

Colony Commerce Center East Specific Plan (PSP16-03)

Notice of Preparation/Initial Study

California Environmental Quality Act
Notice of Preparation

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



TO: Property Owners, Responsible Agencies & Interested Parties

FROM: City of Ontario, 303 East "B" Street, Ontario, CA 91764

SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND PUBLIC SCOPING MEETING.

NOTICE IS HEREBY GIVEN that the City of Ontario (Latitude 34°03'N / Longitude 117°37'W) will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information, which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are summarized herein. A copy of the Initial Study is attached and/or available at City Hall, Planning Department. Electronic format of the document(s) can also be obtained by contacting Richard Ayala, Senior Planner at (909) 395-2036 or rayala@ontarioca.gov.

The proposed project ☒ is, ☐ is not, considered a project of statewide, regional, or area-wide significance. The proposed project ☒ will, ☐ will not, affect highways or other facilities under the jurisdiction of the State Department of Transportation. A scoping meeting ☒ will, ☐ will not, be held by the lead agency. A project scoping meeting will be held on **Monday, March 27, 2017 at 6:00 PM at:**

Ontario Police Department Community Room
2500 South Archibald Avenue
Ontario, CA 91761

Please send your comments, including contact information, to Richard C. Ayala, Senior Planner, Ontario Planning Department, 303 East "B" Street, Ontario, CA 91764, (909) 395-2036 or rayala@ontarioca.gov no later than **Monday, April 17, 2017.**

Project Title/File No.: Colony Commerce Center East Specific Plan (PSP16-03)

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. The project site is located in the southern portion of the City, near the San Bernardino/Riverside County boundary. The project site is generally located south of Merrill Avenue, east of the Cucamonga Creek Channel, and west of Archibald Avenue in the city of Ontario, San Bernardino County, California. The Project site is located within the Ontario's Ranch area, a portion of the former San Bernardino County Agricultural Preserve annexed by the City in 1999. The recently incorporated City of Eastvale (October 2010) is located southeast of Ontario in the County of Riverside, while the City of Chino is located to the west in San Bernardino County. Regional location and local vicinity maps are provided in Figure 1, *Regional Location Map* and Figure 2, *Local Area Map*, respectively.

Project Description: The proposed project is the Colony Commerce Center East Specific Plan (Specific Plan) which allows for the development of a ±1,904,000 square feet (SF) industrial development on ±95 acres of land. The project site consists of six parcels within three Planning Areas (PA's). The project proposal includes a Specific Plan, Tentative Tract Map, Development Plan, and Development Agreement for PA-1 and PA-2, which would be

developed as Phase 1 of the Specific Plan, and includes $\pm 1,673,000$ SF of development. No specific development proposal has been submitted for PA-3 (Phase 2 of the Specific Plan); therefore, the development potential of $\pm 231,000$ SF will be analyzed for this PA. See Figure 2, *Planning Areas*.

Environmental Issues: Based on the Initial Study prepared for the Project, the following environmental topics will be analyzed further within the forthcoming EIR:


- Aesthetics;
- Agriculture Resources;
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Geology and Soils;
- Greenhouse Gas Emissions;
- Hazards/Hazardous Materials;
- Hydrology/Water Quality;
- Land Use;
- Noise;
- Public Services;
- Utilities and Service Systems;
- Transportation and Circulation;
- Tribal Cultural Resources; and
- Mandatory Findings of Significance.

Project Sponsor:

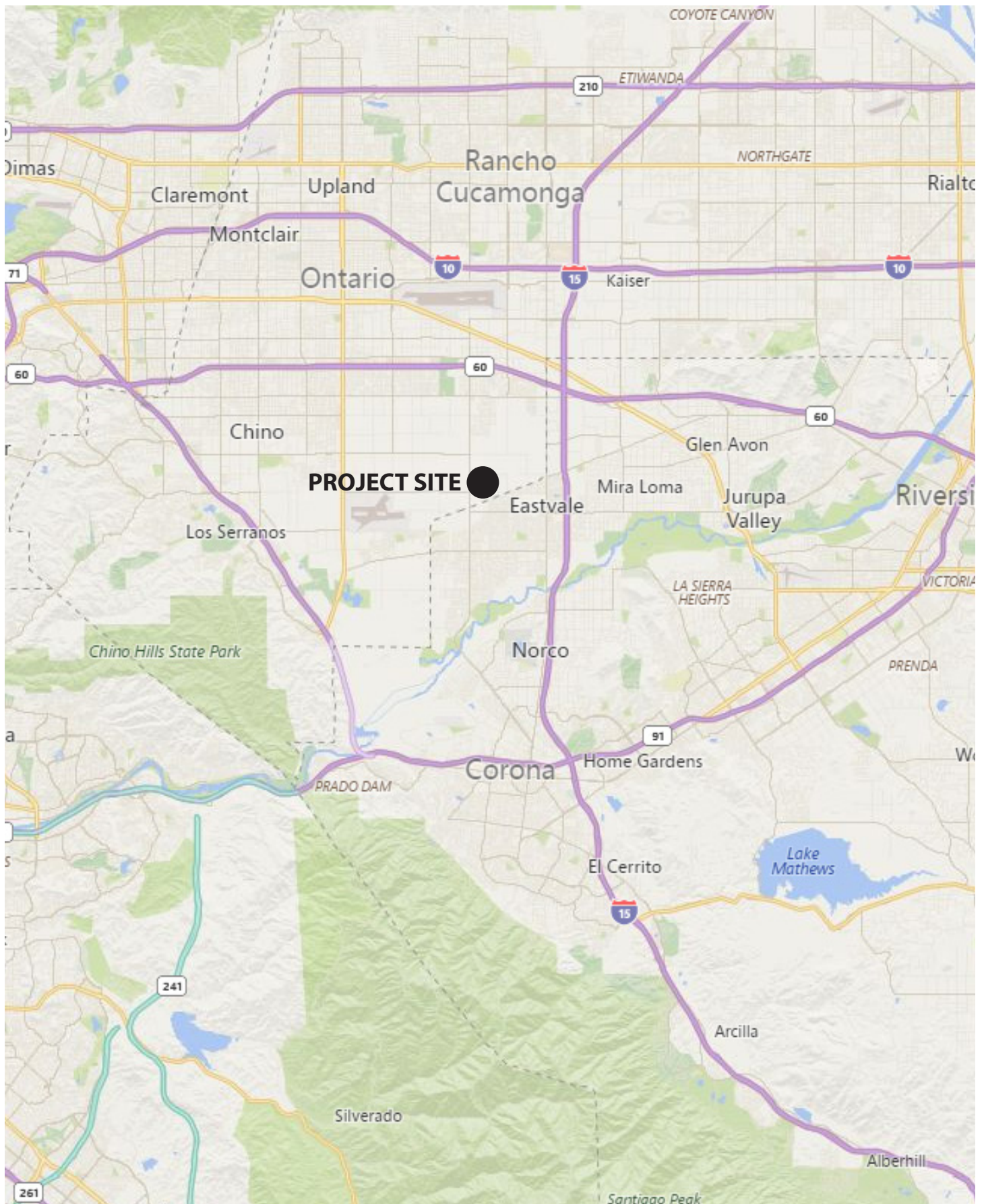
CapRock Partners
2050 Main Street, Suite 240
Irvine, CA 92614

Consulting firm retained to prepare Draft EIR:

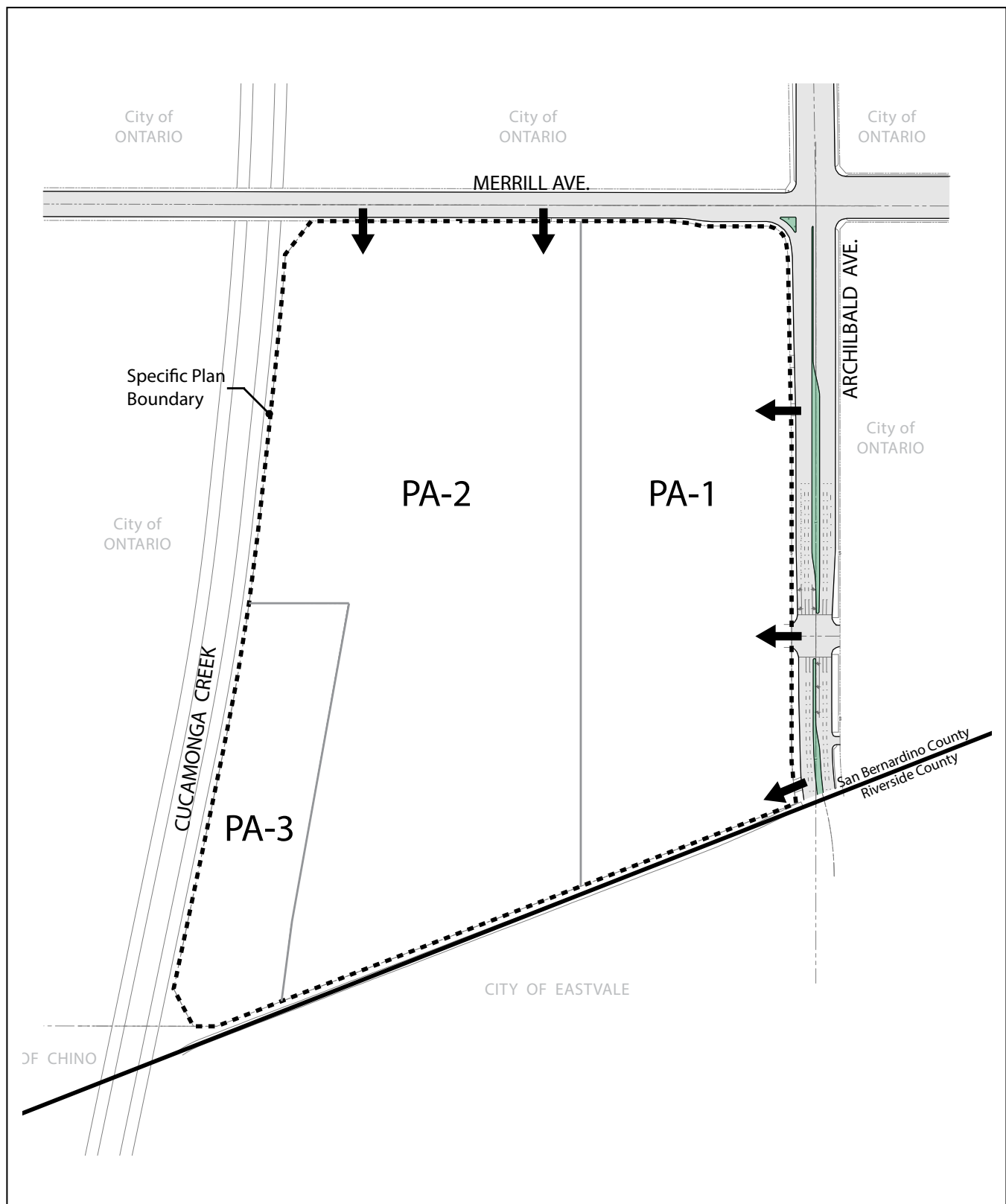
EPD Solutions Inc.
2030 Main Street, Suite 1200
Irvine, CA 92614

	Senior Planner	March 15, 2017
Signature	Title	Date

Reference: California Code of Regulations, Title 14 (CEQA Guidelines) Sections 15082(a), 15103, 15375.







Source: KTG Group

N. T. S.

California Environmental Quality Act
Initial Study

City of Ontario
Planning Department
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Project Title/File No.: Colony Commerce Center East Specific Plan EIR

Submittal Date: March 15, 2017

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

Contact Person: Richard Ayala, Senior Planner, (909) 395-2036

Project Sponsor: CapRock Partners, 2050 Main Street, Suite 240, Irvine, CA, 92614

Prepared by: EPD Solutions, Inc., 2030 Main Street, Suite 1200, Irvine, CA 92614

Project Overview

The Colony Commerce Center East Specific Plan ("Specific Plan" or "proposed project") proposes industrial and business park development on six parcels covering ± 95 acres in the City of Ontario. The Specific Plan allows for development of up to $\pm 1,904,000$ square feet (SF) of built space and associated infrastructure improvements, within three Planning Areas (PAs) on the site. According to the Policy Plan (General Plan) of The Ontario Plan (TOP), the project site is designated Industrial and Business Park with a floor area ratio (FAR) of 0.55 and 0.60, respectively.

Implementation of the proposed Specific Plan would achieve the intent of the Policy Plan and TOP for the project site. The project site is zoned AG-Specific Plan; A specific plan is required by the City in order to comprehensively plan for development of the project site. This Initial Study analyzes a project proposal including a Specific Plan, Tentative Tract Map, Development Plan, and Development Agreement for PA-1 and PA-2, which would be developed as Phase 1 of the Specific Plan, and includes 1,673,000 SF of development. No specific development proposal has been submitted for PA-3 (Phase 2 of the Specific Plan); therefore, this Initial Study assumes development potential of $\pm 231,000$ SF on this PA, based on the permitted FAR of 0.55.

Project Background

The project site is located within the Ontario Ranch (formerly known as New Model Colony), which comprises a portion of the former San Bernardino County Agricultural Preserve annexed by the City of Ontario in 1999. Ontario Ranch is among the last significant underdeveloped areas in the San Bernardino Valley. In 2010, the City of Ontario adopted TOP, which serves as the City's business plan and includes a long-term vision and a principle-based Policy Plan, which functions as the City's General Plan. (The Policy Plan is henceforth referred to as the General Plan in this Initial Study.) The accompanying TOP Environmental Impact Report (EIR) was certified by the City at the same time.

The General Plan designates the project site for development of industrial uses at a maximum 0.55 FAR and business park uses at 0.60 FAR. The General Plan also places the site within the Chino

Airport Overlay zone; the entirety of the City of Ontario is additionally within the Airport Influence Area of Ontario International Airport.

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. The project site consists of six parcels covering ± 95 acres, located in the southern portion of the City, immediately north of the City of Eastvale in Riverside County. The project site is located west of Archibald Avenue, south of Merrill Avenue, east of the Cucamonga Creek flood control channel, and north of the County Line flood control channel. Regional location and local vicinity maps are provided in Figure 1, *Regional Location Map* and Figure 2, *Local Area Map*, respectively.

Existing Site Characteristics

The project site has historically been used for agricultural purposes, primarily dairy operations and field crops. The site is mostly undeveloped, with existing ongoing agricultural uses scattered throughout the area. Rural residential housing, farm buildings, and other ancillary facilities occupy those areas not in active agricultural production. The project site is relatively flat, with a gentle gradient of approximately 1 to 2 percent towards the south. See Figure 3, *Existing Site Photos* and Table 1, *Site Information* below.

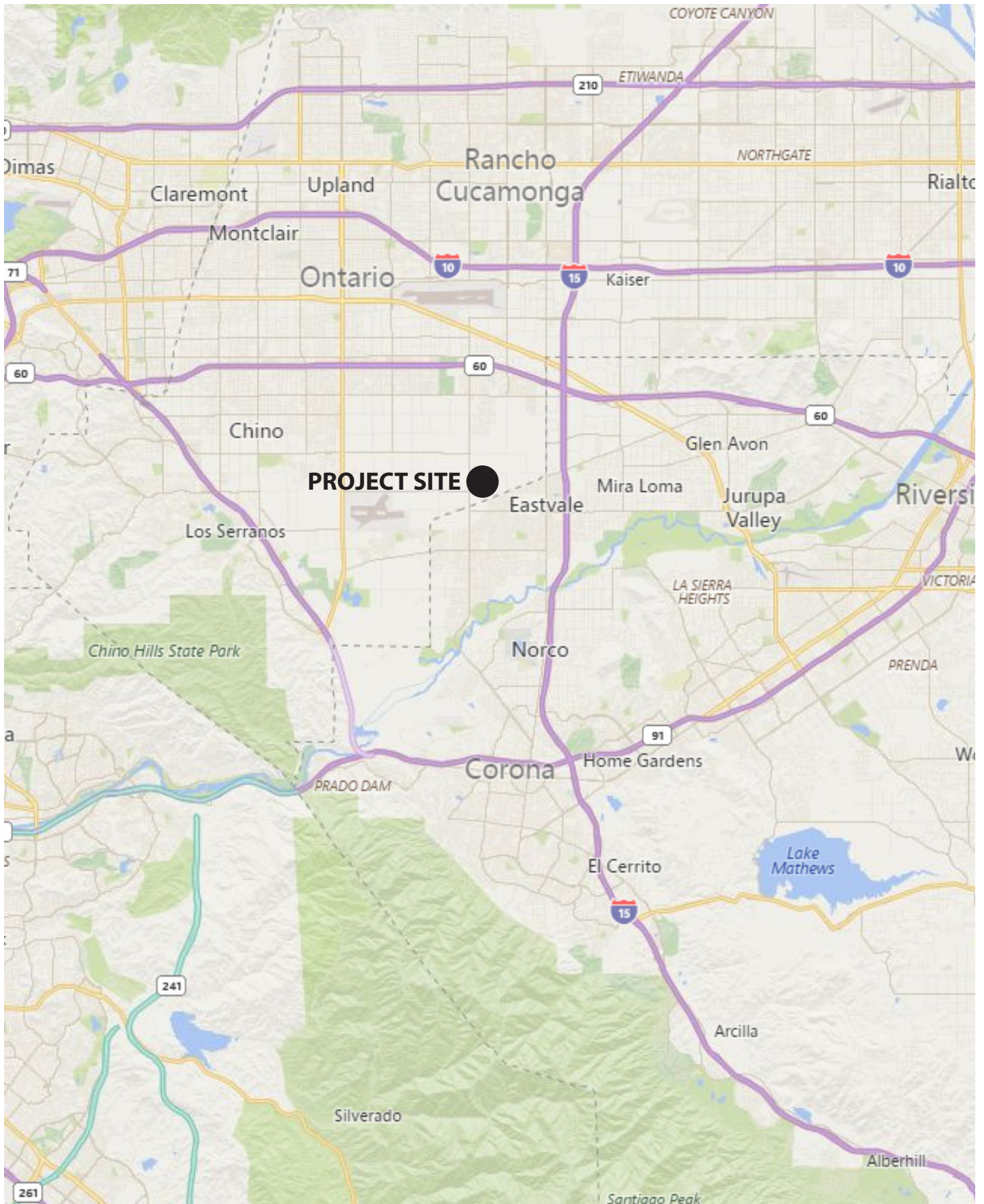
Table 1: Site Information

Applicant	CapRock Partners
Assessor's Parcel Numbers (APN)	0218-333-02, -03, -07, -08, -10, -13
Site Area	± 95 acres
Existing Land Use	Mostly agricultural uses including dairies and field crops
General Plan Designation	Industrial (0.55 FAR) and Business Park (0.60 FAR); Chino Airport Overlay
Zoning Designation	SP-Specific Plan with AG-Agriculture overlay

Surrounding Land Uses

- North: Merrill Avenue followed by agricultural uses designated for future residential development.
- West: Cucamonga Creek Channel and agricultural uses designated for future industrial development.
- South: County Line Channel flowing into Cucamonga Creek Channel and dairy farm designated for future industrial development.
- East: Archibald Avenue followed by single-family residential development.

