

**CITY OF ONTARIO  
CITY COUNCIL AND HOUSING AUTHORITY  
AGENDA  
JUNE 2, 2020**

**Paul S. Leon**  
Mayor

**Debra Dorst-Porada**  
Mayor pro Tem

**Alan D. Wapner**  
Council Member

**Jim W. Bowman**  
Council Member

**Ruben Valencia**  
Council Member



**Scott Ochoa**  
City Manager

**Scott E. Huber**  
City Attorney

**Sheila Mautz**  
City Clerk

**James R. Milhiser**  
Treasurer

**SPECIAL AND URGENT NOTICE**

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Ontario City Council Meetings are being conducted via teleconference to limit in-person attendance at the upcoming meeting of the City of Ontario City Council and Housing Authority.

Members of the public may utilize alternative measures established by the City of Ontario to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting will be live broadcast on local cable Channel 3 as well as internet live streamed: [www.ontarioca.gov/Agendas/CityCouncil](http://www.ontarioca.gov/Agendas/CityCouncil)

We appreciate your understanding during this unprecedented time of social distancing under the Stay at Home Order. These procedures may be modified in the future as social and public gathering protocols change.

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

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to provide public comment or to address the Council have been provided alternative measures including U.S. mail, email, a website comment form, and the ability to dial in and record a 3 minute voicemail. All public comments received by the established deadline for this meeting will be included as part of the official meeting record.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.

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

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

**5:30 p.m.**

**ROLL CALL**

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

**CLOSED SESSION PUBLIC COMMENT**

Members of the public who wish to address a closed session agenda item may do so by mailing comments to the City Clerk's Office, or by calling (909) 395-2251 or by emailing [PublicComments@ontarioca.gov](mailto:PublicComments@ontarioca.gov) no later than 5:00 p.m. on the day of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

**CLOSED SESSION**

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:  
*Chino Basin Municipal Water District vs. City of Chino, Case No. RCV51010*

In attendance: Dorst-Porada, Wapner, Bowman, Valencia, Mayor/Chairman Leon

**PLEDGE OF ALLEGIANCE**

Council Member Bowman

**INVOCATION**

**REPORT ON CLOSED SESSION**

City Attorney

**PUBLIC COMMENTS**

**6:30 p.m.**

Members of the public who wish to provide a general comment or address a specific agenda item may do so by mailing comments to the City Clerk's Office, or by calling (909) 395-2251 or by emailing [PublicComments@ontarioca.gov](mailto:PublicComments@ontarioca.gov) no later than 5:00 p.m. on the day of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

**AGENDA REVIEW/ANNOUNCEMENTS** The City Manager will go over all updated materials and correspondence received after the Agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

**CONSENT CALENDAR**

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for a separate vote.

Each member of the public wishing to address the City Council on items listed on the Consent Calendar will be given a total of 3 minutes.

**1. APPROVAL OF MINUTES**

Minutes for the regular meeting of the City Council and Housing Authority of May 5, 2020, approving same as on file in the Records Management Department.

**2. BILLS/PAYROLL**

**Bills** May 1, 2020 through May 14, 2020 and **Payroll** April 26, 2020 through May 9, 2020, when audited by the Finance Committee.

**3. BIENNIAL CONFLICT OF INTEREST CODE REVIEW**

That the City Council receive the 2020 Local Agency Biennial Notice of the Political Reform Act requirement and direct staff to review the Conflict of Interest Code.

**4. RESOLUTIONS TO CALL AND GIVE NOTICE, CONSOLIDATE AND ADOPT REGULATIONS FOR CANDIDATE STATEMENTS FOR THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 3, 2020**

That the City Council adopt resolutions to call and set the date of the General Municipal Election as November 3, 2020; request the San Bernardino County Registrar of Voters to consolidate the election with the Presidential General Election; and adopt regulations for candidate statements.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, PURSUANT TO §10403 OF THE ELECTIONS CODE.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENT SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020.



**5. A RESOLUTION ORDERING THE SUMMARY VACATION OF AN EASEMENT GENERALLY LOCATED AT THE NORTHEAST CORNER OF PHILADELPHIA STREET AND GROVE AVENUE**

That the City Council adopt a resolution ordering the summary vacation of a 5-foot wide public water easement generally located at the northeast corner of Philadelphia Street and Grove Avenue.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PUBLIC WATER EASEMENT GENERALLY LOCATED AT THE NORTHEAST CORNER OF PHILADELPHIA STREET AND GROVE AVENUE.

**6. FISCAL YEAR 2019-20 THIRD QUARTER BUDGET UPDATE REPORT**

That the City Council approve the budget adjustments and recommendations as listed in the Fiscal Year 2019-20 Third Quarter Budget Update Report.

**7. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 41 (CANVAS PARK FACILITIES)**

That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 41 (Canvas Park Facilities).

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 41 (CANVAS PARK FACILITIES).

**8. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 54 (ESPERANZA FACILITIES)**

That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 54 (Esperanza Facilities).

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 54 (ESPERANZA FACILITIES).

**9. ACCEPTANCE OF A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; AND A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES**

That the City Council consider and:

- (A) Accept a written petition (on file in the Records Management Department) from Colony Commerce Ontario East LP (“Landowner”), to create a Community Facilities District (“CFD”), and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services), authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, July 21, 2020.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

**10. A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC**

That the City Council continue the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the June 16, 2020 City Council Meeting, unless cancelled sooner.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECTING THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE THE NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

**11. PROFESSIONAL SERVICES AGREEMENT FOR FIRE CODE PLAN REVIEW SERVICES/JSB FIRE PROTECTION, LLC**

That the City Council authorize the City Manager or his designee to execute a professional services agreement (on file in the Records Management Department) with JSB Fire Protection, LLC of Downey, California, for fire prevention services at hourly rates as specified in the agreement.

**12. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING DESIGN SERVICES FOR THE COMPRESSED NATURAL GAS COMPRESSOR REPLACEMENT AND UPGRADE PROJECT**

That the City Council authorize the City Manager to execute Amendment No. 2 (on file in the Records Management Department) to the Professional Service Agreement with STV Energy Services, Inc. of Douglassville, Pennsylvania for engineering services for the City's Compressed Natural Gas (CNG) Compressor Replacement and Upgrade Project, adding \$65,300 for a revised total contract authorization of \$153,630.

**PUBLIC HEARINGS**

Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing.

**13. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TOYOTA/ONTARIO BUSINESS PARK SPECIFIC PLAN, REVISING THE CURRENT LAND USE DISTRICT COVERING PLANNING AREA 1 FROM "OFFICE/R&D" TO "INDUSTRIAL MIXED USE" AND UPDATING THE SPECIFIC PLAN'S LANDSCAPE PALETTE TO CONFORM TO CURRENT CALIFORNIA FRIENDLY LANDSCAPE PRACTICES, AFFECTING 95.35 ACRES OF LAND GENERALLY LOCATED SOUTH OF JURUPA STREET, EAST OF MILLIKEN AVENUE, NORTH OF FRANCIS STREET, AND WEST OF THE I-15 FREEWAY (APN: 0238-121-75)**

That the City Council consider and adopt: (1) a resolution approving the use of an Addendum to The Ontario Plan Environmental Impact Report, and (2) a resolution approving an Amendment to the Toyota/Ontario Business Park Specific Plan, File No. PSPA19-004, revising the current land use district covering Planning Area 1 from "Office/R&D" to "Industrial Mixed Use" and updating the Specific Plan's landscape palette to conform to current California friendly landscape practices.

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

Written communication.

Oral presentation.

Public hearing closed.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT, PURSUANT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NO PSPA19-004.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA19-004, AN AMENDMENT TO THE TOYOTA ONTARIO BUSINESS PARK SPECIFIC PLAN, GENERALLY LOCATED SOUTH OF JURUPA STREET, EAST OF MILLIKEN AVENUE, NORTH OF FRANCIS STREET, AND WEST OF THE I-15 FREEWAY, REVISING THE LAND USE DESIGNATION FOR PLANNING AREA 1 FROM OFFICE/RESEARCH AND DEVELOPMENT TO INDUSTRIAL MIXED USE, AND UPDATING THE LANDSCAPE PALETTE TO CONFORM TO CURRENT CALIFORNIA FRIENDLY LANDSCAPE PRACTICES, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0238-121-75.

**14. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PIEMONTE OVERLAY OF THE ONTARIO CENTER SPECIFIC PLAN, FILE NO. PSPA19-009, TO MODIFY THE MINIMUM PARKING REQUIREMENTS (SECTION 3.3.5.1) FOR RESIDENTIAL USES TO ALLOW TANDEM PARKING FOR UP TO A MAXIMUM OF 50 PERCENT OF THE REQUIRED PARKING FOR DWELLING UNITS. THE PIEMONTE OVERLAY OF THE ONTARIO CENTER SPECIFIC PLAN ENCOMPASSES 84.43 ACRES OF LAND AND IS GENERALLY LOCATED NORTH OF CONCOURS STREET, SOUTH OF FOURTH STREET, WEST OF VIA ALBA AND EAST OF HAVEN AVENUE (APNS: 0210-204-26, 0210-204-37, 0210-204-40, 0210-531-15, 0210-531-16)**

That the City Council consider and adopt a resolution approving an Amendment to The Piemonte Overlay of the Ontario Center Specific Plan (File No. PSPA19-009) to modify the Minimum Parking Requirements (Section 3.3.5.1) for residential uses to allow tandem parking for up to a maximum of 50 percent of the required parking for dwelling units.

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

Written communication.

Oral presentation.

Public hearing closed.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA19-009, AN AMENDMENT TO THE PIEMONTE OVERLAY OF THE ONTARIO CENTER SPECIFIC PLAN TO MODIFY THE MINIMUM PARKING REQUIREMENTS (SECTION 3.3.5.1) TO ALLOW TANDEM PARKING FOR UP TO A MAXIMUM OF 50 PERCENT OF THE REQUIRED DWELLING UNIT OFF-STREET PARKING REQUIREMENT FOR PROPERTIES LOCATED WITHIN THE RESIDENTIAL DISTRICT. THE PIEMONTE OVERLAY ENCOMPASSES 84.43 ACRES OF LAND AND IS GENERALLY LOCATED NORTH OF CONCOURS STREET, SOUTH OF FOURTH STREET, WEST OF VIA ALBA AND EAST OF HAVEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0210-204-26, 0210-204-37, 0210-204-40, 0210-531-15 AND 0210-531-16.

**ADMINISTRATIVE REPORTS/DISCUSSION/ACTION**

**15. IMPLEMENTATION OF CALIFORNIA PUBLIC EMPLOYEE RETIREMENT SYSTEM (CALPERS) TWO-YEARS ADDITIONAL SERVICE CREDIT FOR DESIGNATED CLASSIFICATIONS, DEPARTMENTS OR ORGANIZATIONAL UNITS**

That the City Council, by motion, adopt a resolution authorizing the City Manager to provide for the designation of a period for two-years additional service credit in accordance with California Government Code section 20903 for designated classifications, departments or organizational units.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, GRANTING A DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT.

