



State of California - Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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EDMUND G. BROWN, Jr., Governor  
CHARLTON H. BONHAM, Director



May 25, 2017  
*Sent via email*

Mr. Richard Ayala  
Senior Planner  
City of Ontario  
303 East B Street  
Ontario, CA 91764  
[RAyala@ontarioca.gov](mailto:RAyala@ontarioca.gov)

Subject: Notice of Preparation of a Draft Environmental Impact Report  
West Ontario Commerce Center Specific Plan Project  
State Clearinghouse No. 2017041074

Dear Mr. Ayala:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the West Ontario Commerce Center Specific Plan Project (project) [State Clearinghouse No. 2017041074]. The Department is responding to the NOP as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The project proposes the development of a business park and industrial uses on approximately 120 acres located south of Eucalyptus Avenue, east of Carpenter Avenue, north of Merrill Avenue, and west of the Cucamonga Creek in the City of Ontario, San Bernardino County, California.

## **COMMENTS AND RECOMMENDATIONS**

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). The Department offers the comments and recommendations presented below to assist the City of Ontario (City;

the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable the Department to adequately review and comment on the proposed project with respect to impacts on biological resources.

The Department recommends that the forthcoming DEIR address the following:

### **Assessment of Biological Resources**

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

The Department recommends that the DEIR specifically include:

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

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

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the project footprint and within offsite areas with the potential

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

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

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

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

As stated in the *Staff Report on Burrowing Owl Mitigation*, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

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

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

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

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

## Alternatives Analysis

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

## Mitigation Measures for Project Impacts to Biological Resources

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

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

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

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

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

4. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum:
  - (a) the location of restoration sites and assessment of appropriate reference sites;
  - (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates;
  - (c) a schematic depicting the mitigation area;
  - (d) a local seed and cuttings and planting schedule;
  - (e) a description of the irrigation methodology;
  - (f) measures to control exotic vegetation on site;
  - (g) specific success criteria;
  - (h) a detailed monitoring program;
  - (i) contingency measures should the success criteria not be met; and
  - (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

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

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

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

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

6. *Moving out of Harm's Way*: The proposed project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, the

Department recommends that the lead agency condition the DEIR to require that a Department-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., the Department does not recommend relocation to other areas). Furthermore it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.

7. *Translocation of Species*: The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

### **California Endangered Species Act**

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

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

### **Lake and Streambed Alteration Program**

Fish and Game Code section 1602 requires an entity to notify the Department prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris,

waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

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

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

### **Additional Comments and Recommendations**

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

### **Further Coordination**

The Department appreciates the opportunity to comment on the NOP of a DEIR for the West Ontario Commerce Center Specific Plan Project (SCH No. 2017041074) and recommends that City of Ontario address the Department's comments and concerns in the forthcoming DEIR.

If you should have any questions pertaining to the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Joanna Gibson at (909) 987-7449 or at [Joanna.gibson@wildlife.ca.gov](mailto:Joanna.gibson@wildlife.ca.gov).

Sincerely,



Leslie MacNair  
Regional Manager

Literature Cited

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



State of California • Natural Resources Agency  
Department of Conservation  
**Division of Land Resource Protection**  
801 K Street • MS 14-15  
Sacramento, CA 95814  
(916) 324-0850 • FAX (916) 327-3430

**Edmund G. Brown Jr., Governor**  
**Kathryn M. Lyddan, Division Director**

May 16, 2017

**VIA EMAIL: RAYALA@CI.ONTARIO.CA.US**

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

Dear Mr. Ayala:

WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN, NOTICE OF PREPARATION,  
SCH# 2017041074

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation for the West Ontario Commerce Center Specific Plan (project) submitted by the City of Ontario. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The proposed project includes two planning areas totaling approximately 120 acres. Development of the project would result in approximately 555,500 square feet of Business Park use and 2,350,000 square feet of Industrial use. Proposed Business Park use will accommodate industrial-serving commercial and office uses, very light industrial uses, and allow multi-tenant buildings and single-tenant buildings. The proposed Industrial use will allow storage and warehousing use and will also allow the development of e-commerce use, distribution, and a wide-range of manufacturing and assembly uses.

