

**FINAL
ENVIRONMENTAL IMPACT REPORT
COLONY COMMERCE CENTER EAST SPECIFIC PLAN
ONTARIO, CALIFORNIA
STATE CLEARINGHOUSE NO. 2017031048**

PREPARED FOR:



CITY OF ONTARIO
PLANNING DEPARTMENT
303 EAST "B" STREET
ONTARIO, CA 91764
CONTACT: RICHARD AYALA, SENIOR PLANNER

PREPARED BY:

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MARCH 2018

TABLE OF CONTENTS

Section	Page
APPENDICES.....	ii
1.0 Introduction.....	1-1
2.0 Response to Comments	2-1
3.0 Revisions to the Draft EIR	3-1
4.0 Mitigation Monitoring and Reporting Program.....	4-1

APPENDICES

Appendix	Title
APPENDIX A.....	RESULTS OF FOCUSED BURROWING OWL SURVEYS (JULY 12, 2017)
APPENDIX B	REVISED TRAFFIC IMPACT ANALYSIS (FEBRUARY 1, 2018)
APPENDIX C.....	DRAFT EIR AND DRAFT EIR APPENDICES

1. Introduction

This Final Environmental Impact Report (FEIR; Final EIR) has been prepared in conformance with the environmental policy guidelines for the implementation of the California Environmental Quality Act (CEQA) to evaluate the environmental effects that may result from construction and operation of the proposed Colony Commerce Center East Specific Plan (Specific Plan or proposed project).

According to CEQA Guidelines Section 15132, the FEIR shall consist of:

- (a) The Draft Environmental Impact Report (DEIR; Draft EIR) or a revision of the Draft EIR;
- (b) Comments and recommendations received on the Draft EIR, either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- (d) The responses of the lead agency to significant environmental points raised in the review and consultation process;
- (e) Any other information added by the lead agency.

This document contains responses to comments received on the Draft EIR during the public review period, which began November 13, 2017 and ended on January 3, 2018. This document has been prepared in accordance with CEQA, the State CEQA Guidelines, and the City's Local CEQA Procedures Manual, and represents the independent judgment of the lead agency, the City of Ontario. This document and the circulated Draft EIR comprise the Final EIR in accordance with CEQA Guidelines, Section 15132.

1.1 Format of the Final EIR

The following chapters are contained within this document:

Chapter 1, Introduction. This chapter describes CEQA requirements and the content of the Final EIR.

Chapter 2, Response to Comments. This chapter provides a list of agencies and organizations who commented on the Draft EIR, as well as copies of their comment letters received during and following the public review period, and individual responses to their comments.

Chapter 3, Revisions to the Draft EIR. This chapter contains revisions made to the Draft EIR as a result of the comments received by agencies and organizations as described in Chapter 3, and/or errors and omissions discovered subsequent to release of the Draft EIR for public review.

The City of Ontario has determined that none of this material constitutes significant new information that requires recirculation of the Draft EIR for further public comment under CEQA Guidelines Section 15088.5. The additional material clarifies existing information prepared in the Draft EIR and does not present any new substantive information. None of this new material indicates that the project would result in a significant new environmental impact not previously disclosed in the Draft EIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that would not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

Chapter 4, Mitigation, Monitoring, and Reporting Program. This chapter includes the Mitigation Monitoring and Reporting Program (MMRP). CEQA requires lead agencies to "adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA Section 21081.6, CEQA

Guidelines Section 15097). The MMRP was prepared based on the mitigation measures included in this Final EIR and has been included as Chapter 4.0.

1.2 CEQA Requirements Regarding Comments and Responses

CEQA Guidelines Section 15204(a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be *“on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible ... CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”*

CEQA Guidelines Section 15204(c) further advises, *“Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.”* Section 15204 (d) also states, *“Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.”* Section 15204 (e) states, *“This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”*

In accordance with CEQA, Public Resources Code (PRC) Section 21092.5, copies of the written responses to public agencies are being forwarded to those agencies at least 10 days prior to certification of the FEIR, with copies of this Final EIR document, which conforms to the legal standards established for response to comments on the Draft EIR pursuant to CEQA.

2. Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency, the City of Ontario, to evaluate comments on environmental issues received from public agencies, organizations, and interested parties who reviewed the Draft EIR and prepare written responses. This section provides all written responses received on the Draft EIR and the City of Ontario's responses to each comment of each comment letter. Comment letters and specific comments are numbered for reference purposes.

The following is a list of public agencies, organizations, and interested parties that submitted comments on the Draft EIR during and after the public review period. The comment letters received on the Draft EIR and responses to those comments are provided on the following pages.

Letter Number	Agency/Organization/Name	Comment Date
Agencies		
A1	California Department of Fish and Wildlife	January 3, 2018
A2	California Department of Transportation	January 4, 2018
A3	City of Chino	January 3, 2018
A4	Jurupa Unified School District	November 14, 2017
A5	South Coast Air Quality Management District	December 15, 2017
A6	South Coast Air Quality Management District	January 23, 2018
A7	State Clearinghouse and Planning Unit	January 4, 2018
A8	San Bernardino County Department of Public Works	December 22, 2017
Interested Organizations		
O1	Law Offices of Abigail Smith on behalf of San Geronio Chapter of the Sierra Club	January 3, 2018
O2	Blum Collins, LLP on behalf of Golden State Justice Alliance	February 4, 2018 (late)

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Letter A1: California Department of Fish and Wildlife (20 pages)

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



January 3, 2018
Sent via email

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

Subject: Draft Environmental Impact Report
Colony Commerce Center East Specific Plan Project
State Clearinghouse No. 2017031048

Dear Mr. Ayala:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Colony Commerce Center East Specific Plan Project (project) [State Clearinghouse No. 2017031048]. The Department is responding to the Notice of Availability of a DEIR 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 project site is located in the City of Ontario, San Bernardino County, California. The project includes Assessor's Parcel Numbers (APNs) 218-311-02, -03, -07, -08, -10, -13 (project site), in addition to 0.39 acre of associated infrastructure improvements for a total of 103.77 acres. The project will provide for future development of an industrial and business park development. The Specific Plan is divided into PA-1 in the eastern portion, PA-2 in the western portion, and PA-3 in the southwestern portion. Development of PA-1 and PA-2 are anticipated to occur first, with development of the PA-3 expected to occur at some point in the future.

A1-1

Conserving California's Wildlife Since 1870

Draft Environmental Impact Report
Colony Commerce Center East Specific Plan Project
SCH No. 2017031048
Page 2 of 8

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.

A1-1
cont.

The Department recommends that the 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 the DEIR associated habitats.

Within the Biological Resource Assessment Report (BRA) prepared by ESA (March 2017) and the DEIR (Section 5.4 *Biological Resources*), seven (7) species were identified as having potential to occur or use the study area based on the literature review and field surveys (Section 4.7.6 *Special-Status Wildlife Species*) including: Golden eagle (*Aquila chrysaetos*), Swainson's hawk (*Buteo swainsoni*), White-tailed kite (*Elanus leucurus*), Burrowing owl (*Athene cunicularia*), Western mastiff bat (*Eumops perotis californicus*), Big free-tailed bat (*Nyctinomops macrotis*), and Pallid bat (*Antrozous pallidus*).

A1-2

While the Department agrees that these special-status wildlife species have the potential to occur within the project, based on the Department's local biological knowledge of the area, the Department also believes that the project site has potential to support the western pond turtle (*Actinemys marmorata*), a California Species of Special Concern. Pond turtles are habitat generalists and can occupy a wide range of aquatic habitats, thus the most limiting factor of habitat suitability is the presence of water. In a telemetry study (State Wildlife Grant No. T-14-1) final report (Wright et al. 2007), western pond turtles were observed to be quite flexible with regard to aquatic habitats, using ponds of various sizes including cattle ponds, main-channel creeks, and back- or side-channel waters, flowing or stagnant water. The project site contains irrigation ditches and a large stock pond that is approximately 450 feet in length, 100 feet wide, and 10 feet deep.

Draft Environmental Impact Report
 Colony Commerce Center East Specific Plan Project
 SCH No. 2017031048
 Page 3 of 8

As such, the Department recommends that the City address western pond turtle within the DEIR and recirculate it for review.

A1-2
 cont.

Analysis of Direct and Indirect to Biological Resources

The DEIR should provide a thorough discussion of the direct and indirect impacts expected to adversely affect biological resources as a result of the project, including :

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. State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., City preserved 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.

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A1-4

A1-5

Analysis of Cumulative Impacts

A cumulative effects analysis developed as described under CEQA Guidelines § 15130, that includes riparian areas, wetlands, vernal pools, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to the DEIR impacts on similar wildlife and habitats.

Within the DEIR, a cumulative project list was provided (Table 5-1). Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on biological resources that are rare or unique to the region (CEQA Guidelines § 15125[c]) should be analyzed. More specifically, the Department believes that the burrowing owl and its habitat has, and continues to be, removed throughout the City of Ontario and the surrounding area. Within the DEIR, Section 5.2.7 *Cumulative Impacts*, it states:

A1-6

"Mitigation is included that would avoid direct impacts in compliance with the Staff Report on Burrowing Owl Mitigation. Thus, the proposed Specific Plan would mitigate the potential of the project to cumulatively combine with other

Draft Environmental Impact Report
Colony Commerce Center East Specific Plan Project
SCH No. 2017031048
Page 4 of 8

projects; and the Specific Plan would not contribute to the cumulative loss of any special status wildlife species. Therefore, cumulative impacts related to wildlife species would be less than cumulatively significant".

Within the BRA and DEIR, it states that the nearest CNDDDB occurrence record of this species was recorded in 2006, approximately 0.4 mile to the northeast of the study area. The Department performed a similar CNDDDB search for burrowing owl occupancy within, and immediately surrounding, the Model Colony Development. Please note 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 in the area identified within 5.1 Table - Cumulative Project List and Figure 5.1 Cumulative Project Locations of the DEIR (Section 5.4 *Environmental Impact Analysis Cumulative Impacts*). By separate correspondence, the Department will forward an exhibit containing staff notes, and Illustration graphic, and tables. We request a meeting to clarify the exhibit.

A1-6
cont.

Subsequent to the adoption of the Sphere of Influence (SOI) General Plan and DEIR, a lawsuit was filed against the City by the Endangered Habitats League, Inc. and Sierra Club challenging the City's California Environmental Quality Act (CEQA) compliance and approval of the SOI General Plan Amendment. A Settlement Agreement was reached and agreed to by all parties that set forth revised mitigation measures for potential impacts in the New Model Colony (NMC) (referred to as Annexation Area 163 in the Agreement). The measures are to be in effect until all of the developable acres within the NMC reach full build-out, as determined by the City. Further, a land trust, conservancy, or non-profit corporation or nonprofit entity (Land Trust) will be created or selected to carry out the responsibilities, goals, and objectives of the mitigation as set forth in the Settlement Agreement. The Department believes that the project is within the NMC and therefore, should be subject to the following measures:

A1-7

- Prior to issuance of grading permits, Ontario shall impose a \$2,000 per acre Mitigation Fee on proposed developments in Annexation Area 163 that require discretionary approval or permitting from the City.
- Ontario in consultation with the Department will identify through CEQA review, lands occupied by burrowing owl and suitable as long-term habitat. The City will require avoidance of those lands to maintain a viable territory and require long-term maintenance through dedication in fee or grant of easement to the Land Trust. If the site is not viable long-term habitat, the developer shall pay the mitigation fee and make provisions for relocation of the owls.
- Since habitat that benefits Delhi Sand Flower Loving Fly can be expected to benefit burrowing owl, up to 25 percent of the Mitigation Fee maybe used by the City for DSFLF recovery. All Mitigation Fees collected shall be used for the above-described purposes and may be used to purchase property, conservation

Draft Environmental Impact Report
Colony Commerce Center East Specific Plan Project
SCH No. 2017031048
Page 5 of 8

easements, or other land with long-term conservation value for the environmental impacts; enhance/restore lands with such values; maintain and operates these lands; and pay for related administrative costs (not to exceed 10 percent of the total fees).

- Land/easements dedicated, conveyed, or purchased to benefit wildlife, waterfowl, raptors/and or burrowing owl must have long-term conservation value for those species and must be managed by the Land Trust. The parcels must be located within the Habitat Area designated as part of the Settlement Agreement. Unacceptable properties are those that would otherwise be purchased by another entity or group as open space mitigation for environmental impacts.

The Settlement Agreement also modified the provisions for the on-site 145-acre Waterfowl and Raptor Conservation Area (WRCA). The alternative provision for mitigation will allow the City to determine the area to be removed from the on-site WRCA. For each acre removed, the City will provide funding at the rate of \$40,000 per acre for off-site mitigation of wildlife impacts, through an impact fee or other revenue-generating mechanism. The funding may cover preservation of the 160 acres of off-site mitigation for a total of up to 305 acres of off-site mitigation (which should be located within the designated Habitat Area).

Development impact fees for new development in the NMC were adopted on June 23, 2003, by the City Council. The NMC Development Impact Fees include a Habitat Mitigation fee of \$4,320 per net acre for proposed residential, commercial, hotel and restaurant, office, and industrial development (City of Ontario 2005). Table 2 and Illustration 2 below lists the projects, mitigation measures, and the potential fees collected within the NMC. The Department would like to understand how the cumulative impacts within the City have been addressed with regard to the Settlement Agreement.

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 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.

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A1-8

Draft Environmental Impact Report
Colony Commerce Center East Specific Plan Project
SCH No. 2017031048
Page 6 of 8

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.

Within the DEIR and BRS, it was determined that there is a moderate potential for the burrowing owl to nest and forage on the study area based on the presence of suitable habitat, including "disturbed, low-growing vegetation, bare ground, and a few small fossorial mammal burrows. Furthermore, although burrowing owl surveys have not been completed on the study area, focused surveys are currently being conducted during the 2017 survey window in accordance with CDFW protocol".

To reduce potential impacts to burrowing owls, the following mitigation measure will be implemented:

Mitigation Measure BIO-1: *Burrowing Owl focused surveys shall be conducted during the breeding season (February 1 through August 31) prior to approval of a demolition or grading permit to determine the presence or absence of burrowing owls within PA-1, PA-2 or PA-3. The surveys shall be conducted by a qualified biologist pursuant to the survey protocol provided in Appendix D of the CDFW Staff Report on Burrowing Owl Mitigation dated March 7, 2012. If burrowing owls are determined present, occupied burrows shall be avoided to the greatest extent feasible pursuant to the CDFW Burrowing Owl Mitigation guidelines that include, but is not limited to: conducting pre-construction surveys, avoiding occupied burrows during the nesting and non-breeding seasons, implementing a worker awareness program, biological monitoring, establishing avoidance buffers, and flagging burrows for avoidance with visible markers. If occupied burrows cannot be avoided, acceptable methods may be used to exclude burrowing owl either temporarily or permanently, pursuant to a Burrowing Owl Exclusion Plan that shall be prepared and approved by CDFW. The Burrowing Owl Exclusion Plan shall be prepared in accordance with the guidelines in the Staff Report on Burrowing Owl Mitigation (DEIR Section 5.2.10 Mitigation Measures)*

A1-8
cont.

Since burrowing owls and/or their habitat may be impacted from the project, the Department recommends that the City include specific mitigation in the DEIR (see Table 2 below). CEQA Guidelines §15126.4, subdivision (a)(1)(8) states that formulation 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.*

Draft Environmental Impact Report
Colony Commerce Center East Specific Plan Project
SCH No. 2017031048
Page 7 of 8

City of Murrieta (1995) 36 Cal. App. 4th 1359; Endangered Habitat League, Inc. v. County of Orange (2005) 131 Cal. App. 4th 777).

The DEIR should 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.

A1-8
cont.

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.

A1--9

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>.

Further Coordination

The Department appreciates the opportunity to comment on the DEIR for the Colony Commerce Center East Specific Plan Project (State Clearinghouse No. 2017031048)

Draft Environmental Impact Report
Colony Commerce Center East Specific Plan Project
SCH No. 2017031048
Page 8 of 8

and recommends that the City of Ontario address the Department's comments and concerns.

If you should have any questions pertaining to the comments provided in this letter, or wish to schedule a meeting to review the forthcoming exhibit, and/or site visit, please contact Kim Romich at (909) 980-3818 or at kimberly.romich@wildlife.ca.gov.

Sincerely,


Leslie MacNair
Regional Manager
For

Literature Cited

Wright, D.H.; Nguyen, C., and C. Ball. 2007. Western Pond Turtle (*Actinemys marmorata*) Telemetry Study (State Wildlife Grant No. T-14-1) Final report Resource Assessment Program California Department of Fish and Game, North-Central Region 1701 Nimbus Road, Suite A, Rancho Cordova, CA 95670

ILLUSTRATION 1: CALIFORNIA NATURAL DIVERSITY DATABASE (CNDDb) FOR BURROWING OWL WITHIN AND IMMEDIATELY SURROUNDING THE NEW MODEL COLONY LOCATED IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.



TABLE 1: CALIFORNIA NATURAL DATABASE FOR BURROWING OWL WITHIN AND IMMEDIATELY SURROUNDING THE NEW MODEL COLONY LOCATED IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

Occurrence Number	Site Date	UTM	General
1	20060521	Zone-11 N3760386 E440988	1 ADULT OBSERVED AND 1 BREEDING PAIR ESTIMATED TO OCCUR IN AREA ON 21 MAY 2006; THIS PAIR WAS PROFESSIONALLY RELOCATED TO AN ARTIFICIAL BURROW DUE TO AIRPORT CONSTRUCTION.
2	20110724	Zone-11 N3763324 E444654	3 OBS. 1992. UNK # OBS 2000. 8 ADULTS (A) (LIKELY 4 PAIR) & 3 JUVENILES (J) OBS 21 MAY & 3A (INCL. LIKELY PAIR) 26 JUN 2006. 2A & 6J AT BURROW 2 SEP 2008. AT LEAST 4 PAIRS & 3J. 2010. 8 NESTS, 13 ACTIVE BURROWS, 38 DETECTIONS DOCUMENTED 2011.
3	20060621	Zone-11 N3761387 E439410	3 ADULTS AND 7 JUVENILES OBSERVED; 1 BREEDING PAIR ESTIMATED TO OCCUR IN AREA ON 21 JUN 2006.
4	20060509	Zone-11 N3760942 E446144	ON 9 MAY 2006, 4 ADULTS WERE OBSERVED, 3 ACTIVE BURROWS WERE FOUND ON THE BERMS WITHIN THE DRY SETTLING POND, AND 1 ACTIVE NEST BURROW WAS FOUND BENEATH A CONCRETE SLAB.
5	20000917	Zone-11 N3761897 E448959	2-3 OWLS OBSERVED IN 1 OR 2 BURROWS ON 4 OF 13 SURVEY DAYS IN AUG AND SEP 2000.
6	20050422	Zone-11 N3762209 E446303	1 NESTING BURROW AND 2 OTHER ACTIVE BURROWING OWLS WERE OBSERVED ON SITE DURING APR-JUN 2005.
7	20110815	Zone-11 N3763368 E442978	2 ADULTS OBSERVED; 1 BREEDING PAIR ESTIMATED TO OCCUR IN AREA ON 21 MAY 2006. 1 PAIR & FLEDGLINGS (1ST CLUTCH FAILED?) OBS AT MULTIPLE BURROWS; POSSIBLE 2ND PAIR DETECTED 7 MAR-15 AUG 2011.
8	20110321	Zone-11 N3762678 E448178	UP TO 15 DETECTIONS OF OWLS, 5 OCCUPIED BURROWS, & 1 PAIR W/2 YOUNG OBSERVED IN 2010. 14+ DETECTIONS, & AT LEAST 2 OCCUPIED BURROWS & 1 NESTING PAIR OBSERVED IN 2011.
9	20060505	Zone-11 N3761020 E445509	THIS MALE OWL WAS OBSERVED REPEATEDLY, ON DIFFERENT DAYS DURING 2006; JUDGING BY THE SEASON OF THE OBSERVATION AND THE BIRD'S BEHAVIOR, A FEMALE WAS LIKELY INSIDE THE BURROW.
10	20090915	Zone-11 N3762683 E441037	10 ADULTS AND 10 ACTIVE BURROWS OBSERVED ON 15 SEP 2009.
11	20110706	Zone-11 N3763246 E446357	8 ADULTS OBSERVED 26 JUN 2006; LIKELY BREEDING COLONY (CALPHOTO#: 0000 0000 0706 0816). 9 DETECTIONS OF OWLS, 2 NEST SITES RECORDED DURING CONSTRUCTION MONITORING 14 DEC 2010 - 6 JUL 2011.

12	20110308	Zone-11 N3763835 E448293	2 OWLS AT A BURROW OBSERVED 28 JAN, 1 AT (POSSIBLY A SECOND) BURROW 18 FEB. & 2 AT BURROW 8 MAR 2011.
13	20060606	Zone-11 N3759336 E443359	2 ADULTS AND 1 JUVENILE DETECTED; 1 BREEDING PAIR ESTIMATED TO OCCUR IN AREA ON 6 JUN 2006.
14	20060521	Zone-11 N3764436 E440832	2 ADULTS OBSERVED AND 1 BREEDING PAIR ESTIMATED TO OCCUR IN AREA ON 21 MAY 2006.

ILLUSTRATION 2- DIFFERENT DEVELOPMENT PROJECTS WITHIN THE NEW MODEL COLONY LOCATED IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

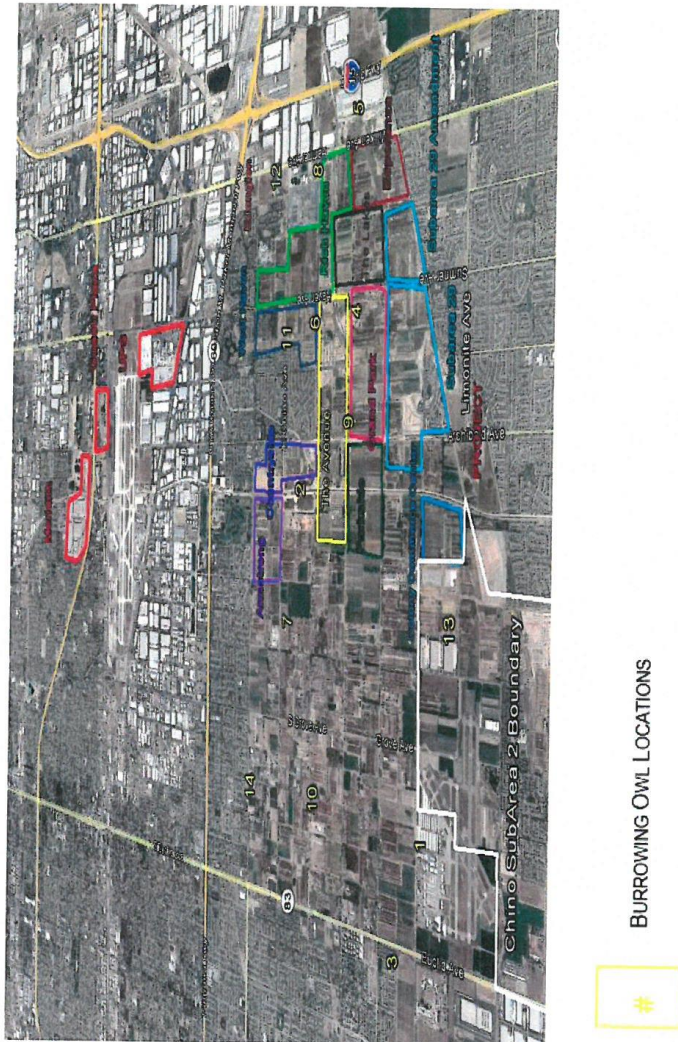


TABLE 2. DEVELOPMENT PROJECTS, MITIGATION MEASURES, AND REFERENCE DOCUMENTS WITHIN THE NEW MODEL COLONY LOCATED IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

DEVELOPMENT	PROJECT IMPACTS	DEVELOPER	MITIGATION MEASURE(S)	REFERENCE DOCUMENT	NOTES
NEW MODEL HOMES (ONTARIO RANCH)					
Armstrong Ranch	199 Acres 994 single family units	CVRC Ontario Investments	<p>Burrowing Owl: A focused burrowing owl survey was performed for the area controlled by the applicant (PAs 2, 3, 4, 5) and the species was confirmed absent. A visual off-site focused survey was performed for PAs 6A, 6B and 7 that are not controlled by the applicant. No burrowing owls were detected during the visual survey. While no burrowing owls were present during the onsite surveys and none were visually observed on lands where physical access was not provided (PAs 1, 6A, 6B and 7), owls could be present at the time of project grading and construction. If present, the DEIR disturbance could have a significant impact.</p> <p>BIO-1-SP: A preconstruction presence/absence burrowing owl survey shall be conducted within 14 days prior to the start of any demolition, grading or construction of each phase of development (including clearing and grubbing). Each pre-construction survey shall include the land proposed for development within the phase and any associated off-site improvements. If burrowing owls are detected, a mitigation and eviction plan consistent with CDFW protocol for that phase shall be provided to CDFW for approval.</p> <p>BIO-3-SP: Prior to the demolition or grading within PA's 1, 6A, 6B or 7 that have not been surveyed to date, a qualified biologist shall conduct a focused survey for burrowing owl following CDFW's March 2012 recommended guidelines and shall consist of four visits between February 15 and July 15. If the species is found, an eviction plan shall be drafted and submitted to CDFW for approval. Eviction shall only occur when the owls are not nesting. If the species is not found during the focused survey, and the focused survey is completed more than 14 days prior to ground disturbance, a preconstruction presence/absence survey for burrowing owl within 14 days prior to each phase of development (including clearing and grubbing) shall be completed to ensure no mortality to the species occurs (CDFW 2012). If burrowing owls are detected, a mitigation and eviction plan for that phase will be drafted and provided to the CDFW for approval. Eviction shall occur only when the owls are not nesting.</p>	Specific Plan DEIR Phil Martin & Associates, Inc. (Sept 2016)	COST: \$859,680
Colony Commerce Center	123 Acres 2,951,146 s.f. Industrial	CDFI Remington	<p>The subsequent surveys did not identify burrowing owls, burrowing owl burrows, or signs of burrowing owls within the study area or within approximately 500 feet of the project as required by the survey protocol (PCR 2015).</p> <p>The project will comply with the Colony Commerce Center Specific Plan and the City of Ontario NMC General Plan and, as such, no cumulative impacts are expected assuming project approval under those plans. No mitigation measures were proposed for burrowing owl.</p>	DEIR (2015061023) AECOM (2016)	COST: \$531,360

