

RESOLUTION NO. 2004-139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROPOSED ONTARIO DOWNTOWN CIVIC CENTER PROJECT AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVE THE CONCEPT PLAN FOR THE PROJECT

WHEREAS, the Ontario Downtown Civic Center Project ("Project") proposes a concept for revitalizing a 12-block area of downtown Ontario bounded by D Street on the north, Holt Avenue on the south, Euclid Avenue on the west and Sultana Avenue on the east.

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

WHEREAS, given the history of the Project area and the environmental issues known to exist, the City prepared an Environmental Impact Report ("EIR") and provided full disclosure of the potential environmental effects of the Project as defined; and

WHEREAS, the City issued a Notice of Preparation ("NOP") of a Draft EIR on May 27, 2004 and circulated the NOP for a period of 30 days pursuant to State CEQA Guidelines, sections 15082[a], 15103 and 15375; and

WHEREAS, pursuant to State CEQA Guidelines, section 15082, the City solicited comments from potential responsible agencies, including details about the scope and content of the environmental information related to the responsible agency's area of statutory responsibility, as well as the significant environmental issues, reasonable alternatives and mitigation measures that the responsible agency would have analyzed in the Draft EIR; and

WHEREAS, approximately five (5) written statements were received by the City in response to the NOP, which assisted the City in narrowing the issues and alternatives for analysis in the Draft EIR; and

WHEREAS, a Draft EIR was completed and released for public review on August 2, 2004 and the City initiated a 45-day public comment period by filing a Notice of Completion and Availability with the State Office of Planning and Research; and

WHEREAS, pursuant to Public Resources Code, section 21092, the City also provided a Notice of Completion and Availability to all organizations and individuals who had previously requested such notice, and published the Notice of Completion on or about August 5, 2004, in the Inland Valley Daily Bulletin, a newspaper of general circulation in the Project area. Pursuant to City of Ontario Local CEQA Guidelines, the Notice of Completion was mailed to all residents and property owners within 500 feet of the Project. Copies of the Draft EIR were provided to approximately 28 public agencies, organizations and individuals. In addition, the City placed copies of the Draft EIR at the City of Ontario Planning Department Public Counter and the City of Ontario Public Library; and

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

WHEREAS, the City prepared the Final EIR and, pursuant to Public Resources Code, section 21092.5, the City provided a Notice of Public Hearing and /or Intent to Certify and Environmental Impact Report to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing on or about November 5, 2004, in the Inland Valley Daily Bulletin, a newspaper of general circulation in the Project area and provided copies of the Final EIR to all commenting agencies; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION I
FINDINGS**

At a regular session assembled on November 16, 2004, the City Council determined that based on all of the evidence presented, including, but not limited to, the Final EIR, written and oral testimony given at meetings and hearings, and submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are: 1) less than significant and do not require mitigation; or 2) potentially significant and each of these impacts will be avoided or reduced to a level of insignificance through the identified mitigation

measures; or 3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

SECTION II
RESOLUTION REGARDING ENVIRONMENTAL IMPACTS
NOT REQUIRING MITIGATION

The City Council hereby finds that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of mitigation measures:

- A. **Agricultural**
No prime, Unique or Farmland of Statewide Importance is located on the project site. The site is not zoned for agricultural use and no portion of the site is currently used for agricultural activities or under a Williamson Act contract. Accordingly, impacts to agricultural resources are considered less than significant and no mitigation is required.
- B. **Biology**
No candidate, sensitive or special status species are located on the project site. No riparian or other sensitive natural communities are present nor are there any federally protected wetlands on the project site. Thus, the project will not have any effect, either directly or through habitat modifications on any species identified as candidate, sensitive, or special status. Nor will the project interfere with the movement of any native resident or migratory fish or wildlife species. The site does not contain any mature trees and the project does not conflict with any local policies or ordinances or with any habitat conservation plan. Accordingly, impacts to biological resources are considered less than significant and no mitigation is required.
- C. **Mineral Resources**
There are no known mineral resources on the project site. Accordingly, impacts to mineral are considered less than significant and no mitigation is required.
- D. **Population and Housing**
The project will revitalize the Civic Center area. The project will provide housing opportunities for employment centers within the same local region, thereby contributing to an overall jobs/housing balance. Thus, implementation of the Project is expected to improve the jobs/housing imbalance in the subregion and, as a result, promote policies contained in Southern California Association of Government's ("SCAG") Regional Comprehensive Plan and Guide. Maximizing employment opportunities in the Project Area will be consistent with SCAG policies intended to decrease commuter trips, to decrease the cost of public service delivery and to increase development in areas surrounding transportation corridors and areas in need of redevelopment. The project will not induce population growth or displace either housing or people requiring the construction

of replacement housing. Accordingly, impacts to population and housing resources are considered less than significant and no mitigation is required.

SECTION III
RESOLUTION REGARDING ENVIRONMENTAL IMPACTS MITIGATED TO A
LEVEL OF LESS THAN SIGNIFICANT

The City Council hereby finds that mitigation measures have been required in, or incorporated into, the project, which will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts and the mitigation measures, which will reduce them to a less than significant level, are set out fully in the EIR in Section III and are summarized as follows:

- A. Geology/Soils – Impacts from erosion, geology and soils would be mitigated to a level of less than significant through required mitigation measures that include the pre-construction application of required City of Ontario permits, geotechnical reports, and permit compliance during construction. No further mitigation beyond that identified in the EIR is necessary to reduce impacts to below a level of significance.
- B. Hazards – Impacts from hazardous materials would be mitigated to a level of less than significant through required mitigation measures that include the identification and handling of asbestos-containing materials, lead-based paint, and other potentially hazardous materials in compliance with local, state and federal rules including the South Coast Air Quality Management District's Rule 1403, the California Health & Safety Code, and in coordination with the City of Ontario Fire Department Hazardous Materials Division, the County of San Bernardino Department of Environmental Health and the California Department of Toxic Substances Control.

The project site is approximately 980 feet above sea level and 1.5 miles from the Ontario International Airport. The Project's close proximity to the airport makes it subject to Federal Aviation Administration (FAA) Part 77 *Objects Affecting Navigable Airspace*. To mitigate potential hazards and to comply with FAA Part 77, no structure will exceed 122 feet above the project site elevation during or after construction and a Notice of Proposed Construction or Alteration (Form 7460-1) will be filed with the FAA. No further mitigation beyond that identified in the EIR is necessary to reduce impacts to below a level of significance.

- C. Land Use Compatibility and Aesthetics – Impacts from land use compatibility and aesthetics would be mitigated to a level of less than significant through required mitigation measures that include site plans and architecture that address potential noise, safety, land use and architectural design compatibility issues. No further mitigation beyond that identified in the EIR is necessary to reduce impacts to below a level of significance.