Agricultural Setting

The project site is currently used for agricultural, including a dairy farm, row crops, and vacant land previously used for agriculture. Approximately 20 acres in the southwest corner of the project site are classified as Prime Farmland by the Department of Conservation's Farmland Mapping and Monitoring Program. Also located within the project site are two Williamson Act contracted properties.

Department Comments

The Department recommends the following discussion under the Agricultural Resources section of the DEIR:

- Type, amount, and location of farmland conversion resulting directly and indirectly from the West Ontario Commerce Center Specific Plan Project.

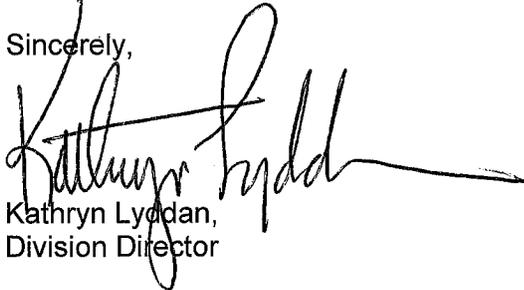
- Mitigation measures for any project related farmland conversion.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the subject project, as well as impacts from past, current, and likely future projects.
- Applicants intent for the future of the Williamson Act contracted property within the project site.

### Mitigation Measures

The conversion of agricultural land represents a permanent reduction in the State's agricultural land resources. Conservation easements are an available mitigation tool and considered a standard practice in many areas of the State. As such, the Department advises the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation. Of course, the use of conservation easements is only one form of mitigation to consider and the Department recommends that any other feasible mitigation measures also be considered.

Thank you for giving us the opportunity to comment on the Notice of Preparation for the West Ontario Commerce Center Specific Plan. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

Sincerely,



Kathryn Lydan,  
Division Director



State of California • Natural Resources Agency  
Department of Conservation  
**Division of Land Resource Protection**  
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**Edmund G. Brown Jr., Governor**  
**Kathryn M. Lyddan, Division Director**

May 16, 2017

**VIA EMAIL: RAYALA@CI.ONTARIO.CA.US**

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

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WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN, NOTICE OF PREPARATION,  
SCH# 2017041074

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**Agricultural Setting**

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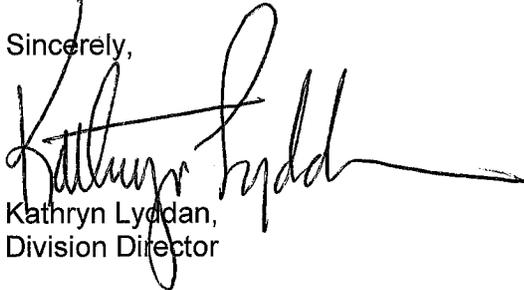
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Thank you for giving us the opportunity to comment on the Notice of Preparation for the West Ontario Commerce Center Specific Plan. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

Sincerely,



Kathryn Lydan,  
Division Director

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 8

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*Making Conservation  
a California Way of Life.*

May 3, 2017

**File: 08-SBd-60-PM R7.268  
08-SBd-83-PM 3.977**

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

**Subject: West Ontario Commerce Center Specific Plan – Notice of Preparation for a Draft Environmental Impact Report**

Dear Mr. Ayala:

Thank you for providing the California Department of Transportation (Caltrans) the opportunity to review and comment on the Notice of Preparation for Draft Environmental Impact Report (DEIR) for the West Ontario Commerce Center Specific Plan (Project), located south of Eucalyptus Avenue, east of Carpenter Avenue, north of Merrill Avenue, and west of Cucamonga Creek, in the City of Ontario. The proposed plan includes two planning areas totaling approximately 120 acres and will allow the development of 555,505 square feet of Business Park use and 2,350,005 square feet of industrial.

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.