See Figure 4, *Surrounding Land Use Map* and Figure 5, *Surrounding Land Use Photos*.







View A
Agricultural fields



View B
Agricultural support buildings



View C
Dairy farm

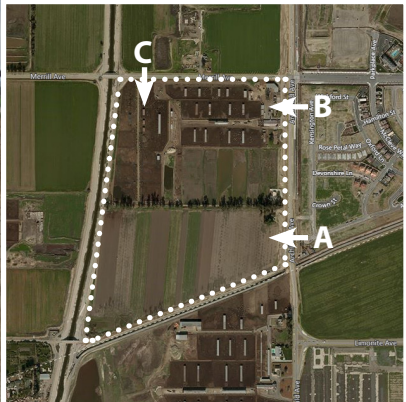


FIGURE 3
Existing Site Photos





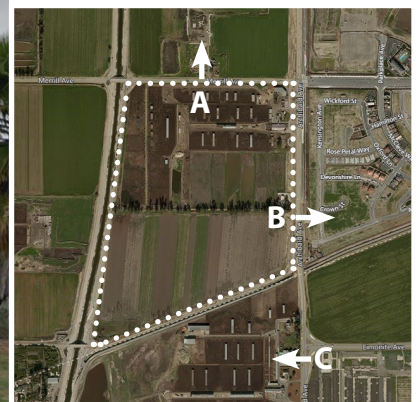
View A. NORTH & WEST
Dairy farm



View B. EAST
Recent residential development



View C. SOUTH
Mixed dairy farms and residential development



Proposed Site Characteristics

The proposed project includes a development application to construct nine buildings (totaling $\pm 1,673,000$ SF) on four of the site's six parcels, on an area totaling 84.8 acres (consisting of PA-1 and PA-2). The remaining two parcels (proposed to be designated as PA-3), covering 9.6 acres, do not have a specific development proposal, but would be entitled in the Specific Plan to build up to $\pm 231,000$ SF, subject to subsequent permitting and plan review. The overall development analyzed in this Initial Study is therefore $\pm 1,904,000$ SF. The maximum building height is 65 feet. See Table 2, *Summary of Proposed Development*, Figure 6, *Planning Areas* and Figure 7, *Site Parcels*.

Table 2: Summary of Proposed Development

Planning Area	Parcels	Acreage (\pm)	Proposed Land Use	Proposed Development SF (\pm)
1	Portions of 218-311-02, -03, -08	45	Business Park	1,673,000
2	218-311-10 and portions of -02, -03, -08	40	Industrial	
3	218-311-07, -13	10	Industrial	231,000
TOTAL		95		1,904,000

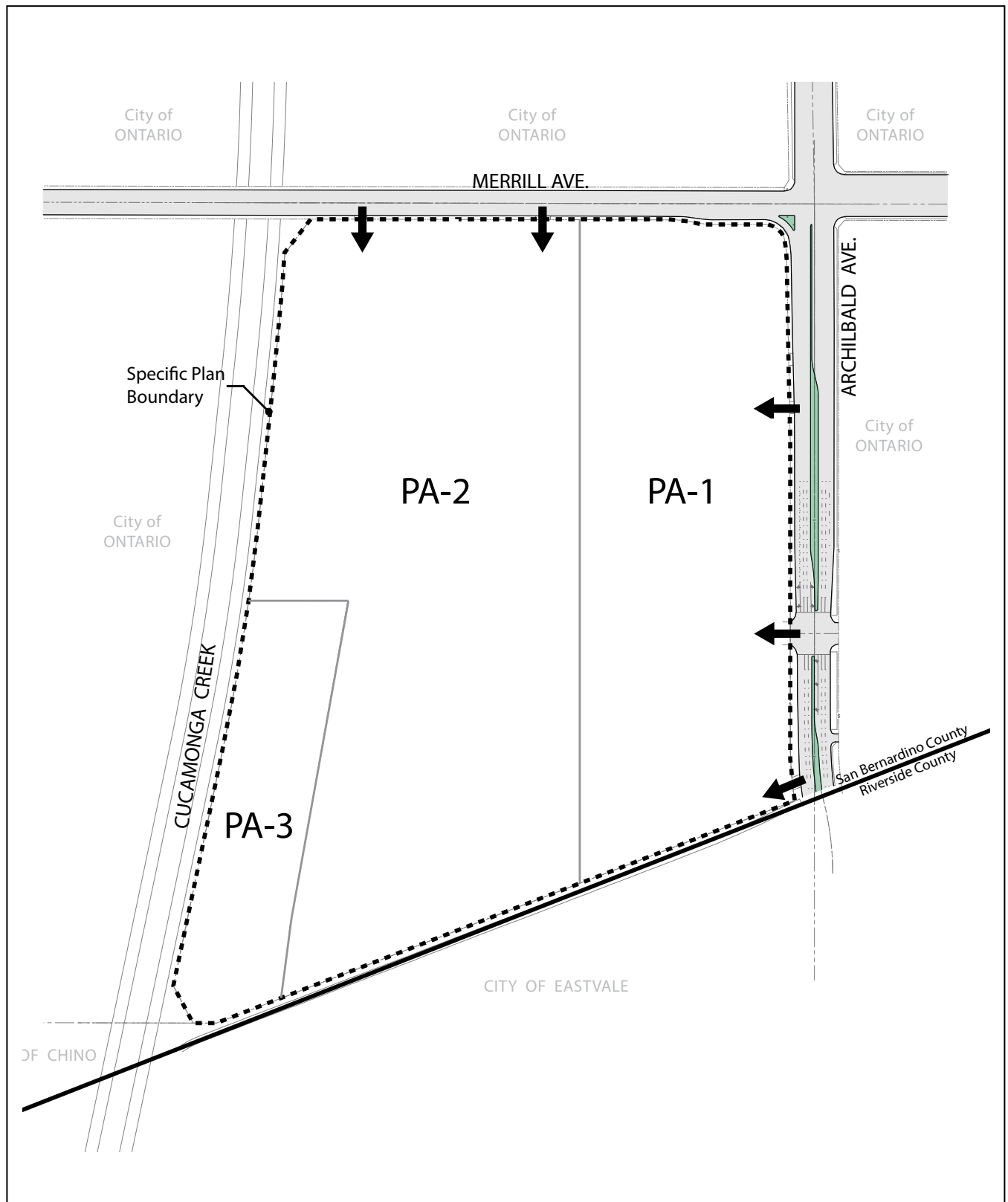
Business Park and Industrial Development

Phase 1 of the proposed project within PA-1 and PA-2 would construct nine buildings for business park and industrial uses. The total square footage of the buildings would be $\pm 1,673,000$ SF. Building 9 would account for a majority of this area, with a square footage of $\pm 100,000$ SF. The other eight buildings, located to the east and north of Building 9, would range from $\pm 41,000$ SF to $\pm 142,000$ SF. Each building would be located on a separate parcel and would have independent parking facilities. In addition, each building would have loading docks; a total of 240 docks are planned. Similar development is anticipated for Phase 2 within PA-3, with $\pm 231,000$ SF of built space.

Circulation & Parking

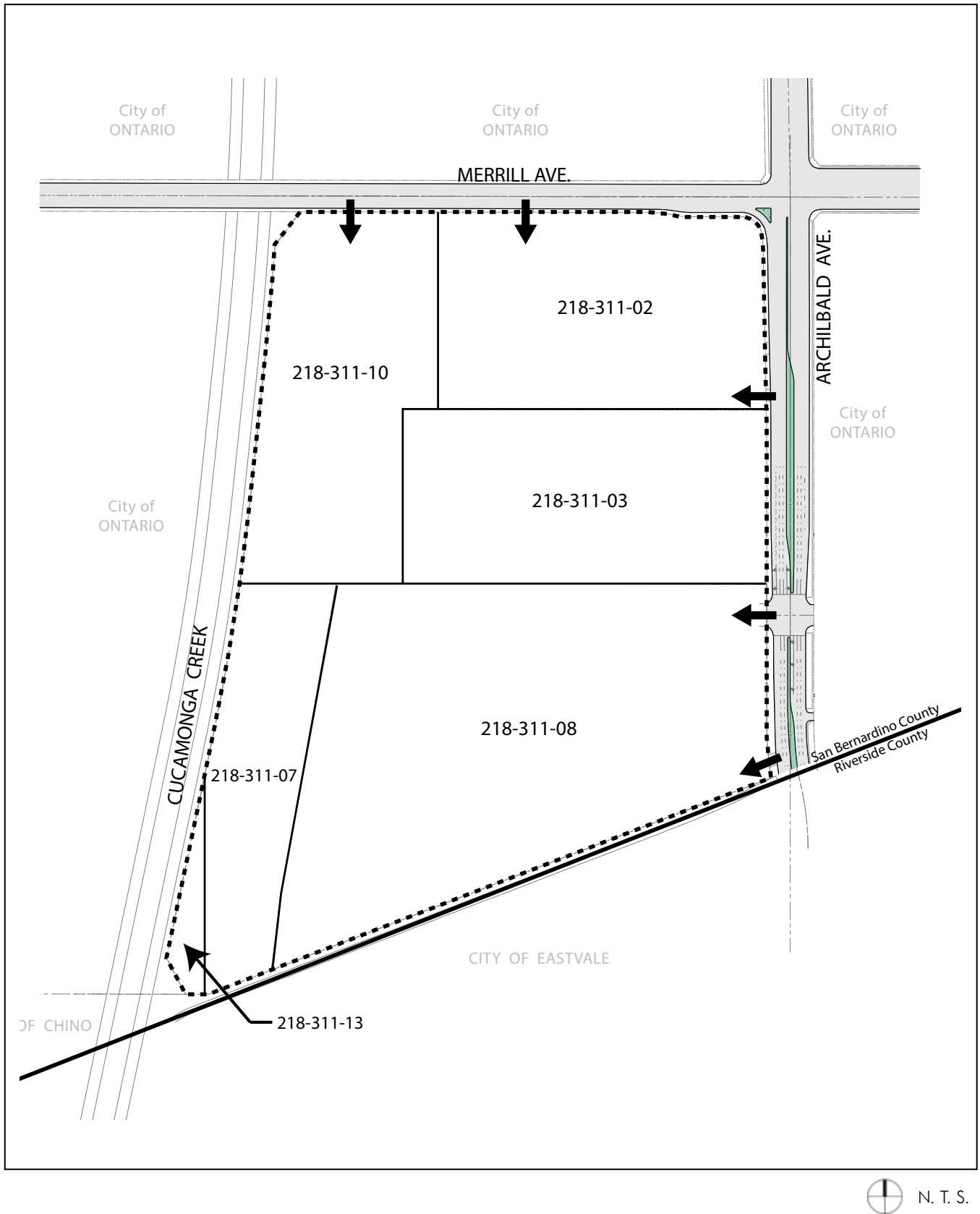
The proposed project would be responsible for dedications and frontage half-width improvements along Merrill Avenue and Archibald Avenue to the standards of the Master Plan of Roadways. The ultimate buildout of Merrill Avenue includes a 108-foot right-of-way with four travel lanes, a Class II bikeway, and a sidewalk. The ultimate buildout of Archibald Avenue includes a 165-foot right-of-way with six travel lanes, a raised median, and a sidewalk.

Five driveways would provide access to the site: a 40-foot-wide right-in/right-out driveway and a 50-foot-wide signalized driveway would be located off of Merrill Avenue, and two 40-foot-wide right-in/right-out driveways and one 60-foot-wide signalized driveway would be located off of Archibald Avenue. The 60-foot-wide driveway would feature two inbound and two outbound lanes, while the other four driveways would include one inbound lane and one outbound lane. The southernmost 40-foot driveway on Archibald Avenue would follow the entire southern boundary of the site and provide access to future Phase 2 development in PA-3. Parking would be provided by approximately 1,000 parking spaces throughout the property.



Source: KTG Group

N. T. S.



Landscaping & Stormwater Basins

The proposed project would include ±622,500 SF of landscaping built throughout the site. This represents approximately 17 percent of the total site area. The main areas used for landscaping would be constructed on the northern and eastern boundaries of the site to serve as setbacks between the buildings and parking areas from Merrill Avenue (23 feet of landscaping outside the roadway right-of-way) and Archibald Avenue (35 feet of landscaping outside the roadway right-of-way). In addition to the landscape areas adjacent to the main streets, the proposed project includes the construction of two large retention basins. One basin would be constructed near the southwest corner of the project site and the other basin would be near the northwest corner.

Construction Process, Schedule, & Phasing

The construction process for the site would be initiated with demolition of approximately 100,000 SF of existing structures, including, but not limited to sheds, corrals, along with nonconforming farm houses used in support of agricultural operations. This would be followed by grading; the site's grading is anticipated to balance, with no significant import or export required. The next stage in the process would be building construction and frontage improvements. All buildings within Phase 1 of the project (PA-1 and PA-2) would be developed concurrently, with the construction duration anticipated to be approximately 18 months. The final steps are the application of architectural coatings and paving of roads and parking areas. Operation of the facility is expected to occur by Spring 2019. There is no timetable for Phase 2 development of PA-3. Table 3, *Construction Schedule* below displays the construction schedule for Phase 1.

Table 3: Phase 1 Construction Schedule

Phase Name	Work Days
Demolition	20
Grading	45
Building Construction	300
Architectural Coating	150
Paving	45

Project Objectives

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

1. To provide for the development of industrial and business facilities which utilize the site's prime location in proximity to Ontario International Airport.
2. To create a high quality industrial and business development that attracts an array of businesses and provides employment opportunities to area residents.
3. To provide industrial and business park uses within the project boundaries which are compatible with surrounding uses, and implement the land uses contemplated for the project site under TOP.

Governing Documents

Development of the Colony Commerce Center East project site will be governed by the following:

- TOP (amended January 2010) which establishes policies governing land use, circulation, housing, conservation and open space, noise, safety, and public facilities within the Colony Commerce Specific Plan area.
- The Colony Commerce Center East Specific Plan which would include a Land Use Plan, Infrastructure Plan, Design Guidelines, and Development Regulations. Where the Colony Commerce Center East Specific Plan is silent, the City of Ontario Development Code shall govern.
- A development agreement to include methods for financing, acquisition, and construction of infrastructure.

This Initial Study and the forthcoming EIR are intended to serve as the primary environmental document for all actions associated with the proposed project, including all discretionary approvals requested or required to implement the project. In addition, this is the primary reference document in the formulation and implementation of a mitigation monitoring program for the proposed project.

Discretionary Approvals

The City of Ontario and the following responsible agencies are expected to use the information contained in this Initial Study for consideration of approvals related to and involved in the implementation of this project.

Agency	Action
City of Ontario	• Certification of the Colony Commerce Center East EIR
	• Adoption of the Mitigation Monitoring and Reporting Program
	• Approval of Tentative Tract Map for PA's 1 and 2
	• Approval of Development Plan for PA's 1 and 2
	• Approval of Development Agreement for PA's 1 and 2
	• Adoption of a Colony Commerce Center East Specific Plan
Santa Ana Regional Water Quality Control Board	• Issuance of a National Pollutant Discharge Elimination System (NPDES) Permit
	• Issuance of a Construction General Permit
South Coast Air Quality Management District	• Issuance of Air Quality permits for construction permits

PA-3 will require approval of a Development Plan and may also require approval of a Tentative Tract Map for PA's 1 and 2 and Development Agreement prior to construction.

