

**CITY OF ONTARIO**  
**CITY COUNCIL AND HOUSING AUTHORITY**  
**AGENDA**  
**DECEMBER 16, 2014**

**Paul S. Leon**  
Mayor

**Alan D. Wapner**  
Mayor pro Tem

**Jim W. Bowman**  
Council Member

**Debra Dorst-Porada**  
Council Member

**Paul Vincent Avila**  
Council Member



**Al C. Boling**  
City Manager

**John E. Brown**  
City Attorney

**Mary E. Wirtes, MMC**  
City Clerk

**James R. Milhiser**  
Treasurer

**WELCOME to a meeting of the Ontario City Council.**

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

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

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

**CALL TO ORDER (*OPEN SESSION*)**

**6:00 p.m.**

***ROLL CALL***

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

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

***CLOSED SESSION***

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN: 1048-551-01 through 1048-551-09, 1048-552-13 through 1048-552-19, 1048-553-01, 1048-553-05 through 1048-553-15; 110-128 North Euclid Avenue, 115-127 East Holt Boulevard, 115 North Lemon Avenue, 116 East “C” Street, 116 East “D” Street, 127 East “C” Street, 200-240 North Euclid Avenue, 275 North Lemon Avenue, 308 North Euclid Avenue, 334 North Euclid Avenue; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Pacific Development Group II, a California general partnership; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:  
*One 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 Avila

**INVOCATION**

Pastor Ezequiel Salazar, Montecito Baptist 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.

**SPECIAL CEREMONIES**

**RECOGNITION OF POLICE CHIEF RETIREMENT**

**SWEARING IN OF POLICE CHIEF**

## **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 November 18, 2014, and approving same as on file in the Records Management Department.

### **2. BILLS/PAYROLL**

**Bills** November 2, 2014 through November 15, 2014 and **Payroll** November 2, 2014 through November 15, 2014, when audited by the Finance Committee.

### **3. A RESOLUTION APPROVING PARCEL MAP NO. 19563 FOR SUBDIVISION OF LAND AT THE NORTHEAST CORNER OF JURUPA STREET AND HOFER RANCH ROAD**

That the City Council adopt a resolution approving Parcel Map No. 19563 for subdivision of land purposes, located at the northeast corner of Jurupa Street and Hofer Ranch Road within the Airport Business Park (Hofer Ranch) Specific Plan area.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING PARCEL MAP NO. 19563 FOR SUBDIVISION OF LAND PURPOSES, LOCATED AT THE NORTHEAST CORNER OF JURUPA STREET AND HOFER RANCH ROAD.

### **4. REJECTION OF BIDS RECEIVED FOR SOUND INSULATION OF 56 HOUSES UNDER THE ONTARIO QUIET HOME PROGRAM**

That the City Council reject all bids received in connection with Contract No. P150-1415-02 for the sound insulation of 56 houses under the Ontario Quiet Home Program.

### **5. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 – SERVICES)**

That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 19 (Countryside Phase 1 - Services).



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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES).

**6. AMENDMENTS TO THREE AGREEMENTS WITH INLAND EMPIRE UTILITIES AGENCY AND JURUPA COMMUNITY SERVICES DISTRICT RELATED TO METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA'S CHINO BASIN DRY YEAR YIELD PROGRAM/INLAND EMPIRE UTILITIES AGENCY/JURUPA COMMUNITY SERVICES DISTRICT**

That the City Council approve and authorize the City Manager to execute amendments to three existing agreements (on file with the Records Management Department), subject to non-substantive changes, with the Inland Empire Utilities Agency (IEUA) and with the Jurupa Community Services District (JCSD) for the Chino Basin Dry Year Yield Program.

**7. AN ORDINANCE AMENDING CHAPTER 19 TO TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO ROTATIONAL TOWING SERVICES**

That the City Council consider and adopt an ordinance amending Chapter 19 to Title 4 of the Ontario Municipal Code, regarding the regulation of rotational towing services.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 4-19 OF THE ONTARIO MUNICIPAL CODE, RELATING TO ROTATIONAL TOWING SERVICES.

**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.

**8. A PUBLIC HEARING TO CONSIDER AN INTERIM URGENCY ORDINANCE PROHIBITING THE ISSUANCE OF BUSINESS LICENSES TO MASSAGE ESTABLISHMENTS**

That the City Council adopt an interim urgency ordinance placing a temporary moratorium on the issuance of business licenses for massage establishments.

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

Written communication.

Oral presentation.

Public hearing closed.

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

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TEMPORARILY PROHIBITING THE ISSUANCE OF BUSINESS LICENSES OR OTHER PERMITS OR ENTITLEMENTS FOR MASSAGE ESTABLISHMENTS.

**9. A PUBLIC HEARING TO CONSIDER RESOLUTIONS APPROVING ADOPTION OF THE CITY OF ONTARIO COMMUNITY CLIMATE ACTION PLAN**

That the City Council adopt a resolution approving an Addendum to The Ontario Plan Certified Environmental Impact Report (SCH #2008101140) analyzing the environmental effects of the project pursuant to State CEQA Guidelines Section 15164; and adopt a resolution approving the Community Climate Action Plan.

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

Written communication.

Oral presentation.

Public hearing closed.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH #2008101140) FOR THE COMMUNITY CLIMATE ACTION PLAN, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE COMMUNITY CLIMATE ACTION PLAN, AN IMPLEMENTATION COMPONENT OF THE ONTARIO PLAN SUPPORTING THE ENVIRONMENTAL IMPACT REPORT (SCH #2008101140).

**10. A PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT (FILE NO. PGPA13-007) TO REVISE THE LAND USE ELEMENT OF THE ONTARIO PLAN-POLICY PLAN, EXHIBITS LU-01 OFFICIAL LAND USE PLAN AND LU-03 FUTURE BUILDOUT TO: (1) CHANGE THE LAND USE DESIGNATION FOR 83.88 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF EUCALYPTUS AVENUE AND ARCHIBALD AVENUE FROM OFFICE COMMERCIAL, BUSINESS PARK AND INDUSTRIAL TO LOW DENSITY RESIDENTIAL (2.1 – 5 DU/AC); AND (2) MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES (APN: 0218-271-11 AND 19)**

That the City Council adopt a resolution approving an addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH #2004011009) analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines Section 15164; and adopt a resolution approving General Plan Amendment (File No. PGPA13-007) revising the Land Use Element of the Policy Plan (General Plan), Exhibits LU-01 Official Land Use Plan and LU-03 Future Buildout table.

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, ADOPTING AN ADDENDUM TO THE SUBAREA 29 SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (SCH #2004011009), ADOPTED FOR FILE NO. PSP03-003, PREPARED FOR FILE NO. PGPA13-007 FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-271-11 AND 19.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. FILE NO. PGPA13-007, THE THIRD GENERAL PLAN AMENDMENT FOR CALENDAR YEAR 2014, TO REVISE THE LAND USE ELEMENT OF THE POLICY PLAN, EXHIBIT LU-01 OFFICIAL LAND USE PLAN AND EXHIBIT LU-03 FUTURE BUILDOUT FOR 83.88 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF EUCALYPTUS AVENUE AND ARCHIBALD AVENUE FROM OFFICE COMMERCIAL, BUSINESS PARK AND INDUSTRIAL TO LOW DENSITY RESIDENTIAL (2.1-5 DU/AC), AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-271-11 AND 19.

**II. A PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT TO REVISE THE LAND USE ELEMENT OF THE ONTARIO PLAN-POLICY PLAN, EXHIBITS LU-01 LAND USE PLAN AND LU-03 FUTURE BUILDOUT TO: (1) CHANGE THE LAND USE DESIGNATION FROM OFFICE COMMERCIAL TO BUSINESS PARK FOR 27 PARCELS TOTALING APPROXIMATELY 52 ACRES GENERALLY LOCATED ON THE NORTH SIDE OF GUASTI ROAD BETWEEN HAVEN AND MILLIKEN AVENUES; AND (2) MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES; AND A ZONE CHANGE REQUEST FROM M3 (GENERAL INDUSTRIAL) TO M1 (LIMITED INDUSTRIAL) TO CREATE CONSISTENCY BETWEEN THE ZONING AND THE PROPOSED GENERAL PLAN LAND USE DESIGNATION AMENDMENT**

That the City Council adopt a resolution approving an addendum to The Ontario Plan (TOP) Environmental Impact Report (SCH #2008101140) adopted by City Council on January 27, 2010; adopt a resolution approving a General Plan Amendment (File No. PGPA14-001) revising the Land Use Element of the Policy Plan (General Plan), Exhibits LU-01 Official Land Use Plan and LU-03 Future Buildout table to change the land use designation from Office Commercial to Business Park for 27 parcels totaling approximately 52 acres generally located on the north side of Guasti Road between Haven and Milliken Avenues; and introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC14-001) from M3 (General Industrial) to M1 (Limited Industrial) to create consistency between the zoning and the proposed General Plan land use designation amendment.

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

Written communication.

Oral presentation.

Public hearing closed.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE CERTIFIED THE ONTARIO PLAN (TOP) ENVIRONMENTAL IMPACT REPORT (SCH #2008101140) FOR FILE NOS. PGPA14-001 AND PZC14-006 FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0210-212-17, 20, 24, 26-39, 42-49 AND 53-54.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA14-001, THE THIRD GENERAL PLAN AMENDMENT FOR CALENDAR YEAR 2014, TO REVISE THE LAND USE ELEMENT OF THE POLICY PLAN, EXHIBIT LU-01 OFFICIAL LAND USE PLAN AND EXHIBIT LU-03 FUTURE BUILDOUT FROM OFFICE-COMMERCIAL TO BUSINESS PARK FOR 27 PARCELS TOTALING APPROXIMATELY 52 ACRES, GENERALLY LOCATED ON THE NORTH SIDE OF GUASTI ROAD BETWEEN HAVEN AND MILLIKEN AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0210-212-17, 20, 24, 26-39, 42-49 AND 53-54.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-006, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION FROM M3 (GENERAL INDUSTRIAL) TO M1 (LIMITED INDUSTRIAL) FOR 27 PARCELS TOTALING APPROXIMATELY 52 ACRES, GENERALLY LOCATED ON THE NORTH SIDE OF GUASTI ROAD BETWEEN HAVEN AND MILLIKEN AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0210-212-17, 20, 24, 26-39, 42-49 AND 53-54.

## **STAFF MATTERS**

City Manager Boling

## **COUNCIL MATTERS**

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)  
**December 16, 2014**

**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 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN: 1048-551-01 through 1048-551-09, 1048-552-13 through 1048-552-19, 1048-553-01, 1048-553-05 through 1048-553-15; 110-128 North Euclid Avenue, 115-127 East Holt Boulevard, 115 North Lemon Avenue, 116 East "C" Street, 116 East "D" Street, 127 East "C" Street, 200-240 North Euclid Avenue, 275 North Lemon Avenue, 308 North Euclid Avenue, 334 North Euclid Avenue; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Pacific Development Group II, a California general partnership; Under negotiation: Price and terms of payment.

**No Reportable Action**

**Continue**

**Approved**

/ /

/ /

/ /

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

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

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

**No Reportable Action**

**Continue**

**Approved**

/ /

/ /

/ /

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

**CITY OF ONTARIO  
CLOSED SESSION REPORT**

City Council // Housing Authority // Other // (GC 54957.1)

**December 16, 2014**

(continued)

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

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

**No Reportable Action**

**Continue**

**Approved**

/ /

/ /

/ /

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

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



# CITY OF ONTARIO

*Agenda Report*  
December 16, 2014

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION APPROVING PARCEL MAP NO. 19563 FOR SUBDIVISION OF LAND AT THE NORTHEAST CORNER OF JURUPA STREET AND HOFER RANCH ROAD**

**RECOMMENDATION:** That the City Council adopt a resolution approving Parcel Map No. 19563 for subdivision of land purposes, located at the northeast corner of Jurupa Street and Hofer Ranch Road within the Airport Business Park (Hofer Ranch) Specific Plan area.

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

**FISCAL IMPACT:** None. All required public infrastructure improvements were constructed under previous development.

**BACKGROUND:** Parcel Map No. 19563 for subdivision of land purposes, has been submitted by the developer, Hofer Ranch Ontario Airport, LLC, a California Limited Liability Company, C/O Hillwood Investments (Mr. Paul Hofer, Manager). The subdivision consists of one industrial parcel (28.4 acres) to be subdivided into two industrial parcels, as shown on Exhibit 1. One existing industrial building will occupy Parcel 2 and Parcel 1 will be vacant.

Tentative Parcel Map No. 19563 was approved by the Planning Commission on September 23, 2014 and is consistent with the adopted Airport Business Park (Hofer Ranch) Specific Plan.

This map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed and approved by the City Engineer.

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

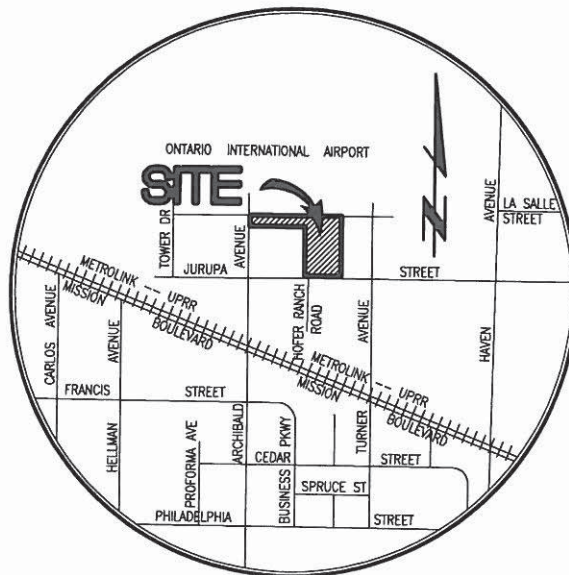
Prepared by: Naiim Khoury  
Department: Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 12/16/2014  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

3

# EXHIBIT 1 PM-19563



**LOCATION MAP**

N.T.S.

S. 1/2, NW. 1/4, SW. 1/4  
SEC. 26, T.1S, R. 7W., S.B.M.

S. 1/2, NE. 1/4, SW. 1/4  
SEC. 26, T.1S, R. 7W., S.B.M.

**PARCEL 1**

**PARCEL 3**  
LLA 13-003  
DOC. NO. 0462771, O.R.

**PARCEL 1**  
PARCEL MAP NO. 19341  
P.M.B. 239/91-94

**PARCEL 2**

**PARCEL 1**  
LLA 13-003  
DOC. NO. 0462771, O.R.

ARCHIBALD AVENUE

ARCHIBALD

JURUPA

STREET

PREPARED BY:

**Thienes Engineering, Inc.**  
CIVIL ENGINEERING • LAND SURVEYING  
14349 FIRESTONE BOULEVARD  
LA MIRADA, CALIFORNIA 90839  
PH (714) 821-4811 FAX (714) 821-4173

**CITY OF ONTARIO**  
ENGINEERING DEPARTMENT

FILE NO. PM-19563

APPLICANT: HOFER RANCH ONTARIO AIRPORT, LLC  
PROJECT: PARCEL MAP NO. 19563

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING PARCEL MAP NO. 19563 FOR SUBDIVISION OF LAND PURPOSES, LOCATED AT THE NORTHEAST CORNER OF JURUPA STREET AND HOFER RANCH ROAD.

WHEREAS, Tentative Parcel Map No. 19563 for subdivision of land purposes, submitted for approval by the developer, Hofer Ranch Ontario Airport, LLC, a California Limited Liability Company, C/O Hillwood Investments (Mr. Paul Hofer, Manager) was approved by the Planning Commission of the City of Ontario on September 23, 2014; and

WHEREAS, Parcel Map No. 19563 for subdivision of land consisting of two (2) parcels, being a subdivision of Parcel 2 of Lot Line Adjustment No. 13-003, recorded October 24, 2013, as Instrument No. 2013-046277, of Official Records in the Office of the Recorder of San Bernardino County; and

WHEREAS, Parcel Map No. 19563 is the division of land approved, as shown on Tentative Parcel Map No. 19563; and

WHEREAS, all necessary public improvements were constructed per previous development; and

WHEREAS, said developer has entered into an easement agreement, to ensure continued maintenance of common facilities.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, that Parcel Map No. 19563 shall be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

PASSED, APPROVED, AND ADOPTED this 16<sup>th</sup> day of December 2014.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

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

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

STATE OF 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. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 16, 2014 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. 2014-        duly passed and adopted by the Ontario City Council at their regular meeting held December 16, 2014.

---

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
December 16, 2014

SECTION:  
CONSENT CALENDAR

**SUBJECT: REJECTION OF BIDS RECEIVED FOR SOUND INSULATION OF 56 HOUSES UNDER THE ONTARIO QUIET HOME PROGRAM**

**RECOMMENDATION:** That the City Council reject all bids received in connection with Contract No. P150-1415-02 for the sound insulation of 56 houses under the Ontario Quiet Home Program.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies  
Focus Resources in Ontario's Commercial and Residential Neighborhoods

**FISCAL IMPACT:** None.

**BACKGROUND:** The City solicited bids for the project and received five bids on October 23, 2014 from the following:

<u>Company</u>	<u>Location</u>
NSA Construction Group, Inc.	Tarzana, CA
S&L Specialty Contracting, Inc.	Syracuse, NY
SPEC Construction Co., Inc.	Ontario, CA
G and G Specialty Contractors, Inc.	Phoenix, AZ
Patriot Contracting & Engineering, Inc.	Yorba Linda, CA

After reviewing all bid responses and consulting with the City Attorney's Office and Federal Aviation Administration (FAA) representatives, staff suggests that the City Council reject all bids in accordance with Ontario Municipal Code Title 2, Chapter 6, Section 2-6.13(g) and as recommended by the FAA.

The five bidders were notified via certified mail of the recommendation to the City Council as well as the date of this City Council meeting. The City will re-scope and rebid the project in early 2015.

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

Prepared by: Ivette Iraheta  
Department: Housing & Municipal Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 12/16/2014  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_



# CITY OF ONTARIO

*Agenda Report*  
December 16, 2014

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 – 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. 19 (Countryside Phase 1 - 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 Countryside Phase 1 development is projected to generate approximately \$640,000 per year, at build-out, to fund City services. As proposed, the maximum annual tax rate on each of the project's 461 single-family detached units is \$1,387. 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 Countryside Phase 1 development will not generate funds for facilities, at this time, and bonds will not be issued as part of this formation.

**BACKGROUND:** On October 21, 2014, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 19 with the adoption of Resolution No. 2014-103, 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 for December 2, 2014. On December 2, 2014, the City Council conducted the public hearing, adopted the resolution of formation

**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. 12/16/2014

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

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

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

5



for 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. 19 (Countryside Phase 1 - 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 Countryside Phase 1 project addresses the residential development of approximately 85 acres located north of Deer Creek Channel, south of Riverside Drive, east of Cucamonga Creek Channel and west of Archibald Avenue. At build out, the development is projected to include 461 detached residential units. The CFD is being formed pursuant to the provisions of the Forestar Countryside, LLC First Amendment to the 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. 19 (Countryside Phase 1 – 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 COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES).

WHEREAS, on October 21, 2014, 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. 19 (Countryside Phase 1 - Services) (the "Community Facilities District") and to finance certain services (the "Services"); and

WHEREAS, on December 2, 2014, 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. 19 (Countryside Phase 1 - 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. 19 (Countryside Phase 1 - 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 December 2, 2014, 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 2014-15 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.

SECTION 8. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The 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 16<sup>th</sup> day of December 2014.

---

PAUL S. LEON, MAYOR

ATTEST:

---

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO 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 Ordinance No. 3002 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 2, 2014 and adopted at the regular meeting held December 16, 2014 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. 3002 duly passed and adopted by the Ontario City Council at their regular meeting held December 16, 2014 and that Summaries of the Ordinance were published on December 9, 2014 and December 23, 2014, in the Inland Valley Daily Bulletin newspaper.

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

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
December 16, 2014

SECTION:  
CONSENT CALENDAR

**SUBJECT: AMENDMENTS TO THREE AGREEMENTS WITH INLAND EMPIRE UTILITIES AGENCY AND JURUPA COMMUNITY SERVICES DISTRICT RELATED TO METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA'S CHINO BASIN DRY YEAR YIELD PROGRAM**

**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute amendments to three existing agreements (on file with the Records Management Department), subject to non-substantive changes, with the Inland Empire Utilities Agency (IEUA) and with the Jurupa Community Services District (JCSD) for the Chino Basin Dry Year Yield Program.

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

**FISCAL IMPACT:** Imported water purchases by Ontario in support of JCSD's participation in the program are provided on an annual basis subject to concurrence by both Ontario and JCSD. Ontario will be reimbursed by JCSD for all associated costs including a capital charge for use of the imported water treatment facility. There is no impact to the General Fund.

**BACKGROUND:** In 2003, Inland Empire Utilities Agency, Three Valleys Municipal Water District (TVMWD) and the Chino Basin Watermaster (CBWM) approved a Dry Year Yield Agreement with the Metropolitan Water District of Southern California (MWD). MWD is the wholesale agency supplying imported water to Southern California via the Colorado River and the State Water Project from Northern California. This program allows MWD to store up to 100,000 acre-feet of groundwater in the Chino Basin and request participating local agencies to pump up to 33,000 acre-feet per year.

The program is intended to provide greater water supply reliability by storing water in advance of dry periods, and pumping the stored water in lieu of receiving imported water during times of drought. Ontario received about \$5.7 million towards construction of groundwater well/treatment facilities necessary to participate in the program. These facilities increase Ontario's system reliability and are

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

Prepared by: Ryan Shaw  
Department: MU/Administration

City Manager  
Approval: 

Submitted to Council/O.H.A. 12/16/2014

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

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

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

6

utilized to produce part of Ontario's groundwater supply when not in use under the Dry Year Yield Program.

In 2003 and 2004, the City approved three agreements with IEUA and JCSD related to the Chino Basin Dry Year Yield Program. The first agreement is a Local Agency Agreement between Ontario and IEUA for funding and construction of the required wells and treatment facilities necessary to pump 8,076 acre-feet per year, the City's obligation under the program. The second agreement is a Local Agency Agreement between Ontario, JCSD and IEUA to fund and construct the required facilities to pump 2,000 acre-feet per year, JCSD's obligation under the program. The third agreement is for joint water supply facilities between Ontario and JCSD including water supply phasing for the New Model Colony and JCSD's participation in the Dry Year Yield Program. Because JCSD does not have a direct imported water connection, these agreements were structured to allow for their participation in the Chino Basin Dry Year Yield Program in coordination with and utilizing Ontario's imported water treatment facility.

The Dry Year Yield Program agreements have performance criteria that establish the basis of accounting for MWD water pumped out of storage and a corresponding reduction on imported water deliveries. Once verified, this establishes the basis for water purchased and related operational cost reimbursements. Due to changing conditions such as baseline demands and water supply sources, it has become necessary to modify and provide further definition to the performance criteria. In July 2014, MWD approved an amendment to the Dry Year Yield Program agreement with IEUA, TVMWD and CBWM that revised the performance criteria for Local Agency compliance with the program. This requires the City to amend the two Local Agency Agreements with IEUA and JCSD.

The following notable changes show the amended criteria minor clarifications and examples:

- The time period for setting baseline conditions (total water demand, imported water usage, and groundwater production) was increased from the prior one year to the prior three years, which provides for more stable baseline conditions.
- There's greater recognition for baseline adjustments as a result of new water supplies such as recycled water and Chino Basin Desalter water.
- Accounting of water removed from MWD's storage account will be based on imported water reductions without regard to increased pumping.
- Increased pumping will serve as the basis for operational cost reimbursement.
- Imported water reductions during a performance period are capped at a specified volume within the IEUA service area.

The third agreement referenced above, between Ontario and JCSD, provides for greater flexibility in Dry Year Yield Program implementation between the two agencies. During baseline years, JCSD can purchase imported water via Ontario's imported water treatment facility to establish an increased imported water baseline for Dry Year Yield Program implementation. This option is subject to agreement by both agencies and if implemented in a given year, would be included in the annual operating plan provided for in the agreement. Ontario will be reimbursed by JCSD for all associated costs including a capital debt service charge for use of the imported water treatment facility. The agreement acknowledges that this approach is interruptible in nature and preserves first use of Ontario's water treatment facility for the residents and businesses of Ontario.



# CITY OF ONTARIO

## Agenda Report

December 16, 2014

## SECTION: CONSENT CALENDAR

**SUBJECT: AN ORDINANCE AMENDING CHAPTER 19 TO TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO ROTATIONAL TOWING SERVICES**

**RECOMMENDATION:** That the City Council consider and adopt an ordinance amending Chapter 19 to Title 4 of the Ontario Municipal Code, regarding the regulation of rotational towing services.

**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:** None.

**BACKGROUND:** On December 2, 2014, the City Council introduced an ordinance amending the Ontario Municipal Code relating to rotational towing services. The regulation of towing services ensures that the best possible towing carriers are selected fairly and objectively from among qualified firms through a public procurement process, and that the delivery of these services is provided to the City, the Police Department and the public in a prompt and safe manner.

In September 2004, Ordinance No. 2803 was approved by the City Council, which related to rotational towing services. Since this implementation, Police Department staff have identified amendments to Chapter 19 to Title 4 of the Ontario Municipal Code that will reflect the current needs and operations of towing services.

On November 18, 2014, City Council granted a 90 day extension period to existing towing services agreements to allow staff to perform a comprehensive review of the Ontario Municipal Code and tow operations requirements before considering any new towing services agreements.

Current and projected future usage of the towing carrier's facility requirements do not necessitate the operational needs of a two hundred fifty car lot. It is recommended that the lot be reduced to one

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

Prepared by: Darryl Polk  
Department: Police

City Manager  
Approval: 

Submitted to Council/O.H.A. 12/16/2014

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

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

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

7

hundred fifty. It is also recommended that the original transitional language codified in the Ontario Municipal Code be removed as its relevance and applicability are no longer required.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO,  
CALIFORNIA, AMENDING SECTION 4-19 OF THE ONTARIO  
MUNICIPAL CODE, RELATING TO ROTATIONAL TOWING SERVICES.

WHEREAS, in September 2004, the City Council of the City of Ontario adopted Ordinance No. 2803 adding Chapter 19 to Title 4 of the City of Ontario Municipal Code pertaining to rotational towing services; and

WHEREAS, Section 4-19.04 of the Municipal Code provided for towing services agreements to incumbent services providers as of 2004: Certified Towing, Inc., Dietz Towing, LLC, James Foglesong Towing and Storage, Inc., and United Road Service, DBA Bill and Wags, Inc.; and

WHEREAS, Section 4-19.07(b)(2) of the Municipal Code currently states that a storage facility shall hold a minimum of two hundred fifty (250) vehicles; and

WHEREAS, on November 18, 2014, the Ontario City Council granted an extension of existing towing services agreements for ninety (90) days from the expiration date of November 23, 2014, to allow staff to perform a comprehensive review of the Ontario Municipal Code and tow operations requirements before considering any new towing services agreements; and

WHEREAS, the City now wishes to amend Chapter 19 to Title 4 of the Ontario Municipal Code to reflect current and anticipated operational requirements; and

WHEREAS, on December 2, 2014, the City Council conducted a public hearing to introduce and waive further reading of an ordinance relating to rotational towing services.

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

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Chapter 19 of Title 4 of the Ontario Municipal Code is hereby amended, in its entirety, to read as follows:

CHAPTER 19: ROTATIONAL TOWING SERVICES

- 4-19.01 Definitions
- 4-19.02 Purpose
- 4-19.03 Towing carrier permit
- 4-19.04 Permit terms and conditions
- 4-19.05 Selection of towing carriers
- 4-19.06 Towing carrier's obligations; minimum requirements for facilities

- 4-19.07 Towing carrier's obligations; minimum requirements for equipment
- 4-19.08 Towing carrier's obligations; minimum requirements for personnel
- 4-19.09 Towing carrier's miscellaneous obligations
- 4-19.10 Towing rotation list
- 4-19.11 License requirements
- 4-19.12 Executions of agreements
- 4-19.13 Tow rates
- 4-19.14 Payment of administrative fees to the City
- 4-19.15 Revocation and suspension of towing carrier permits
- 4-19.16 Transfer or assignment of permit
- 4-19.17 Penalties
- 4-19.18 Authority for City to maintain own towing operations and towing facilities

Sec. 4-19.01 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Automobile dismantler's vehicle" shall mean a tow vehicle that is registered by an automobile dismantler licensed pursuant to California Vehicle Code, § 11500 et seq., and which is used exclusively to tow vehicles owned by the automobile dismantler in the course of the automobile dismantling business.
- (b) "Business license" shall mean a license issued by the City's License Official.
- (c) "City" shall mean the City of Ontario.
- (d) "City Manager" shall mean the City Manager of the City of Ontario or his or her designee.
- (e) "Non-consensual towing service" shall mean towing services provided to the City's Police Department in situations where vehicle owners are unable to consent to having their vehicle towed, such as in cases of severe accident, where a vehicle is being towed for being illegally parked on public property or towed as a result of a police order.
- (f) "Chief of Police" shall mean the Chief of Police of the City of Ontario or his or her designee.
- (g) "Police Department" shall mean the Ontario Police Department.
- (h) "Rotation list" shall mean the City's list of eligible towing carriers to be used by the Police Department when assistance is needed to remove abandoned, disabled or impounded vehicles.
- (i) "Tow vehicle" shall mean a motor vehicle which has been altered or designed or equipped for and exclusively used in the business of towing vehicles by means of a crane, tow bar, tow line, dolly or a roll-back carrier or is otherwise used to render emergency assistance to disabled and other vehicles.

(j) "Towing carrier" or "towing provider" shall mean a towing company and the owner(s) and/or managing employee(s) of a towing company.

(k) "Tow vehicle driver" shall mean the driver of an authorized tow vehicle used for towing another motor vehicle.

#### Sec. 4-19.02 Purpose.

(a) The purpose of this chapter is to establish towing regulations to govern the provision of non-consensual towing services to the City's Police Department, consistent with state and federal laws, as well as the public health, safety and welfare. A further purpose is to ensure that the best possible towing services are selected to participate in the City's rotational tow program to assist the Police Department in conducting efficient police investigations and provide the citizens of Ontario with prompt, safe and comprehensive towing services.

(b) These regulations are not intended to govern situations where towing has been requested by vehicle owners or private property owners, except as may be permitted by law. Instead, these regulations, and the towing services agreements entered into in conjunction with this chapter, are intended to provide a fair and objective method of selecting towing carriers from among qualified firms to ensure that towing carriers and drivers selected provide the Police Department and the public with prompt, safe and comprehensive towing services using the latest in towing technology and vehicle towing and storage safety.

#### Sec. 4-19.03 Towing carrier permit.

The City Council may at its discretion, by adoption of a resolution or ordinance, grant a non-exclusive permit to a towing carrier to provide towing services to the City under and pursuant to the provisions of this chapter.

#### Sec. 4-19.04 Permit terms and conditions.

(a) All permits granted to towing carriers pursuant to this chapter shall be non-exclusive and shall be for a term to be specified by the City Council in the resolution granting a permit hereunder and in the towing services agreement between the City and the towing carrier.

(b) No provisions of this chapter shall be deemed to require restricting the number of permits to one or any particular number, and no provision of this chapter shall be deemed to require the City Council to grant any permit if the City Council determines that the grant of any such permit is not in the best interest of the City or the public.

(c) All towing carrier permits shall be subject to the terms and conditions specified in this chapter, as well as any terms or conditions specified in the towing services agreement.

(d) In granting any towing carrier permit, the City Council may prescribe such other terms and conditions, not in conflict with this chapter, as are determined by the City Council to be in the best interest of the City or the public.

#### Sec. 4-19.05 Selection of towing carriers.

(a) Within ninety (90) calendar days of the date an existing towing carrier permit is due to expire, or whenever the Chief of Police determines that a new towing carrier is needed to provide tow services to the City, the Chief of Police shall request that the Purchasing Division prepare and distribute a notice inviting requests for qualifications for a towing carrier permit. The Purchasing Division shall identify the most qualified towing carrier, provided that the City receives at least one qualified applicant, in accordance with the objective performance criteria set forth in this chapter and as may be promulgated in writing by the Chief of Police. In determining the required number of towing carriers, the Chief of Police may consider, but is not limited to, the following factors:

- (1) The operational needs of the City or its Police Department;
- (2) The population growth in the City;
- (3) The additional land area annexed into the City;
- (4) The number of currently authorized towing carriers and their average response times;
- (5) The administrative burdens imposed by the number of towing carriers to be included on the rotation list; and
- (6) Any other relevant factors to be determined by the Chief of Police.

(b) The name of any qualified applicant(s), if there is one, shall be forwarded to the Chief of Police who shall conduct a background investigation of the operator and his or her employees. In addition, the Chief of Police will verify all information included in the proposal submitted to the City. Upon successful completion of the background investigation, the Chief of Police shall recommend in writing to the City Manager that the City issue, or refuse to issue, a towing carrier permit to the applicant(s) identified by the Purchasing Division. The City Council shall then determine whether it is in the City's best interests to issue a towing carrier permit to the identified applicant(s). If the City Council determines that it is in the City's best interests to issue a towing carrier permit, it may do so by resolution in accordance with this chapter.

#### Sec. 4-19.06 Towing carrier's obligations; minimum requirements for facilities.

To be eligible to provide towing services to the City and its Police Department, the towing carrier must meet the following minimum requirements with respect to its facilities:

(a) Location of storage facility. The proposed towing storage lot shall be located within the City of Ontario city limits to ensure adequate response times and limit the City's costs and administrative burdens of having Police Department personnel conduct investigations at distant storage lots.

(b) Storage facility requirements. Adequate security measures for the protection of vehicles and property shall be provided for all storage facilities. The Chief of Police or his or her designee shall be the sole judge of what constitutes "adequate" security measures and may grant additional consideration for state of the art security measures, including, but not limited to, security cameras and motion sensors. At a minimum, all storage facilities shall comply with the following requirements:

(1) All storage facilities shall be enclosed by a wall or fence at least six (6) feet in height. Alternatively, storage facilities may consist of enclosed buildings.

(2) Storage lot that can hold a minimum of one hundred fifty (150) vehicles.

(3) The storage facility and lot shall be configured in such a way that no vehicles shall be left parked or stored on the public streets at any time. The business must provide off-street parking for its equipment and be able to accommodate at least two (2) additional vehicles for customer parking. In addition to the two (2) customer parking spaces, at least one (1) additional customer parking space shall be provided for handicapped parking purposes. Said handicapped parking space shall be van accessible. Storage vehicles should be secured away from customer parking and the office area. The towing carrier's office located in the City must have a sign posted including the company name, address, phone number and hours of operation, to be clearly visible from the roadway.

(4) The proposed storage facility shall contain an enclosed building or enclosed storage facility that holds a minimum of two (2) vehicles, to be used exclusively in situations where the Police Department orders an impound because probable cause exists to believe that the vehicle was involved in the commission of a crime or for other reasons that require evidentiary analysis of the vehicle (the "designated impound space").

(i) The designated impound space shall be completely protected from the elements, including wind, heat, adverse weather and other forms of contamination (i.e., dust).

(ii) The designated impound space must be able to be secured and unauthorized entry must be prevented. At a minimum, there should be a door or gate that can be locked and secured from employees and visitors.



(iii) The designated impound space must be at least thirty (30) feet by forty (40) feet.

(iv) The designated impound space must be lit with a minimum of two 50-watt, overhead lamps, or similar lamps that provide equal or greater light.

(v) The designated impound space area must be accessible to Police Department personnel twenty-four (24) hours a day, seven (7) days a week.

(vi) The designated impound space must be reasonably clean and clear of dirt, animal waste, oil, and the like.

(vii) The designated impound space must be protected by an alarm system to prevent unauthorized entry. The alarm system shall be monitored by an off-site monitoring company. The alarm code for the alarm system shall be provided to Police Department personnel at all times and shall be changed by the towing carrier only upon receiving authorization from the Chief of Police or at his or her direction. The towing carrier shall not provide the alarm code to any person unless authorized to do so by the Chief of Police.

(c) All proposed storage facilities must be approved for security by the Traffic Division Sergeant or designated representative, and available for inspection upon request. Any breach of security in a building or fence must be repaired within twenty-four (24) hours.

(d) All necessary vehicle storage facilities needed to meet the minimum requirements of this section shall be constructed prior to the submittal of a response to the request for qualifications issued by the Purchasing Division. Proposed facilities shall not be awarded credit. All necessary approvals for such storage facilities shall comply with the applicable provisions of the Ontario Municipal Code, or appropriate county and/or City codes. Compliance with this subsection shall not be deemed to create any duty for the City to award a permit to the towing carrier.

#### Sec. 4-19.07 Towing carrier's obligations; minimum requirements for equipment.

(a) The towing carrier shall have operative and available at all times tow trucks and/or tow vehicles that meet the following requirements:

- (1) One (1) - Class "A" (or equivalent) tow vehicle;
- (2) Five (5) - Class "B" tow vehicles;
- (3) Three (3) - (or have available) Class "C" tow vehicles; and
- (4) One (1) - (or have available) Class "D" tow vehicle.

(b) Tow vehicles must be equipped as tow trucks in compliance with the provisions of the California Vehicle Code, including, but not limited to, §§ 615, 21711, 24605, 25100, 25253, 27700, and 27907. Tow vehicles must also pass the annual CHP inspection, or its equivalent.

(c) All tow vehicles must have adequate equipment for the towing of vehicles. Basic equipment shall include but not be limited to: fire extinguisher(s); broom; shovel; reflective triangles; flares; two (2) trash can(s).

(d) All tow vehicles must have a cable winch of sufficient size and a cable capacity of not less than fifty (50) feet to retrieve vehicles which have gone over embankments or off traveled portions of roadways into inaccessible locations.

(e) The towing carrier shall have at least one (1) vehicle designed to carry motorcycles, by a flatbed truck, trailer or other means, which will not cause additional damage to the motorcycle.

(f) The towing carrier must have equipment for and have personnel proficient in unlocking locked vehicles when requested to do so by the Police Department.

(g) Throughout the term of the towing services agreement with the City, the towing carrier shall maintain in good condition the real property and improvements thereon, and all vehicles, facilities, equipment and material used in the performance of the services required by this chapter or the towing services.

#### Sec. 4-19.08 Towing carrier's obligations; minimum requirements for personnel.

(a) Towing carriers shall provide the name, date of birth, and valid California Driver License number of all drivers employed by the towing carrier to the Police Department's Traffic Division. The Traffic Division Sergeant or his or her designated representative shall also be notified of any new drivers within five (5) days of their date of hire.

(b) Tow driver qualifications/requirements:

(1) Drivers employed by towing carriers shall be at least eighteen (18) years old, possess the required class driver license in to operate any or all tow vehicles specified under § 4-19.07, and sufficiently capable and trained to ensure safe and proper discharge of their towing service responsibilities. All drivers shall meet all requirements specified in §§ 2430.5 and 12520 of the California Vehicle Code.

(2) Drivers and/or towing carriers shall provide the Traffic Division Sergeant with information of any driving citations received by the tow driver(s) in the immediate prior three (3) years and all information regarding any criminal convictions.

(3) Drivers shall be presentable and shall wear uniform-type pants and shirts.

(4) The Chief of Police is also hereby empowered to require that a towing carrier's drivers:

(i) Be fingerprinted; and

(ii) Undergo background checks by the California Department of Motor Vehicles and any other agency deemed appropriate to determine the safety practices of the drivers.

(5) Towing carriers shall not utilize any driver:

(i) Who is subject to epilepsy, fainting or loss of consciousness by reason of chronic medical condition;

(ii) Whose driving record indicates five (5) violations of traffic laws involving moving vehicles within two (2) years preceding the date of application;

(iii) Who has furnished false information on this application or omitted to furnish all information requested on said application forms;

(iv) Who has been convicted of driving while under the influence of intoxicating liquor or narcotic drugs, or both, within three (3) years of the date of application; or

(v) Who has been convicted of a felony, any crime involving moral turpitude, or any crime(s) specified in the towing services agreement within two (2) years preceding the date of application.

(6) Notwithstanding compliance with the foregoing provisions, the City may prohibit certain drivers from providing towing services to the City or its Police Department in its sole discretion. Such directives shall be in writing to the towing carrier.