- D. Noise – Impacts from noise would be mitigated to a level of less than significant through required mitigation measures that include compliance with City of Ontario’s codes regulating construction hours, grading activities, and siting construction staging areas away from sensitive uses. No further mitigation beyond that identified in the EIR is necessary to reduce impacts to below a level of significance.
- E. Public Services – Impacts to public services would be mitigated to a level of less than significant through required mitigation measures that include the maintenance of a police substation facility to serve the Project and vicinity and the payment of police, library, fire, school district and park fees. Through further analysis, the EIR concluded that the proposed adaptive reuse project would not result in significant impacts to utilities and service systems. No further mitigation beyond that identified in the EIR is necessary to reduce impacts to below a level of significance.
- F. Transportation/Traffic – Impacts to transportation/traffic would be mitigated to a level of less than significant through required mitigation measures that include the payment by the developer of “fair share” mitigation fees for addition traffic lanes and signalized intersections, provide on-site parking consistent with the City of Ontario Development Code, and provisions for alternative transportation such as buses, bicycles and pedestrians. No further mitigation beyond that identified in the EIR is necessary to reduce impacts to below a level of significance.
- G. Utilities – Impacts to utilities would be mitigated to a level of less than significant through required mitigation measures that includes infrastructure improvements and/or capital improvement fees provided by the developer to the satisfaction of the City of Ontario Public Works Department and coordination with utility providers to protect underground and overhead utilities during construction. No further mitigation beyond that identified in the EIR is necessary to reduce impacts to below a level of significance.

SECTION IV
RESOLUTION REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A
LEVEL OF LESS THAN SIGNIFICANT

The Agency hereby finds that, despite the incorporation of many useful measures outlined in the Final EIR, the following impacts cannot be fully mitigated to a less than significant level, and a Statement of Overriding Considerations is therefore included herein:

- A. Air Quality –The EIR determined that short-term construction-related impacts to air quality would be lessened through required mitigation measures but not to a level of less than significant because the project area is in a non-attainment

portion of the South Coast Air Basin and any net increase in source emission is considered significant. The Project includes short-term mitigation measures that reduce source emissions from construction equipment, vehicles and grading. The Project includes long-term mitigation measures that reduce source emissions through mass transit alternatives, improvements to reduce traffic congestion and improve circulation and/or payment of "fair share" Development Impact fees established by City of Ontario. There are no additional feasible mitigation measures that will reduce this temporary impact to below a level of significance.

- B. Cultural Resources – The project area is within the City of Ontario's original Model Colony developed in the late 1800s. Although this area has been highly disturbed since the late 1800s, a Sacred Lands File search was performed out of an abundance of caution and in response to a comment letter received from the Native American Heritage Commission dated September 20, 2004. The Sacred Lands File search found no sacred lands within the project area or vicinity. The Project includes measures to mitigate the potential impacts to any unknown cultural, archaeological or paleontological resources. If cultural, archaeological or paleontological resources are discovered during construction, construction activities shall be moved to other parts of the project site and a qualified archaeologist or paleontologist shall be contacted to determine the significance of the resources. If the resource is found to be significant, as defined in Section 15064.5 of the CEQA Guidelines, avoidance or other appropriate measures shall be implemented and appropriate agencies notified of the discovery.
- C. The project area is within the proposed Euclid Avenue Historic District and includes one (1) Tier I, five (5) Tier II and six (6) Tier III historic structures. The Tier I structure is located at 200 N. Euclid Avenue and the five (5) Tier II structures are located at 112 N. Euclid Avenue, 122 N. Euclid Avenue, 128-136 N. Euclid Avenue, 208-214 N. Euclid Avenue and 230 N. Euclid Avenue. The City's Historic Preservation Commission reviewed the Tier I and Tier II structures and determined that these structures are of the highest historic value for local preservation (with Tier I being the highest) and may be eligible for listing on the National Register of Historic Places. The City's Historic Preservation Commission also reviewed the Tier III structures within the project area and found that these structures do not appear to be eligible for listing on the National Register of Historic Places but do appear to be eligible for local listing.

The Project is subject to Article 26 of the City of Ontario Development Code and the City of Ontario Downtown Design Guidelines. These codes include measures that mitigate potential impacts to historic structures due to demolition and/or alteration and include a number of mitigation measures including HABS/HAER documentation, salvage of features and artifacts, payment of a mitigation fee and a Certificate of Appropriateness. Article 26 also requires additional environmental analysis, which may include an EIR or focused EIR, for the demolition of Tier I and Tier II structures. In addition, Article 26 and the Downtown Design Guidelines require infill development to be compatible with the

size, scale, orientation, mass and architectural style of adjacent historic structures.

The EIR analyzed Project alternatives that included façade retention of Tier I and Tier II structures and demolition of Tier III structures. Tier I and Tier II structures may be eligible for listing on the National Register of Historic Places and, therefore, are subject to CEQA and the Secretary of the Interior's Standards for the Treatment of Historic Properties. The Secretary of Interior's Standards for the Treatment of Historic Properties consider façade retention and/or demolition as significant impacts to historic resources that cannot be mitigated to a level of less than significant.

- D. Water Quality – Through further analysis, the EIR concluded that the Project impacts to water quality would be mitigated to a level of less than significant but cumulative adverse environmental effects to water quality are still considered potentially significant. Individually, the amount of pollutants from the project that will reach any surface water bodies will be less than significant after mitigation. However, the Project in conjunction with all other development projects that drain into the same surface waters create impacts considered cumulatively significant to the water quality of Reach 1 of Cucamonga Creek Channel, Mill Creek (Prado Area) and Reach 3 of the Santa Ana River because they are currently in violation of their water quality standards. Cumulative impacts to these water bodies would occur even if a Storm Water Pollution Prevention Plan was developed during construction and a Water Quality Management Plan was enforced after construction, since the permits that govern these required mitigation measures allow some discharge of non-storm water pollutants into receiving waters, and these waters are currently in violation.

SECTION V

RESOLUTION REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(c) of the State CEQA Guidelines requires the discussion of any significant irreversible environmental changes that would be caused if the proposed Project were implemented. Irreversible and long-term effects associated with implementation of the Project involve the irreversible commitment of limited resources such as energy and water. As a consequence of the irreversible commitment of such resources, natural resources and renewable materials such as fossil fuels will be consumed during construction of individual projects. Additionally, natural renewable and non-renewable resources will be consumed by Project-generated traffic, electricity, natural gas and portable water supply as a result of the continued operation of the Project Area. However these changes are not considered significant when compared to existing energy consumption.

SECTION VI

RESOLUTION REGARDING GROWTH-INDUCING IMPACTS

Section 15126.2(d) of the State CEQA Guidelines requires the EIR to address the growth-inducing impact of the proposed project. Although the proposed Project supports continued growth in the Project Area, it does not induce growth amounts above already established by regional and local planning policies (including SCAG's Regional Comprehensive Plan and Guide) and the City of Ontario General Plan. As described in the housing and population section of the EIR, the proposed project comprises between 0.01 and 0.19 percent of the forecasted population for the SANBAG Subregion and between 1.04 and 2.2 percent of the forecasted population for the City of Ontario in 2010. Because the proposed project comprises less than one-percent of SANBAG's projects and no more than two-percent of the City's projects through 2025, the residential population growth from the project is not considered substantial. The project will provide housing opportunities for employment centers within the same local region, thereby contributing to an overall jobs/housing balance. The Project will provide short-term construction jobs and create long-term commercial employment that will support both the local and regional population. Additionally, because development in the Project Area is anticipated to proceed incrementally over many years, the total increased labor force needed to support development will not be significant.

SECTION VII

RESOLUTION REGARDING ALTERNATIVES

The City Council hereby declares that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. CEQA requires that an EIR evaluate a reasonable range of alternatives to a Project, or to the location of the Project, which: (1) offer substantial environmental advantages over the Project proposal, and (2) may be feasibly accomplished in a successful manner within a reasonable period of time considering the economic, environmental, social and technological factors involved. An EIR only need evaluate reasonable alternatives to a Project that could feasibly attain most of the Project objectives, and evaluate the comparative merits of the alternatives. In all cases, consideration of alternatives is to be judged against a rule of reason. The lead agency is not required to choose the environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed Project and, (1) through the imposition of mitigation measures the environmental effects of a Project can be reduced to an acceptable level, or (2) there are social, economic, technological or other considerations which make the alternative infeasible.