In addition to the primary discretionary actions listed above, subsequent approvals by the City of Ontario may include:

- Demolition permit
- Grading permit
- Building permit

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

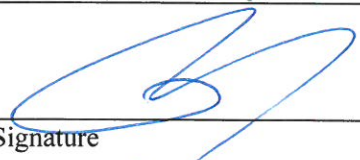
The environmental factors checked below (X) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

X	Aesthetics	X	Hazards & Hazardous Materials		Recreation
X	Agricultural Resources	X	Hydrology/Water Quality	X	Transportation/Traffic
X	Air Quality	X	Land Use/Planning	X	Tribal Cultural Resources
X	Biological Resources		Mineral Resources	X	Utilities/Service Systems
X	Cultural Resources	X	Noise	X	Mandatory Findings of Significance
X	Geology/Soils		Population/Housing		
X	Greenhouse Gas Emissions	X	Public Services		

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 "potential significant impact" 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.	X
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Signature  Date 3/15/17

Printed Name RICHARD AYALA 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 may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less 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 “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analysis 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 Analysis 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 analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL CHECKLIST QUESTIONS

1. AESTHETICS	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Less Than Significant Impact. A substantial adverse effect on a scenic vista would occur if the vista was screened from view, the access to a formerly available public viewing position was blocked, or visual resources were obstructed by view or access to them.

The City's General Plan, referred to as "The Ontario Plan" (TOP) does not identify any scenic vistas within the City. TOP places emphasis on encouraging the protection of views of the nearby San Gabriel Mountains.¹ 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 itself a scenic vista, however, it is located adjacent to Archibald Avenue, which is identified as a principal arterial

¹ The Ontario Plan Policy CD1-5

by the Functional Roadway Classification Plan of the Mobility Element of TOP.² Because of the project's location, development in accordance with the Specific Plan must take into consideration views of the San Gabriel Mountains from Archibald Avenue.

The San Gabriel Mountains are located approximately 13 miles to the north and are visible to motorists travelling northbound on Archibald Avenue on clear days, due to the City's flat topography. The San Gabriel Mountains are also visible from Merrill Avenue, the project's northern boundary. Other visual characteristics in the project area are the Jurupa Mountains and the San Bernardino Mountains to the east, the Santa Ana Mountains to the south, and the Chino Hills to the southwest. Currently, the existing views of these visual characteristics from these public streets are obstructed by various facilities and natural features, including intermittent development, houses, and agricultural structures, as well as trees and electrical equipment. Moreover, given existing air pollution conditions, which limit the range of visibility, views of the surrounding mountains are often substantially obscured.

Presently, public views of the San Gabriel Mountains are available to motorists and pedestrians travelling north on Archibald Avenue, adjacent to the project site's eastern boundary with the street. Intermittent views of the San Gabriel Mountains from Archibald Avenue, looking to the northwest across the project site, are also available, but are heavily disrupted by windrows of dense, mature trees, multiple residential and dairy structures, a water tank, and power lines.

Development pursuant to the proposed Specific Plan would replace the existing dairy and field crop uses and develop buildings for industrial, warehouse distribution and other uses on the approximately 95-acre site. The Specific Plan would allow for a maximum building height of 55 feet for main structures, and up to 65 feet for architectural projections, and focal elements such as cupolas or towers.³ The Specific Plan also requires a setback of 30 feet from Archibald Avenue, 23 feet from Merrill Avenue, and 10 feet from Cucamonga Creek Channel and interior property lines.

Development of buildings pursuant to the Specific Plan on the west side of Archibald Avenue would not disrupt exiting northern views of the San Gabriel Mountains, looking north on Archibald Avenue.

As discussed above, intermittent views of the mountains across the project site are available, but are heavily disrupted by landscaping and structures along Archibald Avenue. Project development would introduce new buildings along Archibald Avenue that would further obscure these already impacted views looking to the northwest across the project site. The setbacks and maximum building heights required by the Specific Plan would ensure that northern views from Archibald Avenue are not substantially obscured compared to existing conditions to result in a significant adverse effect. No other interruption of views from the south would occur, as no other public views of the mountains are available. Therefore, no adverse scenic vista impacts to northern views on Archibald Avenue are anticipated in relation to the project.

Likewise, existing views of the Santa Ana Mountains and Chino Hills to the southwest of the project site from Archibald Avenue and Merrill Avenue are mostly obscured by existing vegetation, farm buildings, and utilities. While the project would introduce new buildings that

² The Ontario Plan, Mobility Element, Figure M-2

³ Colony Commerce Center East Specific Plan Table 6.1 Development Standards

would further obscure views to the south from these streets, views to the south from Archibald Avenue and Merrill Avenue would not be substantially impacted because these views are already impacted by existing vegetation and structures, including electrical lines.

Overall, the land use change as a result of Specific Plan development would alter the visual appearance from rural agriculture to industrial uses. However, the scale and design of the proposed project would not deter views of the mountain backdrop because the proposed project would adhere to development standards and design guidelines within the Specific Plan, which call for preserving for such views. Additionally, development within the project area would not substantially alter the views of the surrounding mountains. The peaks of the San Gabriel Mountains rise to 7,000 feet above mean sea level (amsl), which is well above the project site's elevation of 650 feet amsl. Project development would continue to permit long distance views of the mountains from most areas without being entirely obstructed. As discussed, there is already significant vegetation in the area that obscures views intermittently depending on the vantage point and there are also various development features, including power lines and poles that obstruct views. Compliance with the design guidelines in the Specific Plan and TOP Policy CD1-5, would avoid further view obstruction from Archibald Avenue; therefore, the proposed project would not impact scenic vistas and no mitigation measures are required.

b) Substantially damage scenic resources, including, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. 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. The project is located approximately 2.5 miles west of I-15 which is the closest of the three freeways to the site. 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 Transportation⁴. Thus, the project would not result in adverse impacts scenic resource within a state scenic highway.

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

Potentially Significant Impact. The existing visual character of the Project site is defined primarily by agricultural uses and related structures. The site has General Plan (TOP) designations of Business Park and Industrial.⁵ The visual character of the project site and surrounding areas is shown in Figure 3, *Existing Site Photos*, and Figure 4, *Surrounding Land Uses Map*. As shown, the project area is dominated by agricultural uses to the north, west, and directly adjacent to the south, with a single-family residential neighborhood located directly east across Archibald Avenue. The project site itself is currently used primarily for agricultural uses, including dairies and field crops. The site also has three single-family residences located along Archibald Avenue, multiple farm structures, a water tank, and overhead powerlines.

The proposed project would result in the visual conversion of the site from agricultural operations to a planned industrial development, which currently includes nine buildings. The Specific Plan includes design guidelines and development standards that would contribute to the visual order

⁴ California Scenic Highway Mapping System, Caltrans

⁵ The Ontario Plan, Exhibit LU-01 Land Use Plan

and consistency of the entire project area and would provide quality development. The EIR will evaluate proposed project's potential to substantially degrade the visual character or quality of the site and its surroundings.

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

Potentially Significant Impact. Spill light occurs when lighting fixtures such as streetlights, parking lot lighting, exterior building lighting, and landscape lighting are not properly aimed or shielded to direct light to the desired location and light escapes and partially illuminates a surrounding location. Sensitive uses (e.g., residential uses) surrounding the project site could be impacted by the light from development within the boundaries of the project site if light spill occurs.

Glare is the result of improperly aimed or blocked lighting sources that are visible against a dark background such as the night sky. Glare may also refer to the sensation experienced looking into an excessively bright light source that causes a reduction in the ability to see or causes discomfort. Glare generally does not result in illumination of off-site locations but results in a visible source of light viewable from a distance. Glare could also occur from building materials of the new structures, including glass and other reflective materials.

The proposed project would introduce new sources of light and glare compared to the current dairy and row crop agricultural uses onsite. The Specific Plan includes design guidelines and standards for lighting of onsite areas. The proposed project would be subject to the City's Development Code, and project lighting would be required to be shielded, diffused or indirect to avoid glare to both on and offsite residents, pedestrians and motorists. Furthermore, the Specific Plan requires lighting fixtures to be selected and located to confine the area of illumination to within the site boundaries, including lighting for parking areas, pedestrian walkways, graphics and signage, architectural and landscape features, shipping and loading areas, and any additional exterior areas. This would reduce the potential for spill light.

Although significant impacts are not anticipated, the EIR will evaluate the proposed project's potential to produce substantial amounts of light and/or glare during construction and operation, and will evaluate its impact on the existing residential community to the east.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. 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 the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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"/>
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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"/>
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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Potentially Significant Impact. The State of California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) is charged with producing maps for analyzing impacts on the state's agricultural resources.⁶ California's agricultural lands are rated based on soil quality and irrigation status. The classification system is contiguous with US Department of Agriculture (USDA) soil surveys and current land use. Most public land areas are not mapped.⁷ These maps

⁶ Farmland Mapping and Monitoring Program, <http://www.conservation.ca.gov/dlrp/fmmp>.

⁷ For example, public land areas that are not mapped include National Forests and Bureau of Land Management holdings.

are updated every two years, with the most recent data being from 2014. For CEQA purposes, the following categories qualify as “agricultural land”: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land.⁸

The project site has historically been used for agricultural purposes, primarily dairy operations and field crops. The site is mostly undeveloped with existing agricultural uses scattered throughout the area. Approximately 40 acres in the southern portion of the site are identified as Prime Farmland, the southwestern-most portion of the site contains approximately 1.7 acres Unique Farmland, and the remainder of the site is identified as Other Land.⁶

Prime Farmland and Unique Farmland (along with other categories of farmland not found on the project site) are ratings given to California agricultural lands based on soil quality and irrigation status. “Prime Farmland” is the top-rated farmland with the best combination of features to sustain long-term agricultural production, including soil quality, growing season, and moisture. Land must have been used for irrigated agricultural production to be Prime Farmland. “Unique Farmland” is of lesser quality than Prime Farmland, is used for production of California’s leading crops, and is usually irrigated. “Non-agricultural use” is “existing farmland, grazing land, and vacant areas which have a permanent commitment for development.”

Development pursuant to the Specific Plan would demolish existing residential and farm buildings, other ancillary facilities, and would replace the existing dairy and row crop operations with an industrial business park. Therefore, the proposed project would result in the permanent conversion of Prime Farmland and Unique Farmland to nonagricultural use upon implementation of the Specific Plan. Project-related and cumulative impacts associated with the conversion of farmland will be analyzed in the forthcoming EIR.

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

Potentially Significant Impact. The Williamson Act (California Land Conservation Act of 1965) restricts the use of agricultural and open space lands to farming and ranching by enabling local governments to contract with private landowners for indefinite terms in exchange for reduced property tax assessments.

The project site is located in the “Specific Plan” zone and is subject to the (AG) Agricultural Overlay (SP/AG). The purpose of the Specific Plan zone is to enable the planning and development of coordinated, comprehensive projects and to provide for the systematic implementation of TOP goals and policies through Specific Plans.

A portion of the project site—parcel 218-311-08—contains an active Williamson Act contract. Development of the project would result in the cancellation of the contract, and as such, the proposed project would represent a potentially significant impact related to an existing Williamson Act contract. This topic will be analyzed in the forthcoming EIR.

⁸ Important Farmland Categories, http://www.conservation.ca.gov/dlrp/fmmp/mccu/Pages/map_categories.aspx; California Public Resources Code Section 21060.1.

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))?

No Impact. “Forest land” is defined as “land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.”⁹ “Timberland” is defined as “land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees.”¹⁰ “Timberland Production Zone” (TPZ) is defined as “an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).”

The project site is identified as SP/AG and is not zoned for forest land, timberland, or TPZ. TOP does not designate any forest land or timberland land uses within the City of Ontario. The project would be consistent with TOP and the development standards and allowed land uses of the Specific Plan zone. Therefore, the project would not have any adverse forest or timber land impacts. Therefore, further analysis of this issue is not necessary in the EIR and no mitigation measures are required.

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

No Impact. The project site is not zoned as forest land and currently contains agricultural uses. There is no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither TOP nor the City’s Zoning Code provide designations for forest land. Consequently, the proposed project would not result in the loss or conversion of forest land to non-forest use. Therefore, further analysis of this issue is not necessary in the EIR and no mitigation measures are required.

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?

Potentially Significant Impact. The project site is currently zoned SP/AG (Specific Plan with an Agricultural Overlay). Approximately 40 acres of the site are currently designated as Prime Farmland, and 1.7 acres are designated as Unique Farmland. The project site is currently used for a variety of agricultural purposes including dairy operations and field crops. The proposed project would convert the existing Prime and Unique farmland to nonagricultural uses. Therefore, further analysis of potential impacts associated with conversion of farmland to nonagricultural uses shall be included in the required EIR.

⁹ California Public Resources Code Section 12220(g).

¹⁰ California Public Resources Code Section 4526.

As discussed in Sections 2(c) and 2(d), there is no forest land on the project site, the surroundings sites, or within the City of Ontario. Consequently, the proposed project would not result in the loss or conversion of forest land to non-forest use. Therefore, further analysis related to conversion of forest land is not necessary in the forthcoming EIR.

3. AIR QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input 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 non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Potentially Significant Impact. The City of Ontario is located within the South Coast Air Basin (Basin). The Basin includes all of Orange County and portions of Los Angeles, Riverside, and San Bernardino Counties. Air quality within the Basin is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board (CARB). Standards for air quality within the Basin are documented in the SCAQMD's Air Quality Management Plan (AQMP).¹¹ The main purpose of an AQMP is to describe air pollution control strategies to be taken by a city, county, or region classified as a nonattainment area in order to bring the area into compliance with federal and State air quality standards. SCAQMD's 2012 AQMP is based on regional growth forecasts for the Southern California Association of Governments region.

The development pursuant to the proposed Specific Plan would involve the conversion of an approximately 95-acre site from agricultural uses to an industrial and business park. Construction

¹¹ South Coast Air Quality Management District (SCAQMD), Final 2012 Air Quality Management Plan (February 2013), available at [http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2012-air-quality-management-plan/final-2012-aqmp-\(february-2013\)/main-document-final-2012.pdf](http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2012-air-quality-management-plan/final-2012-aqmp-(february-2013)/main-document-final-2012.pdf).

activities related to the proposed project would generate exhaust from construction equipment and vehicle trips, fugitive dust from demolition and ground-disturbing activities, and off-gas emissions from architectural coatings and paving. The proposed project would also result in the emission of pollutants into the Basin during project operation from vehicle and truck trips, and stationary sources. The emission of pollutants resulting from construction (short-term) and operation (long-term) of the proposed project have the potential to affect implementation of the AQMP. Therefore, the EIR will evaluate the proposed project for consistency with regional growth forecasts and any impacts the proposed project may have on the attainment of regional air quality objectives. Mitigation measures will be recommended as needed.

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

Potentially Significant Impact. Air quality impacts are usually divided into short-term construction and long-term operational impacts. Short-term impacts are the result of demolition, grading, and/or construction operations. Long-term impacts are associated with the long-term operations of the proposed project.

Construction and operation activities associated with development of the Colony Commerce Center East project would have the potential to generate fugitive dust, stationary-source emissions, and mobile-source emissions. Air pollutant emissions associated with the project could occur over the short-term for site preparation and construction activities. In addition, emissions could result from the long-term operation of the completed project. An air quality analysis will be conducted to determine if the proposed project's short- and/or long-term emissions would exceed SCAQMD's regional significance thresholds. This topic will be addressed in the EIR, and mitigation measures will be recommended as needed.

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 which exceed quantitative thresholds for ozone precursors)?

Potentially Significant Impact. The project site is in the Basin, and is designated under the California and National Ambient Air Quality Standards (AAQS) as nonattainment for ozone (O₃), coarse inhalable particulate matter (PM₁₀), fine inhalable particulate matter (PM_{2.5}), nitrogen oxides (NO_x) (California standard only), and lead (Los Angeles County only). Implementation of the proposed project may increase existing levels of criteria pollutants and contribute to their nonattainment status in the Basin. As mentioned above, air pollutant emissions associated with the proposed project could occur over the short-term for site preparation and construction activities and during long-term operation of the completed project. Thus, an air quality analysis will be prepared to determine if the proposed project would result in a cumulatively considerable net increase in any criteria air pollutant. This topic will be addressed in the EIR, and mitigation measures will be recommended, as appropriate.

d) Expose sensitive receptors to substantial pollutant concentrations?

Potentially Significant Impact. An impact is potentially significant if emission levels exceed the state or federal ambient air quality standards, thereby exposing sensitive receptors to substantial pollutant concentrations. Sensitive receptors are locations where uses or activities result in increased exposure of persons more sensitive to the unhealthful effects of emissions (such as children and the elderly). There is a single-family residential community east of the project site. The EIR will evaluate the potential for construction and operation activities of the proposed project to exceed SCAQMD's localized significance thresholds in accordance with SCAQMD's guidance methodology. Mitigation measures will be recommended as needed.