Countyside	178 acres 819 single family units	Foremost Communities	<p>To offset potentially significant cumulative impacts, the proposed project would adhere to the terms of the 2001 settlement agreement that were designed to mitigate for potential impacts to sensitive species and habitats within the Sphere of Influence (SOI) area. The terms were specifically designed to "cover potential environmental impacts in the SOI (Habitat Area) to the burrowing owl, the Delta sands flower-loving fly, raptor foraging and wildlife habitat loss, open space, and actual and potential habitat and agricultural lands." The proposed project would implement mitigation measures MM BIO-1(e)-SP, MM BIO-2 (e)-SP, MM BIO-3-SP, MM BIO-4-SP, and MM BIO-5-SP, which would further reduce cumulative impacts of the proposed project within the SOI area to less than significant levels.</p> <p>MM BIO-2(a)-SP Prior to any groundbreaking within the Specific Plan Area, mitigation fees shall be paid to a land conservancy selected to oversee habitat land acquisition in accordance with the settlement agreement between the City, Sierra Club and Endangered Habitat League.</p> <p>MM BIO-2(f)-SP The City shall enter into consultation with appropriate California Department of Fish and Game personnel before and during the establishment of the offsite mitigation areas, whether land purchased by fee or under conservation easement.</p> <p>MM BIO-4-SP Based on approval by the CDFG, preconstruction and non-breeding season exclusion measures may be implemented to preclude burrowing owl occupation of the project site prior to project related disturbance (such as grading).</p>	Specific Plan Final DEIR (2004071001) EIP EIP Associates (March 2006) COST: \$752,940	
Edenglen	160 acres 310 single family units 274 multi-family units 217,520 s.f. commercial 550,000 s.f. business park	Brookfield Homes	<p>BR-1 Not less than two weeks and not more than four weeks prior to the commencement of any ground-disturbing activities, a survey for burrowing owls will be conducted to document the DEIR presence or absence. If burrowing owls are documented to be present on the project site, they will be physically relocated to an established preserve relocation site.</p> <p>BR-4 Require the developer of the Edenglen Project to pay a Habitat Mitigation Fee of \$4,320 per net acre to the City of Ontario toward the development of the Waterfowl and Raptor Conservation Area, which would be based on the percentage of land area of the NMC that is occupied by the project site, as approved by the City of Ontario.</p>	Specific Plan Final DEIR (2004051108) MBA (July 2005) COST: \$691,200	
Esperanza	233 acres 914 single family units 496 multi-family units	GDCI-RCCD, GDC Investments	<p>One special-status species was recorded on site, the loggerhead shrike and two other species burrowing owl and white-tailed kite were previously recorded (LAL, Environmental 2007), but were not recorded during more recent surveys conducted in 2002, 2003, or 2005.</p> <p>MM Bio 1: There is a possibility of owl colonization within the project site prior to site grading. To ensure that no direct loss of individuals occurs, mitigation will be carried prior to initiation of on-site grading activities for each development phase. A pre-construction survey for resident burrowing owls shall be conducted by a qualified biologist. The survey shall be conducted 30 days prior to construction activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be resurveyed for owls. If owls are determined to be present within the construction footprint, they shall be captured and relocated. If non-breeding owls must be moved away from the disturbance area, passive relocation techniques will be used. The preconstruction survey and any relocation activity shall be conducted in accordance with the CDFG Report on Burrowing Owl Mitigation, 1995.</p> <p>MM Bio 2: The project proponent shall be required to pay City of Ontario open space mitigation fees. Fees collected will be used "to acquire and restore mitigation lands to offset impacts to species now living in the New Model Community and impacts to existing open space," according to the City of Ontario Development Impacts Fee Calculation Report and the</p>	FDEIR (2002061047) Albert Webb Associates (December 2006) COST: \$1,006,560	

				Settlement and general Release Agreement. Development is currently required to pay \$4,320 per acre. Therefore, the proposed project will pay approximately \$963,360 for open space acquisition based upon the current fee.		
				<p>Per MBA's 2012 Biological Resources Study, suitable habitat occurs on the site and burrowing owl has been recorded (CNDDDB record from 1921) as occurring immediately adjacent to the site. In addition, burrowing owl has been observed on the site during previous surveys conducted by AMEC in 2003, 2006, and 2007. Therefore, this species has high potential to occur on site. Thus, mitigation is recommended for potential project impacts to this species.</p> <p>BIO-1 Suitable habitat for burrowing owl (BUOW) is present on the site, therefore, prior to issuance of a grading permit, the project applicant shall have a biologist conduct focused protocol surveys for BUOW to map the location of suitable burrows, if any, and to formally determine presence or absence on the project site.</p> <p>Off-site mitigation: If the project will impact suitable habitat on-site below the threshold level of 6.5 acres per relocated pair or single bird, the habitat should be replaced off-site. Off-site habitat must be suitable and approved by CDFG, and the land should be placed in a conservation easement in perpetuity and managed for BUOW habitat.</p> <p>Prior to issuance of grading permit(s), Project applicant(s) shall pay HDEIR fair share towards the \$22.7 million for the habitat land acquisition within the Chino/EI Prado Basin Area that shall serve as the designated Waterfowl and Raptor Conservation Area (WRCA). The fee shall be paid in accordance with the September 10, 2002 modification to NMC GPA Policy 18.1.12 and Implementation Measure 14, that state a 145-acre WRCA shall be provided through either a mitigation land bank, or by purchasing a property through development mitigation/impact fees. The habitat land acquisition shall be managed by Land Conservancy, a non-profit organization selected by the City and The Endangered Habitat's League and the Sierra Club.</p>	<p>DEIR (2012061057)</p> <p>MBA (August 2013)</p>	<p>COST: \$1,353,600</p>
<p>Grand Park</p>	<p>320 Acres</p> <p>740 single family units</p> <p>587 multi-family units</p>	<p>Richland Communities Distinguished Homes</p>		<p>MM Bio 1: There may be a probability of owl colonization within the project site considering the presence of foraging habitat and previous records of presence. To ensure that no direct loss of individuals occurs, mitigation shall be completed prior to initiation of on-site grading activities for each development phase. A pre-construction survey for resident burrowing owls will be conducted by a qualified biologist. The survey will be conducted 30 days prior to construction activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site should be resurveyed for owls.</p> <p>If owls are determined to be present within the construction footprint, they will be captured and relocated. If non-breeding owls must be moved away from the disturbance area, passive relocation techniques will be used. The pre-construction survey and any relocation activity will be conducted in accordance with the CDFG Report on Burrowing Owl Mitigation, 1995.</p> <p>MM Bio 2: The project proponent shall be required to pay City of Ontario open space mitigation fees. Fees collected will be used "to acquire and restore mitigation lands to offset impacts to species now living in the New Model Colony and impacts to existing open space," according to the City of Ontario Development Impacts Fee Calculation Report and the Settlement and general Release Agreement Development is currently required to pay \$4,320 per acre. Therefore, the proposed project will pay approximately \$2,230,240 for open space acquisition based upon the current fee.</p>	<p>DEIR Specific Plan (2004011008)</p> <p>Albert A. Webb Associates (July 2006)</p>	<p>COST: \$1,057,500</p>
<p>Parkside</p>	<p>250 acres</p> <p>437 single family units</p> <p>1,510 multi-family units</p> <p>115,000 s.f. commercial</p>	<p>SC Ontario Development</p>				

<p>Rich Haven</p>	<p>510 acres 1,553 single family units 2,703 multi-family units 889,200 s.f. commercial</p>	<p>Richland Communities Brookfield Homes</p>	<p>Focused biological surveys of the project site for the Western burrowing owl and for the Delhi Sands flower loving fly (DSF) were prepared by Boston Consulting in August 2005 and November 2005, respectively. The results of the burrowing owl survey indicate that five active and inactive burrows were found on site. Six adult and four juvenile burrowing owls were observed during the surveys.</p> <p>BR-1 Not less than two weeks and not more than four weeks prior to the commencement of any ground-disturbing activities, a survey for burrowing owls will be conducted by a qualified biologist to document the DEIR presence or absence. If burrowing owls are documented to be present on the project site, they will be physically relocated to an established preserve relocation site.</p> <p>BR-2 A focused survey by a qualified biologist for burrowing owl shall be conducted each year that the property remains in an undeveloped state to confirm the current number of owls occupying the site. Focused surveys would follow accepted burrowing owl protocol, which includes a nesting season survey. During the nesting season survey, four site visits are conducted between March 1 and August 31. Surveys should be conducted from two hours before sunset to one hour after, or from one hour before to two hours after sunrise.</p> <p>BR-3 Burrowing owl inside the project site will be passively relocated prior to construction activity in order to avoid direct impacts of burrow destruction. Once all burrows on the project site are confirmed to be absent of owls, they will be systematically collapsed. Where possible, burrows will be excavated using hand tools and refilled to prevent recolonization. Sections of flexible plastic pipe or burlap bags will be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.</p> <p>BR-5 Prior to issuance of permits, the Applicant and the City of Ontario shall hire a qualified biologist to develop a mitigation plan to compensate for the loss of burrowing owl occupied habitat to the satisfaction of the ODFO.</p> <p>BR-7 Require the developer of the Rich Haven Project to pay a Habitat Mitigation Fee of 4,320 per net acre to the City of Ontario toward the development of the Waterfowl and Raptor Conservation Area, which would be based on the percentage of land area of the NMC that is occupied by the project site, as approved by the City of Ontario.</p>	<p>Draft DEIR State Clearinghouse No. 2006-051081 MBA (July 2007)</p> <p>COST: \$2,157,300</p>	
<p>Subarea 29</p>	<p>539 acres 2,392 single family units 87,000 s.f. commercial</p>	<p>SL Ontario Development Richland Communities Brookfield Homes Lewis Homes (Park Place)</p>	<p>No burrowing owls were observed during the biological resources survey and, according to the biological resources report (see Appendix D), the burrowing owl is considered to have a low probability of occurrence on site and a therefore, low potential of being directly impacted by development of the proposed project. While not observed during the field survey, this species has been observed at other locations in the Chino Basin and the site could be colonized by this species in the future; therefore, future development could potentially result in significant impacts. Although the burrowing owl has a low probability of occurring onsite any loss of owls or active nests during project implementation and construction could result in the loss of individual owls and eggs or young if this species occupies the site and grading occurs during the breeding season (generally March through August). With mitigation measures included in this DEIR incorporated into development of the Specific Plan, however, any potential impacts are reduced to a less than significant level.</p> <p>MM Bio 1: There may be a probability of owl colonization within the project site considering the presence of foraging habitat and previous records of presence. To ensure that no direct loss of individuals occurs, mitigation shall be completed prior to initiation of on-site grading activities for each development phase. A pre-construction survey for resident burrowing owls will be conducted by a qualified biologist. The survey will be conducted 30 days prior to construction activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site should be resurveyed for owls. If owls are determined to be present within the construction</p>	<p>Subarea 29 (Hellinga) Specific Plan (2004011009)</p> <p>Albert Webb (June 2006)</p> <p>COST: \$1,080,000</p>	

Subarea 29 Amendment	25 Acres 574 single family units	SL Ontario Development Corporation	<p>footprint, they will be captured and relocated. If non-breeding owls must be moved away from the disturbance area, passive relocation techniques will be used. The pre-construction survey and any relocation activity will be conducted in accordance with the CDFG Report on Burrowing Owl Mitigation, 1995. According to the CDFG guidelines, mitigation actions will be conducted from September 1 to January 31, which is prior to the nesting season. However, burrowing owl nesting activity is variable, and as such the time frame will be adjusted accordingly. Should eggs or fledglings be discovered in any owl burrow, the burrow cannot be disturbed (pursuant to CDFG guidelines) until the young have hatched and fledged (matured to a stage that they can leave the nest on their own).</p> <p>MM Bio 2: To mitigate for potential impacts to loss of nesting and foraging habitat, the project proponent shall be required to pay City of Ontario open space mitigation fees. Fees collected will be used "to acquire and restore mitigation lands to offset impacts to species now living in the New Model Colony and impacts to existing open space," according to the City of Ontario Development Impact Fee Calculation Report and the Settlement and General Release Agreement. Development is currently required to pay \$4,320 per acre. Therefore, the proposed project will pay approximately \$1,080,000 for open space acquisition based upon the current fee.</p>	Coming Soon	COST: \$112,320
The Avenue	569 acres 2,606 residential units 250,000 s f of retail space	Brookfield Homes Richland Communities Distinguished Homes Lewis Companies	<p>BR-1 No less than two weeks and not more than four weeks prior to the commencement of any ground-disturbing activities, a preconstruction survey for burrowing owls shall be conducted by a qualified biologist. If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be resurveyed for owls. If owls are determined to be present within the construction footprint, they will be relocated in accordance with current California Department Fish and Game protocol.</p> <p>BR-4 The Project proponent shall be required to pay City of Ontario development impact fees. Fees collected will be used "to acquire and restore mitigation lands to offset impacts to species now living in the New Model Colony and impacts to existing open space," according to the City of Ontario Development Impact Fee Calculation Report and the Settlement and General Release Agreement. This fee is currently \$4,320 per acre.</p> <p>BR-5 To avoid direct impacts to burrowing owls, a pre-construction survey will be conducted by a qualified biologist no more than 30 days prior to any ground-disturbing activities, including demolition, mature clean up, and site grading. If burrowing owls are detected on site, they will be relocated in accordance with current protocols recognized by the CDFG. If present on site, burrowing owls must be relocated outside of the nesting season (February 1 through August 31), unless a qualified biologist confirms that the burrowing owls are not nesting, and CDFG approves in writing the relocation during the nesting season. If ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, then the site shall be resurveyed for burrowing owls.</p> <p>Given the current degradation of the existing habitat onsite, development impact fees will help acquire, at least, an equivalent or greater level of habitat. The proposed Project will be required to pay these fees. Cumulative loss of habitat is therefore considered less than significant. Cumulative impacts to the direct loss of species are reduced to less than significant levels with the implementation of Mitigation Measures listed in the previously approved FDEIR and in this</p>	<p>SDEIR</p> <p>Stanlec (Oct 2008)</p>	COST: \$2,406,870

					SDER and through consultation with the appropriate regulatory agencies as necessary.			
The Lakes					Proposed			
West Haven	199 acres 753 single family units 87,000 s.f. commercial	Stratham Homes Richland Communities Lewis Companies CV Communities	B-1 Prior to issuance of grading permit(s), a habitat land acquisition fee of \$4,320 per acre shall be paid by Project applicant(s); and placed into a trust account for use upon Project development and construction activities, for the restoration and rehabilitation of the WRCA agreed to be provided at the 145-acres within the El Prado/Chino Basin. The fee shall be paid in accordance with the September 10, 2002 modification to NMC GPA Policy 18.1.12 and Implementation Measure I-6, that states a 145-acre WRCA shall be provided through either a mitigation land bank, or by purchasing a property through development mitigation/impact fees.	Specific Plan Final DEIR (2004071095) URS (2005)	COST: \$841,770			

California Commerce Center	26.49 Acres	<p>The Project Site contained 16 individuals, with seven observed pairs and one other individual that may be paired (Tom Dobson 2005). In 2006, four BUOW territories – three pairs and one individual (MBA, 2006).</p> <p>Prior to the passive relocation, approximately eight temporary artificial burrows (a ratio of 2:1 for occupied burrows) will be constructed along the southern boundary of the project site. The particulars of the conservation land acquired will be detailed in a report submitted to the City of Ontario and CDFG once the final parcels(s) has been identified for purchase. Information will include the location of the parcels(s), the onsite conditions at the time of conservation, the level of management activity required to create suitable BUOW habitat, the management activities completed to date, and the presence of BUOW. The conservation land will be periodically visited for the next 3 years (12 visits) to collect data on BUOW that occupy the site, including survival, pair bonds, nest success, fidelity to the conservation site, and other relevant information. Each of the BUOW that occupy the conservation area would be color-banded to allow unique identification. An effort would also be made to color-band all the young produced by owls on the conservation area.</p>	SDEIR (2006061102) Not on website MBA (April 2007)		
Guastl Plaza	<p>175,000 square feet of historical buildings</p> <p>300,000 square feet of Class-A office space, two hotels</p> <p>250,000 square feet of distinctive retail space</p>	Oliver McMillan	<p>It is generally acceptable to have a qualified biologist passively/exclude burrowing owls that are not currently nesting from an occupied site. Nesting burrowing owls must be left undisturbed until such time that young have fledged or a qualified biologist has determined the nest is no longer active. The northeastern corner of the project site is located in areas identified as potential BUOW habitat, as shown in Figure 5 of the Redevelopment Plan DEIR. Based on the discussion above, this mitigation remains applicable to future residential development under the proposed Specific Plan Amendment.</p> <p>4.9.1 To adequately determine the presence/absence of the burrowing owl on the project site, winter and breeding season surveys for the burrowing owl, as well as pre-construction surveys would have to be conducted. In the event that burrowing owls are determined to occur on the project site, mitigation for habitat loss shall be implemented as set forth in the prevailing guidance document for the species. If burrowing owls are determined to occur within the project site during either focused or preconstruction surveys, mitigation shall include the acquisition and protection of off-site habitat to offset the loss of foraging and burrowing/breeding habitat on the project site. A minimum of 6.5 acres of foraging habitat (based on providing a 100-yard foraging radius around the burrow) per pair or unpaired resident bird shall be permanently protected. The protected lands shall be within the vicinity of the project site and in suitable habitat at a location approved by the CDFG. Any occupied burrows within the project site that will be destroyed shall be mitigated through enhancement of existing unsuitable burrows or creation of artificial burrows at a ratio of 2:1 on the protected land site.</p>	SDEIR (SCH 2008111072) David Evans and Associates (May 2011)	
	250-acre	Saris-Regis	<p>No burrowing owls were detected during the site visit. Numerous suitable burrows were present on site and there are several CNDDB records for burrowing owl within four miles of the site (although none from the actual site itself). (CNDDB 2014). In July 2014, CDFW documented several owls in the project vicinity and it is possible that these owls utilize the project site (Harmsworth 2014).</p> <p>4.9.2 Burrowing Owl Avoidance: Breeding season avoidance measures for the burrowing owl including, but not limited to, those that follow shall be implemented. A preconstruction survey for resident burrowing owls shall be conducted by a qualified Project Biologist within 14 days prior to construction activities. If ground-disturbing activities are delayed or suspended for more than 14 days after the pre-construction survey, the site will be resurveyed for owls.</p> <p>4.9.3 Burrowing Owl Passive Exclusion: During the nonbreeding season (September 1 through January 31), if burrows occupied by migratory or non-migratory resident burrowing owls are detected during a pre-construction survey, then burrow exclusion and/or closure may be used to passively exclude owls from those burrows. Burrow exclusion and/or closure shall only be conducted by the Project Biologist in</p>	Specific Plan (2014051020) Applied Planning (March 2015)	

Meredith International Center			consultation and coordination with CDFW employing incumbent CDFW guidelines. 4.9.4 Mitigation for Displaced Owls: In consultation with the City, Project Applicant, Project Biologist, and CDFW, and consistent with mitigation strategies outlined in the CDFW Burrowing Owl Mitigation Staff Report, a mitigation plan shall be developed for the "take" of any owls displaced through Project construction activities. Strategies may include, but are not limited to, participation in the permanent conservation of off-site habitat replacement area(s), and/or purchase of available burrowing owl conservation bank credits.		
Ontario Gateway	Mixed-use project to include two hotels, a 10-story Class-A office building, a Mercedes-Benz dealership and a hospital	Leasing- Lee & Associates	There are 10 recent records of this species within 5 miles of the project site. Suitable foraging and nesting habitat for burrowing owl occurs over much of the project site, within the nonnative grassland and ruderal habitats. Thus, while burrowing owls were not observed on-site, they may forage and nest within the site. Mitigation Measure 4.9.1: The project site shall be surveyed for the presence of the burrowing owl during the winter season (between December 1 and January 31) to determine whether wintering burrowing owls occur on the site, and during the peak of the breeding season (between April 15 and July 15) to determine whether burrowing owls nest on the site. The surveys shall be conducted within one calendar year before the initiation of ground-disturbing activities associated with future residential development. Regardless of the results of the focused surveys, a pre-construction survey for burrowing owls shall also be conducted within 30 days of the initiation of ground-disturbing activities on the site, per the guidelines of the CDFG. If burrowing owls are determined to occur within the project site during either focused or pre-construction surveys, mitigation shall include the acquisition and protection of off-site habitat to offset the loss of foraging and burrowing/breeding habitat on the project site. A minimum of 6.5 acres of foraging habitat (based on providing a 100-yard foraging radius around the burrow) per pair or unpaired resident bird shall be permanently protected. The protected lands shall be within the vicinity of the project site and in suitable habitat at a location approved by the CDFG. Any occupied burrows within the project site that will be destroyed shall be mitigated through enhancement of existing unsuitable burrows or creation of artificial burrows at a ratio of 2:1 on the protected land site	Final SDEIR (SCH 200811072) David Evans and Associates (May 2003)	
UPS		Ware Malcomb	Multiple CNDDB recorded occurrences are in the vicinity of the Project area; however, no sign of burrowing owl (pellets, whitewash, burrows, etc.) were observed during the biological survey. Due to lack of observation of sign and owl, this species has low potential to occur on site.	Addendum to the 1988 UFS Ontario Air Cargo Hub Specific Plan and 1992 Acco Airport Center Specific Plan Final DEIR Rincon (2015)	

Response to Letter A1: California Department of Fish and Wildlife, dated January 3, 2018.

Comment A1-1: This comment provides background information related to biological resource regulations, a summary of the proposed project, and the roles and responsibilities of the California Department of Fish and Wildlife (CDFW).

Response A1-1: This comment does not provide specific comments about the EIR, and no further response is required or provided.

Comment A1-2: This comment states that the Draft EIR should include a complete assessment of the flora and fauna within and adjacent to the project footprint. The comment provides a list of species that were evaluated in the Biological Resources Assessment that was prepared for the project. The comment also states that it believes that the project site has potential support the western pond turtle (*Actinemys marmorata*), a California Species of Concern. The comment states that the turtles can occupy a wide range of aquatic habitat, and that the site contains irrigation ditches and a stock pond. The comment also states that the turtle should be addressed that the Draft EIR should be recirculated for review.

Response A1-2: The comment does not provide any specific evidence that the western pond turtle is present on the project site. The Biological Resources Assessment states that the turtle requires basking sites, such as partially submerged logs, vegetation mats, open mud banks, or grassy open fields within 0.5 km of permanent water. Suitable nesting sites are within permanent or near permanent bodies of water below 2,000 meters, and that the study area does not contain suitable basking or nesting habitat. Based on the field investigation that was performed during preparation of the Biological Resources Assessment, the stock pond does not contain suitable basking (submerged logs, vegetation mats, open mud banks, grassy fields) or adjacent nesting habitat (permanent or near permanent water). Based on historical aerial photographs, the water in the irrigation ditches and the stock pond is mostly intermittent. For instance, the Biological Resources Assessment notes that the stock pond was mostly dry during the field survey. The irrigation ditches do not provide the permanent or near permanent body of water that is needed to support the turtle. In addition, the stock pond fills with water drained from the active dairy operation and contains large amounts of cow manure and urine. While the effects of such pollution on western pond turtle is argued by some researchers to not prevent their occupation, others argue that pollution does adversely affect the ability of the species to occupy such waters (Bury et. Al., 2012)¹. Given the condition of the water that collects in the stock pond, the lack of suitable basking or nesting habitat, and the water level instability of the pond, the EIR reasonably concluded that the potential for the western pond turtle to be present on the site was none.

Comment A1-3: This comment states that the Draft EIR should provide a thorough discussion of direct and indirect impacts that are expected to adversely affect biological resources, including lighting, noise, human activity, wildfire human interactions, invasive species, and drainage. The comment also states that the drainage analysis should include volume, velocity, polluted runoff, and soil erosion.

Response A1-3: The nearest natural areas to the project site are located approximately 2.26 miles to the southeast and approximately 2.37 miles to the southwest. The project site is surrounded by roadways, agricultural uses, suburban uses, and other disturbed lands. Therefore, such edge effects to natural biological resources would not occur. In addition, the impacts of the project on hydrology and drainage are described in Section 5.9, *Hydrology and Water Quality*, which describes that existing regulations and City Standard Conditions of approval, that would be implemented as part of the City's permitting process would reduce impacts to a less than significant level.

¹ Bury, R.B., D.T. Ashton, H.H. Welsh, Jr., D.A. Reese, and D.J. Germano. 2012. Synopsis of biology. Pg. 9-19 in *Western Pond Turtle: Biology, Sampling Techniques, Inventory and Monitoring, Conservation, and Management*. Bury, R.B., H.H. Welsh, Jr., D.J. Germano, and D.T. Ashton (eds.). Northwest Fauna 7.

Comment A1-4: This comment states that the Draft EIR should include a discussion of indirect impacts of areas adjacent to the project, such as public lands, open space, adjacent natural habitat, riparian ecosystems, wildlife corridors, and any reserve or mitigation lands.

Response A1-4: See Response 3 regarding the project area, surrounding land uses, and the distance of the project site to natural lands. The comment does not allege any specific inadequacy with the analysis of the Draft EIR, which properly considers all potential environmental impacts associated with the proposed project, including to biological resources.