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

**1) Submit three hard copies of all TIA documents and three electronic files for review.**

All State facilities within 5-mile radius of the Project should be analyzed in the TIA. The data used in the TIA should not be more than 2 years old, and shall be based on the Southern California Association of Governments 2012 or 2016 Regional Transportation Plan Model. Use the Highway Capacity Manual 6 methodology for all traffic analyses. (See *Caltrans Guide for the Preparation of Traffic Impact Studies* at [http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf))

Caltrans is committed to providing a safe transportation system for all users. We encourage the City to embark a safe, sustainable, integrated and efficient transportation system and complete street to enhance California's economy and livability. A pedestrian/bike-friendly environment served by multimodal transportation would reduce traffic congestion prevalent in the surrounding areas. (See *Complete Street Implementation Action Plan 2.0* at [http://www.dot.ca.gov/hq/tpp/offices/ocp/docs/CSIAP2\\_rpt.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/docs/CSIAP2_rpt.pdf)).

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

Mr. Ayala  
May 3, 2017  
Page 3

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

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

Sincerely,



MARK ROBERTS  
Office Chief  
Intergovernmental Review, Community and Regional Planning

EUNICE M. ULLOA  
Mayor

TOM HAUGHEY  
Mayor Pro Tem



GLENN DUNCAN  
EARL C. ELROD  
GARY GEORGE  
Council Members

MATTHEW C. BALLANTYNE  
City Manager

## CITY of CHINO

May 23, 2017

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

**RE:** Notice of Preparation of a Draft Environmental Impact Report (DEIR) for West Ontario Commerce Center Specific Plan (PSP16-002), General Plan Amendment (File No. PGPA16-002) and Zone Change (File No. PZC16-002)

Dear Mr. Ayala,

Thank you for the opportunity to review the Notice of Preparation of a DEIR for West Ontario Commerce Center Specific Plan (PSP16-002), General Plan Amendment (File No. PGPA16-002) and Zone Change (File No. PZC16-002). Based upon our review, the City of Chino has the following comment:

### Public Works Department

1. The City would like to review the project's traffic study scoping agreement prior to approval in order to evaluate trip distribution and proposed study intersection in the City of Chino. In addition, we request a segment analysis to be conducted in order to determine capacity requirements on Merrill Avenue between Euclid Avenue and Archibald Avenue.

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

Sincerely,

Kim Le  
Associate Planner





## AB 52

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
- Avoidance and preservation of the resources in place, including, but not limited to:
    - Planning and construction to avoid the resources and protect the cultural and natural context.
    - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - Protecting the cultural character and integrity of the resource.
    - Protecting the traditional use of the resource.
    - Protecting the confidentiality of the resource.
  - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
  - Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
  - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
  - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

*This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

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

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

### NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.





May 26, 2017

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

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the West Ontario Commerce Center Specific Plan [SCAG NO. IGR9250]

Dear Mr. Ayala,

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

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

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the West Ontario Commerce Center Specific Plan. The proposed project includes the establishment of land use, development, and design standards allowing for the development of 555,505 square feet (sf) of Business Park and 2,350,005 sf of Industrial use on 120 acres across two Planning Areas.

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

Sincerely,

[Handwritten signature: Ping Chang]

Ping Chang
Acting Manager, Compliance and Performance Monitoring

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

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
118 West 7th Street, 12th Floor, Los Angeles, CA 90017
T: (213) 236-1880
F: (213) 236-1825
www.scag.ca.gov

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First Vice President: Alan D. Wapner, Ontario
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Community, Economic & Human Development: Rex Richardson, Long Beach
Energy & Environment: Carmen Ramirez, Oxnard
Transportation: Curt Hagman, San Bernardino County

**COMMENTS ON THE NOTICE OF PREPARATION OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN [SCAG NO. IGR9250]**

**CONSISTENCY WITH RTP/SCS**

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

**2016 RTP/SCS GOALS**

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

<b>SCAG 2016 RTP/SCS GOALS</b>	
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>
RTP/SCS G3:	<i>Ensure travel safety and reliability for all people and goods in the region</i>
RTP/SCS G4:	<i>Preserve and ensure a sustainable regional transportation system</i>
RTP/SCS G5:	<i>Maximize the productivity of our transportation system</i>
RTP/SCS G6:	<i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking)</i>
RTP/SCS G7:	<i>Actively encourage and create incentives for energy efficiency, where possible</i>
RTP/SCS G8:	<i>Encourage land use and growth patterns that facilitate transit and active transportation</i>
RTP/SCS G9:	<i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies*</i>

\*SCAG does not yet have an agreed-upon security performance measure.

