT LU-04) MAP TO BE CONSISTENT WITH THE PROPOSED LAND USE CHANGES (SEE EXHIBIT C), AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0110-311-15, 24, 26 AND 33. (CYCLE 1 FOR THE 2015 CALENDAR YEAR).

WHEREAS, SRG ACQUISITION, LLC, ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA13-005, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 148 acres of land generally bordered by Fourth Street on the north, Cucamonga Channel on the east, Inland Empire Boulevard on the south, and Vineyard Avenue on the west, within the Meredith International Centre Specific Plan area, and is presently unimproved, excepting approximately 2 acres of land located on the south side of Fourth Street, approximately 450 feet west of the Cucamonga Channel, which is developed with an elementary school; and

WHEREAS, plant and wildlife throughout the Project site have been significantly impacted from years of regular disking, as well as from off-road trails and footpaths crossing the site. Vegetation primarily consists of sparse nonnative ruderal grasses and low shrubs, while animal life consists of various common nesting birds. Additionally, potential habitat for the western burrowing owl exists on the Project site. A field survey was conducted, which did not detect any owls; however, numerous suitable burrows were present, which are not likely utilized. Moreover, the Project site is located within the Ontario Recovery Unit for the federally endangered Delhi sands flower-loving fly (DSF); however, the site is outside of the DSF habitat mapped for that unit. No suitable habitat for the DSF occurs on the Project site, and DSF are assumed to be absent from the site and the surrounding area; and

WHEREAS, the area to the north of the Project site, across Fourth Street, is characterized by a mix of commercial, low-medium and medium density residential, and business park development, and is within the C1 (Shopping Center), R1.5 (Low-Medium Density Residential), R2 (Medium Density Residential), and M2 (Industrial Park) zoning districts, respectively; and

WHEREAS, the area east of the Project site, across Cucamonga Creek, is within the OS (Open Space) zoning district and is used by the San Bernardino Flood Control District for storm water percolation. The area further east, across Archibald Avenue, is within the Urban Commercial land use district of the Ontario Festival Specific Plan and is developed with a commercial shopping center; and

WHEREAS, the area south of the Project site is bordered by Inland Empire Boulevard, is designated for mixed use development, and is vacant; and

WHEREAS, the area west of the Project site is characterized by a mix of single-family and multiple-family residential and commercial land uses. The area consists of a mix of zoning districts, including R1 (Single-Family Residential), R2 (Medium Density Residential), and C3 (Commercial Service); and

WHEREAS, the General Plan Amendment was submitted in conjunction with a Specific Plan Amendment (File No. PSPA14-003), Tentative Parcel Map (File No. PMTT14-028), and Development Plan (File No. PDEV14-055), which are necessary to facilitate the proposed Project; and

WHEREAS, the proposed changes to Figure LU-01 Official Land Use Plan include changes to land use designations of certain properties shown on Exhibit A to make the land use designations of these properties consistent with a Specific Plan Amendment (File No. PSPA14-003) filed in conjunction with the General Plan Amendment, which would modify the Meredith International Centre Specific Plan, originally adopted in 1981, to allow for the development of up to 3,007,000 square feet of industrial land uses, up to 600 hotel rooms, up to 1,143,000 square feet of commercial land uses, and up to 800 residential units, all on approximately 257.7 acres of land generally located on the north side of Interstate 10 Freeway, between Vineyard and Archibald Avenues; and

WHEREAS, Figure LU-03 Future Buildout specifies the likely buildout for the City of Ontario with the adopted land use designations. The proposed changes to Figure LU-01 Official Land Use Plan will require Figure LU-03 Future Buildout be modified to be consistent with LU-01 Official Land Use Plan as shown on Exhibit B; and

WHEREAS, the project sites are located within the Airport Influence Area of Ontario International Airport and the Project is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plan; and

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

WHEREAS, as part of the review and consideration of the subject General Plan Amendment application, the City prepared an Environmental Impact Report (State Clearinghouse No. 2014051020) and Statements of Overriding Considerations addressing traffic, noise, and air quality impacts from vehicle trips and emissions associated with the proposed Application, and

WHEREAS, on March 16, 2015, the Development Advisory Board of the City of Ontario conducted a hearing and issued Decision No. DAB15-031 recommending that the Planning Commission recommend approval of the Project; and