**STAFF MATTERS**

City Manager Ochoa

**COUNCIL MATTERS**

Mayor Leon  
Mayor pro Tem Dorst-Porada  
Council Member Wapner  
Council Member Bowman  
Council Member Valencia

**ADJOURNMENT**

**CITY OF ONTARIO  
CLOSED SESSION REPORT  
City Council // Housing Authority // Other // (GC 54957.1)  
June 2, 2020**

**ROLL CALL:** Dorst-Porada\_, Wapner \_, Bowman \_, Valencia \_, Mayor / Chairman Leon \_.

**STAFF:** City Manager / Executive Director \_\_, City Attorney \_\_

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

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Chino Basin Municipal Water District vs. City of Chino, Case No. RCV51010*

No Reportable Action	Continue	Approved
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Disposition: \_\_\_\_\_

Reported by:

\_\_\_\_\_  
City Attorney / City Manager / Executive Director



# CITY OF ONTARIO

Agenda Report  
June 2, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: BIENNIAL CONFLICT OF INTEREST CODE REVIEW**

**RECOMMENDATION:** That the City Council receive the 2020 Local Agency Biennial Notice of the Political Reform Act requirement and direct staff to review the Conflict of Interest Code.

**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner

**FISCAL IMPACT:** The nominal costs associated with staff review of the City's Conflict of Interest Code are included in the Records Management Department's annual baseline operating budget.

**BACKGROUND:** The Political Reform Act requires every local government agency to review its conflict of interest code biennially to determine if it is accurate or, alternatively, if the code must be amended. The City's Conflict of Interest Code was last amended September 18, 2018. To meet the requirements of the Political Reform Act, it is necessary to again review the Conflict of Interest Code to determine whether amendments are necessary based on the following:

- The addition, deletion or modification of the specific types of investments, business positions, interests in real property and sources of income which are reportable for the designated positions.
- The reclassification, renaming or deletion of previously designated positions.

Any recommendations for updates or confirmation that the current Conflict of Interest Code is accurate will be presented to the City Council for review before the State's deadline of October 1, 2020.

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

Prepared by: Vicki Kasad  
Department: Records Management/City Clerk  
City Manager Approval: 

Submitted to Council/O.H.A. 06/02/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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# CITY OF ONTARIO

Agenda Report  
June 2, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: RESOLUTIONS TO CALL AND GIVE NOTICE, CONSOLIDATE AND ADOPT REGULATIONS FOR CANDIDATE STATEMENTS FOR THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 3, 2020**

**RECOMMENDATION:** That the City Council adopt resolutions to call and set the date of the General Municipal Election as November 3, 2020; request the San Bernardino County Registrar of Voters to consolidate the election with the Presidential General Election; and adopt regulations for candidate statements.

**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner

**FISCAL IMPACT:** The cost for election services to be provided by the County of San Bernardino is anticipated to be \$100,000. If approved, appropriations will be included in the Fiscal Year 2020-21 Proposed Budget

**BACKGROUND:** California Government Code provides that general law cities conduct elections every two years for the purpose of electing their public officials. Elections in Ontario are conducted in accordance with the California Elections Code. Additionally, the City Council adopted Ordinance No. 2392 on July 21, 1987, providing for consolidation of general municipal elections with the state's General Elections. In the November 2020 election, the community will be asked to elect two Members of the City Council, a City Treasurer, and a City Clerk each for four-year terms.

The proposed resolutions are required by the California Elections Code and cover the options available for the translation, printing and payment for candidate statements. As in past elections, candidates have the option of submitting a candidate statement for inclusion in the voter information pamphlet. State law also requires that a Spanish language translation of each candidate statement be included in the voter information pamphlet. The cost of translation and printing of candidate statements has historically been the responsibility of the candidate. The cost of translation and printing of candidate statements varies each election based on a number of factors including actual printing costs, the number of candidates

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

Prepared by: Vicki Kasad  
Department: Records Management/City Clerk  
City Manager Approval: 

Submitted to Council/O.H.A. 06/02/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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statements submitted and the number of registered voters. The Registrar of Voters is currently working to assure compliance with all new regulations including same day registration, conditional voting, etc. and meeting requirements that may arise from the COVID-19 crisis.

Election Code Section 13307 (a) (1) allows the government body of a local agency to determine either a 200 or 400 word limitation for candidate statements. Consistent with past City Council direction, staff recommends that the word count limitation for candidate statements be 400 words. The County has not yet estimated the cost for translating and publishing a 400 word candidate statement for this year's elections.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal election shall be held on November 3, 2020, for the election of Municipal Officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Ontario, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of electing a Mayor for the full term of four years; and two Members of the City Council for the full term of four years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed and directed to coordinate with the County of San Bernardino Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in §14401 of the Elections Code of the State of California.

SECTION 5. That all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. That in the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the San Bernardino Registrar of Voters, in accordance with Election Code §15651 (a) shall set a date and time and place and summons the candidates who have received the tie votes to appear and will determine the tie by lot.

SECTION 8. The City Council authorizes the San Bernardino Registrar of Voters to canvass and certify the results of the election to be presented to the Ontario City Council for ratification.

SECTION 9. The City Council authorizes the City Clerk or her designee to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

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

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of June 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-     was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 2, 2020, by the following roll call vote, to wit:

AYES:       MAYOR/COUNCIL MEMBERS:

NOES:       COUNCIL MEMBERS:

ABSENT:    COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-     duly passed and adopted by the Ontario City Council at their regular meeting held June 2, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, PURSUANT TO §10403 OF THE ELECTIONS CODE.

WHEREAS, the City Council of the City of Ontario has called a General Municipal Election to be held on November 3, 2020, for the purpose of the election of two Members of the City Council, a City Treasurer, and a City Clerk; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, polling places and election officers of the two elections be the same and that the county election department of the County of San Bernardino canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of San Bernardino is hereby requested to consent and agree to the consolidation of a General Municipal Election with the statewide General election on Tuesday, November 3, 2020 for the purpose of the election of two Members of the City Council, a City Treasurer and a City Clerk for a term of office which ends November, 2024.

SECTION 2. That the county election department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Ontario recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.



SECTION 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of San Bernardino.

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

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of June 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 2, 2020 by the following roll call vote, to wit:

AYES:        MAYOR/COUNCIL MEMBERS:

NOES:        COUNCIL MEMBERS:

ABSENT:     COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-        duly passed and adopted by the Ontario City Council at their regular meeting held June 2, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENT SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020.

WHEREAS, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES HEREBY REOSLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. General Provisions. That pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Ontario on November 3, 2020 may prepare a candidate's statement on an appropriate form provided by the City Clerk's office. The statement may include the name, age and occupation of the candidate and a brief description of no more than 400 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. Foreign Language Policy.

A. Pursuant to the Federal Voting Rights Act, candidate's statements will be translated into the languages required by the County of San Bernardino. The county is required to translate candidate's statements into the following language: Spanish.

B. The County will mail separate voter information guides and candidate's statements in Spanish to only those voters who are on the county voter file as having requested a voter information guide in Spanish. The county will also make the voter information guides and candidate's statements in Spanish available at all polling places on the County's website and in the Election Official's office.

SECTION 3. Payment.

A. Translation. The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in (A) or (B) of Section 2 above pursuant to Federal and/or State law.

B. Printing.

1. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the main voter pamphlet.

2. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language required in (A) of Section 2 above in the main voter pamphlet.

SECTION 4. Miscellaneous.

A. All translations shall be provided by professionally certified translators.

B. The City Clerk's office shall not allow bold type, underlining, capitalizations, indentations, bullets, or leading hyphens.

C. The City Clerk's office shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 5. Additional Materials. No candidate will be permitted to include additional materials in the voter information guide.

SECTION 6. The City Clerk's office shall provide each candidate or the candidate's representative a copy of this Resolution at the time nomination petitions are issued.

SECTION 7. That all previous resolutions establishing council policy on payment for candidate's statements are repealed.

SECTION 8. That this resolution shall apply only to the election to be held on November 3, 2020 and shall then be repealed.

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

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of June 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

---

COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 2, 2020 by the following roll call vote, to wit:

AYES:        MAYOR/COUNCIL MEMBERS:

NOES:        COUNCIL MEMBERS:

ABSENT:     COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-        duly passed and adopted by the Ontario City Council at their regular meeting held June 2, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

Agenda Report  
June 2, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION ORDERING THE SUMMARY VACATION OF AN EASEMENT GENERALLY LOCATED AT THE NORTHEAST CORNER OF PHILADELPHIA STREET AND GROVE AVENUE**

**RECOMMENDATION:** That the City Council adopt a resolution ordering the summary vacation of a 5-foot wide public water easement generally located at the northeast corner of Philadelphia Street and Grove Avenue.

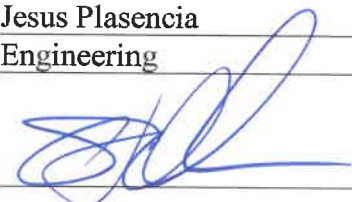
**COUNCIL GOALS:** Focus Resources in Ontario's Commercial and Residential Neighborhoods Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** None. The City will not incur any cost by vacating the easement. The developer has paid the applicable processing fees to defray the City's cost to process this request.

**BACKGROUND:** Philadelphia & Grove, LLC, is the owner of the property located at 2131 South Grove Avenue. As a condition of approval to develop the property (File No. PDEV18-034), the owner was required by the City to vacate an existing 5-foot wide public water easement as shown on "Exhibit A". This easement is partially located on 2131 South Grove Avenue and 2195 South Grove Avenue. The easement is not needed for any present or future public water utility purposes. The subject easement has no existing public utilities and is determined to be excess.

Section 8333(c) of the California Streets and Highways Code authorizes the City to summarily vacate (by resolution without a public hearing) a public service easement that has been superseded by relocation or determined to be excess and there are no other public facilities located within the easement.