#### Sec. 4-19.09 Towing carrier's miscellaneous obligations.

As a condition to issuance of a permit by the City, the towing carrier must also agree to:

(a) Ownership of equipment and facilities. Towing carriers shall demonstrate and furnish proof of possession of the towing equipment and storage yard facilities necessary to perform the obligations set forth in this chapter and the towing services agreement, as well as title to, or lease agreements for, the right to use the land and improvements necessary to perform the obligations set forth therein. The proposed storage facility and improvements thereon shall meet the zoning and building requirements of the city or county in which it is located, as well as all requirements of this chapter and the towing services agreement;

(b) Maintain in full force and effect the insurance requirements as specified in its towing services agreement;

(c) Charge towing fees in compliance with § 4-19.13. Each towing carrier shall maintain a sign listing the rates and charges of all towing and storage services offered. Such sign has to be conspicuously placed in the office or other places where customer financial transactions take place;

(d) Furnish each owner of an automobile impounded by towing carrier with a fully itemized billing;

(e) Submit at any reasonable time to a Police Department inspection all drivers, vehicles, equipment and yards. For those towing carriers that cannot produce an annual California Highway Patrol certification, the Police Department also reserves the right to require that all towing vehicles be inspected by an automotive professional certified by the State of California Bureau of Automotive Repair, and selected by the Police Department. All vehicle inspection fees shall be borne solely by the towing carrier and shall be due and payable upon presentation of the vehicle for inspection. A yearly inspection of all vehicles is required and the towing carrier shall not interfere in any way with any such inspections. The Towing Carrier is responsible for arranging the annual vehicle inspection with the Police Department. Any towing vehicle that fails an inspection shall not be used to provide towing service in the City until it is repaired and passes re-inspection. All towing vehicles shall be operated and maintained in compliance with applicable state and federal laws and regulations;

(f) Any and all equipment used and maintained by the towing carrier must be available for inspection by the Police Department upon request. All equipment, vehicles, and facilities to be used under the towing services agreement shall be subject to inspection by the Police Department or other designated inspection entities authorized by the Police Department;

(g) Towing carriers shall install and maintain during the period of providing towing services to the City and the Police Department, radio transmission and reception contact with each tow vehicle and driver;

(h) Comply with California Vehicle Code, § 10652 concerning the reporting of the storage of vehicles in excess of thirty (30) days and California Vehicle Code, § 10652.5 concerning vehicle storage fees;

(i) Tow and store vehicles that will be used as, or contain, evidence of crimes for the Ontario Police Department without charge;

(j) The towing carrier may not perform said function as described in § 4-19.09(i) if criminal charges are pending against the towing carrier or one of its owners or principals. The towing carrier's inability to perform this function constitutes a material breach of its towing services agreement and shall provide the basis for either suspension or revocation of its towing services agreement;

(k) Indemnify and defend the City, its elected and appointed officers, employees, agents and volunteers against, and will hold and save them, and each of them, harmless from any and all actions, claims, damages to persons or property, penalties, obligations or liabilities that may be asserted or claimed by any person, firm, entity, corporation, political subdivision or other organization arising out of or in connection with any of the towing service operations or activities by the towing carrier, its officers, agents, or employees, whether or not there is concurrent passive or active negligence on the part of the City, its officers, agents or employees, but excluding such actions, claims, damages to persons or property, penalties, obligations, or liabilities arising from the sole negligence or willful misconduct of the City, its elected or appointed officers, employees, agents or volunteers who are directly responsible to the City and in connection therewith:

(1) Will defend any action or actions filed in connection with any of said claims, damages, penalties, obligations or liabilities and will pay all costs and expenses, including attorney's fees, incurred in connection therewith;

(2) Will promptly pay any judgment rendered against the towing carrier or the City, its elected and appointed officers, employees, agents and volunteers covering such claims, damages, penalties, obligations and liabilities arising out of or in connection with such towing service operations, or activities of the towing carrier hereunder; and the towing carrier agrees to save and hold the City harmless therefrom;

(3) In the event the City, its elected and appointed officers, employees, agents and volunteers is made a party to any action or proceeding filed or prosecuted against the towing carrier for such damages or other claims arising out of or in connection with the towing service operations or activities of the towing carrier hereunder, the towing carrier agrees to pay to the City any and all costs and expenses incurred by City, its elected and appointed officers, employees, agents and volunteers in such actions or proceedings, together with reasonable attorneys' fees of the attorneys selected by the City to defend the City, its elected and appointed officers, employees, agents and volunteers in such actions; and

(4) Disputes between the towing carrier and the City arising from the provision of towing services to the City pursuant to the towing services agreement are excluded from the duty to indemnify, defend and hold harmless.

(l) Develop and maintain written policies and procedures to restrict access and to preclude evidence contamination by employees and other individuals in the designated impound space. Such policies shall be submitted with the permit application, within thirty (30) days after award of the contract for existing towing carriers, and any time the written policies are modified. "Evidence contamination" is defined as the removal or touching of any items, papers, vehicle parts, and the like, of a stored vehicle that is impounded by the Police Department for investigation purposes;

(m) Vehicles that have been impounded by order of the Police Department shall not be released, lien sold, or sold without authorization from the Police Department;

(n) No employee of a towing carrier or the provider's storage facility shall perform any work upon any Police Department impounded or stored vehicle without first obtaining written permission from the owner of the vehicle and no work or repair may be commenced without an official written release by the Police Department;

(o) The Ontario Police Department shall have the right to designate when a vehicle is to be placed into the designated impound space and may place a seal on each door of the vehicle or door(s) of the designated impound space;

(p) Vehicles placed into the designated impound space shall not be removed from such protection until approved by the Police Department;

(q) Post a tag on the windshield of all cars ordered impounded by the Police Department. As an alternative to posting a tag on the windshield of the car, a towing carrier may affix temporary markings on the car windshield;

(r) Not release any vehicle in its possession until all state and City requirements are satisfied, the written authorization for release is provided by the Ontario Police Department and all appropriate release charges are collected; and

(s) Not release personal property contained within towed vehicles unless written authorization of the Ontario Police Department is first obtained. When personal property is released the written authorization shall be kept with the vehicle storage paperwork. There shall be no charge for the release of personal property during normal business hours. Towing carriers may charge an after-hours release fee for property released after normal business hours. Minimum normal business hours shall be from 8:00 a.m. to 5:00 p.m., five (5) days a week (Monday through Friday), excluding holidays.

#### Sec. 4-19.10 Towing rotation list.

(a) Towing carriers selected to provide towing services to the City, if more than one is selected, shall abide by the towing rotation system established by the Chief of Police. The Chief of Police shall develop a list of towing carriers selected to provide towing services to the City. The towing carrier at the top of the list shall be on call to provide towing service to the City in accordance with the rotation system established by the Chief of Police. Once a towing carrier completes its designated on-call service, the towing carrier's name shall be moved to the bottom of the list and the towing carrier then at the top of the list shall begin its designated on-call service. The towing carrier further must agree to be available and timely respond to any inquiries made by the Police Department concerning the impacts of any proposed towing rotation system changes. Should a towing

carrier refuse or be unable to respond to a call for service, the City may request services from any other available towing carrier selected to provide towing services to the City.

(b) The City may request services from a towing carrier who is not on-call in situations wherein the City Manager, Chief of Police or the Police Department Watch Commander deems a situation to exist such that additional towing services are necessary to adequately meet the needs of the City or its Police Department. The towing rotation list may be amended from time to time by the Chief of Police.

#### Sec. 4-19.11 License requirements.

No person shall engage in the business of providing towing services to the City or its Police Department without first obtaining a City business license, complying with the provisions of this chapter and entering into a towing services agreement with the City.

#### Sec. 4-19.12 Execution of agreements.

All permits granted by the City Council pursuant to this chapter shall be contingent upon entering into a written agreement between the towing carrier and the City. The towing services agreement shall be entered into between the towing carrier and City within thirty (30) days of the effective date of any City Council action awarding a permit. The towing services agreement shall be in a form approved by the City Attorney. Each towing services agreement shall provide that the terms and conditions of each permit as set forth in this chapter shall be incorporated by reference into the agreement. The term of the written agreement shall be for a period five (5). A towing services agreement may be extended, at the sole and absolute discretion of City Council, for a period, or periods, not to exceed ninety (90) days. All terms and conditions contained in any towing services agreement entered into between the towing carrier and the City prior to adoption of this chapter shall continue in full force and effect according to their terms.

#### Sec. 4-19.13 Tow rates.

The tow rates shall be set by City Council annually. The Chief of Police shall make recommendations to the City Council on rates permitted to be charged by towing providers. Such recommendation will follow an annual tow rate survey conducted by the Police Department.

#### Sec. 4-19.14 Payment of administrative fees to the City.

(a) The towing carrier shall pay an administrative fee per vehicle towed to the City in connection with the award of this permit, and according to the terms of the towing services agreement, in an amount determined on an annual basis by resolution of the City Council. These administrative fees shall be paid on a

monthly basis to the City's Administrative Services Agency on or before the 15th day following the end of each month. The towing carrier shall not be responsible for payment of an administrative fee to the City for the towing of vehicles in certain specified circumstances as more fully set forth in its towing services agreement.

(b) The administrative fee shall be adjusted annually by resolution of the City Council to reflect the City and the Police Department's current costs for operating the towing program and such adjustment shall be applicable to the towing carrier upon ten (10) days' written notice of the adoption of such resolution.

(c) Late charges on delinquent accounts shall be subject to penalties outlined in § 1-2.07, or as it may hereinafter be amended.

(d) The City shall retain the right to impose alternative forms of taxes and/or fees, to the extent permitted by law, in the event that the fees provided for in the towing services agreements are no longer assessable due to a subsequent change in federal, state or local law.

(e) The towing carrier must make available to the Police Department, the City or their designated representative(s), upon three (3) days' written notice, its accounting records and books for inspection and audit. The Police Department, the City or their designated representative(s) agree to maintain the confidentiality of such accounting records and books. The towing carrier shall submit monthly documentation detailing its operations on behalf of the City in a format that is acceptable to the Traffic Division of the Department. Such documentation shall include the following information: the date, time, location, case number (if any), vehicle description (including make, model and vehicle license number) and a brief description of the circumstances surrounding the tow (traffic collision, Department impound, and the like). Towing carriers shall maintain these records for a period of three (3) years. If the results of the audit show an administrative fee underpayment of greater than two percent (2%), the towing carrier will pay the cost of the audit plus fifty percent (50%) of the total error as a penalty in addition to any amount owed as shown by the audit. If the results of the audit show an underpayment of less than two percent (2%) or an overpayment, the City shall pay its own costs associated with the audit. Any underpayment and resulting penalty shall accrue interest at the rate of ten percent (10%) per annum, compounded daily from the date the underpayment should have been paid pursuant to subsection (a) above.

(f) In the event the results of the audit are disputed, the City may, at its sole discretion, elect to arbitrate the dispute. In the event the City elects to arbitrate, the City and the towing carrier shall each select an independent auditor at their own cost. The two (2) auditors shall agree upon the results of the audit. If the two (2) independent auditors cannot agree upon the results of the audit, a third auditor will be selected by the two (2) independent auditors to make a final determination. The determination of the third independent auditor shall be final.



(g) By accepting any towing carrier permit granted pursuant to this chapter, the towing carrier irrevocably waives the defenses of any statute of limitation, laches, waiver or other equitable doctrine of similar import or effect in any action brought by the City to recover any fees, interest or penalties due under this section.

Sec. 4-19.15 Revocation and suspension of towing carrier permits.

(a) The Chief of Police may suspend temporarily, and the City Council or City Manager may suspend or revoke any towing carrier permit granted pursuant to this chapter, or any towing services agreement entered into pursuant to this chapter, and to rescind all rights and privileges associated with them at any time if:

(1) The towing carrier defaults in the performance of its obligations under this chapter or its towing services agreement and fails to cure such default after receipt of written notice of the default from the City or its Police Department and a reasonable opportunity to cure the default in accordance with subsection (c)(1) below;

(2) If the towing carrier fails to provide or maintain in full force and effect the insurance coverage as required in this chapter and as set forth in its towing services agreement;

(3) If the towing carrier violates any order or ruling of any regulatory body having jurisdiction over the towing carrier relative to the towing carrier's tow truck business, unless such order or ruling is being contested by the towing carrier by appropriate proceedings conducted in good faith;

(4) If the towing carrier practices any fraud or deceit upon the City or upon persons to whom it provides tow truck service as determined by a court of law; or

(5) If the towing carrier becomes insolvent, unable or unwilling to pay its debts and obligations, or is adjudged to be bankrupt. The City's revocation of the towing carrier's permit shall in no way affect any right of the City to pursue any remedy under the towing services agreement or any other provision of law.

(b) (1) Notwithstanding the City Manager or City Council's right to suspend or revoke a permit and related towing services agreement, the Chief of Police shall have the right to suspend, for a period not to exceed thirty (30) days, any towing carrier permit granted pursuant to this chapter, and any towing services agreement entered into pursuant to this chapter, and to rescind all rights and privileges associated with them during the suspension period, if the towing carrier violates any provision of this chapter, any material provision of the towing services agreement or any state or federal law. The Chief of Police may exercise this authority up to

three (3) times per calendar year. Thereafter, the Chief of Police may recommend suspension or revocation of the towing carrier's permit and towing services agreement to the City Manager or City Council.

(2) Any appeal of the Chief of Police's decision to suspend a towing carrier's permit and towing services agreement shall be made to the City Manager. The appeal shall be conducted in accord and pursuant to the procedures set forth in § 1-4.01 et seq., with the exception that the hearing officer shall be the City Manager or his or her designee. Any subsequent appeal shall be to the City Council as noted in subsection (c)(3) below.

(c) Prior to suspending or revoking a permit granted under this chapter, and towing services agreement entered into pursuant to this chapter, the City shall give the towing carrier notice and an opportunity to be heard on the matter, in accordance with the following administrative procedures:

(1) City staff shall first notify the towing carrier of the violation in writing by personal delivery or registered or certified mail, and demand that the towing carrier cure the default within a reasonable time, which shall not be less than ten (10) days in the case of the towing carrier's failure to pay any sum or other amount due the City under this chapter or the towing carrier's towing services agreement with the City and thirty (30) days in all other cases. If the towing carrier fails to correct the violation within the time prescribed or if the towing carrier fails to commence correction of the violation within the time prescribed, the City shall give the towing carrier fourteen (14) calendar days written notice of public hearing to be held before the City Manager. The written notice shall specify the alleged violations supporting the recommendation for suspension or revocation of the permit and towing services agreement.

(2) The City Manager shall hear and consider all relevant evidence submitted by staff and the towing carrier or its agent or representative. If the City Manager finds by a preponderance of the evidence that the towing carrier has committed a material breach of the towing services agreement or this chapter, the City Manager may suspend or revoke the towing carrier's permit and towing services agreement.

(3) The towing carrier may appeal the City Manager's decision to the City Council. The appeal shall be conducted in accord and pursuant to the procedures set forth in § 1-4.01 et seq.

#### Sec. 4-19.16 Transfer or assignment of permit.

A towing carrier shall not sell, transfer, lease, assign, sublet, mortgage or dispose of in whole or in part, either by forced or involuntary sale, or by ordinary sale, contract, consolidation or otherwise, the permit or any rights or privileges therein granted, without the prior written consent of the City Council. The City Council's approval of a transfer or assignment of a permit granted pursuant to this chapter shall be conditioned upon the towing carrier's sale or disposal of all

ownership rights to its tow truck business. A towing carrier that desires to transfer or assign its permit, because he or she intends to sell or dispose of all interests in the tow truck business that has a permit with the City, shall make a written request for transfer or assignment of the permit. The written request, a deposit of One Thousand Dollars (\$1,000.00) and the proposed sale agreement or other document evidencing disposal of the tow truck business shall be submitted to the Administrative Services Agency at least one hundred-twenty (120) days before the requested transfer or assignment date. The Administrative Services Agency and the Police Department shall investigate the proposed transferee or assignee and determine whether the transferee or assignee is qualified to serve as a permitted towing carrier pursuant to the criteria and requirements set forth in this chapter and make a recommendation to the City Council. Upon completion of the City Council's approval or denial, the Administrative Services Agency shall provide the towing carrier that requested the transfer or assignment with an accounting of the administrative and legal costs associated with the City's review of the towing carrier's request for a transfer or assignment of the permit, and shall also provide any refund due. Any attempt to sell, transfer, lease, assign or otherwise dispose of the permit without the prior consent of the City Council shall be null and void.

#### Sec. 4-19.17 Penalties.

Any towing carrier, driver or other employee thereof violating the provisions of this chapter shall be guilty of a misdemeanor or an infraction, in the City Attorney's discretion. In addition, any towing carrier or towing company violating the provisions of its towing services agreement or this chapter shall be subject to revocation or suspension of its privileges to provide towing services to the City.

#### Sec. 4-19.18 Authority for City to maintain own towing operations and towing facilities.

Nothing in this chapter shall be construed to restrict or prohibit the City from conducting its own towing operations or maintaining its own towing storage yard, either in lieu of, or in addition to any towing carrier permit that is awarded pursuant to this chapter.

**SECTION 3.** CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

SECTION 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Ordinance are based are located at the City Clerk's office located at 303 East "B" Street, Ontario, CA 91764. The custodian of these records is the City Clerk.

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 \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

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

APPROVED AS TO 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 Ordinance No. 3008 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 2, 2014 and adopted at the regular meeting held December 16, 2014 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. 3008 duly passed and adopted by the Ontario City Council at their regular meeting held December 16, 2014 and that Summaries of the Ordinance were published on December 9, 2014 and December 23, 2014, in the Inland Valley Daily Bulletin newspaper.

---

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
December 16, 2014

SECTION:  
PUBLIC HEARINGS

**SUBJECT: A PUBLIC HEARING TO CONSIDER AN INTERIM URGENCY ORDINANCE PROHIBITING THE ISSUANCE OF BUSINESS LICENSES TO MASSAGE ESTABLISHMENTS**

**RECOMMENDATION:** That the City Council adopt an interim urgency ordinance placing a temporary moratorium on the issuance of business licenses for massage establishments.

**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:** None.

**BACKGROUND:** In 2008, the California Legislature passed legislation, SB 731, which effectively ended most local regulation of massage establishments. With a lack of local control in place, bad actors across California began to utilize massage establishments as fronts for prostitution and human trafficking. These illegal operations present a current and immediate threat to the public health and safety, as well as create a difficult business climate in which to operate for legitimate massage establishments.

Recognizing the need to reinstitute local control, the California Legislature passed AB 1147, which authorizes cities and counties to use zoning and licensing processes to regulate massage establishments. AB 1147 goes into effect on January 1, 2015.

In order to allow staff adequate time to study what changes can be made to the Ontario Municipal Code to better regulate massage establishments in light of AB 1147, staff recommends that the City Council place a moratorium on the issuance of business licenses to massage establishments through an adoption of an urgency ordinance. Under California Government Code Section 65858, the City Council may issue a 45 day moratorium via the adoption of an initial urgency ordinance by at least a 4/5 vote of the City Council.

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

Prepared by: David Sheasby  
Department: Citywide Administration

City Manager  
Approval: 

Submitted to Council/O.H.A. 12/16/2014

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

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

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

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

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ONTARIO, CALIFORNIA, TEMPORARILY PROHIBITING THE  
ISSUANCE OF BUSINESS LICENSES OR OTHER PERMITS OR  
ENTITLEMENTS FOR MASSAGE ESTABLISHMENTS.

WHEREAS, in 2008, the California Legislature passed legislation, Senate Bill 731, which effectively ended most local regulation of massage establishments; and

WHEREAS, effective October 1, 2009, the Ontario City Council repealed Sections 6-10.01 through 6-10.14 of the Ontario Municipal Code, which had established permit requirements and general regulation for massage establishments, in order to comply with the regulations set forth in Senate Bill 731; and

WHEREAS, Senate Bill 731 has been widely criticized by local agencies as providing massage businesses with almost unprecedented protection from local zoning and land use authority, and interfering with local law enforcement efforts to close massage businesses allowing prostitution and other illegal activities; and

WHEREAS, since 2010 the Ontario Police Department has received 142 calls for service regarding incidents occurring at or near massage establishments; and

WHEREAS, the annual number of calls for service have more than tripled, from 14 in 2009, to 51 in 2013; and

WHEREAS, the Ontario Police Department has already received 48 calls for service for incidents occurring at or near massage establishments through November 25 of this year; and

WHEREAS, the Ontario Municipal Code, including the Ontario Development Code, currently allows massage establishments to locate as a matter of right in the Neighborhood Commercial (NC), Shopping Center (C1), Central Business District (C2), Commercial Service (C3), and Airport Related Services (C4) zoning districts; and

WHEREAS, the California Legislature passed Assembly Bill 1147, recently signed into law by Governor Jerry Brown, which will go into effect on January 1, 2015, in response to widespread criticism of Senate Bill 731; and

WHEREAS, Assembly Bill 1147 authorizes cities and counties to use zoning and licensing processes to regulate massage establishments by imposing reasonable zoning, business licensing, and health and safety requirements on massage establishments; and



WHEREAS, City staff requires time to gather data about the adverse impacts of massage establishments and research, study, and consider ways to amend the City's business license process and the Ontario Zoning Code to reduce potential illegalities occurring at massage establishments; and

WHEREAS, Government Code section 65858 expressly authorizes the City Council to adopt an urgency ordinance for the immediate preservation of the public health, safety, or welfare and to prohibit any use that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission, or the planning department is considering or studying or intends to study within a reasonable time; and

WHEREAS, the Ontario City Council finds that there is a current and immediate threat to the public health, safety, or welfare from the unrestrained growth and continued operation of largely unregulated massage establishments; and

WHEREAS, the Ontario City Council further finds that the approval of additional business licenses or other permits or entitlements for the massage establishments, which is required in order to comply with the Ontario Zoning Code, would prolong or exacerbate the current and immediate threat to public health, safety, or welfare; and

WHEREAS, the Ontario City Council now wishes, on an urgency basis, to temporarily prohibit the issuance of business licenses or other permits or entitlements for the establishment or operation of massage establishments in compliance with the provisions of Assembly Bill 1147.

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

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference. The Ontario City Council hereby finds that this Urgency Ordinance is necessary for the current and immediate protection of the public health, safety, and welfare of the City and its residents.

SECTION 2. Urgency Action. For a period of forty-five (45) days following the adoption of this Urgency Ordinance, no business license or other permit or entitlement shall be issued for the establishment or operation of a "massage establishment," as defined in Assembly Bill 1147. The Ontario City Council hereby finds that there is an urgent need to adopt this temporary prohibition in order to eliminate the current and immediate threats set forth above.

SECTION 3. Adoption. Pursuant to Government Code section 36937, this Urgency Ordinance is designed to protect the health, safety, and welfare of the City and its residents and becomes effective immediately upon adoption by at least a four-fifths (4/5) vote of the City Council following the notice and public hearing required by Government Code section 65858(a).

SECTION 4. CEQA. This Urgency Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, section 15061(b)(3), that this Urgency Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Urgency Ordinance are based are located at the Office of the City Clerk, located at 303 East "B" Street, Ontario, CA 91764. The custodian of these records is the City Clerk.

SECTION 6. Severability. If any section, sentence, clause or phrase of this Urgency 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 Urgency Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Urgency Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Urgency 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 7. Effective Date. This Urgency Ordinance shall become effective immediately upon its adoption.

SECTION 8. Publication and Posting. The Mayor shall sign this Urgency Ordinance and the City Clerk shall certify as to its 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 Urgency 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 16<sup>th</sup> day of December, 2014.

---

PAUL S. LEON, MAYOR

ATTEST:

---

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO 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 Urgency Ordinance No. \_\_\_\_\_ was duly introduced and adopted at a regular meeting of the City Council of the City of Ontario held December 16, 2014 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 Urgency Ordinance No. \_\_\_\_\_ duly passed and adopted by the Ontario City Council at their regular meeting held December 16, 2014 and the entire Ordinance was published on December 23, 2014 in the Inland Valley Daily Bulletin newspaper.

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

(SEAL)

# CITY OF ONTARIO

## Agenda Report

December 16, 2014

## SECTION: PUBLIC HEARINGS

**SUBJECT: A PUBLIC HEARING TO CONSIDER RESOLUTIONS APPROVING ADOPTION OF THE CITY OF ONTARIO COMMUNITY CLIMATE ACTION PLAN**

**RECOMMENDATION:** That the City Council adopt a resolution approving an Addendum to The Ontario Plan Certified Environmental Impact Report (SCH #2008101140) analyzing the environmental effects of the project pursuant to State CEQA Guidelines Section 15164; and adopt a resolution approving the Community Climate Action Plan.

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

**Operate in a Businesslike Manner**

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

**FISCAL IMPACT:** Adoption of the Community Climate Action Plan ("Community CAP") will result in future costs associated with developing implementation plans and programs throughout the implementation period of the Community CAP (2014-2020). Municipal projects undertaken by the City that implement measures will be funded through grant monies if available, or allocated during the City's annual budget process. The costs of implementing the measures for existing and new private development projects will be borne by the developer and/or owner with expected offsets from energy savings over time.

**BACKGROUND:** Over the past decade, the State legislature has been concerned about the impact of greenhouse gas ("GHG") emissions on global climate change. In 2006, the legislature adopted AB 32, the California Global Warming Solutions Act. This legislation requires by law a sharp reduction of GHG emissions, with the clear intent to transition the State to a sustainable, low-carbon future. AB 32 was the first program in the country to take a comprehensive, long-term approach to addressing climate change and requires California to reduce its GHG emissions to 1990 levels by 2020.

**STAFF MEMBER PRESENTING:** Otto Kroutil, Development Director

Prepared by: Kimberly Ruddins  
Department: Development Administration

City Manager  
Approval: 

Submitted to Council/O.H.A. 12/16/2014

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

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

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

9

AB 32 also required the California Air Resources Board (CARB) to adopt State-wide regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions in order to help mitigate risks associated with climate change, improve energy efficiency, expand the use of renewable energy resources and cleaner transportation, and reduce waste.

These regulations, in the form of AB 32 Scoping Plan adopted by the CARB, lay out California's plan for achieving the required GHG reductions. Specifically, the Scoping Plan describes a list of measures that the State will undertake, and the expected GHG reductions associated with these measures that will be realized before 2020. However, because the State does not have direct jurisdictional control over many of the activities that produce GHG emissions in California, the AB 32 Scoping Plan articulates local governments' responsibilities in achieving the State's GHG reduction goals. The AB 32 Scoping Plan obligates local governments to reduce GHG emissions from both their municipal operations and the community at large.

Over the past several years, the City has been an active participant in San Bernardino Association of Government's (SANBAG) efforts to reduce GHG emissions in several emissions sectors in the region. As part of this partnership, opportunities to leverage resources were identified to support implementation of the GHG reduction strategies. The City of Ontario is one of 22 partnership cities which had participated in the development of a sub-regional SANBAG GHG Plan approved earlier this year. This Plan includes a baseline year (2008) GHG emissions inventory, future year (2020) GHG emissions forecast, City 2020 reduction goals, and GHG reduction measures. One of the benefits of this County-wide program was the establishment of consistent baseline information and emission calculation methodologies for all local jurisdictions to use in the development of their community climate action plans.

Adoption of The Ontario Plan (TOP) and Environmental Impact Report (EIR) included mitigation measures calling for the preparation of a Municipal and Community Climate Action Plan ("Municipal CAP" and "Community CAP," respectively), as required by AB 32 and the Scoping Plan. These CAPs must include a baseline inventory of GHG emissions and a projected inventory of emissions for the year 2020 under a "business as usual" (BAU) scenario.

The City has made great strides to meet these goals. The Municipal CAP was approved by the City Council in July 2012 and successfully implemented and integrated into City operations. With the completion of the San Bernardino County Regional Greenhouse Gas Inventory and Reduction Plan (SANBAG GHG Plan) and Program Environmental Impact Report adopted earlier this year, the City is now in a position to move forward with its own Community CAP.

**COMMUNITY CLIMATE ACTION PLAN:** The Community CAP, as proposed for City Council consideration and approval, is the result of several years work involving multiple jurisdictions and both public and private sector shareholders. It is designed to comply with the direction of AB 32 and associated implementation programs, while attempting to distribute the GHG reduction strategies evenly across the full spectrum of GHG generating activities. It provides a comprehensive approach for all sectors of the community to participate and implement feasible strategies to reduce GHG emissions generated within the City consistent with statewide GHG emission reduction efforts. Wherever possible, the Community CAP also encourages implementation of voluntary programs and incentives to reach the City's GHG reduction goals.

The Community CAP consists of: (1) an inventory of GHG emissions that identifies and quantifies existing emissions and projected future emissions; (2) a reduction target to reduce existing GHG emissions to 30% below BAU year 2020 levels; (3) policies and measures to reduce existing emissions to meet the reduction target consistent with the TOP EIR; and (4) streamlined environmental review with respect to GHG emissions for development projects that are consistent with the Community CAP. In preparing the Community CAP, City staff met and worked with stakeholders in the community including the Building Industry Association, New Model Colony Builders, commercial and industrial builders, and the dairy industry to review and refine measures incorporated into the document.

The measures in the Community CAP would result in year 2020 emissions approximately 30.1% below BAU year 2020 levels, or a total reduction of 941,902 metric tons of GHG emissions. The GHG emission reduction measures identified in the Community CAP recognize both the origin of the measures (i.e., state, county, or local), and whether the measure is quantifiable in terms of calculating a volume of emission reduction. The emission reduction measures are organized as follows:

- State and regional measures (State/County) include adopted, implemented, and proposed state and regional measures that do not require additional City action and that will result in quantifiable GHG emission reductions in the inventory. These measures may require City action to achieve the GHG emission reduction, but that action is limited and compulsory.
- Local measures include community-wide quantifiable measures that will further reduce GHG emissions for the City.
- Performance standards for new development, providing a streamlined and flexible program for new residential and nonresidential projects to reduce their emissions.

The Community CAP is intended to be a dynamic program, in that it requires implementation, monitoring, evaluation and adaptation. In addition to the on-going monitoring of the GHG emission reductions, the Community CAP calls for periodic comprehensive review on a three year schedule. The review will involve the appropriate level of re-inventory of emission sources in order to get a more complete understanding of the GHG conditions at that time and progress achieved through implementation of the emissions reduction measures. Under this schedule, and consistent with the mitigation measure of TOP EIR, the City shall update the Community CAP inventory every three years, or as determined by State standards, to incorporate improved methods, better data, and more accurate tools and methods, and to assess progress. If the City is not on schedule to achieve the GHG reduction targets, additional measures may need to be implemented, as identified in the Community CAP. The Community CAP provides a process for amendment, as needed, to achieve the year 2020 target and to incorporate further reduction measure strategies.

**ENVIRONMENTAL REVIEW:** The Community CAP is defined as a “project” pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”). An initial study has been prepared to determine possible environmental impacts. The potential environmental impacts of this project were reviewed with an Addendum to The Ontario Plan Environmental Impact Report (SCH #2008101140), adopted by the City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The Addendum was prepared pursuant to CEQA, the State CEQA Guidelines and the City’s “Guidelines for the Implementation of the California Environmental Quality Act (CEQA)” which provide for the use of a single environmental assessment in situations where the impacts of subsequent projects have been adequately analyzed in prior environmental documents. This project introduces no new significant environmental impacts not previously analyzed



in the 2010 Certified Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH #2008101140) FOR THE COMMUNITY CLIMATE ACTION PLAN, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, on January 27, 2010, the City Council certified The Ontario Plan ("TOP") Final Environmental Impact Report ("EIR") (SCH #2008101140), adopted an update to the Ontario General Plan and the Preferred Land Use Plan, made Mitigation Findings and adopted a Statement of Overriding Considerations pursuant to CEQA pursuant to Public Resources Code section 2100 et seq. (hereinafter, the California Environmental Quality Act, or "CEQA"), Title 14 of the California Code of Regulations Section 15000 et seq. (hereinafter, "the State CEQA Guidelines"), and The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)", the City certified a Final Environmental Impact Report for the TOP (SCH #2008101140) (hereinafter, "TOP EIR"); and

WHEREAS, TOP EIR contains an analysis of the environmental setting of the City at the time of its certification and also analyzes the environmental impact of the build-out of the land use plan set forth in TOP; and

WHEREAS, TOP EIR includes a programmatic greenhouse gas emissions analysis and mitigation measures that committed the City to the development of a Community Climate Action Plan ("Community CAP"); and

WHEREAS, TOP EIR requires development of a Community CAP reducing greenhouse gas emissions from community activities by at least 30 percent below projected "business-as-usual" emissions for the Year 2020. The goal of the Community CAP shall be to reduce greenhouse gas emissions for all activities within the City boundaries to support the State's efforts under AB 32 and to exemplify leadership in our community; and

WHEREAS, the City has determined that the Community CAP constitutes a "project" as defined by CEQA; and

WHEREAS, the City has reviewed the Community CAP in light of the standards for subsequent environmental review outlined in Public Resources Code Section 21166 subpart (a) through (c), and State CEQA Guidelines sections 15162 and 15163; and

WHEREAS, based on that analysis, the City has concluded that approval of the Community CAP does not require a subsequent or supplemental EIR to be prepared, because there is no possibility for new significant environmental effects or an increase in the severity of previously identified environmental effects; and

WHEREAS the Community CAP requires the City to make some changes and additions to TOP EIR, but because none of the conditions in State CEQA Guidelines Section 15162 are present, the City has prepared an Addendum to the previously certified EIR pursuant to State CEQA Guidelines Section 15164; and

WHEREAS, on December 16, 2014, at a regularly scheduled meeting, the City Council considered the Addendum together with TOP EIR and accepted oral and written testimony from interested parties; and

WHEREAS, having reviewed and considered the information contained in the Addendum together with TOP EIR, all comments made at the regularly scheduled meeting, and all other information in the administrative record, the City Council has determined that all potentially significant environmental effects of the Community CAP were fully examined and mitigated by TOP EIR; and

WHEREAS, the Addendum to TOP EIR was prepared pursuant to CEQA State Guidelines, and the City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)"; and

WHEREAS, the Addendum incorporates, by reference, the analysis contained in TOP EIR and related Mitigation Monitoring and Reporting Program (Measures 6-1 through 6-6); and

WHEREAS, the City of Ontario is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to implement and otherwise undertake the Project; and

WHEREAS, the Addendum for the Project and TOP EIR are on file in City Clerk's office, located at 303 East "B" Street, Ontario, CA 91764, and are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO:

SECTION 1. The above recitals are incorporated herein by reference.

SECTION 2. Compliance with the California Environmental Quality Act. THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and considered the TOP EIR and the Addendum, and finds that they contain a complete and accurate reporting of the environmental impacts associated with the Community CAP; (2) the Addendum and the administrative record prepared for the Community CAP has been completed in compliance with CEQA, the State CEQA Guidelines, and The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)"; and (3) the Addendum represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project.

SECTION 3. Findings on the Necessity of a Subsequent or Supplemental Environmental Impact Report. THE CITY COUNCIL does hereby find that, based on TOP EIR, the Addendum, and all related information presented to the City Council the Community CAP: (1) does not constitute a substantial change to TOP that will require major revisions of TOP EIR due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects; (2) does not constitute a substantial change with respect to the circumstances under which TOP is undertaken that will require major revisions of TOP EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and (3) does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time TOP EIR was certified, that shows any of the following: (a) TOP will have one or more significant effects not discussed in TOP EIR; (b) significant effects previously examined will be substantially more severe than shown in TOP EIR; (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of TOP, but the lead agency declined to adopt such measures; or (d) mitigation measures or alternatives considerably different for those analyzed in TOP EIR would substantially reduce one or more significant effects on the environment, but which the lead agency declined to adopt.

SECTION 4. Findings of Environmental Impacts. THE CITY COUNCIL does hereby find that, based on the Addendum, the administrative record, and having considered TOP EIR and all written and oral evidence presented to the City Council, all environmental impacts of the Community CAP have been addressed within TOP EIR and there is substantial evidence in the administrative record supporting the conclusion that the Community CAP would not result in any significant environmental impacts beyond those analyzed in TOP EIR.

SECTION 5. Adoption of the Addendum. Based upon the findings and conclusions set forth in Sections 1 through 4 above, the City Council approves and adopts the Addendum to TOP EIR for the Community CAP.

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 7. Notice of Determination. The City Council hereby directs Staff to prepare, execute, file, and have posted a CEQA Notice of Determination with the San Bernardino Clerk of the Board of Supervisors within five working days of the City Council's adoption of this Resolution.

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

PASSED, APPROVED, AND ADOPTED this 16<sup>th</sup> day of December 2014.

---

PAUL S. LEON, MAYOR

ATTEST:

---

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

STATE OF 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. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 16, 2014 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. 2014-       duly passed and adopted by the Ontario City Council at their regular meeting held December 16, 2014.

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

(SEAL)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE COMMUNITY CLIMATE ACTION PLAN, AN IMPLEMENTATION COMPONENT OF THE ONTARIO PLAN SUPPORTING THE ENVIRONMENTAL IMPACT REPORT (SCH #2008101140).

WHEREAS, on January 27, 2010, the City Council certified The Ontario Plan ("TOP") Final Environmental Impact Report ("EIR") (SCH #2008101140), and adopted and approved TOP, which serves as the City's business plan and provides a framework and foundation for the City to operate as a municipal corporation; and

WHEREAS, the TOP EIR includes a programmatic greenhouse gas emissions analysis and mitigation measures that committed the City to the development of a Community Climate Action Plan ("Community CAP"). TOP EIR requires development of a Community CAP reducing greenhouse gas emissions from community activities by at least 30 percent below projected "business-as-usual" emissions for the Year 2020. The goal of the Community CAP shall be to reduce greenhouse gas emissions for all activities within the City boundaries to support the State's efforts under AB 32 and to exemplify leadership in our community; and

WHEREAS, the Community CAP includes a greenhouse gas inventory baseline for the Year 2008, a future "business-as-usual" projection of greenhouse gas emissions for the Year 2020, an emissions reduction target consistent with the State's emissions reduction goals and an implementation plan identifying specific measures and a timeline for implementation of said measures to reach the reduction target; and

WHEREAS, by way of the Community CAP's Implementation Plan, the City Council directs Staff to implement the Community CAP's measures in phases; and

WHEREAS, the Staff has authority to revise and/or adjust said measures as required and provide yearly updates, with a comprehensive update on a three year schedule; and

WHEREAS, the Community CAP meets the functional and legal mandate of a general plan; and

WHEREAS, the Community CAP is consistent with Mitigation Measures 6-1 through 6-6 of the TOP EIR; and

WHEREAS, as the first action on the Project, on December 16, 2014, the City Council adopted an Addendum to the Environmental Impact Report (SCH #2008101140) adopted by City Council on January 27, 2010 for File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts, and all previously adopted mitigation measures are incorporated into the Project by reference; and



WHEREAS, on December 16, 2014, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO:

SECTION 1. As the decision-making body for the Project, the City Council does hereby make the following findings: (1) the Community CAP meets the requirements of TOP EIR and its mitigation measures, and identifies goals and strategies to reduce greenhouse gas emissions by 30% below business as usual projections for the Year 2020, consistent with the State's emissions reductions goals; (2) the Addendum has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA; and (3) the City Council designates Staff as having authority to revise and/or adjust said measures as required and provide yearly updates each calendar year, with a comprehensive update every three year schedule.

SECTION 2. Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council finds that the Community CAP complies with CEQA (Public Res. Code, § 2100 et seq.), the State CEQA Guidelines (14 CCR § 1500 et seq.) and the City's CEQA Guidelines. The City Council further finds that the TOP EIR is hereby incorporated by this reference and that no substantial new information exists that would show that such impacts would be more significant than determined in the TOP EIR.

SECTION 3. Based on the entire record before the City Council, all written and oral evidence presented, and the findings made in this Resolution, the City Council approves the Community CAP.

SECTION 4. The location and custodian of the documents and any other material which constitute the record of proceedings upon which the City Council based its decision is as follows: City Clerk, City of Ontario, and 303 East B Street, Ontario, CA 91764. The custodian of these records is the City Clerk of the City of Ontario.

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

PASSED, APPROVED, AND ADOPTED this 16<sup>th</sup> day of December 2014.

---

PAUL S. LEON, MAYOR

ATTEST:

---

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

STATE OF 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. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 16, 2014 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. 2014-        duly passed and adopted by the Ontario City Council at their regular meeting held December 16, 2014.

---

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
December 16, 2014

**SECTION:  
PUBLIC HEARINGS**

**SUBJECT: A PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT (FILE NO. PGPA13-007) TO REVISE THE LAND USE ELEMENT OF THE ONTARIO PLAN-POLICY PLAN, EXHIBITS LU-01 OFFICIAL LAND USE PLAN AND LU-03 FUTURE BUILDOUT TO: (1) CHANGE THE LAND USE DESIGNATION FOR 83.88 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF EUCALYPTUS AVENUE AND ARCHIBALD AVENUE FROM OFFICE COMMERCIAL, BUSINESS PARK AND INDUSTRIAL TO LOW DENSITY RESIDENTIAL (2.1 – 5 DU/AC); AND (2) MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES (APN: 0218-271-11 AND 19)**

**RECOMMENDATION:** That the City Council adopt a resolution approving an addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH #2004011009) analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines Section 15164; and adopt a resolution approving General Plan Amendment (File No. PGPA13-007) revising the Land Use Element of the Policy Plan (General Plan), Exhibits LU-01 Official Land Use Plan and LU-03 Future Buildout table.

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

**FISCAL IMPACT:** The addition of 377 residential units would have a minimal increase of \$51,856 to the City's annual expenditures for services when compared to the existing non-residential land uses. To offset the increase in service expenditures, an operations and maintenance Community Facilities District (CFD) will be established for the project site to cover the additional costs of Police and Fire services, landscape maintenance of medians, neighborhood edges, and street lights along the public streets.

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

Prepared by: Henry K. Noh  
Department: Planning

City Manager  
Approval: 

Submitted to Council/O.H.A. 12/16/2014

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

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

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

10

**BACKGROUND:** In October 2006, the City Council approved the Subarea 29 Specific Plan (File No. PSP03-003). The Specific Plan established the land use designations, development standards, and design guidelines for 539 acres of land. The proposed project is located within Planning Area 1 of the Subarea 29 Specific Plan and is designated for conventional single-family residential units (4.8 du/gross acre). At the time the Subarea 29 Specific Plan was approved, the project site was designated as Low Density Residential (4.6 du/gross acre) under the former New Model Colony/Sphere of Influence General Plan Amendment.

In late 2009, the Steadfast Company approached the City with a proposal to construct a 1.6 million square foot industrial park on the 83.88 acre project site. The City viewed the proposal as a way of increasing the job growth in Ontario at a time when the economy was in a downturn. In order to facilitate the proposed industrial development, a General Plan Amendment was needed to change the land use designation from Low Density Residential to 11.74 acres of Office Commercial, 45.94 acres of Business Park and 26.20 acres of Industrial.