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

Less Than Significant Impact. The proposed project would not emit objectionable odors that would affect a substantial number of people. The threshold for odor is if a project creates an odor nuisance pursuant to SCAQMD Rule 402, Nuisance, which states:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

The type of facilities that are considered to have objectionable odors include wastewater treatment plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. Odors generated by the operation of the proposed office and industrial project are not expected to be significant or highly objectionable and would be required to be in compliance with SCAQMD Rule 402, which would prevent nuisances to sensitive land uses. During operations, consistent with City requirements, all project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations. Compared to existing conditions, the proposed project would result in a positive impact through the elimination of current dairy and farming operations which produce odors in close proximity to residential uses across Merrill Avenue and Archibald Avenue.

Trucks and vehicles operating at the loading docks may emit odor during project operations. A southern California study (Zhu, 2002) showed measured concentrations of vehicle-related pollutants, including diesel exhaust, decreased dramatically (more than 90%) within approximately 300 feet.¹² The nearest sensitive receptors to loading dock operations is one single-family home, located more than 300 feet to the north across Merrill Avenue and a single-family neighborhood across Archibald Avenue to the east, located over 400 feet away. Therefore, by the time any diesel exhaust emissions reach the nearest sensitive receptor sites, they would be diluted to well below any level of odor concern.

¹² Zhu, Y et al. "Study of Ultra-Fine Particles Near A Major Highway With Heavy Duty Diesel Traffic." Atmospheric Environment. 2002; 36:4323-4335

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

Therefore, impacts associated with operation- and construction-generated odors would be less than significant, and no further analysis is required in the EIR.

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 ¹³ or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

¹³ Effective January 1, 2013, the California Department of Fish and Game (DFG) became the California Department of Fish and Wildlife. See <https://cdfgnews.wordpress.com/2012/12/31/departments-name-change-effective-tomorrow/>. The CEQA Guidelines Appendix G: Environmental Checklist Form has not been updated to reflect this new name.

- 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 Game¹⁴ or U.S. Fish and Wildlife Service?**

Potentially Significant Impact. The project site has been disturbed from its natural state due to the long-term operation of dairy farms and field crops. Historical dairy farm and agricultural operations dating from as early as 1938 have substantially degraded the potential for the site to serve as native habitat. Therefore, there is little potential for the property to contain candidate, sensitive, or special status species. However, the southwestern portion of the site features a retention area that could serve as habitat to migratory birds during migration periods. A reconnaissance-level survey will be conducted by a professional biologist to document the site's existing biological resources and to determine the presence or absence of sensitive species. This topic will be addressed in the forthcoming EIR, and mitigation measures will be recommended, as appropriate.

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

Potentially Significant Impact. A biological assessment will be conducted by a professional biologist to determine if the site contains 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. This topic will be addressed in the forthcoming EIR, and mitigation measures will be recommended, as appropriate.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means?**

Potentially Significant Impact. No known federally protected wetlands are present on the project site. A site specific biological assessment will be conducted by a professional biologist to determine whether any biological resources, including federally protected wetlands, are present. This topic will be addressed in the forthcoming EIR, and mitigation measures will be recommended, as appropriate.

- 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?**

Potentially Significant Impact. No regional wildlife movement corridors have been identified in the City, and most of the City is ill-suited for the purposes of wildlife movement.¹⁵ The project site is bound to the west and south by two concrete flood control channels. These concrete channels

¹⁵ The Ontario Plan EIR Section 5.4-4

converge at the southwestern tip of the project site and flow approximately another 1.62 miles to the Cucamonga Creek located southwest of the project site. The TOP EIR identifies the flood control channels as potential local corridors within the City and between the San Gabriel Mountains to the north and the Prado Basin to the south. Development of the proposed project does not include any changes to the flood control channel, but some of the project site's existing characteristics, such as open fields, eucalyptus windrows, and mature trees, can be seen as attractive to several bird species. Development pursuant to the Colony Commerce Center East Specific Plan would result in the removal of these features, which has the potential to impact species that are protected by the federal Migratory Bird Treaty Act. Therefore, the project's potential impact to migratory birds during construction and operation will be evaluated in the required EIR.

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

No Impact. A stand of large eucalyptus trees transects the project site from east to west, separating the dairy areas and the field crop areas of the project site. The proposed project would remove these trees as well as several other ornamental trees. The City of Ontario does not have any ordinances protecting biological resources or trees. As a result, there would be no impacts. No further analysis of this issue is necessary.

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?

No Impact. The project site does not fall within the boundaries of any HCP, NCCP, or other local or regional conservation plan. Therefore, there would be no impact related to conflicting with the provisions of any of the aforementioned plans. No further analysis of this issue is required.

5. CULTURAL RESOURCES	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Potentially Significant Impact. Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally, a resource is considered “historically significant” if it meets one of the following criteria:

- i. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- ii. Is associated with the lives of persons important in our past;
- iii. Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- iv. Has yielded, or may be likely to yield, information important in prehistory or history.

The project site currently contains various types of structures to support the dairy and agricultural operations. Given the long history of agricultural activities in the vicinity of the project site, there is potential that the site may contain structures or other resources that may be considered historic resources pursuant to CEQA Guidelines Section 15064.5. Therefore, a historic resources study is being prepared and the EIR will evaluate the proposed project’s potential to cause a substantial adverse change in the significance of a historical resource.

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

Potentially Significant Impact. The project site is located in the Ontario Ranch area of the City, which has been used for agriculture since the early 19th Century. The project site has been used for agricultural uses for many years. While no adverse impacts to archeological resources are anticipated, demolition and ground-disturbing grading activities have the potential to uncover previously undiscovered archeological resources.

The cultural resources assessment will be prepared, with a literature review and records search related to potential site-specific archaeological and paleontological resources. Additionally, a Sacred Lands search request will be obtained from the Native American Heritage Commission (NAHC) as part of the tribal consultation process. Results of the cultural resources assessment and tribal consultation will be included in the EIR. If required, mitigation measures will be recommended.

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

Potentially Significant Impact As discussed above, the project is located in an area historically used for agricultural uses. As such the soils located near the surface have been largely disturbed due to tilling. However, TOP EIR identifies that the City is underlain by deposits of Quaternary and upper-Pleistocene sediments deposited during Pliocene and early Pleistocene time. Although no fossil-bearing geologic formations are known to exist on the project site, their existence has not

been determined. It is possible that during grading and construction activities, fossil remains or other paleontological resources may be found. A site-specific investigation of geologic conditions and the potential for paleontological resources to occur will be conducted. The records search results and background context will be summarized in the EIR, and mitigation measures, if required, will be recommended.

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

Less Than Significant Impact. California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, California Health and Safety Code Section 7050.5 requires that if human remains are discovered within the project site, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of death, and made recommendations concerning the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Although soil-disturbing activities associated with the proposed project could result in the discovery of human remains, compliance with existing law would ensure that significant impacts to human remains would not occur. This topic will not be evaluated in the EIR, and no mitigation measures are required.

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/> | <input 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"/> |

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?*

No Impact. In 1972, the Alquist-Priolo Special Studies Zones Act was signed into law. In 1994, it was renamed the Alquist-Priolo Earthquake Fault Zoning Act (A-P Act). The primary purpose of the Act is to mitigate the hazard of fault rupture by prohibiting the location of structures for human occupancy across the trace of an active fault. The A-P Act requires the State Geologist (Chief of the California Geology Survey) to delineate “Earthquake Fault Zones” along with faults that are “sufficiently active” and “well-defined.” The boundary of an “Earthquake Fault Zone” is generally about 500 feet from major active faults and 200 to 300 feet from well-defined minor faults. The A-P Act dictates that cities and counties withhold development permits for sites within an Alquist-Priolo Earthquake Fault Zone until geologic investigations demonstrate that the site zones are not threatened by surface displacements from future faulting.

There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The TOP FEIR (Section 5.7, Figure 5.7-2) identifies eight active or potentially active fault zones near the City. Additionally, the Geotechnical Investigation prepared for the project site in September 2015 by MTGL, Inc. (MTGK 2015) identified that the closest faults are the Chino fault that is 5.5 miles from the site, Elsinore fault that is 9.1 miles from the site, and the San Jose fault that is 10.5 miles from the site. 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 is required to comply with the Uniform Building Code seismic design standards as implemented by the City through the development permitting process to reduce geologic hazard susceptibility. Therefore, any impacts related to rupture of a known fault lines would not occur, and will not be further evaluated in the EIR.

- ii. *Strong seismic ground shaking?*

Less Than Significant Impact. There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). As discussed above, the closest fault zone is located more than ten miles from the project site. The proximity of the site to the active faults will result in ground shaking during moderate to severe seismic events. However, structures built in the City are required to be built in compliance with the California Building Code (CBC) (California Code of Regulations, Title 24, Part 2) that provides provisions for earthquake safety based on factors including building occupancy type, the types of soils onsite, and the probable strength of ground motion. Compliance with the CBC would require the

incorporation of: 1) seismic safety features to minimize the potential for significant effects as a result of earthquakes; 2) proper building footings and foundations; and 3) construction of the building structure so that it would withstand the effects of strong ground shaking.

All project construction would also be developed in compliance with the Ontario Municipal Code, the recommendations of a geotechnical investigation and all other ordinances adopted by the City related to construction and safety. The Ontario Building Department would review the building plans through building plan checks, issuance of a building permit, and inspection of the building during construction, which would ensure that all required CBC seismic safety measures are incorporated into the building. Compliance with the CBC as verified by the City's review process, would reduce impacts related to strong seismic ground shaking to a less than significant level.

iii. Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Liquefaction occurs when groundwater is forced out of the soil as it subsides. This excess water momentarily liquefies the soil, causing almost complete loss of strength. If this layer is at the surface, its effect is much like that of quicksand for any structure located on it. If the liquefied layer is in the subsurface, the material above it may slide laterally depending on the confinement of the unstable mass. The factors known to influence liquefaction potential include soil type and grain size, relative density, groundwater level, confining pressures, and both intensity and duration of ground shaking. In general, materials that are susceptible to liquefaction are loose, saturated granular soils having low fines content under low confining pressures.

The project site is located in the southern portion of the City. TOP Figure S-1 identifies this area as having low to moderate liquefaction susceptibility due to the presence of young, fine-grained soils. The previous geotechnical report prepared for the project site in September 2015¹⁶ concluded that liquefaction and seismically induced settlement potentials are very low. In addition, The Seismic Hazards Map for the Corona North, California 7.5 Minute Quadrangle, published by the California Geological Survey (CGS) indicates that the subject site is not located within a designated liquefaction hazard zone. Therefore, impacts would be less than significant and will not be discussed in the EIR.

iv. Landslides?

Less Than Significant Impact. The project site is located in the southern portion of the city where largely flat agricultural fields dominate the topography. The site gently falls to the south at an average gradient of 1 to 2 percent.¹⁷ The flat topography of the site does not present any potential risks related to landslides or other slope failure. In addition, the Corona North 7.5 Minute Quadrangle, which contains the project site does not show any landslide areas. Development of the proposed project would be required to adhere to CBC regulations, the Ontario Municipal Code, and all other ordinances adopted by the City related to landslide hazards and grading requirements. Thus, landslide hazards are less than significant and will not be further analyzed in the EIR.

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

¹⁶ Geotechnical Investigation-Tadema Business Park; MTGL Inc. September 2015.

¹⁷ Screencheck Draft Colony Commerce Center East SP section 3.5, May 2016

Less Than Significant Impact. The project site is currently used for agricultural uses, mainly dairy and field crop operations. This has resulted in agriculture-related residues in onsite soils. The project would not result in significant soil erosion or loss of topsoil because of the previously disturbed and developed nature of the project site and the limited size and scope of the project. Grading increases the potential for erosion by removing the protective vegetation, changing the natural drainage patterns, and constructing slopes. However, compliance with the CBC and review of grading and development plans by the City Engineer would ensure no significant soil erosion impacts will occur. In addition, the City requires an erosion/dust control plan for projects located within this area.

For construction activities, the project would be required to prepare and implement a Storm Water Pollution Prevention Program (SWPPP) per requirements of the General Construction Permit (Order No. 2009-0009-DWQ) issued by the State Water Resources Control Board. The SWPPP would specify best management practices (BMPs) for reducing or eliminating soil erosion from the site during project construction and operation. Erosion control measures implemented as part of BMPs can include the placement of sandbags around basins; use of proper grading techniques; appropriate sloping, shoring, and bracing of the construction site; and covering topsoil stockpiles.

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

- 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 offsite landslide, lateral spreading, subsidence, liquefaction or collapse?**

Potentially Significant Impact. As stated above, landslides and liquefaction are not considered significant hazards onsite. Therefore, 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 Ontario Plan FEIR (Section 5.7) indicates that subsidence is generally associated with large decreases or withdrawals of water from the aquifer. The project would not withdraw water from the existing aquifer. Furthermore, compliance with the CBC and Ontario Municipal Code would reduce potential unstable soil impacts to a less than significant level.

Lateral spreading and collapse can occur as an effect of liquefaction, seismic ground shaking, and expansive soils. According to the geotechnical study, the site soil has low to very low expansion potential.¹⁸ The geotechnical study includes foundation recommendations based on the expansion index and shear strength of the onsite soils. These recommendations and project design features will be summarized in the EIR, and mitigation measures, if required, will be recommended.

d) Be located on expansive soil, as defined in in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Less Than Significant Impact. According to the geotechnical study, the project site is not located on expansive soil. As discussed above, the geotechnical study includes foundation recommendations based on the expansion index and shear strength of the onsite soils. These recommendations will be included as part of the EIR, but the site is not located on expansive soils as defined in in Table 18-1-B of the Uniform Building Code See response to Section 6(c), above.

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?

No Impact. The proposed project would be served by the City sewer utilities and would not include the use of septic tanks or alternative wastewater disposal systems. There is no impact related to these systems.

7. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Potentially Significant Impact. Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough greenhouse gas (GHG) emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. The State of California, through its governor and legislature, has established a comprehensive framework for the substantial reduction of GHG emissions over the next 40-plus years. This will occur primarily through the implementation of Assembly Bill 32 (AB 32, 2006) and Senate Bill 375 (SB 375, 2008), which address GHG emissions on a statewide, cumulative basis. The EIR will evaluate the potential for the project to generate a substantial increase in GHG emissions, and mitigation measures will be recommended as needed.

¹⁸ Geotechnical Investigation-Tadema Business Park; MTGL Inc. September 2015.

The City adopted a Community Climate Action Plan (CAP) on December 16, 2014. To comply with the City's adopted CAP, a GHG analysis will be prepared to determine the GHG emissions estimated to be generated by the project and identify the energy reduction measures proposed by the project to reduce GHG emissions to acceptable levels. The EIR will evaluate the level of GHG emission reduction proposed by the project and its ability to meet the requirements of the CAP.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Potentially Significant Impact. The proposed project has the potential to result in an increase in GHG emissions. The EIR will review all applicable plans and policies such as TOP policies ER4-1, ER4-3, and ER4-8 related to GHG emission and mitigation measures from TOP EIR consistent with the adopted CAP. The analyses will also include compliance with CARBs Scoping Plan for AB32.

8. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

adjacent to urbanized areas or where residences are intermixed
with wildlands?

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

Less Than Significant Impact. Hazardous materials such as fuels, greases, paints, and cleaning materials would be used during project construction. Onsite construction equipment might require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These activities would also be short term or one time in nature. Additionally, the project applicant and construction contractor would be required to comply with existing federal, state, and local regulations of several agencies, including the Department of Toxic Substances Control (DTSC), the US Environmental Protection Agency (EPA), the Occupational Safety & Health Administration (OSHA), Caltrans, the Ontario Fire Department, and the San Bernardino County Division of Environmental Health Services (DEHS). Also, the project applicant would be required to prepare a Stormwater Pollution Prevention Program that would include spill prevention and cleanup best management practices. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Therefore, hazards to the public or the environment would not arise from the routine use, transport, or storage of hazardous materials during project construction, and no significant impacts would occur.

Operation of the project would involve use of some hazardous materials primarily for cleaning and maintenance purposes. Any commercial-grade chemicals used by uses onsite shall be transported, used, and disposed of consistent with current local, state and federal laws and regulations of several agencies, including DTSC, EPA, OSHA, Ontario Fire Department, and DEHS. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Therefore, hazards to the public or the environment would not arise from the routine use, transport, or storage of hazardous materials during project operation, and impacts would be less than significant.

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?

Potentially Significant Impact. Due to the agricultural uses that currently exist and existed in the past, herbicides and pesticides were likely stored and used on the site. In addition, underground and above ground storage tanks were used for fuel storage for the operation of the agricultural equipment. There is the potential for these chemicals, and other hazardous or potentially hazardous materials, being on the site. It is also likely that the existing buildings and structures may contain hazardous materials such as lead based paint, asbestos, mercury lighting fixtures and switches, etc. Given historic uses and the likely presence of hazardous materials, including those that may be

present in existing buildings and structures, this topic will be further evaluated in the forthcoming EIR.