WHEREAS, on March 19, 2015, the Planning Commission of the City of Ontario conducted a duly noticed public hearing for the Project Environmental Impact Report and the General Plan Amendment application and adopted Resolution Nos. PC15-023 and PC15-024, recommending the City Council certify the Environmental Impact Report and approve the General Plan Amendment application; and

WHEREAS, as the first action on the Project on April 7, 2015, the City Council approved a Resolution certifying the Meredith International Centre Specific Plan Amendment Final EIR (SCH# 2014051020). 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 April 7, 2015, the City Council of the City of Ontario conducted a public hearing to consider the General Plan Amendment application, and concluded said hearing on that date; and

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

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

SECTION 1. As the approving body for the Project, the City Council has reviewed and considered the information contained in the Meredith International Centre Specific Plan Amendment Environmental Impact Report (State Clearing House No. 2014051020) and supporting documentation. Based upon the facts and information contained in the Project Environmental Impact Report and supporting documentation, the City finds as follows:

a. The Project Environmental Impact Report contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The Project Environmental Impact Report was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The Project Environmental Impact Report reflects the independent judgment of the City Council; and

d. All mitigation measures applicable to the Project shall be a condition of Project approval and are incorporated herein by this reference; and

e. The significant effects of the project identified in the Project Environmental Impact Report have been eliminated or substantially lessened when feasible and the remaining significant environmental effects are acceptable because the benefits of the project outweigh its unavoidable adverse environmental impacts.

SECTION 2. 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 proposed General Plan Amendment is consistent with the goals and policies of The Ontario Plan.

b. The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

c. The Land Use Element is a mandatory element of the Policy Plan (General Plan) component of The Ontario Plan, which, pursuant to GC Section 65358, may be amended up to four times per calendar year, and the proposed General Plan Amendment is the first amendment to the Land Use Element within the current calendar year.

d. During the amendment of the Policy Plan (General Plan) component of The Ontario Plan, opportunities for the involvement of citizens, California Native American Indian tribes (pursuant to GC Section 65352.3), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means, were implemented consistent with GC Section 65351.

e. The proposed project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties listed in the Available Land Inventory of the Housing Element. Furthermore, changing the land use designation of the subject property from Mixed Use to Industrial will not impact the City's Regional Housing Needs Allocation (RHNA) obligations, or the City's ability to satisfy its share of the region's future housing need.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves the herein described Application.

SECTION 4. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. 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. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of April 2015.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2015-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 7, 2015 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

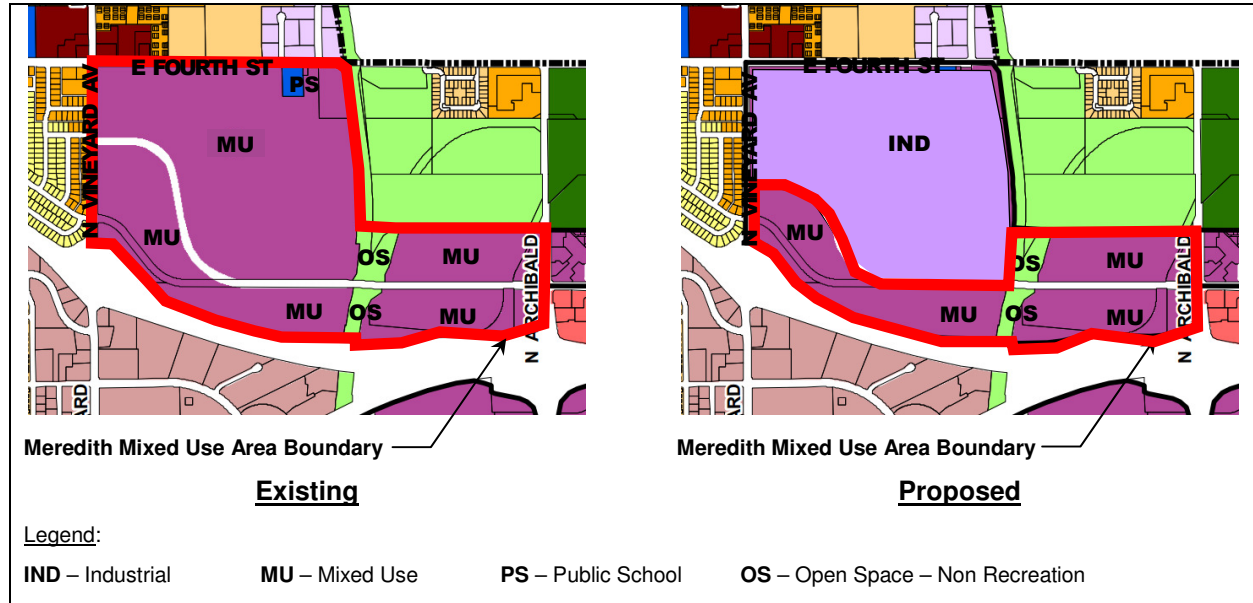
The foregoing is the original of Resolution No. 2015-        duly passed and adopted by the Ontario City Council at their regular meeting held April 7, 2015.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