Comment A1-5: This comment states that the Draft EIR should include an evaluation of impacts to adjacent open space lands from construction, operation, and maintenance needs of the project.

Response A1-5: The project site is not adjacent to open space. The project site is surrounded by roadways, agricultural uses, and suburban uses. See Response 3 regarding the project area, surrounding land uses, and the distance of the project site to natural lands. The comment does not allege any specific inadequacy with the analysis of the Draft EIR, which properly considers all potential environmental impacts associated with the proposed project, including to biological resources.

Comment A1-6: This comment discusses the requirements for cumulative analysis under CEQA and describes the appropriate approach to assessing cumulative impacts to special status biological resources. It also describes the potential limitation of the data contained in the CNDDDB in terms of serving as a means to conclude the absence of a biological resource from a project site. The data it contains can, however, assist in assessing the likelihood of presence.

Response A1-6: First, as suggested by commenter, the Draft EIR does include a discussion of species to occur within the vicinity of the Specific Plan area, as evidenced by the Draft EIR's discussion of nearby occurrence records. With respect to the burrowing owl, the Draft EIR notes that there was a moderate potential for the species to occur within the study area, due to the presence of suitable habitat. The CNDDDB data is provided to assist in assessing the likelihood of presence of special status species within and surrounding the project site. Due to the potential for burrowing owl to occur in the project region, breeding season surveys were conducted in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation (2012). The results of the focused burrowing owl surveys are provided as Appendix A to this Final EIR. Four surveys were conducted within the project site, plus a 150-meter (approximately 500 foot) buffer zone around the project site, on February 24, April 27, June 2, and July 30, 2017. Weather conditions generally consisted of clear to overcast skies with winds between 0 and 4 miles per hour (mph) and air temperatures ranging from 38 to 69 degrees Fahrenheit. No burrowing owls were observed within the survey area during the 4 breeding season surveys. Thus, although the Draft EIR acknowledged the potential for burrowing owls to be present on the project site, no burrowing owls or occupied habitat are anticipated to be impacted by the proposed project. However, Mitigation Measure BIO-1: Burrowing Owl would be implemented to provide for a focused survey to occur prior to a demolition or grading permit to ensure that impacts to burrowing owls would not occur from implementation of the proposed project.

It should also be noted that, as identified by commenter, the project is also subject to specific conditions/measures that will further ensure less than significant impacts to burrowing owls within the project site and vicinity, such as the requirement to pay a mitigation fee that funds a land trust to acquire and protect habitat supporting, among other things, burrowing owls. This measure, along with specific requirements for the City, was imposed as part of a Settlement Agreement related to the approval of the New Model Colony. The project site is within the New Model Colony and, therefore, subject to the mitigation fee imposed by the City. Thus, although the fee was not specifically identified as a mitigation measure and was not required to reduce any project impacts, the fee is part of the existing regulatory environment that applies to the project and will be included as a condition of approval.

Comment A1-7: This comment discusses the Settlement Agreement related to the previous annexation of the New Model Colony area, which the project area is within. As part of the settlement, mitigation fees are required to be paid, which are implemented as development impact fees. The comment also states that it would like to understand how the cumulative impacts within the City have been addressed with regard to the Settlement Agreement.

Response A1-7: As discussed in Response A1-6, the project is within the New Model Colony and is subject to the mitigation fee contemplated by the Settlement Agreement. It should be noted, however, that the majority of the settlement agreement's provisions are continuing requirements of the City (i.e., the establishment of a Land Trust), the implementation of which is unrelated to this specific project. To the extent the commenter is requesting information about implementation of the settlement agreement, that is beyond the scope of this Draft EIR. The Draft EIR includes substantial evidence supporting the conclusion that the site, although it has some suitable burrowing owl habitat, does not currently support burrowing owls. Mitigation Measure BIO-1 is imposed to ensure that impacts remain less than significant. Section 5.4, *Biological Resources*, of the Draft EIR describes the potential of special status species and their habitats to exist on site and provides mitigation measures to ensure that existing regulations related to biological resources are implemented and that potential impacts are reduced to a less than significant level. As detailed, the existing regulations would be implemented by the County, the U.S. Army Corps of Engineers, CDFW, and the Regional Water Quality Control Board; and ensured during the project permitting process. As described in the Draft EIR, cumulative impacts would be less than significant with implementation of the Mitigation Measures BIO-1 through BIO-3. Moreover, while it is already required per existing regulations, Mitigation Measure BIO-4 is added to the Draft EIR, and serves to further ensure that impacts to burrowing owls and or burrowing owl habitat are less than significant.

Comment A1-8: This comment states that the Draft EIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts. The comment discusses appropriate mitigation for the burrowing owl.

Response A1-8: Please refer to Response A1-6 regarding burrowing owl surveys that were completed, and burrowing owl mitigation that would occur prior to demolition or grading. The EIR's analysis of potential impacts, and the mitigation measures included, are not incomplete. Also, Response A1-7 describes that implementation of Mitigation Measures BIO-1 through BIO-3, and existing regulations would reduce potential project impacts to a less than significant level. Hence, as suggested in the comment the Draft EIR does include appropriate and adequate avoidance, minimization, and/or mitigation measures for all potentially significant direct, indirect, and cumulative impacts.

Regarding the comment to provide measure to perpetually protect targeted habitat values, it is not warranted at this time due to the absence of special status biological resources at the project site. Regarding burrowing owl, the comment is correct in stating that pre-construction surveys, minimization measures, and/or mitigation will be implemented. As described previously in Response A1-6, no burrowing owls currently occur onsite. Additionally, Mitigation Measure BIO-1 includes provisions to prepare related mitigation plans to be approved by CDFW prior to their implementation and specifies standards and methods that must be followed if triggered by the presence of burrowing owls on-site. This does not constitute deferral. Mitigation Measure BIO-4, which adds the existing requirement to pay habitat mitigation fees to the Draft EIR, is also incorporated.

Comment A1-9: This comment summarizes the regulatory requirements and the agreement process of CDFW under the California Fish and Game Code Section 1602.

Response A1-9: The Draft EIR acknowledges the requirements related to the California Fish and Game Code. Furthermore, the Draft EIR does thoroughly analyze the project's potential impacts to any river, stream or lake. Please refer to Draft EIR discussion of Impact BIO-2. The commenter does not allege any specific inadequacy with the analysis of the Draft EIR.

Letter A2: California Department of Transportation (3 pages)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING (MS 725)

464 WEST 4th STREET, 6th FLOOR

SAN BERNARDINO, CA 92401-1400

PHONE (909) 388-7017

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*Making Conservation
a California Way of Life.*

January 4, 2018

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

Richard Ayala
City of Ontario, Planning Department
303 East "B" Street
Ontario, CA91764

Subject: Colony Commerce Center East Specific Plan – Traffic Impact Analysis

Dear Mr. Ayala:

Thank you for providing the California Department of Transportation (Caltrans) the opportunity to review and comment on the Traffic Impact Analysis (TIA) 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 Ontario, due to the project's potential impact to the State facilities, it is also subject to the policies and regulations that govern the SHS. We offer the following comments:

A2-1

- 1) Use dual left turn lanes for westbound at intersection of SR-83 (Euclid Avenue)/Merrill Avenue (#1) due to high volume of 438 vph as per Exhibit 6-4 during opening year 2019 with project. For the same intersection, only 231 vph projected for the horizon year 2040 (Figure 6.4). Please explain the decrease and verify traffic volume at this location and other locations.
- 2) Traffic operates at unacceptable LOS F at the intersection of I-15 NB Ramps/Cantu Galleano Ranch Road during PM Peak Hour for horizon year 2040 with project. Please include mitigation measures to the impacted intersections in the TIA.
- 3) Use dual left turn lanes for westbound at intersection of SR-60/Archibald Avenue (#14) due to high volume of 577 vph as per Exhibit 6-4 during opening year 2019 with project.

A2-2

A2-3

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to enhance California's economy and livability"

Mr. Ayala
January 4, 2018
Page 2

For the same intersection, only 456 vph projected for the horizon year 2040 (Figure 7.4). Please explain the decrease and verify traffic volume.

- | | |
|--|-------|
| 4) On Page 13, Section 1 (Introduction): Provide regional location, local vicinity map and aerial map for the project. | A2-4 |
| 5) On Page 13, Section 1.1 (Project Overview): There is a discrepancy on the square footages of PA1 and PA2 between the TIA report and the Scoping Agreement. Please verify and update accordingly. | A2-5 |
| 6) On Page 14, Exhibit 1-1: Preliminary Site Plan shows a Project Driveway #5 in the TIA. However, Page 3 of the Scoping Agreement does not show Project Driveway #5. Please correct the discrepancies and clarify the proposed project access points, including the location of Project Driveway #5. | A2-6 |
| 7) On Page 15, Section 1.2 (Analysis Scenarios): Please verify if the existing condition year is 2017 or 2016. | A2-7 |
| 8) On Page 16, Section 1.3 (Intersections): The body text refers to study intersections depicted on Exhibit 1-2. However, the TIA does not include this exhibit. Please revise and include Exhibit 1-2 showing all study intersections for our review. | A2-8 |
| 9) On Page 38, Exhibit 1-3: Please correct the heading of Exhibit 1-3, which should read as "Site Access and Site Adjacent Roadway Improvement Recommendations". | A2-9 |
| 10) On Page 56, Exhibit 3-1: Please correct the numbering of intersections. There are two intersections with the same number (#27). | A2-10 |
| 11) On Page 71, Section 3.7 - Existing (2017) Traffic Counts: Based on Counts Unlimited Contractor, data was collected on a Tuesday in April 2016. The TIA report references counts from 2017. Please clarify and show the methodology used to interpolate the existing traffic counts, as applicable. | A2-11 |
| 12) On Page 86, Exhibit 3-20: Please provide the source and complete hourly volumes. | A2-12 |
| 13) On Page 98, Section 4.2 (Project Trip distribution): Please indicate if your results were adjusted to control for truck trips assigned by the model to other areas within the project site unless this pattern reflects expected operations within the proposed development. | A2-13 |
| 14) On Page 118, Section 4.7 – Horizon Year (2040) Volume Development: Did you run tests with SBTAM, RIVTAM to confirm travel patterns, e.g., to determine if truck traffic peak | A2-14 |

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Mr. Ayala
January 4, 2018
Page 3

periods associated with your proposed project coincide with the typical AM and PM peak periods?

- 15) The (E+P) peak hour off ramp queuing and LOS levels are acceptable as the project isn't anticipated to impact the state highway. However, it is recommended that the mitigation improvements for the state traffic signals as done as recommended in Table 1-4. | A2-15
- 16) Please update all exhibits and result tables due to the updated improvements. | A2-16
- 17) Provide TIA with the PE stamp. | A2-17

All comments should be addressed and the TIA should be resubmitted. 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,



MARK ROBERTS
Office Chief, AICP
Intergovernmental Review, Community and Regional Planning

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Response to Letter A2: California Department of Transportation, dated January 3, 2018.

Comment A2-1: The comment requests that dual left-turn lanes be utilized in the westbound direction at SR-83 (Euclid Avenue)/Merrill Avenue. The comment also requests an explanation as to the decrease in traffic volume at this location and other locations from 2019 to 2040.

Response A2-1: As noted in Draft EIR Section 5.13, *Transportation and Circulation*, and in section 6.1 of the Traffic Impact Analysis (TIA) (Draft EIR Appendix K), study area intersections in the 2019 condition were evaluated using the existing intersection geometrics, unless there are roadway facilities that will be constructed by cumulative development along the development's frontage or for site access. No improvements at Euclid Avenue/Merrill Avenue have been identified, therefore this intersection is evaluated with one shared left-through-right lane on the westbound approach, consistent with the existing condition.

The reason the 2019 volume is higher than the 2040 volume for the westbound left turn movement is because the future General Plan roadway network is included in the traffic model. The General Plan network includes future parallel facilities in the area for 2040 that are not in place (or assumed to be in place) by Year 2019. As such, you will see a decrease at intersections such as Euclid Avenue and Merrill Avenue, as volumes are increased at others (such as Euclid Avenue and Kimball Avenue).

Comment A2-2: The comment requests that mitigation be provided for the unacceptable operation at I-15 NB Ramps/Cantu Galleano Ranch Road for horizon year 2040 operations.

Response A2-2: Table 7-6 of the TIA and Table 5.13-27 of the Draft EIR incorrectly identify the PM LOS for the intersection of I-15 NB Ramps / Canu Galleano Ranch Road as LOS F. However, as noted in those tables the delay is 36.0 seconds, which is actually LOS D. The Draft EIR will be revised to state LOS D, and the revised TIA included in the Final EIR (Appendix B) accurately reflects the LOS.

Comment A2-3: The comment requests that dual left-turn lanes be utilized on the westbound approach at SR-60/Archibald Avenue.

Response A2-3: As noted in the response to Comment A2-1, study area intersections in the 2019 condition were evaluated using the existing intersection geometrics, unless there are roadway facilities that will be constructed by cumulative development along the development's frontage or for site access. No improvements at Archibald Avenue/SR-60 WB Ramps have been identified, therefore 2019 conditions at this intersection is evaluated with one shared left-through lane and one right-turn lane on the westbound approach, consistent with the existing condition. Improvements associated with deficient intersections is provided in TIA Table 6-6 for 2019 conditions.

The 2019 forecasts were derived using the manual build-up method (i.e., existing baseline, plus ambient growth, plus cumulative traffic, plus Project traffic). However, 2040 forecasts are model based (San Bernardino Transportation Analysis Model, which includes the General Plan network for both the City and County). Although the traffic forecasts reflect a further time horizon (2040), the modeling tool takes into account interaction between various land uses/traffic analysis zones and also changes in travel patterns with new parallel roadway facilities. As such, the 2040 forecasts may be less than the 2019 forecasts in some instances.

Comment A2-4: The comment requests that a regional location map, local vicinity map and aerial map be provided.

Response A2-4: A regional location map, local vicinity map and aerial of the project site are provided in Chapter 3, Project Description, Figures 3-1, 3-2 and 3-3 of the Draft EIR.

Comment A2-5: The comment notes a discrepancy on the square footages on PA1 and PA2 between the TIA and the Scoping Agreement.

Response A2-5: : The TIA evaluates a total of 1,700,001 square feet of building area in PA1 and PA2. This is slightly higher than the actual proposed square footage of 1,683,170, but was evaluated in the TIA to provide a worst-case analysis and allow for minor changes in the project description. The project description was modified slightly between the time the scoping agreement was approved and the TIA was prepared. The additional square footage was all manufacturing, the highest trip generator proposed by the project, and it would generate approximately 10 a.m. peak hour trips, 11 p.m. peak hour trips, and 66 daily trips. Those trips will be distributed consistent with the assumed distribution patterns, and will not contribute an appreciable increase to any specific intersection. Also, for instance, the additional trips would not impact the assumptions underlying the trip distribution patterns, given those are based upon location, surrounding uses, and the roadway system. The commenter has not presented any evidence or alleged that the TIA is inadequate. Finally, the City of Ontario Traffic Engineer reviewed the TIA to ensure consistency with the City's TIA guidelines and accuracy. As a result, the trips generated by the increased square footage was not significant enough to warrant re-scoping of the TIA.

Comment A2-6: The comment notes discrepancies in the project access points between the site plan provided in the scoping agreement and in the TIA.

Response A2-6: The commenter is directed to the fact that TIA Exhibit 1-1 and Scoping Agreement Exhibit 1 are substantially the same. The only discrepancy between the two figures is that the Exhibit 1 of the Scoping Agreement erroneously fails to label Driveway 5 (which borders the southern edge of the project site). However, Driveway 5 is still readily identifiable on Exhibit 1, and is described in narrative form in the Scoping Agreement (see pp. 1.1-1 and 1.1-2). Exhibit 1-1 of the TIA is consistent with the driveway locations as identified in the Draft EIR (see Figure 3-7, Circulation Plan). The commenter has not presented any evidence that this minor labeling omission somehow undermines the conclusions of the TIA.

Comment A2-7: The comment requests clarification of the existing condition year.

Response A2-7: Consistent with the approved scoping agreement with the City of Ontario, the counts conducted in April/May of 2016 utilized a growth factor to bring the 2016 counts to 2017 conditions and no factor was applied to the December 2016 to reflect 2017 conditions. The existing baseline for the purposes of the traffic impact analysis is 2017.

Comment A2-8: The comment notes that Exhibit 1-2 is missing from the TIA.

Response A2-8: It is acknowledged that Exhibit 1-2 is missing from the TIA and Exhibit 1-3 was inserted twice. However, the study area intersections are depicted on TIA Exhibit 3-1. The study area intersections are also identified in Draft EIR Table 5.13-1. Exhibit 1-2 is provided in the errata.

Comment A2-9: The comment requests a change to title of Exhibit 1-3.

Response A2-9: The title on Exhibit 1-3 has been corrected. The revised exhibit is provided in the errata.

Comment A2-10: The comment notes that there are two intersections with the same number on Exhibit 3-1.

Response A2-10: The intersection numbering on Exhibit 3-1 has been corrected. The revised exhibit is provided in the errata.

Comment A2- 11: The comment notes a discrepancy in the date of the traffic counts.

Response A2-11: Consistent with the approved scoping agreement with the City of Ontario, the counts conducted in April/May of 2016 utilized a growth factor (1 percent) to bring the 2016 counts to 2017 conditions and no factor was applied to the December 2016 to reflect 2017 conditions. As a matter of standard engineering practice, traffic counts are generally considered valid for a period of up to 2 years by most lead agencies because it is generally unlikely that significant background traffic growth occurs within two years. There was no substantive growth in the area that would have caused the 2016 traffic counts to significantly underestimate 2017 traffic. Nevertheless, for analytical purposes in the Draft EIR, a 1 percent growth rate was added to the 2016 traffic counts to conservatively reflect 2017 traffic conditions. The 1 percent growth rate is based on direct coordination with the City of Ontario Traffic Engineer (Larry Tae), and overstates growth that is likely to have occurred in the study area between 2016 and 2017. The commenter has not presented any evidence why the traffic counts, either in and of themselves and or with a growth factor, are inappropriate or otherwise underrepresent area traffic.

Comment A2-12: The comment asks for the source of the freeway volumes and for complete hourly volumes.

Response A2-12: The PeMS website was utilized to obtain freeway mainline data for the purposes of the Traffic Study. Specifically, the segment of SR-60 West of Archibald Avenue, SR-71 Freeway North of Euclid Avenue, and I-15 Freeway between Cantu Galleano Ranch Road and Limonite Avenue. The volumes were obtained for the 3-day period corresponding to the count date for the adjacent interchanges. The ramp data is consistent with the count data (adjusted for flow conservation, but not converted to PCE) and the remaining freeway segment volumes were determined through flow conservation between the PeMS data locations and the ramp data. The volumes evaluated in the study are provided on Exhibit 3-20 and are also provided in the freeway analysis worksheets provided in Appendices 3.5 and 3.6.

Comment A2-13: The comment asks whether the project trip distribution results from the traffic model were adjusted to account for truck trips.

Response A2-13: The truck trip distribution was manually derived based on approved truck routes in the area and the Project's proximity to the State Highway facilities.

Comment A2-14: The comment asks about the post-processing of the model volumes and whether the truck traffic peak periods coincide with the typical AM and PM peak hours.

Response A2-14: Industry standard peak period to peak hour factors were applied to the 2040 forecasts from both SBTAM and RivTAM to determine the peak hour forecasts. The growth observed between the 2012 and 2040 model forecasts was applied to the Existing (2017) PCE volumes. As such, although the truck component of these traffic models were not utilized, the resulting forecasts are assumed to be reflected in PCE (and includes trucks) as the growth is applied to the Existing (2017) PCE volumes.

Comment A2-15: The comment notes that peak hour off-ramp queuing and LOS levels are acceptable and requests that mitigation be incorporated for State traffic signals as recommended in Table 1-4.

Response A2-15: Comment noted regarding mitigation outlined in Table 1-4.

Comment A2-16: The comment request that exhibits and tables be updated to respond to the previous comments.

Response A2-16: Changes to the applicable tables and exhibits are included in the errata.

Comment A2-17: The comment requests that the TIA be stamped by a Professional Engineer.

Response A2-17: The report has been stamped by registered Traffic Engineer. The cover page showing the stamp is provided in the errata.

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Letter A3: City of Chino (1 page)

EUNICE M. ULLOA
Mayor

TOM HAUGHEY
Mayor Pro Tem

**CITY of CHINO**

EARL C. ELROD
GARY GEORGE
PAUL A. RODRIGUEZ, Ed.D.
Council Members

MATTHEW C. BALLANTYNE
City Manager

January 3, 2018

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

Re: Draft EIR - Colony Commerce East Specific Plan, City of Ontario, State Clearinghouse
#2017031048

Dear Mr. Ayala:

This letter is in response to the Notice of Availability of a Draft Environmental Impact Report for the Colony Commerce East Specific Plan. The following are the City of Chino's comments based on our review of the Traffic Impact Analysis prepared by Urban Crossroads:

- Table 1-4: A 2nd SB left turn was identified at Intersection 1 - Euclid at Merrill Avenue. Therefore, a 2nd eastbound receiving lane on Merrill Ave. is also required. Please add this to the Summary of Improvements.

A3-1

Please contact me at (909) 334-3417 should you have any questions.

Sincerely,

Jesus Plasencia, P.E.
City Engineer

cc: Warren Morelion, City of Chino



13220 Central Avenue, Chino, California 91710
Mailing Address: P.O. Box 667, Chino, California 91708-0667
(909) 334-3250 • (909) 334-3720 Fax
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Response to Letter A3: City of Chino, dated January 3, 2018.

Comment A3-1: This comment states that Table 1-4 of the Traffic Impact Analysis shows that a second southbound left turn was identified at Intersection 1 (Euclid at Merrill Avenue), and therefore, a second eastbound receiving lane on Merrill Avenue is also required and should be added to the summary of improvements.

Response A3-1: Draft EIR Table 1-4 and Section 5.13, Traffic and Circulation, page 5.13-41 has been modified to indicate that a second eastbound receiving lane on Merrill Avenue would be required with implementation of the second southbound left-turn lane.

As indicated on Draft EIR page 5.13-43, for intersections under the jurisdiction of Caltrans or the Cities of Jurupa Valley and Eastvale, such as this one, the City of Ontario cannot guarantee implementation of the improvements. As a result, traffic impacts were considered significant and unavoidable.

See Section 3, *Changes to the Draft EIR*, of this Final EIR.

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Letter A4: Jurupa Unified School District (1 page)

From: Maria Christy <maria_christy@jUSD.k12.ca.us>
Sent: Tuesday, November 14, 2017 4:59 PM
To: Scott Murphy; Richard Ayala
Cc: Trenton T. Hansen; Paula Ford; Robin Griffin; Delilah R. Langan; Gabriela Flores
Subject: Colony Commerce Center Specific Plan Draft EIR/ PSP 16-003
Attachments: 0001-1Notice of Availability of DEIR for CCCE.PDF

Hello Mr. Ayala,

Concerning the Colony Commerce Center, the District wants assurance from the developer that mitigation measures will be taken to prevent negative impact to air quality in the vicinity. Our new K-8 school is approximately 5 miles from the project site. Your CEQA documents show that there may be significant impacts to the environment pertaining to air quality and since this is zoned for ag and will be commercial, this may affect our students and members of our community.

Respectfully,

Maria Christy
Planning & Development Technician

Jurupa Unified School District
4850 Pedley Road
Jurupa Valley, CA 92509

951.361.6571 | 951.360.4163 FAX
maria_christy@jUSD.k12.ca.us

Follow us on:    

A4.1

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Response to Letter A4: Jurupa Unified School District, dated November 14, 2017.

Comment A4-1: This comment states that the District wants assurance from the developer that mitigation measures will be taken to prevent negative impact to air quality in the vicinity of a new K-8 school that is approximately 5 miles from the project site. The comment conveys concern about air quality emissions effecting students and community members.

Response A4-1: As detailed in Section 5.3, *Air Quality*, of the Draft EIR, the proposed project would result in air quality emissions from the number of vehicular and truck trips that are anticipated to occur. However, the project would be required to implement standard South Coast Air Quality Management District rules related to emissions and fugitive dust by including the standard regulations in the project's Mitigation Monitoring and Reporting Program (MMRP). In addition, the EIR has identified Mitigation Measures AQ-1 through AQ-4 that provide requirements for the types of products and equipment used onsite, and implement onsite idling regulations. The mitigation measures would be implemented by the project's MMRP, which identifies the responsible party that would implement each measure, the timing of each method, and the method of verifying that each measure has been appropriately implemented. Thus, the MMRP that would be implemented by the County provides assurance that mitigation measures identified in the Draft EIR will be implemented.

The Draft EIR's air quality technical report includes a localized emissions analysis to determine localized impacts resulting from construction and operations of the Project. The results of the localized impact analysis determined that the Project would not result in any significant impacts from construction or on-going operational activity to the localized community. Lastly, the Draft EIR included a detailed health risk assessment (HRA) to evaluate the Project's potential impacts resulting from diesel exhaust emissions to the surrounding community. The results of the HRA conclude that the Project will not have a significant health risk to any individuals in the vicinity of the project.

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Letter A5: South Coast Air Quality Management District (1 page)

From: Jack Cheng <jcheng@aqmd.gov>
Sent: Friday, December 15, 2017 1:13 PM
To: Richard Ayala
Subject: Colony Commerce Center East - Data Request

Richard Ayala,

Please provide all technical documents related to the air quality (air quality modeling, health risk assessment files, and emission estimates) and greenhouse gas analyses in electronic format. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.

If you have any questions, please feel free to contact me.
Thank you.

Jack Cheng
South Coast Air Quality Management District
CEQA IGR
(909) 396-2448
jcheng@aqmd.gov

A5-1

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Response to Letter A5: South Coast Air Quality Management District, dated December 15, 2017.