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

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

**2016 RTP/SCS STRATEGIES**

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

**DEMOGRAPHICS AND GROWTH FORECASTS**

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

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

**MITIGATION MEASURES**

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



EDMUND G. BROWN JR.  
GOVERNOR

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



KEN ALEX  
DIRECTOR

**Notice of Preparation**

April 27, 2017

To: Reviewing Agencies  
Re: West Ontario Commerce Center Specific Plan  
SCH# 2017041074

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

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

Please direct your comments to:

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

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

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

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2017041074  
**Project Title** West Ontario Commerce Center Specific Plan  
**Lead Agency** Ontario, City of

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**Type** NOP Notice of Preparation

**Description** The proposed West Ontario Commerce Center Specific Plan includes two planning areas totaling approx 120-net acres and will allow a max development of 555,505 sf of Business Park use and 2,350,005 sf of industrial use with a total development of 2,905,510 sf. The specific plan has the flexibility to determine the individual building size based on the market conditions. The proposed business park use will accommodate industrial-serving commercial and office uses, very light industrial uses, and allow multi-tenant buildings and single tenant buildings. The proposed industrial use will allow storage and warehousing use. The proposed industrial use will also allow the development of e-commerce use, distribution, and a wide range of manufacturing and assembly uses. Business park uses are depicted as future development, on the northern portion of the site.

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**Lead Agency Contact**

**Name** Richard Ayala  
**Agency** City of Ontario  
**Phone** (909) 395-2421 **Fax**  
**email**  
**Address** 303 East B Street  
**City** Ontario **State** CA **Zip** 91764

---

**Project Location**

**County** San Bernardino  
**City** Ontario  
**Region**  
**Cross Streets** south of Eucalyptus Ave, east of Carpenter Ave, north of Merrill Ave, and west of Cucamonga Cree  
**Lat / Long**  
**Parcel No.** Numerous  
**Township** 2S **Range** 8W **Section** 22 **Base**

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**Proximity to:**

**Highways** SR 83, I 60  
**Airports** Chino Airport and Ontario Intl  
**Railways** UPRR  
**Waterways** Cucamonga Creek  
**Schools**  
**Land Use** ag uses, dairy farm, row crops, and vacant land; business park and industrial; Z: ag-specific plan

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Cumulative Effects

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 6; Department of Food and Agriculture; Native American Heritage Commission; Public Utilities Commission; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Board, Region 8

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**Date Received** 04/27/2017 **Start of Review** 04/27/2017 **End of Review** 05/26/2017

2017041074

Notice of Completion and Environmental Document Transmittal Form

See NOTE below

SCH

Mail to: State Clearinghouse, 1400 Tenth Street Sacramento, CA 95814 916/445-0613

1. Project Title: West Ontario Commerce Center Specific Plan
2. Lead Agency: City of Ontario
3a. Street Address: 303 East "B" Street
3c. County: San Bernardino
3d. Zip: 91764
3e. Phone: (909) 395-2421
3. Contact Person: Richard Avala
3b. City: Ontario

Project Location: The project site is located south of Eucalyptus Avenue, east of Carpenter Avenue, north of Merrill Avenue, and west of the Cucamonga Creek flood control channel
4. County: San Bernardino
4a. City/Community: City of Ontario
4b. Assessor's Parcel No. Numerous
4c. Section: 22 Twp. 2 South Range: 8 West
5a. Cross Streets: Eucalyptus Avenue and Carpenter Avenue
5b. For Rural, Nearest Community
6. Within 2 Miles: 6a. State Hwy No.: SR83, I-60
6b. Airports: Chino Airport and Ontario International Airport
6c. Railways: Union Pacific
6d. Waterways: Cucamonga Creek