## EXHIBIT A

### Policy Plan Land Use Plan (Exhibit LU-01) Revision



## EXHIBIT B

### Future Buildout (Exhibit LU-03)

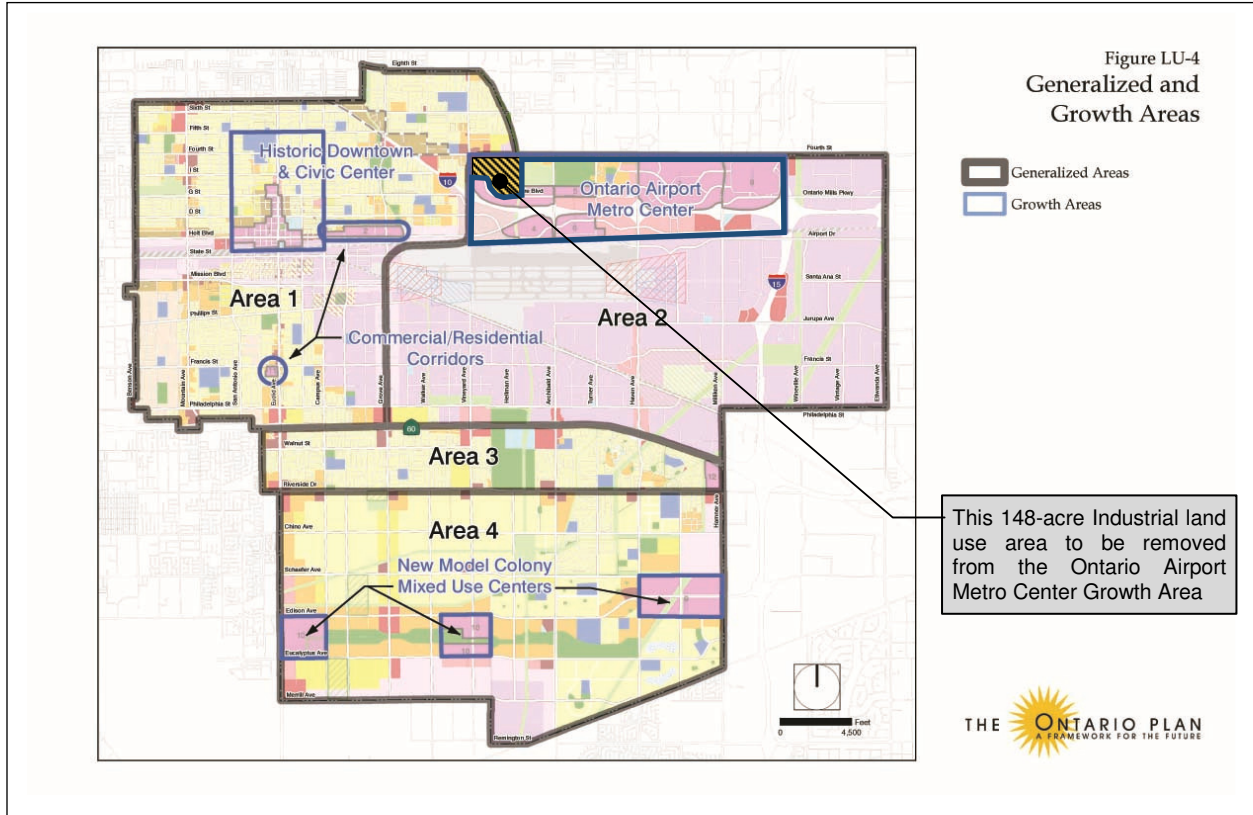
Land Use	Acres <sup>2</sup>	Assumed Density/Intensity <sup>3</sup>	Units	Population <sup>4</sup>	Non-Residential Square Feet	Jobs <sup>5</sup>
<b>Residential</b>						
Rural	458	2.0 du/ac	917	3,663		
Low Density <sup>6</sup>	7,370	4.0 du/ac (OMC) 4.5 du/ac (NMC)	31,043	124,079		
Low-Medium <sup>6</sup> Density	910	8.5 du/ac	7,739	30,931		
Medium Density	1,896	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,188	133,745		
High Density	234	35.0 du/ac	8,178	27,373		
<i>Subtotal</i>	<i>10,869</i>		<i>86,065</i>	<i>319,793</i>		
<b>Mixed Use</b>						
• Downtown	112	• 60% of the area at 35 du/ac • 40% of the area at 0.80 FAR for office and retail	2,352	4,704	1,561,330	2,793
• East Holt Boulevard	57	• 25% of the area at 30 du/ac • 50% of the area at 1.0 FAR office • 25% of area at 0.80 FAR retail	428	856	1,740,483	3,913
• Meredith	<del>247</del> <b>93</b>	• <del>30</del> <b>23</b> % of the area ( <b>800 du</b> ) at <del>40</del> <b>25</b> du/ac • <del>70</del> <b>77</b> % at <del>1.0</del> <b>0.37</b> FAR for office and retail uses	<del>2,958</del> <b>800</b>	<del>5,916</del> <b>1,600</b>	<del>7,516,278</del> <b>1,143,000</b>	<del>16,897</del> <b>571</b>
• Transit Center	76	• 10% of the area at 60 du/ac • 90% of the area at 1.0 FAR office and retail	457	913	2,983,424	5,337
• Inland Empire Corridor	37	• 50% of the area at 20 du/ac • 30% of area at 0.50 FAR office • 20% of area at 0.35 FAR retail	368	736	352,662	768
• Guasti	77	• 20% of the area at 30 du/ac • 30% of area at 1.0 FAR retail • 50% of area at .70 FAR office	500	1,001	2,192,636	4,103
• Ontario Center	345	• 30% of area at 40 du/ac • 50% of area at 1.0 FAR office • 20% of area at 0.5 FAR retail	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	• 5% of area at 40 du/ac • 20% of area at 0.75 FAR office • 75% of area at 0.5 FAR retail	479	958	5,477,126	7,285
• NMC West/South	315	• 30% of area at 35 du/ac • 70% of area at 0.7 FAR office and retail	3,311	6,621	6,729,889	17,188
• NMC East	264	• 30% of area at 25 du/ac • 30% of area at 0.35 FAR for office • 40% of area at 0.3 FAR for retail uses	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	• 50% of the area at 30 du/ac • 50% of area at 0.8 FAR retail	156	312	181,210	419
• SR-60/ Hamner Tuscana Village	41	• 18% of the area at 25 du/ac • 57% of the area at 0.25 FAR retail • 25% of the area at 1.5 FAR office	185	369	924,234	2,098
<i>Subtotal</i>	<del>1,831</del> <b>1,677</b>		<del>17,274</del> <b>15,116</b>	<del>34,549</del> <b>30,233</b>	<del>41,258,102</del> <b>34,884,824</b>	<del>87,803</del> <b>71,477</b>