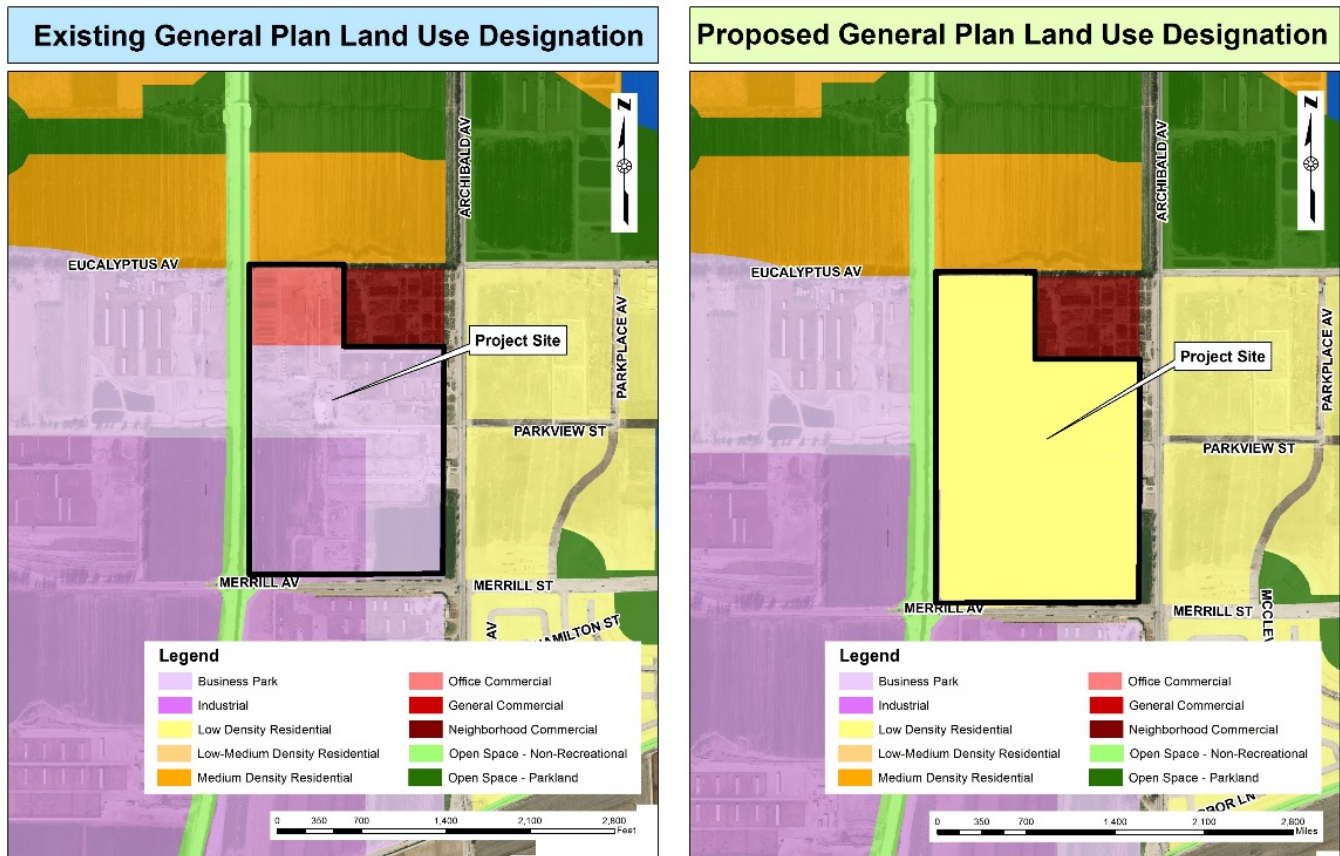
In January 2010, TOP Policy Plan was adopted and designated the project site for Office Commercial, Business Park and Industrial to accommodate the proposed industrial park. After the adoption of TOP Policy Plan, the Steadfast Company was to follow-up with an Amendment to the Subarea 29 Specific Plan to change the zoning for Planning Area 1 from conventional single-family residential (4.8 du/gross acre) to industrial. However, due to the downturn in the economy the Steadfast Company walked away from the project. As a result, Planning Area 1 of the Subarea 29 Specific Plan remained residential and inconsistent with the Policy Plan land use designation of Office Commercial, Business Park and Industrial.

The General Plan Amendment proposes to change the land use designation of the project site from Office Commercial, Business Park and Industrial back to Low Density Residential (2.1-5 du/ac), consistent with the residential zoning of Planning Area 1 of the Subarea 29 Specific Plan. The proposed residential use will help minimize the adverse impacts typically associated with industrial and office commercial uses such as noise, truck traffic and other associated nuisances that can be disruptive to surrounding residential uses and open space park areas. The proposed General Plan Amendment will contribute towards achieving the City's overall vision and provide greater land use compatibility with the adjoining residential uses and future open space areas such as the Great Park located to the northeast of the project site.

On November 25, 2014, the Planning Commission voted unanimously (7-0) to recommend City Council approval of the addendum to the Subarea 29 Specific Plan EIR and General Plan Amendment File No. PGPA13-007.

**ENVIRONMENTAL REVIEW:** The environmental impacts of this project were reviewed in conjunction with an Addendum to the Subarea 29 Specific Plan (SCH #2004011009). This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

## Exhibit “A” – General Plan Amendment



## Exhibit “B” – Amended LU-03 Future Buildout Table



### LU-03 Future Buildout<sup>1</sup>

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	916	3,660		
Low Density <sup>6</sup>	7,454	4.0 du/ac (OMC)	31,400	125,506		
	7,538	4.5 du/ac (NMC)	31,777	127,015		
Low-Medium <sup>6</sup> Density	843	8.5 du/ac	7,166	28,644		
Medium Density	1,941	18.0 du/ac (OMC) 22.0 du/ac (NMC)	39,182	136,957		
High Density	236	35.0 du/ac	8,259	27,643		
Subtotal	10,932 11,016		86,923 86,400	322,410 323,919		
<b>Mixed Use</b>						
• Downtown	112	<ul style="list-style-type: none"> <li>60% of the area at 35 du/ac</li> <li>40% of the area at 0.80 FAR for office and retail</li> </ul>	2,352	4,704	1,561,330	2,793
• East Holt Boulevard	57	<ul style="list-style-type: none"> <li>25% of the area at 30 du/ac</li> <li>50% of the area at 1.0 FAR office</li> <li>25% of area at 0.80 FAR retail</li> </ul>	428	856	1,740,483	3,913
• Meredith	247	<ul style="list-style-type: none"> <li>30% of the area at 40 du/ac</li> <li>70% at 1.0 FAR for office and retail uses</li> </ul>	2,958	5,916	7,516,278	16,897
• Transit Center	76	<ul style="list-style-type: none"> <li>10% of the area at 60 du/ac</li> <li>90% of the area at 1.0 FAR office and retail</li> </ul>	457	913	2,983,424	5,337
• Inland Empire Corridor	37	<ul style="list-style-type: none"> <li>50% of the area at 20 du/ac</li> <li>30% of area at 0.50 FAR office</li> <li>20% of area at 0.35 FAR retail</li> </ul>	368	736	352,662	768
• Guasti	77	<ul style="list-style-type: none"> <li>20% of the area at 30 du/ac</li> <li>30% of area at 1.0 FAR retail</li> <li>50% of area at .70 FAR office</li> </ul>	500	1,001	2,192,636	4,103
• Ontario Center	345	<ul style="list-style-type: none"> <li>30% of area at 40 du/ac</li> <li>50% of area at 1.0 FAR office</li> <li>20% of area at 0.5 FAR retail</li> </ul>	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	<ul style="list-style-type: none"> <li>5% of area at 40 du/ac</li> <li>20% of area at 0.75 FAR office</li> <li>75% of area at 0.5 FAR retail</li> </ul>	479	958	5,477,126	7,285
• NMC West/South	315	<ul style="list-style-type: none"> <li>30% of area at 35 du/ac</li> <li>70% of area at 0.7 FAR office and retail</li> </ul>	3,311	6,621	6,729,889	17,188
• NMC East	264	<ul style="list-style-type: none"> <li>30% of area at 25 du/ac</li> <li>30% of area at 0.35 FAR for office</li> <li>40% of area at 0.3 FAR for retail uses</li> </ul>	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	<ul style="list-style-type: none"> <li>50% of the area at 30 du/ac</li> <li>50% of area at 0.8 FAR retail</li> </ul>	156	312	181,210	419
• SR-60/Hamner Tuscana Village	41	<ul style="list-style-type: none"> <li>18% of the area at 25 du/ac</li> <li>57% of the area at 0.25 FAR retail</li> <li>25% of the area at 1.5 FAR office</li> </ul>	185	369	924,234	2,098
Subtotal	1,821		17,274	34,549	41,258,102	87,803



## Exhibit “B” (cont.): Amended LU-03 Future Buildout Table

### LU-03 Future Buildout<sup>1</sup> (Cont.)



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	261	0.30 <a href="#">FAR</a>			3,414,407	8,262
General Commercial	604	0.30 <a href="#">FAR</a>			7,889,152	7,329
Office/Commercial	414,402	0.75 <a href="#">FAR</a>			13,534,854	30,015
Hospitality	145	1.00 <a href="#">FAR</a>			13,151,309	29,164
					6,316,200	7,241
<i>Subtotal</i>	<i>1,424</i>				<i>31,154,613</i>	<i>52,847</i>
					<i>30,771,068</i>	<i>51,996</i>
<b>Employment</b>						
Business Park	1,490	0.40 <a href="#">FAR</a>			25,962,980	45,551
	1,444				25,162,522	44,147
Industrial	6,561	0.55 <a href="#">FAR</a>			157,179,094	138,101
	6,535				156,551,394	137,549
<i>Subtotal</i>	<i>8,051</i>				<i>183,142,074</i>	<i>183,652</i>
	<i>7,979</i>				<i>181,713,916</i>	<i>181,696</i>
<b>Other</b>						
Open Space-Non-Recreation	1,252	Not applicable				
Open Space-Parkland <sup>6</sup>	982	Not applicable				
Open Space-Water	59	Not applicable				
Public Facility	92	Not applicable				
Public School	628	Not applicable				
LA/Ontario International Airport	1,421	Not applicable				
Landfill	137	Not applicable				
Railroad	247	Not applicable				
Roadways	4,880	Not applicable				
<i>Subtotal</i>	<i>9,697</i>					
<i>Total</i>	<i>31,924</i>		<i>104,197</i>	<i>356,958</i>	<i>255,554,789</i>	<i>324,302</i>
			<i>104,574</i>	<i>358,467</i>	<i>253,743,086</i>	<i>321,496</i>

#### 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.





# PLANNING COMMISSION STAFF REPORT

November 25, 2014

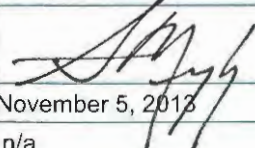
**SUBJECT:** A public hearing to consider a General Plan Amendment (File No. PGPA13-007) to revise the Land Use Element of The Ontario Plan-Policy Plan, Exhibits LU-01 Official Land Use Plan and LU-03 Future Buildout to: 1) change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac); and 2) modify the Future Buildout Table to be consistent with the land use designation changes (APN: 0218-271-11 AND 19); Submitted by Richland Communities. City Council action is required.

**PROPERTY OWNER:** Richland Communities

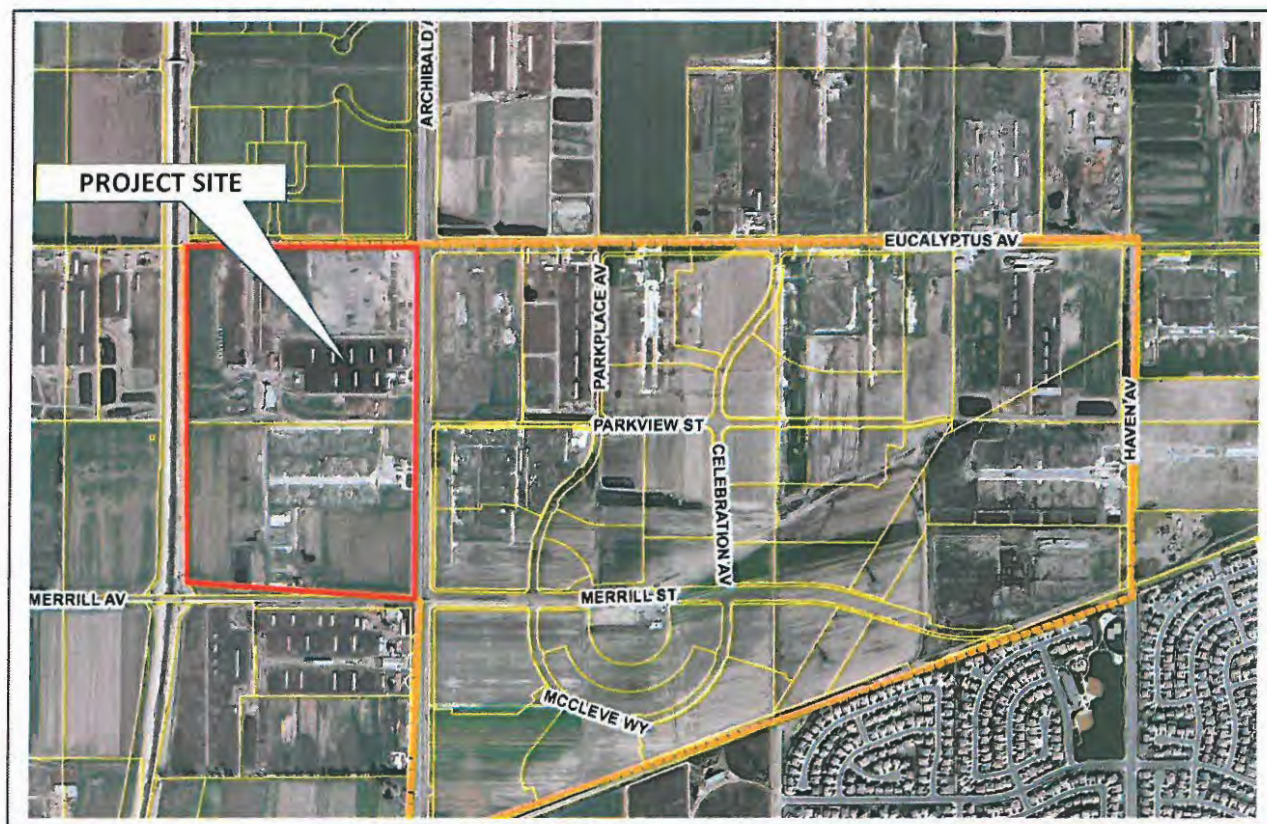
**RECOMMENDED ACTION:** That the Planning Commission recommend the City Council adopt an Addendum to the Subarea 29 Specific Plan Final EIR and approve File No. PGPA13-007, pursuant to the facts and reasons contained in the staff report and attached resolutions.

**PROJECT SETTING:** The project site is comprised of 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue, within the Subarea 29 Specific Plan (Planning Area 1) zoning district. The site is depicted in **Figure 1: Project Location** below. The project site is currently occupied by agricultural and dairy uses. The zoning and land use surrounding the project site is as follows:

- The zoning for the area north of the project site is Parkside Specific Plan – Planning Areas 1 and 4 – and is currently vacant with previous agricultural and dairy uses.
- The zoning for the area south of the project site is Specific Plan/Agricultural Overlay and has existing agricultural and dairy uses.
- The zoning for the area east of the project site is Subarea 29 Specific Plan – Planning Areas 3 thru 5 and is currently vacant with previous agricultural and dairy uses.
- The zoning for the area west of the project site is Specific Plan/Agricultural Overlay and has existing agricultural and dairy uses.

Case Planner:	Henry K. Noh	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
		ZA			
Submittal Date:	November 5, 2013	PC	11-25-2014	Approved	Recommend
Hearing Deadline:	n/a	CC	12-16-2014		Final





*Figure 1: Project Location*

## **PROJECT ANALYSIS:**

**Background** — In October 2006, the City Council approved the Subarea 29 Specific Plan (File No. PSP03-003). The Specific Plan established the land use designations, development standards, and design guidelines for 539 acres of land. The proposed project is located within Planning Area 1 of the Subarea 29 Specific Plan and is designated for conventional small lot residential units (4.8 dwelling units per gross acre). At the time the Subarea 29 Specific Plan was approved, the 83.88 project site was designated as Low Density Residential (4.6 du/gross acre) under the former New Model Colony/Sphere of Influence General Plan Amendment.

In late 2009, the Steadfast Company approached the City with a proposal to construct a 1.6 million square foot industrial park on the 83.88 acre project site. At the time, the City viewed the proposal as a way of increasing the job growth in Ontario at a time when the economy was in a downturn. In order to facilitate the proposed industrial development, a General Plan Amendment was needed to change the land use designation from Low Density Residential to 11.74 acres of Office Commercial, 45.94 acres of Business Park and 26.20 acres of Industrial. In January 2010, TOP Policy Plan was adopted and designated the project site for Office Commercial, Business Park and Industrial to accommodate the proposed industrial park. The Steadfast Company was to follow-up the General Plan Amendment with an Amendment to the Subarea 29 Specific Plan to change the zoning for Planning Area 1 from conventional small lot residential (4.8 dwelling units



per gross acre) to industrial. However, due to the downturn in the economy the Steadfast Company walked away from the project. As a result, Planning Area 1 of the Subarea 29 Specific Plan remained residential and inconsistent with the Policy Plan land use designation of Office Commercial, Business Park and Industrial.

The Applicant, Richland Communities, is requesting a General Plan Amendment to change the land use designation of the 83.88 acre site from Office Commercial, Business Park and Industrial to Low Density Residential (2.1-5 du/ac) consistent with the residential zoning of Planning Area 1 of the Subarea 29 Specific Plan. The General Plan Amendment will facilitate two (2) proposed tentative tract maps, the northern subdivision (TT18929) includes 212 residential lots with an average lot size of 4,682 SF on 55.86 gross acres of land and the southern subdivision (TT18930) includes 184 residential lots with an average lot size of 6,036 SF on 48.40 gross acres of land. If the General Plan Amendment is approved, the tentative tract map applications will require Planning Commission approval and will be brought forward at a future hearing date.

[1] Proposed Policy Plan (General Plan) Amendment — The proposed General Plan Amendment proposes to amend the existing general plan land use designations for the 83.88 acre project site from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 - 5 du/ac) for the future residential development as shown below in **Figure 2: General Plan Amendment**. The amendment includes changes to The Ontario Plan (TOP) – Policy Plan Exhibits LU-01 Official Land Use Plan and LU-03 Future Buildout to reflect the proposed land use designation changes (Exhibit A - Amended LU-03: Future Buildout Table).

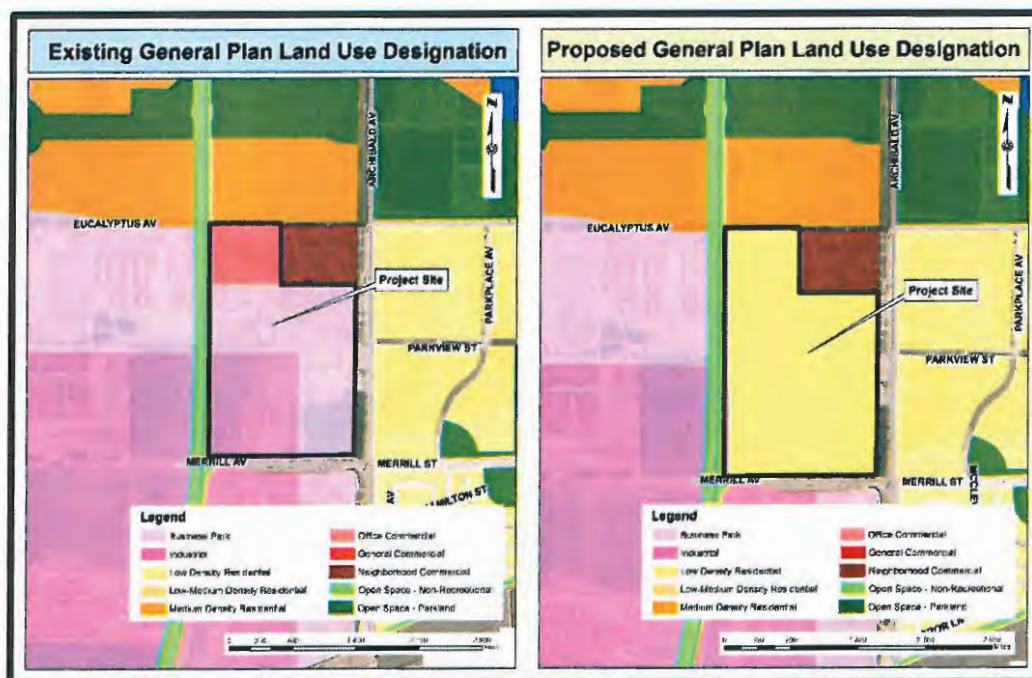


Figure 2: General Plan Amendment

The proposed General Plan Amendment provides consistency with the Low Density Residential zoning of Planning Area 1 of the Subarea 29 Specific Plan. The Policy Plan designation of Low Density Residential provides for a density range of 2.1 to 5 dwelling units per acre. The Specific Plan allows up to 432 single-family units for Planning Area 1 at a density of 4.8 dwelling units per acre, which is within the density range allowed by the Policy Plan for the site.

In 2010, The Ontario Plan ("TOP") was adopted and a component of TOP is the Policy Plan (General Plan) - Exhibit LU1: Official Land Use Plan which establishes land use patterns citywide to achieve its Vision. When considering land use changes, the Policy Plan (General Plan) outlines policies to be adhered to as part of the analysis which include:

- Analyzing and minimizing adverse impacts on adjacent properties when considering land use and zoning requests (*Policy LU2-2*);
- Requiring amendments to be consistent with the City's overall Vision (*Land Use Element Principle*); and
- Requiring amendments to the Land Use Plan to be accompanied by an analyses of fiscal impacts (*Policy CE3-2*).

In analyzing the proposed General Plan Amendment from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac), the proposed residential use will help minimize the adverse impacts typically associated with industrial and office commercial uses such as noise, truck traffic and other associated nuisances that can be disruptive to surrounding residential and park uses. The proposed General Plan Amendment will contribute towards achieving the City's overall vision and provide greater land use compatibility with the adjoining residential uses and future open space areas (Great Park).

The City's Fiscal Administrative Services Department established cost factors that were utilized to complete the fiscal analysis for the proposed General Plan Amendment. The table below identifies cost factors associated with changing the land use from office commercial, business park and industrial to single-family residential. As demonstrated in the table below, the adoption of the General Plan Amendment would have a minimum increase of \$51,856 to the City's annual expenditures for services. To address the increase in service expenditures, an operations and maintenance community facilities district (CFD) will be established through the future tract map entitlements to cover the additional costs of Police and Fire services, landscape maintenance of medians and neighborhood edges, and street lights along the public streets. The adoption of the General Plan Amendment would also result in the potential loss of 1,811,703 square feet of office commercial, business park and industrial space, which may result in the potential loss of sales tax revenues and property taxes. However, when analyzing the overall balance of the combined 196.7 million square feet of existing and proposed office



commercial, business park and industrial building area throughout the City, the elimination of 1,811,703 square feet of office commercial, business park and industrial building area is less than 1% (0.9%), which is not significant.

Land Use Category	Units/ SF	City Services	
		Net Cost Factor	Annual Net Cost Factor
Per Unit: Single Family Detached	377 units	\$1,387.00 per Unit	\$522,899.00
Per Square Footage (SF): Non-Residential Uses:			
Office Commercial 11.74 ac. (0.75 FAR)	383,545	\$0.26 per SF	- \$471,042.78
Business Park 45.94 ac. (0.40 FAR)	800,458		
Industrial 26.20 ac. (0.55 FAR)	627,700		
Total Non-Residential Uses	1,811,703		
<b>Total Service Cost Increase:</b>			<b>+\$51,856.22</b>

**COMPLIANCE WITH THE ONTARIO PLAN:** The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan (TOP). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

[1] City Council Priorities

Primary Goal: *Regain Local Control of the Ontario International Airport*

Supporting Goals: [1] *Invest in the Growth and Evolution of the City's Economy;* [2] *Focus Resources in Ontario's Commercial and Residential Neighborhoods;* [3] *Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities);* and [4] *Ensure the Development of a Well Planned, Balanced, and Self-sustaining Community in the New Model Colony.*

[2] Policy Plan (General Plan)

a. *Land Use Element – Balance*

Goal: LU1 A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

b. *Land Use Element – Compatibility*

Goal: LU2 Compatibility between a wide range of uses.

Policies:

LU2-1 *Land Use Decisions*. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

c. *Housing Element – Housing Supply and Diversity*

Goal: H2 Diversity of types of quality housing that are affordable to a range of household income levels, accommodates changing demographics, and support and reinforce the economic sustainability of Ontario.

Polices:

H2-4 *New Model Colony*. We support a premier lifestyle community in the New Model Colony distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.

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

**ENVIRONMENTAL REVIEW:** The environmental impacts of this project were reviewed in conjunction with an Addendum to the Subarea 29 Specific Plan (SCH# 2004011009). This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

## Exhibit A - Amended LU-03: Buildout Table



### LU-03 Future Buildout<sup>1</sup>

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	916	3,660		
Low Density <sup>6</sup>	7,454	4.0 du/ac (OMC)	31,400	125,596		
	7,538	4.5 du/ac (NMC)	31,777	127,015		
Low-Medium <sup>6</sup> Density	843	8.5 du/ac	7,166	28,644		
Medium Density	1,941	18.0 du/ac (OMC) 22.0 du/ac (NMC)	39,182	136,957		
High Density	236	35.0 du/ac	8,259	27,643		
Subtotal	10,932 11,016		86,923 86,400	322,410 323,919		
<b>Mixed Use</b>						
• Downtown	112	<ul style="list-style-type: none"> <li>60% of the area at 35 du/ac</li> <li>40% of the area at 0.80 FAR for office and retail</li> </ul>	2,352	4,704	1,561,330	2,793
• East Holt Boulevard	57	<ul style="list-style-type: none"> <li>25% of the area at 30 du/ac</li> <li>50% of the area at 1.0 FAR office</li> <li>25% of area at 0.80 FAR retail</li> </ul>	428	856	1,740,483	3,913
• Meredith	247	<ul style="list-style-type: none"> <li>30% of the area at 40 du/ac</li> <li>70% at 1.0 FAR for office and retail uses</li> </ul>	2,958	5,916	7,516,278	16,897
• Transit Center	76	<ul style="list-style-type: none"> <li>10% of the area at 60 du/ac</li> <li>90% of the area at 1.0 FAR office and retail</li> </ul>	457	913	2,983,424	5,337
• Inland Empire Corridor	37	<ul style="list-style-type: none"> <li>50% of the area at 20 du/ac</li> <li>30% of area at 0.50 FAR office</li> <li>20% of area at 0.35 FAR retail</li> </ul>	368	736	352,662	768
• Guasti	77	<ul style="list-style-type: none"> <li>20% of the area at 30 du/ac</li> <li>30% of area at 1.0 FAR retail</li> <li>50% of area at .70 FAR office</li> </ul>	500	1,001	2,192,636	4,103
• Ontario Center	345	<ul style="list-style-type: none"> <li>30% of area at 40 du/ac</li> <li>50% of area at 1.0 FAR office</li> <li>20% of area at 0.5 FAR retail</li> </ul>	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	<ul style="list-style-type: none"> <li>5% of area at 40 du/ac</li> <li>20% of area at 0.75 FAR office</li> <li>75% of area at 0.5 FAR retail</li> </ul>	479	958	5,477,126	7,285
• NMC West/South	315	<ul style="list-style-type: none"> <li>30% of area at 35 du/ac</li> <li>70% of area at 0.7 FAR office and retail</li> </ul>	3,311	6,621	6,729,889	17,188
• NMC East	264	<ul style="list-style-type: none"> <li>30% of area at 25 du/ac</li> <li>30% of area at 0.35 FAR for office</li> <li>40% of area at 0.3 FAR for retail uses</li> </ul>	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	<ul style="list-style-type: none"> <li>50% of the area at 30 du/ac</li> <li>50% of area at 0.8 FAR retail</li> </ul>	156	312	181,210	419
• SR-60/Hammer Tuscan Village	41	<ul style="list-style-type: none"> <li>18% of the area at 25 du/ac</li> <li>57% of the area at 0.25 FAR retail</li> <li>25% of the area at 1.5 FAR office</li> </ul>	185	369	924,234	2,098
Subtotal	1,821		17,274	34,549	41,258,102	87,803





## LU-03 Future Buildout<sup>1</sup> (Cont.)

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	261	0.30 FAR			3,414,407	8,262
General Commercial	604	0.30 FAR			7,889,152	7,329
Office/Commercial	414 402	0.75 FAR			13,534,854	30,015
Hospitality	145	1.00 FAR			13,151,309	29,164
Subtotal	1,424				6,316,200	7,241
					31,154,613	52,847
					30,771,068	51,996
<b>Employment</b>						
Business Park	1,490	0.40 FAR			25,962,980	45,551
	1,444				25,162,522	44,147
Industrial	6,561	0.55 FAR			157,179,094	138,101
	6,535				156,551,394	137,549
Subtotal	8,051				183,142,074	183,652
	7,979				181,713,916	181,696
<b>Other</b>						
Open Space-Non-Recreation	1,252	Not applicable				
Open Space-Parkland <sup>6</sup>	982	Not applicable				
Open Space-Water	59	Not applicable				
Public Facility	92	Not applicable				
Public School	628	Not applicable				
LA/Ontario International Airport	1,421	Not applicable				
Landfill	137	Not applicable				
Railroad	247	Not applicable				
Roadways	4,880	Not applicable				
Subtotal	9,697					
Total	31,924		104,197	356,958	255,554,789	324,302
			104,574	358,467	253,743,086	321,496

### 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.
- Acres 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.



# California Environmental Quality Act Environmental Checklist Form

City of Ontario  
Planning Department  
303 East "B" Street  
Ontario, California  
Phone: (909) 395-2036  
Fax: (909) 395-2420



**Project Title/File No(s):** Subarea 29 Planning Area 1 – PGPA13-007

**Lead Agency:** City of Ontario, 303 East "B" Street, Ontario, California 91764, (909) 395-2036

**Contact Person:** Henry K. Noh, Senior Planner

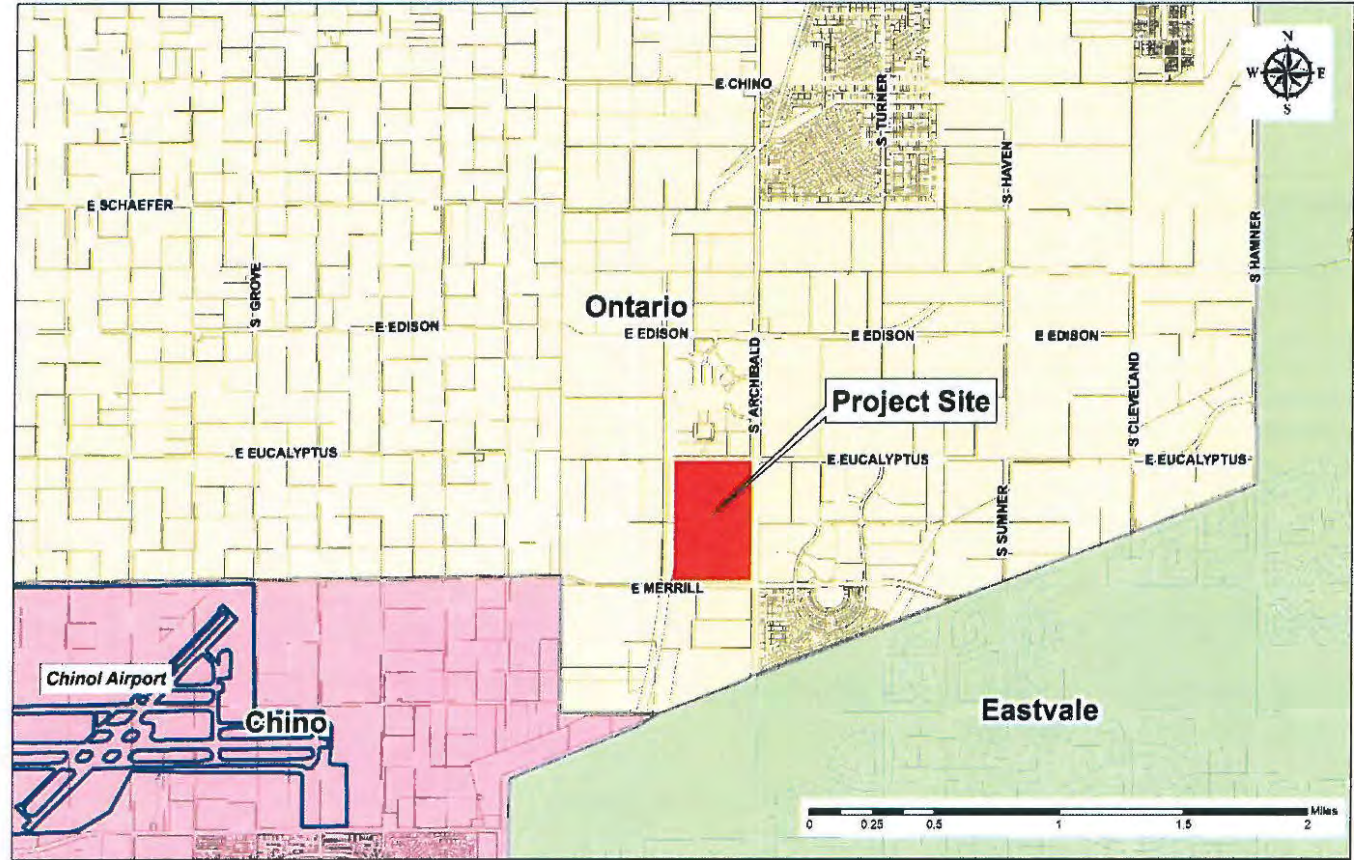
**Project Sponsor:** Richland Communities, 3161 Michelson Drive, #425, Irvine, CA 92612

**Project Location:** The project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County. As illustrated on Figures 1 through 3, below, the project site is located at the southwest corner of Archibald and Eucalyptus Avenue.

**Figure 1—REGIONAL LOCATION MAP**

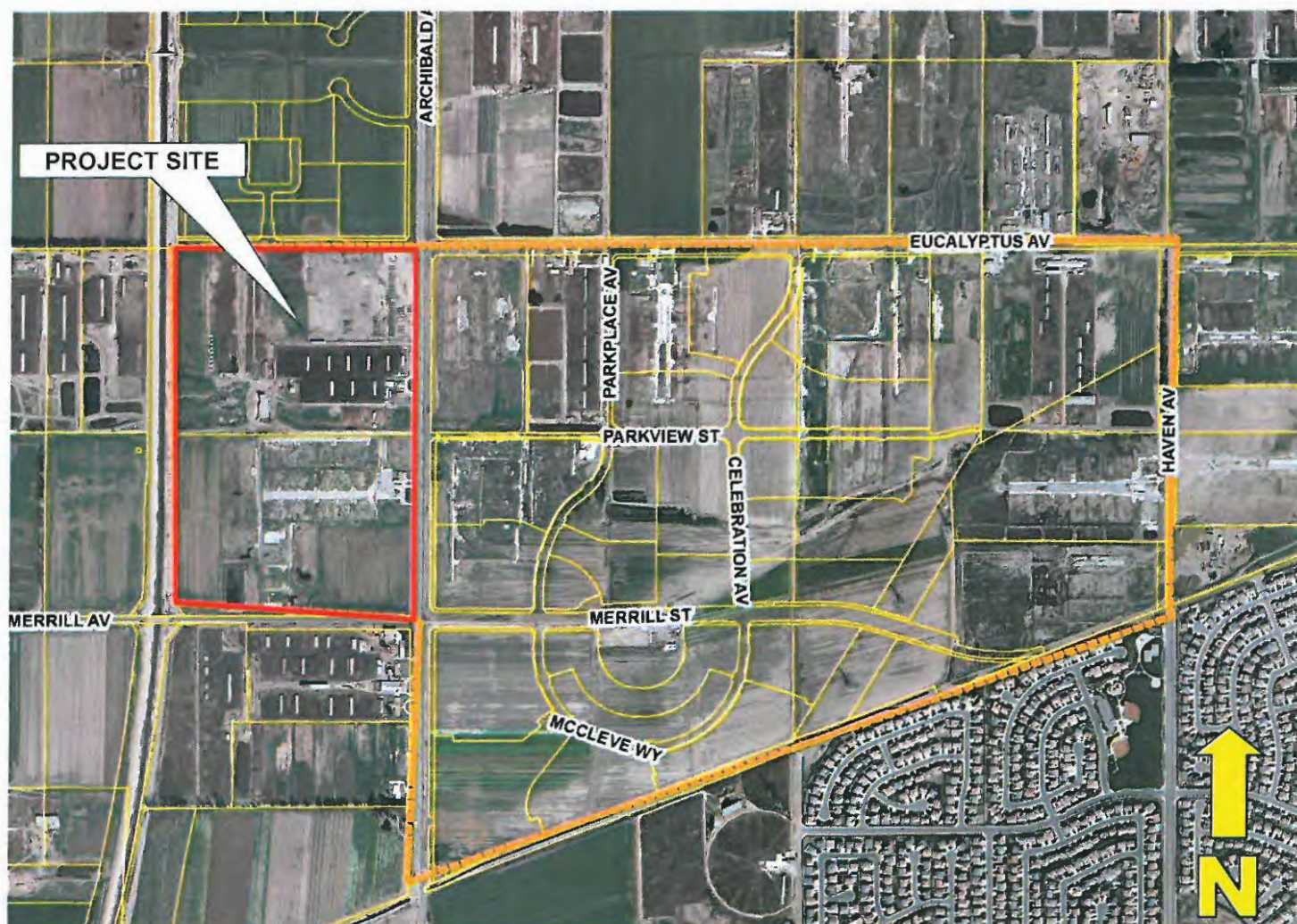


**Figure 2—VICINITY MAP**





**Figure 3—AERIAL PHOTOGRAPH**



**Subarea 29 Specific Plan Boundary**

**General Plan Designation:** Office Commercial, Business Park and Industrial

**Zoning:** SP – Subarea 29 Specific Plan

**Description of Project:** A General Plan Amendment (PGPA13-007) is being proposed to revise the Land Use Element of The Ontario Plan-Policy Plan, Exhibits LU-01 Official Land Use Plan and LU-03 Future Buildout to: 1) change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac) (**Exhibit A – General Plan Amendment**); and 2) modify the Future Buildout Table to be consistent with the land use designation changes. The amendment would provide consistency between The Ontario Plan - Policy Plan (General Plan) and the Subarea 29 Specific Plan (Zoning) and would reflect the proposed land use designation changes for the future residential construction.

The certified Subarea 29 Specific Plan EIR allocated 432 residential dwelling units within Planning Area 1. The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would decrease by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease;



the business park area would decrease by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would decrease by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. The potential impacts for topics such as traffic and air quality would decrease due to the total reduction of 1,759 vehicular trips during PM Peak Hours (**Exhibit B – Land Use Traffic Analysis**). The adopted Subarea 29 Specific Plan accounts for an additional 55 dwelling units versus the proposed project, but the proposed project would result in minimal potential impacts such as traffic and air quality due to a slight increase of 56 vehicular trips during PM Peak Hours. The proposed project requires approval of a General Plan Amendment (PGPA13-007).

**Background:** In October 2006, the City Council approved the Subarea 29 Specific Plan (File No. PSP03-003). The Specific Plan established the land use designations, development standards, and design guidelines for 539 acres of land, located on the south side Eucalyptus Avenue, North of Bellegrave Avenue, east of the Cucamonga Creek Channel and West of Haven Avenue.

Prior to adoption of The Ontario Plan, the New Model Colony (NMC) General Plan Amendment established the land uses within the entire NMC area and designated the subject property as Low Density Residential (2-5 DU/AC). The Subarea 29 Specific Plan was adopted in 2006 and designated the subject property as Conventional Small Lot (4.8 dwelling units per gross acre), consistent with the NMC General Plan Amendment. In 2010, The Ontario Plan was adopted and designated the project site Business Park, Industrial and Office Commercial uses due to the proximity of the Chino Airport. The proposed general plan amendment will provide consistency between The Ontario Plan - Policy Plan (General Plan) and the Subarea 29 Specific Plan (Zoning) and allow for residential land uses that are consistent with the provisions set forth in the Chino Airport Land Use Compatibility Plan.

An Environmental Impact Report (EIR) was prepared for the Subarea 29 Specific Plan (and certified (SCH# 2004011009) by the City Council with a Statement of Overriding Considerations. The EIR analysis identified the potential environmental impacts associated with the Specific Plan. The significant unavoidable adverse impacts that were identified in the EIR included air quality, agriculture, traffic, biological resources and noise.