Comment A5-1: This comment requests technical documents related to the air quality and greenhouse gas analyses be sent to the South Coast Air Quality Management District in electronic format that include original emission calculation spreadsheets and modeling files. The comment also states that any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.

Response A5-11: In response to this comment, the City provided the requested documentation Tuesday, December 19, 2017. The comment does not raise an environmental issue concerning the analysis in the Draft EIR.

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Letter A6: South Coast Air Quality Management District (1 page)

From: Lijin Sun [mailto:LSun@aqmd.gov]
Sent: Tuesday, January 23, 2018 7:51 AM
To: Richard Ayala <rayala@ontarioca.gov>
Subject: Colony Commerce Center East Specific Plan (PSP 16-03)

Mr. Ayala,

SCAQMD staff reviewed the Draft EIR for the Colony Commerce Center East Specific Plan (PSP 16-03) project, and we have no further comments at this time.

A6-1

Thank you,
Lijin Sun, J.D.
Program Supervisor, CEQA IGR
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Direct: (909) 396-3308
Fax: (909) 396-3324

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Response to Letter A6: South Coast Air Quality Management District, dated January 23, 2018.

Comment A6-1: This comment states that South Coast Air Quality Management District staff reviewed the Draft EIR and has no comments at this time.

Response A6-1: As the South Coast Air Quality Management District staff has no comments, no response is necessary.

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Letter A7: State Clearinghouse (2 pages)

EDMUND G. BROWN JR.
GOVERNOR

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



KEN ALEX
DIRECTOR

January 4, 2018

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

Subject: Colony Commerce Center East Specific Plan
SCH#: 2017031048

Dear Richard Ayala:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on January 3, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

A7-1

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
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Document Details Report State Clearinghouse Data Base

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

Type EIR Draft EIR
Description Note: Review Per Lead

The proposed project is the Colony Commerce Center East Specific Plan which allows for the development of a +/-1,914,365 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 +/-1,683,170 sf of development. No specific development proposal has been submitted for PA-3 (phase 2 of the specific plan); therefore, the development potential of +/-231,195 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	
Lat / Long	33° 58' 53" N / 117° 3' 38" W
Cross Streets	Merrill Ave and Archibald Ave
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: 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; 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; Tribal Cultural Resources

Reviewing Agencies: Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 6; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Native American Heritage Commission; Department of Housing and Community Development

Date Received	11/13/2017	Start of Review	11/13/2017	End of Review	01/03/2018
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Note: Blanks in data fields result from insufficient information provided by lead agency.

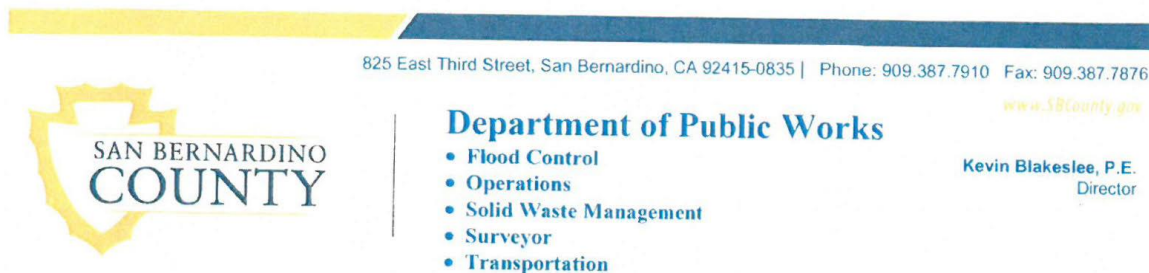
Response to Letter A7: State Clearinghouse, dated January 4, 2018.

Comment A7-1: This comment indicates that the State Clearinghouse submitted the Draft EIR to selected State agencies for review and that the comment period for the Draft EIR that began on November 13, 2017 and concluded on January 3, 2018.

Response A7-1: The comment does not address any concerns about the adequacy of the Draft EIR. The NOC that is attached to the comment acknowledge that the City has complied with the State Clearinghouse review requirements for draft environmental documents.

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Letter A8: County of San Bernardino Department of Public Works (1 page)



December 22, 2017

Transmitted Via Email

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

File: 10(ENV)-4.01

RE: CEQA – NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE COLONY COMMERCE CENTER EAST PROJECT 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 November 16, 2017** and pursuant to our review, the following comments are provided:

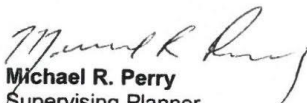
Permits/Operations Support Division (Melissa Walker, Chief, 909-387-7995):

1. Since this project is near the San Bernardino County Flood Control District's (District) Cucamonga Creek facility, any work affecting the right-of-way would need a Flood Control Permit. Also, District facilities built by the United States Army Corps of Engineers (USACE) will require the District to obtain approval (408 Permit) from the USACE. If these permits are required, their necessity and any impacts associated with the construction should be addressed in the DEIR prior to certification.

A8-1

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: dcasey@rialtoca.gov

BOARD OF SUPERVISORS

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Chief Executive Officer

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Response to Letter A8: County of San Bernardino Department of Public Works, dated December 22, 2017.

Comment A8-1: This comment states that because the project is located near the San Bernardino County Flood Control District's Cucamonga Creek facility, that any work affecting the right-of-way would need a flood control permit, and facilities built by the U.S. Army Corps of Engineers would require approval of a 408 Permit. The comment further states that the necessity and impacts related to construction affecting these facilities should be addressed in the EIR prior to certification, and that the County Department of Public Works requests to be included in noticing related to the project.

Response A8-1: As described in the Draft EIR, the proposed project would install a storm drain system that would convey runoff into infiltration basins that would discharge into new storm drain connections to the County Line Channel. These drainage improvements are included in the City of Ontario Storm Drain Master Plan. The construction of these improvements is part of the proposed project and are included in the construction analysis throughout the Draft EIR, including Section 5.3 *Air Quality*, Section 5.4 *Biological Resources*, Section 5.5 *Cultural Resources*, Section 5.7 *Greenhouse Gas Emissions*, 5.9 *Hydrology and Water Quality*, and Section 5.11 *Noise*. In addition, Section 3.8 Discretionary Approval and Permits, states that the project would require issuance of permits from the U.S. Army Corps of Engineers and the San Bernardino County Flood Control District to complete the drainage improvements and connect to existing facilities.

In addition, the County Department of Public Works will remain on the mailing list for the project and will receive future notices.

This comment will be provided to the City decisionmakers for their consideration.

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**Letter O1: Law Offices of Abigail Smith on behalf of San Geronio Chapter of the Sierra Club
(10 pages)**

Law Offices of Abigail Smith

1455 Frazee Road, Suite 500, San Diego, CA 92108

Abigail A. Smith, Esq.
Email: abby@socalceqa.com
Telephone: (951) 506-9925
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VIA E-MAIL ONLY

January 3, 2018

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

***Re: Public Comments - Colony Commerce Center East Draft Environmental
Impact Report***

To the City of Ontario:

On behalf of the San Geronio Chapter of the Sierra Club, please accept the following comments regarding the Colony Commerce Center East Draft Environmental Impact Report. This Project proposes the approval of a Specific Plan for the development of up to 1,914,365 square feet of industrial development in two phases on an approximately 95-acre site. Included within the Project is a 998,680 square-foot building for high cube warehouse distribution use.

The Project site is located within the City's Ontario Ranch area. Areas to the north and northeast are planned for future residential development. Existing residential uses are located to the east of the site. The closest sensitive receptor to the Specific Plan area is an existing agricultural use with a residential home on Merrill Avenue that is 119 feet north of the Specific Plan area. Sierra Club is concerned with the Project's impacts on these immediately surrounding sensitive uses as well as the Project's impacts on a regional basis in terms of significant air quality and transportation impacts.

We submit that the Draft EIR fails to comply with the California Environmental Quality Act ("CEQA") in at least the following respects: O1

O1-1

2 | Sierra Club Public Comments
 Colony Commerce Center East Draft EIR
 January 3, 2018

Flawed Project Description

CEQA requires that an EIR contain a project description and that the project description be accurate and complete. Here the EIR's Project Description does not meet CEQA's requirements. Unfortunately the failure to accurately describe the Project permeates the analysis and conclusions of the EIR.

The Specific Plan is proposed for development in two phases. Phase I includes PA-1 and PA-2 and would develop nine industrial, warehouse/distribution, and business buildings totaling 1,683,170 square feet on approximately 84.8 acres. Building 9 would be the largest at 998,680 square feet. Permitted uses for these buildings under the Specific Plan include warehouse/distribution facilities, business services and manufacturing uses. Importantly also, *each* building would have loading docks (a total of 240 loading docks would be included), and the Specific Plan would permit each of the buildings to be operational 24 hours per day, seven days per week.

O1-1
cont.

The EIR states that manufacturing use is *assumed* for 25 percent of the square footage for Buildings 1 through 8, while warehousing use is assumed for 75 percent of the square footage for Buildings 1 through 8. High cube warehouse/distribution center use is assumed for 100 percent of Building 9. The EIR must assume that 100% of Buildings 1 through 8 could be operated as warehouse distribution/high cube facilities. Warehouse distribution facilities generate substantial more vehicle (truck) traffic. The EIR must assume the worst-case scenario, since the Specific Plan does not limit Buildings 1 through 8 to manufacturing uses for 25% of building space. For instance, the EIR's traffic analysis relies on the assumption that manufacturing uses will comprise 25% of Buildings 1 through 8 (*see*, EIR Table 5.13-11). Indeed, the Project's trip generation rates are based on this 75%/25% split, and therefore the traffic analysis understates potential Project impacts insofar as "manufacturing" uses generate fewer vehicle/truck trips (*see*, Appendix K1 – Tables 4-1, 4-2, and 4-3).

The EIR must be revised and recirculated based on an analysis of the worst case scenario, that is, 100% industrial warehouse distribution uses for all Project buildings.

Mitigation Measures Are Inadequate

CEQA requires that mitigation measures be certain, unenforceable and effective at reducing significant impacts. Here, again, the EIR does not meet CEQA's requirements.

O1-2

3 | Sierra Club Public Comments

Colony Commerce Center East Draft EIR

January 3, 2018

For instance, Mitigation Measure AQ-3 states that model year 2010 trucks shall be required or that trucks shall be fitted with particulate traps “as available”, meaning that no mitigation may be implemented at all. Again for instance, MM BIO-3 fails to specify whether and to what extent the applicant agrees to fund the long-term maintenance of the mitigation areas; without such assurance of a funding mechanism, the measure is uncertain to be effective. GHG-1 states that the applicant shall provide evidence after Project approval that the Project achieves 100 points on the City of Ontario’s GHG Screening Table “or shall achieve equivalent emission reductions from other measures approved by the City of Ontario”. This represents deferred and uncertain mitigation and does not provide assurance in the record that mitigation measures will be effective. HAZ-1 states that a soils study will be conducted after Project approval; this also represents deferred and uncertain mitigation. The Project relies on the preparation of future hydrology and drainage studies regarding Impacts WQ-3, WQ-4, WQ-5, and WQ-6, which is inadequate. With respect to transportation impacts, the EIR finds that impacts are significant in the Opening Year (2019), but the Project is only required to make a “fair share” contribution to mitigate impacts. All feasible mitigation must be imposed on the Project or adopted by the lead agency *before* the City can make the finding that impacts are “significant and unavoidable”.

O1-2
cont.**Agricultural Impacts**

The Project site is currently used for agricultural production namely a dairy in the northern half of the Specific Plan area and row crop operations in the southern portion of the Specific Plan area. Approximately 40 acres in the southern portion of the Specific Plan area is identified as Prime Farmland and the southwestern-most portion of the site contains approximately 1.7 acres of Unique Farmland. Areas surrounding the Project site are also identified as Prime Farmland. Additionally, a portion of the Specific Plan area, comprising 41.7 acres, is within an active Williamson Act contract. The Project proposes to cancel this contract. Thus, the Project, which involves the conversion of agricultural lands to urban uses, meets the thresholds of significance for agricultural impacts. Yet, the EIR proposes only PP AG-1 (deed disclosure) as mitigation. The EIR purports to find that other mitigation measures to mitigate for the loss of agricultural lands are infeasible.

O1-3

In finding additional measures infeasible, the EIR relies on its statement that the City’s General Plan EIR found certain measures to be infeasible at that level of planning. The fact that the General Plan EIR found mitigation to be infeasible on a generalized level does not mean that mitigation is infeasible at this specific plan level or at a project-level scale. We submit that feasible mitigation includes the purchase of agricultural conservation easements; transfer of development rights; acquisition of

4 | Sierra Club Public Comments

Colony Commerce Center East Draft EIR

January 3, 2018

farmland by the city; mitigation banking; the establishment of “urban limits,” greenbelts and buffers; the payment of in-lieu fees sufficient to purchase and maintain farmland conservation easements; and planning tools such as clustering or limiting development on-site. The EIR does not provide sufficient evidence to support a finding of infeasibility with respect to these mitigation measures.

The purchase of agricultural conservation easements on land of at least equally quality and size as partial compensation for the direct loss of agricultural land as well as for the cumulative loss of agricultural land has not been shown to be infeasible. This measure could be implemented by the outright purchase of conservation easements tied to the Project; or it could be implemented via the donation of mitigation fees to a local, regional or *statewide* organization or agency including land trusts and conservancies whose purpose includes the purchase, holding and maintenance of agricultural conservation easements. Indeed, the loss of agricultural land should be deemed an impact of regional importance and the search for mitigation lands or appropriate conservation/land trust agencies conducted regionally, or even on a statewide basis¹. Furthermore, “mitigation” under CEQA includes the concept of “minimizing” the impact by *limiting* the degree or the magnitude of the action. Here the purchase of an easement or the donation of mitigation fees could certainly minimize Project impacts. According to the University of California, there are 14 agricultural land trusts in California. See, <http://calag.ucanr.edu/Archive/?article=ca.v052n03p27>. See also, <https://www.findalandtrust.org>. Regionally, for instance, there is the Rivers and Lands

O1-3
cont.

¹ According to the University of California, Division of Agriculture and Natural Resources, “As the nation's top-producing agricultural state and also the fastest-growing, California loses approximately 100,000 acres of agricultural land to urbanization annually. Because of the location of this growth, the state's best farmland is disproportionately affected, which has led to a strong public interest in protecting it. Farmland conservation efforts have historically focused on land-use regulation by local governments. Local general plans and zoning ordinances have served to separate agricultural areas from incompatible land uses, such as urban uses where people congregate. While these regulatory efforts can be highly effective for a time, they are often transitory because the next group of elected officials can revise them. The impermanence of regulatory efforts has led to a growing interest in efforts to protect farmland permanently. These efforts are carried out primarily by agricultural land trusts, which are private land conservation organizations. Agricultural land trusts work on a voluntary basis with individual landowners to acquire conservation easements that permanently restrict nonagricultural development of farmland.” <http://calag.ucanr.edu/Archive/?article=ca.v052n03p27>
This hyperlink and all hyperlinks cited herein are fully incorporated herein by reference.

5 | Sierra Club Public Comments
Colony Commerce Center East Draft EIR
January 3, 2018

Conservancy operating in and around Riverside, California. A donation to these organizations based on a reasonable ratio is feasible and must be adopted.

O1-3
cont.

Air Quality

The EIR states that MM AQ-3 would require heavy-duty trucks to have a 2010 model year engine or newer or be equipped with a particulate matter trap. As noted above, the measure, as written, allows the applicant to dispense with both of these requirements. The EIR then notes that the majority of significant air emissions due to the Project are due to mobile sources, but that neither the applicant *nor the City* have the ability to reduce mobile emissions, therefore, NOx emissions are significant and unavoidable. This is untrue. First, the lead agency under CEQA has a duty to minimize environmental damage. Second, feasible air quality mitigation includes:

- (1) A requirement that all trucks entering the site shall be 2010 model year or newer; that is, the Project must require that all heavy duty and medium duty trucks are model year 2010 or newer and trucks that do not meet this standard shall be prohibited from entering the site that do not meet this requirement; and this requirement must be specified in tenant leases and operator contracts, subject to cancellation of leases or contracts if the term is violated. To the extent that model year 2010 trucks are legally required by year 2023, this is feasible measure. (*See*, ARB website stating regulations)²
- (2) Required phase-in of electric, hybrid electric, hydrogen electric, or battery operated (*i.e.*, non-diesel) trucks. Non-diesel trucks are reasonably foreseeable in the commercial market and therefore are feasible within the life of the Project. (*See*, article describing Tesla unveiling electric semi-truck³; *see also*, article entitled “Nikola and Bosch set to battle Tesla with hydrogen-electric truck”⁴, article describing Toyota working on hydrogen fuel cell semi-trucks⁵). A mitigation measure is feasible if it can be achieved in a reasonable period of time. (CEQA Guidelines § 15364) (*See*, 2013 comments by AQMD regarding AQMD’s opinion that zero emission long-haul trucks are expected to be deployed in the near future.⁶) The Project should at least be required to reevaluate whether some portion of the fleet serving the Project must be zero emission or battery

O1-4

² <https://www.arb.ca.gov/msprog/onrdiesel/documents/multirule.pdf>

³ <http://mashable.com/2017/09/14/tesla-semi-truck-launch/#YIUeEqm9faqP>

⁴ <http://mashable.com/2017/09/19/nikola-bosch-hydrogen-electric-development/#X1uV0KLxZiq4>

⁵ <https://www.wired.com/2017/04/toyotas-still-serious-hydrogen-built-semi-prove/>

⁶ <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2013/march/southern-california-international-gateway.pdf>

6 | Sierra Club Public Comments
 Colony Commerce Center East Draft EIR
 January 3, 2018

powered in the future. (*See*, article describing AQMD studying and working with manufacturers to develop zero emission Class 8 trucks,⁷ article describing CARB using cap and trade funds to work with manufacturers to “accelerate the market for next generation of clean, heavy-duty trucks and buses, both those that run on electricity and on hydrogen”⁸, article describing Transpower company testing “on road” zero emission trucks.⁹ In fact, zero emission vehicles (ZEV’s) are a priority in California.¹⁰ The Governor’s 2016 ZEV Action Plan (October 2016) identifies as a priority “Making ZEV technologies commercially viable in targeted applications the medium-duty, heavy-duty, and freight sectors”. *Id.* The Ports of Los Angeles and Long Beach are drafting a new Climate Action Plan which proposes that “[s]tarting in 2018, phase in clean engine standards for new trucks entering port drayage registries followed by a truck rate structure that encourages the use of near-zero and zero emissions trucks, with the goal of transitioning to zero emissions drayage fleet by 2035.”¹¹ It is not infeasible or impracticable to require the use of alternatively fueled trucks presently or at some reasonable time in the future. The AQMD and CARB both agree that zero emission trucks are the future and are necessary mitigation measures to go *beyond* the 2010 truck requirement, in order to meet Legislative targets for emission reductions. CARB’s *Sustainable Freight Pathways to Zero and Near-Zero Emissions Discussion Document* (April 2015) is a helpful resource in this regard.¹²

O1-4
 cont.

- (3) Requirement that any “yard trucks” be electric or battery powered, or requiring the phase-in of the same. (*See*, ARB article noting that battery-electric Class 8 yard trucks will operate at facilities in southern California representing “a step toward the commercialization of heavy-duty, advanced, zero-emission technologies” with the deployment “providing a model for truck electrification that could be scaled to any facility”¹³.)
- (4) Limit the number of transport diesel trucks to the assumptions of the EIR. This is particularly relevant here where the EIR assumes that 25% of buildings 1 through 8 will be 25% manufacturing use and therefore will generate fewer heavy duty truck trips.
- (5) The requirement of USGBC LEED Certification Silver Level (v.4); and

⁷ <http://www.aqmd.gov/home/library/public-information/2016-news-archives/drayage-trucks>

⁸ <https://www.arb.ca.gov/newsrel/newsrelease.php?id=915>

⁹ <http://www.transpowerusa.com/on-road-trucks/>

¹⁰ http://www.energy.ca.gov/renewables/tracking_progress/documents/electric_vehicle.pdf

¹¹ <http://www.cleanairactionplan.org/2017-clean-air-action-plan-update/>

¹² <https://www.arb.ca.gov/gmp/sfti/sustainable-freight-pathways-to-zero-and-near-zero-emissions-discussion-document.pdf>

¹³ <https://www.arb.ca.gov/newsrel/newsrelease.php?id=900>

7 | Sierra Club Public Comments
Colony Commerce Center East Draft EIR
January 3, 2018

- (6) At least 5% of vehicle parking spaces must include EV charging stations.

According to CARB, “[m]obile sources account for well over half of the emissions which contribute to ozone and particulate matter and nearly 40 percent of the greenhouse gas emissions in California. In order to meet California's health based air quality standards and greenhouse gas emission reduction goals, the cars we drive and the fuel we use must be transformed away from petroleum.”¹⁴ Accordingly, all feasible air quality mitigation targeting vehicle emissions must be adopted.

O1-4
cont.

Finally, the purported requirement that all yard trucks *and* forklifts will be powered by non-diesel/electricity must be made an *enforceable* requirement of the Project. Similarly, the purported requirement that “none of the warehouses would be refrigerated” must be made an enforceable condition of the Project. Likewise, a restriction must be placed on the Project requiring the installation and use of plug-ins for all trucks if cold storage will be a component of the Project. This will ensure that any future refrigerated use not anticipated at the time of the EIR will not result in greater impacts than evaluated by the EIR.

Energy

In terms of construction energy impacts, the EIR assumes that because the contractor will comply with SCAQMD and CARB regulations that the Project does not result in the “wasteful, inefficient or unnecessary consumption of energy”. For instance, the EIR does not discuss reducing the Project’s consumption of fossil fuels during construction phases by requiring the contractor to use electric equipment in lieu of diesel equipment. The emphasis of Guidelines Appendix F is on *decreasing* reliance of fossil fuels and *increasing* reliance on renewable energy sources. Merely demonstrating that the Project will satisfy regulatory requirements for construction equipment and practices does not demonstrate a commitment to reducing energy consumption in terms of fuel consumption, for instance. Furthermore, in terms of operational energy impacts, there is nothing extraordinary about the Project demonstrating compliance with Title 24 since that is a legal requirement. The Project must show how it decreases reliance on fossil fuels and increases reliance on alternative energy sources. For instance, there is no requirement to exceed Title 24 in building construction, as is often required for projects of this nature. Again for instance, there is no requirement for solar infrastructure, nor is there is any requirement to use solar power for any percentage of the Project’s energy needs. The finding of less than significant is not supported where the EIR does not show based on substantial evidence that the Project decreases reliance on fossil fuels and

O1-5

¹⁴ <https://www.arb.ca.gov/msprog/zevprog/zevprog.htm>

8 | Sierra Club Public Comments
 Colony Commerce Center East Draft EIR
 January 3, 2018

increases (above existing regulatory requirements) reliance on alternative energy sources.

Finally, the City's General Plan, Policy ER 3-4 states: "Green Development– Public Buildings. We require all new and substantially renovated City buildings in excess of 10,000 square feet achieve a LEED Silver Certification standard, as determined by the U.S. Green Building Council." The City thus envisions that new buildings in the City will achieve LEED certification. Another way for the Project to show compliance with Appendix F is to require that LEED certification be achieved. We submit this is a feasible mitigation measure to address the Project's energy consumption.

O1-5
 cont.

GHG Emissions

The Project will generate a total of 29,992.61 MT CO₂e per year which exceeds the City's GHG screening threshold of 3,000 MT CO₂e per year. Yet, Mitigation Measure GHG-1 is illusory as discussed above. The measure allows the applicant to select and implement certain design features *or* "equivalent" measures after Project approval. Moreover, it may be the case that these GHG reduction measures are already requirements of Title 24. As a *new* development involving truck intensive uses, the Project must take aggressive steps to reduce its GHG emissions to ensure that Statewide emission reduction goals can be met.

Furthermore, the table purporting to demonstrate compliance with the City's CAP is questionable. For instance, the Project claims eight points for including an "Energy Star commercial refrigerator" and "commercial dish washer" and "cloths washing". Are these measures applicable to the type of development being proposed? Again the Project claims 4 points for "water efficient dishwasher" which seems inapplicable, or largely inapplicable, to manufacturing and high cube industrial warehousing uses. The Project also claims 10 points for the alleged requirement to "provide public charging station for use by an electric vehicle." This measure is not part of the enforceable CEQA mitigation program, nor is it listed in the potential measures that the applicant may implement to meet the 100 point threshold under the CAP.

O1-6

Additionally, the EIR vaguely mentions in text that the Project would provide solar ready roofs but this not identified either as a Project design feature or a CEQA mitigation measure; nor does the Project require the use of any solar power. The installation of solar infrastructure and the use of solar energy is patently feasible and must be adopted for the Project (*see*, Reduction Measure PS E4). We submit that solar power can easily provide 30-40% of the power needs of the Project and is feasible. Furthermore, to the extent that any measure is included as a Project Design Feature, this

9 | Sierra Club Public Comments
Colony Commerce Center East Draft EIR
January 3, 2018

is inadequate. To be enforceable and adequate under CEQA, measures must be adopted through the MMRP.

O1-6
cont.

In sum, the EIR fails to demonstrate based on substantial evidence how the specific development Project that represents a new source of GHG emissions helps the State achieve emission reduction goals particularly those beyond year 2020.

Transportation

The Project causes significant impacts are various intersections and roadway segments, yet the EIR relies on inadequate mitigation as discussed above. Either mitigation measures are ineffective, or the EIR fails to propose feasible mitigation for significant impacts. Also, trip generation rates are based on an artificial description of the Project, as discussed above. The EIR must assume that all buildings will entail 100% warehousing uses. The EIR also relies on the City of Fontana Truck Trip Generation Manual. This manual is limited and outdated. The City should consult the SCAQMD for realistic trip generation assumptions.

O1-7

Thank you for your consideration of these comments.

Sincerely,



Abigail Smith, Esq.