The Draft EIR identified the City's objectives for the proposed project, which are to:

1. Revitalize the downtown area and enhance its economic growth by creating a mixed-use neighborhood with a mixture of housing, retail, academic and office uses within a historic downtown setting.

2. Develop high quality, mixed-use housing development consisting of market rate and affordable multi-family, senior housing, offices, academic classrooms and retail.
3. Establish appropriate relationships among new residential neighborhoods as well as with existing adjacent land use.
4. Provide for a circulation network, which promotes pedestrian walkways and bicycle activity as alternative modes of travel while also providing for safe and efficient movement of automobile travel through the project site.
5. Ensure that the development of the project address the City of Ontario General Plan and redevelopment Plan for the Center City Redevelopment Project policies and objectives.

The Draft EIR identified and considered the following project alternatives:

1. **No Project, Continue Existing Land Uses –** Under this alternative, the site would remain in its current condition. Physical impacts directly related to development, such as traffic, air quality emissions, and demand for public services, would not occur under the No Project Alternative and, thus, these impacts would be less than significant. However, the No Project Alternative may create other environmental impacts such as hydrology concerns caused by inadequate infrastructure to accommodate increases in upstream runoff. Significant aesthetic impacts would continue to result from the continued blight conditions and impacts to water quality would be greater than the proposed project because the Best Management Practices under the project's MS4 permit would not be implemented. It is anticipated that no new development would occur and the entire Project Area would essentially remain in its current condition. Conditions of economic and physical blight would remain because the impediment to development would not be removed by the implementation of the project. This alternative would not revitalize the downtown, meet Center City Redevelopment Plan and General Plan Housing Element identified housing and revitalization needs. The City finds that Alternative 1 – No Project is not environmentally superior to the proposed Project and is infeasible because it fails to accomplish any of the proposed Project's objectives.
2. **Single Family Residential Alternative –** Under this alternative, the site would return to historic densities of residential use, where appropriate, and maintain current civic center, commercial and educational uses. This alternative would result in the development of 48 single family residential units amidst the existing civic and other uses, and would require the development of structured parking to serve La Verne University. This represents an 88 percent reduction in the number of homes compared to

the Low Project Scenario. Single-family residential land use would also be inconsistent with the zoning and land use classifications currently in place for the project area. Residential unites adjacent to Holt Boulevard could result in safety concerns. Additionally, because the project will still encompass the same acreage, little or no reduction in significant impacts would be afforded by this alternative. Also, developing 48 single family residential unites instead of the approximately 500-1,000 units proposed by the project creates a fiscally infeasible situation for a redevelopment project. This alternative would not revitalize the downtown, meet Center City Redevelopment Plan and General Plan Housing Element identified housing and revitalization needs and is not fiscally feasible. The City finds that Alternative 2, the Single Family Alternative although environmentally superior to the proposed Project, is infeasible because it will create many of the same environmental impacts that the proposed Project will create, it will not meet Project objectives to the fullest extent possible and it does not provide a distinct economic advantage over the proposed Project.

3. Increased Commercial – Under this alternative, the blocks along Euclid Avenue and Holt Avenue would be 100 percent commercial, civic and educational land uses would remain and the remaining blocks would be multi-family. This alternative would result in 369 multi-family units and a 43% increase in existing commercial square footage and commercial traffic. The net result being that traffic impacts for this alternative are more significant than for the Low Scenario and about the same as the Medium, or preferred Scenario. This alternative will not significantly reduce significant impacts associated with the proposed project. This alternative would generally meet most project objectives, but would create similar traffic, air noise and other impacts and would not meet General Plan Housing Element objectives. The City finds that Alternative 3 – Increased Commercial is not environmentally superior to the proposed Project and is infeasible because it fails to accomplish the proposed Project's objectives.
4. Environmentally Superior Alternative. An environmentally superior alternative to the Project would attain the Project's objectives and eliminate or notably reduce significant adverse impacts of the Project. Of the alternatives evaluated, the Single Family Residential Alternative could attain the basic objectives of the Project to eliminate blight and expedite revitalization of the Project Area and, thus, would be considered environmentally superior to the proposed Project. However, it would not accomplish those goals to the same degree or with the same level of effectiveness, as would the proposed Project.

SECTION VIII

RESOLUTION ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council hereby declares that, pursuant to State CEQA Guidelines, section 15093, the City Council has balanced the benefits of the Project against any

unavoidable environmental impacts in determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse environmental impacts, those impacts may be considered “acceptable.”

The City Council hereby declares that the EIR has identified and discussed significant effects, which may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these effects can be mitigated to a level of less than significant except for unavoidable significant impacts as discussed in Section IV of these Findings.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended in the EIR and/or proposed Project could not be incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts. The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of Project objectives and/or of specific economic, social and other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable adverse impacts after mitigation, the City Council has determined that the following social, economic, and environmental benefits of the Project outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following overriding considerations. Each of the following overriding considerations applies independently to each unavoidable impact:

1. The project revitalizes the downtown area and enhances its economic growth by creating a mixed-use neighborhood with a mixture of housing, retail academic and office uses within a historic downtown setting. Maintain and enhance the role of Downtown Ontario as an urban focal point for both commercial and civic activities;
2. The project includes the development of high quality, mixed use housing developments consisting of market rate and affordable multi-family, senior housing, offices academic classrooms and retail;
3. The project will support and encourage development projects, which will increase both the daytime and nighttime population of the downtown

including more offices, educational institutions and apartments/condominiums;

4. By developing the project, the City will establish and maintain an efficient and harmonious use of land within the downtown area accommodating retail, personal and business services, office, residential, governmental and educational activities;
5. Development of the project will improve, preserve and maintain the cohesiveness and image of downtown through careful design and coordination of new development and throughout the rehabilitation and redevelopment of older areas;
6. By revitalizing the downtown, the project will create an attractive downtown that will serve as a focal point and lively center of community life;
7. The project will develop new infill structures and renovate existing structures to compliment and be compatible with the architectural style, mass and scale of existing historic structures within the downtown;
8. The project will establish appropriate relationships among new residential neighborhoods as well as with existing adjacent land use;
9. The project will provide for a circulation network which promotes pedestrian walkways and bicycle activity as alternative modes of travel while also providing for safe and efficient movement of automobile travel through the project site;
10. The project will provide funding for the construction and installation of infrastructure and improvements that will promote the economic revitalization of the project area;
11. The project will include public improvements such as a transfer center for buses that will be designed and located within the downtown area to relieve congestion at Sultana and 'D' Streets and provide another alternate mode of transportation;
12. The project will support existing and planned local businesses by providing an increased customer base for City businesses. The increased customer base will also provide increased sales tax revenues to the City;
13. The project will allow for the productive use and reuse of underutilized parcels of land that are characterized as blighted due to the structural deterioration and dilapidation of the structures in the project area and the lack of infrastructure to adequately support the area;

14. The project will support the revitalization of the City's downtown core and promote economic growth. The project will contribute positively to the local economy through direct, indirect, and induced employment;
15. The project will provide meaningful and gainful employment during its construction and at build out thereby improving the City's jobs to housing ratio;
16. The proposed project will construct drainage-related facilities and required mitigations to reduce water quality impacts downstream;
17. Additionally, the implementation of Best Management Practices will help to improve water quality;
18. On- and off-site roadway and traffic-related improvements will be constructed and fees will be paid to further improve transportation facilities in the area;
19. The payment of Development Impact Fees will allow the City to upgrade needed infrastructure;
20. Additional parks will be developed within the downtown area; and
21. Historic structures will be rehabilitated and preserved in the context of new infill development, which is in keeping with the historic area of the downtown. This activity will enhance the aesthetic nature of the Civic Center.