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

No Impact. The proposed project site is not located within a quarter mile of an existing or proposed school. The nearest is Ramirez Intermediate School in the City of Eastvale, approximately one mile to the southeast of the project site. Ramirez Intermediate School is not located along a construction or operational truck route for the proposed project. Therefore, there would be no impact related to handling or hazardous materials in close proximity of a school.

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?

Potentially Significant Impact. A site-specific environmental site assessment (ESA) for the project site will be analyzed in the forthcoming EIR, which will include an up-to-date governmental database search.

e) For a project within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

Potentially Significant Impact. The project site is located one mile east of the Chino airport. TOP EIR, Figure 5.8-1, *Airport Land Use Compatibility*, shows the proposed project site as within the Chino Airport Overlay area. There is currently no Airport Land Use Compatibility Plan (ALUCP) for San Bernardino County that addresses the Chino Airport, as the plan prepared in 1991 does not reflect the current Airport Master Plan for the facility. The ALUCP for Chino Airport completed by the County of Riverside in 2008 provides additional guidance for development around Chino Airport. Furthermore, the project site is also identified as being in the LA/Ontario airport's airport influence area (AIA). It is unlikely that the construction of business and industrial buildings as proposed in the project would result in a safety hazard related to airports. However, because the project is located within the AIA's of two separate airports, the EIR will further evaluate any safety risks.

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?

No Impact. While the project site is located in close proximity, approximately 1.7 miles to the Chino airport as stated above, the project is not located within the vicinity of any private airstrips. Therefore, there is no impact related to hazards related to private airstrips.

g) Impair implementation of an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The City's Safety Element, as contained within TOP, includes policies and procedures to be administered in the event of a disaster. The TOP seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from every day and disaster emergencies. The City manages disaster preparedness through the Technical Services Bureau of the Ontario Fire Department. This bureau is responsible for the preparation of the community for disasters and the organization of recovery efforts. The City adopted a Local Hazard Mitigation Plan prepared by the Office of Emergency Services of the Ontario Fire Department in 2005. Because the project site has been historically used for agricultural uses it is not identified in any of these plans as being an evacuation area.

Furthermore, construction of the proposed project would be generally confined to the project site and would not physically impair access to the site or the project area. During both construction and long-term operation, the project would be required to maintain adequate emergency access for emergency vehicles as required by the City and the Ontario Fire Department. Because the project is required to comply with all applicable City codes, any emergency evacuation or emergency response plan impacts would be reduced to a less than significant level. No further analysis of this topic is required and no mitigation is 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?

No Impact. According to the California Department of Forestry and Fire Protection's fire hazard map for the City of Ontario, the project site is not within a Very High Fire Hazard Severity Zone¹⁹ (CAL FIRE 2011). Adjacent areas to the project site are also urbanized; therefore, there are no wildlands adjacent to the site that may expose people or structures to wildland fire hazards. No impact would occur.

9. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

¹⁹ http://frap.fire.ca.gov/webdata/maps/statewide/fhszs_map.pdf

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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Violate any water quality standards or waste discharge requirements?

Potentially Significant Impact. The proposed project would involve the conversion of a ±95-acre agricultural site into industrial and business park uses. The development of the project would include construction activities such as demolition, clearing, grading, paving, and building construction. These activities could result in the generation of water quality pollutants that could violate water quality or waste discharge standards. Two permits, each issued pursuant to National Pollutant Discharge Elimination System (NPDES) regulations issued by the EPA, contain water pollution control requirements applicable to the project. The General Construction Permit issued by the State Water Resources Control Board requires the project applicant to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP would specify Best Management Practices (BMPs) to be used during construction of the project to minimize or avoid water pollution.

The project would also result in the construction of new impervious surfaces such as parking lots, sidewalks, and buildings that would increase the levels of runoff from the project site as water infiltration rates would be reduced. A water quality management plan (WQMP) is also required. The WQMP would specify BMPs to be used in project design and project operation. Potential impacts to water quality will be evaluated in the EIR, and mitigation measures will be identified as 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)?

Less Than Significant. The project site is currently used for agricultural uses, including dairy operations and field crops. The site utilizes groundwater for irrigation of crops and other agricultural-related uses, which would cease with implementation of the proposed project. Upon development, the Colony Commerce Center East site would be served by domestic water provided by the City. As described in TOP EIR, the City's water demand is accommodated through potable and non-potable water supplies managed by the City's Public Works Agency. The City manages both the potable and non-potable supplies to ensure withdrawals from the Chino Basin for domestic demands do not exceed the safe yield for the basin, consistent with and in support of implementation of the Chino Basin Watermaster's Optimum Basin Management Program, commonly called the "OBMP Peace Agreement."

The proposed project does not propose the use of any wells or direct groundwater extraction which would deplete groundwater supplies. Because the project site would utilize domestic waterlines and would not rely on groundwater, any impacts related to groundwater supplies would be less than significant. Although development of the proposed project would increase the impermeable surface as compared to current conditions, groundwater recharge would not be affected to the point that it would create a net deficit in aquifer volume because the amount of stormwater that currently percolates into the ground would be redirected to landscaped areas and the proposed detention basins, where it would infiltrate into the soil.²⁰ The use of onsite storm water infiltration systems as a part of the project's design would ensure that impacts related to increased impermeable surfaces are reduced to a less than significant level. In addition, the project site is not located within a storage and recovery recharge area within the Chino Basin.²¹ Therefore, the project would have less than significant direct impact on groundwater recharge. The project's demand for potable water and availability of water supply is addressed in Section 18(d), *Utilities and Service Systems*. This topic will not be analyzed further in the EIR.

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

Potentially Significant Impact. Project implementation could change the drainage pattern onsite. At project completion, the entire site would be covered with buildings, landscaped areas, and hardscape improvements; no bare soil would be left vulnerable to erosion or siltation on- or off-site. During project construction, the project would implement BMPs for reducing or avoiding soil erosion in compliance with the General Construction Permit. These conclusions will be substantiated in the hydrology and drainage studies prepared for the project, and findings will be incorporated into the EIR.

²⁰ Infiltration Testing Proposed Commercial/Industrial Development 15133 Carpenter Avenue Ontario, California; Southern California Geotechnical. December 2014.

²¹ Chino Basin Recharge Master Plan (2010 Update)

- 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?**

Potentially Significant Impact. Hydrology and drainage studies will be prepared to analyze pre- and post-development changes to the rate and amount of surface runoff onsite. Findings will be integrated into the EIR, and mitigation measures will be provided as necessary.

- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

Potentially Significant Impact. Project impacts on existing and planned storm drainage systems will be analyzed in the project drainage and hydrology studies and will be addressed in the EIR. BMPs to be incorporated in the project will also be discussed in the EIR.

- f) Otherwise substantially degrade water quality?**

Potentially Significant Impact. As stated in Section 9(a), above, the proposed project would represent a potentially significant impact related to water quality. Potential impacts to water quality will be evaluated in the EIR, and mitigation measures will be identified as 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?**

No Impact. The project would demolish the three existing single-family homes that are currently located on the project site. The proposed project does not propose to develop any new housing and therefore would not place any housing within a 100-year flood hazard area as mapped on any federal flood hazard delineation maps. No impacts related to housing in 100-year flood zones would occur and no further evaluation is required.

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

No Impact. According to TOP EIR Figure 5.9-2, which delineates the flood hazard zones located within the City of Ontario, the project site is not located within a 100-year flood hazard area. Therefore, the Colony Commerce Center East Specific Plan would not place any structures within one of these hazard areas. No further evaluation is required and there would be no impact.

- 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?**

Potentially Significant Impact. The project site is located in the southern portion of the city and is directly adjacent to the concrete lined Cucamonga Creek Channel. TOP EIR states that much of the City, including the project site, falls in a catastrophic dam failure inundation area. The San Antonio Dam on San Antonio Creek is located approximately 4.7 miles north of the northern City

boundary and could spread two to four feet of water deep over the western and central parts of the City if the dam is at full or near full capacity at the time of catastrophic failure. If the dam is not at capacity, the Cucamonga Creek Channel could contain the inundation until it reaches Holt Avenue where it would overflow the banks and spread approximately two feet of water over the areas in between Vineyard and Archibald Avenues. The TOP EIR determined that because the likelihood of catastrophic failure of the San Antonio Dam is very low and the Ontario Fire Department has established emergency procedures for management of such failure, impacts associated with flooding as a result of failure of a dam would be less than significant. This potential impact will be addressed in the EIR.

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

Less Than Significant. A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin such as a reservoir, harbor, lake, or storage tank. A tsunami is a great sea wave produced by undersea disturbances such as tectonic displacement or large earthquakes. TOP EIR states that mudflows result from the downslope movement of soil and/or rock under the influence of gravity and those mudflows could occur in drainage channels in Ontario during flash floods, but are not expected to pose a substantial hazard in the City, due to the very gently sloping terrain.

The project site is not located near any water storage tanks or reservoirs that would be at risk of seiche during seismic activity. The project site is approximately 31 miles away from the ocean, and therefore, not at risk of tsunami damage. Any impact related to seiche, tsunami or mudflow would only be related to the minor risk of mudflow due to the project site's proximity to the Cucamonga Creek drainage channel. However due to the City's gently sloping terrain, level project area, and lack of surrounding hillsides or slopes, it is very unlikely that a dangerous mudflow would occur and impacts would be less than significant.

10. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

a) Physically divide an established community?

No Impact. Implementation of the proposed project would change the current land uses located on the approximately 95-acre site from agricultural uses including dairies and field crops into a business and industrial park with up to approximately 2.36 million square feet of total building space. The project site also currently features three single-family residences that would be removed

during demolition. The project site is currently surrounded by agricultural uses to the north, west and directly adjacent to the south. There is a residential neighborhood located directly across Archibald Avenue to the east. The project site is bound by Merrill Ave. to the north, Archibald Ave. to the east, the Cucamonga Creek Channel to the west and a smaller drainage channel to the south that follows the San Bernardino-Riverside County border. The residential neighborhood to the east represents the northeastern most edge of the Eastvale Downs neighborhood of the City of Eastvale in Riverside County. Although the proposed project would replace existing agricultural uses with a planned industrial area, it would not physically divide an established community. The land uses proposed for the site are consistent with the land uses designated by TOP, and consistent with proposed business and industrial land uses in the immediate project vicinity. Further analysis of this issue in the EIR is not necessary.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

Potentially Significant Impact. The Colony Commerce Center East Specific Plan is intended to carry out the goals and policies of TOP. The project is not anticipated to interfere or conflict with any other land use plan, policy, or regulation of the City or other public agencies with jurisdiction over the project to avoid or mitigate an environmental effect. However, given the implications for land use planning and affected codes and regulations, the project's consistency with TOP, applicable airport land use compatibility plans [see Hazards, Section 8(e)] and other applicable plans, policies, and/or regulations shall be further analyzed in the forthcoming EIR.

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

No Impact. The project site is not located within any current habitat conservation plan or natural community conservation plan. The project would represent no impact related to habitat conservation plans or natural community conservation plans. Further analysis of this issue in the EIR is not necessary.

11. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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"/>

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?

No Impact. There are no known mineral resources either on the site or in the immediate vicinity of the site that would be impacted by the project. TOP does not identify any known or suspected mineral resources in the project area that could be impacted. The project is located in MRZ-3 per Figure 5.11-1 of TOP EIR. Areas designated by the State of California Geologist as MRZ-3 include land that the significance of mineral deposits cannot be determined from the available data. Since there are no known mineral resources present that are of value to the State, the project would not impact mineral resources.

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

No Impact. According to TOP, the project site has no known mineral resources of value to the region and residents of the City. There is no loss of availability of any locally important mineral resource because the site is not designated as a mineral resource area. Therefore, this issue will not be further analyzed in the EIR.

12. NOISE	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

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?

Potentially Significant Impact. The proposed project would convert a ±95-acre agricultural site into a business and industrial park. Project-related short-term construction activities, as well as long-term operational activities may expose persons in the vicinity to noise levels in excess of standards established by TOP.

Both the short-term construction and long-term operational noise impacts would be potentially significant. A project-specific noise impacts analysis will be prepared to determine the potential impacts associated with exposure of persons to or generation of noise levels in excess of standards established local standards. This topic will be evaluated the EIR, and mitigation will be identified, as needed.

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

Potentially Significant Impact. Groundborne vibration or noise would be associated with construction activities at the project site, including demolition, grading, and building constriction, and with associated hardscape and landscape improvements. These temporary increased levels of vibration could impact vibration-sensitive land uses (single-family homes) west of the project site. This topic will be evaluated in the EIR, and mitigation measures will be recommended as needed.

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

Potentially Significant Impact. The development and operation of the proposed project would result in new sources of noise at the project site compared to existing conditions, primarily from project-related traffic. The EIR will evaluate the potential for noise generated by the project to substantially increase existing noise levels at adjacent land uses. Mitigation measures will be recommended as needed.

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

Potentially Significant Impact. Construction activities associated with the proposed project would result in a temporary increase in noise levels at the project site and at adjacent land uses. Impacts associated with these temporary noise increases during construction activities will be analyzed further in the EIR. Mitigation measures will be recommended as needed.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Potentially Significant Impact. The proposed project is located approximately 1.7 miles east of the nearest runway at the Chino Airport and is within the Chino Airport Overlay. Therefore, the EIR will evaluate the existing noise levels and determine if aircraft operations at the Chino Airport would expose future employees to the excessive noise levels. In addition, the entire City is located within the Airport Influence Area of Ontario International Airport. Therefore, potential noise impacts from aircraft operations will be evaluated in the EIR.

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?

No Impact. The project site is not located within the vicinity of any private airstrip. Therefore, the proposed project has no potential of exposing people to excessive noise levels associated with private airstrip operations.

13. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Induce substantial population growth in an area, either directly or indirectly?

Less Than Significant. The proposed project calls for the development of a business and industrial park offering a variety of uses in Ontario near the San Bernardino County/Riverside County boundary line. The project includes the construction of nine buildings totaling ±1,673,000 SF (Phase 1) and an additional ±231,000 SF of development potential (Phase 2), set on an approximately 95-acre site. The project would not include the construction of any housing units but could lead to a potential population increase in the surrounding area by providing increased employment opportunities. It is estimated that the project would generate additional long-term employment in the area. Because the San Bernardino Association of Governments (SANBAG) subregion is housing rich, this increase in jobs is not expected to create a corresponding increase in housing and population (because the new jobs created by the project will be filled by existing residents from the greater regional area). TOP policy CE1-1 identifies a need to improve the Inland Empire's balance between jobs and housing by promoting job growth that reduces the regional economy's reliance on out-commuting. As such, by providing new employment opportunities within the city, the project would serve to help meet this policy and any impact related to population growth would be considered less than significant.

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

Less Than Significant. The project would demolish the existing structures on the project site for the conversion of the site into a business and industrial park. There are currently three single-family residences on the site that would be displaced upon development of the proposed project. However, the project would not displace a substantial number of houses requiring the construction of a substantial number of replacement houses elsewhere. The project will not have a significant impact on existing housing.

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

Less Than Significant. As discussed in Section 13(b) above, the project site is used mostly for agricultural purposes with three residences on the site. The project would require that the existing residents move from the site with the development of the project. With so few residents being displaced and a large housing stock in the region, their relocation would not be considered substantial or require construction of replacement housing elsewhere. Further analysis of this issue in the EIR is not necessary and no mitigation measures are required.

14. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project 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:				
Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Fire protection?

Potentially Significant Impact. The City of Ontario Fire Department provides fire protection, paramedic, and emergency response services to the project site. The Ontario Fire Department currently has eight fire stations. The closest fire station to the project site is Station #6, located approximately 4 miles north of the project site at 2931 E. Philadelphia Avenue, Ontario, CA 91761. Fire Department staffing needs are determined by the number of calls and requests for fire paramedic, and emergency response services. Construction and operation of the proposed project would increase the number of structures and employees in the project area. Although development of the project will comply with fire department requirements and payment of applicable fire mitigation fees, the proposed project may impact local fire response times. The Fire Department will be consulted to determine the adequacy of existing resources and potential project impacts on fire services. This will be further analyzed in the EIR.

Police protection?

Potentially Significant Impact. The project site is served by the Ontario Police Department. The closest police station to the project site is the Ontario Police Department headquarters which is located approximately on Archibald Avenue, 3 miles north of the project site. The proposed project would involve the conversion of an agricultural site into business and industrial uses. Project construction and operation would increase the number of structures and employees in the project area, resulting in additional calls for police service. The Ontario Police Department will be consulted to determine existing police resources in the City and potential project-generated impacts to services. This topic will be discussed in the EIR.

Schools?

Less Than Significant Impact. The proposed project will be developed with business and industrial land uses. Pursuant to State law, commercial and industrial development is required to pay school impact mitigation fees as adopted by the affected school district. By law, these fees constitute full mitigation of potential impacts upon the affected school district. Therefore, impacts are considered less than significant and the forthcoming EIR will not address potential impacts to schools.

Parks?

Less Than Significant. The site is undeveloped and served by the City of Ontario Parks and Recreation Department. Typically, residential development increases the need for new parks and increases the use of existing citywide park facilities. The proposed project involves development of a business and industrial park and would not directly provide new housing opportunities and new residents to the area. Although new employees may occasionally use local parks, such increase in use is considered marginal and would not result in deterioration to facilities such that the construction or expansion of recreational facilities would be necessary. Therefore, any increased demand on the public parks within the city would be considered a less than significant impact. This issue will not be addressed in the forthcoming EIR.