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Response to Letter O1: Law Offices of Abigail Smith on behalf of San Geronio Chapter of the Sierra Club, dated January 3, 2018.

Comment O1-1: This comment summarizes the project, the closest sensitive receptor and states that the Sierra Club is concerned with the project's impacts on surrounding sensitive uses and regional air quality and transportation impacts. The comment further states that the EIR fails to comply with CEQA because it has a flawed project description. The comment states that the EIR must assume that 100% of the buildings would be operated as warehouse distribution/high cube facilities because warehouse distribution facilities generate substantially more vehicle (truck) traffic. The comment states that the EIR must assume the worst-case scenario, since the Specific Plan does not limit buildings to manufacturing uses for 25% of building space, and therefore, understates potential impacts of the project.

Response O1-1: The analysis throughout the Draft EIR makes reasonable assumptions about future uses associated with the project. CEQA does not require analysis of a worst-case scenario, but rather requires a sufficient degree of analysis to provide decisionmakers with information that enables them to make a decision which intelligently takes account of environmental consequences of the project. (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1068.) The Draft EIR expressly identifies the uses permitted within the Specific Plan area, which generally include agricultural uses, commercial uses, communication uses, eating establishments, manufacturing, and warehousing (Draft EIR Table 3-3). All of these uses have different operational characteristics, including with respect to vehicle trips and air emissions. The permitted land uses allow some flexibility in the location, mixture, and intensity of industrial uses to respond to changes in market demand (Draft EIR at 3-10). However, CEQA does not require an analysis of all hypothetical scenarios that include a mixture of the permitted uses. CEQA requires a good faith effort at disclosure, and lead agencies may rely on reasonable assumptions when conducting its environmental analysis. Here, the mixture of uses assumed in the Draft EIR – (1) 25% manufacturing and (2) 75% warehousing – represents a reasonable allocation of possible uses given the array of uses permitted within the Specific Plan. Moreover, the project applicant intends to construct, at a minimum 75% of the project square footage as warehousing uses, which is consistent with other warehousing/business park/industrial projects in Southern California, where warehousing space is in high demand.²

In addition, the assertion that an assumption of 25% manufacturing uses underestimates the project's traffic is incorrect. Draft EIR Appendix K1, Table 4-1 provides the trip generation rates per thousand square feet (TSF) in passenger car equivalents (PCE), which account for the increased impact of trucks on the roadway network. Truck trips make up a higher percentage of the trips generated by High-Cube Warehouses than by Manufacturing facilities. However, because the overall trip rate for Manufacturing is higher, the overall trip generation, including truck trips, is higher than for High-Cube Warehouse (on a per 1,000 square foot basis).

Comment O1-2: This comment states that the EIR mitigation measures are unenforceable and ineffective at reducing significant impacts. The refers to Mitigation Measure AQ-3 and states that model year 2010 trucks shall be required or that trucks shall be fitted with particulate traps “as available”, meaning that no mitigation may be implemented at all. That Mitigation Measure BIO-3 fails to provide assurance of a funding mechanism, that PPP GHG-1 represents deferred and uncertain mitigation and does not provide assurance in the record that mitigation measures will be effective. HAZ-1 states that a soils study will be conducted after project approval; which represents deferred and uncertain mitigation. The project relies on the preparation of future hydrology and drainage studies regarding Impacts WQ-3, WQ-4, WQ-5, and WQ-6, which is inadequate. With respect to transportation impacts, the EIR finds that impacts are significant in the Opening Year (2019), but the project is only required to make a “fair share” contribution to mitigate impacts.

² See Transportation Topics article entitled, “Inland Empire Leads Southern California in Warehouse Growth,” available at <http://www.ttnews.com/articles/inland-empire-leads-southern-california-warehouse-growth>.

Response O1-2: All of the mitigation measures included in the Draft EIR are enforceable and effective. Mitigation Measure AQ-3 would be implemented, which states that “construction plans and operational specifications shall state that contractors and building operators (by contract specifications) shall ensure that on-road heavy-duty diesel trucks with a gross vehicle weight rating greater than 14,000 pounds will have a 2010 model year engine or newer or will be equipped with a particulate matter trap, as available”. With implementation of the measure, building operations must ensure that trucks with 2010 model year engines be utilized to the extent they are available for use. The developer does not have control over the trucks that would be used by future tenants, who are currently unknown. However, while individual developers do not have control over truck emissions, CARB’s established regulations on diesel truck emission requires the state-wide implementation of clean trucks by 2023. By 2023, nearly all trucks and buses will need to have cleaner 2010 model year engines or the equivalent. CARB considered specific information when determining the appropriate phase-in schedule for trucks in the state to meet enumerated standards. CARB is an agency with specific expertise in the area of trucking, trucking operations and mechanical equipment, and air quality, and based upon that information determined the phase-in schedule in the Statewide Truck and Bus Regulation was reasonable and appropriate.³

Under the Truck and Bus Regulation, all diesel truck fleets operating in California are required to adhere to an aggressive schedule for upgrading and replacing heavy-duty truck engines. Pursuant to such regulation, older, heavier trucks, i.e., those with pre-2000 year engines and a gross vehicle weight rating (GVWR) greater than 26,000 pounds are already required to have installed a PM filter and must be replaced with a 2010 engine between 2015 and 2020, depending on the model year. By 2015, all heavier pre-1994 trucks must be upgraded to 2010 engines and newer trucks are thereafter required to be replaced over the next eight years. Older, more polluting trucks are required to be replaced first, while trucks that already have relatively clean 2007 - 2009 engines must be replaced by 2023. Lighter trucks (those with a GVWR of 14,001 to 26,000 pounds) must adhere to a similar schedule, and will all be replaced by 2020. Nearly all trucks that were not required under the Truck and Bus Regulation to be replaced by 2015 are required to be upgraded with a PM filter by that date. Therefore, most heavy-duty trucks entering the project site will meet or exceed U.S. EPA 2007 and 2010 emission standards within a relatively short period of time after the project becomes fully leased and operational in 2020-2021, and all such trucks entering the property will meet or exceed such standards by 2023.

Thus, although CARB has imposed an aggressive phase-in of 2010 engines in heavy trucks, there is still a possibility that limited pre-2010 trucks will continue to exist and be part of fleets that may access the project. This potential for such trucks to access the site would be continually lessened, however, from the inception of project operations (anticipated to be spring 2019) through full leasing (2020- 2021) until 2023, consistent with CARB regulations.

Mitigation Measure BIO-3 would be implemented to comply with federal and state regulations related to biological resources, and would be implemented in cooperation with the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and the Regional Water Quality Control Board. As described in Mitigation Measure BIO-3, agency coordination and permitting may include an agency-approved mitigation bank or in-lieu fee program that requires preservation, enhancement, restoration, and monitoring. The mitigation bank or in-lieu fee program provides the assurance of a funding mechanism. This measure is not loose or open-ended such that it constitutes deferred mitigation. (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 1261, 1275 [a mitigation measure that required consultation with the US Fish and Wildlife Service to determine appropriate off-site mitigation was not an improper deferral of mitigation because it was sufficiently definite].)

³ See CARB Final Statement of Reasons for Rulemaking (available at <https://www.arb.ca.gov/regact/2010/truckbus10/tbfsor.pdf>), noting that “[i]n adopting such regulations in California, the Board must find that the regulations are necessary, technologically feasible, and cost effective.”

PPP GHG-1 provides assurance that measures identified in the City's GHG Screening Threshold Tables (included as Table 5.7-5 of the Draft EIR) will be implemented for Phase 1, and that the measures will be sufficient to achieve a minimum of 100 points. The City's CAP has already identified that projects that garner a total of 100 points or greater on the Screening Threshold Table would result in a less than significant impact; and therefore, be effective. In addition, Table 5.7-5 of the Draft EIR identifies the specific measures that would be implemented for Phase 1 of proposed project. Phase 2 would likewise be required to implement reduction measures that would achieve a minimum of 100 points or otherwise achieve compliance with a future CAP. Thus, the mitigation is not uncertain.

Mitigation Measure HAZ-1 does not represent deferred and uncertain mitigation. This mitigation provides for testing during project excavation and grading activities to ensure that any excavated soils that could contain contaminants are removed pursuant to applicable regulatory requirements from the Regional Water Quality Control Board, Department of Toxic Substances Control, and the South Coast Air Quality Management District requirements. Similarly, the project does not rely on future studies related to hydrology and drainage. Per Section 5.9, Hydrology and Water Quality City, existing City Standard Conditions of Approval and compliance with applicable State and local regulations would reduce impacts related to hydrology and drainage to a less than significant level. The Standard Conditions of Approval are included in the project's mitigation monitoring and reporting program to ensure implementation.

In addition, as shown in Appendix K1, Table 6-1, all of the impacted study area intersections would operate with unacceptable LOS in both the Without Project and With Project conditions. The project does not cause a direct project impact at any location. All impacts in the year 2019 are considered cumulative impacts and therefore, fair share contributions to planned improvements is an appropriate mitigation measure. The project is not required, and indeed cannot be legally required, to mitigate more than its fair share of impacts to transportation systems.

Comment O1-3: This comment summarizes the project's impacts to agriculture, and the mitigation included in the Draft EIR. The comment also states that the mitigation should include the purchase of agricultural conservation easements or donation of mitigation fees for purchase of agricultural areas.

Response O1-3: The commenter generally states that numerous mitigation measures are feasible to mitigate the project's significant and unavoidable agricultural impacts. The commenter fails to acknowledge the significant analysis of infeasibility of retention of farmland either onsite or offsite, and fails to provide any substantive discussion of why the proposed measures are feasible. (*Santa Clarita Org. for Planning the Env't v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1055 [An EIR need not explain why suggested mitigation measures that are described in general terms and are not specific to the project are infeasible].) Nevertheless, each of the proposed mitigation measures is addressed.

As detailed in Section 5.2, Agriculture of the Draft EIR, agricultural preserves and mitigation fees for agriculture were considered by the Draft EIR at a project-level. First, preservation on-site (through avoidance) would be infeasible because it is inconsistent with the General Plan, which facilitates conversion to urban uses. Any avoidance would obstruct implementation of the General Plan, and would also create conflicts with future and existing residential and commercial uses in the area. With respect to the preservation of agricultural/dairy resources through mitigation (either onsite or offsite), the Draft EIR contains substantial evidence that agricultural/dairy resources are no longer financially viable within the County of San Bernardino. Draft EIR Table 5.2-1, for instance, notes that between 2000 and 2016, important farmland in San Bernardino County decreased by more than 50%. Likewise, dairy resources have also decreased (to a greater extent than farmland, in fact). This lack of financial viability is the result of a number of factors, including the high cost of land incentivizing selling, the high costs of

regulation, and inconsistency with General Plans and zoning.⁴ To support the project-specific analysis, the Draft EIR incorporates relevant discussion from the General Plan EIR. This is appropriate, and permitted by CEQA. As described, the potential to provide offsite mitigation for the loss of agricultural land and agricultural uses was considered but rejected as infeasible in the General Plan EIR. Offsite mitigation within the region is considered infeasible due to the decreasing economic vitality of agriculture in Ontario Ranch and surrounding area and increased urbanization pressures on existing agricultural lands. Also, the extremely high cost of land and unavailability of important farmland within San Bernardino County makes the purchase and establishment of an agricultural easement infeasible. The Draft EIR notes that only approximately 2.2% of the County's agricultural land consists of important farmland (with the remainder consisting of grazing land). Thus, the extremely limited availability of important farmland, coupled with the high per acre costs of such land, make the establishment of an agricultural conservation easement infeasible. The continued encroachment of urban uses on agricultural lands throughout the County likewise make conservation easements infeasible.

The City has considered but rejected the collection of fees for offsite mitigation of agricultural impacts because there are no viable agricultural mitigation programs in the region, and the imposition of fees would not serve to mitigate the impacts of the project as required by CEQA Guidelines Section 15370. The City has no program to accept mitigation fees to be used for the purchase of agricultural land. Also, the high cost of land in the area makes this measure infeasible. The same factors that make onsite mitigation infeasible would apply offsite in the region as well. The donation of fees to a local, regional, or statewide organization for the purpose of establishing and holding a conservation easement (e.g., Rivers and Lands Conservancy⁵) is infeasible because, as discussed above, (1) there is little important farmland left within the County, and distant easements would not mitigate the impact (loss of farmland in the project region), (2) the high cost of land in the area makes the establishment of such an easement unlikely, and (3) the regulatory hurdles and costs associated with agricultural operations in the County make an agricultural easement not financially viable. Here, a mitigation measure requiring the payment or donation of fees to an organization is infeasible because, for the aforementioned reasons, there is no evidence that any actual mitigation would occur. (Pub. Res. Code § 21061.1 [feasible means "capable of being accomplished in a successful manner within a reasonable period of time..."].) The challenges to continued agricultural production in the Chino Basin area, also challenge agriculture throughout Southern California (*Defend the Bay v. City of Irvine* [2004] 119 Cal. App. 4th 1261, 1270-72). Thus, the Draft EIR determined that no feasible mitigation measures would reduce the Specific Plan's impacts related to loss of agricultural land. These findings are consistent with the finding in the City of Ontario General Plan EIR.

The same reasoning applies to the other measures suggested by commenter. Also, regarding both transfer of development rights and mitigation banking, the City does not have any plan or program that makes these measures feasible to mitigate for agricultural impacts. With respect to the establishment of urban limits and/or greenbelts and buffers, the City's General Plan contemplates the conversion of the project site and greater New Model Colony area from agricultural to urban uses. The measures proposed by commenter would be fundamentally inconsistent with the General Plan. The conversion contemplated by the General Plan was thoroughly analyzed and addressed in the General Plan EIR. Finally, the commenter also does not provide any evidence why any of the suggested mitigation measures are feasible in light of the general infeasibility of agricultural/dairy uses within the project vicinity contained in the Draft EIR.

Comment O1-4: This comment states that the lead agency has a duty to minimize environmental damage and provides a list of recommended air quality mitigation, as follows:

⁴ Please refer to the Los Angeles Times article entitled, *Dairies Moving Out of Inland Empire*, which notes that the high cost of land (\$400,000 to \$500,000 an acre, sometimes more) and regulation have caused dairy farmers to move to the San Joaquin Valley. Available at <http://www.latimes.com/business/la-fi-dairy9jan09-story.html>.

⁵ A review of the Rivers and Land Conservancy's properties shows that the majority of their properties are for habitat conservation, not agricultural lands. Please see <https://riversandlands.org/our-work/#projects>

- (1) A requirement that all trucks entering the site shall be 2010 model year or newer;
- (2) Require phase-in of electric, hybrid electric, hydrogen electric, or battery operated (i.e., non-diesel) trucks.
- (3) Requirement that any “yard trucks” be electric or battery powered, or requiring the phase-in of the same.
- (4) Limit the number of transport diesel trucks to the assumptions of the EIR.
- (5) Require USGBC LEED Certification Silver Level.
- (6) At least 5% of vehicle parking spaces must include EV charging stations.

Response O1-4:

- (1) As detailed in Section 5.3, *Air Quality*, of the Draft EIR, pursuant to Mitigation Measure AQ-3, states that:

“The construction plans and operational specifications shall state that contractors and building operators (by contract specifications) shall ensure that on-road heavy-duty diesel trucks with a gross vehicle weight rating greater than 14,000 pounds will have a 2010 model year engine or newer or will be equipped with a particulate matter trap, as available.”

The commenter is referred to Response O1-1, which discusses the appropriateness of Mitigation Measure AQ-3. A measure mandating the use of only trucks with 2010 or newer engines is not currently feasible. The developer does not have control over the trucks that would be used by future tenants, who are currently unknown. While individual developers do not have control over truck emissions, CARB’s established regulations on diesel truck emission requires the state-wide implementation of clean trucks by 2023. By 2023, nearly all trucks and buses will need to have cleaner 2010 model year engines or the equivalent. CARB considered specific information when determining the appropriate phase-in schedule for trucks in the state to meet enumerated standards. CARB is an agency with specific expertise in the area of trucking, trucking operations and mechanical equipment, and air quality, and based upon that information determined the phase-in schedule in the Statewide Truck and Bus Regulation was reasonable and appropriate.⁶ Moreover, given CARB’s 2023 compliance deadline, it is reasonable to assume that trucking companies and operators have started the phase-in of such trucks to the maximum extent feasible to comply with this requirement. Mitigation Measure AQ-3 mandates that future operators use 2010 trucks to the maximum extent they are available, which is consistent with the CARB regulations.

- (2) This comment recommends requiring the phase-in of electrical and hybrid vehicles heavy duty trucks. This comment pre-supposes that, in the future there would be electric heavy-duty vehicles available and in widespread use. Although there are various companies (such as Tesla and Toyota) that are testing new alternative fuel technologies for trucks, there is no concrete timetable (or guarantee) that such trucks will be readily available for mass production anytime in the near future. The articles cited by the commenter support this uncertain timetable. This measure is not feasible at this time since such technology is not currently available and is deemed technologically infeasible, as it is presently unknown the exact of electric trucks would be available and in use in the future. CEQA directs agencies not to engage in significant speculation or forecasting with respect to the analysis or mitigation measures in an EIR. (*Federation of Hillside & Canyon Ass’ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260 [as a general rule, a lead agency should avoid vague, incomplete, or untested mitigation measures. A mitigation measure must not be remote and speculative].) Here, given the outstanding questions as to if and when alternative-fueled or zero-emissions truck technology will be available, the required use of alternatively fueled vehicles is deemed infeasible. If and when such technology is readily available, it is anticipated that fleet operators will consider their use.

⁶ See CARB Final Statement of Reasons for Rulemaking (available at <https://www.arb.ca.gov/regact/2010/truckbus10/tbfsor.pdf>), noting that “[i]n adopting such regulations in California, the Board must find that the regulations are necessary, technologically feasible, and cost effective.”

(3) Pursuant to the requirements established by the Specific Plan, Phase 1 of the project will be required to implement the following Project Design Features (See Draft EIR Page 3-23):

“All outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, and forklifts) would be powered by non-diesel fueled engines and all indoor forklifts would be powered by electricity.”

Phase 2 (approximately 12% of the overall project) is not anticipated to be developed until 2040. It would be limiting to impose this requirement on Phase 2, as there may be future technologies available that are more efficient or reduce emissions to a greater extent than the project design feature identified above (and as suggested by commenter). This Project Design Features will be implemented as a condition of approval to achieve consistency with the CAP.

(4) This is not a requirement under CEQA, which requires a project to evaluate reasonable and foreseeable impacts. The number of daily truck trips has been reasonably estimated based on data from the Institute of Transportation Engineers (ITE) as discussed in the Draft EIR's Air Quality and Traffic sections. It should be noted that imposing a cap on daily trucks at the facility will not “avoid or substantially” lessen the estimated emissions. Therefore, this would not mitigate estimated emissions. Moreover, limiting daily truck visits could result in the unintended adverse effect of trucks idling and queuing outside of the facility until midnight of the following day if the facility's limit is reached on a given day. This would result in increased emissions, and potentially added traffic congestion around the facility.

(5) The commenter has not presented any evidence that LEED Silver certification would lessen the project's significant impacts. An EIR need not explain why suggested mitigation measures that are described in general terms and are not specific to the project are infeasible. (*Santa Clarita Org. for Planning the Env't v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1055.) Nevertheless, the project will be LEED certified. LEED is the most widely used green building rating system in the world, and provides a framework to create healthy, highly efficient, and cost-saving green buildings. To obtain LEED certification, the project will incorporate specific design components intended to support public health and the environment. Pursuant to the requirements established by the Specific Plan, the project will also be required to implement several contemporary energy efficient measures related to building efficiency, design, water conservation, and sustainability associated with compliance with the City's CAP. Several of these measures are consistent with the goals and objectives of LEED-certified projects (See Draft EIR Page 3-23). It should also be noted that, per the Air Quality Impact Analysis, the project's significant NO_x impact is overwhelmingly the result of mobile emissions, which would not be reduced through a LEED-certification. Energy source emissions are an extremely small percentage (approximately 1.16%) of anticipated NO_x emissions. The commenter has not presented any evidence that LEED Silver will mitigate the project's impacts to a greater extent than what is currently proposed, as discussed above.

(6) Pursuant to the requirements established by the Specific Plan, the project will be providing a public charging stations for use by electric vehicles (See Draft EIR Page 3-23). Moreover, consistent with the CalGreen Building Code (see Table 5.106.5.3.3), the project is required to make 6% of the parking stalls EV-ready by installing necessary infrastructure to accommodate charging stations. This will allow future tenants, who are currently unknown, to determine EV charging station demand (which is also currently unknown) and install charging stations sufficient to accommodate that demand. Finally, EV charging stations are generally considered a means to mitigate GHG emissions. Here, the project does not have a significant GHG impact, given compliance with the City's CAP, and one of the PDFs implemented by Phase 1 of the project under the CAP is to provide EV charging stations. Moreover, with respect to the project's significant NO_x impact, passenger car emissions are minute percentage of NO_x emissions. For instance, for Phase 1, passenger car NO_x emissions constitute approximately 2.9% of project NO_x emissions. (See Draft EIR, Appendix B Table 3-8.) The vast majority of NO_x emissions are attributable to truck movements. The commenter has not provided any evidence that the measure would reduce any impacts.

The City will impose a condition of approval mandating that none of the project's warehouses would be used for refrigeration.

Comment O1-5: This comment states that the emphasis of Guidelines Appendix F is on decreasing reliance of fossil fuels and increasing reliance on renewable energy sources. The comment claims that merely demonstrating that the project will satisfy regulatory requirements for construction equipment and practices does not demonstrate a commitment to reducing energy consumption in terms of fuel consumption and that the contractor should be required to use electric equipment in lieu of diesel equipment. Furthermore, the comment states that for operational energy impacts, the project should be required to exceed Title 24.

The commenter also alleges that the project should incorporate (1) a requirement to install solar infrastructure and use solar power, and (2) exceed Title 24 energy efficiency requirements.

Finally, the commenter claims that the City envisions that new buildings in the City will achieve LEED certification because of General Plan Policy ER 3-4, and states what another way the project can show compliance with Appendix F is to require that LEED certification be achieved.

Response O1-5: This assertion the satisfaction of regulatory requirements for construction equipment does not demonstrate a commitment to reducing energy consumption is not accurate. As detailed in Section 5.16, *Energy*, of the Draft EIR, construction contractors are required to demonstrate compliance with applicable California Air Resources Board (CARB) regulations governing the accelerated retrofitting, repowering, or replacement of heavy duty diesel on- and off-road equipment. In addition, compliance with existing CARB idling restrictions and the use of newer engines and equipment would reduce fuel combustion and energy consumption. Overall, construction activities would require limited energy consumption, would comply with all existing regulations, and would therefore not be expected to use large amounts of energy or fuel in a wasteful manner. Thus, impacts related to construction energy usage would be less than significant.

In terms of operational energy reduction, as noted in the Draft EIR Section 3, *Project Description*, page 3-23, Phase 1 of the project would be consistent with Specific Plan's sustainability requirements and incorporates the following Project Design Features as policies that are beyond compliance with regulatory actions and further reduce energy consumption:

- Use of modestly enhanced insulation (walls R-13, roof/attic R-38) for energy efficiency;
- Installation of enhanced window insulation (0.32 U-factor, 0.25 solar heat gain coefficient (SHGC));
- Use of light-colored roofing with high solar reflectance to reduce heat island effects (Cool Roof Rating Council [CRRC] Rated 0.15 aged solar reflectance, 0.75 thermal emittance);
- Implement energy distribution loss reduction with inspection (Home Energy Rating Systems [HERS] Verified Duct Leakage or equivalent);
- Identify opportunities to provide natural lighting to reduce reliance on artificial lighting;
- Install high-efficiency lighting systems with advanced lighting controls (25 percent of in-unit fixtures considered high efficacy)
- Use energy star commercial appliances in the development including water efficient appliances;
- Align building orientation to take advantage of natural heating, cooling, and lighting conditions;
- Use smart irrigation controllers that automatically adjust frequency/duration of irrigation of landscape areas in response to changing weather conditions;
- Use of recycled water to irrigate landscape areas;
- Use of swaled landscape areas for storm runoff capture and retention/infiltration;

- Choose construction materials and interior finish products with zero or low emissions to improve indoor air quality;
- Provide adequate ventilation and high-efficiency in-duct filtration system;
- Use low or moderate water use plants, including native plant materials where appropriate; minimize turf areas;
- Provide public charging stations for use by electric vehicles;
- Use low volatile organic compound paints and wallpapers;
- Use recycle base, crushed concrete base, recycle content asphalt, shredded tired in base and asphalt roads, parking areas, and drive aisles where feasible and economically available;
- Use ultra low-flush toilets, low-flow shower heads and other water conserving fixtures; and
- All outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, and forklifts) would be powered by non-diesel fueled engines and all indoor forklifts would be powered by electricity.

Per PPP GHG-1, Phase 2 of the project would also be required to implement GHG reducing and energy saving measures sufficient to achieve 100-points and comply with the CAP.

The commenter states that solar infrastructure should be installed, and that a requirement to use solar power should be included as a mitigation measure. First, the use of solar panels is generally tailored to the electrical demands of the tenant, and the tenants of the project are currently unknown. Second, the use of solar panels would not reduce the significant impact associated with NOx emissions. Third, aside from Building 9, the other buildings proposed as part of the project are smaller and separate from each other, limiting the potential for single solar installation for a project that will have multiple tenants. The project is solar ready, meaning that structures and roofs can accommodate the future installation of solar panels (weight being the prototypical concern), and individual tenants will have the capability of installing solar systems consistent with their individual energy demands. Finally, with respect to energy use, the Draft EIR includes substantial evidence that the project incorporates multiple measures to reduce energy consumption, including the PDFs incorporated to ensure compliance with the CAP, as well as the commitment to make the project LEED certified. The project will also be constructed consistent with the CalGreen Building Code, which is intended to reduce emissions and increase energy efficiency. The project does not have a significant energy impact and, therefore, need not adopt additional measures beyond the PDFs incorporated to meet the CAP and LEED certification.