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs any significant adverse environmental impacts of the Project. The City Council finds that each of the Project benefits outweighs the adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.

SECTION IX RESOLUTION REGARDING CERTIFICATION OF EIR

The City Council finds that it has reviewed and considered the information contained in the Final EIR prior to approving the proposed Project, that the Final EIR is an accurate and objective statement that fully complies with CEQA, State CEQA Guidelines and the City's local CEQA Guidelines and that the Final EIR reflects the independent judgment of the City Council.

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

The City Council certifies the Environmental Impact Report based on the following findings and conclusions:

A. Findings

The following significant environmental impacts have been identified in the EIR and will require mitigation as set forth in Section IV of this Resolution but cannot be mitigated to a level of insignificance:

Significant unavoidable Air Quality, Cultural Resources and Water Quality impacts.

B. Conclusions

1. Except as to cumulative impacts related to Air Quality, Cultural Resources and Water Quality, all significant environmental impacts from the implementation of the proposed Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a level of insignificance.

2. Other alternatives to the proposed Project, which could feasibly achieve the basic objectives of the proposed Project, have been considered and rejected in favor of the proposed Project.

3. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

**SECTION X
RESOLUTION ADOPTING A MITIGATION MONITORING PROGRAM**

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

**SECTION XI
RESOLUTION APPROVING THE CONCEPTUAL PLAN**

The City Council hereby approves the Conceptual Plan for the Ontario
Downtown Civic Center.

**SECTION XII
RESOLUTION REGARDING CUSTODIAN OF RECORD**

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

**SECTION XIII
RESOLUTION REGARDING STAFF DIRECTION**

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

I certify that this Resolution was duly passed and adopted by the City Council of the City of Ontario at a regular meeting thereof held on the 16th day of November 2004.


City Clerk of the City of Ontario

EXHIBIT "A"

MITIGATION MONITORING PROGRAM

CITY OF ONTARIO, CALIFORNIA

**Downtown Civic Center Project
SCH Number 2004051155**

October 2004

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This statement is prepared in
compliance with the California
Environmental Quality Act

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INTRODUCTION

CEQA Requirements

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must 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. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6, CEQA Guidelines Section 15097).

The City of Ontario will coordinate monitoring of the implementation of all mitigation measures for the Ontario Downtown Civic Center project. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation measure; and 3) retention of records in the project file.

Program Objectives

The objectives of the mitigation monitoring program for the Ontario Downtown Civic Center project are:

- To provide assurance and documentation that mitigation measures are implemented as planned;
- To collect analytical data to assist the City in its determination of the effectiveness of the adopted mitigation measures;
- To make available to the public, upon request, the City's record of compliance with project mitigation measures.

By including both monitoring and reporting provisions, the City of Ontario has voluntarily exceeded the minimum requirements of Public Resource Code Section 21081.6, which allows selection of monitoring or reporting, but does not require both.

Overview of the Project

The Ontario Downtown Civic Center Project development will include both rental and owner-occupied multi-family housing, academic and office uses, existing civic/public services, and retail uses to serve the newly redeveloped and existing downtown residential and business community. The proposed project would be constructed within a 12-block area surrounding the City Hall building in the existing downtown of the City of Ontario. The entire project area has been disturbed, constructed upon and rebuilt over most of the last 124 years since the Chaffey brothers founded the city in the 1880's. A portion of the proposed project will include rehabilitation of existing structures. Additionally, a portion of the project will be built on areas where buildings have in the past or currently exist and demolition will occur to allow for the

construction of new buildings. Other buildings and all roads within the project area will be retained.

More detailed information regarding the project is provided in the August 2, 2004 Draft Environmental Impact Report related to this project.

Organization of the Mitigation Monitoring Program

Introduction: Provides an overview of CEQA's monitoring and reporting requirements, program objectives, the project for which the program has been prepared, and the manner in which the mitigation monitoring program has been organized.

Description of Program: Describes the City of Ontario entities responsible for implementation of the mitigation monitoring program, the program scope, procedures for monitoring and reporting, public availability of documents, the process for making changes to the program, types of mitigation measures and the manner in which monitoring will be coordinated to ensure implementation of mitigation measures.

Mitigation Monitoring and Reporting Summary: Outlines the impacts and mitigation measures, responsible entities, and the timing for monitoring and reporting for each mitigation measure included in the program.

Report Preparation: Lists the individuals involved in development of this mitigation monitoring program.

DESCRIPTION OF PROGRAM

Mitigation Monitoring Procedures

This mitigation monitoring program delineates responsibilities for monitoring the project, but also allows responsible parties flexibility and discretion in determining the best manner of monitoring implementation. Monitoring procedures will vary according to the type of mitigation measure. The timing for monitoring and reporting is described in the monitoring and reporting summary table included as part of this program. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

In order to enhance the effectiveness of the monitoring program, the city will utilize existing systems where appropriate. For instance, with any major construction project, the city generally has at least one inspector assigned to monitor project construction. These inspectors are familiar with a broad range of regulatory issues and will provide first line oversight for much of the monitoring program.

Reporting Procedures

A plan check review and construction inspection process will be utilized as the first line for much of the monitoring program, and will also serve to provide the background documentation for the reporting program.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- Reporting forms are distributed to the appropriate responsible entity or its representative (as indicated in the summary form) or existing reporting processes are used for verification of compliance.
- Responsible entities or their representatives verify compliance by signing the monitoring and reporting form and/or documenting compliance using their own internal procedures when monitoring is triggered.
- Responsible entities or their representatives provide the city with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented.
- Construction inspectors prepare construction activities reports during the construction phase and provide project reports, as appropriate, to the city.

The city will also be responsible for assisting responsible entities and/or their representatives with reporting responsibilities to ensure that they understand their charge and complete their reporting procedures accurately and on schedule.

Public Availability

All monitoring reporting forms, summaries, data sheets, and correction instructions related to the mitigation monitoring program for the Ontario Downtown Civic Center project will be available for public review upon request at the City of Ontario Planning Department.

Program Changes

Minor changes to the mitigation monitoring program, if required, will be made in accordance with CEQA and would be permitted after further review and approval by the city. Such changes could include reassignment of monitoring and reporting responsibilities and/or program redesign to make any appropriate improvements. No change will be permitted unless the mitigation monitoring and reporting program continues to satisfy the requirements of Public Resources Code Section 21081.6.

Types of Mitigation Measures Being Monitored

The EIR recommends mitigation measures to reduce impacts related to aesthetics, land use compatibility, geology, hazards, hydrology, noise, public services, transportation and utilities to less than significant levels. The EIR also includes mitigation measures that reduce impacts to some degree related to air quality, cultural resources and water quality.

In general, implementation of the mitigation monitoring program will require the following actions:

- Responsible entities or their representatives with reporting responsibilities will review the EIR, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed by the City, as appropriate.
- Periodic meetings may be held during project implementation to report on compliance with mitigation measures.