**Analysis:** According to the California Environmental Quality Act Guidelines Section 15164, an Addendum to a previously certified EIR may be used if some changes or additions are necessary, but none of the conditions described in Section 15162 requiring the preparation of a subsequent Negative Declaration or EIR have occurred. The CEQA Guidelines require that a brief explanation be provided to support the findings that no subsequent EIR or Negative Declaration are needed for further discretionary approval. These findings are described below:

1. *Required Finding: Substantial changes are not proposed for the project that will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified effects.* Substantial changes are not proposed for the project and will not require revisions to the Subarea 29 Specific Plan EIR. The Subarea 29 Specific Plan EIR evaluated the impacts associated with the development capacity of 2,293 single family units. The Specific Plan is divided into 31 Planning Areas that were assigned a maximum development capacity. The proposed project is located within Planning Area 1, which has a development capacity of 432 single-family units within the Subarea 29 Specific Plan. The project proposes to amend the existing general plan land use designation from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 - 5 du/ac) for the future construction of 396 single-family detached homes on 83.88 acres of land. At the time of the Subarea 29 Specific Plan adoption, the former New Model Colony General Plan designated the 83.88 project site for Low Density Residential at 4.6 dwelling units per acre. On January 26, 2010, the City of Ontario adopted The Ontario Plan (TOP) Policy Plan (General Plan). With the adoption of Policy Plan the land use designation of the 83.88 acre project was changed from Low Density Residential to 11.74 acres of Office Commercial, 45.94 acres of Business Park and 26.20 acres of Industrial. The proposed General Plan Amendment would provide consistency with the Low Density Residential zoning of the Specific Plan. The Policy Plan designation of Low Density Residential provides for a density range of 2.1 to 5 dwelling units per acre. The Specific Plan allows up to 432 single family units at a density of 4.8 dwelling units per acre, which is within the density range allowed by the Policy Plan for the site. Additionally, the City's water, recycled water, and sewer infrastructure would have sufficient capacity to serve the proposed General Plan Amendment and the specific

infrastructure improvement designs for installation shall be reviewed at the time the individual developments are submitted.

The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. To date thirteen Tract Maps (TT118065, TT18066, TT18067, TT18068, TT18073, TT18074, TT18075, TT18076, TT18077, TT18078, TT18079, TT18080, and TT18081,) have been approved within the Specific Plan for a total of 819 single family units. The amendment is required to provide consistency between The Ontario Plan - Policy Plan (General Plan) and the Subarea 29 Specific Plan (Zoning). Therefore, no proposed changes or revisions to the EIR are required.

2. *Required Finding: Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, that would require major revisions of the previous Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.* The Subarea 29 Specific Plan EIR analysis identified that potential habitat for the federally listed Delhi Sands Flower Loving Fly (DSFF). Planning Areas 28 A & B (including Bellegrave Avenue in Planning Area 28), 30 A & B, 31, and 32 were included in the general biological assessment for the area and contain the soil series Delhi fines and may contain suitable habitat for the DSFF. Either an evaluation and concurrence from the U.S. Fish and Wildlife Service that suitable habitat for the DSFF does not occur and focused surveys are not warranted for Planning Areas 28 A & B (including Bellegrave Avenue in Planning Area 28), 30 A & B, 31, and 32 shall be obtained or two year protocol surveys for the DSF shall be conducted in these Planning Areas prior to approval of the tentative tract map(s) for these Planning Areas, in conjunction with the necessary CEQA review. The proposed project is located within Planning Area 1, which does not contain Delhi fine soils and is not listed as potential habitat on The Ontario Plan (TOP) EIR USFWS and CDFG Sensitive Species Map (Figure 5.4-1).
3. *Required Finding. No new information has been provided that would indicate that the proposed project would result in one or more significant effects not discussed in the previous EIR.* The Subarea 29 Specific Plan EIR did not address Global Climate Change impacts as required by Assembly Bill 32, passed in August of 2006. Additionally, the Subarea 29 Specific Plan EIR was evaluating the Riverside County Airport Land Use Compatibility Plan – Chino Airport, but the final report was not adopted prior to approval of the Subarea 29 Specific Plan EIR. However, the impact of buildout of The Ontario Plan (TOP) on the environment due to the emission of greenhouse gases ("GHGs") and the Chino Airport were analyzed in the Environmental Impact Report ("EIR") for the Policy Plan (General Plan). According to the EIR, this impact would be significant and unavoidable. This EIR was certified by the City on January 27, 2010, at which time a statement of overriding considerations was also adopted for The Ontario Plan's significant and unavoidable impacts, including that concerning the emission of greenhouse gases. Pursuant to Public Resources Code section 21083.3, this impact need not be analyzed further, because (1) the proposed buildout of the Subarea 29 Specific Plan would result in an impact that was previously analyzed in The Ontario Plan EIR, which was certified by the City; (2) the proposed project would not result in any greenhouse gas impacts that were not addressed in The Ontario Plan EIR; (3) the proposed project would reduce the GHG emissions as a result of the reduction of 383,545 square feet of Office Commercial, a reduction of 800,454 square feet of Business Park and a reduction of 627,700 square feet of Industrial uses and an increase of 377 Low Density residential dwelling units, which results in a reduction of 1,759 vehicular trips; and (4) the proposed project would not result in any impacts related to the Chino Airport that were not addressed in The Ontario Plan EIR.

As part of the City's certification of The Ontario Plan EIR and its adoption of The Ontario Plan, the City adopted mitigation measures with regard to the significant and unavoidable impacts relating to GHG emissions and the Chino Airport. These mitigation measures are outlined in Section 6 of this Initial Study.

**CEQA REQUIREMENTS FOR AN ADDENDUM:**

If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency may: (1) prepare a subsequent EIR if the criteria of State CEQA Guidelines § 15162(a) are met, (2) prepare a subsequent negative declaration, (3) prepare an addendum, or (4) prepare no further documentation. (State CEQA Guidelines § 15162(b).) When only minor technical changes or additions to the negative declaration are necessary and none of the conditions described in section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, CEQA allows the lead agency to prepare and adopt an addendum. (State CEQA Guidelines, § 15164(b).)

Under Section 15162, a subsequent EIR or negative declaration is required only when:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the negative declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Thus, if the Project does not result in any of the circumstances listed in section 15162 (i.e., no new or substantially greater significant impacts), the City may properly adopt an addendum to the Subarea 29 Specific Plan EIR.

**Conclusion:**

Accordingly, and based on the findings and information contained in the previously certified the Subarea 29 Specific Plan EIR, the analysis above, the attached Initial Study, and the CEQA statute and State CEQA Guidelines, including sections 15164 and 15162, the Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines section 15162 are present.

**Surrounding Land Uses:**

	<b><u>Zoning</u></b>	<b><u>Current Land Use</u></b>
▪ North—	Planning Areas 1 and 4 Parkside Specific Plan	Vacant with Previous Agriculture uses
▪ South—	Specific Plan/Agriculture Overlay	Agriculture and Dairy uses
▪ East—	Planning Areas 3 thru 5 Subarea 29 Specific Plan	Vacant with Previous Agriculture uses
▪ West—	Specific Plan/Agriculture Overlay	Agriculture and Dairy uses

**Other public agencies whose approval is required** (e.g., permits, financing approval or participation agreement): None.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |
|--|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture Resources              |
| <input type="checkbox"/> Air Quality                 | <input type="checkbox"/> Biological Resources               |
| <input type="checkbox"/> Cultural Resources          | <input type="checkbox"/> Geology / Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions    | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology / Water Quality   | <input type="checkbox"/> Land Use / Planning                |
| <input type="checkbox"/> Population / Housing        | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                       | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                  | <input type="checkbox"/> Transportation / Traffic           |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION (To be completed by the Lead Agency):**

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☒ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Certified Subarea 29 Specific Plan Environmental Impact Report (EIR) pursuant to applicable standards, and (b) The Certified Ontario Plan EIR and (c) have been avoided or mitigated pursuant to that earlier Certified Subarea 29 Specific Plan EIR and The Ontario Plan EIR, including revisions or mitigation measures that are imposed upon the proposed project, the analysis from the Certified Subarea 29 Specific Plan EIR and The Certified Ontario Plan prepared for this project was used as a basis for this Addendum, nothing further is required.

Signature

Henry K. Noh, Senior Planner  
Printed Name

10/28/2014  
Date

City of Ontario Planning Department  
For



**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from the "Earlier Analyses" Section may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analyses Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 1) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 2) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 3) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 4) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
1) <b>AESTHETICS.</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) <b>AGRICULTURE AND FOREST RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) <b>AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4) BIOLOGICAL RESOURCES.</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5) CULTURAL RESOURCES.</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6) GEOLOGY AND SOILS.</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18.1 B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7) GREENHOUSE GAS EMISSIONS.</b> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8) HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>9) HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a) Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increase in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10) LAND USE AND PLANNING.</b> Would the project:				

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, airport land use compatibility plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>11) MINERAL RESOURCES.</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>12) NOISE.</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13) POPULATION AND HOUSING.</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>14) PUBLIC SERVICES.</b> Would the project:				

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>15) RECREATION.</b> Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>16) TRANSPORTATION/TRAFFIC.</b> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>17) UTILITIES AND SERVICE SYSTEMS.</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>18) MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.



## EXPLANATION OF ISSUES

The Subarea 29 Specific Plan Environmental Impact Report, certified in October of 2006, was prepared as a Program EIR in accordance with CEQA, the State CEQA Guidelines, and the City's Rules for the Implementation of CEQA. In accordance with Section 15121(a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). The EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by the Subarea 29 Specific Plan. Consequently, the EIR focused on impacts from the proposed land use associated with buildout of the Specific Plan Land Use Plan, and impacts from the resultant population and employment growth from the Specific Plan.

Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine whether an additional CEQA document needs to be prepared. However, if the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program EIR scope and additional environmental documents may not be required (Guidelines Section 15168(c)). When a Program EIR is relied on for a subsequent activity, the lead agency must incorporate feasible mitigation measures and alternatives developed in the Program EIR into the subsequent activities (Guidelines Section 15168(c)[1]). If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.

Here, an initial study has been prepared to determine if the project is within the scope of the Subarea 29 Specific Plan EIR such that additional environmental review is not required. As discussed below, the City has concluded that no additional environmental review is required, such that this initial study can serve as an addendum to the Subarea 29 Specific Plan EIR.

Substantial changes are not proposed for the project and will not require revisions to the Subarea 29 Specific Plan EIR. The Subarea 29 Specific Plan EIR evaluated the impacts associated with the development capacity of 2,293 single family units. The Specific Plan is divided into 31 Planning Areas that were assigned a maximum development capacity. The proposed project is located within Planning Area 1, which has a development capacity of 432 single-family units within the Subarea 29 Specific Plan. The project proposes to amend the existing general plan land use designation from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 - 5 du/ac) for the future construction of 396 single-family detached homes on 83.88 acres of land. At the time of the Subarea 29 Specific Plan adoption, the former New Model Colony General Plan designated the 83.88 project site for Low Density Residential at 4.6 dwelling units per acre. On January 26, 2010, the City of Ontario adopted The Ontario Plan (TOP) Policy Plan (General Plan). With the adoption of Policy Plan the land use designation of the 83.88 acre project was changed from Low Density Residential to 11.74 acres of Office Commercial, 45.94 acres of Business Park and 26.20 acres of Industrial. The proposed General Plan Amendment would provide consistency with the Low Density Residential zoning of the Specific Plan. The Policy Plan designation of Low Density Residential provides for a density range of 2.1 to 5 dwelling units per acre. The Specific Plan allows up to 432 single family units at a density of 4.8 dwelling units per, which is within the density range allowed by the Policy Plan for the site. Additionally, the City's water, recycled water, and sewer infrastructure would have sufficient capacity to serve the proposed General Plan Amendment and the specific infrastructure improvement designs for installation shall be reviewed at the time the individual developments are submitted.

The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. To date thirteen Tract Maps (TT118065, TT18066, TT18067, TT18068, TT18073, TT18074, TT18075, TT18076, TT18077, TT18078, TT18079, TT18080, and TT18081,) have been approved within the Specific Plan for a total of 819 single family units. The amendment would provide consistency between The Ontario Plan - Policy Plan (General Plan) and the Subarea 29 Specific Plan (Zoning). Therefore, the project will not introduce any additional impacts beyond those previously analyzed in the Subarea 29 Specific Plan EIR.

1) **AESTHETICS.** Would the project:

a) **Have a substantial adverse effect on a scenic vista?**

Discussion of Effects: The Policy Plan (General Plan) does not identify scenic vistas within the City. However, the Policy Plan (Policy CD1-5) of The Ontario Plan requires all major north-south streets be designed and constructed to feature views of the San Gabriel Mountains, which are part of the City's visual identity and a key to geographic orientation. North-south streets should be clear of visual clutter, including billboards and be enhanced appropriately by framing corridors with trees.

The project site is located along Archibald Avenue a major north-south street and is identified as a 6-lane Principal Arterial in the Functional Roadway Classification Plan (Figure M-2) of the Mobility Element within the Policy Plan. Furthermore, any future development would be required to meet the development standards that permits a maximum building height of 35-feet, which should not obstruct views of the San Gabriel Mountains for properties located south of the project site. Therefore, no adverse impacts are anticipated in relation to the project.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Substantially damage scenic resources, including, but not limited to, tress, rock outcroppings and historic buildings within a state scenic highway?**

Discussion of Effects: The City of Ontario is served by three freeways: I-10, I-15, and SR-60. I-10 and SR-60 traverse the northern and central portion of the City, respectively, in an east-west direction. I-15 traverses the northeastern portion of the City in a north-south direction. These segments of I-10, I-15, and SR-60 have not been officially designated as scenic highways by the California Department of Transportation. The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. There are no historic buildings or any scenic resources identified on or in the vicinity of the project site. Therefore, no adverse impacts are anticipated in relation to the project.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. The proposed project will substantially improve the visual quality of the area through development of the site with single-family homes, which will be consistent with the design standards of the Subarea 29 Specific Plan

and the policies of the Community Design Element of the Policy Plan (General Plan) and zoning designations on the property, as well as with the existing and future development in the surrounding area. Therefore, no adverse impacts are anticipated in relation to the project.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

**d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. New lighting will be introduced to the site with the development of the project. Pursuant to the requirements of the City's Development Code, project on-site lighting will be shielded, diffused or indirect, to avoid glare to pedestrians or motorists. In addition, lighting fixtures will be selected and located to confine the area of illumination to within the project site and minimize light spillage.

Site lighting plans will be subject to review by the Planning Department and Police Department prior to issuance of building permits (pursuant to the City's Building Security Ordinance). Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- 2) AGRICULTURE AND FOREST RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

**a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

The Subarea 29 Specific Plan EIR identified approximately 50% of the 539 acres Specific Plan Area designated Prime Farmland from agriculture to urban uses. However, the project site was not identified as Prime Farmland. The EIR concluded that the Specific Plan would result in the conversion of Prime Farmland to nonagricultural uses and considered the impact significant and unavoidable. The impact would remain as a significant and unavoidable impact.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

**b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

As shown in the previous Subarea 29 Specific Plan EIR the project site currently has one (1) active Williamson Act Contracted property on the project site. It was determined that the proposed development would be in conflict with this contract and this was a significant unavoidable impact. The changes to the Project do not change this conclusion and there is no additional mitigation presently available that could potentially reduce this impact. The impact will remain as a significant unavoidable impact.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

**c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

Discussion of Effects: The project includes a General Plan Amendment to amend the existing general plan land use designation from Office Commercial, Business Park and Industrial to Low Density Residential (LDR - 2.1 - 5 du/ac). The project is zoned "Subarea 29 Specific Plan". The City of Ontario does not have any land zoned for forest, timberland, or timberland production. The proposed general plan amendment would be consistent with The Ontario Plan and the development standards. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

**d) Result in the loss of forest land or conversion of forest land to non-forest use?**

Discussion of Effects: The project includes a General Plan Amendment to amend the existing general plan land use designation from Office Commercial, Business Park and Industrial to Low Density Residential (LDR - 2.1 - 5 du/ac). There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, the proposed project would not result in the loss or conversion of forest land and no adverse impacts are anticipated in relation to the project.



Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **Involve other changes in the existing environment, which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

As discussed in the previous Subarea 29 Specific Plan EIR, a considerable portion of the site is presently used for dairy/agricultural uses. The project will convert this land, which is considered to be Prime Farmland and identified by the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use. The conversion of farmland to urban uses was determined to be a potentially significant impact that is unavoidable. The changes to the project do not change this conclusion and there is no additional mitigation presently available that could potentially reduce this impact. The impact will remain as a significant unavoidable impact.

Mitigation Required: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- 3) **AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) **Conflict with or obstruct implementation of the applicable air quality plan?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

The project will not conflict with or obstruct implementation of any air quality plan. The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would not impair implementation of the Air Quality Management Plan and considered the impact less than significant.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would not release significant amounts of toxic contaminants and considered the impact less than significant. Therefore the project will not introduce any new air quality impacts beyond that previously analyzed in the Subarea 29 Specific Plan EIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would not release significant amounts of toxic contaminants and considered the impact less than significant. Therefore the project will not introduce any new air quality impacts beyond that previously analyzed in the Subarea 29 Specific Plan EIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **Expose sensitive receptors to substantial pollutant concentrations?**

Discussion of Effects: Sensitive receptors are defined as populations that are more susceptible to the effects of pollution than the population at large. The SCAQMD identifies the following as sensitive receptors: long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, child care centers, and athletic facilities. According to the SCAQMD, projects have the potential to create significant impacts if they are located within one-quarter mile of sensitive receptors and would emit toxic air contaminants identified in SCAQMD Rule 1401. The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area

would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. The proposed residential land use is considered a sensitive receptor. The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would result in increased local traffic volumes, but would not expose sensitive receptors to substantial localized CO concentrations and considered the impact less than significant.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

e) **Create objectionable odors affecting a substantial number of people?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. The uses proposed on the subject site, as well as those permitted within the Low Density Residential zoning district, do not create objectionable odors. Further, the project would remove daily dairy operations from the site, which are existing sources of potential odors. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

4) **BIOLOGICAL RESOURCES.** Would the project:

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

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded there may be a probability of owl colonization within the project site considering the presence of foraging habitat and previous records of presence. To ensure that no direct loss of individuals occurs, mitigation shall be completed prior to initiation of on-site grading activities for each development phase. A pre-construction survey for resident burrowing owls will be conducted by a qualified biologist. The survey will be conducted 30 days prior to construction activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site should be resurveyed for owls.

The Subarea 29 Secific Plan EIR analysis identified that potential habitat for the federally listed Delhi sands Flower Loving Fly (DSFF). Planning Areas 28 A & B (including Bellegrave Avenue in Planning Area 28), 30 A & B, 31, and 32 were included in the general biological assessment for the area and contain the soil series Delhi fines and may contain suitable habitat for the DSF. Either an evaluation and concurrence from the U.S. Fish and Wildlife Service that suitable habitat for the DSF does not occur and focused surveys are not warranted for Planning Areas 28 A & B (including Bellegrave Avenue in Planning Area 28), 30 A & B, 31, and 32 shall be obtained or two year protocol surveys for the DSF shall be conducted in these Planning Areas prior to approval of the tentative tract map(s) for these Planning Areas, in conjunction with the necessary CEQA review. The proposed project is located in Planning Area 1, which does not contain Delhi fine soils and is not

listed as potential habitat on The Ontario Plan (TOP) EIR USFWS and CDFG Sensitive Species Map (Figure 5.4-1).

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would remove state-mandated dairy manure water retention basins that serve as a migratory waterfowl habitat and considered the impact potentially significant. The EIR identified that the impact would remain potentially significant and project specific mitigation measures required would further reduce the impact to less than significant.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan (through construction and operation) would not have direct and indirect effects upon the hydrology and aquatic habitat quality of federally protected wetlands and "Others Waters" of the United States as defined section 404 of the *Clean Water Act*. There are no federally protected wetlands on the site, as defined by Section 404 of the Clean Water Act. The EIR identified that the impact would remain less than significant.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would not interfere with migratory movement within the New Model Colony area and region and considered the impact less than significant. No distinct wildlife corridors could be identified on the property. Habitat fragmentation has already occurred in the areas surrounding the site due to agricultural practices, housing development, and road construction. The loss of habitat on this property does not contribute significantly to additional habitat fragmentation.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet),



a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

The Subarea 29 Specific Plan analysis concluded that the implementation of the Specific Plan would be in substantial conformance with local applicable policies protecting biological resources and considered the impact less than significant.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

f) **Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. The site is not part of an adopted HCP, NCCP or other approved habitat conservation plan. Therefore, it will not result in adverse environmental impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

5) **CULTURAL RESOURCES.** Would the project:

a) **Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?**

Discussion of Effects: City records do not reflect the presence of a historic resource as defined in CEQA Guideline section 15064.5 at, or in the vicinity of the project site. The Subarea 29 Specific Plan analysis concluded that the implementation of the Specific Plan would not result in the destruction of historical resources and considered the impact less than significant.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded there is a low potential for adverse environmental impacts to unique archaeological resources, this issue is considered less than significant. However, unknown resources could be discovered during grading, therefore mitigation measures to address unforeseen impacts shall be implemented.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

c) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that earth-disturbing activities associated with the implementation of the Specific Plan could potentially disturb or damage undocumented paleontological resources and considered the impact potentially significant. The EIR identified that the impact would remain potentially significant and project specific mitigation measures required would further reduce the impact to less than significant.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

d) **Disturb any human remains, including those interred outside of formal cemeteries?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded there is low potential for adverse environmental impacts to human remains, including those interred outside of a formal cemetery. Therefore, this issue is considered less than significant. However, unknown burial sites could be discovered during grading, therefore mitigation measures to address unforeseen impacts shall be implemented.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

6) **GEOLOGY & SOILS.** Would the project:

a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**

i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Discussion of Effects: The project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Subarea 29 Specific Plan EIR analysis concluded that the implantation of the Specific Plan could expose people or structures to seismic hazards and considered the impact less than significant. Furthermore, all development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

ii) **Strong seismic ground shaking?**

Discussion of Effects: The project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Subarea 29 Specific Plan EIR analysis concluded that the implantation of the Specific Plan could expose people or structures to seismic hazards and considered the impact less than significant. Furthermore, all construction will be in compliance with the Uniform Building Code (UBC), the Ontario Municipal Code, The Ontario Plan and all other ordinances adopted by the City related to construction and safety. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

iii) **Seismic-related ground failure, including liquefaction?**

Discussion of Effects: The project site is located outside the Fault Rapture Hazard Zone

(formerly Alquist-Priolo Zone). The Subarea 29 Specific Plan EIR analysis concluded that the implantation of the Specific Plan could expose people or structures to seismic hazards and considered the impact less than significant. Therefore, the liquefaction potential within the project area is minimal. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

iv) **Landslides?**

Discussion of Effects: The project site is located in an area of generally level terrain that would not produce a landslide. The project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving landslides because the relatively flat topography of the project site (less than 2 percent slope across the City) makes the chance of landslides remote. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal Code would reduce impacts to a less than significant level. As a result, no further analysis is required

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Result in substantial soil erosion or the loss of topsoil?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implantation of the Specific Plan could alter site topography, which could affect the rate or extent of erosion and considered the impact less than significant. Furthermore, compliance with the California Building Code and review of grading plans by the City Engineer will ensure no significant impacts will occur. In addition, the City requires an erosion/dust control plan for projects located within this area. Implementation of a NPDES program, the Environmental Resource Element of the Policy Plan (General Plan) strategies, Uniform Building Code and Ontario Municipal code and required mitigation would reduce impacts to a less than significant level.

Mitigation: Non required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Discussion of Effects: The project would not result in the location of development on a geologic unit or soil that is unstable, or that would become unstable because as previously discussed, the potential for liquefaction and landslides associated with the project is less than significant. The Subarea 29 Specific Plan EIR analysis concluded that the implantation of the Specific Plan would locate structures on soils that are considered potentially expensive, unstable, and prone to settlement and corrosive and considered the impact to be potentially significant. The EIR identified that the impact would remain potentially significant and project specific mitigation measures required would further reduce the impact to less than significant. Further, implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994),**

**creating substantial risks to life or property?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implantation of the Specific Plan would locate structures on soils that are considered potentially expensive, unstable, prone to settlement, corrosive and considered the impact to be potentially significant. The EIR identified that the impact would remain potentially significant and project specific mitigation measures required would further reduce the impact to less than significant. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

Discussion of Effects: The proposed project is part of a master planned community; the project would use sewer systems and would not include the use of the septic systems or alternative wastewater treatment systems. As a result, no impact relating to septic or alternative wastewater systems would occur, and no further analysis of this issue is required. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

**7) GREENHOUSE GAS EMISSIONS.** Would the project:

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Discussion of Effects: The original Subarea 29 Specific Plan EIR did not address Global Climate Change impacts as required by Assembly Bill 32, passed in August of 2006. However, the impact of buildout of The Ontario Plan (TOP) on the environment due to the emission of greenhouse gases ("GHGs") was analyzed in the Environmental Impact Report ("EIR") for the Policy Plan (General Plan). The proposed buildout of the Subarea 29 Specific Plan was previously analyzed in The Ontario Plan EIR, which was certified by the City.

Discussion of Effects: The impact of buildout of The Ontario Plan on the environment due to the emission of greenhouse gases ("GHGs") was analyzed in the Environmental Impact Report ("EIR") for the Policy Plan (General Plan). According to the EIR, this impact would be significant and unavoidable. This EIR was certified by the City on January 27, 2010, at which time a statement of overriding considerations was also adopted for The Ontario Plan's significant and unavoidable impacts, including that concerning the emission of greenhouse gases.

Pursuant to Public Resources Code section 21083.3, this impact need not be analyzed further, because (1) the proposed project would not result in an impact that was previously analyzed in The Ontario Plan EIR, which was certified by the City; (2) the proposed project would not result in any greenhouse gas impacts that were not addressed in The Ontario Plan EIR; (3) the proposed project is consistent with The Ontario Plan.

As part of the City's certification of The Ontario Plan EIR and its adoption of The Ontario Plan, the City adopted mitigation measures 6-1 through 6-6 with regard to the significant and unavoidable impact relating to GHG emissions. These mitigation measures, in summary, required:

MM 6-1. The City is required to prepare a Climate Action Plan (CAP).

MM 6-2. The City is required to consider for inclusion in the CAP a list of emission reduction measures.

MM 6-3. The City is required to amend its Municipal Code to incorporate a list of emission reduction concepts.

MM 6-4. The City is required to consider the emission reduction measures and concepts contained in MMs 6-2 and 6-3 when reviewing new development prior to adoption of the CAP.

MM 6-5. The City is required to evaluate new development for consistency with the Sustainable Communities Strategy, upon adoption by the Southern California Association of Governments.

MM 6-6. The City is required to participate in San Bernardino County's Green Valley Initiative.

While Public Resources Code section 21083.3 requires that relevant mitigation measures from a General Plan EIR be imposed on a project that is invoking that section's limited exemption from CEQA, these mitigation measures impose obligations on the City, not applicants, and hence are not directly relevant. However, the mitigation proposed below carries out, on a project-level, the intent of The Ontario Plan's mitigation on this subject.

Mitigation Required: The following mitigation measures shall be required:

1. The City has reviewed the emission reduction measures and concepts in The Ontario Plan EIR's MM 6-2 and 6-3, and has determined that the following actions apply and shall be undertaken by the applicant in connection with the project:
  - a. Evaluate existing landscaping and options to convert reflective and impervious surfaces to landscaping, and install or replace vegetation with drought-tolerant , low-maintenance native species or edible landscaping that can also provide shade and reduce heat-island effects;
  - b. Require all new landscaping irrigation systems installed to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors;
  - c. Reduce heat gain from pavement and other similar hardscaping;
  - d. The City is required to consider for inclusion in the CAP a list of emission reduction measures.
  - e. The City is required to amend its Municipal Code to incorporate a list of emission reduction concepts.
- b) **Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

The proposed project is consistent with The Ontario Plan Goal ER 4 of improving air quality by,

among other things, implementation of Policy ER4-3, regarding the reduction of greenhouse gas emissions in accordance with regional, state and federal regulations. In addition, the proposed project is consistent with the policies outlined in Section 5.6.4 of the Environmental Impact Report for The Ontario Plan, which aims to reduce the City's contribution of greenhouse gas emissions at build-out by fifteen (15%), because the project is upholding the applicable City's adopted mitigation measures as represented in 6-1 through 6-6. Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases. Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases. Therefore, no adverse impacts are anticipated.

Mitigation Required: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

**8) HAZARDS & HAZARDOUS MATERIALS.** Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. The project is not anticipated to involve the transport, use or disposal of hazardous materials during either construction or project implementation. Therefore, no adverse impacts are anticipated. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan will decrease the potential for health and safety risks from hazardous materials to a less than significant impact.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. The Subarea 29 Specific Plan EIR analysis concluded that construction within the Specific Plan could have significant impacts that may include such things as asbestos and lead from building materials and paints in older structures, pesticides from past agricultural uses, or petroleum products used or leaked on the site. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan

will decrease the potential for health and safety risks from hazardous materials to a less than significant impact. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that implementation of the Specific Plan is located within a quarter mile of Phoenix High School (Corona-Norco Unified School District) and Colony High School (CJUHSD) and could result in possible safety hazards associated with hazardous emissions or hazardous material handling in proximity to a school and considered the impact potentially significant. The EIR identified that the impact would remain potentially significant and project specific mitigation measures required would further reduce the impact to less than significant. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Discussion of Effects: The proposed project site is not listed on the hazardous materials site compiled pursuant to Government Code § 65962.5. Therefore, the project would not create a hazard to the public or the environment and no impact is anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The project site is located within the Airport Influence Area of ONT and Chino Airport and is subject to the ONT Airport Land Use Compatibility Plan (ALUCP) and the Chino ALUCP. Policy Map 2-2: Safety Zones of the ONT ALUCP identifies the geographic locations of Safety Zones, however the proposed project is located outside the established Safety Zones and would not result in safety hazards for people residing or working in the project area. The project was also evaluated for hazards to aircraft in flight utilizing by Policy Map 2-4: Airspace Obstruction Zones of the ONT ALUCP which identifies height restrictions of proposed structures or buildings. The allowable height threshold for the project location is greater than 200 feet and it was determined that the project would not obstruct aircraft maneuvering since the permitted building height is 35 feet, which is below the established threshold. The proposed project site is located within the Chino ALUCP Compatibility Zone D (**Exhibit C – Airport Influence Areas**) that requires: (1) 10% of the area be set aside as Open Land for the purpose of serving as emergency landing areas; (2) residential density be either higher than 5.0 dwelling units per acre or have an average parcel size of less than 0.2 acres (8,712 SF); (3) limits the maximum building height to 70 feet; and (4) record an Overflight Notification on the Property Deed and Title and provide a Real Estate Transaction Disclosure.



Pursuant to Public Resources Code section 21083.3, this impact need not be analyzed further, because (1) the proposed project would not result in an impact that was previously analyzed in The Ontario Plan EIR, which was certified by the City; (2) the proposed project would not result in any airport related impacts that were not addressed in The Ontario Plan EIR; (3) the proposed project is consistent with The Ontario Plan.

The impacts of the ONT and Chino Airports were analyzed in the Environmental Impact Report ("EIR") for the Policy Plan (General Plan). This EIR was certified by the City on January 27, 2010, at which time mitigation measures were adopted for The Ontario Plan, including those concerning the impacts related to the ONT and Chino Airports. The proposed General Plan Amendment and any future development would be required to be consistent with the ONT and Chino ALUCP. Therefore, the project will not result in adverse impacts.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip therefore there are no impacts.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded the implementation of the Specific Plan could impair the implementation of, or physically interferes with, an adopted emergency response or evacuation plan and considered the impact less than significant. The City's Safety Element, as contained within The Ontario Plan, includes policies and procedures to be administered in the event of a disaster. The Ontario Plan seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from every day and disaster emergencies. In addition, the project will comply with the requirements of the Ontario Fire Department and all City requirements for fire and other emergency access. Because the project is required to comply with all applicable City codes, any impacts would be reduced to a less than significant level.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Discussion of Effects: The project site is not located in or near wildlands. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.



9) **HYDROLOGY & WATER QUALITY.** Would the project:

- a) **Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

The Subarea 29 Specific Plan EIR analysis concluded that the implantation of the Specific Plan could violate quality standards, waste discharge requirements, results in substantial sources of polluted runoff, or otherwise substantially degrades water quality and considered the impact to be less than significant. Further, the site is required to comply with the statewide National Pollutant Discharge Elimination System (NPDES) General Industrial Activities Stormwater Permit, the San Bernardino County Area-Wide Urban Runoff Permit (MS4 permit) and the City of Ontario's Municipal Code (Section 6, Title 6). This would reduce any impacts to a less than significant level.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

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

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

The Subarea 29 Specific Plan EIR analysis concluded that the implantation of the Specific Plan could substantially deplete groundwater supplies or interfere substantially with ground water recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table level. The EIR identified that the impact would remain potentially significant and project specific mitigation measures required would further reduce the impact to less than significant. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increases in erosion of the project site or surrounding areas?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implantation of the Specific Plan could alter the drainage patterns of the site and in a manner that could create substantial flooding, erosion, or siltation on or off-site. Stormwater generated by the project will be discharged in compliance with the statewide NPDES General Construction Activities Stormwater Permit and San Bernardino County MS4 permit requirements. With the full implementation of a Storm Water Pollution Prevention Plan developed in compliance with the General Construction Activities Permit requirements, the Best Management Practices included in the SWPPP, and a stormwater monitoring program would reduce any impacts to below a level of significance. No streams or streambeds are present on the site. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implantation of the Specific Plan could alter the drainage patterns of the site and in a manner that could create substantial flooding, erosion, or siltation on or off site. Furthermore, with the implementation of an approved Water Quality Management Plan developed for the site, in compliance with the San Bernardino County MS4 Permit requirements, stormwater runoff volume shall reduce any potential impacts to a less than significant level.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (a&b) during construction and/or post-construction activity?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implantation of the Specific Plan would create or contribute runoff water that could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Pursuant to the requirements of The Ontario Plan, the City's Development Code, and the San Bernardino County MS4 Permit's "Water Quality Management Plan" (WQMP), individual developments must provide site drainage and WQMP plans according to guidelines established by the City's Engineering Department. If master drainage facilities are not in place at the time of project development, then standard engineering practices for controlling post-development runoff may be required, which could include the construction of on-site storm water detention and/or retention/infiltration facilities. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- f) **Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implantation of the Specific Plan could substantially degrade water quality with conversion of agriculture lands to urban uses and considered the impact to be potentially significant. The EIR identified that the impact would remain potentially significant and project specific mitigation measures required would further reduce the impact to less than significant. Further, the site is required to comply with the statewide NPDES General Construction Permit and the City of Ontario's Municipal Code (Section 6, Title 6) to minimize water pollution. Thus it is anticipated that there is no potential for discharges of stormwater during construction that will affect the beneficial uses of the receiving waters. However, with the General Construction Permit requirement and implementation of the policies in The Ontario Plan, any impacts associated with the project would be reduced less than significant level.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

Discussion of Effects: The project site is not located 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. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- h) **Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?**

Discussion of Effects: As identified in the Safety Element (Exhibit S-2) of the Policy Plan (General Plan), the site lies outside of the 100-year flood hazard area. Additionally, the project site is not located 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. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

Discussion of Effects: The project site is not located in an area that is subject to inundation resulting from the failure of a dam or levee. As a result, no impacts related to a seiche or mudflow would occur, and no further analysis is required. As identified in the Safety Element (Exhibit S-2) of The Ontario Plan, the site lies outside of the 100-year flood hazard area. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

j) **Expose people or structures to inundation by seiche, tsunami or mudflow?**

Discussion of Effects: There are no lakes or substantial reservoirs near the project site; therefore, impacts from seiche are not anticipated. The City of Ontario has relatively flat topography, less than two percent across the City, and the chance of mudflow is remote. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

10) **LAND USE & PLANNING.** Would the project:

a) **Physically divide an established community?**

Discussion of Effects: The project site is located within the Subarea 29 Specific Plan which when developed would have thirty one (31) distinctive neighborhoods that will be integrated through design and paseo (trails) networks. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Conflict with applicable land use plan, policy or regulation of agencies with jurisdiction over the project (including, but not limited to general plan, airport land use compatibility plan, specific plan, or development code) adopted for the purpose of avoiding or mitigation an environmental effect?**

Discussion of Effects: The project will be designed to be consistent with the development regulations of the Subarea 29 Specific Plan and the EIR prepared for the Specific Plan. The proposed project includes an amendment to the land use plan however, the project does not interfere or conflict with any policies for environmental protection as they relate to The Ontario Plan or any other City policy or regulation. As such, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

Discussion of Effects: There are no adopted habitat conservation plans in the project area. Therefore, no conflicts or impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

11) **MINERAL RESOURCES.** Would the project:

a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Discussion of Effects: The project site is not located in an identified mineral resource site in any plans. In addition, the project site is not known to contain any mineral resources. Additionally, there are no known mineral resources in the area. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Discussion of Effects: The project site is not located in an identified mineral resource site in any plans. In addition, the project site is not known to contain any mineral resources. Additionally, there are no known mineral resources in the area. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

12) **NOISE.** Would the project result in:

a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the construction activities associated with the Specific Plan could generate substantial temporary or periodic noise levels and considered the impact to be significant and unavoidable. The EIR analysis concluded that the impacts would be less than significant.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the construction activities associated with the Specific Plan could generate substantial temporary or periodic noise levels and vibration and considered the impact to be significant and unavoidable. The uses associated with this project normally do not induce groundborne vibrations. The EIR analysis concluded that the impacts would be less than significant.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: Subarea 29 Specific Plan EIR analysis concluded that based on the modeled noise levels for the proposed project, the ambient noise environment will not be substantially increased as a result of the noise generated by the Subarea 29 project. Therefore, no increases in noise levels within the vicinity of the project are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the construction activities associated with the Specific Plan could generate substantial temporary or periodic noise levels and considered the impact to be significant and unavoidable. Temporary construction activities will minimally impact ambient noise levels. All construction machinery will be maintained according to industry standards to help minimize the impacts. Normal activities associated with the project are unlikely to increase ambient noise levels. The EIR analysis concluded that the impacts would be less than significant.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: According to Map 2-3 of the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP), the proposed site is located outside the 60-65 CNEL noise contour. Pursuant to Table 2-3 of the ALUCP, residential uses are compatible within these noise contours. The proposed project is consistent with the ONT ALUCP and the Real Estate Transaction Disclosure policies apply. Therefore, the project will not result in adverse impacts. According to Land Use Element (Exhibit LU-01 Official Land Use Plan) of the Policy Plan (General Plan), the entire City is located within the Ontario International Airport Influence Area and is required to meet the policies and criteria set forth in the Ontario Airport Land Use Compatibility Plan (ONT ALUCP) for each of the four compatibility factors (safety, noise, airspace protection and overflight). Policy Map 2-3 of the ONT ALUCP identifies the areas within the City that are located within the Noise Impact Zones. The project site is located outside of the Noise Impact Zones north of ONT along 4<sup>th</sup> Street and approximately half a mile from the 60 dB CNEL Noise Impact Zone.

The proposed project site is located within the Chino ALUCP Compatibility Zone D that requires residential developments to record an Overflight Notification on the Property Deed and Title and provide a Real Estate Transaction Disclosure. The project site underlies the Chino Airport traffic pattern, but the property lies outside of the area that would be subject to average exterior noise levels of 55 CNEL under the ultimate airport development conditions. Therefore, no special noise attenuation measures are required for future residential development. Since the project site is located outside of the Noise Impact Zones the project would not result in exposing people residing or working in the project area to excessive noise levels. Therefore, no impacts are anticipated.

Mitigation: The Real Estate Transaction Disclosure and in accordance with California Codes: Business and Professions Code Section 11010-11024 new subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI: NOTICE OF AIRPORT IN VICINITY This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

The proposed project site is located within the Chino ALUCP Compatibility Zone D that requires residential developments to record an Overflight Notification on the Property Deed and Title and provide a Real Estate Transaction Disclosure.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip therefore there are no impacts.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

**13) POPULATION & HOUSING.** Would the project:

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

The proposed project would result in an increase of up to 432 residential lots for future residents and represents growth that was planned and anticipated for the Subarea 29 Specific Plan and New Model Colony and consistent with TOP. The potential increase of 432 single-family residential dwelling units would potentially increase the City's population by 1,728 people. The California Department of Finance lists the City's current population to be 167,382 the increase of 1,728 people would be a 0.01% increase in City population and would not induce a substantial population growth. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would result in replacement of existing dairy, agriculture fields, fields and nursery with residential uses. As a result, less than significant impacts related to the displacement of housing and population would occur and no further analysis is required.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The Subarea Specific Plan EIR analysis concluded that the implementation of the Specific Plan would result in replacement of an existing dairy, agriculture fields, fields and nursery with residential uses. As a result, less than significant impacts related to the displacement of housing and population would occur and no further analysis is required.