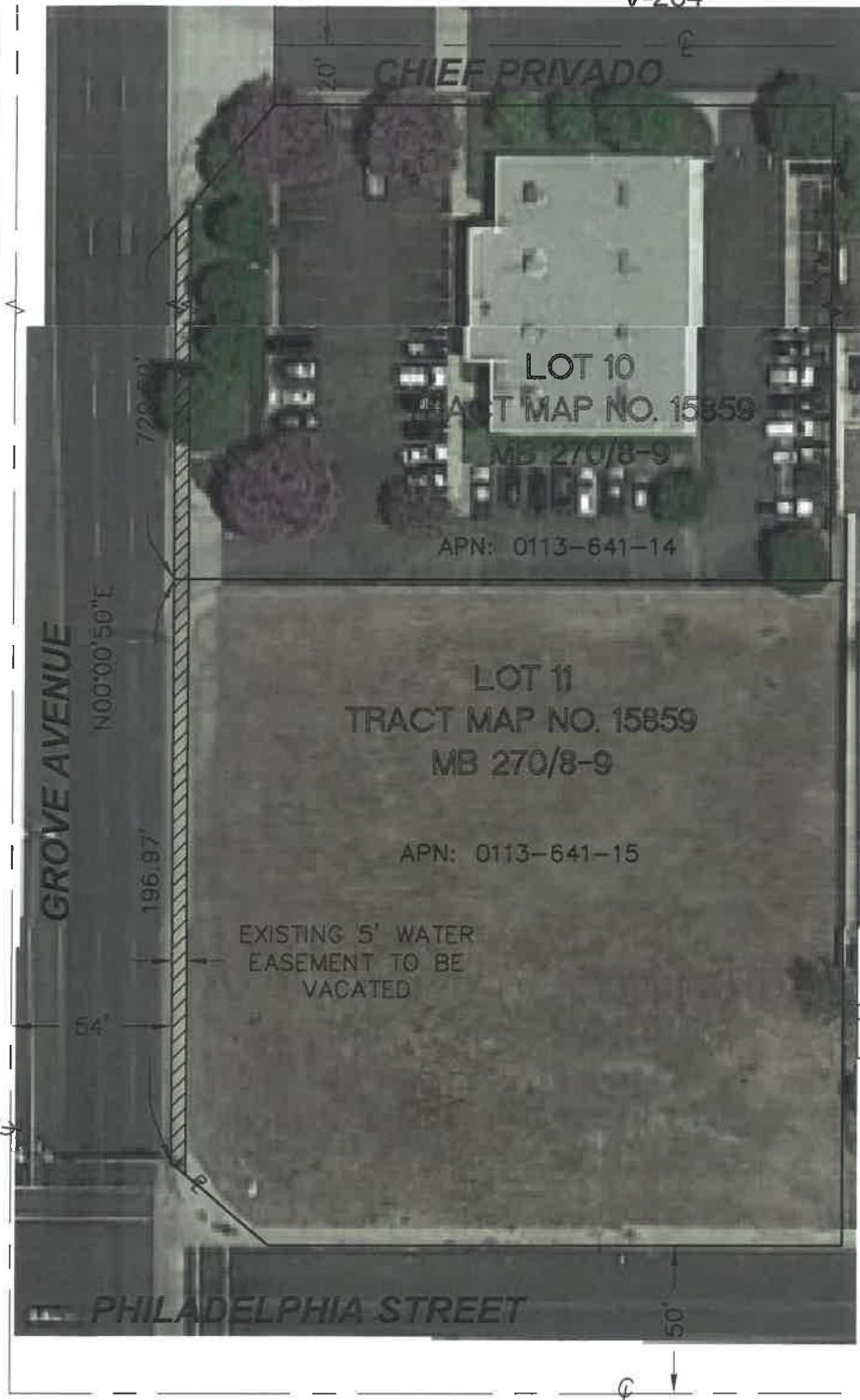
**STAFF MEMBER PRESENTING:** Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Jesus Plasencia  
Department: Engineering  
City Manager Approval: 

Submitted to Council/O.H.A. 06/02/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_



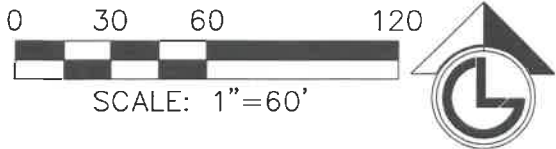
EXHIBIT A  
PUBLIC EASEMENT VACATION  
V-284



VICINITY MAP  
N.T.S.



01/29/2020



LEGEND:



INDICATES EXISTING PUBLIC EASEMENT  
AREA TO THE CITY OF ONTARIO PER  
TRACT MAP NO. 15859, MB 270/8-9  
TO BE VACATED.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PUBLIC WATER EASEMENT GENERALLY LOCATED AT THE NORTHEAST CORNER OF PHILADELPHIA STREET AND GROVE AVENUE.

WHEREAS, the City Council of the City of Ontario, California, pursuant to Division 9, Part 3, Chapter 4, of the Streets and Highways Code, may summarily vacate an easement under certain conditions specified therein; and

WHEREAS, the public easement for water and incidental purposes located at the northeast corner of Philadelphia Street and Grove Avenue, shown over portions of Lot 10 and 11 of Tract Map 15859, recorded September 10, 1998 on file in Book 270, page 8 and 9 of Tract Maps, San Bernardino County, is not needed for any present or future water utility purposes and is determined to be excess; and

WHEREAS, Section 8333(c) of the California Streets and Highways Code authorizes the City to summarily vacate (by resolution with no public hearing) a public service easement that has been superseded by relocation or determined to be excess; and

WHEREAS, the property owners, RDS Grove LLC and Philadelphia & Grove LLC, have agreed to the vacation of said easement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California:

1. That the above recitals are true and correct.
2. That title to the above-described said easement, more specifically described in Exhibit "A" and depicted on Exhibit "B" attached hereto, shall be vacated.
3. That the City Clerk of the City of Ontario, California, shall cause a copy of this Resolution to be recorded in the office of the County Recorder of San Bernardino County, California.

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

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of June 2020.

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

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 2, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-        duly passed and adopted by the Ontario City Council at their regular meeting held June 2, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**PUBLIC EASEMENT VACATION  
V-284  
LEGAL DESCRIPTION**

BEING THE WESTERLY 5 FEET OF LOT 10 AND LOT 11 OF TRACT MAP NO. 15859, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 270, PAGES 8 AND 9 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AS SHOWN ON THE ATTACHED EXHIBIT "B".

CONTAINS: 4,659.05 S.F. / 0.11 AC.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION

*John P. Gervais*

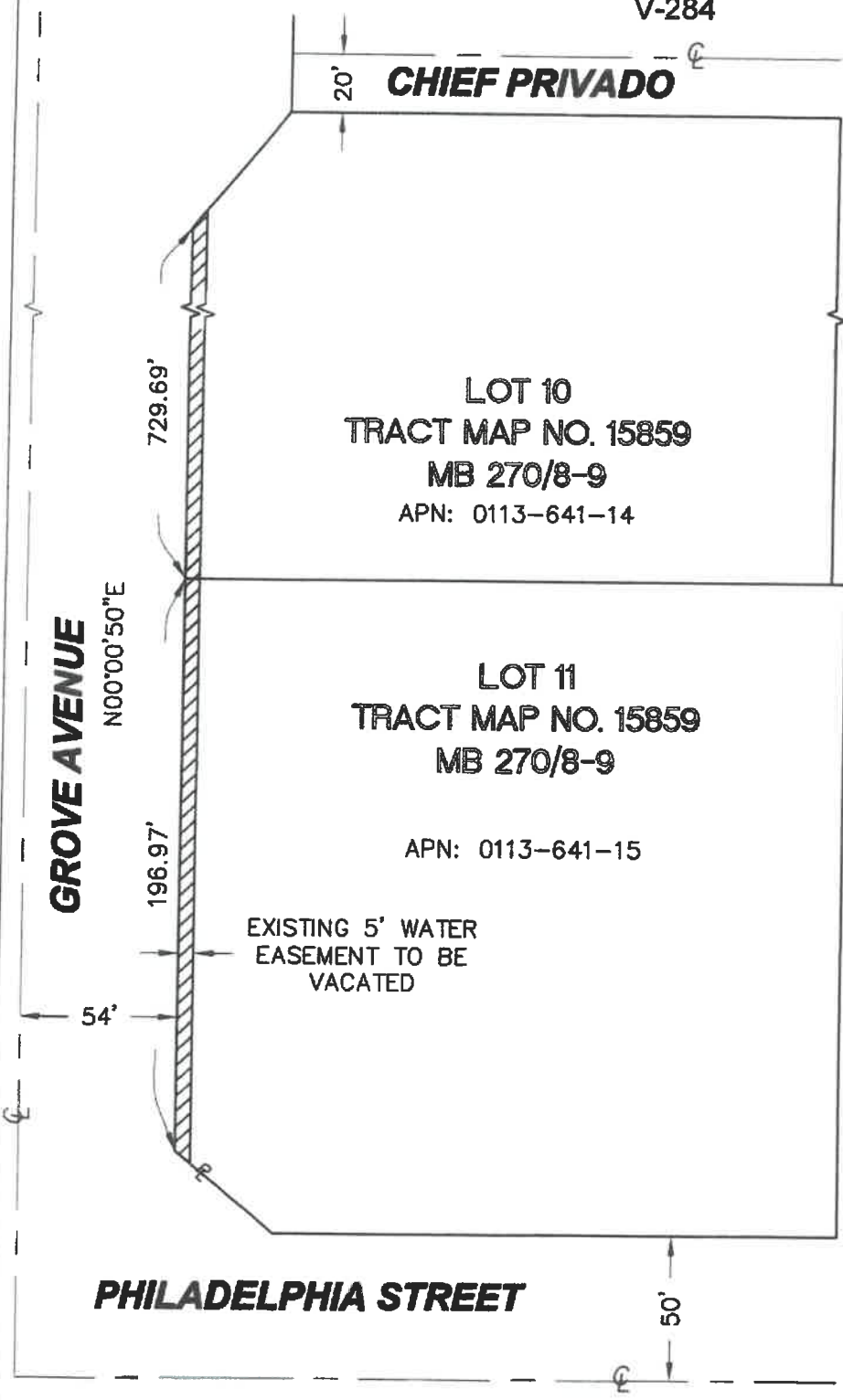
JOHN P. GERVAIS, PLS 8674

12/04/2019

DATE



EXHIBIT "B"  
PUBLIC EASEMENT VACATION  
V-284



LOT 10  
TRACT MAP NO. 15859  
MB 270/8-9  
APN: 0113-641-14

LOT 11  
TRACT MAP NO. 15859  
MB 270/8-9  
APN: 0113-641-15

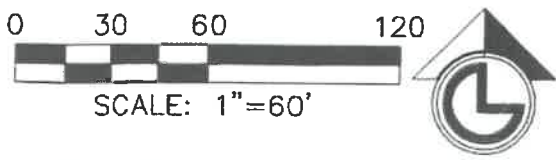
EXISTING 5' WATER  
EASEMENT TO BE  
VACATED



VICINITY MAP  
N.T.S.



12/04/2019



LEGEND:



INDICATES EXISTING PUBLIC EASEMENT  
AREA TO THE CITY OF ONTARIO PER  
TRACT MAP NO. 15859, MB 270/8-9  
TO BE VACATED.

# CITY OF ONTARIO

Agenda Report  
June 2, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: FISCAL YEAR 2019-20 THIRD QUARTER BUDGET UPDATE REPORT**

**RECOMMENDATION:** That the City Council approve the budget adjustments and recommendations as listed in the Fiscal Year 2019-20 Third Quarter Budget Update Report.