Land Use	Acres <sup>2</sup>	Assumed Density/Intensity <sup>3</sup>	Units	Population <sup>4</sup>	Non-Residential Square Feet	Jobs <sup>5</sup>
<b>Retail/Service</b>						
Neighborhood <sup>6</sup> General	245	0.30 <a href="#">FAR</a>			3,195,518	7,732
General Commercial	615	0.30 <a href="#">FAR</a>			8,035,644	7,465
Office/Commercial	527	0.75 <a href="#">FAR</a>			17,227,218	38,204
Hospitality	145	1.00 <a href="#">FAR</a>			6,312,715	7,237
<i>Subtotal</i>	<i>1,532</i>				<i>34,771,095</i>	<i>52,847</i>
<b>Employment</b>						
Business Park	1,595	0.40 <a href="#">FAR</a>			27,788,666	48,755
Industrial	<del>6,075</del> <b>6,224</b>	0.55 <a href="#">FAR</a>			<del>145,539,100</del> <b>146,546,100</b>	<del>127,874</del> <b>129,856</b>
<i>Subtotal</i>	<del>7,670</del> <b>7,819</b>				<del>173,327,766</del> <b>174,334,766</b>	<del>176,628</del> <b>178,611</b>
<b>Other</b>						
Open Space–Non-Recreation	1,221	Not applicable				
Open Space–Parkland <sup>6</sup>	950	Not applicable				
Open Space–Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	632	Not applicable				
LA/Ontario International Airport	1,672	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	4,880	Not applicable				
<i>Subtotal</i>	<i>9,898</i>					
<i>Total</i>	<del>31,789</del> <b>31,795</b>		<del>103,339</del> <b>101,181</b>	<del>354,341</del> <b>350,026</b>	<del>249,356,964</del> <b>243,990,685</b>	<del>325,069</del> <b>302,935</b>