**ONTARIO DOWNTOWN CIVIC CENTER PROJECT
MITIGATION MONITORING AND REPORTING SUMMARY**

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
Air Quality	Emissions from project construction equipment.	MM Air 1: Maintain equipment and vehicle engines in good condition and in proper tune as per manufacturer's specifications.	Include in construction document specifications to be implemented during Construction	City of Ontario construction document plan checker. Contractor	
Air Quality	Emissions from project construction equipment.	MM Air 2: Prohibit all vehicles from idling in excess of ten minutes, both on-site and off site.	Include in construction document specifications to be implemented during Construction	City of Ontario construction document plan checker. Contractor	
Air Quality	Dust emissions during construction activities.	MM Air 3: Water active grading sites at least twice daily. Water unpaved roads or surfaces at least twice daily. Water surfaces before grading.	Include in construction document specifications to be implemented during Construction	City of Ontario construction document plan checker. Contractor	
Air Quality	Dust emissions during construction activities.	MM Air 4: Trucks hauling dirt, sand, gravel or soil are to be covered or should maintain at least two feet of freeboard, in accordance with Section 23114 of the California Vehicle Code.	Include in construction document specifications to be implemented during Construction	City of Ontario construction document plan checker. Contractor	
Air Quality	Dust emissions during construction activities.	MM Air 5: Reduce on-site vehicle speed to less than 15 mph.	Include in construction document specifications to be implemented during Construction	City of Ontario construction document plan checker. Contractor	

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance	
					Signature	Date Remarks
Air Quality	Dust emissions during construction activities.	MM Air 6: Sweep nearby or adjacent streets at the end of the day if visible soil material is carried over from construction site.	Construction Include in construction document specifications to be implemented during Construction	City of Ontario construction document plan checker. Contractor		
Air Quality	Dust emissions during construction activities.	MM Air 7: Suspend all grading and excavating operations when wind speeds exceed 25 mph.	Include in construction document specifications to be implemented during Construction	City of Ontario construction document plan checker. Contractor		
Air Quality	Dust emissions during construction activities.	MM Air 8: Hydroseed or apply soil stabilizers to inactive construction areas left inactive for ten days or more, or replant vegetation in disturbed areas as soon as possible.	Include in construction document specifications to be implemented during Construction	City of Ontario construction document plan checker. Contractor		
Air Quality	Impacts to air quality due to long-term emissions.	MM Air 9: The project will participate in the cost of off-site improvements through fair-share payment of the Development Impact fee as established by the City of Ontario. These fees should be collected and utilized as needed by the City to construct the improvements necessary to maintain the required level of service.	Prior to building permits As required to maintain required LOS	Developer/Housing Authority Pays Engineering implements improvements		
Air Quality	Impacts to air quality due to long-term emissions.	MM Air 10: Local transit agencies (Omnitrans and RTD) shall be contacted to determine bus routing in the project area that can accommodate bus stops at the project access points and the project shall	Prior to site plan approvals for overall project concept for location	Planning Department, Developer and Omnitrans		Developer will bear the cost of required improvements.

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
		provide bus passenger benches and shelters at these project access points. See MM 22	Prior to issuance of last Certificate of Occupancy for construction		
Cultural	Impact due to loss of, or significant alteration of an historic resource.	MM Cultural 1: Prior to issuance of building permits, determination of the status of historical designation of each structure within the project area shall be completed by City Planning Department staff and the Historic Preservation Commission, as required in City Development Code. Table III-2-C shall be consulted in order to determine the mitigation measures required based on the status of historical designation. On the vertical axis, Table III-2-C lists the possible "status of historical designation" to which a property could be subject. The horizontal axis shows all the potential actions that could occur to each building in the project area and lists the appropriate mitigation measures required for each.	Prior to the issuance of building permits, the Planning Department shall be consulted and historical designations verified. Prior to demolition or building permits, Table III-2-C shall be consulted	Planning Department Staff Developer provides proof of completion of mitigation	Tier determination has been completed..
Cultural	Undocumented cultural/archaeological resources.	MM Cultural 2: Should any cultural and/or archaeological resources be accidentally discovered during construction, construction activities shall be moved to other parts of the project site and a qualified archaeologist shall be contacted to determine the significance of these resources. If the find is determined to be an historical or unique archaeological resource, as defined in Section 15064.5 of the CEQA Guidelines, avoidance or other appropriate measures shall be implemented.	If found during construction	Contractor and City Staff	

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
Cultural	Undocumented cultural/archaeological resources.	MM Cultural 3: If paleontological resources are identified during any excavations, construction activities shall be moved to other parts of the project site and a qualified paleontologist shall be contacted to determine the significance of these resources. If the find is determined to be significant, avoidance or other appropriate measures shall be implemented. One appropriate measure would include that a qualified paleontologist shall be permitted to recover and evaluate the find(s) in accordance with current standards and guidelines.	If found during construction	Contractor and City staff	
Cultural	Discovery of human remains	MM Cultural 4: In the event of the accidental discovery or recognition of any human remains during excavation/construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner has been contacted and any required investigation or required Native American consultation has been completed.	If found during construction	Contractor and City staff	
Geology	Erosion due to wind	MM Geo 1: To reduce impacts associated with erosion due to high winds, prior to construction, all development/redevelopment plans will apply for and adhere to the permit given by the City of Ontario and enforced by the Building Official found in Title 6, Chapter 12, sections 6-12.01 – 6-12.07. The permit lasts for one (1) year, therefore all construction lasting for a period of more	Prior to issuance of grading or demolition permits	Building official	

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
Geology	Construction on an unstable geologic unit	<p>than one calendar year from the date of issue will reapply for the permit and pay the annual fee of \$250 plus \$5 per acre for each acre over ten acres.</p> <p>MM Geo 2: Prior to approval of all development plans in the Downtown Ontario Civic Center project area, site-specific geotechnical report(s) shall be submitted to the City of Ontario's Building and Engineering Departments for review and approval. The recommendations provided in the geotechnical report shall be incorporated into the design of the project, or portion of the project under construction.</p>	Prior to approval of development plans.	Building and Engineering Department	
Hazards	Release of asbestos through demolition of asbestos-containing materials	<p>MM Haz 1: A comprehensive survey for asbestos-containing materials (ACM) that meets the requirements of the South Coast Air Quality Management District's Rule 1403 shall be performed by the City of Ontario on all buildings built prior to 1980 that are proposed to be altered or demolished. This mitigation measure shall apply to properties 2, 5, 8, 12, and 19 referenced in Table III-4-A and other properties listed in Table III-4-B that do not have a reference number. ACM shall be removed by a State-licensed asbestos abatement contractor prior to demolition or burning.</p> <p>MM Haz 2: In order to reduce potential impacts related to lead-based paint exposure and/or disposal, and because it is not certain which buildings will be demolished, if any building identified in an</p>	Prior to demolition	Housing Authority and Developer	
Hazards	Lead-based paint exposure		Prior to demolition and/or Construction	Housing Authority and Developer	