**COUNCIL GOALS: Operate in a Businesslike Manner**

**FISCAL IMPACT:** The recommended actions will affect several fund budgets as outlined in the Fiscal Year 2019-20 Third Quarter Budget Update Report and supporting schedules.

**BACKGROUND:** The Fiscal Year 2019-20 Third Quarter Budget Update Report reflects the Financial Services Agency's continued efforts to provide timely, accurate, and understandable financial information to assist the City Council with decision making and achieve their core goals. All funds have been reviewed in preparing this report. The emphasis of this report is on the General Fund, which funds the majority of government services including public safety, recreation, library, museum, parks, building, and planning. This report also discusses prior year results, budget trends, and the economic outlook that may impact the City's resources.

The primary purposes of this report are to:

- Revise the City's budget to reflect the City Council's actions taken since the Mid-Year Budget Update Report;
- Recommend personnel and organizational changes to enhance program operations and efficiency;
- Recommend financial and budget adjustments that are consistent with City Council goals and objectives; and,
- Comment on significant budget and economic trends which may impact this fiscal year's budget.

### Third Quarter Budget Update Recommendations

Recommendations in this third quarter report are routine in nature and mainly comprised of previously approved City Council actions, adjustments in the revenue budget to reflect estimates based on current

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

Prepared by: Lorena Villa  
Department: Fiscal Services  
City Manager Approval: 

Submitted to Council/O.H.A. 06/02/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

6



trends, and additional appropriations for new or ongoing programs/projects. For the General Fund, these actions will bring the General Fund estimated available ending fund balance to \$52,084,431; this amount achieves the 18 percent goal set by City Council as a reserve for specific and defined emergency events (such as an earthquake or a pandemic) and to address immediate needs in resources without impacting city services.

### **General Fund Highlights**

- \$6,500,000 Transfer of ownership of water rights and other City assets
- \$4,000,000 Support to Ontario Convention Center due to stay-at-home and social distancing orders
- \$1,876,306 Additional CalPERS/UAL
- \$1,124,665 Increase of License and Permits revenue
- \$898,655 Increase of Property Tax revenue
- \$785,151 Additional professional services for the South Ontario Logistics Specific Plan – Environmental Impact Report (offset with pass-thru revenue collected from developer)
- \$400,000 Engineering plan check services offset by Charges for Services revenue
- \$386,595 COVID-19 pandemic related labor costs and expenses
- \$108,351 Additional professional services for the Merrill Commerce Center Specific Plan – Environmental Impact Report (offset with pass-thru revenue collected from developer)
- \$100,000 Building plan check services offset by Charges for Services revenue
- (\$17,244,122) Revenue reductions due to COVID-19 pandemic impacts (includes decrease to Sales Tax revenue of \$6.15 Million)

### **Other Funds (Non-General Fund) Highlights**

- \$38,743,378 Transfer of ownership of water rights and other City assets
- \$1,400,000 Additional costs for San Antonio Water Main Improvements - Phase 3
- \$3,396,151 Additional costs for Anthony Munoz Community Center Improvements
- \$2,250,000 Additional costs for Ontario Municipal Services Center Improvements
- \$2,200,000 Additional costs for Onsite Chlorine Generators
- \$1,649,603 Community Development Block Grant (CDBG) & Emergency Solutions Grant (ESG) CARES Act COVID-19 Grant
- \$950,000 Additional costs for AMI Antenna Tower
- (\$517,532) Gas Tax & SB-1 Roadway Maintenance and Rehabilitation Act (RMRA) Revenue Reductions due to COVID-19 impacts

Interim budget updates also present recommendations for personnel and organizational changes necessary to enhance program operations and efficiency. Current recommendations for this third quarter report include organizational changes for the Police Department, resulting in a net zero impact to the number of positions and a net annual savings of \$1,253 to the General Fund (net impact includes salary offsets from salary savings).

### **Economy**

Prior to the Coronavirus pandemic (COVID-19), economists were forecasting 2020 to be similar to 2019, where employment reached record highs, international trade increased, and manufacturing output grew. Within the span of a few weeks, many businesses and public gathering spaces were shutdown statewide, consumer spending of non-emergency items plummeted, and unemployment filings shattered old records resulting in an instant global recession. Global economies were brought to a screeching halt as supply chains were disrupted. Confirmed cases of COVID-19 have reached nearly 4 million globally, with San Bernardino County registering at 4,567 cases as of May 26, 2020.



The following economic indicators are the most recent measures of economic activity and reflect national and state impacts caused by the Coronavirus pandemic:

- Gross Domestic Product (GDP): the broadest measure of economic output, decreased 4.8 percent in the first quarter of 2020 (advance estimate), in contrast to an increase of 2.1 percent in the fourth quarter of 2019. The contraction in the first quarter was, in part, due to the response to the spread of the Coronavirus pandemic as governments issued “stay-at-home” orders in March leading to rapid changes in demand. Negative contributions from consumer spending, commercial capital expenditures, and exports were partly offset by positive contributions from real property expenditures, federal, state and local government spending. Imports which are a reduction to GDP, decreased during the first quarter.
- U.S. Trade Deficit: during the first quarter of 2020 decreased by \$1.4 billion, but the deficit from February to March increased as imports grew at a higher rate than exports. The deficit increased 11.6 percent, or \$4.6 billion, from February to March. The deficit for the same time in 2019 decreased 17.8 percent, or \$28.1 billion, largely due to the global economy coming to a near halt in the wake of the Coronavirus pandemic. Shipments of American automobiles and parts were down nearly 18 percent and industrial supply shipments dropped 7.5 percent in March.
- Unemployment Rate: the seasonally adjusted national rate for April increased to a record high of 14.7 percent, which is a 10.3 percent point increase from the 4.4 percent experienced in March. The sharp increase reflects the effects of the Coronavirus pandemic and efforts to contain it. California’s preliminary seasonally adjusted unemployment rate increased to 5.3 percent in April, an increase of 1.1 percentage points from 4.2 percent in March. March’s record loss of 99,500 payroll jobs was mostly driven by declines in six of California’s 11 industry sectors: Leisure and Hospitality (67,200), Other Services (15,500), Construction (11,600), Professional and Business Services (8,600), Manufacturing (5,300), and Trade, Transportation and Utilities (4,600).
- Consumer Confidence Index (CCI): deteriorated further in April following a sharp decline in March. The index now stands at 86.9, down from 118.8 in March reflecting a sharp contraction in economic activity and surge in unemployment claims brought about by the Coronavirus outbreak. Although consumer’s short-term expectations for the economy and labor market improved, from 86.8 in March to 93.8 in April, which likely were prompted by the prospect of stay-at-home restrictions loosening soon along with the re-opening of the economy.
- Purchasing Manager’s Index (PMI): for April decreased by 7.6 percentage points to 41.5 percent from the March’s reading of 49.1 percent, nationally. The local region’s PMI decline to 41.8 percent from the previous month’s 43.3 percent, below the baseline of 50 percent. 53.6 percent in December to 54.4 percent in January. With non-essential business shuttered and stay-at-home orders, Production and New Orders indices (two of the five key indices in the PMI) were at record lows this month at 28.6 percent.

- Housing market: Nationally home sales decreased 8.5 percent while median prices increased by 8 percent in March. Housing inventory declined 10.2 percent due to demand year-over-year in March. In California, single family home sales decreased 6.1 percent and the median price grew by 8.3 percent in March 2020 compared to March 2019. The Inland Empire experienced year-over-year home sales increase of 1.5 percent and median price increase of 6.4 percent in March.

## **CalPERS**

The California State Public Employees Retirement System (CalPERS) is considerably underfunded, primarily due to the lower than projected earning rates combined with significant investment losses incurred during the Great Recession. Over the last several years, CalPERS has made significant changes to the assumptions used in the calculations of local agencies' pension liabilities. These changes have resulted in (1) an increased overall unfunded pension liability as the discount rate has been reduced from 7.5 percent to 7.0 percent, and (2) sharp increases in annual payments to CalPERS in earlier years followed by declining payments in later years due to the method of amortizing the UAL (Unfunded Accrued Liability) payments. CalPERS' proposed rates will increase by nearly 45 percent by Fiscal Year 2024-25 and more than 80 percent by Fiscal Year 2030.

The City issued pension obligation bonds on May 12, 2020 for the CalPERS Safety Plans (Police and Fire) per City Council direction. The pay down of the City's CalPERS safety plans UAL obligations (\$139.2 million for Police and \$94.2 million for Fire) will potentially save the City up to \$110 million over the life of the bond financing. To stabilize future pension cost increases for its Miscellaneous employee group, the City's available cash balances, approximately \$102.5 million, will be used to pay down the current UAL amount for this group. This will result in the City saving approximately \$60 million, with a combined savings of about \$170 million for all three CalPERS plans: Fire Safety, Police Safety and Miscellaneous.

## **Conclusion**

The recession triggered by COVID-19 has primarily been the result of supply-side constraints; when the government responded with public health orders to curtail the spread of the virus, businesses were prevented from supplying their goods and services to the economy. The massive number of job losses has reduced consumer demand, and the uncertainty about job security will limit spending even as lockdowns are lifted.

The combination of stay-at-home measures, social distancing, and shutdown of non-essential businesses, schools, and community facilities have shuttered small businesses, retail outlets, large-gathering venues, transportation, and the leisure-hospitality industry. Compared to earlier revenue forecasts, the City's General Fund revenues are projected to plunge by \$17.2 million, or 15 percent, for the remainder of Fiscal Year 2019-20 due to the COVID-19 effects. The decline of motorist over the last two months will affect Gas Tax revenue streams, which are projected to decrease about 15 percent for the current fiscal year and 20 percent in FY 2020-21. Sales Tax revenues for January-March 2020 declined over 28 percent compared to the same time period in 2019. It is projected that Sales Tax will experience a much larger reduction for Second Quarter 2020, due to the Governor's deferral of sales tax remittance for small businesses. Accordingly, with the closure of most hotels, Transient Occupancy Tax will decrease by approximately 30 percent, and with less air travel, Parking Tax will decline almost 19 percent for Fiscal Year 2019-20. General Fund expenditures for Fiscal Year 2019-20 are estimated at \$288.5 million, causing a budget shortfall of \$34 million.

The following General Fund balancing strategies are proposed to close the estimated budget shortfall in FY 2019-20:

- \$20.0 Million of Economic Uncertainties Reserve
- \$6.5 Million transfer of ownership of water rights and other City assets
- \$4.1 Million estimated personnel cost savings from vacancies/unfilled positions
- \$3.5 Million estimated contractual and operating and maintenance services savings
- \$963,476 reduction in sales tax incentive payments

As industries are slowly unfrozen, these demand-side limitations will probably lead to a slow and bumpy recovery since it is uncertain how many customers will return, how many workers can be hired and kept healthy, and if a second wave of the pandemic will occur later this calendar year. Sales Tax, Transient Occupancy Tax, and Parking Tax revenue losses are expected to continue into FY 2020-21, coupled with increases in personnel and operating costs, resulting in an estimated budget shortfall of \$31.2 million.