#### Notes

- Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, click here to access the [Methodology](#) report.
- Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
- Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, click here to access the [Methodology](#) report.
- To view the factors used to generate the number of employees by land use category, click here to access the [Methodology](#) report.
- Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

## EXHIBIT C



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA14-003, WHICH MODIFIES THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN, ORIGINALLY ADOPTED IN 1981, TO REALIZE APPROXIMATELY 3 MILLION SQUARE FEET OF INDUSTRIAL LAND USES, UP TO 600 HOTEL ROOMS, UP TO 1.14 MILLION SQUARE FEET OF COMMERCIAL LAND USES, AND UP TO 800 RESIDENTIAL UNITS, ALL ON APPROXIMATELY 257.7 ACRES OF LAND GENERALLY LOCATED SOUTH OF FOURTH STREET, NORTH OF THE INTERSTATE 10 FREEWAY, BETWEEN VINEYARD AND ARCHIBALD AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0110-311-12, 15, 21, 24, 26, 28, 32, 33, 36, 37, 43 & 44; AND 0110-321-05 & 25 THROUGH 29.

WHEREAS, SRG ACQUISITION, LLC, ("Applicant") has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA14-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 257 acres of land generally located on the north side of Interstate 10 Freeway, between Vineyard and Archibald Avenues, and for the most part, is presently unimproved; and

WHEREAS, plant and wildlife throughout the Project site have been significantly impacted from years of regular disking, as well as from off-road trails and footpaths crossing the site. Vegetation primarily consists of sparse nonnative ruderal grasses and low shrubs, while animal life consists of various common nesting birds. Additionally, potential habitat for the western burrowing owl exists on the Project site. A field survey was conducted, which did not detect any owls; however, numerous suitable burrows were present, which are not likely utilized. Moreover, the Project site is located within the Ontario Recovery Unit for the federally endangered Delhi sands flower-loving fly (DSF); however, the site is outside of the DSF habitat mapped for that unit. No suitable habitat for the DSF occurs on the Project site, and DSF are assumed to be absent from the site and the surrounding area; and

WHEREAS, the area to the north of the Project site, across Fourth Street, is characterized by a mix of commercial, low-medium and medium density residential, and business park development, and is within the C1 (Shopping Center), R1.5 (Low-Medium Density Residential), R2 (Medium Density Residential), and M2 (Industrial Park) zoning districts, respectively; and

WHEREAS, the area east of the Project site, across Cucamonga Creek, is within the OS (Open Space) zoning district and is used by the San Bernardino Flood Control District for storm water percolation. The area further east, across Archibald Avenue, is within the Urban Commercial land use district of the Ontario Festival Specific Plan, and is developed with a commercial shopping center; and

WHEREAS, the area south of the Project site is bordered by Interstate 10, and the area beyond Interstate 10 is within the C4 (Airport Service Commercial) zoning district and is developed with a mix of retail and office-commercial land uses; and

WHEREAS, the area west of the Project site is characterized by a mix of single-family and multiple-family residential, and commercial land uses. The area consists of a mix of zoning districts, including R1 (Single-Family Residential), R2 (Medium Density Residential), and C3 (Commercial Service); and

WHEREAS, the Specific Plan Amendment was submitted in conjunction with a General Plan Amendment (File No. PSPA13-005), Tentative Parcel Map (File No. PMTT14-028), and Development Plan (File No. PDEV14-055), which are necessary to facilitate the proposed Project; and

WHEREAS, The Specific Plan Amendment proposes a mix of Industrial, Urban Commercial, and Urban Residential land uses, as follows:

- The Industrial land use district consists of approximately 148 acres of land bordered by Fourth Street on the north, Cucamonga Channel on the east, Inland Empire Boulevard on the south, and Vineyard Avenue on the west, and will allow for the construction of up to 3,007,000 square feet of light and general industrial, warehouse/distribution and corporate headquarters. A 2-acre portion of the Industrial land use district contains the former Italo M. Bernt Elementary School and an adjacent lot owned by the Ontario Municipal Utilities Company. The Specific Plan allows for the continuation of these uses, as well as an option allowing the school site to redevelop in conjunction with the development of the balance of the Industrial land use district; and