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
		<p>Environmental Site Assessment (ESA) or if constructed in 1978 or earlier, than a lead-based paint survey shall be conducted. Buildings 2, 5, 7, 12 (Table III-4-A) have been identified as having lead-based paint, either through a previous ESA, or through a subsequent lead-based paint survey. Lead abatement and/or proper disposal shall be conducted by a qualified specialist.</p>			
Hazards	Oil-stained concrete pads	<p>MM Haz 3: For oil-stained areas in, and around Richard's Beauty College (200 N. Euclid Avenue) identified in the Phase I Environmental Site Assessment prepared by P & D Environmental Report No. 8 in Table III-4-A (June 18, 2003: Project No. 174717.0043), the City of Ontario shall be responsible for excavation and proper disposal of oil-stained concrete pads (since it was determined in the Phase II that soil underlying the concrete had not been significantly contaminated, though the stained pads remain).</p>	Prior to building permits.	Housing Authority and Developer	
Hazards	Undocumented hazardous materials	<p>MM Haz 4: In the event that construction reveals material believed to be hazardous waste, as defined in Section 25117 of the California Health & Safety Code, the developer shall contact the City of Ontario Fire Department Hazardous Materials Division and the County of San Bernardino Environmental Health Department. Excavation shall be stopped until the material has been tested and the presence of hazardous waste is confirmed. If no hazardous waste is present, excavation may continue. If hazardous waste is determined</p>	If found during construction	Developer	

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
		to be present, the California Department of Toxic Substances Control shall be contacted and the material shall be removed and disposed of pursuant to applicable provisions of California law.			
Hazards	Undocumented hazardous materials	MM Haz 5: In the event that during alteration of an existing building hazardous materials are discovered, and that they are not removed as part of the building's rehabilitation, the building shall be placed on an appropriate hazardous materials database by the City of Ontario.	If found during construction	Building Developer	
Hazards	Underground storage tanks	MM Haz 6: The underground tanks used at the old Police Facility have been removed and properly abated. If any underground tanks are discovered during construction, the developer, in coordination with the County Fire Department, shall remove them. If above ground tanks are removed as part of this project, a replacement plan for at least one 500-gallon tank/fueling station to support City operations near the Civic Center should be implemented.	If required.	Developer, County Fire Department for removal issues, City for replacement issue.	
Hazards	Potential impacts to evacuation routes and other streets.	MM Haz 7: During construction, access from adjacent homes and businesses and two-way traffic flow must be specifically maintained on Euclid Avenue and Holt Boulevard, which are designated "evacuation routes" with detours and/or flagmen. Access and two-way traffic flow on Sultana Avenue and "D" Street must also be maintained with detours and/or flagmen to the satisfaction of the Ontario	During construction	Contractor	

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance	
					Signature	Date Remarks
		City Fire Department.				
Hazards	Potential interference with air traffic, height restrictions.	MM Haz 8: Structures within the project area cannot exceed 122 feet from the site elevation of 980 feet above sea level including temporary structures such as cranes used during construction..	Include in construction document specifications to be implemented during Construction	Building Department, Site Contractor, Site Inspectors		
Hazards	Potential unwanted noise impacts to future land owners or lessees.	MM Haz 9: To disclose to the buyer or lessee of subdivided lands within the Civic Center project of the proximity of this site to the Ontario International Airport as required by AB 2776, the City shall disclose, and ensure that the developer makes such disclosures, as required by law to all future buyers.	Prior to specified filings and sale agreements as stated in AB 2776	Housing Authority and Developer		
Hydrology	Violation of water quality or waste discharge requirements.	MM Hydro 1: In order to ensure that construction activities associated with the Ontario Downtown Civic Center project will not cause a violation of any water quality standard or waste discharge requirements, and to assure no substantial degradation of water quality occurs, developments within the project area shall comply with all applicable provisions of the State's General Permit for Construction Activities (Order No. 99-08-DWQ, or most recent version) during all phases of construction.	Prior to grading and during construction.	Developer and Contractor		
Hydrology	Violation of water quality or waste discharge requirements.	MM Hydro 2: In order to ensure that the Ontario Downtown Civic Center project will not cause or contribute to violations of any water quality standard or waste discharge requirements, and to assure no	Prior to development plan approval	Developer, Planning and Engineering Department		

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
		substantial degradation of water quality occurs, the project will complete a Water Quality Management Plan (WQMP) pursuant to the MS4 permit (Order No. 2002-0012) adopted by the City of Ontario. The project shall incorporate Site Design BMPs and Source Control BMPs, and potentially Treatment Control BMPs. See Table III-5-E in EIR.			
Hydrology	Violation of water quality or waste discharge requirements.	MM Hydro 3: To assure that development of the Ontario Downtown Civic Center project will not cause a violation of any water quality standard or waste discharge requirements, including San Bernardino County's MS4 permit issued by the SARWQCB, and to assure that no substantial degradation to water quality occurs after construction, any loading docks present within the office, academic or retail areas specified in the project description will be designed with devices to trap oil and grease, such that these pollutants are not discharged from the site in storm water or non-storm water discharges.	Prior to development plan approval and building	Developer, Public Works, Engineering Department and Building Official	
Hydrology	New storm drain facilities	MM Hydro 4: In the event that connections to the existing storm drain system are required, each development within the Ontario Downtown Civic Center Project will be required to pay a drainage impact fee.	Prior to grading permits	Developer and Building Department	
Land Uses &	Safety hazards and noise	MM LU 1: To limit exposure to noise from traffic and traffic hazards for children playing along busy streets, no ground floor	Prior to site plan approval	Planning Department	

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance	
					Signature	Date Remarks
Aesthetics		outdoor residential use areas shall be allowed to front along Holt Boulevard or Euclid Avenue.				
Land Uses & Aesthetics	Land use compatibility and aesthetics related to residential historic neighborhood.	MM LU 2: To address both aesthetic and land use compatibility issues, design of new structures located along 'D' Street and Sultana Avenue shall be sensitive to the mass, scale, and architectural style of the existing residential areas located east and north of the project area.	Prior to site and architectural plan approvals	Planning and Building Departments		
Land Uses & Aesthetics	Land use compatibility and aesthetics related to historic commercial buildings	MM LU 3: New construction and adaptive reuse located along and adjacent to Euclid Avenue shall be sensitive to historic structures on- and off-site. (See also mitigation measures in the Cultural Resources section of this EIR.)	Prior to architectural plan approvals	Planning and Building Departments		
Land Uses & Aesthetics	Safety in public parks	MM LU 4: Parks and open spaces shall be designed for ease of resident and police surveillance.	Prior to site plan approvals	Planning and Police Departments		
Noise	Construction noise	MM Noi 1: The construction activities of the proposed project shall comply with the City of Ontario noise ordinance that prohibits construction activities on Sundays, Federal holidays, and other days between the hours of 7:00 p.m. and 7:00 a.m.	During construction	Contractor		
Noise	Construction noise	MM Noi 2: To the extent possible, the number of graders on-site shall be limited to two, or temporary sound barriers shall be installed adjacent to sensitive receptors for the duration of the grading activities.	During construction	Contractor and City Inspectors		

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
Noise	Construction noise	MM Noi 3: Construction staging areas shall not be located within 150 feet of existing sensitive receptors and construction equipment shall be fitted with properly operating and maintained mufflers.	Prior to grading plan approval	Engineering Department and Contractor	
Noise	Indoor noise impacts	MM Noi 4: Architectural plans shall be submitted to the City of Ontario Building Department for an acoustical plan check prior to the issuance of building permits.	Prior to architectural plan approval	Developer and Building Official	
Public Services	Impacts to public services	MM Serv 1: The project applicant shall pay police, library and fire service development impact fees in place at the time certificates of occupancy are issued.	Prior to building permits	Developer and Bldg. Official	
Public Services	Public Safety	MM Serv 2: The Ontario Police Department shall maintain a substation facility within proximity to service the proposed project area.	Determine appropriate location. Open by 350 th Certificate of Occupancy	Planning and Police Departments	
Public Services	Impacts to schools of additional students	MM Serv 3: The project applicant shall pay school fees or otherwise meet project obligations to schools, as required by Ontario-Montclair School District and Chaffey Joint Union High School District.	Prior to building permits	Developer and Building Official	
Public Services	Adequate park space	MM Serv 4: The project applicant shall pay park fees in place at the time building permits are issued, dedicate land and/or develop parks (or a combination of these) to the satisfaction of the Public Works Department to meet City parkland requirements..	Prior to site plan approval	Planning and Parks Departments	