Other public facilities?

Less Than Significant. The proposed project involves industrial and business development and would not provide new housing opportunities to the area. The proposed project is not likely to create a significant increase in the use of other public facilities such as libraries, community centers, post offices or animal shelters. Therefore, impacts are considered less than significant and the forthcoming EIR will not address potential impacts to other public facilities.

15. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Less Than Significant. Approval of the proposed Colony Commerce Center East Specific Plan would convert an agricultural site into a business and industrial park. Development of the proposed project would not directly increase housing or population, which typically cause an increase in the demand for and use of existing neighborhood parks and other citywide recreational facilities. Although new employees may occasionally increase the use of existing local parks, neighborhood and regionals parks, employees' limited use would not result in deterioration to facilities such that the construction or expansion of recreational facilities would be necessary. Any impacts related to the physical deterioration of existing recreation parks or facilities would be less than significant. This issue will not be addressed in the forthcoming EIR.

b) Require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less Than Significant Impact. The proposed project involves industrial and business development and would not include any recreational facilities, nor result in the expansion of any existing recreational facilities. As described above, the indirect increase in population as a result of new employment opportunities would not result in use of recreational facilities sufficient to cause deterioration such that the construction or expansion of recreational facilities would be necessary. Therefore, there would be less than significant impacts associated with recreational facilities and this topic will not be discussed in the forthcoming EIR.

16. TRANSPORTATION AND TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature or incompatible uses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

-
- 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?**

Potentially Significant Impact. Development of the project would result in an increase in vehicle trips, which may conflict with local plans, policies, or ordinances. Project construction would also temporarily increase vehicle trips on nearby roadways. A traffic impact analysis will be prepared to assess existing traffic conditions, forecast project-generated traffic volumes and distribution, and forecast traffic conditions in the project buildout year with and without the project. Impacts related to compliance with plans and policies that establish measures of effective performance of the circulation system would be potentially significant, and this issue will be discussed in more detail in the EIR.

- 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?**

Potentially Significant Impact. The San Bernardino County Congestion Management Program (County CMP) identifies arterials in close proximity to the project area, including Archibald Avenue. Project traffic has the potential to significantly impact the level of service standard established by the County CMP for these designated roads or highways. The project EIR will evaluate the impact of project traffic to these CMP roadways and recommend mitigation measures, as applicable.

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?

Potentially Significant Impact. The proposed project site is located approximately 1.7 miles to the east of Chino Airport and approximately five miles to the south of Ontario International Airport and is located in the Airport Influence Area for both airports. The project would convert the approximately 95-acre site from an agricultural use into a business and industrial park. The proposed project would require the construction of nine new business and industrial buildings with maximum allowed heights of 65 feet. While the proposed building heights would not be likely to create a change in air traffic patterns for either airport, the EIR will analyze the potential impact and recommend mitigation measures, if necessary.

d) Substantially increase hazards due to a design feature or incompatible uses?

Potentially Significant Impact. The project does not propose changes to the City's circulation system, such as the redesign or closure of streets, and would not add incompatible uses such as farm equipment to area roadways. Design features of the project circulation plan, including access lanes and internal roadways, will be discussed in the EIR regarding potential hazards such as sharp curves or dangerous intersections. Mitigation measures will be recommended as needed.

e) Result in inadequate emergency access?

Less Than Significant. The project will be designed to provide access for all emergency vehicles and meet all applicable City of Ontario Fire and Police Department access requirements. During construction activities that include road and sidewalk improvements, both Archibald Avenue and Merrill Avenue would maintain one open lane to ensure emergency access. In addition, the project would still allow emergency vehicles to access to the residential neighborhoods to the east. As a result, the project would not have any significant impacts to emergency access and this issue will not be further evaluated in the EIR.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Potentially Significant Impact. The proposed project would not result in substantial changes to the project area's circulation patterns and would not change the circulation system routes. However, a traffic study will be prepared as part of the EIR to examine the project's consistency with adopted policies, plans, or programs related to public transit, bicycle, pedestrian facilities, and to determine if the project would otherwise decrease the performance or safety of these facilities. The EIR will analyze the potential impact and recommend mitigation measures, if necessary.

17. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

Potentially Significant Impact: In addition to consultation with Native American tribes that have provided notification to the City, a cultural resources assessment will be prepared with a literature review and records search related to potential site-specific tribal cultural resources. Additionally, a Sacred Lands search request will be obtained from the Native American Heritage Commission (NAHC) as part of the tribal consultation process. Results of the updated cultural resources assessment and tribal consultation will be included in the EIR. If required, mitigation measures will be recommended.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.?

Potentially Significant Impact. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (Public Resources Code § 21074). In order to determine whether any tribal cultural resources could be impacted by the proposed project, California Native American tribes that are traditionally and culturally affiliated with the project area will be contacted early in the CEQA process (Public Resources Code § 21080.3.1), and consultation undertaken with those Native American tribes that express an interest in engaging in consultation for this project. The EIR will evaluate potential impacts of the proposed project on tribal cultural resources, and mitigation measures will be provided as needed.

18. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

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

Less Than Significant Impact. The City of Ontario would provide wastewater collection and the IEUA will provide wastewater treatment for the project. The wastewater would be treated at the RP5. The quality of wastewater treated at IEUA is overseen by two agencies, the Santa Ana RWQCB and the California Department of Public Health (CDPH). The Santa Ana RWQCB has regional permitting authority over water quality issues and the CDPH oversees standards and health concerns. The regulatory program of the Santa Ana RWQCB is designed to minimize and control discharges to surface and groundwater, largely through permitting, such that water quality standards are effectively attained. Title 22 of the California Code of Regulations provides the regulatory setting for drinking water quality in California and is followed by these agencies when they assess water quality. The wastewater treated in all of IEUA's regional plants meets or exceeds the standards of water quality set by Title 22 of the California Code of Regulations (IEUA 2005). The proposed would construct buildings for office and industrial uses, which are not the type of uses that generate wastewater that would cause the IEUA to exceed wastewater treatment requirements. Therefore, the project would not have any significantly impact to the water quality standards of the Santa Ana RWQCB and the CDPH.

Impacts to wastewater treatment requirements would therefore be less than significant under the proposed project and will not be further analyzed in the EIR.

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?

Potentially Significant Impact. The City of Ontario would provide wastewater collection and the Inland Empire Utilities Agency (IEUA) would provide wastewater treatment for the project. The City of Ontario Master Plan of Sewer shows an existing 42-inch sewer main in Archibald Avenue joining the existing 42-inch IEUA Eastern Trunk Sewer at the intersection of Archibald Avenue and Future Remington Avenue and continues southwest along our southerly property line, parallel to the County Line Channel where it crosses Cucamonga Creek Channel. The project would require the construction of both on- and off-site sewer and water mains to serve the site. Increased development may necessitate expanded water and wastewater collection and treatment facilities and may result in a potentially significant impact. IEUA will be consulted to determine whether project impacts would result in adverse impacts on the existing water and wastewater treatment facilities. The impact will be further analyzed in the EIR and mitigation measures will be provided as needed.

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?

Potentially Significant Impacts. The City of Ontario Storm Drain Master Plan identifies storm drain improvements to serve the project site. Completion of these Master Plan improvements would provide storm water drainage for the project site. Development of agricultural site would increase the amount of surface water from the site due to an increase in the amount of impermeable surfaces. Construction of new storm drain facilities could have a potentially significant impact. The forthcoming EIR will evaluate the potential impacts of the construction of storm drain facilities and recommend mitigation measures, as applicable.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Potentially Significant Impact. The project area is served with potable water by IEUA. The project is subject to the provisions of SB 221 and SB 610; a water supply assessment is being prepared to determine if an adequate supply of water is available to serve the project. The project EIR will evaluate the availability of adequate water supplies to serve the project and recommend mitigation measures, as applicable.

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?

Potentially Significant Impact. Wastewater treatment for the project would be provided by IEUA's RP5 treatment plant. The RP5 wastewater treatment plant has an average flow of 11.5

million gallons per day (mgd) and a current capacity of 16.3 mgd²². Although the RP5 treatment plant has capacity, the EIR will examine the amount of wastewater that would be produced by the project and will determine if the proposed project would cause the plant to exceed its capacity. This topic will be discussed in the forthcoming EIR.

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

Potentially Significant Impact. The City of Ontario would provide solid waste collection services to the project. 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. The project would increase in the amount of solid waste generated, thereby resulting in a contribution of waste that would add to the capacity at the landfills that are designated to serve the project. The EIR will further evaluate impacts related to disposal of solid waste.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant Impact. The Resource Conservation and Recovery Act of 1976 (United States Code Title 42, Section 6901 et seq.) governs the creation, storage, transport, and disposal of hazardous wastes and operators of hazardous waste disposal sites.

AB 939, the Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000 et seq.) requires all local governments to develop source reduction, reuse, recycling, and composting programs to reduce tonnage of solid waste going to landfills. Cities must divert at least 50 percent of their solid waste generation into recycling. Compliance with AB 939 is measured for each jurisdiction, in part, as actual disposal amounts compared to target disposal amounts. Actual disposal amounts at or below target amounts comply with AB 939. As required by Title 6, Chapter 3 of the Ontario Municipal Code, the City must comply with State law to reduce solid waste generation, promote reuse and require solid waste collection for recycling and composting. The City would require the project to reduce solid waste generation and recycle materials as much as feasible to reduce solid waste. Because the project would be required by the City to recycle, the project would not have a significant impact to any federal, state or local statutes or regulations related to solid waste.

19. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

²² <https://www.ieua.org/facilities/rp-5/>

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 projects, and the effects of probable future projects)?



c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?



- 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, 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?**

Potentially Significant Impact. Development of the Colony Commerce Center East project has the potential to impact habitat of a fish or wildlife species or rare, endangered species of plant or animal, or plant or animal communities. As previously stated, a site specific biological resources study will be conducted to determine potential biological resources impacts. Additionally, project ground-disturbing activities could damage previously undiscovered archaeological and/or paleontological resources. Thus, impacts to biological and cultural resources are potentially significant and will be analyzed in the EIR. Mitigation measures will be recommended as needed.

- 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 projects, and the effects of probable future projects)?**

Potentially Significant Impact. Cumulative impacts are defined as two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the development when added to the impacts of other closely related past, present, and reasonably foreseeable or probable future developments. Cumulative impacts can result from individually minor, but collectively significant, developments taking place over a period.

The proposed Specific Plan is part of a logical sequence of proposed and approved Specific Plans intended to implement the Ontario Ranch and as such, the proposed project in conjunction with other projects would contribute to potentially significant cumulative impacts. Therefore, potential for cumulative impacts will be analyzed in the EIR. Mitigation measures will be recommended as needed.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

Potentially Significant Impact. Development of the agricultural site into an urban business and industrial park could directly or indirectly cause substantial adverse effects on human beings if not properly mitigated. The proposed project could result in air quality, agricultural, biological, cultural, geotechnical, greenhouse gas, hazardous material, hydrology, land use, noise, public services, traffic, tribal cultural resources, and utility services impacts that all could result in adverse effects on human beings. These impacts will be addressed in the EIR, and mitigation measures will be recommended as needed.

EARLIER ANALYSES

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). The following earlier analyses were used and are available for review online at:

- The Ontario Plan Final EIR (including Section 5.2 Agricultural Resources; Section 5.5 Cultural Resources; Section 5.7, *Geology and Soils*, Figure 5.7-2; Section 5.8 *Hazards and Hazardous Materials*, Figure 5.8-1; Section 5.9, *Hydrology and Water Quality*, Figure 5.9-2; Section 5.10 *Land Use and Planning*; Section 5.11 *Mineral Resources*, Figure 5.11-1) <http://www.ontarioplan.org/environmental-impact-report/>
- The Ontario Plan (CD Community Design Element; CE Community Economics Element; ER Environmental Resources Element; LU Land Use Element; M Mobility Element; S Safety Element) <http://www.ontarioplan.org/policy-plan/>
- LA/Ontario International Airport Land Use Compatibility Plan: <http://www.ontarioplan.org/alucp-for-ontario-international-airport/>
- The City of Ontario's Historic Context For the New Model Colony Area. http://www.ontarioca.gov/sites/default/files/Historic-Preservation/the_dairy_industry.pdf
- Comprehensive Land Use Plan – Chino Airport. <http://www.sbcounty.gov/Uploads/lus/Airports/Chino.pdf>

All documents listed above are on file with the City of Ontario Planning Department, 303 East "B" Street, Ontario, California 91764.

Colony Commerce Center East Specific Plan (PSP16-03)

NOP Comments

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING (MS 725)

464 WEST 4th STREET, 6thFLOOR

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March 22, 2017

File: 08-SBd-83-PM 3.606**File: 08-RIV-15-PM 48.562**

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

Subject: Colony Commerce Center East Specific Plan – Notice of Preparation for a Draft Environmental Impact Report

Dear Mr. Ayala:

Thank you for providing the California Department of Transportation (Caltrans) the opportunity to review and comment on the Notice of Preparation for Draft Environmental Impact Report (DEIR) for the Colony Commerce Center East Specific Plan (Project), located south of Merrill Avenue, east of the Cucamonga Creek Channel, and west of Archibald Avenue in the City of Ontario, in San Bernardino County. The proposed project allows for the development of a 1,904,000 square feet industrial development.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act, it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of San Bernardino, due to the project's potential impact to the State facilities, it is also subject to the policies and regulations that govern the SHS.

In the preceding DEIR, we recommend a Traffic Impact Analysis (TIA) to accurately evaluate the extent of potential impacts of the project to the operational characteristics of the existing State facilities by the project area. Additionally, we recommend the TIA be submitted prior to the circulation of the DEIR to ensure timely review of the submitted materials and a preliminary scoping meeting to discuss any potential issues. We offer the following comments:

- 1) **Submit three hard copies of all TIA documents and three electronic files for review.**
All State facilities within 5-mile radius of the Project should be analyzed in the TIA. Additionally, an Intersection Control Evaluation and a queuing analysis are required to be reviewed by Caltrans. The data used in the TIA should not be more than 2 years old, and shall be based on the Southern California Association of Governments 2016 Regional Transportation Plan Model. Use the Highway Capacity Manual 2010 methodology for all traffic analyses. (See *Caltrans Guide for the Preparation of Traffic Impact Studies* at http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

Caltrans is committed to providing a safe transportation system for all users. We encourage the City to embark a safe, sustainable, integrated and efficient transportation system and complete street to enhance California's economy and livability. A pedestrian/bike-friendly environment served by multimodal transportation would reduce traffic congestion prevalent in the surrounding areas. (See *Complete Street Implementation Action Plan 2.0* at http://www.dot.ca.gov/hq/tpp/offices/ocp/docs/CSIAP2_rpt.pdf).

- 2) Design the local streets to serve vehicular and pedestrian circulation equally, and for safe pedestrian friendly environment. Consider both Americans with Disability Act and California Highway Design Manual standards and requirements to provide transportation routes for all users and modes, including pedestrian and bicyclists. "A Policy on Geometric Design of Highways and Streets," issued by AASHTO, and the "Highway Capacity Manual", published by the Transportation Research Board contain pedestrian LOS criteria. These are means of measuring the ability of the existing pedestrian facilities to provide pedestrian mobility and to determine the need for improvements expansions.
- 3) Provide a continuous multi-modal circulation system throughout the City, specifically for pedestrians, allowing current/future residents, employees, and guests to access the attraction places. A pedestrian friendly environment might have urban street frontages, shaded pedestrian links, and open spaces/pocket parks with the high visibility crosswalks. Consider no car zone in downtown area, and installing traffic calming devices, such as signage, road bulbs, chicanes, raised crosswalks, and speed humps and reducing curb-to-curb road widths and employing roadway design features such as islands, pedestrian refuges, and pedestrian count-down signal as needed and appropriate to improve safety and to enhance walkability within the community.
- 4) We recommend that the City take advantage of currently available incentive programs, technical, and financial assistance from South Coast Air Quality Management District to implement efficiency measures and other low emission technology. Consider using energy efficient products, new lighting technology, "super-compliant" coatings, tree planting and the use of lighter colored roofing and paving materials which reduce energy usage by lowering the ambient temperature in the design of the new developments.

Mr. Ayala
March 22, 2017
Page 3

- 5) Relegate the parking spaces to the back of the buildings and locate preferential parking for vanpools and carpools, along with, secure, visible, and convenient bicycle parking/racks accessible to retail and office locations. Consider installing electric vehicle charging stations, and locate parking space for low-emitting, fuel-efficient, alternative-fueled vehicle visitor parking in commercial and office uses.

These recommendations are preliminary and summarize our review of materials provided for our evaluation. If this project is later modified in any way, please forward copies of revised plans as necessary so that we may evaluate all proposed changes for potential impacts to the SHS. If you have any questions regarding this letter, please contact Jacob Mathew (909) 806-3928 or myself at (909) 383-4557.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Roberts", with a long horizontal flourish extending to the right.