The effects of the COVID-19 Recession are inevitably forcing the City to change the way it conducts business to ensure its future financial stability. A myriad of scenarios are being evaluated such as reducing the General Fund Reserve from 18 percent to 15 percent, re-prioritizing community programs and capital projects, and staggering agency proposed reductions. Part of the General Fund balancing strategies is the Retirement/Separation Incentive Program consisting of a six-month lump sum payment of salary and medical benefits. The Retirement Incentive portion of the program also includes offering two years of additional service credit for designated classifications, departments or organizational units. The present value cost of both programs is estimated at \$28,309,000. On May 17, 2020, the City Council received and approved the filing of information to offer early retirement incentives. The corresponding savings for eligible employees is approximately \$51,600,000 through future and ongoing personnel cost reductions to be attained through attrition and realignment of the workforce. Funding for these programs is recommended to be paid through the City's Leave Liability reserve.

In addition to the above proposed cost savings measures, staff is aggressively pursuing various federal and state stimulus grants such as the Department of Justice Coronavirus Supplemental Funding Program of \$137,821, the California CARES Act, U.S. Department of Commerce-EDA Act, and Federal Emergency Management Administration (FEMA) Public Assistance Program. The City successfully received award of the Federal CDBG-CV and ESG-CV COVID-19 (CARES Act) Recovery Program Grant for \$1.65 million.

Other major challenges are the City's revenues which will soon be outpaced in the forthcoming fiscal years by increasing pension expenses, rising medical benefit costs, and the overall cost of labor. Moreover, the City should be mindful that in providing services to OIAA and Ontario Ranch, there is an absorption cost factor to consider as service demands continue to grow and evolve. In order for the City to successfully manage these significant budget issues, it is recommended that Ontario practice fiscal discipline and establish proactive measures to safely navigate these upcoming fiscal challenges.

The Adopted Operating Budget for Fiscal Year 2019-20, as modified through this Third Quarter Budget Update, reflects the City Council's continued commitment to foster steady, managed growth and to provide the highest level of service to the community within the City's fiscal constraints. Although there are a lot of unknowns about the rate of the nation's recovery, there is no doubt Ontario will recover. Whether recovery is in the near future or in the coming years, there will be challenging times. The upside is that whatever is learned – and how it is applied going forward– will aid the City with future flare-ups of COVID-19 as well as other fiscal crises. The City will be sharper, stronger and more resilient for it.

With the City Council's leadership and their prudent fiscal policies, the City's long-term fiscal health will further solidify its standing as the economic leader in the Inland Empire, and a formidable player in California and the nation.

# Fiscal Year 2019-20 Third Quarter Budget Update

June 2, 2020





**City of Ontario**  
**Five-Year General Fund Financial Forecast**  
**Fiscal Year 2019-20**  
**Third Quarter Budget Update**

	<b>FY 2019-20 Estimated Actuals</b>	<b>FY 2020-21 Proposed</b>	<b>FY 2021-22 Projected</b>	<b>FY 2022-23 Projected</b>	<b>FY 2023-24 Projected</b>	<b>FY 2024-25 Projected</b>	<b>FY 2025-26 Projected</b>
Total Revenues	\$ 223,694,734	\$ 226,575,428	\$ 234,553,865	\$ 242,429,729	\$ 249,288,401	\$ 256,186,760	\$ 263,127,770
Transfers-In	59,430,180	10,325,850	10,642,143	10,974,250	11,322,962	7,689,110	8,073,566
<b>Total Revenues &amp; Transfers-In</b>	<b>\$ 283,124,914</b>	<b>\$ 236,901,278</b>	<b>\$ 245,196,008</b>	<b>\$ 253,403,979</b>	<b>\$ 260,611,363</b>	<b>\$ 263,875,870</b>	<b>\$ 271,201,336</b>
Total Expenditures	\$ 276,372,219	\$ 263,274,787	\$ 268,890,830	\$ 274,084,526	\$ 280,582,392	\$ 285,886,579	\$ 291,299,285
Transfers-Out	12,985,733	4,796,526	6,386,856	9,826,953	9,918,852	10,012,589	10,108,200
<b>Total Expenditures &amp; Transfers-Out</b>	<b>\$ 289,357,952</b>	<b>\$268,073,313</b>	<b>\$ 275,277,686</b>	<b>\$ 283,911,479</b>	<b>\$ 290,501,244</b>	<b>\$ 295,899,168</b>	<b>\$ 301,407,485</b>
Less Economic Uncertainties Reserve	\$ 20,000,000						
Use of Fund Balance	\$ 6,233,038						
<b>Surplus/(Deficit)</b>	<b>\$ -</b>	<b>\$ (31,172,035)</b>	<b>\$ (30,081,678)</b>	<b>\$ (30,507,500)</b>	<b>\$ (29,889,881)</b>	<b>\$ (32,023,298)</b>	<b>\$ (30,206,149)</b>
<i>Required Fund Balance - 18% Stabilization</i>	<b>\$ 52,084,431</b> 18%	<b>\$ 40,210,997</b> 15%	<b>\$ 49,549,983</b> 18%	<b>\$ 51,104,066</b> 18%	<b>\$ 52,290,224</b> 18%	<b>\$ 53,261,850</b> 18%	<b>\$ 54,253,347</b> 18%



City of Ontario  
General Fund Budget by Category  
Fiscal Year 2019-20  
Third Quarter Budget Update

	<b>FY 2019-20 Adopted Budget</b>	<b>First Quarter Adjustments</b>	<b>Mid-Year Adjustments</b>	<b>Recommended Third Quarter Adjustments*</b>	<b>FY 2019-20 Revised Budget</b>	<b>Actuals as of 3/31/2020</b>	<b>Percent of Budget Received</b>
Personnel Costs	\$ 185,385,140	\$ 238,242	\$ 262,700	\$ 1,975,437	\$ 187,861,519	\$ 135,979,236	72.4%
Operating Expenditures	28,992,598	1,031,205	205,000	4,386,211	34,615,014	21,665,523	62.6%
Contractual Services	11,930,984	2,770,917	95,000	1,393,502	16,190,403	11,478,296	70.9%
Internal Service Allocations	22,591,566	-	-	-	22,591,566	17,086,791	75.6%
Reimbursement Agreements	7,427,000	1,968,168	50,000	(963,476)	8,481,692	1,948,240	23.0%
Capital Outlay	5,230,000	1,402,025	-	-	6,632,025	6,140,386	92.6%
Transfers-Out	13,858,182	190,200	-	(1,062,649)	12,985,733	12,952,879	99.7%
<b>Total General Fund</b>	<b>\$ 275,415,470</b>	<b>\$ 7,600,757</b>	<b>\$ 612,700</b>	<b>\$ 5,729,025</b>	<b>\$ 289,357,952</b>	<b>\$ 207,251,352</b>	<b>71.6%</b>

\*\$3.5 million of \$5.7 million Third Quarter recommended expenditure adjustments are due to COVID-19 impacts.

City of Ontario  
General Fund Revenue Budget  
Fiscal Year 2019-20  
Third Quarter Budget Update

	FY 2019-20 Adopted Budget	First Quarter Adjustments	Mid-Year Adjustments	Recommended Third Quarter Adjustments*	FY 2019-20 Revised Budget	Actuals as of 3/31/2020	Percent of Budget Received
Sales Tax	\$ 96,155,000	\$ -	\$ -	\$ (6,155,000)	\$ 90,000,000	\$ 57,425,510	63.8%
Property Tax	65,325,000	-	-	898,655	66,223,655	38,338,896	57.9%
Transient Occupancy Tax	15,500,000	-	-	(4,600,000)	10,900,000	9,627,141	88.3%
Business License Tax	8,211,000	-	-	(1,500,000)	6,711,000	6,247,944	93.1%
Parking Tax	3,350,000	-	-	(850,000)	2,500,000	2,331,522	93.3%
Other Taxes	4,078,000	-	-	-	4,078,000	1,646,838	40.4%
Licenses & Permits	3,675,000	-	-	1,124,665	4,799,665	4,790,113	99.8%
Intergovernmental	222,200	-	-	(104,500)	117,700	249,589	212.1%
Charges for Services	31,075,615	263,955	-	399,373	31,738,943	25,166,718	79.3%
Use of Money & Property	2,864,185	-	-	(864,185)	2,000,000	434,050	21.7%
Fines & Forfeitures	928,800	-	-	(239,300)	689,500	584,893	84.8%
Miscellaneous	5,169,859	643,410	50,000	(1,926,998)	3,936,271	2,372,698	60.3%
Transfers-In	36,683,335	21,350,277	-	1,396,568	59,430,180	29,887,770	50.3%
<b>Total Revenues &amp; Transfers-In</b>	<b>\$ 273,237,994</b>	<b>\$ 22,257,642</b>	<b>\$ 50,000</b>	<b>\$ (12,420,722)</b>	<b>\$ 283,124,914</b>	<b>\$ 179,103,682</b>	<b>63.3%</b>

\*(\$17.2) million of the (\$12.4) million Third Quarter recommended revenue adjustments are due to COVID-19 impacts.