Mitigation: None required. The Project will not result in any new significant environmental effects



or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

14) **PUBLIC SERVICES.** Would the project:

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

i) **Fire protection?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would add residential uses to the area and would increase demands upon fire protection and considered the impact less than significant. The Ontario Fire Department currently provides fire and Emergency Medical Services for the proposed project site from Fire Station No. 6. This station is located northeast of the project site, at 2931 E. Philadelphia. The current response time from this station will exceed the current Fire Department Emergency Response Guideline. Fire Station No. 9 is to be built approximately ½-mile north of Subarea 29 on the west side of Archibald Avenue within the proposed Parkside Specific Plan. The payment of Development Impact Fees from Subarea 29 will help fund construction of this station. This station is required to be operational prior to any residential or commercial occupancy within the Subarea 29 Specific Plan. All potential significant physical impacts associated with construction of this station are addressed in the Subarea 29 Specific Plan EIR (SCH# 2004011009). When completed, response time from Station No. 9 will be within the current Fire Department Emergency Response Guideline and the impact is reduced to a less than significant level.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

ii) **Police protection?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would add residential uses to the area and would increase demands upon police protection. Police services will be provided by the Ontario Police Department. Since police services are based upon per capita service levels, the proposed project will require an incremental increase in policing services to maintain required service levels. With a projected population of about 7,737 people, 10 sworn officers and 5 civilian staff will be needed to serve the Specific Plan at buildout. The City's development review process and building permit plan check processes include review by the City's Police Department to ensure incorporation of defensible space concepts in site design and construction. Property taxes and City fees support the general fund to help offset the cost of additional personnel. Since response time for police service is not based on proximity to the station and since the new main station is close to the project site, no adverse physical impacts associated with the need for, or provision of, new or physically altered police facilities will result from the project. Therefore, impacts to police protection are considered less than significant.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

iii) **Schools?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan combined with other residential development in the NMC area would result in substantial additional demand on local school districts. However, the proposed project, along with other foreseeable development is required to bear its fair share of the cost of providing additional school services. Therefore, the impacts the project would have would be less than significant.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

iv) **Parks?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded the Specific Plan will have to provide parks within Planning Areas where they are not currently shown in the Specific Plan for a total 24 acres, or the project will not comply with this General Plan requirement. The Quimby Act requires local jurisdictions with parks responsibilities to provide parks and recreation opportunities through the receipt of fees or the acceptance of facilities/land. Each tract within the Specific Plan could either provide adequate local park facilities or pay fees to the City in lieu thereof or some combination of both approaches for a total of 24 acres within the Specific Plan. Without such mitigation, the project does not provide adequate park facilities and its environmental impacts would be considered significant. Quimby and other parks fees collected for this project may be used to develop the New Model Colony Great Park.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

v) **Other public facilities?**

Discussion of Effects: Other existing public facilities such as libraries, museums, or other cultural opportunities would be adequate to serve the residents of the proposed project. However, in order to reduce impacts associated with additional residents increasing the demand on the local library system, the City has adopted a library development impact fee. Because libraries need enough people within a geographic area to warrant their construction, the fees are considered adequate mitigation and no significant impact results from the project.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

15) **RECREATION.** Would the project:

- a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Discussion of Effects: The Subarea 29 Specific Plan includes network of paseos, parks and bicycle trails. The Specific Plan will consist of approximately 2,300 single-family residential units, 2 neighborhood parks, a recreational area, mini-parks, and a 10-acre elementary school site at completion of the project. The nearest regional park is the Santa Ana River Wildlife Area and the Prado Regional Park to the south. Due to the proximity of the project site to these large recreational areas, they may get some use by the project residents, but these regional facilities are designed to serve this region. Regional parks are also proposed as part of the NMC and will be built out over time to serve the region. Existing local park facilities in the area could experience accelerated

deterioration due to the added use by Subarea 29 (Hettinga) residents. However, if parks within the project are built out based on the population-based service criteria, such potential impacts would be reduced to less than significant levels.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?**

Discussion of Effects: The Subarea 29 Specific Plan includes network of paseos, parks and bicycle trails. The only existing facility within the vicinity of the project site is Whispering Lakes Golf Course and Westwind Park. Because the project is within the Subarea 29 Specific, which will include parks and paseos, it is not expected that the project will rely on other existing parks in the vicinity. In addition, the project will be required to pay impact fees for mitigating impacts on park facilities. Therefore, the project will not result in adverse impacts.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

16) **TRANSPORTATION/TRAFFIC.** Would the project:

a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would not 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.

Staff analyzed the existing and proposed land use buildout trip generation scenarios to determine if the proposed amendment would be a greater impact than what was previously analyzed in the TOP EIR traffic study (*Ontario General Plan Update: Transportation Technical Report, Kimley-Horn and Associates, March 19, 2009*). The trip generation analyses relied upon the *Trip Generation, 8<sup>th</sup> Edition, Institute of Transportation Engineers (ITE) 2008* to determine the number of trips generated from the project site during p.m. peak hours. The current Office Commercial land use designation produces 571 trips during p.m. peak hours, the current Business Park land use designation produces 1033 trips during p.m. peak hours, the current Industrial land use designation produces 540 trips during p.m. peak hours and the proposed Low Density Residential Land Use would generate 385 trips during p.m. peak hours. The analyses concluded that the proposed general plan amendment land use designation change from Office Commercial, Business Park and Industrial to Low Density Residential (2.1-5 du/ac) would result in 1,759 less trips during p.m. peak hours (**Exhibit J – Land Use Traffic Analysis**). Therefore, the proposed amendment would not result in a greater impact than what was previously analyzed in the adopted TOP FEIR traffic study.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would not conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

Staff analyzed the existing and proposed land use buildout trip generation scenarios to determine if the proposed amendment would be a greater impact than what was previously analyzed in the TOP EIR traffic study (*Ontario General Plan Update: Transportation Technical Report, Kimley-Horn and Associates, March 19, 2009*). The trip generation analyses relied upon the *Trip Generation, 8<sup>th</sup> Edition, Institute of Transportation Engineers (ITE) 2008* to determine the number of trips generated from the project site during p.m. peak hours. The current Office Commercial land use designation produces 571 trips during p.m. peak hours, the current Business Park land use designation produces 1033 trips during p.m. peak hours, the current Industrial land use designation produces 540 trips during p.m. peak hours and the proposed Low Density Residential Land Use would generate 385 trips during p.m. peak hours. The analyses concluded that the proposed general plan amendment land use designation change from Office Commercial, Business Park and Industrial to Low Density Residential (2.1-5 du/ac) would result in 1,759 less trips during p.m. peak hours (**Exhibit B – Land Use Traffic Analysis**). Therefore, the proposed amendment would not result in a greater impact than what was previously analyzed in the adopted TOP FEIR traffic study.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. The project will not create a substantial safety risk or interfere with air traffic patterns at Ontario International Airport or Chino Airport as the existing buildings are under the maximum height allowed by the ONT and Chino ALUCP. No Impact – The project site is approximately 2 miles northeast of the Chino Airport. Therefore, the project will not result in adverse impacts. The proposed project would result in structures up to 35 feet in height, which is 35 feet below the established threshold within Zone D of the Chino ALUCP. Furthermore, the project site will not create physical, visual or electric hazards to aircraft in flight or interfere with air traffic patterns at Ontario International Airport or Chino Airport. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that with the development of residential units, the means of automobile conveyance with relation to design features could be a potential problem. However with the implementation of traffic mitigation measures, impacts related to design-feature hazards will be less than significant.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **Result in inadequate emergency access?**

Discussion of Effects: The Subarea 29 Specific Plan will have a circulation network designed to accommodate emergency access to the project. As a result, no further analysis is required.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- f) **Result in inadequate parking capacity?**

Discussion of Effects: The project proposes the future residential development of up to 432 single-family lots. The future residential development will be required to provide 2 car garages for each unit which meets the Subarea 29 Specific Plan and the City of Ontario Development Code Standards. Therefore, the project will not result in adverse impacts.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- g) **Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

Discussion of Effects: The Subarea 29 Specific Plan will have a circulation network designed to accommodate transit and bicycle users. The proposed project is consistent with transportation requirements of the Specific Plan. As a result, no impacts related to applicable transportation plans or programs would result, and no further analysis is required.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

**17) UTILITIES AND SERVICE SYSTEMS.** Would the project:

- a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus

Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. The proposed project is served by the City of Ontario sewer system, which has waste treated by the Inland Empire Utilities Agency at the RP-1 (or RP-5) treatment plant. Additionally, in the future prior to final map recordation a Water Quality Management Plan (WQMP) will be required to be submitted for the project. The WQMP shall be reviewed and approved by the City's Engineering Department, prior to Final Map recordation. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease. The proposed project is served by the City of Ontario sewer system and which has waste treated by the Inland Empire Utilities Agency at the RP-1 (or RP-5) treatment plant. RP-1 (or RP-5) is not at capacity and this project will not cause RP-1 (or RP-5) to exceed capacity. The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would not require nor result in the construction of new or expanded water treatment facilities, the construction of which could cause significant environmental effects. The EIR considered this impact to be less than significant. Additionally, the City's water, recycled water, and/or sewer infrastructure would have sufficient capacity with the proposed General Plan Amendment and specific infrastructure improvement designs for installation shall be reviewed at the time the individual developments are submitted.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business

park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan will be one of many projects developed within the NMC which is only a portion of IEUA's Southern Service Area. The cumulative effects of the IEUA Wastewater Master Plan were evaluated under CEQA in the IEUA Wastewater, Recycled Water and Organics Management Master Plan Program EIR, dated July 3, 2002 (SCH No. 202011116) and found to be less than significant. Additionally, the City's water, recycled water, and/or sewer infrastructure would have sufficient capacity with the proposed General Plan Amendment and specific infrastructure improvement designs for installation shall be reviewed at the time the individual developments are submitted.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. Seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by 383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would generate an additional demand for water; however, there will be sufficient water supply exists to meet the City's existing and planned future uses. Additionally, the City's water, recycled water, and/or sewer infrastructure would have sufficient capacity with the proposed General Plan Amendment and specific infrastructure improvement designs for installation shall be reviewed at the time the individual developments are submitted. Therefore, impacts to water supplies are considered less than significant after evaluation of the required Water Supply Assessment prepared pursuant to Senate Bill 610.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- e) **Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Discussion of Effects: The project includes a General Plan Amendment that proposes to change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (APN: 0218-271-11 AND 19) from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac). The General Plan Amendment would increase the number of residential units within TOP by 377 Low Density residential dwelling units (from 31,400 to 31,777), a 1.2% increase. The office commercial area would be reduced by



383,545 square feet (from 13,534,854 to 13,151,309 square feet), a 2.83% decrease; the business park area would be reduced by 800,458 square feet (from 25,962,980 to 25,162,522 square feet), a 3.08% decrease; and the industrial area would be reduced by 627,700 square feet (from 157,179,094 to 156,551,394 square feet), a 0.399% decrease.

The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan will be one of many projects developed within the NMC which is only a portion of IEUA's Southern Service Area. The cumulative effects of the IEUA Wastewater Master Plan were evaluated under CEQA in the IEUA Wastewater, Recycled Water and Organics Management Master Plan Program EIR, dated July 3, 2002 (SCH No. 202011116) and found to be less than significant. Additionally, the City's water, recycled water, and/or sewer infrastructure would have sufficient capacity with the proposed General Plan Amendment and specific infrastructure improvement designs for installation shall be reviewed at the time the individual developments are submitted.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

f) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the development of the Specific Plan site would not substantially contribute to the exceedance of the permitted capacity of the designated landfill. Also, considering the project's future residents' participation in the source reduction and household hazardous waste programs offered by the City, the solid waste stream generated by the project may be reduced over time. Currently, the City of Ontario contracts with a waste disposal company that transports trash to a landfill with sufficient capacity to handle the City's solid waste disposal needs. Less than significant impacts to the existing landfills are expected. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

g) **Comply with federal, state, and local statutes and regulations related to solid waste?**

Discussion of Effects: The Subarea 29 Specific Plan EIR analysis concluded that the implementation of the Specific Plan would not contribute significantly to a landfill with inadequate capacity that does not meet federal or state regulations. Through these means the project will comply with federal, state and local regulations related to solid waste. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

18) **MANDATORY FINDINGS OF SIGNIFICANCE**

**Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Discussion of Effects: The proposed project does not have the potential to degrade the quality of the environment, reduce the fish and wildlife habitat, threaten plant, fish or wildlife species, or

eliminate historical, archeological, or cultural resources. The Subarea 29 Specific Plan EIR analysis identified that potential habitat for the federally listed Delhi Sands Flower Loving Fly (DSFF). Planning Areas 28 A & B (including Bellegrave Avenue in Planning Area 28), 30 A & B, 31, and 32 were included in the general biological assessment for the area and contain the soil series Delhi fines and may contain suitable habitat for the DSFF. Either an evaluation and concurrence from the U.S. Fish and Wildlife Service that suitable habitat for the DSFF does not occur and focused surveys are not warranted for Planning Areas 28 A & B (including Bellegrave Avenue in Planning Area 28), 30 A & B, 31, and 32 shall be obtained or two year protocol surveys for the DSF shall be conducted in these Planning Areas prior to approval of the tentative tract map(s) for these Planning Areas, in conjunction with the necessary CEQA review. The proposed project is located within Planning Area 1, which does not contain Delhi fine soils and is not listed as potential habitat on The Ontario Plan (TOP) EIR USFWS and CDFG Sensitive Species Map (Figure 5.4-1). Thus, there are no changed circumstances in the Project or new information that requires any further analysis of biological impacts in connection with the proposed project. Therefore, no adverse impacts beyond those identified in the original Subarea 29 Specific Plan EIR are anticipated.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- a) **Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

Discussion of Effects: Substantial changes are not proposed for the project and will not require revisions to the Subarea 29 Specific Plan EIR. The Subarea 29 Specific Plan EIR evaluated the impacts associated with the development capacity of 2,293 single family units. The Specific Plan is divided into 31 Planning Areas that were assigned a maximum development capacity. The proposed project is located within Planning Area 1, which has a development capacity of 432 single-family units within the Subarea 29 Specific Plan. The project proposes to amend the existing general plan land use designation from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 - 5 du/ac) for the future construction of 396 single-family detached homes on 83.88 acres of land. At the time of the Subarea 29 Specific Plan adoption, the former New Model Colony General Plan designated the 83.88 project site for Low Density Residential at 4.6 dwelling units per acre. On January 26, 2010, the City of Ontario adopted The Ontario Plan (TOP) Policy Plan (General Plan). With the adoption of Policy Plan the land use designation of the 83.88 acre project was changed from Low Density Residential to 11.74 acres of Office Commercial, 45.94 acres of Business Park and 26.20 acres of Industrial. The proposed General Plan Amendment would provide consistency with the Low Density Residential zoning of the Specific Plan. The Policy Plan designation of Low Density Residential provides for a density range of 2.1 to 5 dwelling units per acre. The Specific Plan allows up to 432 single family units at a density of 4.8 dwelling units per acre, which is within the density range allowed by the Policy Plan for the site. Additionally, the City's water, recycled water, and sewer infrastructure would have sufficient capacity to serve the proposed General Plan Amendment and the specific infrastructure improvement designs for installation shall be reviewed at the time the individual developments are submitted.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)**

Discussion of Effects: Substantial changes are not proposed for the project and will not require revisions to the Subarea 29 Specific Plan EIR. The Subarea 29 Specific Plan EIR evaluated the

impacts associated with the development capacity of 2,293 single family units. The Specific Plan is divided into 31 Planning Areas that were assigned a maximum development capacity. The proposed project is located within Planning Area 1, which has a development capacity of 432 single-family units within the Subarea 29 Specific Plan. The project proposes to amend the existing general plan land use designation from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 - 5 du/ac) for the future construction of 396 single-family detached homes on 83.88 acres of land. At the time of the Subarea 29 Specific Plan adoption, the former New Model Colony General Plan designated the 83.88 project site for Low Density Residential at 4.6 dwelling units per acre. On January 26, 2010, the City of Ontario adopted The Ontario Plan (TOP) Policy Plan (General Plan). With the adoption of Policy Plan the land use designation of the 83.88 acre project was changed from Low Density Residential to 11.74 acres of Office Commercial, 45.94 acres of Business Park and 26.20 acres of Industrial. The proposed General Plan Amendment would provide consistency with the Low Density Residential zoning of the Specific Plan. The Policy Plan designation of Low Density Residential provides for a density range of 2.1 to 5 dwelling units per acre. The Specific Plan allows up to 432 single family units at a density of 4.8 dwelling units per acre, which is within the density range allowed by the Policy Plan for the site. Additionally, the City's water, recycled water, and sewer infrastructure would have sufficient capacity to serve the proposed General Plan Amendment and the specific infrastructure improvement designs for installation shall be reviewed at the time the individual developments are submitted. Therefore, no proposed changes or revisions to the EIR are required.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

**c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

Discussion of Effects: Substantial changes are not proposed for the project and will not require revisions to the Subarea 29 Specific Plan EIR. The Subarea 29 Specific Plan EIR evaluated the impacts associated with the development capacity of 2,293 single family units. The Specific Plan is divided into 31 Planning Areas that were assigned a maximum development capacity. The proposed project is located within Planning Area 1, which has a development capacity of 432 single-family units within the Subarea 29 Specific Plan. The project proposes to amend the existing general plan land use designation from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 - 5 du/ac) for the future construction of 396 single-family detached homes on 83.88 acres of land. At the time of the Subarea 29 Specific Plan adoption, the former New Model Colony General Plan designated the 83.88 project site for Low Density Residential at 4.6 dwelling units per acre. On January 26, 2010, the City of Ontario adopted The Ontario Plan (TOP) Policy Plan (General Plan). With the adoption of Policy Plan the land use designation of the 83.88 acre project was changed from Low Density Residential to 11.74 acres of Office Commercial, 45.94 acres of Business Park and 26.20 acres of Industrial. The proposed General Plan Amendment would provide consistency with the Low Density Residential zoning of the Specific Plan. The Policy Plan designation of Low Density Residential provides for a density range of 2.1 to 5 dwelling units per acre. The Specific Plan allows up to 432 single family units at a density of 4.8 dwelling units per acre, which is within the density range allowed by the Policy Plan for the site. Additionally, the City's water, recycled water, and sewer infrastructure would have sufficient capacity to serve the proposed General Plan Amendment and the specific infrastructure improvement designs for installation shall be reviewed at the time the individual developments are submitted. Therefore, no proposed changes or revisions to the EIR are required.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Subarea 29 Specific Plan EIR analyses are necessary, nor is there a need for any additional mitigation measures.

## EARLIER ANALYZES

*(Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D)):*

- 1) Earlier analyzes used. Identify earlier analyzes used and state where they are available for review.
  - a) The Ontario Plan Final EIR
  - b) The Ontario Plan
  - c) The Subarea 29 Specific Plan EIR
  - d) The Subarea 29 Specific Plan EIR Mitigation Monitoring and Reporting Program
  - e) The Subarea 29 Specific Plan
  - f) Ontario International Airport Land Use Compatibility Plan
  - g) Ontario International Airport Land Use Compatibility Plan Negative Declaration (SCH 2011011081)
  - h) Riverside County Airport Land Use Compatibility Plan Policy Document (Adopted 2004) – Chino Airport ALUCP

All documents listed above are on file with the City of Ontario Planning Department, 303 East "B" Street, Ontario, California 91764, (909) 395-2036.

- 2) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards.
- 3) Most of the checklist items were analyzed in the Subarea 29 Specific Plan EIR. The proposed project is located within Planning Area 1, which has a development capacity of 432 single-family units within the Subarea 29 Specific Plan. The project proposes to amend the existing general plan land use designation from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 - 5 du/ac) for the future construction of 396 single-family detached homes on 83.88 acres of land. At the time of the Subarea 29 Specific Plan adoption, the former New Model Colony General Plan designated the 83.88 project site for Low Density Residential at 4.6 dwelling units per acre. On January 26, 2010, the City of Ontario adopted The Ontario Plan (TOP) Policy Plan (General Plan). With the adoption of Policy Plan the land use designation of the 83.88 acre project was changed from Low Density Residential to 11.74 acres of Office Commercial, 45.94 acres of Business Park and 26.20 acres of Industrial. The proposed General Plan Amendment would provide consistency with the Low Density Residential zoning of the Specific Plan. The Policy Plan designation of Low Density Residential provides for a density range of 2.1 to 5 dwelling units per acre. The Specific Plan allows up to 432 single family units at a density of 4.8 dwelling units per acre, which is within the density range allowed by the Policy Plan for the site. Additionally, the City's water, recycled water, and sewer infrastructure would have sufficient capacity to serve the proposed General Plan Amendment and the specific infrastructure improvement designs for installation shall be reviewed at the time the individual developments are submitted. Therefore, the project will not introduce any impacts beyond those previously analyzed in the Subarea 29 Specific Plan EIR.

**MITIGATION MEASURES** *(For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project):*

As the project does not have any adverse environmental impacts beyond those identified in the original EIR, as modified by the, no mitigation beyond that previously imposed is required.

Exhibit A – General Plan Amendment

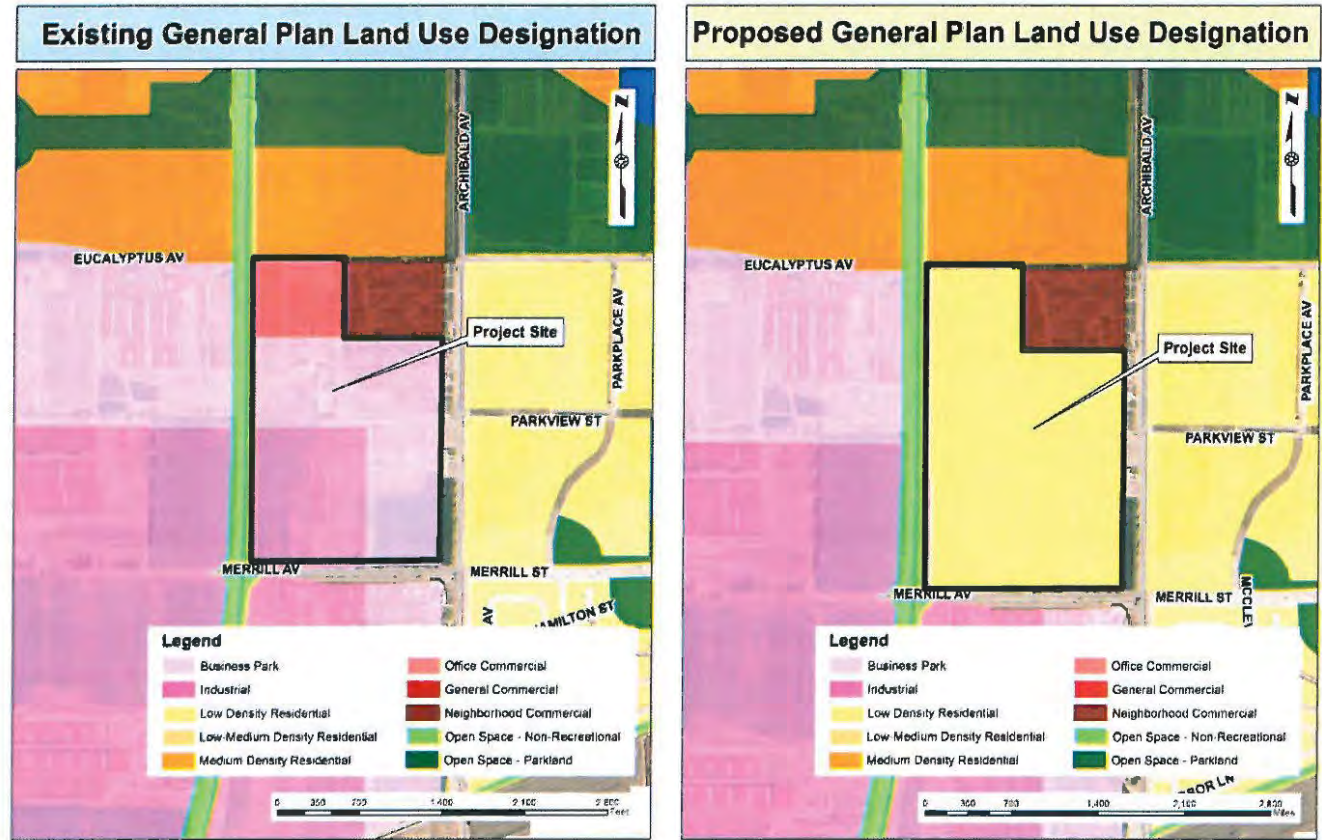




Exhibit A – Cont'd



LU-03 Future Buildout<sup>1</sup>

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	916	3,660		
Low Density <sup>6</sup>	7,454	4.0 du/ac (OMC)	31,400	125,506		
	7,538	4.5 du/ac (NMC)	31,777	127,015		
Low-Medium <sup>6</sup> Density	843	8.5 du/ac	7,166	28,644		
Medium Density	1,941	18.0 du/ac (OMC)	39,182	136,957		
		22.0 du/ac (NMC)				
High Density	236	35.0 du/ac	8,259	27,643		
Subtotal	10,932		86,923	322,410		
	11,016		86,400	323,919		

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	261	0.30 FAR			3,414,407	8,262
General Commercial	604	0.30 FAR			7,889,152	7,329
Office/Commercial	414,402	0.75 FAR			13,534,854	30,015
					13,151,309	29,164
Hospitality	145	1.00 FAR			6,316,200	7,241
Subtotal	1,424				31,154,613	52,847
					30,771,068	51,996
<b>Employment</b>						
Business Park	1,490	0.40 FAR			25,962,980	45,551
	1,444				25,162,522	44,147
Industrial	6,561	0.55 FAR			157,179,094	138,101
	6,535				156,551,394	137,549
Subtotal	8,051				183,142,074	183,652
	7,979				181,713,916	181,696
Total	31,924		104,197	356,958	255,554,789	324,302
			104,574	358,467	253,743,086	321,496



**Exhibit B – Land Use Traffic Analysis**  
Project Traffic Generation Forecast Comparison

PM Peak Hours Average Rate

Land Use Factors	Average Trip Generation Factors Rate	Units/SF	+/- Total Trips Generated
210: Single Family	1.02/per unit	377 units	+385 trips
710: General Office Building	1.49/1,000 SF	383,545 SF	-571trips
770: Business Park	1.29/1,000 SF	800,458 SF	-1033 trips
130: Industrial Park	0.86/1,000 SF	627,700 SF	-540 trips
Net Project Trip Generation Forecast			-1759 trips

**Notes:**

- 1) TOP EIR assumed a 0.75 FAR for Office / Commercial.
- 2) TOP EIR assumed a 0.40 FAR for Business Park.
- 3) TOP EIR assumed a 0.55 FAR for Industrial.
- 4) The 11.74 acre Office Commercial site would yield a 383,545 SF building with 0.75 FAR.
- 5) The 45.94 acre Business Park site would yield a 800,454 SF building with 0.40 FAR.
- 6) The 26.20 acre Industrial site would yield a 627,700 SF building with 0.55 FAR.
- 7) The proposed project would result in 1,759 less trips during PM peak hours for the project site.
- 8) Source: Trip Generation, 8<sup>th</sup> Edition, Institute of Transportation Engineers (ITE) 2008



## RESOLUTION NO. PC14-108

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO RECOMMENDING CITY COUNCIL ADOPTION OF AN ADDENDUM TO THE SUBAREA 29 SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT, ADOPTED FOR FILE NO. PSP03-003, PREPARED FOR FILE NO. PGPA13-007 FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-271-11 AND 19.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and an Addendum to the Subarea 29 Specific Plan Environmental Impact Report (EIR) (File No. PSP03-003) for Planning File No. PGPA13-007 (the "Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"); and

WHEREAS, the Application applies to 83.88 acres of properties located at the southwest corner of Archibald Avenue and Eucalyptus Avenue within the Subarea 29 Specific Plan and presently has agricultural and dairy uses; and

WHEREAS, File No. PGPA13-007 (the "Project") analyzed under the Addendum consists of a General Plan Amendment to change the existing general plan land use designation from Office Commercial, Business Park and Industrial to Low Density Residential (2.1-5 du/ac) that includes changes to The Ontario Plan (TOP) – Policy Plan Exhibits LU-01: Official Land Use Plan and LU-03: Future Buildout table to reflect the proposed land use designation changes, located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (the "Project"); and

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

WHEREAS, in October 2006, the City Council certified an EIR (SCH#2004011009) and a related Mitigation Monitoring and Reporting Program for the Subarea 29 Specific Plan (File No. PSP03-003); and

WHEREAS, pursuant to Public Resources Code section 21166 and sections 15162 and 15163 of the State CEQA Guidelines, the Addendum to the Subarea 29 Specific Plan EIR for File No. PSP03-003 was prepared by the City with regard to the Project. The Addendum incorporates, by reference, the analysis contained in the certified EIR and related Mitigation Monitoring and Reporting Program for File No. PSP03-003 and addresses only those issues specific to the Project. The Addendum concludes that the Project will not result in impacts beyond what was previously analyzed in the certified EIR, because the Project does not have new or substantially more severe significant environmental impacts, either directly or indirectly; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the Planning Commission is the decision-making body for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the Planning Commission has reviewed and considered the Addendum for the Project and intends to take actions on the Project in compliance with CEQA, and state and local guidelines implementing CEQA; and

WHEREAS, the Addendum for the Project and the certified EIR for File No. PSP03-003 are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, and are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein;

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ONTARIO AS FOLLOWS:

SECTION 1. That the Planning Commission does hereby make the following findings: (1) it has independently reviewed and analyzed the Addendum/Initial Study and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Addendum represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project.

SECTION 2. That the Planning Commission does hereby find that based upon the entire record of proceedings before it and all information received and pursuant to State CEQA Guidelines Section 15162 and 15164, that there is no substantial evidence that the Project will result in any new, increased, or substantially different significant impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR for File No. PSP03-003 and that no changes or additions to the adopted EIR analyses are necessary, nor is there a need for any additional mitigation measures, and that none of the conditions described in State CEQA Guidelines Section 15162 that would require subsequent or supplemental CEQA review for the Project otherwise exist.

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

SECTION 4. 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. The Secretary shall certify to the adoption of the Resolution.

-----

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a special meeting thereof held on the 25<sup>th</sup> day of November 2014, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Rick Gage  
Planning Commission Chairman

ATTEST:



Scott Murphy, Planning Director  
Secretary of Planning Commission



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

I, Jeanina M. Romero, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC14-108 was duly passed and adopted by the Planning Commission of the City of Ontario at their special meeting held on November 25, 2014, by the following roll call vote, to wit:

AYES:           Delman, Downs, Gage, Gregorek, Mautz, Ricci, Willoughby

NOES:           None

ABSENT:        None

ABSTAIN:       None

  
Jeanina M. Romero  
Secretary Pro Tempore





**CITY OF ONTARIO  
PLANNING DEPARTMENT**

**CONDITIONS OF APPROVAL**

**File No. PGPA13-007**

**(Related File No's. PSP03-003)**

**Date:** November 25, 2014

**Applicant:** Richland Communities

**Project Description/Location:** A General Plan Amendment to revise the Land Use Element of The Ontario Plan-Policy Plan, Exhibits LU-01 Official Land Use Plan and LU-03 Future Buildout to: 1) change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac); and 2) modify the Future Buildout Table to be consistent with the land use designation changes.

**Site Size:** 83.88 acres

**APN(s):** 0218-271-11 and-19

**Prepared by:** Henry K. Noh, Senior Planner

**Phone:** 909.395.2429; **Fax:** 909.395.2420

---

**1.0 GENERAL REQUIREMENTS**

- 1.1 See attached conditions for the Airport Land Use Compatibility Report.
- 1.2 Evaluation of potential impacts to the City's water, recycled water, and/or sewer systems will be conducted during the entitlement review process for the project site.
- 1.3 Pursuant to California Government § 66474.9, the applicant agrees that it will 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code § 66499.37. 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.

## **2.0 ENVIRONMENTAL REVIEW**

- 2.1 The environmental impacts of this project were analyzed in the EIR (SCH#2004011009) prepared for the Subarea 29 Specific Plan (File No. PSP03-003). An addendum to the Subarea 29 Specific Plan EIR has been prepared for this project pursuant to the requirements of the California Environmental Quality Act. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

## **3.0 ADDITIONAL FEES**

- 3.1 Within five (5) days following final application approval, the Notice of Determination (NOD)/Notice of Exemption (NOE) filing fee shall be provided to the Planning Department. The fee, in the amount of \$50.00, shall be paid by check, payable to the "*Clerk of the Board*", which will be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in the 30-day statute of limitations for the filing of a CEQA lawsuit being extended to 180 days.

## RESOLUTION NO. PC14-109

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PGPA13-007, THE THIRD GENERAL PLAN AMENDMENT FOR CALENDAR YEAR 2014, TO REVISE THE LAND USE ELEMENT OF THE POLICY PLAN, EXHIBIT LU-01: OFFICIAL LAND USE PLAN AND EXHIBIT LU-03: FUTURE BUILDOUT FOR 83.88 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF EUCALYPTUS AVENUE AND ARCHIBALD AVENUE FROM OFFICE COMMERCIAL, BUSINESS PARK AND INDUSTRIAL TO LOW DENSITY RESIDENTIAL (2.1-5 DU/AC), AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-271-11 AND 19.

WHEREAS, Richland Communities ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA13-007, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 83.88 acres of property located at the southwest corner of Eucalyptus Avenue and Archibald Avenue within the Subarea 29 Specific Plan and currently has agricultural and dairy uses; and

WHEREAS, the property to the north of the Project site is within the Parkside Specific Plan – Planning Areas 1 and 4 and is currently vacant with previous agricultural and dairy uses. The property to the south is zoned Specific Plan/Agricultural Overlay and has existing agricultural and dairy uses. The property to the east is zoned Subarea 29 Specific Plan – Planning Areas 3 thru 5 and is currently vacant with previous agricultural and dairy uses. The property to the west is zoned Specific Plan/Agricultural Overlay and has existing agricultural and dairy uses; and

WHEREAS, the City of Ontario adopted the Policy Plan (General Plan) as part of The Ontario Plan in January 2010. Since the adoption of The Ontario Plan, the City has evaluated Figures LU-01: Official Land Use Plan and LU-03: Future Buildout further and is proposing modifications; and

WHEREAS, the proposed changes to Figure LU-01 Official Land Use Plan include changes to 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac) as shown on Exhibit A; and

WHEREAS, Figure LU-03 Future Buildout specifies the likely buildout for 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, a component of TOP is the Policy Plan (General Plan) - Exhibit LU1: Official Land Use Plan which established land use patterns citywide to achieve its

Vision. When considering land use changes, the Policy Plan (General Plan) outlines policies to be adhered to as part of the analysis which includes: 1) Analyzing and minimizing adverse impacts on adjacent properties when considering land use and zoning requests (Policy LU2-2); 2) Requiring amendments to be consistent with the City's overall Vision (Land Use Element Principle); and 3) Requiring amendments to the Land Use Plan to be accompanied by an analyses of fiscal impacts (Policy CE3-2); and

WHEREAS, the proposed General Plan Amendment from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac) the proposed residential use will help minimize the adverse impacts typically associated with industrial and office commercial uses such as noise, truck traffic and other associated nuisances that can be disruptive to surrounding residential and park uses; and

WHEREAS, the proposed land use change would contribute towards achieving the City's overall vision and provide greater land use compatibility with the adjoining residential uses and future open space areas (Great Park); and

WHEREAS, the adoption of the General Plan Amendment would result in long term fiscal impacts to the City that include ongoing operations and maintenance services (police, fire, maintenance, etc.) that are necessary to serve a new residential development. The proposed amendment would result in a minimal increase of \$51,856.22 to the City's annual expenditure for services. The increase in anticipated expenditures, however, will be offset by inclusion of the site into an operations and maintenance communities facility district (CFD); and

WHEREAS, the elimination of 11.74 acres of Office Commercial land would result in the loss of 383,545 square feet of potential office commercial space (0.75 FAR); the reduction of 45.94 acres of Business Park land would result in the loss of 800,458 square feet of potential business park space (0.40 FAR); and the reduction of 26.20 acres of Industrial land would result in the loss of 627,700 square feet of potential industrial space (0.55 FAR) for a total potential loss of 1,811,703 square feet of office commercial, business park and industrial building area. This reduction may result in the potential loss of sales tax revenues and property taxes. However, when analyzing the overall balance of the combined 196.7 million square feet of existing and proposed office commercial, business park and industrial building area throughout the City, the elimination of 1,811,703 square feet of office commercial, business park and industrial building area is less than 1% (0.9%), which is not significant.; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an Addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH# 2004011009) has been prepared to determine possible environmental impacts; and

WHEREAS, the proposed project is located within the Airport Influence Area of LA/Ontario International Airport and Chino Airport and has been found to be consistent

with the policies and criteria set forth within the Airport Land Use Compatibility Plan (ALUCP) for both airports; and

WHEREAS, as the first action on the Project, on November 25, 2014, the Planning Commission approved a Resolution recommending adoption of an Addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH# 2004011009). The Addendum finds that the proposed project introduces no new significant environmental impacts, and all previously adopted mitigation measures are to be a condition of project approval, and are incorporated into the Project by reference; and

WHEREAS, on November 25, 2014, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum to the Subarea 29 Specific Plan EIR and the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the Addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH# 2004011009) for the project and supporting documentation. Based upon the facts and information contained in the Addendum and supporting documentation, the Planning Commission finds as follows:

a. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The Addendum was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The Addendum reflects the independent judgment of the Planning Commission; and

d. The proposed project introduces no new significant environmental impacts beyond what was analyzed in the Environmental Impact Report (SCH# 2004011009) adopted for the Subarea 29 Specific Plan File No. PSP03-003 and all previously adopted mitigation measures are incorporated into the Project by reference.

SECTION 2. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the Planning Commission hereby concludes as follows:

a. The proposed amendment is consistent with the goals and policies of The Ontario Plan, specifically Land Use Element Policy LU2-2 which required an

analysis to minimize adverse impacts on adjacent properties which was completed and resulted in the proposed amendment creating a greater level of land use compatibility with the surrounding land uses;

b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City a mitigated negative declaration and mitigation monitoring program was completed for the project that identified potential impacts and included mitigation measures to minimize impacts to a less than significant level;

c. The Land Use Element is a mandatory element allowed four general plan amendments per calendar year and this general plan amendment is the third amendment to the Land Use Element of the 2014 calendar year consistent with California Government Code Section §65358;

d. The proposed project is consistent with the adopted Housing Element. The site is not one of the properties listed in the Available Land Inventory in the Housing Element. Changing the land use designation of the subject property from the existing TOP designations Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac) will not impact the City's Regional Housing Needs Allocation obligations or the City's ability to satisfy its share of the region's future housing need;

e. The subject property is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested land use designation and anticipated development;

f. During the amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (§65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section §65351.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Planning Commission recommends the City Council approve the Project.

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 Secretary shall certify to the adoption of the Resolution.