Finally, the City's General Plan, Policy ER 3-4 states: "Green Development– Public Buildings. We require all new and substantially renovated City buildings in excess of 10,000 square feet achieve a LEED Silver Certification standard, as determined by the U.S. Green Building Council." The proposed project is not a public building, and LEED certification is not required.

Comment O1-6: This commenter takes issue with the Draft EIR's analysis of greenhouse gas emissions and the conclusion that compliance with the City's CAP reduces impacts to a less than significant level

Response O1-6: The California Supreme Court has expressed that compliance with the reduction measures of an adopted Climate Action Plan is a reasonable basis upon which to conclude that greenhouse gas impacts are less than significant. (*Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204.) Thus, the Draft EIR's conclusion, as detailed in Section 5.7, *Greenhouse Gas*, that compliance with the City's CAP would reduce project impacts to a less than significant level is reasonable and complies with CEQA. Furthermore, the Project will be required to achieve 100 points

pursuant to the City's CAP. As such, the City will be required to review the individual measures that satisfy the City's CAP prior to building occupancy.

The commenters assertions about the measures and point structure of the CAP are unrelated to this project. The City's CAP, which includes the Greenhouse Gas Emissions CEQA Thresholds and Screening Tables, was approved by the City in 2014. CAP Table 2, Screening Table for Implementation of GHG Reduction Measures for Commercial/Industrial Development, expressly applies to industrial development such as the project, and the project utilized that table, and the measures included therein, as a means to achieve the requisite 100 point reduction required by the CAP. This is not the opportunity to challenge the values ascribed to reduction measures in CAP, and commenter's assertions about such values fail to recognize the substantial evidence supporting their use in the CAP itself. Also, the measure related to electric vehicle charging stations is in the CAP.

Please refer to Response O1-5 regarding the installation and use of solar panels at the project.

Comment O1-7: This comment vaguely states that mitigation measures are ineffective and that the EIR fails to propose feasible mitigation for significant impacts. The commenter further states that the EIR must assume that all buildings will entail 100% warehousing uses.

Response O1-7: This is a summary of previous comments that have been addressed above. As noted in Response O1-1, the previous assertions regarding the trip generation rates are incorrect. The Fontana Truck Trip Generation Study was only utilized to identify the vehicle splits for the trip generation. The use of the City of Fontana Truck Trip Generation Study (Fontana Truck Study) truck rates is reasonable and appropriate as that study, and the truck rate percentages, was based upon data collected from similar operations within the Inland Empire. The Draft EIR's TIA includes substantial evidence demonstrating that the Fontana Truck Study is a reasonable basis upon which to assess truck operations. The total trip generation calculation was prepared using trip rates from the Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition (2017). This is the most up-to-date source of trip generation rates for the subject land uses. It should also be noted that SCAQMD did not have any comments regarding the trip/truck assumptions in the EIR.

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Letter O2: Blum Collins LLP on behalf of Golden State Environmental Justice Alliance, dated February 4, 2018 (12 pages)

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February 04, 2018

Richard Ayala
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VIA EMAIL
rayala@ontarioca.gov

Re: *Colony Commerce Center East Specific Plan (SCH No. 2017031048)*

Dear Mr. Ayala,

On behalf of the Golden State Environmental Justice Alliance, we hereby submit comments under the California Environmental Quality Act ("CEQA") on the Draft Environmental Impact Report ("EIR") for the Colony Commerce Center East Specific Plan ("Project").

I. Unsubstantiated Input Parameters Used to Estimate Project Emissions

According to DEIR, the California Emissions Estimator Model Version CalEEMod.2016.3.1 ("CalEEMod") was used to estimate the criteria air pollutant emissions generated during Project construction and operation (p. 5.3-16). CalEEMod provides recommended default values based on site specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence. Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters were utilized in calculating the Project's emissions and make known which default values were changed as well as provide a justification for the values selected.

O2-1

Richard Ayala
February 4, 2018

2

When we reviewed the Project's CalEEMod output files, we found several of the values inputted into the model were not consistent with information disclosed in the DEIR. As a result, the construction and operational emissions estimated in CalEEMod, which the DEIR relies upon to determine the significance of the Project's air quality and health risk impacts, are greatly underestimated. An updated DEIR should be prepared to adequately assess the potential impacts that construction and operation of the Project may have on regional and local air quality and global climate change.

O2-1 cont.

a. Use of Incorrect Construction Schedule

Review of the Project's CalEEMod output files for Phase 2 of construction demonstrates that the air pollution model relies upon a construction schedule that is inconsistent with the construction schedule provided in the DEIR. According to the DEIR, Phase 2 of construction is approximately 455 work days (Table 3-4, p. 3-30).

However, the construction schedule used within the Phase 2 CalEEMod model does not reflect these construction phase durations. Specifically, the Paving and Architectural Coating phases of construction were each only modeled over a 20-day duration, rather than over a 150-day and 45-day duration, respectively (Appendix B, pp. 571, pp. 598). The Project's respective construction phase durations are reflected in the construction schedule provided in the DEIR's CalEEMod model (Appendix B, pp. 571, pp. 598).

The CalEEMod model underestimated the total number of workdays for the Paving phase by a total of 130 days and underestimated the total number of workdays for the Architectural Coating phase of Project construction by a total of 25 days. As a result, the CalEEMod model fails to estimate the criteria air pollutant emissions that will be released during the additional 155 days of Project construction. By substantially reducing the Project's paving and architectural coating phases, the daily emissions associated with these phases are artificially reduced. This discrepancy between the construction schedule outlined in the DEIR and the one used to estimate the Project's construction-related emissions presents a significant issue, and results in a potentially significant underestimation of the Project's construction emissions. Unless the Project Applicant can demonstrate that this new schedule will be used during the proposed Project's construction activities, an updated CalEEMod model must be prepared that utilizes the correct construction schedule proposed in the DEIR.

O2-2

b. Incorrectly Applied Mitigation Measure to Project Emissions

Our review of the DEIR and its associated appendices indicates that the Project Applicant not only incorrectly applied a construction-related mitigation measure to the Project's construction emissions, but the Project Applicant also changed the CalEEMod default value for this proposed measure within the model, without providing substantial reasoning for doing so. The application of this measure to the Project's unmitigated construction emissions, in addition to the unsubstantiated decrease in the mitigation

O2-3

Richard Ayala
February 4, 2018

3

measure's CalEEMod default value results in an underestimation of the Project's construction-related emissions. As a result, we find the DEIR's air model to be incorrect and unreliable and maintain that it should not be relied upon to determine Project significance.

As stated above, a construction-related mitigation measure was identified by the DEIR and was applied to the Project's construction emissions. Specifically, the mitigation measure that was incorrectly applied to the model would limit the construction vehicle speed on unpaved roads as a way to reduce the Project's construction-related fugitive dust emissions (Appendix B, pp. 83, pp. 157, pp. 231, pp. 305, pp. 566, pp. 593, pp. 666, pp. 682).

The application of this mitigation measure to the Project's construction emissions, however, is entirely incorrect, as the DEIR fails to discuss or even mention the implementation of this mitigation measure during Project construction anywhere in the report or associated attachments. Therefore, application of this mitigation measure to the Project's construction emissions is unsubstantiated.

Not only was this measure applied to the Project's construction emissions, even though it's not identified as a mitigation measure by the DEIR, but the speed value assigned to this measure within the model was also changed from the default value, without providing substantial evidence to justify this change. The CalEEMod default speed value for a vehicle traveling on unpaved roads is 40 miles per hour (mph), but, as you can see in the excerpt below, this value was adjusted from 40 mph to 0 mph within the model (Appendix B, pp. 83, pp. 157, pp. 231, pp. 305, pp. 566, pp. 593, pp. 666, pp. 682).

O2-3 cont.

Again, the application of this mitigation measure to the Project's construction emissions, however, is entirely incorrect. Inputting a speed of 0 mph into the CalEEMod model means that the construction vehicle is stationary, and therefore, the CalEEMod model is estimating the Project's construction emissions assuming that there will be no vehicles driving on unpaved roads on the Project site. However, according to the DEIR, 10,000 cubic yards of soil export is expected to occur throughout the Project's grading phase, therefore, it can reasonably be assumed that vehicles will be traversing back and forth across the Project site during the Project's construction phases (p. 3-30). As such, it is incorrect to model Project emissions assuming there will be no vehicles driving on unpaved roads, as it is clear that a significant number of vehicles will be driving throughout the Project site during construction to remove soil and debris.

For these reasons, we find the Project's air quality impacts to be inadequately evaluated and require that a revised DEIR be prepared that adequately evaluates and mitigates the Project's air quality impacts to a less-than-significant level.

Richard Ayala
February 4, 2018

4

II. Failure to Implement All Available Feasible Mitigation Measures

Based on the emissions estimates provided in the Project's CalEEMod output files, the DEIR determines that the Project's operational emissions would exceed the South Coast Air Quality Management District's (SCAQMD) significance thresholds. As a result, the Project proposes several mitigation measures to reduce the Project's significant criteria air pollutant emissions (Table 1-3: Summary of Impacts, Mitigation Measures, and Level of Significance, p. 1-9). However, even after implementation of mitigation, the DEIR concludes that the Project's operational air quality impacts would be significant and unavoidable with respect to NO_x (p. 5.3-30). While it is true that the Project would result in significant NO_x impacts, the DEIR's conclusion that these impacts are "significant and unavoidable" is entirely incorrect. According to CEQA, "CEQA requires Lead Agencies to mitigate or avoid significant environmental impacts associated with discretionary projects. Environmental documents for projects that have any significant environmental impacts must identify all feasible mitigation measures or alternatives to reduce the impacts below a level of significance. If after the identification of all feasible mitigation measures, a project is still deemed to have significant environmental impacts, the Lead Agency can approve a project, but must adopt a Statement of Overriding Consideration to explain why further mitigation measures are not feasible and why approval of a project with significant unavoidable impacts is warranted."

O2-4

As you can see, an impact can only be labeled as significant and unavoidable after all available, feasible mitigation is considered. Review of the Project's proposed mitigation measures, however, demonstrates that not all feasible mitigation is being implemented. Therefore, the DEIR's conclusion that impacts are significant and unavoidable is unsubstantiated. As a result, additional mitigation measures should be identified and incorporated in order to reduce the Project's air quality impacts to the maximum extent possible. Until all feasible mitigation is reviewed and incorporated into the Project's design, impacts from construction-related NO_x emissions cannot be considered as significant and unavoidable.

III. Mobile Source Mitigation Available to Reduce Operational Emissions

We identified several additional mitigation measures that the DEIR failed to incorporate, which would further reduce the Project's operational-related NO_x emissions, potentially to a less-than-significant level. Additional mitigation measures that could be implemented to reduce emissions are discussed below.

O2-5

a. Reduce VMT by Increasing Transit Accessibility

Making transit more accessible encourages the use of other modes of transportation and therefore reduces VMT. According to CAPCOA, implementation of this mitigation measure would reduce mobile source emissions by 0.5 to 24.6 percent. The Project would need to include, at a minimum, the following design features:

Richard Ayala
February 4, 2018

5

- A transit station/stop with high-quality, high-frequency bus service located within a five to ten-minute walk, or roughly a quarter of a mile from stop to edge of development
- Or a rail station located within a 20-minute walk or roughly half a mile from station edge to development
- Fast, frequent, and reliable transit service connecting to a high percentage of regional destinations
- Neighborhood designed for walking and bicycling

O2-5 cont.

b. Locate Project Near Bike Path/Bike Lane

A Project that is designed around an existing or planned bicycle facility encourages alternative mode use. This measure is most effective when applied in combination of multiple design elements that encourage this use. This measure should be grouped with the Increase Destination Accessibility strategy to increase the opportunities for multi-modal travel.

O2-6

c. Provide Electric Vehicle Parking

This mitigation measure implements accessible electric vehicle parking to reduce tailpipe emissions. Design features include conductive/inductive electric vehicle charging stations and signage prohibiting parking of non-electric vehicles.

O2-7

d. Limit Parking Supply

This mitigation measure will change parking requirements and types of supply within the Project site to encourage “smart growth” development and alternative transportation choices by Project residents and employees, resulting in less VMTs. This will be accomplished in a multi-faceted strategy:

- Elimination (or reduction) of minimum parking requirements
- Creation of maximum parking requirements
- Provision of shared parking

O2-8

e. Unbundle Parking Costs from Property Costs

This measure would unbundle parking costs from property costs. Unbundling separates parking from property costs, requiring those who wish to purchase parking spaces to do so at an additional cost from the property cost. This removes the burden from those who do not wish to utilize a parking space. Parking will be priced separately from home rents/purchase prices or office leases. An assumption is made that the parking costs are passed through to the vehicle owners/drivers utilizing the parking spaces.

O2-9

Richard Ayala
February 4, 2018

6

f. Implement Commute Trip Reduction (CTR) Program

The Project could implement a voluntary Commute Trip Reduction (CTR) program with employers to discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking. The main difference between a voluntary and a required program is:

- Monitoring and reporting is not required
- No established performance standards (i.e. no trip reduction requirements)

The CTR program will provide workers with assistance in using alternative modes of travel. The CTR program should include all of the following to apply the effectiveness reported by the literature:

- Carpooling encouragement
- Ride-matching assistance
- Preferential carpool parking
- Flexible work schedules for carpools
- Half time transportation coordinator
- Vanpool assistance
- Bicycle end-trip facilities

O2-10

g. Provide Ride-Sharing Programs

Increasing the vehicle occupancy by ride sharing will result in fewer cars driving the same trip, and thus a decrease in VMT. The Project can include a ride-sharing program as well as a permanent transportation management association membership and funding requirement. Funding may be provided by Community Facilities, District, or County Service Area, or other non-revocable funding mechanism. The Project can promote ride-sharing programs through a multi-faceted approach such as:

- Designating a certain percentage of parking spaces for ride sharing vehicles
- Designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles
- Providing a web site or message board for coordinating rides

O2-11

h. Implement Subsidized or Discounted Transit Program

This Project could provide subsidized/discounted daily or monthly public transit passes. The Project may also provide free transfers between all shuttles and transit to participants. These passes can be partially or wholly subsidized by the employer or development. Many entities use revenue from parking to offset the cost of such a Project.

O2-12

Richard Ayala
February 4, 2018

7

i. Provide End of Trip Facilities

The Project can provide "end-of-trip" facilities for bicycle riders including showers, secure bicycle lockers, and changing spaces. End-of-trip facilities encourage the use of bicycling as a viable form of travel to destinations, especially to work. End-of-trip facilities provide the added convenience and security needed to encourage bicycle commuting.

O2-13

j. Encourage Telecommuting and Alternative Work Schedules

Encouraging telecommuting and alternative work schedules reduces the number of commute trips and therefore VMT traveled by employees. Alternative work schedules could take the form of staggered starting times, flexible schedules, or compressed work weeks.

O2-14

k. Implement Car-Sharing Program

This Project could implement a car-sharing program to allow people to have on-demand access to a shared fleet of vehicles on an as-needed basis. User costs are typically determined through mileage or hourly rates, with deposits and/or annual membership fees. The car-sharing program could be created through a local partnership or through one of many existing car-share companies. Car-sharing programs may be grouped into three general categories: residential- or citywide-based, employer-based, and transit station-based. Transit station-based programs focus on providing the "last-mile" solution and link transit with commuters' final destinations.

O2-15

l. Provide Employer-Sponsored Vanpool/Shuttle

The Project could implement an employer-sponsored vanpool or shuttle. A vanpool will usually service workers' commute to work while a shuttle will service nearby transit stations and surrounding commercial centers. Employer-sponsored vanpool programs entail an employer purchasing or leasing vans for employee use, and often subsidizing the cost of at least program administration, if not more. The driver usually receives personal use of the van, often for a mileage fee. Scheduling is within the employer's purview, and rider charges are normally set on the basis of vehicle and operating cost.

O2-16

m. Implement Commute Trip Reduction Marketing

The Project can implement marketing strategies to reduce commute trips. Information sharing and marketing are important components to successful commute trip reduction strategies. Implementing commute trip reduction strategies without a complementary marketing strategy will result in lower VMT reductions. Marketing strategies may include:

O2-17

Richard Ayala
February 4, 2018

8

- New employee orientation of trip reduction and alternative mode options
- Event promotions
- Publications

O2-17 cont.

n. Implement Preferential Parking Permit Program

The Project can provide preferential parking in convenient locations (such as near public transportation or building front doors) in terms of free or reduced parking fees, priority parking, or reserved parking for commuters who carpool, vanpool, ride-share or use alternatively fueled vehicles. The Project should provide wide parking spaces to accommodate vanpool vehicles.

O2-18

o. Price Workplace Parking

The Project can implement workplace parking pricing at its employment centers. This may include: explicitly charging for parking for its employees, implementing above market rate pricing, validating parking only for invited guests, not providing employee parking and transportation allowances, and educating employees about available alternatives.

O2-19

p. Implement Employee Parking “Cash-Out”

The Project may require employers to offer employee parking “cash-out.” The term “cash-out” is used to describe the employer providing employees with a choice of forgoing their current subsidized/free parking for a cash payment equivalent to the cost of the parking space to the employer.

O2-20

q. Implement Transit Access Improvements

This Project can improve access to transit facilities through sidewalk/ crosswalk safety enhancements and bus shelter improvements.

O2-21

r. Expand Transit Network

The Project may expand the local transit network by adding or modifying existing transit service to enhance the service near the Project site. This will encourage the use of transit and therefore reduce VMT.

O2-22

When combined, these measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduces emissions released during Project operation. A revised DEIR must be prepared to include additional mitigation measures, as well as include an updated air quality analysis to ensure that the necessary mitigation measures are implemented to reduce Project emissions to below thresholds. Furthermore, the Project Applicant needs to demonstrate

Richard Ayala
February 4, 2018

9

commitment to the implementation of these measures prior to Project approval, to ensure that the Project's emissions are reduced to the maximum extent possible.

IV. Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The DEIR fails to adequately evaluate the potential health risk impact that the proposed Project would have on nearby sensitive receptors because the DEIR fails to conduct a proper assessment of the Project's construction-related health risk. As a result, the Project's overall health risk impact is greatly underestimated and misrepresented. Until a proper construction health risk assessment (HRA) is prepared that adequately evaluates the Project's health-related impacts, the Project should not be approved.

As previously stated, the DEIR fails to properly evaluate the construction-related diesel particulate matter (DPM) emissions that will be emitted during Project construction. The DEIR gives no justification for the omission of a proper analysis of the Project's construction emissions. According to the SCAQMD, however, it is recommended that health risk impacts from short-term projects be assessed. The Guidance document states,

O2-23

"Since these short-term calculations are only meant for projects with limits on the operating duration, these short-term cancer risk assessments can be thought of as being the equivalent to a 30-year cancer risk estimate and the appropriate thresholds would still apply (i.e. for a 5-year project, the maximum emissions during the 5-year period would be assessed on the more sensitive population, from the third trimester to age 5, after which the project's emissions would drop to 0 for the remaining 25 years to get the 30-year equivalent cancer risk estimate)".

Additionally, OEHHA, the organization responsible for providing recommendations and guidance on how to conduct health risk assessments in California, provides guidance for cancer risk evaluation in short term projects. In February of 2015, OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*, which was formally adopted in March of 2015. The guidance document states that "local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation". Furthermore, the guidance documents recommends that that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors. Thus, the DEIR should have conducted some sort of quantitative analysis of the Project's construction-related carcinogenic health risk impact and should have compared the results of this analysis to applicable thresholds. The SCAQMD provides a specific numerical threshold of 10 in one million for determining a project's health risk impact. Therefore, the DEIR should have conducted an assessment that compares the Project's construction health risk to this threshold in order to determine the Project's construction-related carcinogenic health risk impact. By failing to prepare a proper construction HRA, the DEIR fails to provide a

Richard Ayala
February 4, 2018

10

comprehensive analysis of the sensitive receptor impacts that may occur as a result of exposure to substantial air pollutants.

V. Failure to Adequately Evaluate Greenhouse Gas Impact

The DEIR concludes that the Project's greenhouse gas (GHG) impacts would be less than significant, yet fails to provide proper justification to support this claim. As a result, the Project's GHG impacts are inadequately addressed.

The DEIR relies upon the City of Ontario's Climate Action Plan (CAP) to determine the significance of the Project's GHG impact (p. 5.7-11). Using this significance criteria, the DEIR concludes,

"The Project Design Features would total 103 points on the GHG Screening Threshold Table (provided as Table 5.7-5 herein). Pursuant to the City's CAP, implementation of GHG reduction features that would exceed 100 points on the City's significance level. Therefore, because the proposed Specific Plan (including PA-1, PA-2, and PA-3) would result in 103 points on the GHG Screening Threshold Table, impacts related to the generation of GHG emissions would be less than significant" (p. 5.7-14).

This conclusion, however, as well as the justification provided in the DEIR to support this significance determination, are incorrect and inadequate.

02-24

While the DEIR states that the Project would be consistent with CAP, the DEIR fails to actually demonstrate compliance with all of the applicable criteria disclosed in the City's CAP. Specifically, the DEIR fails to comply with the following requirement, as required by Section 15183.5 *Tiering and Streamlining the Analysis of Greenhouse Gas Emissions* of the CEQA guidelines,

"An environmental document that relies on a greenhouse gas reduction plan for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project."

As stated above, CEQA requires the DEIR to identify which requirements apply to the Project and requires that the DEIR make these requirements binding and enforceable to the Project by listing them as mitigation measures, if they are not already binding and enforceable in the City's CAP. However, review of the DEIR demonstrates that the Project fails to include any of the CAP's measures that the DEIR claims the Project would be consistent with as mitigation measures or as mandatory conditions of Project approval (Table 1-3: Summary of Impacts, Mitigation Measures, and Level of Significance, p. 1-18).

Richard Ayala
February 4, 2018

11

As you can see, the DEIR determines that no mitigation is required and therefore does not include any of the CAP's measures within its mitigation. As a result, the DEIR fails to show compliance with the City of Ontario's CAP and should not be used to determine the Project's significance. A revised DEIR should be prepared with an updated GHG analysis in order to adequately assess and address the Project's potential GHG impact.

O2-24 cont.

VI. Failure to Demonstrate Compliance with Executive Order B-30-15

According to the DEIR, "the CAP also includes a provision that will require an update beginning in 2018 that will quantify emissions from 2030, 2040, and 2050 for the City" (p. 5.7-6). However, since this DEIR was prepared prior to the CAP update, the CAP Screening Threshold Table only accounts for the reductions required to meet the 2020 emission reductions set forth by AB 32. Governor Brown recently issued an executive order to establish an even more ambitious GHG reduction target for 2030, which is not addressed in the CAP Screening Threshold Table. By failing to demonstrate consistency with the reduction targets set forth by Executive Order B-30-15 for 2030, the Project may conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. As a result, the Project may have a potentially significant impact that was not previously addressed in the GHG analysis, and as such, a revised DEIR should be prepared.

O2-25

Executive Order B-30-15 requires emissions reductions above those mandated by AB 32 to reduce GHG emissions 40 percent below their 1990 levels by 2030. 1990 statewide GHG emissions are estimated to be approximately 431 million MTCO₂e (MMTCO₂e). Therefore, by 2030 California will be required to reduce statewide emissions by 172 MMTCO₂e (431 x 40%), which results in a statewide limit on GHG emissions of 259 MMTCO₂e. 2020 "business-as-usual" levels are estimated to be approximately 509 MMTCO₂e. In order to successfully reach the 2030 statewide goal of 259 MMTCO₂e, California would have to reduce its emissions by 49 percent below the "business-as-usual" levels. This reduction target is consistent with goals set forth by other recently passed legislature, such as SB 32, indicating that compliance with these more aggressive reduction goals, beyond what is mandated by AB 32, will be necessary.

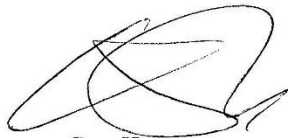
This 49 percent reduction target should be considered as a threshold of significance against which to measure Project impacts. Because the proposed Project is unlikely to be redeveloped again prior to 2030, the 2030 goals are applicable to any evaluation of the Project's impacts. A revised DEIR should be prepared to demonstrate the Project's compliance with these more aggressive measures specified in Executive Order B-30-15. Specifically, the Project should demonstrate, at a minimum, a reduction of 49 percent below "business-as-usual" levels. It should be noted that this reduction percentage is applicable to statewide emissions, which is not directly applicable to a project-level analysis. As a result, an additional analysis would need to be conducted to translate the new statewide targets into a project-specific threshold against which Project GHG emissions can be compared. A revised DEIR should be prepared to quantify any reductions expected to be achieved by mitigation measures, shown by substantial

Richard Ayala
February 4, 2018

12

evidence that such measures will be effective, and should demonstrate how these measures will reduce the emissions below the new 2030 significance threshold.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary Ho', with a large, stylized loop at the end.

Gary Ho
BLUM | COLLINS LLP

Response to Letter O2: Blum Collins LLP on behalf of Golden State Environmental Justice Alliance, dated February 4, 2018.

Comment O2-1: This comment summarizes the general parameters and analysis methodology employed for the DEIR's underlying technical calculations that support the air quality and greenhouse gas emissions calculations. The commenter claims that the modeled output files included in the technical air quality appendix are not consistent with the DEIR and claims that emissions are underestimated and should be recalculated accordingly.

Response O2-1: This comment correctly identifies a few typographical errors in the Draft EIR but does not identify anything that would result in any new significant impacts or underreported impacts in the Draft EIR. The following responses provide additional detail.

Comment O2-2: This comment states the construction schedule used within the Phase 2 CalEEMod model does not reflect these construction phase durations and claims that to be a potentially significant underestimation of the project's construction emissions.