City of Ontario  
 General Fund Budget by Agency  
 Fiscal Year 2019-20  
 Third Quarter Budget Update

	FY 2019-20 Adopted Budget	First Quarter Adjustments	Recommended Mid-Year Budget Update Adjustments	Recommended Third Quarter Adjustments	FY 2019-20 Revised Budget	Actuals as of 03/31/ 2020	Percent of Budget Received
Community Life & Culture	\$ 12,498,050	\$ 443,543	\$ 66,342	\$ 110,516	\$ 13,118,451	\$ 9,401,316	72%
Development	18,247,610	1,290,570	50,000	1,520,012	21,108,192	13,087,303	62%
Economic Development	13,166,096	2,449,657	-	3,054,949	18,670,702	6,220,123	33%
Elected Officials	614,688	-	-	2,854.00	617,542	393,382	64%
Financial Services	13,835,483	477,469	53,302	67,441	14,433,695	9,703,508	67%
Fire Department	65,960,208	339,046	-	590,579	66,889,833	47,870,684	72%
Housing & Neighborhood Preservation	5,369,355	424,833	75,000	38,358	5,907,546	4,494,558	76%
Human Resources	3,349,765	225,762	80,612	49,534	3,705,673	2,792,245	75%
Management Services	4,798,973	360,761	122,444	32,369	5,314,547	3,431,070	65%
Police Department	102,378,675	1,234,815	35,000	1,022,637	104,671,127	80,457,673	77%
Public Works	21,338,385	164,101	130,000	302,425	21,934,911	16,446,611	75%
Transfers-Out	13,858,182	190,200	-	(1,062,649)	12,985,733	12,952,879	100%
<b>Total General Fund</b>	<b>\$ 275,415,470</b>	<b>\$ 7,600,757</b>	<b>\$ 612,700</b>	<b>\$ 5,729,025</b>	<b>\$ 289,357,952</b>	<b>\$ 207,251,352</b>	<b>72%</b>

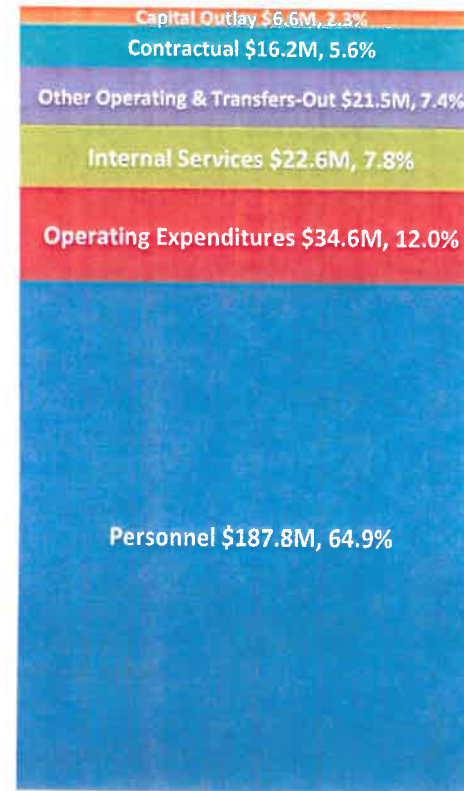
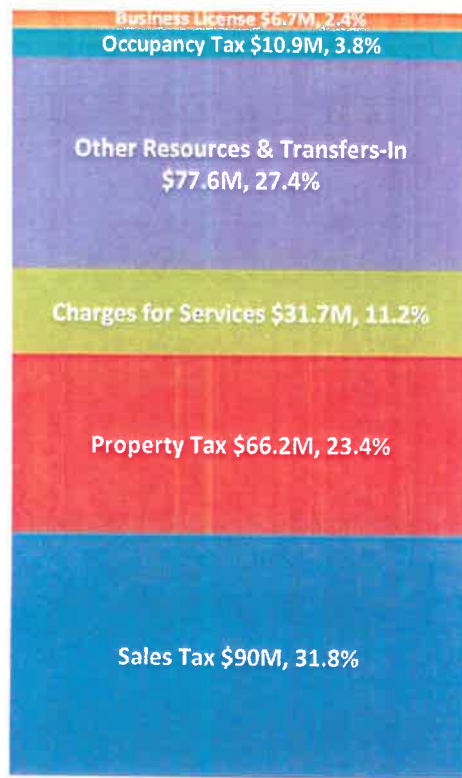
\*\$3.5 million of \$5.7 million Third Quarter recommended adjustments are due to COVID-19 impacts.

**City of Ontario  
General Fund Expenditures By Category  
Fiscal Year 2019-20  
Third Quarter Budget Update  
(in millions)**

**Estimated Revenues \$283,124,914**

**Estimated Expenditures \$289,357,952**

\$300  
\$250  
\$200  
\$150  
\$100  
\$50  
\$0



**City of Ontario  
Citywide Budget by Category - All Funds  
Fiscal Year 2019-20  
Third Quarter Budget Update**

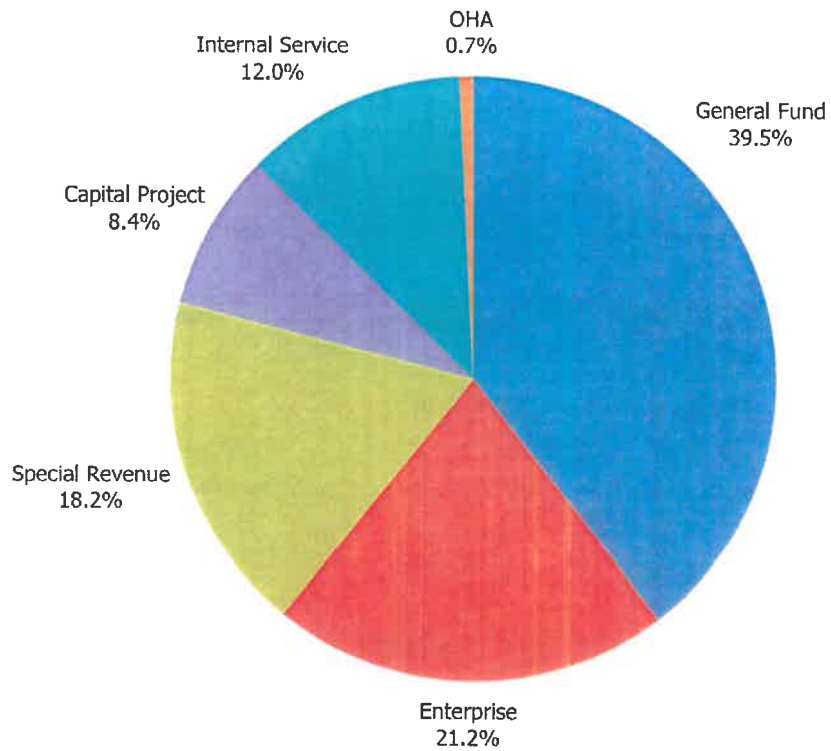
	<b>FY 2019-20 Adopted Budget</b>	<b>First Quarter Adjustments</b>	<b>Mid-Year Adjustments</b>	<b>Recommended Third Quarter Adjustments*</b>	<b>FY 2019-20 Revised Budget</b>	<b>Actuals as of 3/31/2020</b>	<b>Percent of Budget Received</b>
Personnel Costs	\$ 231,358,238	\$ 833,223	\$ 344,609	\$ 2,169,397	\$ 234,705,467	\$ 135,979,236	57.9%
Operating Expenditures	164,038,605	26,796,045	2,110,461	6,342,760	199,287,871	21,665,523	10.9%
Contractual Services	75,476,486	188,217,684	9,988,337	48,364,974	322,047,481	11,478,296	3.6%
Internal Service Allocations	37,648,619	140,000,000	-	-	177,648,619	17,086,791	9.6%
Reimbursement Agreements	30,899,352	4,195,434	50,000	(826,560)	34,318,226	1,948,240	5.7%
Capital Outlay	18,562,930	12,546,000	28,766	160,079	31,297,775	6,140,386	19.6%
Transfers-Out	75,931,435	21,524,490	-	583,179	98,039,104	12,952,879	13.2%
<b>Total General Fund</b>	<b>\$ 633,915,665</b>	<b>\$ 394,112,876</b>	<b>\$ 12,522,173</b>	<b>\$ 56,793,829</b>	<b>\$ 1,097,344,543</b>	<b>\$ 207,251,352</b>	<b>18.9%</b>

\*\$3.5 million of \$56.6 million Third Quarter recommended expenditure adjustments are due to COVID-19 impacts.

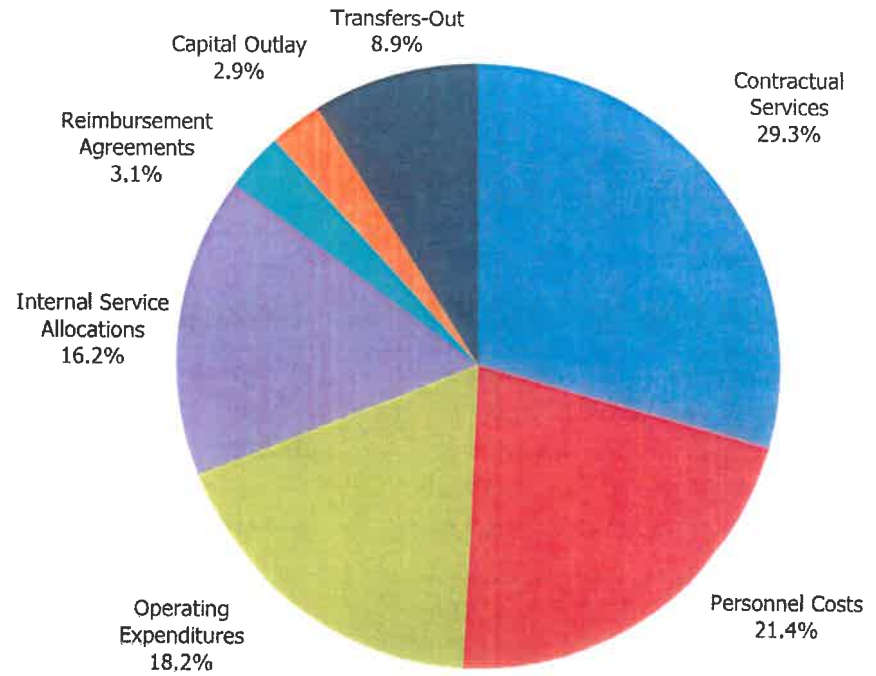


**City of Ontario  
Citywide By Category  
Fiscal Year 2019-20  
Third Quarter Budget Update  
(in millions)**

**Estimated Revenues \$726,519,268**



**Estimated Expenditures \$1,097,344,543**



**City of Ontario**  
**Detail of Recommended Budget Adjustments by Fund**  
**Fiscal Year 2019-20**  
**Third Quarter Budget Update**