Opening Year with Preferred Project Scenario

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
Traffic	With Preferred Project Scenario, to maintain LOS D or better, comply with CMP standards	MM Trans 1: Install traffic signal and modify the intersection of I-10 WB Off-ramp/ 7 th Street to include the following geometrics: Northbound: One left-turn lane. One shared through and right-turn lane. Southbound: N/A. Eastbound: One left-turn lane and one through lane. Westbound: One through lane and one right-turn lane.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.	
Traffic	With Preferred Project Scenario, to maintain LOS D or better, comply with CMP standards	MM Trans 2: Install traffic signal at Euclid Avenue/ E Street intersection.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.	
Build-Out Year with Project (CMP Intersections)					
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 3: Modify the intersection of Euclid Avenue/ SR-60 East-bound ramps to include the following geometrics: Northbound: Three through lanes. One right-turn lane. Southbound: Two left-turn lanes. Three through lanes. Eastbound: One left-turn lane. One shared left and through lane. One right-turn lane. Westbound: N/A.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.	

To comply with CMP standards and reduce all potential impacts to LOS E or better, the following mitigation measures shall be implemented as part of the project.

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance	
					Signature	Date Remarks
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 4: Modify the intersection of Euclid Avenue/SR-60 West-bound ramps to include the following geometrics: Northbound: Two left-turn lanes. Three through lanes. Southbound: Three through lanes. One right-turn lane. Eastbound: N/A. Westbound: One left-turn lane. One shared left and through lane. One right-turn lane.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.		
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 5: Modify the intersection of Euclid Avenue/ Philadelphia Street to include the following geometrics: Northbound: Two left-turn lanes. Three through lanes. One right-turn lane. Southbound: Two left-turn lanes. Three through lanes. One right-turn lane. Eastbound: Two left-turn lanes. Two through lanes. One right-turn lane. Westbound: One left-turn lane. One through lane. One shared through and right-turn lane.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.		
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 6: Modify the intersection of Euclid Avenue/Mission Boulevard to include the following geometrics: Northbound: One left-turn lane. Three through lanes. One right-turn lane. Southbound: Two left-turn lanes. Three through lanes. One right-turn lane. Eastbound: Two left-turn lanes. Two through lanes. One shared through and right-turn lane. Westbound: Two left-turn lanes. Three through lanes. One right-turn lane.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.		

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance	
					Signature	Date Remarks
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 7: Modify the intersection of Euclid Avenue/Holt Avenue to include the following geometrics: Northbound: Two left-turn lanes. Three through lanes. One right-turn lane. Southbound: One left-turn lane. Two through lanes. One shared through and right-turn lane. Eastbound: Two left-turn lanes. Three through lanes. One right-turn lane. Westbound: Two left-turn lanes. Two through lanes. One right-turn lane.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans		
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 8: Modify the intersection of Euclid Avenue/4 th Street to include the following geometrics: Northbound: One left-turn lane. Three through lanes. One right-turn lane. Southbound: One left-turn lane. Two through lanes. One through and right-turn shared lane. Eastbound: One left-turn lane. Three through lanes. One right-turn lane. Westbound: Two left-turn lanes. Two through lanes. One through and right-turn shared lane.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.		
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 9: Add 2 nd southbound left-turn lane and 4 th northbound through lane at the intersection of Euclid Avenue/I-10 EB Ramps.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.		

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 10: Modify the intersection of Campus Avenue/Mission Boulevard to include the following geometrics: Northbound: One left-turn lane. One through lane. One through and right-turn shared lane. Southbound: One left-turn lane. One through lane. One through and right-turn shared lane. Eastbound: One left-turn lane. Three through lanes. One right-turn lane. Westbound: One left-turn lane. Two through lanes. One through and right-turn shared lane.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.	
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 11: Modify the intersection of Campus Avenue/Holt Boulevard to include the following geometrics: Northbound: One left-turn lane. One through lane. One through and right-turn shared lane. Southbound: One left-turn lane. One through lane. One through and right-turn shared lane. Eastbound: One left-turn lane. Two through lanes. One through and right-turn shared lane. Westbound: One left-turn lane. Two through lanes. One through and right-turn shared lane.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.	
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 12: Modify the intersection of Grove Avenue/Mission Boulevard to include the following geometrics: Northbound: Two left-turn lanes. Three through lanes. One through and right-turn shared lane.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept.	

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Verification of Compliance	
				Responsible Party	Signature Date Remarks
		Southbound: Two left-turn lanes. Four through lanes. One right-turn lane. Eastbound: Two left-turn lanes. Two through lanes. One through and right-turn shared lane. Westbound: Two left-turn lanes. Four through lanes. One right-turn lane.		collects all development impact fees.	
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 13: Modify the intersection of Grove Avenue/Holt Boulevard to include the following geometrics: Northbound: Two left-turn lanes. Three through lanes. One right-turn lane. Southbound: One left-turn lane. Three through lanes. One right-turn lane. Eastbound: Two left-turn lanes. Three through lanes. One right-turn lane. Westbound: Two left-turn lanes. Three through lanes. One right-turn lane.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.	
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 14: Modify the intersection of Vineyard Avenue/Holt Boulevard to include the following geometrics: Northbound: One left-turn lane. Three through lanes. One right-turn lane. Southbound: One left-turn lane. Two through lanes. One through and right-turn shared lane. Eastbound: Two left-turn lanes. Two through lanes. One through and right-turn shared lane. Westbound: Two left-turn lanes. Three through lanes. One right-turn lane.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.	
Traffic	With Preferred Project Scenario, to comply with CMP standards	MM Trans 15: Modify the intersection of Mountain Avenue/Mission Boulevard to include the following geometrics:	Development Impact Fees and Fair Share Fees to be paid at	City Engineering Department	

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
	and reduce all potential impacts to LOS E or better	Northbound: One left-turn lane. Two through lanes. One right-turn lane. Southbound: Two left-turn lanes. Two through lanes. One right-turn lane. Eastbound: Two left-turn lanes. Three through lanes. One right-turn lane. Westbound: Two left-turn lanes. Three through lanes. One right-turn lane.	the time of development plan approval	SANBAG and Caltrans Building Dept. collects all development impact fees.	
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 16: Modify the intersection of Mountain Avenue/Holt Boulevard to include the following geometrics: Northbound: Two left-turn lanes. Three through lanes. One right-turn lane. Southbound: One left-turn lane. Three through lanes. One right-turn lane. Eastbound: Two left-turn lanes. Two through lanes. One through and right-turn shared lane. Westbound: Two left-turn lanes. Two through lanes. One through and right-turn shared lane.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.	
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 17: Add 3 rd Eastbound through lane and 3 rd Westbound through lane at the intersection of San Antonio Avenue/Holt Boulevard.	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	City Engineering Department SANBAG and Caltrans Building Dept. collects all development impact fees.	
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to	MM Trans 18: The project will participate in the cost of off-site improvements through the payment of the city of Ontario Development Impact "fair share" mitigation fees. These fees shall be	Prior to Building Permits	City Engineering Department	