7. Document Type
CEQA 01. [X] NOP 05. [ ] Supplement/Subsequent EIR 09. [ ] NOI 13. [ ] Joint Document-IS/EA
02. [ ] Early Cons (PRIOR sch no.: ) 10. [ ] Draft FONSI 14. [ ] Final Document
03. [ ] Draft Negative Dec 06. [ ] NOE 11. [ ] Draft EIS 15. [ ] Other: Research
04. [ ] Draft EIR 07. [ ] NOC 12. [ ] EA

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STATE CLEARINGHOUSE
Governor's Office of Planning & Research

8. Local Action Type
01. [ ] General Plan Update 05. [ ] Annexation 09. [X] Rezone 12. [ ] Waste Mgmt Plan
02. [ ] New Element 06. [X] Specific Plan 10. [ ] Land Division (Subdivision, Parcel Map, Tract Map, etc.) 13. [ ] Cancel AG Preserve
03. [X] General Plan Amendment 07. [ ] Community Plan 11. [ ] Use Permit 14. [ ] Other:
04. [ ] Master Plan 08. [ ] Redevelopment Plan Adoption

9. Development Action Type
01. [ ] Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_
02. [ ] Office: Sq. ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_
03. [ ] Shopping/Commercial: Sq. ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_
04. [X] Industrial: Sq. ft. 2,350,005 Acres \_\_\_\_\_ Employees \_\_\_\_\_
05. [ ] Water Facilities: MGD \_\_\_\_\_
06. [ ] Transportation: Type \_\_\_\_\_
07. [ ] Mining: Mineral \_\_\_\_\_
08. [ ] Power: Type \_\_\_\_\_ Watts \_\_\_\_\_
09. [ ] Waste Treatment: Type \_\_\_\_\_
10. [ ] OCS Related:
11. [X] Other: Business Park 555,505 sq. ft.
[ ] Educational:
[ ] Recreational:
[ ] Hazardous Waste: Type \_\_\_\_\_

10. Total Acres 120-net acres 11. Total Jobs Created

12. Project Issues Discussed In Document:
01. [X] Aesthetic/Visual 10. [ ] Jobs/Housing Balance 19. [X] Solid Waste 28. [ ] Incompatible Land Use
02. [X] Agricultural Land 11. [ ] Minerals 20. [X] Toxic/Hazardous 29. [X] Cumulative Effects
03. [X] Air Quality 12. [X] Noise 21. [X] Traffic/Circulation 30. [ ] Other -
04. [X] Archeological/Historical 13. [X] Public Services 22. [X] Vegetation 31. [ ] Land use
05. [ ] Coastal Zone 14. [X] Schools 23. [X] Water Quality
06. [ ] Economic 15. [ ] Septic Systems 24. [X] Water Supply
07. [ ] Fire Hazard 16. [X] Sewer Capacity 25. [X] Wetland/Riparian
08. [X] Flooding/Drainage 17. [ ] Social 26. [X] Wildlife
09. [X] Geologic/Seismic 18. [X] Soil Erosion 27. [X] Growth Inducing

13. Funding (approx.) Federal \$ State \$ Total \$

14. Present Land Use/Zoning/General Plan Use: The present land use is agricultural uses, including a dairy farm, row crops, and vacant land previously used for agriculture. The Ontario Plan designates the site as Business Park (0.6 FAR) and Industrial (0.55 FAR). The zoning is AG-Specific Plan.