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
<b>Fund 001 - General Fund</b>					
Additional funding support for Ontario Convention Center	4,000,000				(4,000,000)
CalPers UAL/Revise budget	1,876,306				(1,876,306)
Additional Other Professional Services ref: South Ontario Logistics Center Specific Plan-EIR (pass-thru) (CC Apprvd 5/19/20)+A48	785,151	785,151			-
Engineering plan check services (offset with Charges for Services revenue) (CC Apprvd 5/19/20)	400,000	400,000			-
COVID-19 Pandemic related expenses	386,595				(386,595)
Additional Other Professional Services ref: Merrill Commerce Center Specific Plan-EIR (pass-thru)	108,351	108,351			-
Building plan check services (offset with Charges for Services revenue)	100,000	100,000			-
Additional funding support for golf course	90,000				-
Additional police operating expense	10,000		75,828		(14,172)
License & Permits/Revise budget		10,000			-
Property Tax/Revise budget		1,124,665			1,124,665
Sales Tax/Revise budget		898,655			898,655
Occupancy Tax/Revise budget		(6,155,000)			(6,155,000)
Miscellaneous Revenue/Revise budget		(4,600,000)			(4,600,000)
Business License Tax/Revise budget		(1,936,998)			(1,936,998)
Charges for Services/Revise budget		(1,500,000)			(1,500,000)
Use of Money & Property/Revise budget		(994,129)			(994,129)
Parking Tax/Revise budget		(864,185)			(864,185)
Fines & Forfeitures		(850,000)			(850,000)
Intergovernmental/Revise Budget		(239,300)			(239,300)
Sales Tax Incentive Payments/Revise budget		(104,500)			(104,500)
Personnel recommended changes	(963,476)				963,476
Transfer-in OPEB Trust (CC Apprvd 5/19/2020)	(1,253)				1,253
Transfer-In (from Fund 024/025/026/027/029) for Cost Allocation/Revise budget			6,500,000		6,500,000
Transfer-Out for Pavement Management Program/Revise budget			(5,000,000)	(1,000,000)	(4,000,000)
			(179,260)	(62,649)	(116,611)
<b>GENERAL FUND TOTAL</b>	<b>6,791,674</b>	<b>(13,817,290)</b>	<b>1,396,568</b>	<b>(1,062,649)</b>	<b>(18,149,747)</b>
+/- Required Reserve Changes:					
Economic Uncertainties Reserve					20,000,000
Total General Fund Adjustments					<u>1,850,253</u>
<b>Fund 098 - General Fund Trust</b>					
City Facilities Reserve Transfer-out (to Fund 015) for California 2020 Self Generation Incentive Program Grant				249,260	(249,260)
Golf Course Reserve Transfer-out (to Fund 001) for golf course funding support due to COVID-19 impact				75,828	(75,828)
Transfer-In (from Fund 001) Toyota Arena/Revise budget			(1,000,000)		(1,000,000)
	-	-	(1,000,000)	325,088	(1,325,088)
<b>GENERAL FUND TRUST TOTAL</b>	<b>-</b>	<b>-</b>	<b>(1,000,000)</b>	<b>325,088</b>	<b>(1,325,088)</b>

**City of Ontario  
Detail of Recommended Budget Adjustments by Fund  
Fiscal Year 2019-20  
Third Quarter Budget Update**

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
<b>SPECIAL REVENUES</b>					
<b>Fund 003 - Gas Tax</b>					
Philadelphia Avenue Pavement Rehabilitation/Revise budget (CC Apprvd 5/5/2020)	112,319				(112,319)
Parco Avenue Pavement Rehabilitation/Revise budget (CC Apprvd 5/5/2020)	100,000				(100,000)
Gas Tax and SB-1 revenue and street maintenance-rehabilitation project reductions due to COVID-19 Impacts	(517,532)	(1,012,637)	(62,649)	(179,260)	(378,494)
CalPers UAL/Revise budget	3,114				(3,114)
	<u>(302,099)</u>	<u>(1,012,637)</u>	<u>(62,649)</u>	<u>(179,260)</u>	<u>(593,927)</u>
<b>Fund 007 - Park Impact/Quimby</b>					
Great Park land purchase costs/Revise Budget	866,804				(866,804)
	<u>866,804</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(866,804)</u>
<b>Fund 008 - Community Development Block Grants</b>					
New - FY 2020 CDBG-CV and ESG-CV (CARES Act) COVID-19 Response Recovery Grant (CC Apprvd 5/5/2020)	1,649,603	1,649,603			-
Community Development HUD & ESG Grant Programs/Revise budget	(1,172)	(1,172)			-
	<u>1,648,431</u>	<u>1,648,431</u>	<u>-</u>	<u>-</u>	<u>-</u>
<b>Fund 013 - A.D. Administration</b>					
Additional services for traffic signal services/Revise budget (assessment district surplus funding /CC Apprvd 10/1/2019)	236,845				(236,845)
CalPers UAL/Revise budget	3,003				(3,003)
	<u>239,848</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(239,848)</u>
<b>Fund 015 - General Fund Grants</b>					
New - Senate Bill 2 Planning Grant (CC Apprvd 5/19/20)	310,000	310,000			-
New - Transfer-In From Fund 098 California 2020 Self-Generation Incentive Program (SGIP) Application (CC Apprvd 5/1/2020)	249,260		249,260		-
New - FY 2020 Department of Justice Coronavirus Supplemental Funding Program	137,821	137,821			-
New - FY 2019 UASI: Hazardous Material Response Team equipment (Fire)	127,000	127,000			-
New - FY 2019-20 Homeland Security Grant Program: frontline equipment (Police)	33,079	33,079			-
	<u>857,160</u>	<u>607,900</u>	<u>249,260</u>	<u>-</u>	<u>-</u>
<b>Fund 019 - Parkway Maintenance</b>					
CalPERS UAL/Revise budget	272				(272)
	<u>272</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(272)</u>
<b>Fund 070 - Street Light Maintenance</b>					
CalPERS UAL/Revise budget	156				(156)
	<u>156</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(156)</u>
<b>Fund 077 - Storm Drain Maintenance/NPDES</b>					
CalPERS UAL/Revise budget	4,748				(4,748)
	<u>4,748</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(4,748)</u>



**City of Ontario**  
**Detail of Recommended Budget Adjustments by Fund**  
**Fiscal Year 2019-20**  
**Third Quarter Budget Update**

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
<b>Fund 340 - CFD #21 Parkside Services</b>					
Additional other professional services	3,200				(3,200)
	3,200	-	-	-	(3,200)
<b>SPECIAL REVENUE FUNDS TOTAL</b>	<b>3,318,520</b>	<b>1,243,694</b>	<b>186,611</b>	<b>(179,260)</b>	<b>(1,708,955)</b>
<b>CAPITAL PROJECTS FUND</b>					
<b>Fund 017 - Capital Projects</b>					
Anthony Munoz Park Improvements projects/Revise budget (CC Apprvd 3/17/20)	3,996,151				(3,996,151)
	3,996,151	-	-	-	(3,996,151)
<b>Fund 175 - Regional Storm Drains</b>					
Development Impact Fee credit and reimbursements (CC Apprvd 2/18/20)	136,916				(136,916)
	136,916	-	-	-	(136,916)
<b>Fund 188 - NMC Regional Fiber</b>					
High-Speed Telecommunications System-NMC/Revise budget	190,000				(190,000)
	190,000	-	-	-	(190,000)
<b>Fund 189 - NMC Local Adjacent Fiber</b>					
High-Speed Telecommunications System-NMC/Revise budget	730,000				(730,000)
	730,000	-	-	-	(730,000)
<b>CAPITAL PROJECTS FUND TOTAL</b>	<b>5,053,067</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(5,053,067)</b>
<b>ENTERPRISE FUNDS</b>					
<b>Fund 024 - Water Operating</b>					
Transfer of Ownership of Water Rights & Other City Assets (CC Apprvd 5/19/20 - Total purchase \$38.7M)	27,743,435				(27,743,435)
Transfer-Out (to Fund 001) Cost Allocation/Revise budget				(1,765,374)	1,765,374
CalPERS UAL/Revise budget	31,118				(31,118)
	27,774,553	-	-	(1,765,374)	(26,009,179)
<b>Fund 025 - Water Capital</b>					
Transfer of Ownership of Water Rights & Other City Assets (CC Apprvd 5/19/20 - Total purchase \$38.7M)	5,970,750				(5,970,750)
San Antonio Avenue Phase 3 water main replacement project/Revise budget	1,400,000				(1,400,000)
Onsite Chlorine Generators project/Revise budget	2,200,000				(2,200,000)
Municipal Services Center Renovation project/Revise budget	1,012,500				(1,012,500)
AMI Antenna Tower project/Revise budget	950,000				(950,000)
Transfer-Out (to Fund 001) Cost Allocation/Revise budget				(553,552)	553,552
CalPERS UAL/Revise budget	12,197				(12,197)
	11,545,447	-	-	(553,552)	(10,991,895)

**City of Ontario**  
**Detail of Recommended Budget Adjustments by Fund**  
**Fiscal Year 2019-20**  
**Third Quarter Budget Update**

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
<b>Fund 026 - Sewer Operating</b>					
CalPERS UAL/Revise budget	10,786				(10,786)
Transfer-Out (to Fund 001) Cost Allocation/Revise budget				(954,650)	954,650
	<u>10,786</u>	<u>-</u>	<u>-</u>	<u>(954,650)</u>	<u>943,864</u>
<b>Fund 027 - Sewer Capital</b>					
Municipal Services Center Renovation project/Revise budget	562,500				(562,500)
CalPERS UAL/Revise budget	7,759				(7,759)
Transfer-Out (to Fund 001) Cost Allocation/Revise budget				(106,254)	106,254
	<u>570,259</u>	<u>-</u>	<u>-</u>	<u>(106,254)</u>	<u>(464,005)</u>
<b>Fund 029 - Integrated Waste</b>					
Municipal Services Center Renovation project/Revise budget	675,000				(675,000)
CalPERS UAL/Revise budget	50,039				(50,039)
<i>New - FY 2020 Used Oil Payment Program Grant (OPP10) (CC Apprvd 7/2/2019)</i>	47,873	47,873			-
<i>New - FY 2020 Bottle Bill Grant</i>	43,777	43,777	-	-	-
Transfer-Out (to Fund 001) Cost Allocation/Revise budget				(1,620,170)	1,620,170
	<u>816,689</u>	<u>91,650</u>	<u>-</u>	<u>(1,620,170)</u>	<u>895,131</u>
<b>Fund 035 - Information Technology/Broadband</b>					
CalPERS UAL/Revise budget	3,987				(3,987)
	<u>3,987</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(3,987)</u>
<b>ENTERPRISE FUNDS TOTAL</b>	<b>40,721,721</b>	<b>91,650</b>	<b>-</b>	<b>(5,000,000)</b>	<b>(35,630,071)</b>
<b>INTERNAL SERVICES FUNDS</b>					
<b>Fund 032 - Equipment Services</b>					
CalPERS UAL/Revise budget	18,498				(18,498)
	<u>18,498</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(18,498)</u>
<b>Fund 033 - Self Insurance</b>					
CalPERS UAL/Revise budget	3,008				(3,008)
	<u>3,008</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(3,008)</u>
<b>Fund 034 - Information Technology</b>					
CalPERS UAL/Revise budget	25,437				(25,437)
Coronavirus (COVID-19) related expenses	272,702				(272,702)
	<u>298,139</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(272,702)</u>
<b>Fund 099 - Other Post Employment Benefits</b>					
Transfer of Ownership of Water Rights & Other City Assets (CC Apprvd 5/19/20 - Total purchase \$38.7M)		38,743,378			38,743,378
Transfer-out (to Fund 001) for funds received for Ownership of City Water Rights & Other City Assets				6,500,000	(6,500,000)
	<u>-</u>	<u>38,743,378</u>	<u>-</u>	<u>6,500,000</u>	<u>32,243,378</u>
<b>INTERNAL SERVICES FUNDS TOTAL</b>	<b>319,645</b>	<b>38,743,378</b>	<b>-</b>	<b>6,500,000</b>	<b>31,949,170</b>

**City of Ontario**  
**Detail of Recommended Budget Adjustments by Fund**  
**Fiscal Year 2019-20**  
**Third Quarter Budget Update**