MARK ROBERTS
Office Chief
Intergovernmental Review, Community and Regional Planning



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0167
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



April 17, 2017
Sent via email

Mr. Richard Ayala
Senior Planner
City of Ontario
Planning Department
303 East B Street
Ontario, CA 91764
rayala@ontarioca.gov

Subject: Notice of Preparation of a Draft Environmental Impact Report
Colony Commerce Center East Specific Plan
State Clearinghouse No. 2017031048

Dear Mr. Ayala:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Colony Commerce Center East Specific Plan (project) [State Clearinghouse No. 2017031048]. The Department is responding to the NOP as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The approximately 95-acre project site is located immediately southwest of the Merrill Avenue and Archibald Avenue intersection in the City of Ontario, San Bernardino County, California. The project proposal includes a specific plan, tentative tract map, development plan, and development agreement for Phase 1 of the specific plan. Phase 1 proposes the construction of nine buildings with loading docks resulting in a total of 1,673,000 square feet of business and industrial space. Similar development is anticipated in Phase 2 resulting in approximately 231,000 square feet of business and industrial space.

COMMENTS AND RECOMMENDATIONS

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). The Department offers the comments and recommendations presented below to assist the City of Ontario (City; the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable the Department to adequately review and comment on the proposed project with respect to impacts on biological resources.

The Department recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable Department staff to adequately review and comment on the project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

The Department recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. The Department recommends that floristic, alliance- and/or association based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. The Department's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed project. The Department recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

Please note that the Department's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. The Department recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the project footprint and within offsite areas with the potential to be effected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service, where necessary. Note that the Department generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if the project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

Based on the Department's local biological knowledge of the project area, and review of CNDDDB, the project site has a high potential to support both nesting and foraging habitat for burrowing owl (*Athene cunicularia*), a California Species of Special Concern. As such, the Department recommends that the City, during preparation of the DEIR, follow the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012); available for download from the Department's website at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>

The Staff Report on Burrowing Owl Mitigation specifies that project impact evaluations include:

- a. A habitat assessment;
- b. Surveys; and
- c. An impact assessment

As stated in the *Staff Report on Burrowing Owl Mitigation*, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of

proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following the Department's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://www.wildlife.ca.gov/Conservation/Plants>);
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]);

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the project. To ensure that project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address project-related changes on drainage patterns and water quality within, upstream, and downstream of the project site, including: volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site.
2. A discussion of potential indirect project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).
3. An evaluation of impacts to adjacent open space lands from both the construction of the project and long-term operational and maintenance needs.
4. A cumulative effects analysis developed as described under CEQA Guidelines § 15130. Please include all potential direct and indirect project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats,

open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

Note that the DEIR must describe and analyze a range of reasonable alternatives to the project that are potentially feasible, would “feasibly attain most of the basic objectives of the project,” and would avoid or substantially lessen any of the project’s significant effects (CEQA Guidelines § 15126.6[a]).

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the project. When proposing measures to avoid, minimize, or mitigate impacts, the Department recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the project area. The Department also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. The Department recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: The Department considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.
3. *Mitigation*: The Department considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not

feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If burrowing owls and/or their habitat may be impacted from the project, the Department recommends that the City include specific mitigation in the DEIR. CEQA Guidelines §15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

The Department recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). Furthermore, in order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. Current scientific literature supports the conclusion that mitigation for permanent burrowing owl habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, dispersal, presence of burrows, burrow surrogates, presence of fossorial mammal dens, well drained soils, and abundant and available prey within close proximity to the burrow.

4. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum:
(a) the location of restoration sites and assessment of appropriate reference sites;
(b) the plant species to be used, sources of local propagules, container sizes, and seeding rates;
(c) a schematic depicting the mitigation area;
(d) a local seed and cuttings and planting schedule;
(e) a description of the irrigation methodology;
(f) measures to control exotic vegetation on site;
(g) specific success criteria;
(h) a detailed monitoring program;
(i) contingency measures should the success criteria

not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

The Department recommends that local onsite propagules from the project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

5. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) also afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

The Department recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the DEIR, the Department recommends that they be required no more than three (3) days prior to vegetation clearing or ground

disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

6. *Moving out of Harm's Way*: The proposed project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, the Department recommends that the lead agency condition the DEIR to require that a Department-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., the Department does not recommend relocation to other areas). Furthermore it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.
7. *Translocation of Species*: The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the California Endangered Species Act (CESA). The Department recommends that a CESA ITP be obtained if the project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

The Department encourages early consultation, as significant modification to the proposed project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. Please note that the proposed avoidance, minimization, and mitigation measures must be sufficient for the Department to conclude that the project's impacts are fully mitigated and the measures, when taken in aggregate, must meet the full mitigation standard. Revisions to the California Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA ITP unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit.

Lake and Streambed Alteration Program

Fish and Game Code section 1602 requires an entity to notify the Department prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, the Department determines if the proposed project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your project that would eliminate or reduce harmful impacts to fish and wildlife resources.

The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Additional Comments and Recommendations

California has recently experienced one of the most severe droughts on record. To ameliorate the water demands of this project, the Department recommends incorporation of water-wise concepts in project landscape design plans. In particular the Department recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts, and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens (for example the Riverside-Corona Resource Conservation District in Riverside). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <http://saveourwater.com/what-you-can-do/tips/landscaping/>

Further Coordination

The Department appreciates the opportunity to comment on the NOP of a DEIR for the Colony Commerce Center East Specific Plan (SCH No. 2017031048) and recommends that City of Ontario address the Department's comments and concerns in the forthcoming DEIR.

If you should have any questions pertaining to the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Edith Martinez at (909) 944-0187 or at Edith.Martinez@wildlife.ca.gov.

Sincerely,

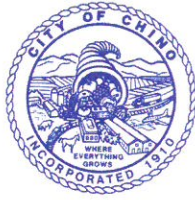

Leslie MacNair
Regional Manager

Literature Cited

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California.
<http://vegetation.cnps.org/>

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City Manager

CITY of CHINO

April 14, 2017

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

RE: Notice of Preparation of a Draft Environmental Impact Report (DEIR) Colony Commerce Center East Specific Plan (PSP16-03)

Dear Mr. Ayala,

Thank you for the opportunity to review the Notice of Preparation of a DEIR Colony Commerce Center East Specific Plan (PSP16-03). Based upon our review, the City of Chino has the following comment:

Public Works Department

1. The City would like to review the project's traffic study scoping agreement when it becomes available in order to evaluate trip distribution and proposed study intersections in the City of Chino.

Please let me know if you have any questions. I can be reached at (909) 334-3330 or via email at kle@cityofchino.org.

Sincerely,

Kim Le
Associate Planner





Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

www.SBCounty.gov

Gerry Newcombe
Director

VIA EMAIL

April 12, 2017

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

File: 10(ENV)-4.01

RE: CEQA – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN (PSP 16-03) FOR THE CITY OF ONTARIO

Dear Mr. Ayala:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on March 22, 2017** and pursuant to our review, the following comments are provided:

GENERAL COMMENTS

We are aware there may be storm drains in and around the project site that may be affected by the proposed project. When planning for or altering existing or future storm drains, be advised that the Project is subject to the Ontario Master Plan of Drainage dated March 2012. If you have any questions, please contact Michael Fam in the Flood Control Planning Division at 909-387-8120.

Permits/Operations Support Division (Melissa Walker, Chief, 909-387-7995):

Since this project is near the San Bernardino County Flood Control District's (District) Cucamonga Creek and County Line Channel facilities, any work affecting the right-of-way for either of these facilities would need a Flood Control Permit. If a permit is required, its necessity and any impacts associated with the construction should be addressed in the EIR.

Flood Control Planning Division (Michael Fam, PWE III, 909-387-8120):

District facilities built by the Army Corps of Engineers (ACOE) will require the District to obtain approval (408 Permit) from the ACOE. If a permit is required, its necessity and any impacts associated with the construction should be addressed in the EIR.

BOARD OF SUPERVISORS

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DENA M. SMITH
Interim Chief Executive Officer

Environmental Management Division (Patrick Egle, Planner III, 909-387-1865):

This area is known to support several sensitive species including: burrowing owl, a state species of special concern; Delhi sands flower-loving fly, a federally protected species; as well as least Bell's vireo, a state and federal endangered species. The EIR will need to adequately address project impacts to these species and habitats as well as identify proposed mitigation measures.

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,



Michael R. Perry
Supervising Planner
Environmental Management

MRP:PE:sr

Email: rayala@ontarioca.gov

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. #40

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*Making Conservation
a California Way of Life.*

April 17, 2017

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

Dear Mr. Ayala:

Re: Notice of Preparation for Colony Commerce Center East Specific Plan; SCH# 2017031048

The California Department of Transportation, Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise, and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. The following comments are offered for your consideration.

The proposed specific plan project would allow for approximately 95 acres of industrial and business park development on land that is current used mainly for agricultural uses. The project site is located approximately 1.5 miles east of the Chino Airport.

In accordance with CEQA, Public Resources Code Section 21096, the California Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two miles of an airport. The Handbook is a resource that should be applied to all public use airports and is available on-line at <http://dot.ca.gov/hq/planning/aeronaut/documents/alucp/AirportLandUsePlanningHandbook.pdf>

The project site appears to be within Safety Zone 6, also known as the Traffic Pattern Zone, for Chino Airport as defined in the Caltrans Handbook. The Handbook generally recommends avoiding very high intensity land uses within safety zone 6. Airport-related noise, safety and land use concerns should be thoroughly addressed in the environmental impact report.

Due to its proximity to the airport, the project site may be subject to aircraft overflights and subsequent aircraft-related noise impacts. Since communities vary greatly in size and character from urban to rural, the level of noise deemed acceptable in one community is not necessarily the same for another community.

California Public Utilities Code (PUC) Section 21659 prohibits structural hazards near airports. In accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace" a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the Federal

Mr. Ayala
April 17, 2017
Page 2

Aviation Administration (FAA). Form 7460-1 is available on-line at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically to the FAA.

In accordance with PUC Section 21676 *et seq.*, prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission (ALUC), the local agency shall first refer the proposed action to the ALUC.

In addition to submitting the proposal to the ALUC, it should also be coordinated with airport staff to ensure that the proposal will be compatible with future as well as existing airport operations.

These comments reflect the areas of concern to the Division with respect to airport-related noise, safety, and regional land use planning issues. We advise you to contact our District 8 office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please contact me at (916) 654-6223, or by email at philip.crimmins@dot.ca.gov.

Sincerely,

Original Signed by

PHILIP CRIMMINS
Aviation Environmental Specialist

c: State Clearinghouse, Chino Airport

Johnson, Smith & Foy

A T T O R N E Y S a t L A W
P.O. Box 1029, Temecula, CA 92593

Abigail A. Smith, Esq.
Kimberly Foy, Esq.

Abby@SoCalCEQA.com
Kim@SoCalCEQA.com
Telephone: (951) 506-9925
Fax: (951) 506-9975

April 12, 2017

Via Email Only

Richard C. Ayala
Senior Planner
Ontario Planning Dept.
303 East "B" Street
Ontario, CA 91761

RE: COMMENTS ON NOTICE OF PREPARATION- COLONY COMMERCE CENTER EAST SPECIFIC PLAN (PSP 16-03)

Greetings:

Thank you for the opportunity to comment on the Notice of Preparation for the Colony Commerce Center East Specific Plan Project (PSP16-03). The Project proposes development of up to 1.9 million square feet of development on 95 acres of undeveloped agricultural land in the Ontario Ranch section of the City.

The Project proposes development in 2 phases: PA-1 and PA-2 would comprise phase 1 and develop 1,673,000 sf among nine (9) business park and industrial buildings. Phase 2 and PA-3 anticipates similar development comprising 231,000 sf. The Project proposal includes a Specific Plan, Tentative Tract Map, Development Plan, and Development Agreement for PA-1 and -2.

The Initial Study does not include the TTM or Development Plan; however, the IS states PA- 1 adjacent to Archibald Avenue would be developed as Business Park. This is commendable, as siting business park uses in this area closest to existing residences will help reduce some effects of industrial pollutant emissions, particularly diesel PM. The Project or the EIR's alternatives evaluation should also consider locating vehicle parking and loading docks interior of these buildings, and providing extensive landscaping fronting roadways. Landscaping and attractively planned buildings may then be used to reduce some of the adverse impacts to nearby residential uses by blocking noise, pollutant emissions, and unattractive visuals.

The impact to scenic vistas should be evaluated as "potentially significant" in the EIR to address blocked views of the San Gabriel Mountains, Jurupa Mountains, San Bernardino Mountains, Santa Ana Mountains, and Chino Hills. The Project's buildings are proposed to be quite tall (up to 65 feet for architectural projections) so may impact views from the adjacent residential neighborhood, roadways, and other nearby residences; despite the 30- foot setback from

Archibald Avenue. Additional spacing between buildings, reducing the building heights, and increasing setbacks (i.e. 100 feet) should be considered as mitigation for potential effects.

The EIR should adequately evaluate and propose mitigation to reduce impacts to agricultural resources, particularly where the site is important farmland under a Williamson Act contract. The potential to conflict with a Williamson Act contract should be considered as a “potentially significant” impact in the EIR where a portion of the site contains an active contract and would result in the cancellation of the contract. Whether active contracts exist on nearby properties should also be disclosed and considered. Generally, secondary and off-site impacts to agricultural resources should be evaluated where the Project may result in conversion of farmland via increased development pressures and conflicting uses. Adequate mitigation for impacts to farmland should be considered, including i.e. purchase of conservation easements or in lieu credits to replace farmland at a minimum 1:1 ratio.

Given the past agricultural use of the site, any evaluation of hazard/ hazardous materials and construction air quality impacts should include a soils analysis and evaluation of additional construction work needed to mitigate for soils. Construction work to, for example, over-excavate the site, mix soils onsite, or import/ export soils (including any secondary effects of import/ export from trucking trips) should be disclosed. Potential emissions of harmful pollutants during grading/ site preparation should also be evaluated. Similarly, odors may be significant during construction (grading, site preparation, etc.) from disturbing soils from the past dairy farm operation—a potentially significant impact that should be evaluated in the EIR.

The air quality analysis should also ensure health risks to sensitive receptors are evaluated considering all sensitive receptors near the site and near proposed truck routes to be used by the Project. The EIR should be sure not to overlook existing sensitive receptors located on area agricultural lands. The method of analysis should comply with SCAQMD guidance.

In evaluating impacts to biological resources, impacts to burrowing owls should be evaluated, as should the efficacy of any proposed mitigation. In addition, potential downstream impacts to biological resources from additional runoff volumes, rates, and pollutants should be analyzed where the Project is located adjacent to Cucamonga Creek and County Line flood control channels.

Traffic impacts in other jurisdictions and highways should be evaluated in the EIR pursuant to their applicable thresholds and standards. The traffic assessment should be based on trip forecasts from SCAQMD or ITE rates, and should consider impacts to/ from end destinations to the extent feasible. In addition, secondary and off-site impacts from roadway expansion should be evaluated in the EIR.

Lastly, while the Project would not add farm equipment or related hazards to area roadways, as stated in the Initial Study; it would add truck trips to adjacent existing agricultural/ farm equipment and residential uses. Hazards from introducing additional heavy duty truck trips

April 12, 2017

Comments on Notice of Preparation

adjacent to residential and agricultural uses; and potential conflicts therefrom; should be evaluated in the EIR as a potentially significant impact.

Thank you for your consideration of these comments.

Sincerely,

Kimberly Foy, Esq.

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471
Email: naahc@naahc.ca.gov
Website: <http://www.naahc.ca.gov>
Twitter: @CA_NAHC



March 28, 2017

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

sent via e-mail:
rayala@ontarioca.gov

RE: SCH# 2017031048; Colony Commerce Center East Specific Plan Project, Notice of Preparation for Draft Environmental Assessment, San Bernardino County, California

Dear Mr. Ayala:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. **Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).

- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)). *This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason,

we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Notice of Preparation

March 17, 2017



To: Reviewing Agencies

Re: Colony Commerce Center East Specific Plan
SCH# 2017031048

Attached for your review and comment is the Notice of Preparation (NOP) for the Colony Commerce Center East Specific Plan draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

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

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2017031048
Project Title Colony Commerce Center East Specific Plan
Lead Agency Ontario, City of

Type NOP Notice of Preparation

Description The proposed project allows for the development of a +/-1,904,000 sf industrial development on +/- 95 acres of land. The project site consists of six parcels within 3 planning areas. The project proposal includes a specific plan, tentative tract map, development plan, and the development agreement for PA-1 and PA-2, which would be developed as phase 1 of the specific plan, and includes +/-1,673,000 sf of development. No specific development proposal has been submitted for PA-3 (phase 2 of the specific plan); therefore, the development potential of +/-231,000 sf will be analyzed for this PA. The max building height would be 65 ft.