-----

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 25th day of November 2014, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

  
\_\_\_\_\_  
Rick Gage  
Planning Commission Chairman

ATTEST:

  
\_\_\_\_\_  
Scott Murphy, Planning Director  
Secretary of Planning Commission

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

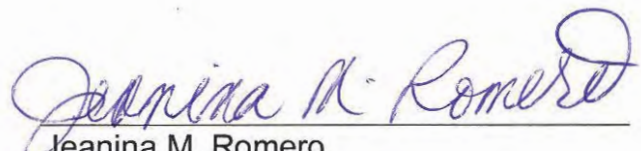
I, Jeanina M. Romero, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC14-109 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on November 25, 2014, by the following roll call vote, to wit:

AYES:           Delman, Downs, Gage, Gregorek, Mautz, Ricci, Willoughby

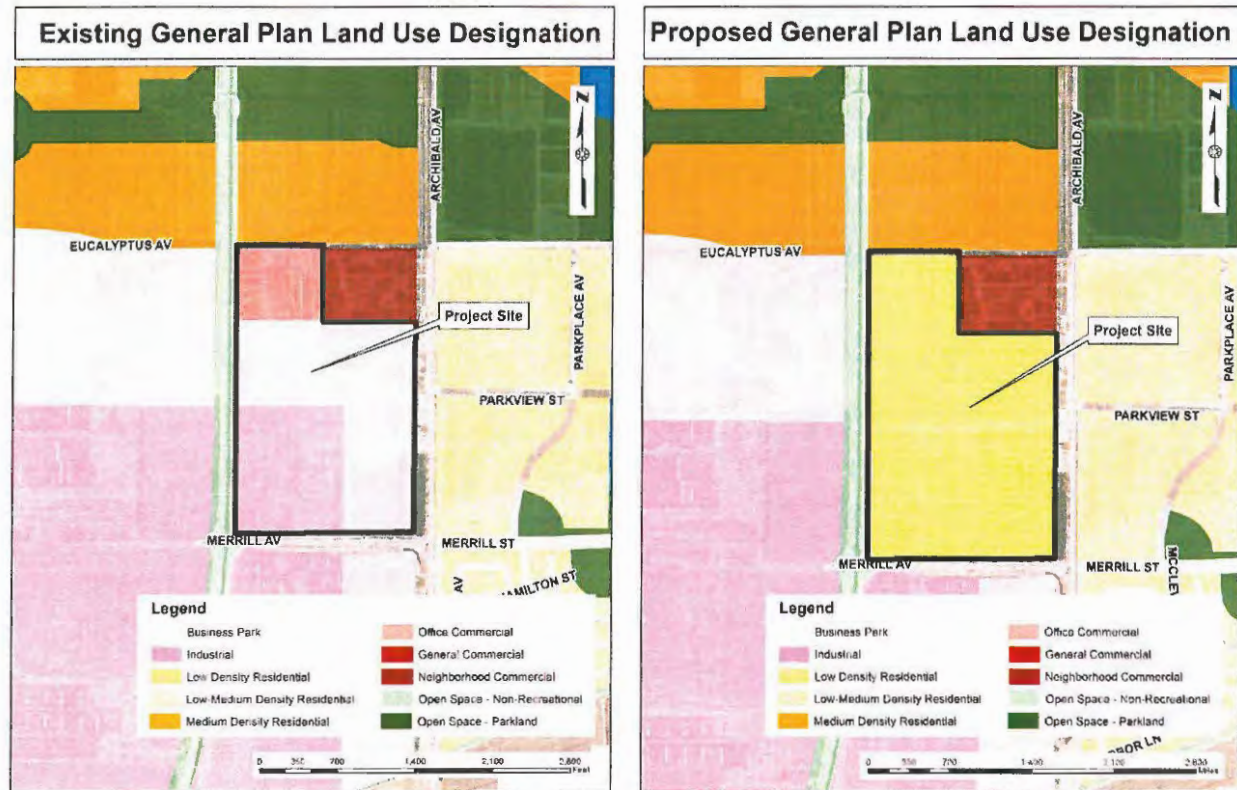
NOES:           None

ABSENT:        None

ABSTAIN:       None

  
\_\_\_\_\_  
Jeanina M. Romero  
Secretary Pro Tempore

**Exhibit A – LU01: Official Land Use Plan Amendment**



Existing TOP Land Use Designation	Assessor's Parcel Number	Proposed TOP Land Use Designation
Office Commercial, Business Park and Industrial	0218-271-11 AND 19	Low Density Residential

## Exhibit B – LU03: Future Buildout Table Amendment

### LU-03 Future Buildout<sup>1</sup>



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	916	3,660		
Low Density <sup>6</sup>	7,454	4.0 du/ac (OMC)	31,400	125,506		
	7,538	4.5 du/ac (NMC)	31,777	127,015		
Low-Medium <sup>6</sup> Density	843	8.5 du/ac	7,166	28,644		
Medium Density	1,941	18.0 du/ac (OMC) 22.0 du/ac (NMC)	39,182	136,957		
High Density	236	35.0 du/ac	8,259	27,643		
<i>Subtotal</i>	<del>10,932</del> 11,016		<del>86,923</del> 86,400	<del>322,410</del> 323,919		
<b>Mixed Use</b>						
• Downtown	112	<ul style="list-style-type: none"> <li>60% of the area at 35 du/ac</li> <li>40% of the area at 0.80 FAR for office and retail</li> </ul>	2,352	4,704	1,561,330	2,793
• East Holt Boulevard	57	<ul style="list-style-type: none"> <li>25% of the area at 30 du/ac</li> <li>50% of the area at 1.0 FAR office</li> <li>25% of area at 0.80 FAR retail</li> </ul>	428	856	1,740,483	3,913
• Meredith	247	<ul style="list-style-type: none"> <li>30% of the area at 40 du/ac</li> <li>70% at 1.0 FAR for office and retail uses</li> </ul>	2,958	5,916	7,516,278	16,897
• Transit Center	76	<ul style="list-style-type: none"> <li>10% of the area at 60 du/ac</li> <li>90% of the area at 1.0 FAR office and retail</li> </ul>	457	913	2,983,424	5,337
• Inland Empire Corridor	37	<ul style="list-style-type: none"> <li>50% of the area at 20 du/ac</li> <li>30% of area at 0.50 FAR office</li> <li>20% of area at 0.35 FAR retail</li> </ul>	368	736	352,662	768
• Guasti	77	<ul style="list-style-type: none"> <li>20% of the area at 30 du/ac</li> <li>30% of area at 1.0 FAR retail</li> <li>50% of area at .70 FAR office</li> </ul>	500	1,001	2,192,636	4,103
• Ontario Center	345	<ul style="list-style-type: none"> <li>30% of area at 40 du/ac</li> <li>50% of area at 1.0 FAR office</li> <li>20% of area at 0.5 FAR retail</li> </ul>	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	<ul style="list-style-type: none"> <li>5% of area at 40 du/ac</li> <li>20% of area at 0.75 FAR office</li> <li>75% of area at 0.5 FAR retail</li> </ul>	479	958	5,477,126	7,285
• NMC West/South	315	<ul style="list-style-type: none"> <li>30% of area at 35 du/ac</li> <li>70% of area at 0.7 FAR office and retail</li> </ul>	3,311	6,621	6,729,889	17,188
• NMC East	264	<ul style="list-style-type: none"> <li>30% of area at 25 du/ac</li> <li>30% of area at 0.35 FAR for office</li> <li>40% of area at 0.3 FAR for retail uses</li> </ul>	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	<ul style="list-style-type: none"> <li>50% of the area at 30 du/ac</li> <li>50% of area at 0.8 FAR retail</li> </ul>	156	312	181,210	419
• SR-60/Hamner Tuscan Village	41	<ul style="list-style-type: none"> <li>18% of the area at 25 du/ac</li> <li>57% of the area at 0.25 FAR retail</li> <li>25% of the area at 1.5 FAR office</li> </ul>	185	369	924,234	2,098
<i>Subtotal</i>	1,821		17,274	34,549	41,258,102	87,803



## Exhibit B – LU03: Future Buildout Table Amendment Cont'd

### LU-03 Future Buildout<sup>1</sup> (Cont.)



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	261	0.30 FAR			3,414,407	8,262
General Commercial	604	0.30 FAR			7,889,152	7,329
Office/Commercial	414 402	0.75 FAR			13,534,854	30,015
Hospitality	145	1.00 FAR			13,151,309	29,164
Subtotal	1,424				6,316,200	7,241
					31,154,613	52,847
					30,771,068	51,996
<b>Employment</b>						
Business Park	1,490	0.40 FAR			25,962,980	45,551
	1,444				25,162,522	44,147
Industrial	6,561	0.55 FAR			157,179,094	138,101
	6,535				156,551,394	137,549
Subtotal	8,051				183,142,074	183,652
	7,979				181,713,916	181,696
<b>Other</b>						
Open Space–Non-Recreation	1,252	Not applicable				
Open Space–Parkland <sup>6</sup>	982	Not applicable				
Open Space–Water	59	Not applicable				
Public Facility	92	Not applicable				
Public School	628	Not applicable				
LA/Ontario International Airport	1,421	Not applicable				
Landfill	137	Not applicable				
Railroad	247	Not applicable				
Roadways	4,880	Not applicable				
Subtotal	9,697					
Total	31,924		104,197	356,958	255,554,789	324,302
			104,574	358,467	253,743,086	321,496

#### 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.



**CITY OF ONTARIO  
PLANNING DEPARTMENT**

**CONDITIONS OF APPROVAL**

**File No. PGPA13-007**

**(Related File No's. PSP03-003)**

**Date:** November 25, 2014

**Applicant:** Richland Communities

**Project Description/Location:** A General Plan Amendment to revise the Land Use Element of The Ontario Plan-Policy Plan, Exhibits LU-01 Official Land Use Plan and LU-03 Future Buildout to: 1) change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac); and 2) modify the Future Buildout Table to be consistent with the land use designation changes.

**Site Size:** 83.88 acres

**APN(s):** 0218-271-11 and-19

**Prepared by:** Henry K. Noh, Senior Planner  
**Phone:** 909.395.2429; **Fax:** 909.395.2420

---

**1.0 GENERAL REQUIREMENTS**

- 1.1 See attached conditions for the Airport Land Use Compatibility Report.
- 1.2 Evaluation of potential impacts to the City's water, recycled water, and/or sewer systems will be conducted during the entitlement review process for the project site.
- 1.3 Pursuant to California Government § 66474.9, the applicant agrees that it will 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code § 66499.37. 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.



## **2.0 ENVIRONMENTAL REVIEW**

- 2.1 The environmental impacts of this project were analyzed in the EIR (SCH#2004011009) prepared for the Subarea 29 Specific Plan (File No. PSP03-003). An addendum to the Subarea 29 Specific Plan EIR has been prepared for this project pursuant to the requirements of the California Environmental Quality Act. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

## **3.0 ADDITIONAL FEES**

- 3.1 Within five (5) days following final application approval, the Notice of Determination (NOD)/Notice of Exemption (NOE) filing fee shall be provided to the Planning Department. The fee, in the amount of \$50.00, shall be paid by check, payable to the "*Clerk of the Board*", which will be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in the 30-day statute of limitations for the filing of a CEQA lawsuit being extended to 180 days.

# Airport Land Use Compatibility Planning

## Consistency Evaluation Report



Project File No.: PGPA13-007

Address: SWC Eucalyptus & Archibald Avenues

APN: 0218-271-11 & 19

Existing Land Use: Vacant/Dairy Agriculture

Proposed Land Use: General Plan Amendment changing 83.88 acres from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 - 5 du/ac)

Site Acreage: 83.88

ONT-IAC Project Review: n/a

Airport Influence Area: ONT and Chino

Reviewed By:

Lorena Mejia

Contact Info:

909-395-2276

Project Planner:

Henry K. Noh

Date: 11/13/14

CE No.: 2014-078

PALU No.:


### CONSISTENCY EVALUATION DETERMINATION

This proposed Project is: Exempt from the ALUCP Consistent ☒ Consistent with Conditions Inconsistent

### ANALYSIS

The proposed project is located within the Airport Influence Areas of Ontario International Airport and Chino Airport and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) both airports.

See attached for analysis and conditions.

Airport Planner Signature: 

### ONT ALUCP COMPATIBILITY FACTORS (Check all that Apply)

#### Safety Zones

- ☐ Zone 1  
☐ Zone 1A  
☐ Zone 2  
☐ Zone 3  
☐ Zone 4  
☐ Zone 5

#### Noise Impact Zones

- ☐ 75+ dB CNEL  
☐ 70 - 75 dB CNEL  
☐ 65 - 70 dB CNEL  
☐ 60 - 65 dB CNEL

#### Airspace Protection

- ☐ High Terrain Zone  
☐ Pierce Part 77 Surfaces  
☐ FAA Notification

#### Overflight

- ☐ Avigation Easement  
☐ Recorded Overflight  
☒ Real Estate Disclosure  
☐ Airport Influence Area

### CHINO ALUCP COMPATIBILITY FACTORS (Check all that Apply)

- ☐ Zone A ☐ Zone B1 ☐ Zone C ☒ Zone D ☐ Zone E

# Airport Land Use Compatibility Planning

## Consistency Evaluation Report

CE No: 2014-078

PALU No:

### PROJECT CONDITIONS

The project site is located within the Chino ALUCP Compatibility Zone D and requires future residential development to provide:

1. 10% Open Land for the purposes of serving as emergency landing areas. Open land area must be free of most structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires. Small trees and shrubs that exceed 4 feet in height and/or thickness of 4 inches may be allowed along the edge of Open Land areas where the area abuts a wall or similar feature, provided that they are planted within 4 feet of the wall;
2. Residential densities must be at or above 5.0 dwelling units per acre or have an average parcel size of less than 0.2 gross acres (8,712 SF).
3. Zone D also limits building/structure heights to 70 feet. Any permanent or temporary object greater than 70 feet in height are required to file a FAA Form 7460-1 and receive a determination of No Hazard from the FAA prior to project approval. During construction or grading of the site construction equipment such as cranes that exceed 70 feet will also be required to file a FAA Form 7460-1 and receive a No Hazard determination.
4. New Residential land uses are required to have a Recorded Overflight Notification appearing on the Property Deed and Title incorporating the following language:

(NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.)

The proposed project is located within the Real Estate Transaction Disclosure Area of Ontario International Airport (ONT) and is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024).

New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

#### NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE SUBAREA 29 SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (SCH #2004011009), ADOPTED FOR FILE NO. PSP03-003, PREPARED FOR FILE NO. PGPA13-007 FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-271-11 AND 19.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and an Addendum to the Subarea 29 Specific Plan Environmental Impact Report (EIR) (File No. PSP03-003) for Planning File No. PGPA13-007 (the “Addendum”), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”); and

WHEREAS, the Application applies to 83.88 acres of properties located at the southwest corner of Archibald Avenue and Eucalyptus Avenue within the Subarea 29 Specific Plan and presently has agricultural and dairy uses; and

WHEREAS, File No. PGPA13-007 (the “Project”) analyzed under the Addendum consists of a General Plan Amendment to change the existing general plan land use designation from Office Commercial, Business Park and Industrial to Low Density Residential (2.1-5 du/ac) that includes changes to The Ontario Plan (TOP) – Policy Plan Exhibits LU-01: Official Land Use Plan and LU-03: Future Buildout table to reflect the proposed land use designation changes, located at the southwest corner of Eucalyptus Avenue and Archibald Avenue (the “Project”); and

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

WHEREAS, in October 2006, the City Council certified an EIR (SCH #2004011009) and a related Mitigation Monitoring and Reporting Program for the Subarea 29 Specific Plan (File No. PSP03-003); and

WHEREAS, on November 25, 2014, the Planning Commission voted unanimously (7-0) to recommend City Council adoption of a resolution approving an addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH #2004011009) analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines Section 15164; and

WHEREAS, on December 16, 2014, the City Council of the City of Ontario conducted a public hearing to consider the addendum to the Subarea 29 Specific Plan EIR, the initial study and the Project, and concluded said hearing on that date; and

WHEREAS, pursuant to Public Resources Code Section 21166 and Sections 15162 and 15163 of the State CEQA Guidelines, the Addendum to the Subarea 29 Specific Plan EIR for File No. PSP03-003 was prepared by the City with regard to the Project. The Addendum incorporates, by reference, the analysis contained in the certified EIR and related Mitigation Monitoring and Reporting Program for File Nos. PSP03-003 and addresses only those issues specific to the Project. The Addendum concludes that the Project does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified and will not result in impacts beyond what was previously analyzed in the certified EIR; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the City Council has reviewed and considered the Addendum for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Addendum for the Project and the certified EIR for File No. PSP03-003 are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, and are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO AS FOLLOWS:

SECTION 1. That the City Council does hereby make the following findings: (1) it has independently reviewed and analyzed the Addendum/Initial Study and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project; (2) the Addendum prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA; and (3) the Addendum represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project.

SECTION 2. That the City Council does hereby find that based upon the entire record of proceedings before it and all information received and pursuant to State CEQA Guidelines Section 15162 and 15164, that there is no substantial evidence that the Project will result in any new, increased, or substantially different significant impacts, other than those previously considered and addressed in the Subarea 29 Specific Plan EIR for File No. PSP03-003 and that no changes or additions to the adopted EIR analyses are necessary, nor is there a need for any additional mitigation measures, and that none of the conditions described in State CEQA Guidelines Section 15162 that would require subsequent or supplemental CEQA review for the Project otherwise exist.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council approves the Project.

SECTION 4. The documents and materials that constitute the record of proceedings on which these findings have been based upon 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.

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

PASSED, APPROVED, AND ADOPTED this 16<sup>th</sup> day of December 2014.

---

PAUL S. LEON, MAYOR

ATTEST:

---

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY



STATE OF 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. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 16, 2014 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. 2014-        duly passed and adopted by the Ontario City Council at their regular meeting held December 16, 2014.

---

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA13-007, THE THIRD GENERAL PLAN AMENDMENT FOR CALENDAR YEAR 2014, TO REVISE THE LAND USE ELEMENT OF THE POLICY PLAN, EXHIBIT LU-01 OFFICIAL LAND USE PLAN AND EXHIBIT LU-03 FUTURE BUILDOUT FOR 83.88 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF EUCALYPTUS AVENUE AND ARCHIBALD AVENUE FROM OFFICE COMMERCIAL, BUSINESS PARK AND INDUSTRIAL TO LOW DENSITY RESIDENTIAL (2.1-5 DU/AC), AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-271-11 AND 19.

WHEREAS, Richland Communities ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA13-007, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 83.88 acres of property located at the southwest corner of Eucalyptus Avenue and Archibald Avenue within the Subarea 29 Specific Plan and currently has agricultural and dairy uses; and

WHEREAS, the property to the north of the Project site is within the Parkside Specific Plan – Planning Areas 1 and 4 and is currently vacant with previous agricultural and dairy uses. The property to the south is zoned Specific Plan/Agricultural Overlay and has existing agricultural and dairy uses. The property to the east is zoned Subarea 29 Specific Plan – Planning Areas 3 thru 5 and is currently vacant with previous agricultural and dairy uses. The property to the west is zoned Specific Plan/Agricultural Overlay and has existing agricultural and dairy uses; and

WHEREAS, the City of Ontario adopted the Policy Plan (General Plan) as part of The Ontario Plan in January 2010. Since the adoption of The Ontario Plan, the City has evaluated Figures LU-01 Official Land Use Plan and LU-03 Future Buildout further and is proposing modifications; and

WHEREAS, the proposed changes to Figure LU-01 Official Land Use Plan include changes to 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac) as shown on Exhibit A; and

WHEREAS, Figure LU-03 Future Buildout specifies the likely buildout for 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, a component of TOP is the Policy Plan (General Plan) - Exhibit LU1 Official Land Use Plan which established land use patterns citywide to achieve its Vision. When considering land use changes, the Policy Plan (General Plan) outlines

policies to be adhered to as part of the analysis which includes: (1) Analyzing and minimizing adverse impacts on adjacent properties when considering land use and zoning requests (Policy LU2-2); (2) Requiring amendments to be consistent with the City's overall Vision (Land Use Element Principle); and (3) Requiring amendments to the Land Use Plan to be accompanied by an analyses of fiscal impacts (Policy CE3-2); and

WHEREAS, the proposed General Plan Amendment from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac) will help minimize the adverse impacts typically associated with industrial and office commercial uses such as noise, truck traffic and other associated nuisances that can be disruptive to surrounding residential and park uses; and

WHEREAS, the proposed land use change would contribute towards achieving the City's overall vision and provide greater land use compatibility with the adjoining residential uses and future open space areas (Great Park); and

WHEREAS, the adoption of the General Plan Amendment would result in long term fiscal impacts to the City that include ongoing operations and maintenance services (police, fire, maintenance, etc.) that are necessary to serve a new residential development. The proposed amendment would result in a minimal increase of \$51,856.22 to the City's annual expenditure for services. The increase in anticipated expenditures, however, will be offset by inclusion of the site into an operations and maintenance communities facility district (CFD); and

WHEREAS, the elimination of 11.74 acres of Office Commercial land would result in the loss of 383,545 square feet of potential office commercial space (0.75 FAR); the reduction of 45.94 acres of Business Park land would result in the loss of 800,458 square feet of potential business park space (0.40 FAR); and the reduction of 26.20 acres of Industrial land would result in the loss of 627,700 square feet of potential industrial space (0.55 FAR) for a total potential loss of 1,811,703 square feet of office commercial, business park and industrial building area. This reduction may result in the potential loss of sales tax revenues and property taxes. However, when analyzing the overall balance of the combined 196.7 million square feet of existing and proposed office commercial, business park and industrial building area throughout the City, the elimination of 1,811,703 square feet of office commercial, business park and industrial building area is less than 1%, which is not significant.; and

WHEREAS, the project sites are located within the Airport Influence Area of Ontario International Airport and Chino Airport and the Project is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plans; and

WHEREAS, the General Plan Amendment will promote the goals and polices of The Ontario Plan Policy Plan (General Plan); and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an Addendum to the Subarea 29 Specific Plan Environmental Impact Report

(SCH #2004011009) has been prepared to determine possible environmental impacts; and

WHEREAS, on November 25, 2014, 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 voted unanimously (7-0) to recommend City Council adoption of a resolution approving the General Plan Amendment (File No. PGPA13-007); and

WHEREAS, as the first action on the Project, on December 16, 2014, the City Council approved a Resolution adopting an Addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH #2005071109). The Addendum finds that the proposed project introduces no new significant environmental impacts and all previously adopted mitigation measures are to be a condition of project approval and are incorporated into the Project by reference; and

WHEREAS, on December 16, 2014, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH #2004011009) for the project and supporting documentation. Based upon the facts and information contained in the Addendum and supporting documentation, the City Council finds as follows:

a. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The Addendum was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The Addendum reflects the independent judgment of the City Council; and

d. The proposed project introduces no new significant environmental impacts beyond what was analyzed in the Environmental Impact Report (SCH #2004011009) adopted for the Subarea 29 Specific Plan File No. PSP03-003 and all previously adopted mitigation measures are incorporated into the Project by reference.

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 amendment is consistent with the goals and policies of The Ontario Plan, specifically Land Use Element Policy LU2-2 which required an analysis to minimize adverse impacts on adjacent properties which was completed and resulted in the proposed amendment creating a greater level of land use compatibility with the surrounding land uses;

b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City an addendum to the Subarea 29 Specific Plan Environmental Impact Report (SCH# 2004011009) was completed for the project that identified potential impacts and included mitigation measures to minimize impacts to a less than significant level;

c. The Land Use Element is a mandatory element allowed four general plan amendments per calendar year and this general plan amendment is the third amendment to the Land Use Element of the 2014 calendar year consistent with California Government Code Section §65358;

d. The proposed project is consistent with the adopted Housing Element. The site is not one of the properties listed in the Available Land Inventory in the Housing Element. Changing the land use designation of the subject property from the existing TOP designations Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac) will not impact the City's Regional Housing Needs Allocation obligations or the City's ability to satisfy its share of the region's future housing need;

e. The subject property is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested land use designation and anticipated development;

f. During the amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (§65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section §65351.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves the Project.

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 documents and materials that constitute the record of proceedings on which these findings have been based upon 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.

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

PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of December 2014.

---

PAUL S. LEON, MAYOR

ATTEST:

---

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY



STATE OF 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. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 16, 2014 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

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

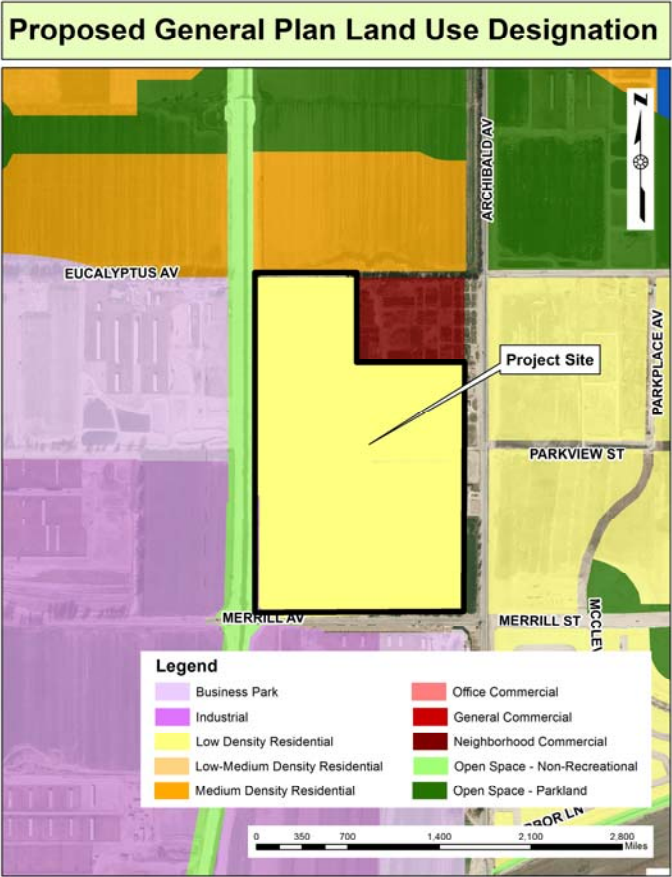
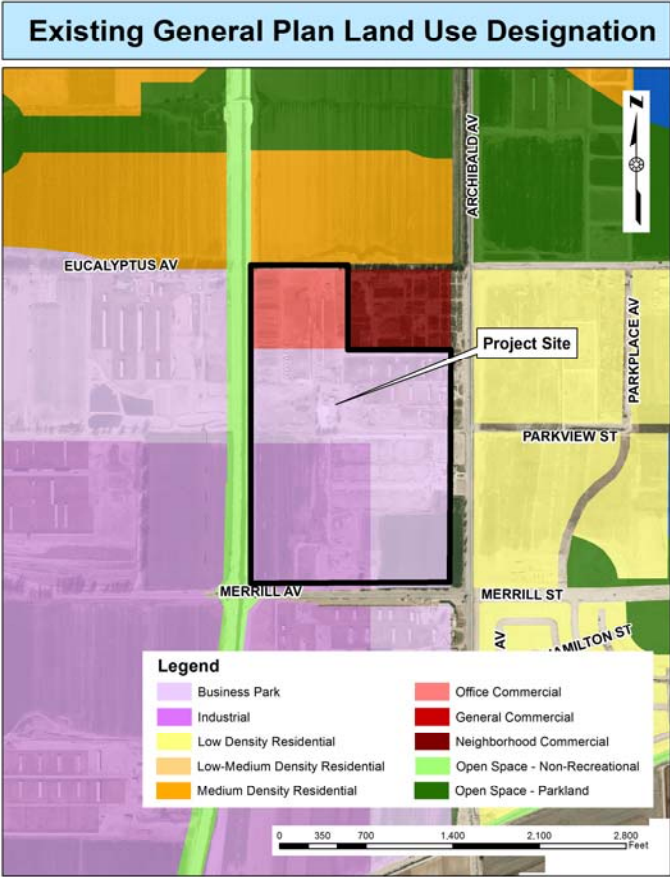
(SEAL)

The foregoing is the original of Resolution No. 2014-       duly passed and adopted by the Ontario City Council at their regular meeting held December 16, 2014.

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

(SEAL)

# Exhibit A – LU01: Official Land Use Plan Amendment



Existing TOP Land Use Designation	Assessor's Parcel Number	Proposed TOP Land Use Designation
Office Commercial, Business Park and Industrial	0218-271-11 AND 19	Low Density Residential

## Exhibit B – LU03: Future Buildout Table Amendment



### LU-03 Future Buildout<sup>1</sup>

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	916	3,660		
Low Density <sup>6</sup>	7,454	4.0 du/ac (OMC)	31,400	125,506		
	7,538	4.5 du/ac (NMC)	31,777	127,015		
Low-Medium <sup>6</sup> Density	843	8.5 du/ac	7,166	28,644		
Medium Density	1,941	18.0 du/ac (OMC) 22.0 du/ac (NMC)	39,182	136,957		
High Density	236	35.0 du/ac	8,259	27,643		
<i>Subtotal</i>	<i>10,932</i>		<i>86,923</i>	<i>322,410</i>		
	<i>11,016</i>		<i>86,400</i>	<i>323,919</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	247	• 30% of the area at 40 du/ac • 70% at 1.0 FAR for office and retail uses	2,958	5,916	7,516,278	16,897
• 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>	<i>1,821</i>		<i>17,274</i>	<i>34,549</i>	<i>41,258,102</i>	<i>87,803</i>

## Exhibit B – LU03: Future Buildout Table Amendment Cont'd

### LU-03 Future Buildout<sup>1</sup> (Cont.)



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	261	0.30 <a href="#">FAR</a>			3,414,407	8,262
General Commercial	604	0.30 <a href="#">FAR</a>			7,889,152	7,329
Office/Commercial	414 402	0.75 <a href="#">FAR</a>			13,534,854	30,015
Hospitality	145	1.00 <a href="#">FAR</a>			13,151,309	29,164
<i>Subtotal</i>	<i>1,424</i>				<i>6,316,200</i>	<i>7,241</i>
					<i>31,154,613</i>	<i>52,847</i>
					<i>30,771,068</i>	<i>51,996</i>
<b>Employment</b>						
Business Park	1,490	0.40 <a href="#">FAR</a>			25,962,980	45,551
	1,444				25,162,522	44,147
Industrial	6,561	0.55 <a href="#">FAR</a>			157,179,094	138,101
	6,535				156,551,394	137,549
<i>Subtotal</i>	<i>8,051</i>				<i>183,142,074</i>	<i>183,652</i>
	<i>7,979</i>				<i>181,713,916</i>	<i>181,696</i>
<b>Other</b>						
Open Space–Non-Recreation	1,252	Not applicable				
Open Space–Parkland <sup>6</sup>	982	Not applicable				
Open Space–Water	59	Not applicable				
Public Facility	92	Not applicable				
Public School	628	Not applicable				
LA/Ontario International Airport	1,421	Not applicable				
Landfill	137	Not applicable				
Railroad	247	Not applicable				
Roadways	4,880	Not applicable				
<i>Subtotal</i>	<i>9,697</i>					
<i>Total</i>	<i>31,924</i>		<i>104,197</i>	<i>356,958</i>	<i>255,554,789</i>	<i>324,302</i>
			<i>104,574</i>	<i>358,467</i>	<i>253,743,086</i>	<i>321,496</i>

#### 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.



# CITY OF ONTARIO

*Agenda Report*  
December 16, 2014

**SECTION:**  
**PUBLIC HEARINGS**

**SUBJECT:** A PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT TO REVISE THE LAND USE ELEMENT OF THE ONTARIO PLAN-POLICY PLAN, EXHIBITS LU-01 LAND USE PLAN AND LU-03 FUTURE BUILDOUT TO: (1) CHANGE THE LAND USE DESIGNATION FROM OFFICE COMMERCIAL TO BUSINESS PARK FOR 27 PARCELS TOTALING APPROXIMATELY 52 ACRES GENERALLY LOCATED ON THE NORTH SIDE OF GUASTI ROAD BETWEEN HAVEN AND MILLIKEN AVENUES; AND (2) MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES; AND A ZONE CHANGE REQUEST FROM M3 (GENERAL INDUSTRIAL) TO M1 (LIMITED INDUSTRIAL) TO CREATE CONSISTENCY BETWEEN THE ZONING AND THE PROPOSED GENERAL PLAN LAND USE DESIGNATION AMENDMENT

**RECOMMENDATION:** That the City Council adopt a resolution approving an addendum to The Ontario Plan (TOP) Environmental Impact Report (SCH #2008101140) adopted by City Council on January 27, 2010; adopt a resolution approving a General Plan Amendment (File No. PGPA14-001) revising the Land Use Element of the Policy Plan (General Plan), Exhibits LU-01 Official Land Use Plan and LU-03 Future Buildout table to change the land use designation from Office Commercial to Business Park for 27 parcels totaling approximately 52 acres generally located on the north side of Guasti Road between Haven and Milliken Avenues; and introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC14-001) from M3 (General Industrial) to M1 (Limited Industrial) to create consistency between the zoning and the proposed General Plan land use designation amendment.

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

**FISCAL IMPACT:** No significant fiscal impacts are anticipated.

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

Prepared by: Clarice Burden  
Department: Planning

City Manager  
Approval: 

Submitted to Council/O.H.A. 12/16/2014

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

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

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

11

**BACKGROUND:** In October 2014, Orbis Real Estate Partners, LLC, requested a Zone Change for six undeveloped properties on the north side of Guasti Road, along Ponderosa and Sequoia Avenues. The properties have a current TOP land use designation of Office Commercial, which is not consistent with the zoning of M3 (General Industrial). In order for the properties to be developed, the zoning and landuse designations need to be consistent.

In analyzing the Zone Change application, staff found that: (1) most of the existing development in the area consists of recently constructed industrial buildings with economically viable uses that are unlikely to be recycled in the near future; and (2) access to the area is limited and not conducive to office uses. Staff concluded that both a General Plan Amendment and a Zone Change would be appropriate to adequately address the land use issues and that the project should be expanded to include properties with similar land use issues for a total of 27 properties encompassing about 52 acres.

The City initiated a General Plan amendment to change the landuse designation of the properties from Office Commercial to Business Park. The associated Zone Change, which was expanded to encompass the entire site, would change the zoning to M1 (Limited Industrial). These changes would accommodate the existing development and uses, and would allow the undeveloped portion of the site to be developed in a manner similar to the existing development.

On November 25, 2014 the Planning Commission unanimously (7-0) voted to recommend that the City Council adopt an Addendum to The Ontario Plan Environmental Impact Report and approve the General Plan Amendment and Zone Change.

**ENVIRONMENTAL REVIEW:** The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (SCH #2008101140) adopted by City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum was prepared pursuant to CEQA, the State CEQA Guidelines and The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" which provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. The reductions in building size and changes to the potential uses of the site will likely result in a reduction in vehicle miles traveled and would reduce environmental impacts when compared with the more intense development allowed within the Office Commercial land use district. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.



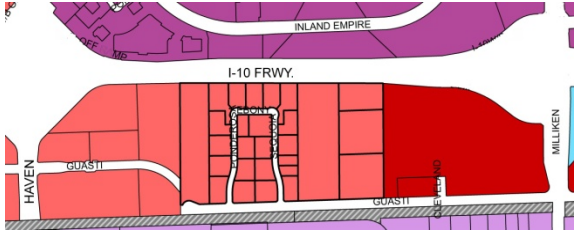
## Exhibit A Proposed TOP and Zone Changes

**L9**

### Existing TOP

### Assessor Parcel Numbers Involved

### Proposed TOP



Office-Commercial

21021217  
21021220  
21021224  
21021226 – 21021239  
21021242 – 21021249  
21021253 – 21021254  
  
(27 Properties)

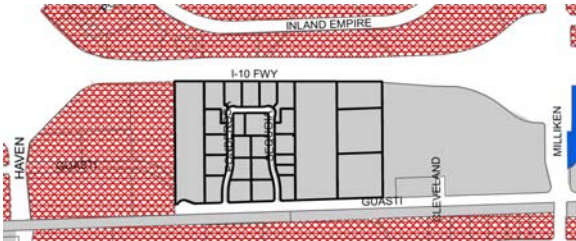


Business Park

### Existing Zoning

### Assessor Parcel Numbers Involved

### Proposed Zone Changes



M3, General Industrial

21021217  
21021220  
21021224  
21021226 – 21021239  
21021242 – 21021249  
21021253 – 21021254  
  
(27 Properties)



M1, Limited Industrial

## Exhibit B LU-03 Future Buildout

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	916	3,660		
Low Density <sup>6</sup>	7,454	4.0 du/ac (OMC) 4.5 du/ac (NMC)	31,400	125,506		
Low-Medium <sup>6</sup> Density	843	8.5 du/ac	7,166	28,644		
Medium Density	1,941	18.0 du/ac (OMC) 22.0 du/ac (NMC)	39,182	136,957		
High Density	236	35.0 du/ac	8,259	27,643		
<i>Subtotal</i>	<i>10,932</i>		<i>86,923</i>	<i>322,410</i>		
<b>Mixed Use</b>						
• Downtown	112	<ul style="list-style-type: none"> <li>60% of the area at 35 du/ac</li> <li>40% of the area at 0.80 FAR for office and retail</li> </ul>	2,352	4,704	1,561,330	2,793
• East Holt Boulevard	57	<ul style="list-style-type: none"> <li>25% of the area at 30 du/ac</li> <li>50% of the area at 1.0 FAR office</li> <li>25% of area at 0.80 FAR retail</li> </ul>	428	856	1,740,483	3,913
• Meredith	247	<ul style="list-style-type: none"> <li>30% of the area at 40 du/ac</li> <li>70% at 1.0 FAR for office and retail uses</li> </ul>	2,958	5,916	7,516,278	16,897
• Transit Center	76	<ul style="list-style-type: none"> <li>10% of the area at 60 du/ac</li> <li>90% of the area at 1.0 FAR office and retail</li> </ul>	457	913	2,983,424	5,337
• Inland Empire Corridor	37	<ul style="list-style-type: none"> <li>50% of the area at 20 du/ac</li> <li>30% of area at 0.50 FAR office</li> <li>20% of area at 0.35 FAR retail</li> </ul>	368	736	352,662	768
• Guasti	77	<ul style="list-style-type: none"> <li>20% of the area at 30 du/ac</li> <li>30% of area at 1.0 FAR retail</li> <li>50% of area at .70 FAR office</li> </ul>	500	1,001	2,192,636	4,103
• Ontario Center	345	<ul style="list-style-type: none"> <li>30% of area at 40 du/ac</li> <li>50% of area at 1.0 FAR office</li> <li>20% of area at 0.5 FAR retail</li> </ul>	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	<ul style="list-style-type: none"> <li>5% of area at 40 du/ac</li> <li>20% of area at 0.75 FAR office</li> <li>75% of area at 0.5 FAR retail</li> </ul>	479	958	5,477,126	7,285
• NMC West/South	315	<ul style="list-style-type: none"> <li>30% of area at 35 du/ac</li> <li>70% of area at 0.7 FAR office and retail</li> </ul>	3,311	6,621	6,729,889	17,188
• NMC East	264	<ul style="list-style-type: none"> <li>30% of area at 25 du/ac</li> <li>30% of area at 0.35 FAR for office</li> <li>40% of area at 0.3 FAR for retail uses</li> </ul>	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	<ul style="list-style-type: none"> <li>50% of the area at 30 du/ac</li> <li>50% of area at 0.8 FAR retail</li> </ul>	156	312	181,210	419
• SR-60/Hamner Tuscana Village	41	<ul style="list-style-type: none"> <li>18% of the area at 25 du/ac</li> <li>57% of the area at 0.25 FAR retail</li> <li>25% of the area at 1.5 FAR office</li> </ul>	185	369	924,234	2,098
<i>Subtotal</i>	<i>1,821</i>		<i>17,274</i>	<i>34,549</i>	<i>41,258,102</i>	<i>87,803</i>

Retail/Service						
Neighborhood <sup>6</sup> General	261	0.30 FAR			3,414,407	8,262
General Commercial	604	0.30 FAR			7,889,152	7,329
Office/Commercial	<del>414</del> 362	0.75 FAR			<del>13,534,854</del> 11,824,253	<del>30,015</del> 26,222
Hospitality	145	1.00 FAR			6,316,200	7,241
Subtotal	<del>1,424</del> 1,372				<del>31,154,613</del> 29,444,012	<del>52,847</del> 49,054
Employment						
Business Park	<del>1,490</del> 1,542	0.40 FAR			<del>25,962,980</del> 26,875,300	<del>45,551</del> 47,152
Industrial	6,561	0.55 FAR			157,179,094	138,101
Subtotal	<del>8,051</del> 8,103				<del>183,142,074</del> 184,054,395	<del>183,652</del> 185,253
Other						
Open Space–Non-Recreation	1,252	Not applicable				
Open Space–Parkland <sup>6</sup>	982	Not applicable				
Open Space–Water	59	Not applicable				
Public Facility	92	Not applicable				
Public School	628	Not applicable				
LA/Ontario International Airport	1,421	Not applicable				
Landfill	137	Not applicable				
Railroad	247	Not applicable				
Roadways	4,880	Not applicable				
Subtotal	9,697					
Total	31,924		104,197	356,958	<del>255,554,789</del> 254,756,509	<del>324,302</del> 322,109

#### 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.

- Note: Table includes only approved General Plan Amendments. Other General Plan Amendments may be in process that will affect subtotals and totals.



# PLANNING COMMISSION STAFF REPORT

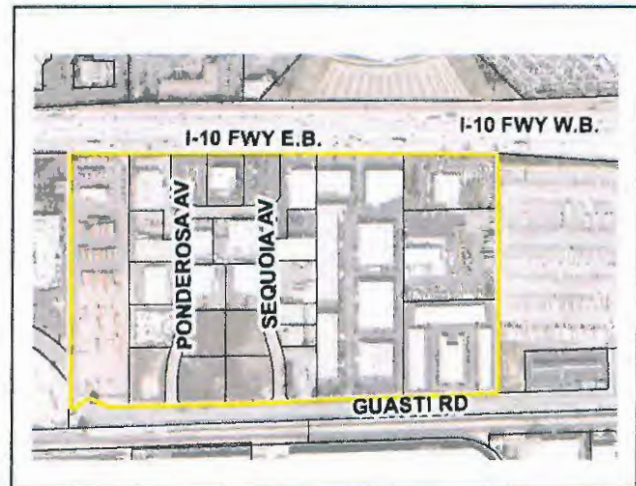
November 25, 2014

**SUBJECT:** A General Plan Amendment (File No. PGPA14-001) to revise The Ontario Plan-Policy Plan Land Use Element Exhibits LU-01 Land Use Plan and LU-03 Future Buildout to: 1) change the land use designation from Office Commercial to Business Park for 27 parcels totaling approximately 52 acres generally located on the north side of Guasti Road between Haven and Milliken Avenues; and 2) modify the Future Buildout Table to be consistent with the land use designation changes; and a Zone Change (File No. PZC14-006) from M3 (General Industrial) to M1 (Limited Industrial) to create consistency between the zoning and the proposed General Plan land use designation amendment. (APNs: 0210-212-17, 20, 24, 26-39, 42-49 and 53-54); City initiated and submitted by Tom Money.

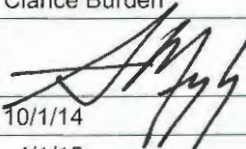
**PROPERTY OWNER:** Various

**RECOMMENDED ACTION:** That the Planning Commission recommend that City Council adopt an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001 and recommend that City Council approve File Nos. PGPA14-001 and PZC14-006, pursuant to the facts and reasons contained in the staff report and attached resolutions.

**PROJECT SETTING:** The project site is comprised of 27 parcels totaling 52 acres of land generally located on the north side of Guasti Road between Haven and Milliken Avenues (**Figure 1: Project Site**). The project site has a General Plan land use designation of Office Commercial and a zoning designation of M3 (General Industrial). The project site is bounded by the I-10 freeway to the north, the railroad tracks to the south, the TA Truck Stop to the east, and the Mercedes-Benz car dealership to the west.



**Figure 1: Project Site**

Case Planner:	Clarice Burden	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:	10/1/14	ZA			
Hearing Deadline:	4/1/15	PC	11/25/14	Approved	Recommend
		CC			



## **PROJECT ANALYSIS:**

[1] Background — In October 2014, the property owner of six undeveloped properties on the north side of Guasti Road, along Ponderosa and Sequoia Avenues, filed an application for a zone change. The applicant plans to develop these properties and in order for a development plan to be approved for the site, the zoning and General Plan land use designation are required to be consistent. These properties, as well as all the properties within the project site, have a zoning designation of M3 (General Industrial) which is not consistent with the General Plan land use designation of Office Commercial.

To resolve this inconsistency, staff first analyzed the appropriateness of the current Office Commercial General Plan land use designation for the project site. The analysis revealed that the project site is not likely to support Office Commercial development due to: 1) limited access due to Guasti Road dead ending to the west, the freeway to the north, and the railroad tracks to the south; 2) the existing buildings are not suited for Office Commercial uses, are economically viable, and are not likely to be recycled in the near future; and 3) the existing buildings support existing uses which are likely to continue into the future.