15. Project Description. The The proposed West Ontario Commerce Center Specific Plan includes two (2) Planning Areas (PAs) totaling approximately 120-net acres and will allow a maximum development of 555,505 square feet of Business Park use and 2,350,005 square feet of Industrial use with a total development of 2,905,510 square feet. The Specific Plan has the flexibility to determine the individual building size based on the market conditions. The proposed Business Park use will accommodate industrial-serving commercial and office uses, very light industrial uses, and allow multi-tenant buildings and single-tenant buildings. The proposed Industrial use will allow storage and warehousing use. The proposed Industrial use will also allow the development of e-commerce use, distribution, and a wide-range of manufacturing and assembly uses. Business Park uses are depicted as Future Development, on the northern portion of the site.

16. Signature of Lead Agency Representative Richard Avala Date April 26, 2017

Resources Agency

Resources Agency  
Nadell Gayou

Dept. of Boating & Waterways  
Denise Peterson

California Coastal Commission  
Elizabeth A. Fuchs

Colorado River Board  
Lisa Johansen

Dept. of Conservation  
Crina Chan

California Energy Commission  
Eric Knight

Cal Fire  
Dan Foster

Central Valley Flood Protection Board  
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Office of Historic Preservation  
Ron Parsons

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Environmental Stewardship Section

California Department of Resources, Recycling & Recovery  
Sue O'Leary

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Steve Goldbeck

Dept. of Water Resources  
Nadell Gayou

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Dept. of Fish & Wildlife  
Scott Flint  
Environmental Services Division

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Curt Babcock

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Fish & Wildlife Region 2  
Jeff Drongesen

Fish & Wildlife Region 3  
Craig Weightman

Fish & Wildlife Region 4  
Julie Vance

Fish & Wildlife Region 5  
Leslie Newton-Reed  
Habitat Conservation Program

Fish & Wildlife Region 6  
Tiffany Ellis  
Habitat Conservation Program

Fish & Wildlife Region 6 I/M  
Heidi Calvert  
Inyo/Mono, Habitat Conservation Program

Dept. of Fish & Wildlife M  
William Paznokas  
Marine Region

Other Departments

Food & Agriculture  
Sandra Schubert  
Dept. of Food and Agriculture

Dept. of General Services  
Cathy Buck  
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Delta Stewardship Council  
Kevan Samsam

Housing & Comm. Dev.  
CEQA Coordinator  
Housing Policy Division

Independent Commissions, Boards

Delta Protection Commission  
Erik Vink

OES (Office of Emergency Services)  
Monique Wilber

Native American Heritage Comm.  
Debbie Treadway

Public Utilities Commission  
Supervisor

Santa Monica Bay Restoration  
Guangyu Wang

State Lands Commission  
Jennifer Deleong

Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques

Cal EPA

Air Resources Board  
Airport & Freight  
Jack Wursten

Transportation Projects  
Nesamani Kalandiyur

Industrial/Energy Projects  
Mike Tollstrup

State Water Resources Control Board  
Regional Programs Unit  
Division of Financial Assistance

State Water Resources Control Board  
Cindy Forbes - Asst Deputy  
Division of Drinking Water

State Water Resources Control Board  
Div. Drinking Water # \_\_\_\_\_

State Water Resources Control Board  
Student Intern, 401 Water Quality  
Certification Unit  
Division of Water Quality

State Water Resources Control Board  
Phil Crader  
Division of Water Rights

Dept. of Toxic Substances Control  
CEQA Tracking Center

Department of Pesticide Regulation  
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

RWQCB 1  
Cathleen Hudson  
North Coast Region (1)

RWQCB 2  
Environmental Document Coordinator  
San Francisco Bay Region (2)

RWQCB 3  
Central Coast Region (3)

RWQCB 4  
Teresa Rodgers  
Los Angeles Region (4)

RWQCB 5S  
Central Valley Region (5)

RWQCB 5F  
Central Valley Region (5)  
Fresno Branch Office

RWQCB 5R  
Central Valley Region (5)  
Redding Branch Office

RWQCB 6  
Lahontan Region (6)

RWQCB 6V  
Lahontan Region (6)  
Victonville Branch Office

RWQCB 7  
Colorado River Basin Region (7)

RWQCB 8  
Santa Ana Region (8)

RWQCB 9  
San Diego Region (9)

Other \_\_\_\_\_