Response O2-2: Table 3-4, *Construction Schedules*, of the Draft EIR has been corrected to reflect the actual modeling parameters identified in the Draft EIR's technical air quality appendix (Appendix B). As identified in Appendix B of the Draft EIR, on Page 32 of the Air Quality Impact Analysis Report:

"Construction for PA3 would not occur concurrently with construction of PA1 and PA2; It is anticipated to occur after construction of PA1 and PA2. The duration of construction activity and summary of construction equipment for PA3, are based on CalEEMod model defaults, which anticipates a shorter construction duration and fewer construction equipment pieces than construction for PA1 and PA2. The estimated construction duration and construction equipment list for PA3 is provided in Appendix 3.1 of this analysis."

It should be noted that for purposes of the Draft EIR, "Construction for PA3" equates to "Construction of Phase 2". As such, the modeled number of construction days for Phase 2 are based on CalEEMod default parameters since specific site information is unknown for that phase at this time. Therefore, the number of working days modeled in the Draft EIR is correct. Draft Table 3-4 has been corrected in the errata, Chapter 3 of this Final EIR.

It should also be noted that the assumptions in the Air Quality Impact Analysis Report regarding construction of Phase 2 are conservative. A shorter construction period results in greater emissions per day, as more equipment is present and operating per day. Thus, the longer period identified in the Draft EIR for the paving and coating phases would result in lesser per day emissions than assumed in the Air Quality Impact Analysis.

Comment O2-3: The commenter claims that project construction-related and operational-related emissions are underestimated due to inappropriate application of mitigation measures in the air quality modeling for the Draft EIR.

Response O2-3: The commenter is incorrect that the construction emissions analysis somehow inappropriately analyzed construction vehicle emissions. First, the Draft EIR's air quality analysis did not modify the CalEEMod assumption to assume a lower construction vehicle MPH, and thus did not apply any mitigation. The specific reference that the commenter points to is a known deficiency in CalEEMod which inappropriately reports a change to the "mitigation screen" has been made, when in fact, no change has been made. The electronic modeling files for the project have been made available and corroborate that no reductions for this have been taken. For reference, the following is a screenshot (Figure 1) from the CalEEMod input screen for the project, which clearly shows that the unpaved road mitigation option IS

NOT selected or enabled. Thus, the Draft EIR does not assume that construction trucks would be subject to some lesser MPH standard than the default in the CalEEMod (40 MPH).

Figure 1

CalEEMod.2016.3.1

Home Project Characteristics Land Use Construction Operational Vegetation Mitigation Reporting Help

☒ Cascade Defaults

Mitigation

Construction Traffic Area Energy Water Solid Waste

Off-Road Equipment

Import csv Default Undo

Equipment Type	Fuel Type	Engine Tier	Number of Equipments	Total Number Of Offroad	DPF Level	Using Oxidation Catalyst
Air Compressors	Diesel	No Change	0	3	No Change	0
Concrete/Industrial Saws	Diesel	No Change	0	1	No Change	0
Cranes	Diesel	Tier 3	2	2	No Change	0
Crushing/Proc. Equipment	Diesel	No Change	0	1	No Change	0
Excavators	Diesel	Tier 3	4	4	No Change	0
Forklifts	Diesel	No Change	0	3	No Change	0
Generator Sets	Diesel	No Change	0	2	No Change	0

Fugitive Dust

☐ Soil Stabilizer for Unpaved Roads

PM10 (% Reduction) 0

PM2.5 (% Reduction) 0

☒ Water Exposed Area

Frequency (per day) 3

PM10 (% Reduction) 61

PM2.5 (% Reduction) 61

Unpaved Road Mitigation

☐ Moisture Content (%) 0

☐ Vehicle Speed (mph) 0

Replace Ground Cover of Area Disturbed

PM10 (% Reduction) 0

PM2.5 (% Reduction) 0

Clean Paved Road

% PM Reduction 0

*The mitigation should be applicable to land use project evaluated.
Remarks box should contain percent reduction justification.

Remarks

All Off-Road Equipment >150 HP will be Tier 3 or better

<< Previous Next >>

Furthermore, the comment about vehicle miles per hour on unpaved roads is not correct and no changes were made to the default modeling parameters in this regard. Specifically, the operational mobile emissions calculation screen, shown on Figure 2, clearly shows that the mean vehicle speed of 40 mph which is a default value is unchanged in the analysis.

Figure 2

CalEEMod.2016.3.1

Home Project Characteristics Land Use Construction Operational Vegetation Mitigation Reporting Help

☒ Cascade Defaults

Operational - Mobile

Vehicle Trips Vehicle Emissions Fleet Mix Road Dust

Import csv Default Undo

Paved Road Dust

% Pave 100

Road Silt Loading (g/m2) 0.1

Average Vehicle Weight (tons) 2.4

Unpaved Road Dust

AP-42's Equation 1b Method

Material Silt Content (%) 4.3

Material Moisture Content (%) 0.5

Mean Vehicle Speed (mph) 40

CARB Unmitigated Unpaved Road Statewide Emission Inventory Method

2.5/yr

Remarks

<< Previous Next >>

As such, the Draft EIR and underlying technical air quality emissions calculations are correct and do not inappropriately take credit for mitigation or change default values that would inappropriately reduce project emissions from construction.

Comment O2-4: The commenter claims that project does not include sufficient mitigation measures to reduce impacts to the maximum extent feasible, specifically with respect to the project's operational NO_x emissions. The commenter states that following comments will include feasible mitigation measures that can be implemented.

Response O2-4: A separate response to each of the comments is provided below in responses O2-5 to O2-22.

Comment O2-5: The commenter states that they have identified several additional mitigation measures that the DEIR failed to incorporate, which would further reduce the Project's operational-related NO_x emissions, potentially to a less-than-significant level.

Response O2-5: The commenter asserts that additional mitigation must be adopted. This measure, like the other measures proposed by commenter, comes from the California Air Pollution Control Officers Association's ("CAPCOA") *Quantifying Greenhouse Gas Mitigation Measures* document, which proposes measures that may reduce GHG emissions. However, commenter does not present any evidence that the proffered measure would reduce the project's significant and unavoidable NO_x impact, which results primarily from truck emissions, not passenger vehicles. For instance, as outlined in Draft EIR Appendix B Table 3-8, NO_x passenger car emissions constitute approximately 2.9% of NO_x emissions from project operations. The commenter also only describes the measures generally, but does not present any evidence as to their feasibility. Finally, the project must comply with Ontario Development Code Section 6.04.010, Trip Reduction Measures, which requires, among other things, bicycle parking and shower facilities, pedestrian walkways, and carpool and vanpool parking.

With respect to the specific measures identified by commenter:

1. *Transit Station/Stop:* The area surrounding the project site is zoned for industrial and business park uses, although most land is currently agricultural uses. Currently, there is not enough demand in the Specific Plan vicinity for a transit station/stop of the nature suggested by commenter. The City is bound by legal principles to impose mitigation that is roughly proportional to the impacts of the project. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) A mitigation measures mandating that the project applicant fund and construct a transit station/stop is not proportional to the project's impact. However, as is required of all projects within the Ontario Ranch, development impact fees will be paid consistent with the City's DIF Program. These fees will be used to fund improvements throughout the City, including with respect to public transit should it be determined that demand warrants the development of a transit station/stop. Finally, bus and transit lines are not within the control of the applicant, and applicant cannot dictate where existing and future lines may occur.
2. *Rail Station:* The City is bound by legal principles to impose mitigation that is roughly proportional to the impacts of the project. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) The cost to construct a new rail station would be very high, and there is no evidence that there are any feasible locations for such a station within the distance suggested by commenter. Also, the development of a rail station is within the authority of Metrolink, which already has stations in locations it deems appropriate to serve user populations.
3. *Transit Service:* It is unclear what commenter is suggesting here, and how it differs from the transit station/stop suggested prior. Please refer to the response above.

4. *Walking/Bicycling*: The commenter suggests that the “neighborhood” be designed for walking and bicycling. First, it should be noted that the Specific Plan area is not a neighborhood that has residential uses, and thus is not anticipated to have substantial pedestrian activity. Nevertheless, the commenter is referred to Draft EIR Figure 3-8, Pedestrian and Bicycle Circulation Plan, which identifies various trails, sidewalks, and bikeways that are planned within the Specific Plan’s immediate vicinity.

Comment O2-6: The comments state the r project should be located near bike path/bike lane.

Response O2-6: The commenter is referred to Response O2-5, which discusses the fact that the project is located near bikeways, trails, and other pedestrian access paths. Moreover, the project must comply with Ontario Development Code Section 6.04.010, which requires bicycle parking and other facilities (i.e., showers and locker rooms) to encourage bicycle transportation.

Comment O2-7: The commenter states the project should include accessible electric vehicle parking to reduce tailpipe emissions.

Response O2-7: The commenter is referred to Response O1-4.

Comment O2-8: The commenter states that the project should limit parking supply.

Response O2-8: The project will provide parking per current requirements, which reflects the City of Ontario’s strategy with respect to parking. This measure is properly implemented by agencies at a planning level. Moreover, a reduced parking supply could have the unintended effect of resulting in future employees parking off-site, which could be a safety issue, and/or driving around looking for parking, which would contribute further air quality emissions.

Comment O2-9: The comment states the project should unbundle parking costs from property costs.

Response O2-9: The commenter does not present any evidence that this measure would reduce the project’s NO_x impact. Moreover, the commenter is referred to Response O2-8, which identifies that the project is providing parking as required by the City, and identifies potential issues associated with limiting (or dis-incentivizing) parking on-site, such as safety issues and tenants/employees driving around looking for free parking elsewhere. Finally, the Specific Plan area is not one with urban, in-fill characteristics that would benefit from this type of measure, as there is only limited alternative transit infrastructure.

Comment O2-10: This comment states that the project could implement a voluntary Commute Trip Reduction (CTR) program with employers.

Response O2-10: The commenter is referred to Responses O2-1 – O2-9. The project does incorporate multiple measures to reduce trips, as is required by the Ontario Development Code and the CALGreen Building Code. For instance, the project includes bicycle parking and shower/changing rooms, as well as reserved carpool/vanpool parking spaces. The project also includes bicycle and pedestrian means of access, and will pay into the City’s DIF Program. Also, pursuant to Ontario Plan Policy M3-4, the City will work with regional transit agencies to implement services to target destinations, consistent with the Transit Plan, which has planned routes within a reasonable distance from the Specific Plan area.

Comment O2-11: This comment states that the project can include a ride-sharing programs to reduce VMT.

Response O2-11: The commenter does not present any evidence that this measure would reduce the project’s NO_x impact. The project does designate parking spaces for carpools/vanpools, as is required by regulations, and will provide sufficient loading and unloading facilities to accommodate such users. To

facilitate alternative means of transportation, including vanpooling and carpooling, the following PDF – PDF AQ-1 – will be added to the EIR and will be incorporated as a condition of approval:

PDF AQ-1: All future employees shall be provided with information on ride sharing, vanpooling/carpooling, or other transit opportunities. This measure may be satisfied through the creation of a public message board within each project building or other reasonable alternative means of communication.

See Chapter 3, *Revisions to the Draft EIR*, of this Final EIR.

Comment O2-12: The comment states that the project could provide subsidized/discounted daily or monthly public transit passes.

Response O2-12: The commenter is referred to Responses O2-1 – O2-11, and also has not identified how the proposed measure would mitigate the project's significant NOx impact. The project applicant will not operate the project. However, future tenants may provide a transit discount program in the future, to the extent the tenant's employees would benefit from such a program and transit facilities are made available to serve the Specific Plan area by the relevant public agencies with jurisdiction. It is unclear as to the number of employees that would use such a service in the near future because, as discussed above, there are not currently multi-modal transit facilities in the area.

Comment O2-13: The comment states that the project can provide "end-of-trip" facilities for bicycle riders including showers, secure bicycle lockers, and changing spaces.

Response O2-13: The commenter is referred to Response O2-6.

Comment O2-14: Comment states that the project should encouraging telecommuting and alternative work schedules reduces the number of commute trips and therefore VMT traveled by employees.

Response O2-14: The project is anticipated to consist of warehousing and manufacturing uses, neither of which are conducive to telecommuting. All future tenants, who are currently unknown, will have the opportunity to implement alternative work schedules to fit the needs of their employees. The commenter has not presented any evidence as to how such a measure would reduce the project's significant and unavoidable NOx impact.

Comment O2-15: The comment states that the project could implement a car-sharing programs for on - demand access to a shared fleet of vehicles.

Response O2-15: The project applicant is not aware of from where future employees will come, and whether employees would use such services. The success of such a program inherently relies on employees commuting from a shared area, and that is not currently knowable. However, the project will provide parking spaces for vanpool/carpools as is required by the Ontario Development Code and state regulations. All future tenants, who are currently unknown, will have the opportunity to implement a car sharing/vanpooling/carpooling program to fit the needs of their employees. The commenter has not presented any evidence as to how such a measure would reduce the project's significant and unavoidable NOx impact.

Comment O2-16: The comment states that the project could implement an employer-sponsored vanpool or shuttle.

Response O2-16: The project applicant is not aware of from where future employees will come, and whether it is feasible for employees to use such services. The success of such a program inherently relies on employees commuting from a shared area, and that is not currently knowable. However, the project will

provide parking spaces for vanpool/carpools as is required by the Ontario Development Code and state regulations. All future tenants, who are currently unknown, will have the opportunity to implement a car sharing/vanpooling/carpooling program to fit the needs of their employees. The commenter has not presented any evidence as to how such a measure would reduce the project's significant and unavoidable NOx impact.

Comment O2-17: The comment states that the project can implement marketing strategies to reduce commute trips.

Response O2-17: The commenter is referred to Responses O2-5 – O2-16, all of which discuss the trip reduction measures implemented by the project. The commenter is specifically referred to Response O2-11, which adds PDF AQ-1 to the EIR. PDF AQ-1 mandates that all employees be provided with information on ride sharing, carpooling/vanpooling, and other alternative means of transportation.

Comment O2-18: This comment states that the project should implement a preferential parking permit program and wide parking spaces for vanpool vehicles.

Response O2-18: This measure, like the other measures proposed by commenter, comes from the California Air Pollution Control Officers Association's ("CAPCOA") *Quantifying Greenhouse Gas Mitigation Measures* document, which proposes measures that may reduce GHG emissions. The CAPCOA document notes that the effectiveness of a preferential parking permit program (GHG emissions reductions) have not been quantified. The project will designate specific spaces for vanpool/carpools. Also, note that (1) the project proposes free parking, and (2) the project's parking layout shows that parking is allocated within close proximity to the various buildings proposed, which reduces the likelihood that future employees would utilize such a program. Moreover, such a program could have the unintended effect of resulting in future employees parking off-site, which could be a safety issue, and/or driving around looking for parking, which would contribute further air quality emissions.

Comment O2-19: The comment states that the project can implement workplace parking pricing at its employment centers.

Response O2-19: Please refer to Responses O2-8, O2-9, and O2-18 regarding proposed parking programs. A program proposed by commenter, whereby workplace parking is priced, could have the unintended effect of resulting in future employees parking off-site, which could be a safety issue, and/or driving around looking for parking, which would contribute further air quality emissions. A measure that prices workplace parking is more appropriate in a highly urbanized area where free parking is not available.

Comment O2-20: The comment states that the project may require employers to offer employee parking "cash-out."

Response O2-20: Please refer to Responses O2-8, O2-9, O2-18, and O2-19 regarding proposed parking programs. A parking "cash-out" program suffers from the same infirmities identified in those responses with respect to other parking programs.

Comment O2-21: This comment states that the project can improve access to transit facilities through sidewalk/ crosswalk safety enhancements and bus shelter improvements.

Response O2-21: Please refer to Responses O2-5 and O2-6, particularly the discussions regarding transit improvements. The project does provide sidewalks, as well as bikeways and trails that will facilitate pedestrian access.

Comment O2-22: This comment states that the project may expand the local transit network by adding or modifying existing transit service to enhance the service near the project site to reduce VMT.

Response O2-22: Please refer to Response O2-5. An expansion of the transit network is not within the jurisdiction of the project applicant, and the project applicant cannot mandate that new lines, routes, or service be provided by the relevant agencies/entities. A revision to the transit network is more appropriately considered and implemented at the General Plan level by the City.

Comment O2-23: This comment claims that the Draft EIR fails to adequately evaluate the potential health risk impact that the proposed project would have on nearby sensitive receptors because the Draft EIR fails to conduct a proper assessment of the project's construction-related health risk.

Response O2-23: A Health Risk Assessment (HRA) analyzing the project's construction emissions of diesel particulate matter is not warranted. The primary purpose of an HRA is to determine long-term health risks, such as cancer risks over, for example, a 30-year residency or 70-year lifetime. As discussed in the Draft EIR, construction of the project would cease upon completion of each respective phase and not last 30-years. Exposure of such duration would not create long-term health effects to adjacent receptors. Additionally, the City follows SCAQMD guidance for air quality analysis. SCAQMD's Health Risk Assessment procedures recommend evaluating risk from extended exposures measured across several years and not for short term construction exposures or for infrequent operational exposure to diesel truck deliveries or trash hauling.

While the 2015 OEHHA guidance does suggest evaluating risks associated with construction projects greater than two months, the SCAQMD is still reviewing how that guidance relates to CEQA projects. In addition, there are other factors relevant in determining the need for an HRA, including the project location, total emissions, and distance to sensitive receptors. Since the project site is approximately 94 acres, emissions would be distributed over that area would not occur in the vicinity of sensitive receptors for the entire construction period. The majority of emissions would occur at varying distances from the receptors. As shown in Table 5.3.19, project construction emissions would not result in a localized air quality impact. Therefore, it was determined that an HRA for construction emissions was not required.

SCAQMD uses HRAs for compliance with AB2588, SCAQMD Rule 1401 and Rule 1402, which regulate facility emissions. The SCAQMD's Procedures for Rules 1401 and 212 includes guidance for short-term project HRAs (Tier 2 analysis); however, these recommendations are for emissions from such sources as portable equipment, like generators, or air pollution control equipment used for soil remediation projects, not for short-term construction projects. SCAQMD has also adopted guidance on the use of HRAs for analyzing mobile source emissions. However, this guidance refers to emissions associated with facilities such as truck stops and distribution centers that attract large volumes of daily heavy-duty diesel truck trips, creating a long-term emission source. Therefore, the HRA guidance for mobile source emissions is not relevant for the project's short-term construction activities.

Comment O2-24: This comment claims that the Draft EIR does not adequately evaluate greenhouse gas impact.

Response O2-24: The commenter takes issue with the Draft EIR's analysis of greenhouse gas emissions and the conclusion that compliance with the City's CAP reduces impacts to a less than significant level. The California Supreme Court has expressed that compliance with the reduction measures of an adopted Climate Action Plan is a reasonable basis upon which to conclude that greenhouse gas impacts are less than significant. (*Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204.) PPP GHG-1 provides assurance that measures identified in the City's GHG Screening Threshold Tables (included as Table 5.7-5 of the Draft EIR) will be implemented for Phase 1, and that the measures will be sufficient to achieve a minimum of 100 points. The City's CAP has already identified that projects that garner a total of 100 points or greater on the Screening Threshold Table

would result in a less than significant impact; and therefore, be effective. In addition, Table 5.7-5 of the Draft EIR identifies the specific measures that would be implemented for Phase 1 of proposed project. Phase 2 would likewise be required to implement reduction measures that would achieve a minimum of 100 points or otherwise achieve compliance with a future CAP. PPP GHG-1 will be included in the Mitigation Monitoring and Reporting Program, which will be made a condition of approval of the project. Thus, compliance with the CAP is binding and mandatory, and the Draft EIR's conclusion that compliance with the City's CAP would reduce project impacts to a less than significant level is reasonable and complies with CEQA. Furthermore, the Project will be required to achieve 100 points pursuant to the City's CAP.

Comment O2-25: This comment claims that by failing to demonstrate consistency with the reduction targets set forth by Executive Order B-30-15 for 2030, the project may conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Response O2-25: The commenter is referred to Draft EIR Impact GHG-2, which includes a thorough discussion of the project's consistency with Executive Order B-30-15. The commenter has not presented any evidence that the analysis of the Draft EIR is inappropriate. Moreover, the "business-as-usual" analysis identified by commenter has been called into question by recent CEQA court decisions due to the complicated nature of converting statewide reduction requirements to specific projects. (*Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204.) Lead agencies are afforded discretion to formulate thresholds of significance used in an EIR. (*North Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 Cal.App.4th 614, 625.) Here, the Draft EIR reasonably used compliance with the City's CAP as a threshold for analyzing GHG impacts. (Please refer to Response O2-24 regarding the use of the CAP.) The appropriate thresholds and analysis pursuant to CEQA have been used in the DEIR and no further analysis is required.

3. Revisions to the Draft EIR

This section contains revisions to the Draft EIR based upon: (1) clarifications required to prepare a response to a specific comment; and/or (2) typographical errors. The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the Draft EIR. Changes made to the Draft EIR are identified here in ~~strikeout~~ text to indicate deletions and in underlined text to signify additions.

3.1 Revisions in Response to Written Comments and City Changes to Text

The following text has been revised in response to comments received on the Draft EIR and corrections identified by the County.

Chapter 1.0, Executive Summary

Table 1-1, Summary of Impacts, Mitigation Measures, and Level of Significance is hereby revised as follows:

PPP GHG-1: GHG Screening Threshold Table: Prior to issuance of building permits, the applicant shall provide documentation to the City of Ontario Planning Department demonstrating that the project features included on construction and building plans shall achieve a minimum of 100 points on the City of Ontario's Greenhouse Gas Emissions Screening Table, or demonstrate consistency with any future CAP. ~~or shall achieve equivalent emission reductions from other measures approved by the City of Ontario.~~

PDF AQ-1: All future employees shall be provided with information on ride sharing, vanpooling/carpooling, or other transit opportunities. This measure may be satisfied through the creation of a public message board within each project building or other reasonable alternative means of communication.

Chapter 3.0, Project Description

Page 3-23, Project Design Features:

PDF AQ-1: All future employees shall be provided with information on ride sharing, vanpooling/carpooling, or other transit opportunities. This measure may be satisfied through the creation of a public message board within each project building or other reasonable alternative means of communication.

Page 3-30, Table 34-, Construction Schedules, is hereby revised as follows:

Table 3-4: Construction Schedules

Construction Activity	Work Days
Phase 1 (PA 1 & 2)	
Demolition	20
Grading	45
Building Construction	300
Architectural Coating	150
Paving	45
Phase 2 (PA 3)	

Demolition	10
Grading	20
Building Construction	230
Architectural Coating	45 20
Paving	150 20

Section 5.4, Biological Resources

Page 5.4-7: The last paragraph is hereby revised as follows:

Burrowing owl: This bird species is a state species of special concern and prefers coastal prairie, coastal scrub, Great Basin scrub, Mojavean desert scrub, Sonoran desert scrub, valley and foothill grassland, and disturbed habitats. Burrowing owl has a moderate potential to nest and forage in the Specific Plan area based on the presence of suitable habitat, including disturbed, low-growing vegetation, bare ground, and a few small fossorial mammal burrows. ~~Follow-up focused surveys will be conducted during the annual survey window in accordance with CDFW protocol prior to development of the site.~~ The nearest CNDDDB occurrence record of this species was recorded in 2006, approximately 0.4 mile to the northeast of the Specific Plan area.

Page 5.4-10: The last sentence in the first paragraph of Section 5.4.5 Methodology is hereby revised as follows:

~~Follow-up focused surveys for burrowing owl will be completed within the 2017 survey window. Breeding season surveys for burrowing owl were conducted in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation (2012) on February 24, April 27, June 2, and July 30, 2017.~~

Page 5.4-14: The first paragraph is hereby revised as follows:

As described above, seven special-status wildlife species were determined to have a potential to occur within PA-1, PA-2 or PA-3. The burrowing owl was determined to have a moderate potential to nest and forage in the Specific Plan area due to the presence of suitable habitat, including disturbed, low-growing vegetation, bare ground, and a few small fossorial mammal burrows. Implementation of the Specific Plan could result in significant direct impacts to a burrowing owl if present. Therefore, breeding season surveys were conducted in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation (2012). Four surveys were conducted within the project site, plus a 150-meter (approximately 500 foot) buffer zone around the project site, on February 24, April 27, June 2, and July 30, 2017. Weather conditions generally consisted of clear to overcast skies with winds between 0 and 4 miles per hour (mph) and air temperatures ranging from 38 to 69 degrees Fahrenheit. No burrowing owls were observed within the survey area during the 4 breeding season surveys. As such, no burrowing owls or occupied habitat are anticipated to be impacted by the proposed project. However, Mitigation Measure BIO-1 has been included to require additional focused surveys during the breeding season prior to approval of demolition or grading permits to determine the presence or absence of burrowing owl in accordance with CDFW protocol. If a burrowing owl is observed during the focused surveys, Mitigation Measure BIO-1 would also reduce potential impacts to burrowing owls in compliance with guidelines published by CDFW. Implementation of Mitigation Measure BIO-1 would reduce potential impacts to burrowing owl to a less than significant level.

Section 5.7, Greenhouse Gasses

Page 5.7-24, PPP GHG-1 is hereby revised as follows:

PPP GHG-1: GHG Screening Threshold Table: Prior to issuance of building permits, the applicant shall provide documentation to the City of Ontario Planning Department demonstrating that the project features included on construction and building plans shall achieve a minimum of 100 points on the City of Ontario's Greenhouse Gas Emissions Screening Table, or demonstrate consistency with

~~any future CAP, or shall achieve equivalent emission reductions from other measures approved by the City of Ontario.~~

Section 5.13, Traffic and Circulation

Page 5.13-33, Table 5.13-27: The last LOS for Intersection 36 is hereby revised as follows to be consistent with Table 7-6 of the TIA:

36	I-15 NB Ramps / Cantu Galleano Ranch Rd.				
	- Without Project	26.9	34.2	C	C
	- With Project	26.9	36.07	C	<u>F D</u>

Page 5.13-41: The first bullet under “Opening Year (2019) Plus Project Improvements” is hereby revised as follows:

- Euclid Av. / Merrill Av. (#1 Caltrans, Chino, Ontario):** Modify the intersection to provide a 3rd northbound through lane, a 2nd southbound left turn lane, a 3rd southbound through lane, a 2nd westbound left turn lane, a westbound right turn lane, and modify the traffic signal to implement overlap phasing on the westbound right turn lane. Implementation of this improvement will require addition of a second eastbound receiving lane on Merrill Av.