Staff concluded that both a General Plan Amendment and a Zone Change would be appropriate to adequately address the land use issues within the project site. It was determined that a General Plan designation of Business Park, which allows a combination of light industrial and office uses, would support the existing uses of the buildings and allow the area to transition to office/service uses, if the market warrants it. The M1 (Limited Industrial) zoning designation most closely aligns with the existing development and the General Plan land use designation of Business Park. Further, the M1 (Limited Industrial) would allow the undeveloped portion of the site to be developed in a manner similar to the existing development.

After the adoption of The Ontario Plan ("TOP") in 2010, the City launched a citywide effort to ensure that the General Plan land use designations and zoning are consistent for all properties in the City. To align with this effort, the project was expanded from the 6 properties in the original submittal, to all 27 properties within the project site since they share similar circumstances. The request, (File No. PGPA14-001) and (File No. PZC 14-006), would create General Plan land use and zoning consistency for all properties within the project site.

[2] General Plan Amendment – The entire 52 acres (27 properties) is included in the request because all of these properties share similar circumstances with respect to location, access, and economic viability of the existing buildings. Of the 52 acres, almost 46 acres (86 percent) are developed. Most of the existing buildings were developed recently but prior to the adoption of TOP in 2010. The buildings are economically viable, occupied by industrial uses, and are likely to remain that way for the foreseeable future. Access to the project site area is provided by Guasti Road, which dead ends at the

western end of the project site. Although the site has freeway frontage, it has more limited access than would likely support Office Commercial uses.

Only about 6.2 acres or about 11 percent of the site are undeveloped. The development potential of changing the land use designation of 6.2 acres of developed land from Office Commercial to Business Park were weighed using TOP Buildout Methodology, which is used to project the development intensity of various buildout scenarios. Per that analysis, the change would have the net effect of a reduction in building size by about 95,000 square feet and a reduction in employment of about 260 jobs at buildout. Due to the reduced intensity of development, it is not anticipated that there would be an increase in the need for City services such as ongoing operations and maintenance services (police, fire, maintenance, etc.).

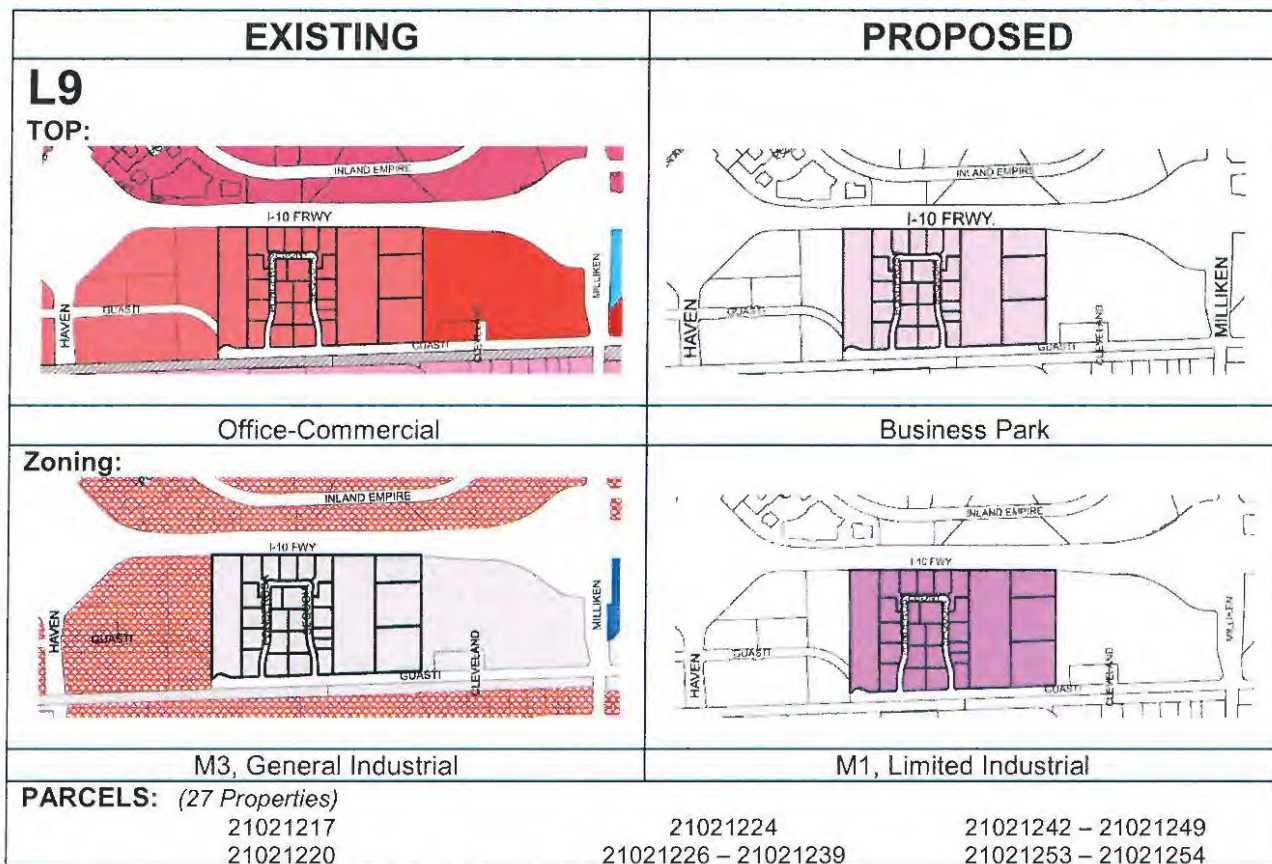
[3] Zone Change – Changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) would bring the zoning of the property into conformance with the proposed General Plan land use designation of Business Park. The requirements of the M1 (Light Industrial) zone will guide the development of the undeveloped portion of the site which will be compatible with the existing development in the area. In addition, it will help to provide a buffer between the Truck stop in the M3 (General Industrial) zone to the east and the Mercedes-Benz car dealership and Embassy Suites Hotel in the Gateway Specific Plan to the west.

[4] Community Meeting – On November 5, 2014, a Community Meeting was held to review the project with the affected property owners, to receive any comments and to answer any questions about the General Plan Amendment and Zone Change. There were no attendees at the meeting.

[5] Conclusion – Changing the General Plan land use designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) would bring conformance between the General Plan and zoning of the project site and would allow this economically viable area to provide a buffer between the existing uses that flank this area to the east and west.

The existing and proposed TOP (General Plan) land use and zoning designations are shown in Figure 2 below.





**Figure 2: Existing and Proposed TOP (General Plan) Land Use and Zoning**

**COMPLIANCE WITH THE ONTARIO PLAN:** The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan (TOP). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

[1] City Council Priorities

**Primary Goal:** Regain Local Control of the Ontario International Airport

**Supporting Goals:** Operate in a Businesslike Manner

[2] Policy Plan (General Plan)

**LU1-6 Complete Community.** We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

Compliance: The proposed General Plan Amendment and Zone Change review analyzed the economic viability of the existing development. The Business Park land use designation with M1 (Light Industrial) zoning supports the retention of employment choices within the area.

- LU2-1 Land Use Decisions.** We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed General Plan Amendment and Zone Change will help to separate and buffer the Truck Stop within the M3 (General Industrial) zone to the east and the Mercedes-Benz dealership and Embassy Suites Hotel in the Gateway Specific Plan to the west.

- LU2-2 Buffers.** We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.

Compliance: The proposed General Plan Amendment and Zone Change will help create a buffer between heavier and lighter uses. When Guasti Road is connected, at some point in the future, the Business Park land use designation will help to provide a buffer between the Truck stop in the M3 (General Industrial) zone to the east and the Mercedes-Benz car dealership and Embassy Suites Hotel in the Gateway Specific Plan to the west.

- LU4-1 Commitment to Vision.** We are committed to achieving our Vision but realize that it may take time and several interim steps to get there.

Compliance: The Business Park TOP designation allows for a spectrum of zones to allow uses from light industrial to office/service uses. The Business Park designation will allow the properties to transition to office/service uses, if the market warrants it.

- LU5-7 ALUCP Consistency with Land Use Regulations.** We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The project site is partially located within the 60 CNEL noise contour of the Ontario Airport. Changing the uses to light industrial in proximity to the airport will help to reduce the impacts of the airport upon more sensitive Office uses that could have been allowed within the Office Commercial land use designation.

**S4-6 Airport Noise Compatibility.** We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The proposed General Plan Amendment and Zone Change are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario Airport and Chino Airport.

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

**ENVIRONMENTAL REVIEW:** The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The Addendum was prepared pursuant to CEQA, the State CEQA Guidelines and The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" which provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. In fact, the reductions in building size and changes to the potential uses of the site will likely result in a reduction in vehicle miles traveled and would have reduced environmental impacts when compared with the more intense development allowed within the Office Commercial land use district. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.



## CITY OF ONTARIO

### **ADDENDUM TO THE CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR THE ONTARIO PLAN RE: GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM OFFICE COMMERCIAL TO BUSINESS PARK FOR 27 PARCELS TOTALING APPROXIMATELY 52 ACRES, GENERALLY LOCATED ON THE NORTH SIDE OF GUASTI ROAD BETWEEN HAVEN AND MILLIKEN AVENUES AND A ZONE CHANGE TO CHANGE THE ZONING DESIGNATION FROM M3 (GENERAL INDUSTRIAL) TO M1 (LIMITED INDUSTRIAL)**

#### **A. PROJECT INFORMATION**

- 1. Project Title:** General Plan Amendment (**File No. PGPA14-001**) to change the land use designation from Office Commercial to Business Park for 27 parcels totaling approximately 52 acres, generally located on the north side of Guasti Road between Haven and Milliken Avenues and a Zone Change (**File No. PZC14-006**) to change the zoning designation of the properties from M3 (General Industrial) to M1 (Limited Industrial); submitted by the City of Ontario and Tom Money.
- 2. Lead Agency Name and Address:** City of Ontario  
303 East "B" Street  
Ontario, CA 91764
- 3. Contact Person(s) and Phone** Clarice Burden, Associate Planner
- 4. Project Location:** 27 parcels totaling approximately 52 acres, generally located on the north side of Guasti Road between Haven and Milliken Avenues.

#### **INTRODUCTION & PROJECT DESCRIPTION:**

On January 27, 2010, the Ontario City Council certified The Ontario Plan (TOP) FEIR (SCH # 2008101140) and adopted, by resolution, a comprehensive update of the Ontario General Plan known as TOP (The Ontario Plan). TOP serves as the framework for the City's business plan and provides a foundation for the City to operate as a municipal corporation. TOP includes six (6) distinct components: 1) Vision; 2) Governance Manual; 3) Policy Plan; 4) Council Priorities; 5) Implementation; and 6) Tracking and Feedback. Each component stands alone but is strengthened by being a part of the larger framework of TOP. The policy components (Governance Manual and Policy Plan) set high-level guiding principles that reflect fundamental concepts critical to achieving the Vision. The policy components are principal based to retain long-term relevance. TOP was designed to support day to day operations, budget development, implementation programs and projects, and decision-making processes. TOP is web based and can be accessed 24/7 at [www.ontarioplan.org](http://www.ontarioplan.org).

The City is proposing a General Plan Amendment (**File No. PGPA14-001**) to change the land use designation from Office Commercial to Business Park for 27 parcels totaling approximately 52 acres, generally located on the north side of Guasti Road between Haven and Milliken Avenues and a Zone Change (**File No. PZC14-006**) to change the zoning designation from M3 (General Industrial) to M1 (Limited Industrial) of the properties (as shown in Exhibit 1).

General Plan Amendment: Based on the proposed General Plan Amendment, staff analyzed whether changing the General Plan landuse designation from Office Commercial to Business Park would significantly affect the environmental analysis of the TOP FEIR which was certified and adopted with The Ontario Plan in January 2010. The

52 acre site is largely built out with only about 6.2 acres or 11 percent of the site available for development. The Ontario Plan Buildout Methodology is used to project the development intensity of various buildout scenarios. Per that analysis, the impact of switching the developable 6.2 acres from the land use designation of Office Commercial to Business Park would have the net effect of a reduction in building size by about 95,000 square feet and a reduction in employment of about 260 jobs. These reductions would result in a reduction in vehicle miles traveled and the potential Business Park development would likely have reduced environmental impacts when compared with the more intense development allowed within the Office Commercial land use district.

The developed land within the project site comprises almost 46 acres which represents about 89 percent of the site. Most of these buildings are fairly recently developed and are economically viable with the current uses for the foreseeable future. Access to the project site area is provided by Guasti Road which dead ends at the western end of the project site. Although the site has freeway frontage, it has more limited access than would likely support Office Commercial uses at this time.

The entire 52 acres is included in the request because all of these properties are similarly situated with respect to location and access issues. When Guasti Road is connected, at some point in the future, the Business Park landuse designation will help to provide a buffer between the Truck stop in the M3 (General Industrial) zone to the east and the Mercedes-Benz car dealership and Embassy Suites Hotel in the Gateway Specific Plan to the west.

Zone Change: Changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) would likewise limit the potential environmental impacts of allowed industrial uses. The uses allowed within the General Industrial zone are heavier industrial uses than those allowed within the Limited Industrial zone resulting in lower potential environment impacts.

Overall, the impacts of changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) would not result in new or significantly greater environmental impacts than previously analyzed and therefore the adoption of an Addendum to the TOP FEIR is the appropriate action.

In January 2010, the Ontario City Council certified the Ontario Plan Final Environmental Impact Report (SCH # 2008101140), ("TOP EIR"), adopted an update on the Ontario General Plan and the Preferred Land Use Plan, made Mitigation Findings, and adopted a Statement of Overriding Considerations pursuant to CEQA. The Ontario Plan EIR contains an analysis of the environmental setting of the entire City at the time of its certification.

#### **CEQA REQUIREMENTS FOR AN ADDENDUM:**

If changes to a project or its circumstances occur or new information becomes available after adoption of an environmental impact report, the lead agency may: (1) prepare a subsequent EIR if the criteria of State CEQA Guidelines § 15162(a) are met, (2) prepare a subsequent negative declaration, (3) prepare an addendum, or (4) prepare no further documentation. (State CEQA Guidelines § 15162(b).) When only minor technical changes or additions to the environmental impact report are necessary and none of the conditions described in section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, CEQA allows the lead agency to prepare and adopt an addendum. (State CEQA Guidelines, § 15164(b).)

Under Section 15162, a subsequent EIR or negative declaration is required only when:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- 
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the negative declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
  - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the negative declaration was adopted, shows any of the following:
    - (A) The project will have one or more significant effects not discussed in the previous negative declaration;
    - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the Project does not result in any of the circumstances listed in section 15162 (i.e., no new or substantially greater significant impacts), the City may properly adopt an addendum to the TOP EIR.

The Ontario Plan Environmental Impact Report (TOP EIR), certified in 2010, was prepared as a Program EIR in accordance with CEQA, the State CEQA Guidelines, and the City's Rules for the Implementation of CEQA. In accordance with Section 15121(a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). The EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by The Ontario Plan. Consequently, the EIR focused on impacts from changes to land use associated with buildout of the City's Land Use Plan, within the Policy Plan, and impacts from the resultant population and employment growth in the City. The Ontario Plan's Land Use Plan for the ultimate development of the City is not linked to a timeline. However, for the purpose of the EIR's environmental analysis, buildout of the Land Use Plan was forecast for the year 2035.

Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine whether an additional CEQA document needs to be prepared. However, if the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program EIR scope and additional environmental documents may not be required (Guidelines Section 15168[c]). When a Program EIR is relied on for a subsequent activity, the lead agency must incorporate feasible mitigation measures and alternatives developed in the Program EIR into the subsequent activities (Guidelines Section 15168[c][1]). If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.

An initial study has been prepared to determine if the project is within the scope of TOP EIR such that additional environmental review is not required.



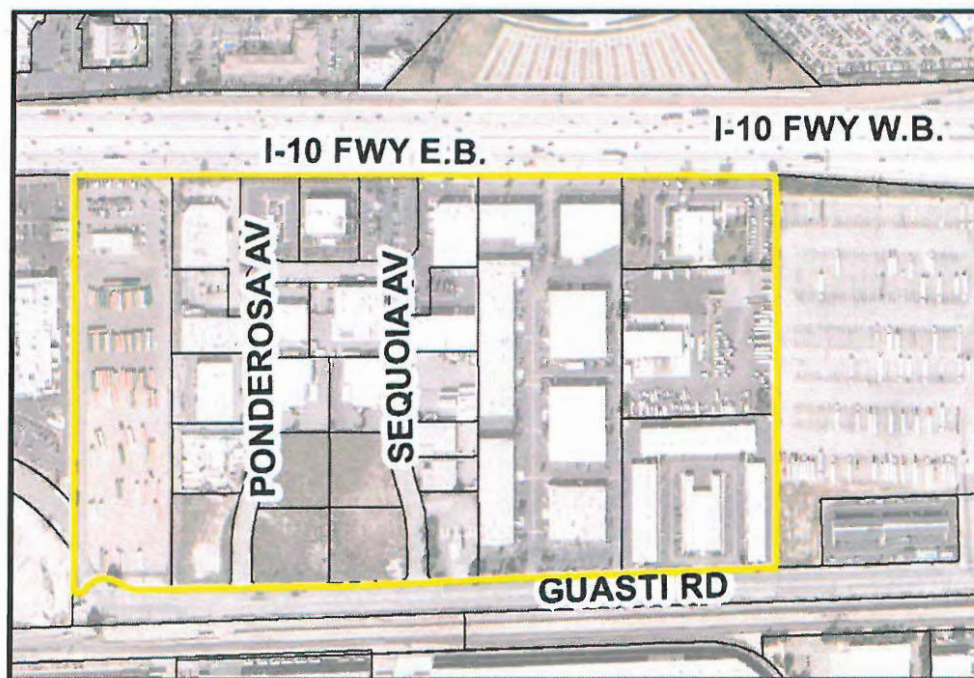
## **ANALYSIS:**

The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines section 15162 are present.

## **CONCLUSION:**

Based on the findings and information contained in the previously certified TOP EIR, the analysis above, the attached Initial Study, and the CEQA statute and State CEQA Guidelines, including sections 15164 and 15162, the Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the TOP EIR. No changes or additions to the TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Therefore, pursuant to State CEQA Guidelines section 15164, the Council hereby adopts this Addendum to the TOP EIR.

**Exhibit 1**  
**(27 Parcel, 52 acre project site)**



# California Environmental Quality Act Environmental Checklist Form

City of Ontario  
Planning Department  
303 East "B" Street  
Ontario, California  
Phone: (909) 395-2036  
Fax: (909) 395-2420



**Project Title/File No.:** PGPA14-001 & PZC14-006

**Lead Agency:** City of Ontario, 303 East "B" Street, Ontario, California 91764, (909) 395-2036

**Contact Person:** Clarice Burden, Associate Planner (909)395-2432

**Project Sponsor:** City of Ontario, 303 East "B" Street, Ontario, California 91764

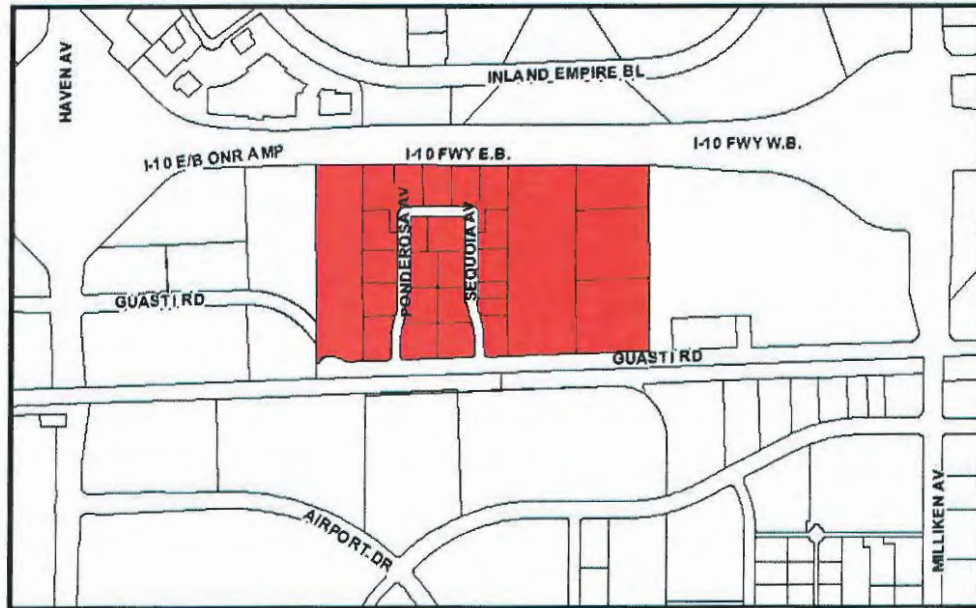
**Project Location:** The project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County. As illustrated on Figures 1 through 3, below, the project site consists of 27 parcels totaling approximately 52 acres, generally located on the north side of Guasti Road between Haven and Milliken Avenues.



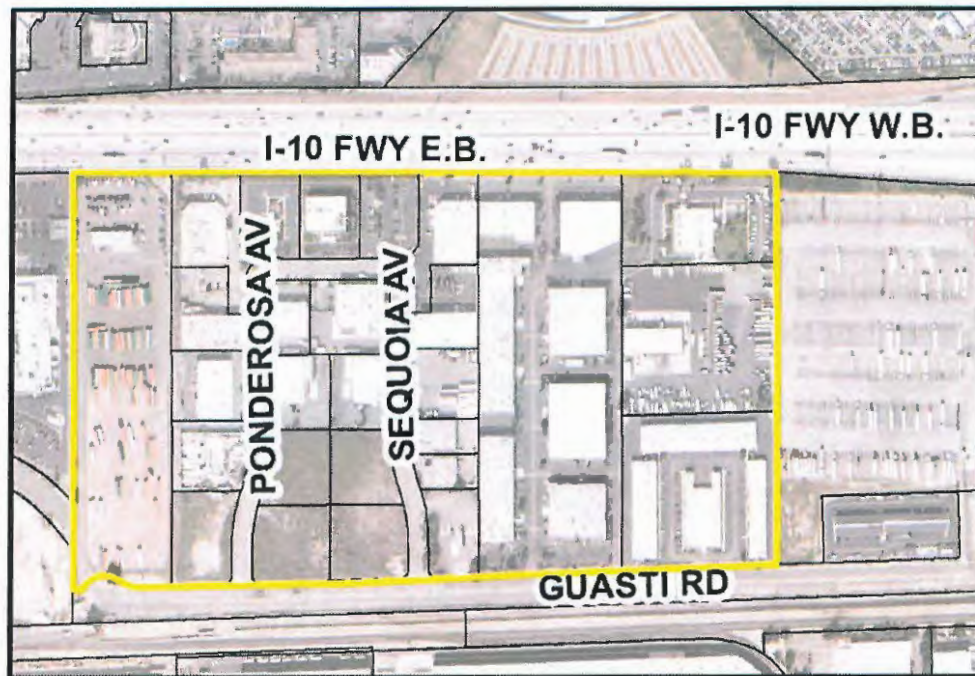
**Figure 1—REGIONAL LOCATION MAP**



*Figure 2—VICINITY MAP*



*Figure 3—AERIAL PHOTOGRAPH*



**General Plan Designation:** Change from Office Commercial to Business Park

**Zoning:** Change from M3 (General Industrial) to M1 (Limited Industrial)

**Description of Project:** A General Plan Amendment (**File No. PGPA14-001**) to change the land use designation from Office Commercial to Business Park for 27 parcels totaling approximately 52 acres, generally located on the north side of Guasti Road between Haven and Milliken Avenues and a Zone Change (**File No. PZC14-006**) to change the zoning designation of the properties from M3 (General Industrial) to M1 (Limited Industrial).

**Project Setting:** The project site is comprised of 27 parcels totaling 52 acres of land generally located on the north side of Guasti Road between Haven and Milliken Avenues. Most of the properties are developed with Business Park type buildings.

**Surrounding Land Uses:**

	<u><b>Zoning</b></u>	<u><b>Current Land Use</b></u>
▪ North—	I-10 Freeway, Ontario Center Specific Plan beyond	I-10 Freeway with commercial development beyond
▪ South—	Railroad tracks, California Commerce Center Specific Plan beyond	Railroad tracks with industrial development beyond
▪ East—	M3 (General Industrial)	Truck Stop
▪ West—	Ontario Gateway Specific Plan	Car dealership

**Other public agencies whose approval is required** (e.g., permits, financing approval or participation agreement): None

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |
|--|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture Resources              |
| <input type="checkbox"/> Air Quality                 | <input type="checkbox"/> Biological Resources               |
| <input type="checkbox"/> Cultural Resources          | <input type="checkbox"/> Geology / Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions    | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology / Water Quality   | <input type="checkbox"/> Land Use / Planning                |
| <input type="checkbox"/> Population / Housing        | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                       | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                  | <input type="checkbox"/> Transportation / Traffic           |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION (To be completed by the Lead Agency):**

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.



- ☐ I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☒ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Certified The Ontario Plan (TOP) Environmental Impact Report (EIR) pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier Certified EIR, including revisions or mitigation measures that are imposed upon the proposed project, the analysis from the Certified TOP EIR was used as a basis for this Addendum, nothing further is required.

Signature

Clarice Burden  
Printed Name

October 30, 2014

Date

Ontario Planning Department  
For

#### EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from the "Earlier Analyses" Section may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analyses Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) **Supporting Information Sources.** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
- The significance criteria or threshold, if any, used to evaluate each question; and
  - The mitigation measure identified, if any, to reduce the impact to less than significance.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
1) <b>AESTHETICS.</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) <b>AGRICULTURE AND FOREST RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) <b>AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) <b>BIOLOGICAL RESOURCES.</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) <b>CULTURAL RESOURCES.</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>6) GEOLOGY AND SOILS.</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18.1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7) GREENHOUSE GAS EMISSIONS.</b> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8) HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>9) HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a) Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increase in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10) LAND USE AND PLANNING.</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, airport land use compatibility plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>11) MINERAL RESOURCES.</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>12) NOISE.</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13) POPULATION AND HOUSING.</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>14) PUBLIC SERVICES.</b> Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>15) RECREATION.</b> Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>16) TRANSPORTATION/TRAFFIC.</b> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>17) UTILITIES AND SERVICE SYSTEMS.</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>18) MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

## EXPLANATION OF ISSUES

### 1) **AESTHETICS.** Would the project:

#### a) **Have a substantial adverse effect on a scenic vista?**

Discussion of Effects: The Policy Plan (General Plan) does not identify scenic vistas within the City. However, the Policy Plan (Policy CD1-5) requires all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountains. The project site is not located on a major north-south street as identified in the Functional Roadway Classification Plan (Figure M-2) of the Mobility Element within the Policy Plan. Therefore, no adverse impacts are anticipated in relation to the project.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

#### b) **Substantially damage scenic resources, including, but not limited to, tress, rock outcroppings and historic buildings within a state scenic highway?**

Discussion of Effects: The City of Ontario is served by three freeways: I-10, I-15, and SR-60. I-10 and SR-60 traverse the northern and central portion of the City, respectively, in an east-west direction. I-15 traverses the northeastern portion of the City in a north-south direction. These segments of I-10, I-15, and SR-60 have not been officially designated as scenic highways by the California Department of Transportation. In addition, there are no historic buildings or any scenic resources identified on or in the vicinity of the project site. Therefore, it will not result in adverse environmental impacts.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

#### c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

Discussion of Effects: The project would not degrade the existing visual character or quality of the site or its surroundings. The project site is located in an area that is characterized by development and is surrounded by urban land uses. The project will allow for the development of existing vacant sites consistent with the surrounding development.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

#### d) **Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not introduce new lighting to the surrounding area beyond what was anticipated in the Certified TOP FEIR. Therefore, no new adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.



2) **AGRICULTURE AND FOREST RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Discussion of Effects: The site is mostly developed and does not contain any agricultural uses. Further, the site is identified as Urban Built up land on the map prepared by the California Resources Agency, pursuant to the Farmland Mapping and Monitoring Program. The project will not create any new impacts to agricultural uses in the vicinity which were not identified in the Certified TOP FEIR. As a result, no new adverse environmental impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

Discussion of Effects: The project site is not and will not be zoned for agricultural use. The project site zoned is M3 (General Industrial) which will be changed to M1 (Limited Industrial). Future development will be consistent with the development standards and allowed land uses of the proposed zone. Furthermore, there is no Williamson Act contract in effect on the subject site. Therefore, no impacts to agricultural uses are anticipated, nor will there be any conflict with existing or Williamson Act contracts.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

Discussion of Effects: The project site will be rezoned from M3 (General Industrial) to M1 (Limited Industrial). The proposed rezoning of the project site would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production because such land use designations do not exist within the City of Ontario. The proposed rezoning will be consistent with The Ontario Plan and the development standards and allowed land uses of the M1 (Limited Industrial) zone. Therefore, no adverse impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

Discussion of Effects: There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, the proposed project would not result in the loss or conversion of forest land.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**e) Involve other changes in the existing environment, which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

Discussion of Effects: The project site is currently zoned M3 (General Industrial) which is proposed to change to M1 (Limited Industrial) and is not designated as Farmland. The project site is currently vacant and there are no agricultural uses occurring onsite. As a result, the project will not result in loss of Farmland to non-agricultural use.

Additionally, there is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code Section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, to the extent that the proposed project would result in changes to the existing environment, those changes would not impact forest land.

Mitigation Required: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**3) AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

**a) Conflict with or obstruct implementation of the applicable air quality plan?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not generate new or greater air quality impacts than identified in TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not generate new or greater air quality impacts than identified in TOP FEIR. The project will result in a net decrease in the amount of development anticipated at build out resulting in lower air emissions than were analyzed in TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not generate new or greater air quality impacts than identified in TOP FEIR. The project will result in a net decrease in the amount of development anticipated at build out resulting in lower air emissions than were analyzed in TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**d) Expose sensitive receptors to substantial pollutant concentrations?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not generate new or greater air quality impacts than identified in TOP FEIR. The project will result in a net decrease in the amount of development anticipated at build out resulting in lower air emissions than were analyzed in TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**e) Create objectionable odors affecting a substantial number of people?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not generate new or greater air quality impacts than identified in TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**4) BIOLOGICAL RESOURCES. Would the project:**

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

Discussion of Effects: The project site is located within an area that has not been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Discussion of Effects: The site does not contain any riparian habitat or other sensitive natural community identified by the Department of Fish & Game or Fish & Wildlife Service. Therefore, no adverse environmental impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Discussion of Effects: No wetland habitat is present on site. Therefore, project implementation would have no impact on these resources.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Discussion of Effects: The site is bounded on all four sides by development. As a result, there are no wildlife corridors connecting this site to other areas. Therefore, no adverse environmental impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Discussion of Effects: The City of Ontario does not have any ordinances protecting biological resources. Further, the site does not contain any mature trees necessitating the need for preservation. As a result, no adverse environmental impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan?**

Discussion of Effects: The site is not part of an adopted HCP, NCCP or other approved habitat conservation plan. As a result, no adverse environmental impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**5) CULTURAL RESOURCES. Would the project:**

**a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?**

Discussion of Effects:

The project contains no buildings constructed more than 50 years ago and cannot be considered for eligibility for listing in the California Register of Historic Resources. The project will not cause a substantial adverse change in the significance of an historical resource beyond what was previously considered and addressed in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

Discussion of Effects: The Ontario Plan FEIR (Section 5.5) indicates no archeological sites or resources have been recorded in the City with the Archeological Information Center at San Bernardino County Museum. However, only about 10 percent of the City of Ontario has been adequately surveyed for prehistoric or historic archaeology. The site was previously rough graded when the property was subdivided and no archaeological resources were found. While no adverse impacts to archeological resources are anticipated at this site due to its urbanized nature, standard conditions will be imposed on future development that in the event of unanticipated archeological discoveries, construction activities will not continue or will moved to other parts of the project site and a qualified archaeologist shall be contacted to determine significance of these resources. If the find is discovered to be historical or unique archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines, avoidance or other appropriate measures shall be implemented.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Discussion of Effects: The City of Ontario is underlain by deposits of Quaternary and Upper-Pleistocene sediments deposited during the Pliocene and early Pleistocene time. Quaternary Older Alluvial sediments may contain significant, nonrenewable, paleontological resources and are, therefore, considered to have high sensitivity at depths of 10 feet or more below ground surface. In addition, the Ontario Plan FEIR (Section 5.5) indicates that one paleontological resource has been discovered in the City. However, changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) does not directly propose excavation and standard conditions will be imposed on future development that in the event of unanticipated paleontological resources are identified during excavation, construction activities will not continue or will moved to other parts of the project site and a qualified paleontologist shall be contacted to determine significance of these resources. If the find is determined to be significant, avoidance or other appropriate measures shall be implemented.

**Mitigation:** No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**d) Disturb any human remains, including those interred outside of formal cemeteries?**

**Discussion of Effects:** Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) does not impact whether human remains may be discovered during future development and the proposed project is in an area that has been previously disturbed by development. No known religious or sacred sites exist within the project area. Thus, human remains are not expected to be encountered during any construction activities. However, in the unlikely event that human remains are discovered, existing regulations, including the California Public Resources Code Section 5097.98, would afford protection for human remains discovered during development activities. Furthermore, standard conditions have been imposed on the project that in the event of unanticipated discoveries of human remains are identified during excavation, construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and/or Native American consultation has been completed, if deemed applicable.

**Mitigation:** No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**6) GEOLOGY & SOILS. Would the project:**

**a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**

**i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

**Discussion of Effects:** There are no active faults known on the site and the project site is located outside the Fault Rupture Hazard Zone (formerly Alquist-Priolo Zone). The Ontario Plan FEIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. Given that the closest fault zone is located more than ten miles from the project site, fault rupture within the project area is not likely. All development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility. Therefore, no adverse impacts are anticipated.

**Mitigation:** None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**ii) Strong seismic ground shaking?**

**Discussion of Effects:** There are no active faults known on the site and the project site is located outside the Fault Rupture Hazard Zone (formerly Alquist-Priolo Zone). The Land Use Plan (Figure LU-6) of the Policy Plan (General Plan) FEIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. All construction will be in compliance with the California Building Code, the Ontario Municipal Code, The Ontario Plan and all other ordinances adopted by the City related to construction and safety. Therefore, no adverse impacts are anticipated.

**Mitigation:** None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**iii) Seismic-related ground failure, including liquefaction?**

**Discussion of Effects:** As identified in the TOP FEIR (Section 5.7), groundwater saturation of sediments is required for earthquake induced liquefaction. In general, groundwater depths shallower than 10 feet to the surface can cause the highest liquefaction susceptibility. Depth to ground water at the project site during the winter months is estimated to be between 250 to 450 feet below ground surface. Therefore, the liquefaction potential within the project area is minimal.

Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**iv) Landslides?**

Discussion of Effects: The project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving landslides because the relatively flat topography of the project site (less than 2 percent slope across the City) makes the chance of landslides remote. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal Code would reduce impacts to a less than significant level.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**b) Result in substantial soil erosion or the loss of topsoil?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Discussion of Effects: The majority of Ontario, including the project site, is located on alluvial soil deposits. These types of soils are not considered to be expansive. Therefore, no adverse impacts are anticipated. Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

Discussion of Effects: The area is served by the local sewer system and the use of alternative systems is not necessary. There will be no impact to the sewage system.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.



**7) GREENHOUSE GAS EMISSIONS.** Would the project:

**a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Discussion of Effects: The impact of buildout of The Ontario Plan on the environment due to the emission of greenhouse gases ("GHGs") was analyzed in the Environmental Impact Report ("EIR") for the Policy Plan (General Plan). According to the EIR, this impact would be significant and unavoidable. (Re-circulated Portions of the Ontario Plan Draft Environmental Impact Report, p. 2-118.) This EIR was certified by the City on January 27, 2010, at which time a statement of overriding considerations was also adopted for The Ontario Plan's significant and unavoidable impacts, including that concerning the emission of greenhouse gases.

Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The changes will result in lower square footage and fewer jobs which resulting in fewer vehicle trips and lower greenhouse gas emissions than the TOP FEIR analyzed. Pursuant to Public Resources Code section 21083.3, this impact need not be analyzed further, because (1) the proposed project would result in an impact that was previously analyzed in The Ontario Plan EIR, which was certified by the City; (2) the proposed project would not result in any greenhouse gas impacts that were not addressed in The Ontario Plan EIR; (3) the proposed project is consistent with The Ontario Plan.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary. The mitigation measures adopted as part of TOP FEIR adequately addresses any potential significant impacts and there is no need for any additional mitigation measures.

**b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project is consistent with The Ontario Plan Goal ER 4 of improving air quality by, among other things, implementation of Policy ER4-3, regarding the reduction of greenhouse gas emissions in accordance with regional, state and federal regulations. In addition, the proposed project is consistent with the policies outlined in Section 5.6.4 of the Environmental Impact Report for The Ontario Plan, which aims to reduce the City's contribution of greenhouse gas emissions at build-out by fifteen (15%), because the project is upholding the applicable City's adopted mitigation measures as represented in 6-1 through 6-6. Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**8) HAZARDS & HAZARDOUS MATERIALS.** Would the project:

**a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Discussion of Effects: The project is not anticipated to involve the transport, use or disposal of hazardous materials during either construction or project implementation. Therefore, no adverse impacts are anticipated. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan will decrease the potential for health and safety risks from hazardous materials to a less than significant impact.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?**

Discussion of Effects: The proposed project does not include the use, emissions or handling of hazardous or acutely hazardous materials, substances or waste. Although M1 (Limited Industrial) zone does allow for light industrial uses which are potentially heavier than uses allowed within the Office Commercial land use designation they are still lighter than the uses currently allowed within the M3 (General Industrial) zone. No hazardous waste facilities are permitted or conditionally permitted within the M1 (Limited Industrial) zone. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project site is not listed on the hazardous materials site compiled pursuant to Government Code Section 65962.5. Therefore, the project would not create a hazard to the public or the environment and no impact is anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**e) For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The project site is located outside on the safety zone for ONT and Chino Airports.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The City's Safety Element, as contained within The Ontario Plan, includes policies and procedures to be administered in the event of a disaster. The Ontario Plan seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from everyday and disaster emergencies. In addition, the project will comply with the requirements of the Ontario Fire Department and all City

requirements for fire and other emergency access. Because future development would be required to comply with all applicable City codes, any impacts would be reduced to a less than significant level.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Discussion of Effects: The project site is not located in or near wildlands. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**9) HYDROLOGY & WATER QUALITY. Would the project:**

**a) Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The project site is served by City water and sewer service and will not affect water quality standards or waste discharge requirements. Discharge of storm water pollutants from areas of materials storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing, waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work) areas could result in a temporary increase in the amount of suspended solids, trash and debris, oil and grease, organic compounds, pesticides, nutrients, heavy metals and bacteria pathogens in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is required to comply with the statewide National Pollutant Discharge Elimination System (NPDES) General Industrial Activities Stormwater Permit, the San Bernardino County Area-Wide Urban Runoff Permit (MS4 permit) and the City of Ontario's Municipal Code (Title 6, Chapter 6 (Stormwater Drainage System)). This would reduce any impacts to below a level of significance.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

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

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. No increases in the current amount of water flow to the project site are anticipated, and the proposed project will not deplete groundwater supplies, nor will it interfere with recharge. The water use associated with the proposed use of the property will be negligible. The development of the site will require the grading of the site and excavation is expected to be less than three feet and would not affect the existing aquifer, estimated to be about 230 to 250 feet below the ground surface. No adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial**

**erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increases in erosion of the project site or surrounding areas?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The existing drainage pattern of the project site will not be altered and it will have no significant impact on downstream hydrology. Stormwater generated by the future development of the project site will be discharged in compliance with the statewide NPDES General Construction Activities Stormwater Permit and San Bernardino County MS4 permit requirements. With the full implementation of a Storm Water Pollution Prevention Plan developed in compliance with the General Construction Activities Permit requirements, the Best Management Practices included in the SWPPP, and a stormwater monitoring program would reduce any impacts to below a level of significance. No streams or streambeds are present on the site. No changes in erosion off-site are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project is not anticipated to increase the flow velocity or volume of storm water runoff to cause environmental harm from the site and will not create a burden on existing infrastructure. Furthermore, with the implementation of an approved Water Quality Management Plan developed for the site, in compliance with the San Bernardino County MS4 Permit requirements, stormwater runoff volume shall be reduced to below a level of significance.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (a&b) during construction and/or post-construction activity?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The General Plan and Zone changes will not increase impervious surfaces and will not increase runoff. It is not anticipated that the project would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or create or contribute stormwater runoff pollutants during construction and/or post-construction activity. Pursuant to the requirements of The Ontario Plan, the City's Development Code, and the San Bernardino County MS4 Permit's "Water Quality Management Plan" (WQMP), individual developments must provide site drainage and WQMP plans according to guidelines established by the City's Engineering Department. If master drainage facilities are not in place at the time of project development, then standard engineering practices for controlling post-development runoff may be required, which could include the construction of on-site storm water detention and/or retention/infiltration facilities. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts

than were identified in the Certified TOP FEIR. The site is required to comply with the statewide NPDES General Construction Permit and the City of Ontario's Municipal Code (Title 6, Chapter 6 (Stormwater Drainage System)) to minimize water pollution. Thus it is anticipated that there is no potential for discharges of stormwater during construction that will affect the beneficial uses of the receiving waters. However, with the General Construction Permit requirement and implementation of the policies in The Ontario Plan, any impacts associated with the project would be less than significant.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. No levees or dams are located near the project site. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**j) Expose people or structures to inundation by seiche, tsunami or mudflow?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. There are no lakes or substantial reservoirs near the project site; therefore, impacts from seiche are not anticipated. The City of Ontario has relatively flat topography, less than two percent across the City, and the chance of mudflow is remote. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**10) LAND USE & PLANNING. Would the project:**

**a) Physically divide an established community?**

Discussion of Effects: The project site is located in an area that is currently developed with urban land uses. This project will be of similar design and size to surrounding development. The project will become a part of the larger community. No adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Conflict with applicable land use plan, policy or regulation of agencies with jurisdiction over the project (including, but not limited to general plan, airport land use compatibility plan, specific plan, or development code) adopted for the purpose of avoiding or mitigation an environmental effect?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project does not interfere with any policies for environmental protection. As such, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

Discussion of Effects: There are no adopted habitat conservation plans in the project area. As such no conflicts or impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

11) **MINERAL RESOURCES.** Would the project:

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The project site is located within a mostly developed area surrounded by urban land uses. There are no known mineral resources in the area. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. There are no known mineral resources in the area. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

12) **NOISE.** Would the project result in:

- a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The project will not expose people to or generate noise levels in excess of standards as established in The Ontario Plan FEIR (Section 5.12). No additional analysis will be required at the time of site development review.



Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The uses associated with this project normally do not induce groundborne vibrations. As such, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**e) For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. According to the Safety Element in The Ontario Plan, the proposed site is located within the airport land use plan. However, the project is located outside of the 65CNEL noise contour. Therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**13) POPULATION & HOUSING.** Would the project:

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. There is no existing housing on-site.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. There is no existing housing on-site.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**14) PUBLIC SERVICES.** Would the project:

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

- i) **Fire protection?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a developed area currently served by the Ontario Fire Department. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- ii) **Police protection?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a developed area, currently served by the Ontario Police Department. The project will not require the construction of any new facilities or alteration of any existing

facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**iii) Schools?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**iv) Parks?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a developed area, currently served by the City of Ontario. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**v) Other public facilities?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a developed area, currently served by the City of Ontario. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**15) RECREATION. Would the project:**

**a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. This project is not proposing any new housing or large employment generator that would cause an increase in the use of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. This project is not proposing any new housing or large employment generator that would require the construction of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**16) TRANSPORTATION/TRAFFIC.** Would the project:

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The project is in an area that is mostly developed with most street improvements existing. With only about 11 percent of the site vacant, the change in development potential will reduce the vehicle trips per day. Therefore, the project will not create a substantial increase in the number of vehicle trips, traffic volume or congestion at intersections. Less than significant impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The project is in an area that is mostly developed with most street improvements existing. The project will not conflict with an applicable congestion management program or negatively impact the level of service standards on adjacent arterials, as the amount of trips to be generated are minimal in comparison to existing capacity in the congestion management program. Less than significant impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The project will not create a substantial safety risk or interfere with air traffic patterns at Ontario International Airport as it [either is outside of areas with FAA-imposed height restrictions, or is under such height restrictions]. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Discussion of Effects: The project is in an area that is mostly developed. Most street improvements are complete and the future connection of Guasti Road will not increase hazards in the area. The project will not create a substantial increase in hazards due to a design feature. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Result in inadequate emergency access?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. The project will be designed to provide access for all emergency vehicles and will therefore not create an inadequate emergency access. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**f) Result in inadequate parking capacity?**

Discussion of Effects: The future development of the project site is required to meet parking standards established by the Ontario Development Code and will therefore not create an inadequate parking capacity. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

Discussion of Effects: The project does not conflict with any transportation policies, plans or programs. Therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**17) UTILITIES AND SERVICE SYSTEMS. Would the project:**

**a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: The future development of the project site will be served by the City of Ontario. The project is required to meet the requirements of the Ontario Engineering Department regarding storm drain facilities. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR. No impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- g) **Comply with federal, state, and local statutes and regulations related to solid waste?**

Discussion of Effects: Changing the General Plan landuse designation from Office Commercial to Business Park and changing the zoning of the property from M3 (General Industrial) to M1 (Limited Industrial) will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

## 18) **MANDATORY FINDINGS OF SIGNIFICANCE**

**Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Discussion of Effects: The proposed project does not have the potential to reduce wildlife habitat and threaten a wildlife species. Therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.



**a) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

Discussion of Effects: The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)**

Discussion of Effects: The project does not have impacts that are cumulatively considerable.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

**c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

Discussion of Effects: The project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

#### EARLIER ANALYZES

*(Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D)):*

**1) Earlier analyzes used. Identify earlier analyzes used and state where they are available for review.**

- a) The Ontario Plan Final EIR
- b) The Ontario Plan
- c) City of Ontario Zoning

All documents listed above are on file with the City of Ontario Planning Department, 303 East "B" Street, Ontario, California 91764, (909) 395-2036.

**2) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards.**

Comments III.A and C were addressed in The Ontario Plan FEIR and considered a significant adverse effect that could not be mitigated. A statement of overriding considerations was adopted for The Ontario Plan FEIR.

#### MITIGATION MEASURES

The Mitigation Measures contained in the Certified TOP Environmental Impact Report adequately mitigate the impacts of the proposed project. These mitigation measures are contained in the Mitigation Monitoring Program.

## RESOLUTION NO. PC14-105

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF AN ADDENDUM TO THE ONTARIO PLAN (TOP) ENVIRONMENTAL IMPACT REPORT (SCH # 2008101140) FOR FILE NOS. PGPA14-001 AND PZC14-006, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0210-212-17, 20, 24, 26-39, 42-49 AND 53-54.

WHEREAS, the City has initiated an Application for the approval of a General Plan Amendment, File No. PGPA14-001, to revise the Land Use Plan (Exhibit LU-01) contained within the Policy Plan component of The Ontario Plan to change the land use designation from Office-Commercial to Business Park for 27 parcels totaling approximately 52 acres, generally located on the north side of Guasti Road between Haven and Milliken Avenues and modify Exhibit LU-03, Future Buildout Table to be consistent with this land use designation change; and

WHEREAS, Tom Money ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC14-006, to change the zoning of 6 parcels from M3 (General Industrial) to M1 (Limited Industrial); and

WHEREAS, the City has expanded the Zone Change to match the 27 parcels totaling approximately 52 acres included in the General Plan Amendment indicated above and these applications together constitute the Project (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property generally located on the north side of Guasti Road between Haven and Milliken Avenues, of which approximately 46 acres are developed with existing buildings and 6.2 acres of which are undeveloped; and

WHEREAS, The Ontario Plan ("TOP") Environmental Impact Report ("EIR") was certified on January 27, 2010, in which development and use of the Project site was discussed; and

WHEREAS, pursuant to Public Resources Code section 21166 and sections 15162 and 15163 of the State CEQA Guidelines, the Addendum to TOP EIR was prepared by the City with regard to the Project. The Addendum incorporates, by reference, the analysis contained in the certified EIR and related Mitigation Monitoring and Reporting Program for File No. PGPA06-001 and addresses only those issues specific to the Project. The Addendum concludes that the Project will not result in impacts beyond what was previously analyzed in the certified EIR, because the Project does not have new or substantially more severe significant environmental impacts, either directly or indirectly; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the Planning Commission is the recommending body for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the Planning Commission has reviewed and considered the Addendum for the Project and intends to take actions on the Project in compliance with CEQA, and state and local guidelines implementing CEQA; and

WHEREAS, the Addendum for the Project and TOP EIR are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, and are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein;

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the Addendum and supporting documentation. Based upon the facts and information contained in the Addendum and supporting documentation, the Planning Commission finds as follows:

- a. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- b. The Addendum has been completed in compliance with CEQA and the Guidelines promulgated thereunder; and.
- c. The Addendum reflects the independent judgment of the Planning Commission.

SECTION 2. Based upon the Addendum and all related information presented to the Planning Commission, the Planning Commission finds that the preparation of a subsequent or supplemental EIR is not required for the Project, as the Project:

- a. Does not constitute substantial changes to the certified EIR that will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- b. Does not constitute substantial changes with respect to the circumstances under which the certified EIR was prepared, that will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

c. Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, that shows any of the following:

1. The project will have one or more significant effects not discussed in the certified EIR; or

2. Significant effects previously examined will be substantially more severe than shown in the certified EIR; or

3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

4. Mitigation measures or alternatives considerably different from those analyzed in the certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. The Planning Commission hereby recommends that City Council approve the Addendum to the certified EIR.

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 Secretary shall certify to the adoption of the Resolution.

-----

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 25th day of November, 2014, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

  
\_\_\_\_\_  
Rick Gage  
Planning Commission Chairman

ATTEST:

  
\_\_\_\_\_  
Scott Murphy, Planning Director  
Secretary of Planning Commission

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

I, Jeanina M. Romero, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC14-105 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on November 25, 2014, by the following roll call vote, to wit:

AYES:           Delman, Downs, Gage, Gregorek, Mautz, Ricci, Willoughby

NOES:           None

ABSENT:        None

ABSTAIN:       None

  
Jeanina M. Romero  
Secretary Pro Tempore



## RESOLUTION NO. PC14-106

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF FILE NO. PGPA14-001, THE THIRD GENERAL PLAN AMENDMENT FOR CALENDAR YEAR 2014, TO REVISE THE LAND USE PLAN (EXHIBIT LU-01) CONTAINED WITHIN THE POLICY PLAN COMPONENT OF THE ONTARIO PLAN TO CHANGE THE LAND USE DESIGNATION FROM OFFICE-COMMERCIAL TO BUSINESS PARK FOR 27 PARCELS TOTALING APPROXIMATELY 52 ACRES, GENERALLY LOCATED ON THE NORTH SIDE OF GUASTI ROAD BETWEEN HAVEN AND MILLIKEN AVENUES AND MODIFY EXHIBIT LU-03, FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THIS LAND USE DESIGNATION CHANGE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0210-212-17, 20, 24, 26-39, 42-49 AND 53-54.

WHEREAS, the City has initiated ("Applicant") an Application for the approval of a General Plan Amendment, File No. PGPA14-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property generally located on the north side of Guasti Road between Haven and Milliken Avenues, of which approximately 46 acres are developed with existing buildings and 6.2 acres of which are undeveloped; and

WHEREAS, the City of Ontario adopted the Policy Plan (General Plan) as part of The Ontario Plan ("TOP") in January 2010. Since the adoption of TOP, the City has evaluated Figures LU-01: Official Land Use Plan and LU-03: Future Buildout further and is proposing modifications; 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 in order to be consistent with the existing use of the property and consistent with the location and current access to the site; and

WHEREAS, Figure LU-03 Future Buildout specifies the likely buildout for 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 City of Ontario held a Community meeting on November 5, 2014 to gain input from impacted property owners; and

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

WHEREAS, 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, as the first action on the Project, on November 25, 2014, the Planning Commission approved a resolution recommending City Council adoption of an Addendum to a previously approved Environmental Impact Report ("EIR"), prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on November 25, 2014, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in Addendum, the initial study, and the administrative record for the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the Addendum, the initial study, and the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

a. The Addendum, initial study, and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

b. The Addendum and initial study contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the Planning Commission; and

c. There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

d. All environmental impacts of the Project are either insignificant or can be mitigated to a level of insignificance pursuant to the mitigation measures outlined in the Addendum.

SECTION 2. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the Planning Commission hereby concludes as follows:

a. The proposed amendment is consistent with the goals and policies of the General Plan as follows:

**LU1-6 Complete Community.** We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. Compliance: The proposed General Plan Amendment and Zone Change review analyzed the economic viability of the existing development. The Business Park landuse designation with M1 (Light Industrial) zoning supports the retention of employment choices within the area.

**LU2-1 Land Use Decisions.** We minimize adverse impacts on adjacent properties when considering land use and zoning requests. Compliance: The proposed General Plan Amendment and Zone Change will help to separate and buffer the Truck Stop within the M3 (General Industrial) zone to the east and the Mercedes-Benz dealership and Embassy Suites Hotel in the Gateway Specific Plan to the west.

**LU2-2 Buffers.** We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur. Compliance: The proposed General Plan Amendment and Zone Change will help create a buffer between heavier and lighter uses. When Guasti Road is connected, at some point in the future, the Business Park landuse designation will help to provide a buffer between the Truck stop in the M3 (General Industrial) zone to the east and the Mercedes-Benz car dealership and Embassy Suites Hotel in the Gateway Specific Plan to the west.

**LU4-1 Commitment to Vision.** We are committed to achieving our Vision but realize that it may take time and several interim steps to get there. Compliance: The Business Park TOP designation allows for a spectrum of zones to allow uses from light industrial to office/service uses. The Business Park designation will allow the properties to transition to office/service uses, if the market warrants it.

**LU5-7 ALUCP Consistency with Land Use Regulations.** We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport. Compliance: The project site is partially located within the 60 CNEL noise contour of the Ontario Airport. Changing the uses to light industrial in proximity to the airport will help to reduce the impacts of the airport upon more sensitive Office uses that could have been allowed within the Office Commercial landuse designation.

**S4-6 Airport Noise Compatibility.** We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones. Compliance: The proposed General Plan Amendment and Zone Change are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario Airport and Chino Airport.

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 allowed four general plan amendments per calendar year and this general plan amendment is in the third amendment cycle to the Land Use Element of the 2014 calendar year consistent with California Government Code Section §65358;

d. The proposed project is consistent with the adopted Housing Element. The site is not one of the properties listed in the Available Land Inventory in the Housing Element. Changing the land use designation of the subject property from Office-Commercial to Business Park will not impact the City's Regional Housing Needs Allocation obligations or the City's ability to satisfy its share of the region's future housing need.

e. During the amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (§65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section §6535.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Planning Commission recommends the City Council approve the Project.

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 Secretary shall certify to the adoption of the Resolution.

-----

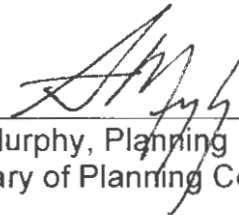
The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 25th day of November, 2014, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Rick Gage  
Planning Commission Chairman

ATTEST:



Scott Murphy, Planning Director  
Secretary of Planning Commission

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

I, Jeanina M. Romero, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC14-106 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on November 25, 2014, by the following roll call vote, to wit:

AYES:           Delman, Downs, Gage, Gregorek, Mautz, Ricci, Willoughby

NOES:           None

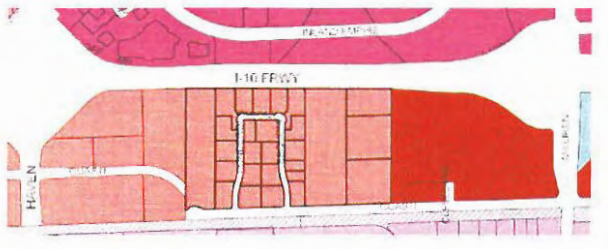
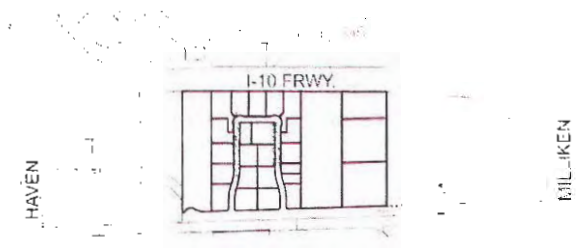
ABSENT:        None

ABSTAIN:       None

  
\_\_\_\_\_  
Jeanina M. Romero  
Secretary Pro Tempore



## Exhibit A for PGPA14-001

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP
<b>L9</b> 	21021217 21021220 21021224 21021226 – 21021239 21021242 – 21021249 21021253 – 21021254  (27 Properties)	
Office-Commercial		Business Park

## Exhibit B LU-03 Future Buildout

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	916	3,660		
Low Density <sup>6</sup>	7,454	4.0 du/ac (OMC) 4.5 du/ac (NMC)	31,400	125,506		
Low-Medium <sup>6</sup> Density	843	8.5 du/ac	7,166	28,644		
Medium Density	1,941	18.0 du/ac (OMC) 22.0 du/ac (NMC)	39,182	136,957		
High Density	236	35.0 du/ac	8,259	27,643		
<b>Subtotal</b>	<b>10,932</b>		<b>86,923</b>	<b>322,410</b>		
<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	247	• 30% of the area at 40 du/ac • 70% at 1.0 FAR for office and retail uses	2,958	5,916	7,516,278	16,897
• 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
<b>Subtotal</b>	<b>1,821</b>		<b>17,274</b>	<b>34,549</b>	<b>41,258,102</b>	<b>87,803</b>

<b>Retail/Service</b>						
Neighborhood <sup>6</sup> General	261	0.30 <a href="#">FAR</a>			3,414,407	8,262
General Commercial	604	0.30 <a href="#">FAR</a>			7,889,152	7,329
Office/ Commercial	414 <del>362</del>	0.75 <a href="#">FAR</a>			13,534,854 <del>11,824,253</del>	30,015 <del>26,222</del>
Hospitality	145	1.00 <a href="#">FAR</a>			6,316,200	7,241
<b>Subtotal</b>	<del>1,424</del> <b>1,372</b>				<del>31,154,613</del> <b>29,444,012</b>	<del>52,847</del> <b>49,054</b>
<b>Employment</b>						
Business Park	1,490 <del>1,542</del>	0.40 <a href="#">FAR</a>			25,962,980 <del>26,875,300</del>	45,551 <del>47,152</del>
Industrial	6,561	0.55 <a href="#">FAR</a>			157,179,094	138,101
<b>Subtotal</b>	<del>8,051</del> <b>8,103</b>				<del>183,142,074</del> <b>184,054,395</b>	<del>183,652</del> <b>185,253</b>
<b>Other</b>						
Open Space- Non-Recreation	1,252	Not applicable				
Open Space- Parkland <sup>6</sup>	982	Not applicable				
Open Space- Water	59	Not applicable				
Public Facility	92	Not applicable				
Public School	628	Not applicable				
LA/Ontario International Airport	1,421	Not applicable				
Landfill	137	Not applicable				
Railroad	247	Not applicable				
Roadways	4,880	Not applicable				
<b>Subtotal</b>	9,697					
<b>Total</b>	31,924		104,197	356,958	<del>255,554,789</del> <b>254,756,509</b>	<del>324,302</del> <b>322,109</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.

- Note: Table includes only approved General Plan Amendments. Other General Plan Amendments may be in process that will affect subtotals and totals.

RESOLUTION NO. PC14-107

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF FILE NO. PZC14-006, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION FROM M3 (GENERAL INDUSTRIAL) TO M1 (LIMITED INDUSTRIAL) FOR 27 PARCELS TOTALING APPROXIMATELY 52 ACRES, GENERALLY LOCATED ON THE NORTH SIDE OF GUASTI ROAD BETWEEN HAVEN AND MILLIKEN AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0210-212-17, 20, 24, 26-39, 42-49 AND 53-54.

WHEREAS, Tom Money ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC14-006, to change the zoning of 6 parcels from M3 (General Industrial) to M1 (Limited Industrial); and

WHEREAS, the City has expanded the Zone Change to match the 27 parcels totaling approximately 52 acres included in the associated General Plan Amendment (File No. PGPA14-001) and the zone change request, as expanded, constitutes the Project (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property generally located on the north side of Guasti Road between Haven and Milliken Avenues, of which approximately 46 acres are developed with existing buildings and 6.2 acres of which are undeveloped; and

WHEREAS, the City held a Community Meeting on November 5, 2014 to gain input from impacted property owners; and

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

WHEREAS, 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, as the first action on the Project, on November 25, 2014, the Planning Commission approved a resolution recommending City Council adoption of an Addendum to a previously approved Environmental Impact Report ("EIR"), prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on November 25, 2014, the Planning Commission of the City of Ontario conducted a hearing to consider the EIR Addendum, the initial study, and the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in Addendum, the initial study, and the administrative record for the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the Addendum, the initial study, and the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

a. The Addendum, initial study, and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

b. The Addendum and initial study contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the Planning Commission; and

c. There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

d. The proposed project introduces no new significant environmental impacts beyond what was analyzed in the Environmental Impact Report (State Clearinghouse No. 2008101140) adopted for PGPA06-001 (The Ontario Plan), and all previously adopted mitigation measures are incorporated into the Project by reference.

SECTION 2. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the Planning Commission hereby concludes as follows:

a. The proposed zone change is consistent with the goals and policies of the general plan. The proposed zone change is being considered in conjunction with a General Plan Amendment (File No.: PGPA14-001) to change the land use designation of the properties from Office Commercial to Business Park which is appropriate to the location and the existing improvements on the site.

b. The proposed zone change is reasonable and beneficial, and in the interest of good zoning practice in that the M1 (Limited Industrial) zone is appropriate to the location and current access. When Guasti Road is connected, at some point in the future, the M1 (Limited Industrial) zone will help to provide a buffer between the Truck stop in the M3 (General Industrial) zone to the east and the Mercedes-Benz car dealership and Embassy Suites Hotel in the Gateway Specific Plan to the west.



c. The project site is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested zoning designation, and existing and anticipated development.

d. The proposed zone change will not adversely affect the harmonious relationship with adjacent parcels and land uses. The proposed zone will provide a buffer between the Truck stop in the M3 (General Industrial) zone to the east and the Mercedes-Benz car dealership and Embassy Suites Hotel in the Gateway Specific Plan to the west.

e. The proposed zone change will not have a significant adverse impact on the environment since the project will increase the impacts that were previously analyzed in The Ontario Plan EIR.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Planning Commission recommends the City Council approve the Project as shown in Exhibit A attached.

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 Secretary shall certify to the adoption of the Resolution.

-----



The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 25th day of November, 2014, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

  
\_\_\_\_\_  
Rick Gage  
Planning Commission Chairman

ATTEST:

  
\_\_\_\_\_  
Scott Murphy, Planning Director  
Secretary of Planning Commission

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

I, Jeanina M. Romero, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC14-107 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on November 25, 2014, by the following roll call vote, to wit:

AYES:           Delman, Downs, Gage, Gregorek, Mautz, Ricci, Willoughby

NOES:           None

ABSENT:        None

ABSTAIN:       None

  
Jeanina M. Romero  
Secretary Pro Tempore

M1, Limited Industrial

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE CERTIFIED THE ONTARIO PLAN (TOP) ENVIRONMENTAL IMPACT REPORT (SCH #2008101140) FOR FILE NOS. PGPA14-001 AND PZC14-006 FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0210-212-17, 20, 24, 26-39, 42-49 AND 53-54.

WHEREAS, the City has initiated an Application for the approval of a General Plan Amendment, File No. PGPA14-001, to revise the Land Use Plan (Exhibit LU-01) contained within the Policy Plan component of The Ontario Plan to change the land use designation from Office-Commercial to Business Park for 27 parcels totaling approximately 52 acres, generally located on the north side of Guasti Road between Haven and Milliken Avenues and modify Exhibit LU-03, Future Buildout Table to be consistent with this land use designation change; and

WHEREAS, Orbis Real Estate Partners, LLC ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC14-006, to change the zoning of 6 parcels from M3 (General Industrial) to M1 (Limited Industrial); and

WHEREAS, the City has expanded the Zone Change to match the 27 parcels totaling approximately 52 acres included in the General Plan Amendment indicated above and these applications together constitute the Project (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property generally located on the north side of Guasti Road between Haven and Milliken Avenues, of which approximately 46 acres are developed with existing buildings and 6.2 acres of which are undeveloped; and

WHEREAS, The Ontario Plan Environmental Impact Report ("EIR") was certified on January 27, 2010, in which development and use of the Project site was discussed; and

WHEREAS, pursuant to Public Resources Code Section 21166 and Sections 15162 and 15163 of the State CEQA Guidelines, the Addendum to TOP EIR was prepared by the City with regard to the Project. The Addendum incorporates, by reference, the analysis contained in the certified EIR and related Mitigation Monitoring and Reporting Program for File No. PGPA06-001 and addresses only those issues specific to the Project. The Addendum concludes that the Project will not result in impacts beyond what was previously analyzed in the certified EIR, because the Project does not have new or substantially more severe significant environmental impacts, either directly or indirectly; and

WHEREAS, on November 25, 2014, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and adopted a resolution recommending the City Council approved the application; and

WHEREAS, the City Council has reviewed the Addendum and all other relevant information presented to it regarding the Addendum; and

WHEREAS, the City Council, after evaluating the environmental impacts associated with the Project, has concluded that none of the conditions requiring preparation of a subsequent or supplemental EIR have occurred; 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 decision-making body for the Project, the City Council has reviewed and considered the information contained in the Addendum and supporting documentation. Based upon the facts and information contained in the Addendum and supporting documentation, the City Council finds as follows:

- a. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- b. The Addendum has been completed in compliance with CEQA and the Guidelines promulgated thereunder; and.
- c. The Addendum reflects the independent judgment of the City Council.

SECTION 2. Based upon the Addendum and all related information presented to the City Council, the City Council finds that the preparation of a subsequent or supplemental EIR is not required for the Project, as the Project:

- a. Does not constitute substantial changes to the certified EIR that will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- b. Does not constitute substantial changes with respect to the circumstances under which the certified EIR was prepared, that will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.
- c. Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, that shows any of the following:

1. The project will have one or more significant effects not discussed in the certified EIR; or

2. Significant effects previously examined will be substantially more severe than shown in the certified EIR; or

3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

4. Mitigation measures or alternatives considerably different from those analyzed in the certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. The City Council hereby approves the Addendum to the certified EIR.

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 16<sup>th</sup> day of December, 2014.

---

PAUL S. LEON, MAYOR

ATTEST:

---

MARY E. WIRTES, MMC, CITY CLERK



APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

STATE OF 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. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 16, 2014 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. 2014-        duly passed and adopted by the Ontario City Council at their regular meeting held December 16, 2014.

---

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA14-001, THE THIRD GENERAL PLAN AMENDMENT FOR CALENDAR YEAR 2014, TO REVISE THE LAND USE ELEMENT OF THE POLICY PLAN, EXHIBIT LU-01 OFFICIAL LAND USE PLAN AND EXHIBIT LU-03 FUTURE BUILDOUT FROM OFFICE-COMMERCIAL TO BUSINESS PARK FOR 27 PARCELS TOTALING APPROXIMATELY 52 ACRES, GENERALLY LOCATED ON THE NORTH SIDE OF GUAISTI ROAD BETWEEN HAVEN AND MILLIKEN AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0210-212-17, 20, 24, 26-39, 42-49 AND 53-54.

WHEREAS, the City has initiated ("Applicant") an Application for the approval of a General Plan Amendment, File No. PGPA14-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property generally located on the north side of Guasti Road between Haven and Milliken Avenues, of which approximately 46 acres are developed with existing buildings and 6.2 acres of which are undeveloped; and

WHEREAS, the City of Ontario adopted the Policy Plan (General Plan) as part of The Ontario Plan in January 2010. Since the adoption of The Ontario Plan, the City has evaluated Figures LU-01: Official Land Use Plan and LU-03: Future Buildout further and is proposing modifications; 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 the existing use of the property and consistent with the location and current access to the site; and

WHEREAS, Figure LU-03 Future Buildout specifies the likely buildout for 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 City of Ontario held a Community meeting on November 5, 2014 to gain input from impacted property owners; and

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

WHEREAS, 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, as the first action on the Project, on December 16, 2014, the City Council approved a resolution adopting an Addendum to the previously approved The Ontario plan ("TOP") Environmental Impact Report ("EIR"), prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on November 25, 2014, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and adopted a resolution recommending the City Council approve the application; and

WHEREAS, on December 16, 2014, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in Addendum, the initial study, and the administrative record for the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the Addendum, the initial study, and the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

a. The Addendum, initial study, and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

b. The Addendum and initial study contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the City Council; and

c. There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

d. All environmental impacts of the Project are either insignificant or can be mitigated to a level of insignificance pursuant to the mitigation measures outlined in the Addendum.

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 amendment is consistent with the goals and policies of the General Plan as follows:

**LU1-6 Complete Community.** We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. Compliance: The proposed General Plan Amendment and Zone Change review analyzed the economic viability of the existing development. The Business Park landuse designation with M1 (Light Industrial) zoning supports the retention of employment choices within the area.

**LU2-1 Land Use Decisions.** We minimize adverse impacts on adjacent properties when considering land use and zoning requests. Compliance: The proposed General Plan Amendment and Zone Change will help to separate and buffer the Truck Stop within the M3 (General Industrial) zone to the east and the Mercedes-Benz dealership and Embassy Suites Hotel in the Gateway Specific Plan to the west.

**LU2-2 Buffers.** We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur. Compliance: The proposed General Plan Amendment and Zone Change will help create a buffer between heavier and lighter uses. When Guasti Road is connected, at some point in the future, the Business Park landuse designation will help to provide a buffer between the Truck stop in the M3 (General Industrial) zone to the east and the Mercedes-Benz car dealership and Embassy Suites Hotel in the Gateway Specific Plan to the west.

**LU4-1 Commitment to Vision.** We are committed to achieving our Vision but realize that it may take time and several interim steps to get there. Compliance: The Business Park TOP designation allows for a spectrum of zones to allow uses from light industrial to office/service uses. The Business Park designation will allow the properties to transition to office/service uses, if the market warrants it.

**LU5-7 ALUCP Consistency with Land Use Regulations.** We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport. Compliance: The project site is partially located within the 60 CNEL noise contour of the Ontario Airport. Changing the uses to light industrial in proximity to the airport will help to reduce the impacts of the airport upon more sensitive Office uses that could have been allowed within the Office Commercial landuse designation.

**S4-6 Airport Noise Compatibility.** We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones. Compliance: The proposed General Plan Amendment and Zone Change are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario Airport and Chino Airport.

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 allowed four general plan amendments per calendar year and this general plan amendment is in the third amendment cycle to the Land Use Element of the 2014 calendar year consistent with California Government Code Section §65358;

d. The proposed project is consistent with the adopted Housing Element. The site is not one of the properties listed in the Available Land Inventory in the Housing Element. Changing the land use designation of the subject property from Office-Commercial to Business Park will not impact the City's Regional Housing Needs Allocation obligations or the City's ability to satisfy its share of the region's future housing need.

e. During the amendment of the General Plan, opportunities for the involvement of citizens, California Native American Indian tribes (§65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section §6535.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council approves the Project as shown in Exhibits A and B attached.

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 16<sup>th</sup> day of December, 2014.

---

PAUL S. LEON, MAYOR

ATTEST:

---

MARY E. WIRTES, MMC, CITY CLERK



APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

STATE OF 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. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 16, 2014 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

---

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

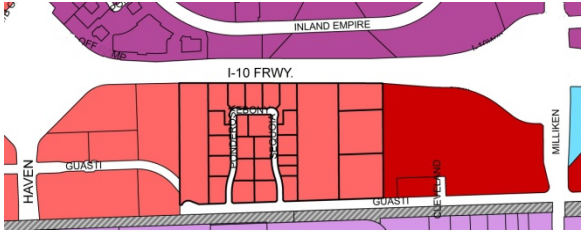
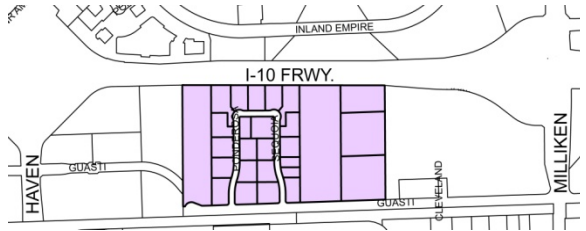
The foregoing is the original of Resolution No. 2014-        duly passed and adopted by the Ontario City Council at their regular meeting held December 16, 2014.

---

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

## Exhibit A for PGPA14-001

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP
<b>L9</b>		
	21021217 21021220 21021224 21021226 – 21021239 21021242 – 21021249 21021253 – 21021254  (27 Properties)	
Office-Commercial		Business Park

## Exhibit B LU-03 Future Buildout

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	916	3,660		
Low Density <sup>6</sup>	7,454	4.0 du/ac (OMC) 4.5 du/ac (NMC)	31,400	125,506		
Low-Medium <sup>6</sup> Density	843	8.5 du/ac	7,166	28,644		
Medium Density	1,941	18.0 du/ac (OMC) 22.0 du/ac (NMC)	39,182	136,957		
High Density	236	35.0 du/ac	8,259	27,643		
<i>Subtotal</i>	<i>10,932</i>		<i>86,923</i>	<i>322,410</i>		
<b>Mixed Use</b>						
• Downtown	112	<ul style="list-style-type: none"> <li>60% of the area at 35 du/ac</li> <li>40% of the area at 0.80 <a href="#">FAR</a> for office and retail</li> </ul>	2,352	4,704	1,561,330	2,793
• East Holt Boulevard	57	<ul style="list-style-type: none"> <li>25% of the area at 30 du/ac</li> <li>50% of the area at 1.0 <a href="#">FAR</a> office</li> <li>25% of area at 0.80 <a href="#">FAR</a> retail</li> </ul>	428	856	1,740,483	3,913
• Meredith	247	<ul style="list-style-type: none"> <li>30% of the area at 40 du/ac</li> <li>70% at 1.0 <a href="#">FAR</a> for office and retail uses</li> </ul>	2,958	5,916	7,516,278	16,897
• Transit Center	76	<ul style="list-style-type: none"> <li>10% of the area at 60 du/ac</li> <li>90% of the area at 1.0 <a href="#">FAR</a> office and retail</li> </ul>	457	913	2,983,424	5,337
• Inland Empire Corridor	37	<ul style="list-style-type: none"> <li>50% of the area at 20 du/ac</li> <li>30% of area at 0.50 <a href="#">FAR</a> office</li> <li>20% of area at 0.35 <a href="#">FAR</a> retail</li> </ul>	368	736	352,662	768
• Guasti	77	<ul style="list-style-type: none"> <li>20% of the area at 30 du/ac</li> <li>30% of area at 1.0 <a href="#">FAR</a> retail</li> <li>50% of area at .70 <a href="#">FAR</a> office</li> </ul>	500	1,001	2,192,636	4,103
• Ontario Center	345	<ul style="list-style-type: none"> <li>30% of area at 40 du/ac</li> <li>50% of area at 1.0 <a href="#">FAR</a> office</li> <li>20% of area at 0.5 <a href="#">FAR</a> retail</li> </ul>	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	<ul style="list-style-type: none"> <li>5% of area at 40 du/ac</li> <li>20% of area at 0.75 <a href="#">FAR</a> office</li> <li>75% of area at 0.5 <a href="#">FAR</a> retail</li> </ul>	479	958	5,477,126	7,285
• NMC West/South	315	<ul style="list-style-type: none"> <li>30% of area at 35 du/ac</li> <li>70% of area at 0.7 <a href="#">FAR</a> office and retail</li> </ul>	3,311	6,621	6,729,889	17,188
• NMC East	264	<ul style="list-style-type: none"> <li>30% of area at 25 du/ac</li> <li>30% of area at 0.35 <a href="#">FAR</a> for office</li> <li>40% of area at 0.3 <a href="#">FAR</a> for retail uses</li> </ul>	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	<ul style="list-style-type: none"> <li>50% of the area at 30 du/ac</li> <li>50% of area at 0.8 <a href="#">FAR</a> retail</li> </ul>	156	312	181,210	419
• SR-60/Hamner Tuscana Village	41	<ul style="list-style-type: none"> <li>18% of the area at 25 du/ac</li> <li>57% of the area at 0.25 <a href="#">FAR</a> retail</li> <li>25% of the area at 1.5 <a href="#">FAR</a> office</li> </ul>	185	369	924,234	2,098
<i>Subtotal</i>	<i>1,821</i>		<i>17,274</i>	<i>34,549</i>	<i>41,258,102</i>	<i>87,803</i>

Retail/Service						
Neighborhood <sup>6</sup> General	261	0.30 <a href="#">FAR</a>			3,414,407	8,262
General Commercial	604	0.30 <a href="#">FAR</a>			7,889,152	7,329
Office/ Commercial	<del>414</del> 362	0.75 <a href="#">FAR</a>			<del>13,534,854</del> 11,824,253	<del>30,015</del> 26,222
Hospitality	145	1.00 <a href="#">FAR</a>			6,316,200	7,241
<i>Subtotal</i>	<del>1,424</del> 1,372				<del>31,154,613</del> 29,444,012	<del>52,847</del> 49,054
Employment						
Business Park	<del>1,490</del> 1,542	0.40 <a href="#">FAR</a>			<del>25,962,980</del> 26,875,300	<del>45,551</del> 47,152
Industrial	6,561	0.55 <a href="#">FAR</a>			157,179,094	138,101
<i>Subtotal</i>	<del>8,051</del> 8,103				<del>183,142,074</del> 184,054,395	<del>183,652</del> 185,253
Other						
Open Space– Non-Recreation	1,252	Not applicable				
Open Space– Parkland <sup>6</sup>	982	Not applicable				
Open Space- Water	59	Not applicable				
Public Facility	92	Not applicable				
Public School	628	Not applicable				
LA/Ontario International Airport	1,421	Not applicable				
Landfill	137	Not applicable				
Railroad	247	Not applicable				
Roadways	4,880	Not applicable				
<i>Subtotal</i>	9,697					
<i>Total</i>	31,924		104,197	356,958	<del>255,554,789</del> 254,756,509	<del>324,302</del> 322,109

#### 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.

- Note: Table includes only approved General Plan Amendments. Other General Plan Amendments may be in process that will affect subtotals and totals.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-006, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION FROM M3 (GENERAL INDUSTRIAL) TO M1 (LIMITED INDUSTRIAL) FOR 27 PARCELS TOTALING APPROXIMATELY 52 ACRES, GENERALLY LOCATED ON THE NORTH SIDE OF GUAISTI ROAD BETWEEN HAVEN AND MILLIKEN AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0210-212-17, 20, 24, 26-39, 42-49 AND 53-54.

WHEREAS, Orbis Real Estate Partners, LLC ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC14-006, to change the zoning of 6 parcels from M3 (General Industrial) to M1 (Limited Industrial); and

WHEREAS, the City has expanded the Zone Change to match the 27 parcels totaling approximately 52 acres included in the associated General Plan Amendment (File No. PGPA14-001) and the zone change request, as expanded, constitutes the Project (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property generally located on the north side of Guasti Road between Haven and Milliken Avenues, of which approximately 46 acres are developed with existing buildings and 6.2 acres of which are undeveloped; and

WHEREAS, the City held a Community Meeting on November 5, 2014 to gain input from impacted property owners; and

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

WHEREAS, 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, as the first action on the Project, on December 16, 2014, the City Council approved a resolution adopting an Addendum to a previously approved Environmental Impact Report ("EIR"), prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on November 25, 2014, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and adopted a resolution recommending the City Council approve the application; and



WHEREAS, on December 16, 2014, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission 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 Addendum, the initial study, and the administrative record for the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the Addendum, the initial study, and the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

a. The Addendum, initial study, and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

b. The Addendum and initial study contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the Planning Commission; and

c. There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

d. The proposed project introduces no new significant environmental impacts beyond what was analyzed in the Environmental Impact Report (State Clearinghouse No. 2008101140) adopted for PGPA06-001 (The Ontario Plan), and all previously adopted mitigation measures are incorporated into the Project by reference.

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 zone change is consistent with the goals and policies of the general plan. The proposed zone change is being considered in conjunction with a General Plan Amendment (File No.: PGPA14-001) to change the land use designation of the properties from Office Commercial to Business Park which is appropriate to the location and the existing improvements on the site.

b. The proposed zone change is reasonable and beneficial, and in the interest of good zoning practice in that the M1 (Limited Industrial) zone is appropriate to the location and current access. When Guasti Road is connected, at some point in the future, the M1 (Limited Industrial) zone will help to provide a buffer between the Truck stop in the M3 (General Industrial) zone to the east and the Mercedes-Benz car dealership and Embassy Suites Hotel in the Gateway Specific Plan to the west.

c. The project site is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested zoning designation, and existing and anticipated development.

d. The proposed zone change will not adversely affect the harmonious relationship with adjacent parcels and land uses. The proposed zone will provide a buffer between the Truck stop in the M3 (General Industrial) zone to the east and the Mercedes-Benz car dealership and Embassy Suites Hotel in the Gateway Specific Plan to the west.

e. The proposed zone change will not have a significant adverse impact on the environment since the project will increase the impacts that were previously analyzed in The Ontario Plan EIR.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council approves the Project as shown in Exhibit A attached.

SECTION 4. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jobs, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.

SECTION 5. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 7. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective 30 days following its adoption.

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

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

PAUL S. LEON, MAYOR

ATTEST:

---

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO 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 Ordinance No. \_\_\_\_\_ was duly introduced at a regular meeting of the City Council of the City of Ontario held December 16, 2014, and adopted at the regular meeting held \_\_\_\_\_ by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

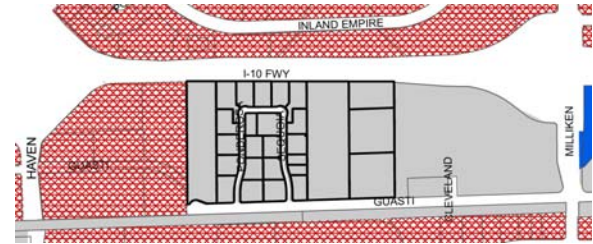
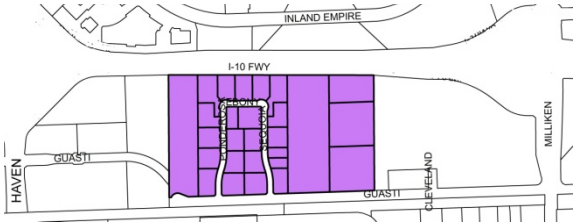
(SEAL)

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

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

(SEAL)

Exhibit A for PZC14-006

Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Changes
	21021217 21021220 21021224 21021226 – 21021239 21021242 – 21021249 21021253 – 21021254  (27 Properties)	
M3, General Industrial		M1, Limited Industrial