Lead Agency Contact

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

Project Location

County	San Bernardino
City	Ontario
Region	
Cross Streets	Merrill Ave and Archibald Ave
Lat / Long	33° 58' 53" N / 117° 3' 38" W
Parcel No.	0218-333-02, 03, 07, 08, 10, 13
Township	

Range

Section

Base

Proximity to:

Highways	
Airports	Chino
Railways	
Waterways	Cucamonga Creek Channel
Schools	Ramirez Intermediate
Land Use	GP: Industrial (0.55 FAR) and business park (0.06 FAR); Z: SP with AG

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Other Issues; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies	Resources Agency; Department of Fish and Wildlife, Region 6; Department of Parks and Recreation; Department of Water Resources; Department of Conservation; Native American Heritage Commission; Caltrans, District 8; Caltrans, Division of Aeronautics; Department of Housing and Community Development; Regional Water Quality Control Board, Region 8
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Date Received	03/17/2017	Start of Review	03/17/2017	End of Review	04/17/2017
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Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH# 7031048

Project Title: Colony Commerce Center East Specific Plan

Lead Agency: City of Ontario

Contact Person: Richard Ayala

Mailing Address: 303 East "B" Street

Phone: (909) 395-2036

City: Ontario

Zip: 91764

County: San Bernardino

Project Location: County: San Bernardino City/Nearest Community: Ontario

Cross Streets: Merrill Avenue and Archibald Avenue Zip Code: 91762

Longitude/Latitude (degrees, minutes and seconds): 33 ° 58 ' 53 " N / 117 ° 3 ' 38 " W Total Acres: ±95

Assessor's Parcel No.: 0218-333-02,-03,-07,-08,-10,-13

Section:

Twp.:

Range:

Base:

Within 2 Miles: State Hwy #:

Waterways: Cucamonga Creek Channel

Airports: Chino

Railways:

Schools: Ramirez Intermediate

Document Type:

CEQA: ☒ NOP

☐ Draft EIR

NEPA: ☐ NOI

Other: ☐ Joint Document

☐ Early Cons

☐ Supplement/Subsequent EIR

☐ EA

☐ Final Document

☐ Neg Dec

(Prior SCH No.)

☐ Draft EIS

☐ Other:

☐ Mit Neg Dec

Other:

☐ FONSI

Local Action Type:

☐ General Plan Update

☒ Specific Plan

☐ Rezone

☐ Annexation

☐ General Plan Amendment

☐ Master Plan

☐ Prezone

☐ Redevelopment

☐ General Plan Element

☐ Planned Unit Development

☐ Use Permit

☐ Coastal Permit

☐ Community Plan

☒ Site Plan

☒ Land Division (Subdivision, etc.)

☒ Other:

Development Type:

☐ Residential: Units

Acres

☐ Office: Sq.ft.

Acres

Employees

☐ Transportation: Type

☐ Commercial: Sq.ft.

Acres

Employees

☐ Mining: Mineral

☒ Industrial: Sq.ft. 1.9M

Acres 95

Employees

☐ Power: Type

MW

☐ Educational:

☐ Waste Treatment: Type

MGD

☐ Recreational:

☐ Hazardous Waste: Type

☐ Water Facilities: Type

MGD

☐ Other:

Project Issues Discussed in Document:

☒ Aesthetic/Visual

☐ Fiscal

☒ Recreation/Parks

☒ Vegetation

☒ Agricultural Land

☒ Flood Plain/Flooding

☒ Schools/Universities

☒ Water Quality

☒ Air Quality

☒ Forest Land/Fire Hazard

☒ Septic Systems

☒ Water Supply/Groundwater

☒ Archeological/Historical

☒ Geologic/Seismic

☒ Sewer Capacity

☒ Wetland/Riparian

☒ Biological Resources

☒ Minerals

☒ Soil Erosion/Compaction/Grading

☒ Growth Inducement

☐ Coastal Zone

☒ Noise

☒ Solid Waste

☒ Land Use

☒ Drainage/Absorption

☒ Population/Housing Balance

☒ Toxic/Hazardous

☒ Cumulative Effects

☒ Economic/Jobs

☒ Public Services/Facilities

☒ Traffic/Circulation

☒ Other: Tribal Cultural Res.

Present Land Use/Zoning/General Plan Designation:

General Plan: Industrial (0.55 FAR) and Business Park (0.60 FAR); Zoning: SP - Specific Plan with AG - Agriculture overlay

Project Description: (please use a separate page if necessary)

The proposed project is the Colony Commerce Center East Specific Plan (Specific Plan) which allows for the development of a ±1,904,000 square feet (SF) industrial development on ±95 acres of land. The project site consists of six parcels within three Planning Areas (PA's). The project proposal includes a Specific Plan, Tentative Tract Map, Development Plan, and Development Agreement for PA-1 and PA-2, which would be developed as Phase 1 of the Specific Plan, and includes ±1,673,000 SF of development. No specific development proposal has been submitted for PA-3 (Phase 2 of the Specific Plan); therefore, the development potential of ±231,000 SF will be analyzed for this PA. The maximum building height would be 65 feet.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

NOP Distribution List

jk

County: San Bernardino

SCH#

2017031048

Resources Agency

- ☐ Resources Agency
Nadell Gayou
- ☐ Dept. of Boating & Waterways
Denise Peterson
- ☐ California Coastal Commission
Elizabeth A. Fuchs
- ☐ Colorado River Board
Lisa Johansen
- ☒ Dept. of Conservation
Crina Chan
- ☐ California Energy Commission
Eric Knight
- ☐ Cal Fire
Dan Foster
- ☐ Central Valley Flood Protection Board
James Herota
- ☐ Office of Historic Preservation
Ron Parsons
- ☐ Dept of Parks & Recreation
Environmental Stewardship Section
- ☐ California Department of Resources, Recycling & Recovery
Sue O'Leary
- ☐ S.F. Bay Conservation & Dev't. Comm.
Steve Goldbeck
- ☒ Dept. of Water Resources
Resources Agency
Nadell Gayou
- ☐ Fish and Game
- ☐ Depart. of Fish & Wildlife
Scott Flint
Environmental Services Division
- ☐ Fish & Wildlife Region 1
Curt Babcock

Fish & Wildlife Region 1E

- ☐ Laurie Harnsberger
- ☐ Fish & Wildlife Region 2
Jeff Drongesen
- ☐ Fish & Wildlife Region 3
Craig Weightman
- ☐ Fish & Wildlife Region 4
Julie Vance
- ☐ Fish & Wildlife Region 5
Leslie Newton-Reed
Habitat Conservation Program
- ☒ Fish & Wildlife Region 6
Tiffany Ellis
Habitat Conservation Program
- ☐ Fish & Wildlife Region 6 I/M
Heidi Calvert
Inyo/Mono, Habitat Conservation Program
- ☐ Dept. of Fish & Wildlife M
William Paznokas
Marine Region

Other Departments

- ☐ Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture
- ☐ Dept. of General Services
Cathy Buck
Environmental Services Section
- ☐ Delta Stewardship Council
Kevan Samsam
- ☒ Housing & Comm. Dev.
CEQA Coordinator
Housing Policy Division
- ☐ Independent Commissions, Boards
Delta Protection Commission
Erik Vink

OES (Office of Emergency Services)

- ☐ Monique Wilber
- ☒ Native American Heritage Comm.
Debbie Treadway
- ☐ Public Utilities Commission
Supervisor
- ☐ Santa Monica Bay Restoration
Guangyu Wang
- ☐ State Lands Commission
Jennifer Deleong
- ☐ Tahoe Regional Planning Agency (TRPA)
Cherry Jacques
- ☐ Cal State Transportation Agency CalSTA
- ☒ Caltrans - Division of Aeronautics
Philip Crimmins
- ☐ Caltrans - Planning
HQ LD-IGR
Christian Bushong
- ☐ California Highway Patrol
Suzann Ikeuchi
Office of Special Projects
- ☐ Dept. of Transportation
Caltrans, District 1
Rex Jackman
- ☐ Caltrans, District 2
Marcelino Gonzalez
- ☐ Caltrans, District 3
Eric Federicks - South
Susan Zanchi - North
- ☐ Caltrans, District 4
Patricia Maurice
- ☐ Caltrans, District 5
Larry Newland
- ☐ Caltrans, District 6
Michael Navarro
- ☐ Caltrans, District 7
Dianna Watson

Caltrans, District 8

- ☒ Mark Roberts
- ☐ Caltrans, District 9
Gayle Rosander
- ☐ Caltrans, District 10
Tom Dumas
- ☐ Caltrans, District 11
Jacob Armstrong
- ☐ Caltrans, District 12
Maureen El Harake
- ☐ Cal EPA
- ☐ Air Resources Board
Airport & Freight
Jack Wursten
- ☐ Transportation Projects
Nesamani Kalandiyur
- ☐ Industrial/Energy Projects
Mike Tollstrup
- ☐ State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance
- ☐ State Water Resources Control Board
Cindy Forbes - Asst Deputy
Division of Drinking Water
- ☐ State Water Resources Control Board
Div. Drinking Water #
- ☐ State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality
- ☐ State Water Resources Control Board
Phil Crader
Division of Water Rights
- ☐ Dept. of Toxic Substances Control
CEQA Tracking Center
- ☐ Department of Pesticide Regulation
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- ☐ RWQCB 1
Cathleen Hudson
North Coast Region (1)
- ☐ RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)
- ☐ RWQCB 3
Central Coast Region (3)
- ☐ RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- ☐ RWQCB 5S
Central Valley Region (5)
- ☐ RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- ☐ RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- ☐ RWQCB 6
Lahontan Region (6)
- ☐ RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- ☐ RWQCB 7
Colorado River Basin Region (7)
- ☒ RWQCB 8
Santa Ana Region (8)
- ☐ RWQCB 9
San Diego Region (9)
- ☐ Other
- ☐ Conservancy



SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS
818 West 7th Street, 12th Floor
Los Angeles, CA 90017
(213) 236-1800
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April 17, 2017

Mr. Richard C. Ayala, Senior Planner
City of Ontario, Planning Department
303 East "B" Street
Ontario, California 91764
Phone: (909) 395-2036
E-mail: rayala@ontarioca.gov

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Colony Commerce Center East Specific Plan [SCAG NO. IGR9203]

Dear Mr. Ayala,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Colony Commerce Center East Specific Plan ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also the designated Regional Transportation Planning Agency under state law, and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS) pursuant to Senate Bill (SB) 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.¹ Guidance provided by these reviews is intended to assist local agencies such as local jurisdictions and project proponents to take actions that help contribute to the attainment of the regional goals and policies in the RTP/SCS.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Colony Commerce Center East Specific Plan in San Bernardino County. The proposed project includes the Colony Commerce Center East Specific Plan (SP), which allows for the development of approximately 1,904,000 square feet of industrial development on an approximately 95 acre project site.

When available, please send environmental documentation to SCAG's office in Los Angeles or by email to au@scag.ca.gov providing, at a minimum, the full public comment period for review. If you have any questions regarding the attached comments, please contact the Inter-Governmental Review (IGR) Program, attn.: Anita Au, Assistant Regional Planner, at (213) 236-1874 or au@scag.ca.gov. Thank you.

Sincerely,

Ping Chang
Acting Manager, Compliance and Performance Monitoring

¹ Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS for the purpose of determining consistency for CEQA. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a determination of consistency with the 2016 RTP/SCS for CEQA.

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
COLONY COMMERCE CENTER EAST SPECIFIC PLAN [SCAG NO. IGR9203]**

CONSISTENCY WITH RTP/SCS

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS. For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the RTP/SCS.

2016 RTP/SCS GOALS

The SCAG Regional Council adopted the 2016 RTP/SCS in April 2016. The 2016 RTP/SCS seeks to improve mobility, promote sustainability, facilitate economic development and preserve the quality of life for the residents in the region. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health (see <http://scagrtpscsc.net/Pages/FINAL2016RTPSCS.aspx>). The goals included in the 2016 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2016 RTP/SCS are the following:

SCAG 2016 RTP/SCS GOALS	
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>
RTP/SCS G3:	<i>Ensure travel safety and reliability for all people and goods in the region</i>
RTP/SCS G4:	<i>Preserve and ensure a sustainable regional transportation system</i>
RTP/SCS G5:	<i>Maximize the productivity of our transportation system</i>
RTP/SCS G6:	<i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking)</i>
RTP/SCS G7:	<i>Actively encourage and create incentives for energy efficiency, where possible</i>
RTP/SCS G8:	<i>Encourage land use and growth patterns that facilitate transit and active transportation</i>
RTP/SCS G9:	<i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies*</i>
<small>*SCAG does not yet have an agreed-upon security performance measure.</small>	

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG 2016 RTP/SCS GOALS	
Goal	Analysis
RTP/SCS G1: <i>Align the plan investments and policies with improving regional economic development and competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
RTP/SCS G2: <i>Maximize mobility and accessibility for all people and goods in the region</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.	etc.

2016 RTP/SCS STRATEGIES

To achieve the goals of the 2016 RTP/SCS, a wide range of land use and transportation strategies are included in the 2016 RTP/SCS. Technical appendances of the 2016 RTP/SCS provide additional supporting information in detail. To view the 2016 RTP/SCS, please visit: <http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx>. The 2016 RTP/SCS builds upon the progress from the 2012 RTP/SCS and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that the SCAG region strives toward a more sustainable region, while the region meets and exceeds in meeting all of applicable statutory requirements pertinent to the 2016 RTP/SCS. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

The 2016 RTP/SCS also identifies a goods movement system in the SCAG region and develops strategies to address expected growth trends and demands in goods movement. For further information on the goods movement strategies, please see the Goods Movement Appendix of the 2016 RTP/SCS (http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS_GoodsMovement.pdf). For further information on SCAG's long-range comprehensive plan for the goods movement system in Southern California, please see "On the Move, Southern California Delivers the Goods" (http://www.freightworks.org/DocumentLibrary/CRGMPIS_Summary_Report_Final.pdf).

DEMOGRAPHICS AND GROWTH FORECASTS

Local input plays an important role in developing a reasonable growth forecast for the 2016 RTP/SCS. SCAG used a bottom-up local review and input process and engaged local jurisdictions in establishing the base geographic and socioeconomic projections including population, household and employment. At the time of this letter, the most recently adopted SCAG jurisdictional-level growth forecasts that were developed in accordance with the bottom-up local review and input process consist of the 2020, 2035, and 2040 population, households and employment forecasts. To view them, please visit <http://www.scaq.ca.gov/Documents/2016GrowthForecastByJurisdiction.pdf>. The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts			Adopted City of Ontario Forecasts		
	Year 2020	Year 2035	Year 2040	Year 2020	Year 2035	Year 2040
Population	19,663,000	22,091,000	22,138,800	197,600	248,800	258,600
Households	6,458,000	7,325,000	7,412,300	58,300	72,200	75,300
Employment	8,414,000	9,441,000	9,871,500	129,300	170,600	175,400

MITIGATION MEASURES

SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for the 2016 RTP/SCS for guidance, as appropriate. SCAG's Regional Council certified the Final PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on April 7, 2016 (please see: <http://scagrtpscscs.net/Pages/FINAL2016PEIR.aspx>). The Final PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA USPS AND E-MAIL:

April 6, 2017

rayala@ontarioca.gov

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

Notice of Preparation of a Draft Environmental Impact Report for the Colony Commerce Center East Specific Plan (PSP 16-03)

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft Environmental Impact Report (EIR). Please send SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, SCAQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD staff recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analyses. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on SCAQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). The SCAQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

Adopted on March 3, 2017, the 2016 Air Quality Management Plan (2016 AQMP) is a regional blueprint for achieving air quality standards and healthful air in the South Coast Air Basin. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality including the challenge of achieving 45% additional NOx reductions in 2023 and 55% in 2031 that are needed for ozone attainment. The 2016 AQMP is available on SCAQMD's website at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

The SCAQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and the SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, the SCAQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning in 2005. This Guidance Document provides suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. The SCAQMD staff recommends that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions. This Guidance Document is available on SCAQMD's website at: <http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document>. Additional guidance on siting incompatible land uses (such as placing homes near freeways or other polluting sources) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

The SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD staff requests that the Lead Agency compare the emission results to the recommended regional significance thresholds found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, the SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

When specific development is reasonably foreseeable as result of the goals, policies, and guidelines in the proposed project, the Lead Agency should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in the Draft EIR. The degree of specificity will correspond to the degree of specificity involved in the underlying activity which is described in the Draft EIR (CEQA Guidelines Section 15146). When quantifying air quality emissions, emissions from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, for phased projects where there will be an overlap between construction and operation, the air quality impacts from the overlap should be combined and compared to the SCAQMD's regional operational thresholds to determine significance.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the proposed project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize these impacts. Pursuant to CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the proposed project, including:

- Chapter 11 of the SCAQMD *CEQA Air Quality Handbook*
- SCAQMD's CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- SCAQMD's Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 AQMP available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf?sfvrsn=5>
- CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Permits

In the event that the proposed project requires a permit from SCAQMD, SCAQMD should be identified as a responsible agency for the proposed project. For more information on permits, please visit the SCAQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to the SCAQMD's Engineering and Permitting staff at (909) 396-3385.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available at the SCAQMD's webpage (<http://www.aqmd.gov>).

SCAQMD staff is available to work with the Lead Agency to ensure that project air quality and health risk impacts are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov or call me at (909) 396-3308.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

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SBC170321-04
Control Number