- The Urban Commercial land use district consists of approximately 72 acres of land located south of Inland Empire Boulevard, along the southerly length of the Specific Plan area, and will allow for the construction of up to 1,130,000 square feet new retail commercial, office, and service uses, and up to 600 hotel rooms. Additionally, the Specific Plan provides for the 13,000 square feet of existing Urban Commercial land uses located at the northwest corner of Archibald Avenue and Inland Empire Boulevard, for a total of 1,143,000 square feet of Urban Commercial land uses; and

- The Urban Residential land use district consists of approximately 21 acres of land located within the northeasterly portion of the Specific Plan area. The land use district allows for the construction of multiple-family residential dwellings at a density of 25 dwelling units per acre, accommodating 800 dwelling units; and

WHEREAS, in addition to the proposed changes to the Specific Plan Land Use Map, the Specific Plan Amendment also proposes revisions in the planning guidance on allowed land uses, circulation, utilities and infrastructure, development standards and design guidelines, and specific plan implementation; and



WHEREAS, the project site is located within the Airport Influence Area of Ontario International Airport and the Project is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plan; and

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

WHEREAS, as part of the review and consideration of the subject Specific Plan Amendment application, the City prepared an Environmental Impact Report (State Clearinghouse No 2014051020) and Statements of Overriding Considerations addressing traffic, noise, and air quality impacts from vehicle trips and emissions associated with the proposed Application, and

WHEREAS, on March 16, 2015, the Development Advisory Board of the City of Ontario conducted a hearing and issued Decision No. DAB15-031 recommending approval subject to certain conditions, including ensuring consistency with all Engineering Department comments and conditions, and allow "Management of Companies and Enterprises (includes offices of holding companies, and corporate, subsidiary, and regional managing offices)" as a permitted land use within the Industrial land use district; and

WHEREAS, on March 19, 2015, the Planning Commission of the City of Ontario conducted a duly noticed public hearing for the Project Environmental Impact Report and the Specific Plan Amendment application, and adopted Resolution Nos. PC15-023 and PC15-025, recommending the City Council certify the Environmental Impact Report and approve the Specific Plan Amendment application, and

WHEREAS, as the first action on the Project on April 7, 2015, the City Council approved a Resolution certifying the Meredith International Centre Specific Plan Amendment Final EIR (SCH# 2014051020). 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 April 7, 2015, the City Council of the City of Ontario conducted a public hearing to consider the General Plan Amendment application, and concluded said hearing on that date; and

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

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

SECTION 1. As the approving body for the Project, the City Council has reviewed and considered the information contained in the Meredith International Centre Specific Plan Amendment Environmental Impact Report (SCH #2014051020) and supporting documentation. Based upon the facts and information contained in the Meredith International Centre Specific Plan Amendment Environmental Impact Report and supporting documentation, the City Council finds as follows:

- a. The Project Environmental Impact Report contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- b. The Project Environmental Impact Report was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- c. The Project Environmental Impact Report reflects the independent judgment of the City Council; and
- d. All mitigation measures applicable to the Project shall be a condition of Project approval and are incorporated herein by this reference; and
- e. The significant effects of the project identified in the Project Environmental Impact Report have been eliminated or substantially lessened when feasible and the remaining significant environmental effects are acceptable because the benefits of the project outweigh its unavoidable adverse environmental impacts.

SECTION 2. 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 proposed Specific Plan Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The Project was submitted in conjunction with a General Plan Amendment (File No. PGPA13-005), which proposes necessary changes to the Policy Plan (General Plan) component of The Ontario Plan, in order to accommodate the Project.
- b. The proposed Specific Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;
- c. The proposed Specific Plan Amendment will not adversely affect the harmonious relationship with adjacent properties and land uses; and
- d. The subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development. A Tentative Parcel Map and Development Plan were submitted in conjunction with the proposed Specific Plan Amendment, which demonstrate that the Project will accommodate the anticipated development.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council approves the herein described Specific Plan Amendment, attached hereto as *Exhibit A: Meredith International Centre Specific Plan*, and incorporated herein by this reference.

SECTION 4. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. 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. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of April 2015.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2015-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 7, 2015 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2015-        duly passed and adopted by the Ontario City Council at their regular meeting held April 7, 2015.

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MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

***Exhibit A***

***Meredith International Centre Specific Plan***

*(Document follows this page)*