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
	LOS E or better	collected by the City at the time of issuance of building permits and utilized as needed by the City to construct the above improvements necessary to maintain acceptable levels of services in the project area.		Building Dept. collects all development impact fees.	
Traffic	With Preferred Project Scenario, to comply with CMP standards and reduce all potential impacts to LOS E or better	MM Trans 19: In addition to the DIF, the developer will pay fair share costs for all off-site roadway improvements that are not included in the existing DIF. Table III-10-1 in the Final EIR summarizes these fair share costs that the developer will have to pay in addition to the DIF.	Prior to Building Permits	Developer and Housing Authority	
Parking					
Traffic	Inadequate parking	MM Trans 20: All forms of development in the project area must meet City on-site parking code requirements and/or shared parking standards to the satisfaction of the Planning Department.	Prior to site plan approval	Planning Department	
Traffic	Inadequate parking	MM Trans 21: As the project is built out in phases, some parking areas may be shared or off-street parking for one block may be provided on the adjacent block in an interim situation. The downtown Parking Model shall be used to analyze any interim or phased conditions to assure that off-street parking demand is met by the project as a whole throughout all phases of build-out.	Prior to site plan approval	Planning Department	
<i>To comply with City standards and reduce all potential impacts to alternative transportation, the following mitigation measures shall be implemented:</i>					

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
Traffic	With Preferred Project Scenario, To comply with City standards and reduce all potential impacts to alternative transportation	MM Trans 22: The City shall consult with Omnitrans to determine the location and type of transit facilities warranted by the proposed project. The location and type(s) of facility(ies) shall be determined prior to approval of site plans for the first phase of the proposed project. The siting of the facility(ies) shall be within the proposed project boundaries or within 500 feet of the edges of the project. The facility(ies) shall be constructed and adequate transit service shall be operating from the facility(ies) at the time of the last certificate of occupancy for residential units within the project.	Location shall be chosen prior to site plan approvals Construction shall commence prior to issuance of last Certificate of Occupancy.	Planning Department, Omnitrans	
Traffic	With Preferred Project Scenario, To comply with City standards and reduce all potential impacts to alternative transportation	MM Trans 23: The City should encourage the use of public transportation by providing Omnitrans and Metrolink information at public facilities within the project.	Ongoing	City of Ontario, Omnitrans, Metrolink	
Traffic	With Preferred Project Scenario, To comply with City standards and reduce all potential impacts to alternative transportation	MM Trans 24: Pedestrian activity and bicycles shall be encouraged within the project site through the provision of sidewalks along all streets, connecting pathways and trails, and bicycle racks near commercial and public buildings and parks.	Prior to site plan approvals	Planning Department	
Traffic	In the Opening Year if the High-Density Project Scenario is chosen, MM Trans 1-24 would have to be implemented in addition to the following mitigation measures:	MM Trans 25: Add 2 nd southbound left-turn lane at the intersection of Euclid Avenue/I-10 East-bound Ramps.			
Traffic	With High-Density Project Scenario, to maintain LOS D or better, comply with CMP		Development Impact Fees and Fair Share Fees to be paid at the time of development plan	Engineering Department, Caltrans and Developer Building Dept.	

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance	
					Signature	Date Remarks
Traffic	With High-Density Project Scenario, to maintain LOS D or better, comply with CMP standards	<p>MM Trans 26: Install traffic signal at the intersection of I-10 WB Off-Ramp/7th Street and include the following geometrics: Northbound: One left-turn lane. One shared left, through, and right-turn lane. Southbound: N/A Eastbound: One left-turn lane. One through lane. Westbound: One through lane. One right-turn lane.</p>	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	Engineering Department, Caltrans and Developer Building Dept. collects all development impact fees.		
Traffic	With High-Density Project Scenario, to maintain LOS D or better, comply with CMP standards	<p>MM Trans 27: Install Traffic Signal at the intersection of Euclid Avenue/E Street.</p>	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	Engineering Department and Developer Building Dept. collects all development impact fees.		
Traffic	With High-Density Project Scenario, to maintain LOS D or better, comply with CMP standards	<p>MM Trans 28: Install Traffic Signal at the intersection of Euclid Avenue/F Street.</p>	Development Impact Fees and Fair Share Fees to be paid at the time of development plan approval	Engineering Department and Developer Building Dept. collects all development impact fees.		
Traffic	With High-Density Project Scenario, to maintain LOS D or better, comply with CMP standards	<p>MM Trans 29: Modify the intersection of Cherry Avenue/Holt Boulevard to allow Right-in/Right-out turning movements only as planned by the City of Ontario.</p>	If High Density Scenario is chosen, prior to Certificates of Occupancy.	Engineering Department and Developer		
Traffic	With High-Density Project Scenario, to maintain LOS D or better, comply with CMP standards	<p>MM Trans 30: Install Traffic Signal at the intersection of Plum Avenue/Holt</p>	If High Density Scenario is chosen,	Engineering Department and Developer		

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance Signature Date Remarks
	maintain LOS D or better, comply with CMP standards	Boulevard and include the following geometrics: Northbound: One shared left, through, and right-turn lane. Southbound: One shared left, through, and right-turn lane. Eastbound: One left-turn lane. One shared through and right-turn lane. Westbound: One left-turn lane. One shared through and right-turn lane.	prior to Certificates of Occupancy.	Developer	
Traffic	With High-Density Project Scenario, to maintain LOS D or better, comply with CMP standards	MM Trans 31: Modify the intersection of Lemon Avenue/Holt Boulevard to allow Right-in/Right-out turning movements only as planned by the City of Ontario.	If High Density Scenario is chosen, prior to Certificates of Occupancy.	Engineering Department and Developer	
Utilities	Inadequate sewer and/or water pipelines	MM Util 1: All water and sewer pipelines within the project boundary that are identified by the City of Ontario Public Works Department at the time of project approval to require replacement and/or parallel lines shall be provided by the project proponent to the satisfaction of the City.	Prior to first Certificate of Occupancy in affected phase of project.	Public Works	
Utilities	Inadequate sewer and/or water pipelines	MM Util 2: The segment of sewer pipeline in Francis Street that is currently surcharged, and/or other surcharged facilities required by the project, shall be constructed and operational by the time the project is constructed. Therefore, prior to obtaining occupancy permit(s) the project proponent shall be required to either replace/construct or pay their fair share for the surcharged segments as required by the City.	Prior to first Certificate of Occupancy in affected phase of project.	Public Works	

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance	
					Signature	Date Remarks
Utilities	Impacts to existing utility lines from construction activities	MM Util 3: Prior to obtaining grading permit(s), the project proponent shall coordinate with the applicable natural gas, electrical, and telephone utility providers for the project site to ensure that all existing underground and overhead lines are not damaged during project construction.	Prior to grading permits	Public Works		
Utilities	To reduce the quantity of energy used and to conserve water resources,	MM Util 4: To reduce the quantity of energy used and to conserve water resources, the project developer and City of Ontario should work to include sustainable systems for use of water and energy within the project design.	Prior to development plan approvals	Planning, Engineering, Public Works and Developer		

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This mitigation monitoring program was prepared with the City of Ontario, by Albert A. Webb Associates and in accordance with CEQA. The following individuals participated in report preparation:

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