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Chapter 4. Mitigation Monitoring and Reporting Program

4.1 Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Environmental Impact Report has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the Colony Commerce Center East Specific Plan project (project). The City of Ontario is the Lead Agency for the project and is responsible for implementation of the MMRP. This report describes the MMRP for the project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

4.2 Mitigation Monitoring and Reporting Program

The MMRP for the project will be active through all phases of the project, including design, construction, and operation. The project will be developed in phases and may include permits required for implementation of project components identified in Section 3.8 of the Draft EIR. There are mitigation measures that must be continuously implemented throughout the development and operation of the project.

The attached table identifies the mitigation program required to be implemented by the City for the Colony Commerce Center East Specific Plan project. The table identifies the Standard Conditions; Plan, Program, Policies; and mitigation measures required by the City to mitigate or avoid significant adverse impacts associated with the implementation of the project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Standard Conditions; Plan, Program, Policies; and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

**TABLE 4-1: MITIGATION MONITORING AND REPORTING PROGRAM
COLONY COMMERCE CENTER EAST SPECIFIC PLAN EIR**

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AESTHETICS			
Standard Condition SC 3.28: Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building permits.	Prior to Building Permits	City of Ontario Building/Planning Departments	
Standard Condition SC 3.29: Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on an adjoining site.	Prior to Building Permits	City of Ontario Building/Planning Departments	
Standard Condition SC 3.30: Along pedestrian movement corridors the use of decorative low mounted bollard lighting standards, which reinforce pedestrian scale, shall be used. Steps ramps and seatwalls shall be illuminated with built-in light fixtures.	Prior to Building Permits	City of Ontario Building/Planning Departments	
Standard Condition SC 3.31: All planned parking areas shall have a minimum maintained light level of one-foot candle or greater. The lighting shall be on from sunset to sunrise and be operated by a photocell. The site plan shall show all buildings, the parking areas, walkways, detailed landscaping and a point by point photometry calculation of required light levels.	Prior to Building Permits	City of Ontario Building/Planning Departments	
AGRICULTURE			
Plan, Program, or Policy PPP AG-1: Deed Disclosure. In order to reduce conflicting issues between sensitive receptors and agricultural uses, all new units in the Specific Plan shall be provided with a deed disclosure or similar notice approved by the City Attorney regarding the proximity and nature of neighboring agricultural uses. This disclosure shall be applied at the tentative map stage to the affected properties, or otherwise prior to finalizing the sale or lease agreement of any property. The written disclosure shall be supplied to the property purchaser or leaser by the vendor or vendor's agent. The content and text of the disclosure shall be approved by the City Attorney, and shall include language to inform new tenants that existing agricultural uses may create nuisances such as flies, odors, dust, night-light, and chemical spraying.	Prior to Approval of a Tentative Map	City of Ontario Planning Department Departments	
AIR QUALITY			
Plan, Program, or Policy PPP AQ-1: The following measures shall be incorporated into construction plans and specifications as implementation of SCAQMD Rule 403 (4): <ul style="list-style-type: none"> • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas 	Prior to Grading Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.</p> <ul style="list-style-type: none"> The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less. 			
Plan, Program, or Policy PPP AQ-2: The following measures shall be incorporated into construction plans and specifications as implementation of Rule 1113 (9). Only "Low-Volatile Organic Compounds" paints (no more than 100 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with SCAQMD Rule 1113 shall be used.	Prior to Building Permits	City of Ontario Building Department	
Plan, Program, or Policy PPP AQ-3: Plans, specifications, and contract documents shall note that a sign shall be posted on-site stating that construction workers shall not idle diesel engines in excess of 5 minutes.	Prior to Building Permits	City of Ontario Building Department	
Mitigation Measure AQ-1: Low VOC: The construction plans and specifications shall state that project construction shall exceed the requirements of SCAQMD Rule 1113 by utilizing only "Low-Volatile Organic Compounds" paints that are no more than 50 gram/liter of VOC, as specified in the Table of Standards 1 of Rule 1113.	Prior to Building Permits	City of Ontario Building Department	
Mitigation Measure AQ-2: Tier 3: The construction plans and specifications shall state that project construction shall utilize all construction equipment greater than 150 horsepower (>150 HP) shall be CARB certified tier 3 or higher.	Prior to Grading Permits	City of Ontario Building Department	
Mitigation Measure AQ-3: Diesel Trucks: The construction plans and operational specifications shall state that contractors and building operators (by contract specifications) shall ensure that on-road heavy-duty diesel trucks with a gross vehicle weight rating greater than 14,000 pounds will have a 2010 model year engine or newer or will be equipped with a particulate matter trap, as available.	Prior to Grading Permits	City of Ontario Building/Planning Departments	
Mitigation Measure AQ-4: Idling Regulations: The project plans and specifications shall include signs at loading dock facilities that identify CARB anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for trucks drivers to restrict idling to no more than 3 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park", and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and CARB to report violations.	Prior to Building Permits	City of Ontario Building/Planning Departments	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
BIOLOGICAL RESOURCES			
Mitigation Measure BIO-1: Burrowing Owl. Burrowing Owl focused surveys shall be conducted during the breeding season (February 1 through August 31) prior to approval of a demolition or grading permit to determine the presence or absence of burrowing owls within PA-1, PA-2 or PA-3. The surveys shall be conducted by a qualified biologist pursuant to the survey protocol provided in Appendix D of the CDFW Staff Report on Burrowing Owl Mitigation dated March 7, 2012. If burrowing owls are determined present, occupied burrows shall be avoided to the greatest extent feasible pursuant to the CDFW Burrowing Owl Mitigation guidelines that include, but is not limited to: conducting pre-construction surveys, avoiding occupied burrows during the nesting and non-breeding seasons, implementing a worker awareness program, biological monitoring, establishing avoidance buffers, and flagging burrows for avoidance with visible markers. If occupied burrows cannot be avoided, acceptable methods may be used to exclude burrowing owl either temporarily or permanently, pursuant to a Burrowing Owl Exclusion Plan that shall be prepared and approved by CDFW. The Burrowing Owl Exclusion Plan shall be prepared in accordance with the guidelines in the Staff Report on Burrowing Owl Mitigation.	Prior to Grading or Building Permits	City of Ontario Building Department	
Mitigation Measure BIO-2: Nesting Birds. Prior to the issuance of any grading permit that would remove potentially suitable nesting habitat for raptors or songbirds, the project applicant shall demonstrate to the satisfaction of the City of Ontario that either of the following have been or will be accomplished: <ol style="list-style-type: none"> 1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds. 2. Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected a buffer of 300 feet (500 feet for raptors) around the nest adjacent to construction will be delineated, flagged, and avoided until the nesting cycle is complete. The buffer may be modified, and/or other recommendations proposed as determined appropriate by the biological monitor to minimize impacts. 	Prior to Grading Permits	City of Ontario Building Department	
Mitigation Measure BIO-3: Jurisdictional Areas. Prior to the issuance of any grading permit for permanent impacts in the areas designated as jurisdictional features, the project applicant shall obtain regulatory permits from the USACE, RWQCB, and CDFW. If the regulatory agencies or an updated jurisdictional delineation determine that the area(s) identified as jurisdictional features are not	Prior to Grading Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>jurisdictional, no mitigation is required. Otherwise, the following shall be incorporated into the permitting, subject to approval by the regulatory agencies:</p> <ol style="list-style-type: none"> 1. On-site or off-site enhancement, restoration, and/or creation of USACE/RWQCB jurisdictional "waters of the U.S." within the Santa Ana Watershed at a ratio no less than 0.5:1 or within an adjacent watershed at a ratio no less than 1:1 for permanent impacts, and for any temporary impacts, restoration of the impact area to pre-project conditions (i.e., pre-project contours and revegetate, where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, permittee-responsible mitigation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or in-lieu fee program. 2. On-site or off-site enhancement, restoration and/or creation of CDFW jurisdictional streambeds within the Santa Ana Watershed at a ratio no less than 0.5:1 or within an adjacent watershed at a ratio no less than 1:1 for permanent impacts, and for any temporary impacts. restoration of the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, permittee-responsible mitigation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or in-lieu fee program. <p>Purchase of any mitigation credits through an agency-approved mitigation bank or in-lieu fee program should occur prior to any impacts to jurisdictional drainages. Any mitigation proposed on land acquired for the purpose of in-perpetuity mitigation that is not part of an agency-approved mitigation bank or in-lieu fee program shall include the preservation, enhancement, restoration, and/or creation, of similar habitat pursuant to a future Habitat Mitigation and Monitoring Plan (HMMP) that may be required as part of regulatory permitting. The HMMP shall be prepared prior to any impacts to jurisdictional features and shall provide details as to the implementation of the mitigation, maintenance, and future monitoring. The HMMP shall include location information, project description, mitigation measures and location of measures, objectives of mitigation (i.e., required mitigation by USACE), description of existing ecological functions needing to be replaced, the entity responsible for the mitigation, and the plant palette to be implemented. In addition, the HMMP shall include the short-term and long-term maintenance, monitoring, performance standards and adaptive management activities. The goal of the compensatory mitigation shall be to preserve, enhance, restore, and/or create</p>			

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
similar habitat with equal or greater function and value than the impacted habitat.			
CULTURAL RESOURCES			
Mitigation Measure CUL-1 Archaeological Resources: Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City of Ontario Building Department, or designee, from a qualified professional archeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archeologist has been retained to provide on-call services in the event archeological resources are discovered. The archeologist shall be present at the pre-grading conference to establish procedures for archeological resource surveillance. In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the City shall be immediately notified. The archeologist shall be contacted to flag the area in the field and determine if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)). If the find is considered a "resource" the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. A qualified archaeologist and a Native American Monitor of Gabrieleño Ancestry shall evaluate all archaeological resources unearthed by project construction activities. If the resources are Native American in origin, they shall have the opportunity to consult with the City and/or project developer on appropriate treatment and curation of these resources. If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the applicant's expense. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archaeologist. Resources shall be identified and curated into an established accredited professional repository. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. Excavation as a treatment option will be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project.	Prior to Grading Permits	City of Ontario Building Department	
Mitigation Measure CUL-2: Paleontological Resources: Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City of Ontario Building Department, or designee, from a paleontologist selected from the roll of qualified paleontologists maintained by San Bernardino County, stating that the paleontologist has been retained to provide services for the project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan	Prior to Grading Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>(PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite for the review and approval by the City. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall require paleontological monitoring of excavation that exceeds depths of five feet. The PRIMP shall state that the project paleontologist may re-evaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations deeper than four feet have been completed.</p> <p>In the event that paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.</p> <p>Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage and treatment shall be done at the applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.</p>			
GEOLOGY AND SOILS			
Standard Condition SC 3.6: The project shall comply with the adopted California Building Code California Code of Regulations, Title 24, Part 2.	Prior to Building Permits	City of Ontario Building Department	
GREENHOUSE GAS EMISSIONS			
Plan, Program, or Policy PPP GHG-1: GHG Screening Threshold Table: Prior to issuance of building permits, the applicant shall provide documentation to the City of Ontario Planning Department demonstrating that the project features included on construction and building plans shall achieve a minimum of 100 points on the City of	Prior to Building Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
Ontario's Greenhouse Gas Emissions Screening Table or demonstrate consistency with any future CAP.			
Standard Condition SC 3.10: The project shall comply with the adopted California Energy Code (Code of Regulations, Title 24 Part 6).	Prior to Building Permits	City of Ontario Building Department	
HAZARDS AND HAZARDOUS MATERIALS			
Plan, Program, or Policy PPP HAZ-1: Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building Department that an asbestos survey has been conducted at all existing buildings located on the project site. If asbestos is found, the project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.	Prior to Demolition Permits	City of Ontario Building Department	
Plan, Program, or Policy PPP HAZ-2: Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building Department that a lead-based paint survey has been conducted at all existing buildings located on the project site. If lead-based paint is found, the project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. Cal-OSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.	Prior to Demolition Permits	City of Ontario Building Department	
Standard Condition SC 3.5: Projects located within the New Model Colony must comply with the Methane Assessment for Projects in the New Model Colony guideline.	Prior to Building Permits	City of Ontario Building Department	
Standard Condition SC 3.66: Prior to the approval of a Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the BMPs that will be implemented in this project during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system.	Prior to Grading Permits	City of Ontario Building Department	
Standard Condition SC 3.67: Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the Engineering Department. The WQMP shall be submitted on the San Bernardino County Stormwater Program's model form and shall identify all Post-Construction, Site Design. Source Control, and	Prior to Grading Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.			
Standard Condition SC 3.68: All projects that develop 1 acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water Resources Control Boards General Permit for Storm Water Discharge Associated with Construction Activity. Proof of filing a Notice of Intent (NOI) with the state for coverage under this permit is required prior to approval of the grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Discharge Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department.	Prior to Grading Permits	City of Ontario Building Department	
Standard Condition SC 3.69: A SWPPP Plan. All projects that develop one 1 acre or more of total land area or which are part of a large phased development that will disturb at least one acre of land are re to prepare a Storm Water Pollution Prevention Plan SWPPP utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP Handbook for Construction and submit a copy of the plan to the City Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction.	Prior to Grading Permits	City of Ontario Building Department	
Standard Condition SC 3.24: The site plan shall allow for adequate turning radii for emergency apparatus, and access turns shall be designed to meet the minimum requirements/standards per Ontario Fire Department Standard #B-005.	Prior to Site Plan Approval	City of Ontario Building/Planning Departments	
Standard Condition SC 3.24: The site plan shall allow for adequate turning radii for emergency apparatus, and access turns shall be designed to meet the minimum requirements/standards per Ontario Fire Department Standard #B-005.	Prior to Site Plan Approval	City of Ontario Building/Planning Departments	
Mitigation Measure HAZ-1: Prior to approval of grading permits, the project applicant shall hire a qualified environmental consultant to conduct a limited soils investigation to identify the hazards related to the soils: 1) in the vicinity of the diesel and oil tanks; 2) in the east central agricultural irrigation well-head area where mixing and storage of agricultural chemicals occurs and where discarded herbicide containers were observed; 3) near the septic systems; and 4) in maintenance areas where petroleum and hazardous substances have been used and stored. Soil remediation and/or export of hazardous materials must be performed in accordance with applicable regulatory requirements from the Regional Water	Prior to Grading Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
Quality Control Board, Department of Toxic Substances Control, and the South Coast Air Quality Management District requirements. A Soil Management Plan shall be prepared to ensure the appropriate reporting, oversight, and protocols used during construction to protect the health and safety of workers and the environment. The Soil Management Plan shall include methodology and procedures to perform additional testing during soil disturbance activities if unknown potentially hazardous materials are identified. If additional contamination is discovered, soil disturbance activities within the area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up remedial measures in accordance with the Soil Management Plan are completed.			
HYDROLOGY AND WATER QUALITY			
Standard Condition SC 3.64: A hydrology study and drainage analysis prepared and signed by a Civil Engineer registered in the State of California in accordance with the San Bernardino County Hydrology Manual and the City of Ontario's Standards and Guidelines is required. Additional drainage facilities may be required as a result of the findings of this study.	Prior to Grading Permits	City of Ontario Building Department	
Standard Condition SC 3.66: Listed previously under Hazardous Materials	Prior to Grading Permits	City of Ontario Building Department	
Standard Condition SC 3.67: Listed previously under Hazardous Materials	Prior to Grading Permits	City of Ontario Building Department	
Standard Condition SC 3.68: Listed previously under Hazardous Materials	Prior to Grading Permits	City of Ontario Building Department	
Standard Condition SC 3.69: Listed previously under Hazardous Materials			
NOISE			
Standard Condition SC 1.4: Noise sources associated with, or vibration created by, construction repair remodeling or grading of any real property shall not take place between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, including Saturday, or at any time on Sunday or a national holiday. Noise levels created by said activities shall not exceed the noise standard of 65 dBA plus the limits specified in Section 9-1.3305.	During Construction	City of Ontario Building Department	
Standard Condition SC 5.3: Detailed construction plans shall be approved and signed by an acoustical engineer to certify that noise abatement measures required to meet City standards have been incorporated (applies to all projects requiring an acoustical analysis and to any project within the 60 CNEL contour of any area	Prior to Grading or Building Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
source.			
TRANSPORTATION AND CIRCULATION			
<p>Mitigation Measure TR-1: Prior to issuance of occupancy permits for the buildings that are proposed by the Specific Plan, project applicants/developers shall make fair-share payments to the City of Ontario toward construction of the traffic improvements listed below. The following traffic improvements and facilities are necessary to mitigate impacts of the proposed Specific Plan and shall be included in the fee mechanism(s) as implemented by the City of Ontario:</p> <p>Existing Plus Project Improvements</p> <ul style="list-style-type: none"> Archibald Avenue/Limonite Avenue (#26 Eastvale): Improve the operation of this intersection by installing a 2nd southbound left turn lane. <p>Opening Year (2019) Plus Project Improvements</p> <ul style="list-style-type: none"> Euclid Av./Merrill Av. (#1 Caltrans, Chino, Ontario): Modify the intersection to provide a 3rd northbound through lane, a 2nd southbound left turn lane, a 3rd southbound through lane, a 2nd westbound left turn lane, a westbound right turn lane, and modify the traffic signal to implement overlap phasing on the westbound right turn lane. Implementation of this improvement will require addition of a second eastbound receiving lane on Merrill Av. Grove Av./Merrill Av. (#7 Chino, Ontario): Modify the intersection to provide an eastbound left turn lane, 2nd eastbound through lane, and a 2nd westbound through lane. Flight Av./Merrill Av. (#8 Chino, Ontario): Modify the intersection to install a traffic signal, restripe to provide a northbound left turn lane within the painted median, provide a 2nd eastbound through lane, and a 2nd westbound through lane. Hellman Av. / Merrill Av. (#9 Chino, Ontario): Modify the intersection to install a traffic signal, provide a northbound left turn lane and right turn lane, provide a 2nd eastbound through lane, provide an eastbound right turn lane, provide a westbound left turn lane, and provide a 2nd westbound through lane. Archibald Av./SR-60 WB Ramps (#14 Caltrans, Ontario): Modify the intersection to provide a 2nd northbound left turn lane and a westbound left turn lane. Archibald Av./Riverside Dr. (#17 Ontario): Modify the intersection to provide a 2nd northbound left turn lane, a 2nd southbound left turn lane, an eastbound right turn lane, and modify the traffic signal to implement overlap phasing on 	Prior to Occupancy Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>the westbound right turn lane.</p> <ul style="list-style-type: none"> Archibald Av./Schaefer Av. (#19 Ontario): Modify the intersection to install a traffic signal, provide a northbound left turn lane, provide a shared eastbound left-through-right turn lane, and provide a shared westbound left-through-right turn lane. Archibald Av./Ontario Ranch Rd. (#20 Ontario): Modify the intersection to provide a 2nd northbound left turn lane and modify the traffic signal to implement overlap phasing in the northbound right turn lane. Archibald Av./Merrill Av. (#22 Ontario): Modify the intersection to provide a 2nd eastbound left turn lane, a 2nd eastbound through lane, an eastbound free-right turn lane, a 2nd northbound left turn lane, a 3rd northbound through lane, a 3rd southbound through lane, a southbound right turn lane, 2nd eastbound left turn lane, 2nd eastbound through lane, eastbound free-right turn lane, 2nd westbound through lane, and modify the traffic signal to implement overlap phasing in the southbound right turn lane. Archibald Av./Limonite Av. (#26 Eastvale): Modify the intersection to provide 2nd northbound and southbound through lanes, a 2nd westbound left turn lane, and 2nd westbound right and left turn lanes. Harrison Av./Limonite Av. (#28 Eastvale): Modify the intersection to provide a 3rd westbound through lane. I-15 Southbound Ramps/Limonite Av. (#35 Caltrans, Eastvale): Modify the intersection to provide 3rd eastbound and westbound through lanes. <p>Horizon Year (2040) Plus Project Improvements</p> <ul style="list-style-type: none"> Euclid Av./Kimball Av. (#2 Caltrans, Chino): Modify the intersection to provide a 3rd northbound through lane, a 3rd southbound through lane, a 2nd southbound left turn lane, a southbound right turn lane, 2nd eastbound left turn lane, westbound right turn lane, a 2nd westbound left turn lane, and modify traffic signal to implement overlap phasing on the southbound and westbound right turn lanes. Euclid Av./Pine Av. (#4 Caltrans, Chino): Modify the intersection to provide a 3rd northbound through lane, a 3rd southbound through lane, a northbound free-right turn lane, a 2nd southbound left turn lane, southbound right turn lane, 2nd eastbound through lane, 2nd westbound through lane, westbound channelized right turn lane. Grove Av./Merrill Av. (#7 Chino, Ontario): Install a traffic signal. Flight Av./Merrill Av. (#8 Chino, Ontario): Modify the intersection to install a southbound left turn lane, southbound shared through-right turn lane, eastbound left turn lane, and modify the traffic signal to implement overlap phasing on the eastbound right turn lane. 			

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<ul style="list-style-type: none"> Hellman Av./Merrill Av. (#9 Chino, Ontario): Modify the intersection to install a 2nd northbound through lane, an additional northbound through lane, a southbound left turn lane, a southbound shared through-right turn lane, an eastbound left turn lane, a westbound right turn lane, and modify traffic signal to implement overlap phasing on the northbound right turn lane. Archibald Av./SR-60 EB Ramps (#15 Caltrans, Ontario): Restripe the intersection to provide 3 northbound through lanes, a northbound right turn lane, and a 2nd southbound left turn lane. Archibald Av./Chino Av. (#18 Ontario): Modify the intersection to provide a 3rd southbound through lane. Archibald Av./Ontario Ranch Rd. (#20 Ontario): Modify the intersection to provide 3rd northbound, southbound, and eastbound through lanes, provide a 2nd and 3rd westbound through lane. Archibald Av. / Eucalyptus Av. (#21 Ontario): Modify the intersection to provide a northbound left turn lane, 3rd northbound and southbound through lanes, eastbound left turn lane, eastbound shared through-right turn lane, and a westbound left turn lane. Archibald Av./Merrill Av. (#22 Ontario): Modify the intersection to provide a 2nd westbound left turn lane. Archibald Av./Limonite Av. (#26 Eastvale): Modify the intersection to provide a northbound left turn lane, a 3rd northbound and southbound through lane, a southbound right turn lane, 2 eastbound left turn lanes, 2 westbound left turn lanes, and 2 eastbound through lanes. Sumner Av./Limonite Av. (#29 Eastvale): Modify the intersection to provide a 2nd northbound left turn lane. I-15 Southbound Ramps/Limonite Av. (#35 Caltrans, Eastvale): Redesign the interchange. <p>I-15 Northbound Ramps/Cantu Galleano Rd. (#36 Caltrans, Eastvale): Modify the traffic signal to implement a 120-second cycle length.</p>			
TRIBAL CULTURAL RESOURCES			
Mitigation Measure CUL-1: Listed previously under Cultural Resources	Prior to Grading Permits	City of Ontario Building Department	
Mitigation Measure TCR-1: Native American Monitoring. Prior to commencement	Prior to Grading Permits	City of Ontario Building	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>of any excavation activities, the project developer shall retain a Native American Monitor of Gabrieleño Ancestry to:</p> <ul style="list-style-type: none"> • Conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of Gabrieleño Ancestry, and the general steps the Monitor would follow in conducting a salvage investigation. • Monitor all project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, and grubbing) of previously undisturbed native soils to a maximum depth of 30 feet below ground surface. At their discretion and expense, a Native American Monitor of Gabrieleño Ancestry can be present during the removal of dairy manure to native soil. 		Department	
<p>Mitigation Measure TCR-2: Native American Human Remains. Prior to the start of ground disturbing activities, the project developer shall designate a location within the footprint of the project site for the respectful reburial of Native American human remains and/or ceremonial objects. All human skeletal material discoveries shall be reported immediately to the County Coroner. The Native American Monitor shall immediately divert work a minimum of 50 feet from the discovery site and place an exclusion zone around the burial. The Native American Monitor shall notify the construction manager who shall contact the San Bernardino County Coroner. Pursuant to California Health and Safety Code, Section 7050.5, all construction activity shall be diverted while the San Bernardino County Coroner determines if the remains are Native American.</p> <p>If the San Bernardino County Coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the San Bernardino County Coroner. Reburial will be in an appropriate setting. If the San Bernardino County Coroner determines the remains to be modern, the San Bernardino County Coroner shall take custody of the remains.</p> <p>If Native American, the San Bernardino County Coroner shall notify the Native American Heritage Commission (NAHC) as mandated by state law who will then appoint a Most Likely Descendent. The discovery shall be confidential and secure to prevent further disturbance. In the case where discovered human remains cannot be documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside working hours. The Native American Tribe of Gabrieleño Ancestry shall make every effort to recommend</p>	Prior to Grading Permits	City of Ontario Building Department	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>diverting the project and keep the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. If data recovery is approved by the Tribe, documentation shall be taken, which includes at a minimum, detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. No scientific study or the utilization of any invasive diagnostics shall be allowed to any Native American human remains. Cremations will either be removed in bulk or means necessary to ensure complete recovery of all material. If the discovery of human remains includes four (4) or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The project developer shall consult with the Tribe regarding avoidance of all cemetery sites.</p> <p>Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container onsite if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site, but at a location agreed upon between the Tribe and the developer and protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <p>Once complete, a final report of all activities shall be submitted to the NAHC.</p>			

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