Description	Appropriation Adjustments	Revenue Adjustments	Operating Transfers-In	Operating Transfers-Out	Fund Balance Impact
<b>TOTAL CITY FUNDS BUDGET ADJUSTMENTS</b>	<b>56,204,627</b>	<b>26,261,432</b>	<b>583,179</b>	<b>583,179</b>	<b>(29,917,758)</b>
<b>AGENCY FUNDS (OHA)</b>					
<b>Fund 048 - Ontario Housing Authority</b>					
CalPERS UAL/Revise budget	6,023				(6,023)
	<u>6,023</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(6,023)</u>
<b>AGENCY FUNDS TOTAL</b>	<b>6,023</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(6,023)</b>
<b>TOTAL ALL FUNDS BUDGET ADJUSTMENTS</b>	<b>56,210,650</b>	<b>26,261,432</b>	<b>583,179</b>	<b>583,179</b>	<b>(29,923,781)</b>

**City of Ontario  
Recommended Personnel and Organizational Changes  
Fiscal Year 2019-20  
Third Quarter Budget Update**

<b>Agency</b>	<b>Proposed Change</b>	<b>Position</b>	<b>Action</b>	<b>Salary Range</b>	
Police	(1)	Crime Analyst Supervisor	Delete	\$ 7,231 - \$ 8,790	
	1	Senior Management Analyst	Addition	\$ 7,197 - \$ 8,746	
	<u>0</u>				
 <b>Total Additions/(Deletions) <u>0</u></b>					
<u>Impact by Fund</u>			<u>Current (1 month)</u>	<u>Annual</u>	<u>Net FTE Change</u>
Fund 001	General Fund		\$ (1,253)	\$ (15,036)	0
<b>Total</b>			<u>\$ (1,253)</u>	<u>\$ (15,036)</u>	<u>0.00</u>

# CITY OF ONTARIO

Agenda Report  
June 2, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 41 (CANVAS PARK FACILITIES)**

**RECOMMENDATION:** That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 41 (Canvas Park Facilities).

**COUNCIL GOALS: Operate in a Businesslike Manner**

**Focus Resources in Ontario's Commercial and Residential Neighborhoods**

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

**Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch**

**FISCAL IMPACT:** The use of Mello-Roos financing for facilities in the residential development of the Canvas Park project is estimated to generate approximately \$13.7 million in bond proceeds to be used to fund a portion of the public infrastructure improvements that will serve the project. Mello-Roos bonds are not a direct obligation of the City and are paid from special taxes levied on each taxable parcel in the district, therefore, there is no General Fund impact from the issuance of Mello-Roos bonds. City Council approval will be required in future years to process annual special tax levies.

**BACKGROUND:** At a public hearing conducted by the City Council on May 19, 2020, the City Council adopted the resolution of formation for Community Facilities District No. 41 (Canvas Park Facilities) and introduced and waived further reading of an ordinance levying special taxes within the District. Adoption of the ordinance will conclude the formation process for City of Ontario Community Facilities District No. 41 (Canvas Park Facilities).

The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the City's intention

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

Prepared by: Jason M. Jacobsen  
Department: Investments & Revenue Resources

City Manager Approval: 

Submitted to Council/O.H.A. 06/02/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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to establish a community facilities district and levy special taxes, and to issue bonds. On April 7, 2020, the City Council approved Resolution No. 2020-032, a Resolution of Intention to establish City of Ontario Community Facilities District No. 41 (Canvas Park Facilities) and authorize the levy of special taxes; and adopted Resolution No. 2020-033, declaring its intention to issue bonds for the district. The Resolution of Intention set a public hearing date for the regularly scheduled City Council meeting of May 19, 2020 to consider formation matters. On May 19, 2020, the City Council conducted a public hearing on the formation of the District, adopted the resolution of formation, and introduced and waived further reading of the ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 41 (Canvas Park Facilities).

The Canvas Park project addresses the development of approximately 45 gross acres located east of Haven Avenue, generally west of Hamner Avenue, and north of Ontario Ranch Road. At build out, the development is projected to include 532 attached and 62 detached units. The Community Facilities District is being formed pursuant to the provisions of the BrookCal Ontario LLC Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders.



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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 41 (CANVAS PARK FACILITIES).

WHEREAS, on April 7, 2020, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 41 (Canvas Park Facilities), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 41 (Canvas Park Facilities) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on May 19, 2020, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 41 (Canvas Park Facilities), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 41 (Canvas Park Facilities)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 41 (Canvas Park Facilities)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on May 19, 2020, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2020-21 and in each fiscal year thereafter

until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Facilities and Services and incidental expenses pursuant to the Act.

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

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

PASSED, APPROVED and ADOPTED this 2<sup>nd</sup> day of June 2020

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PAUL S. LEON, MAYOR



ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3161 was duly introduced at a regular meeting of the City Council of the City of Ontario held May 19, 2020 and adopted at the regular meeting held June 2, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3161 duly passed and adopted by the Ontario City Council at their regular meeting held June 2, 2020 and that Summaries of the Ordinance were published on May 26, 2020 and June 9, 2020 in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

Agenda Report  
June 2, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 54 (ESPERANZA FACILITIES)**

**RECOMMENDATION:** That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 54 (Esperanza Facilities).

**COUNCIL GOALS: Operate in a Businesslike Manner**

**Focus Resources in Ontario's Commercial and Residential Neighborhoods**

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


**Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch**

**FISCAL IMPACT:** The use of Mello-Roos financing for facilities in the residential development of the Esperanza project is estimated to generate approximately \$5.7 million in bond proceeds to be used to fund a portion of the public infrastructure improvements that will serve the project. Mello-Roos bonds are not a direct obligation of the City and are paid from special taxes levied on each taxable parcel in the district, therefore, there is no General Fund impact from the issuance of Mello-Roos bonds. City Council approval will be required in future years to process annual special tax levies.

**BACKGROUND:** At a public hearing conducted by the City Council on May 19, 2020, the City Council adopted the resolution of formation for Community Facilities District No. 54 (Esperanza Facilities) and introduced and waived further reading of an ordinance levying special taxes within the District. Adoption of the ordinance will conclude the formation process for City of Ontario Community Facilities District No. 54 (Esperanza Facilities).

The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the City's intention

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

Prepared by: Jason M. Jacobsen  
Department: Investments & Revenue Resources  
City Manager Approval: 

Submitted to Council/O.H.A. 06/02/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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to establish a community facilities district and levy special taxes, and to issue bonds. On April 7, 2020, the City Council approved Resolution No. 2020-034, a Resolution of Intention to establish City of Ontario Community Facilities District No. 54 (Esperanza Facilities) and authorize the levy of special taxes; and adopted Resolution No. 2020-035, declaring its intention to issue bonds for the district. The Resolution of Intention set a public hearing date for the regularly scheduled City Council meeting of May 19, 2020 to consider formation matters. On May 19, 2020, the City Council conducted a public hearing on the formation of the District, adopted the resolution of formation, and introduced and waived further reading of the ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 54 (Esperanza Facilities).

The Esperanza project addresses the development of approximately 26 gross acres located east of Mill Creek Avenue, generally west of Hamner Avenue, south of Chatham Street, and generally north of Bellegrave Avenue. At build out, the development is projected to include 226 units: 100 detached and 126 attached. The Community Facilities District is being formed pursuant to the provisions of the GDC/CDG PA 4 Venture, L.P. and GDC/CDG PA 10 Venture, L.P. Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 54 (ESPERANZA FACILITIES).

WHEREAS, on April 7, 2020, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 54 (Esperanza Facilities), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 54 (Esperanza Facilities) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on May 19, 2020, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 54 (Esperanza Facilities), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 54 (Esperanza Facilities)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 54 (Esperanza Facilities)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on May 19, 2020, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment").

The special taxes are hereby levied commencing in fiscal year 2020-21 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Facilities and Services and incidental expenses pursuant to the Act.

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

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

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of June 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3162 was duly introduced at a regular meeting of the City Council of the City of Ontario held May 19, 2020 and adopted at the regular meeting held June 2, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3162 duly passed and adopted by the Ontario City Council at their regular meeting held June 2, 2020 and that Summaries of the Ordinance were published on May 26, 2020 and June 9, 2020 in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)



# CITY OF ONTARIO

Agenda Report  
June 2, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: ACCEPTANCE OF A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; AND A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES**

**RECOMMENDATION:** That the City Council consider and:

- (A) Accept a written petition (on file in the Records Management Department) from Colony Commerce Ontario East LP (“Landowner”), to create a Community Facilities District (“CFD”), and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services), authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, July 21, 2020.

**COUNCIL GOALS: Operate in a Businesslike Manner**

**Focus Resources in Ontario’s Commercial and Residential Neighborhoods**

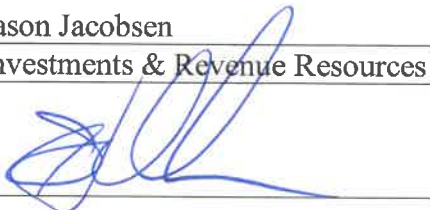
**Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch**

**FISCAL IMPACT:** In accordance with the City Council’s long standing direction that development of Ontario Ranch generate sufficient revenues to fund its required City services without reliance on the financial resources of the existing City, the use of Mello-Roos financing in the Colony Commerce Center East project is projected to generate approximately \$522,400 per year, at build-out, to fund City services. As proposed, the maximum annual special tax rate is \$.31 per square foot for the project’s anticipated 1,685,420 square feet, at build out. The use of Mello-Roos financing is critical in achieving the City Council’s goal of “Ensure the Development of a Well Planned, Balanced, and Self-Sustaining”

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

Prepared by: Jason Jacobsen  
Department: Investments & Revenue Resources

City Manager  
Approval: \_\_\_\_\_



Submitted to Council/O.H.A. 06/02/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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Community in Ontario Ranch.” The use of Mello-Roos financing for the Colony Commerce Center East development will not generate funds for facilities, and bonds will not be issued as part of this formation. The CFD is being formed pursuant to the provisions of the Development Agreement between the City and Colony Commerce Ontario East LP and the First Amended and Restated Construction Agreement between the City and NMC Builders.

**BACKGROUND:** The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to finance various kinds of public infrastructure facilities and government services. Government services that may be funded by a community facilities district include police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the governmental entity.

Colony Commerce Ontario East LP, a member of NMC Builders, has provided a written petition to the City requesting formation of a CFD, along with a deposit pursuant to a deposit agreement, dated June 1, 2020, to fund City services for the Colony Commerce Center East project. The Colony Commerce Center East Services will be an industrial project that addresses the development of approximately 84 gross acres located south of Merrill Avenue, east of the Cucamonga Creek Channel, and west of Archibald Avenue.

Under the Mello-Roos Act, the initial steps in the formation of a CFD to fund City services require a resolution declaring the City’s intention to establish a community facilities district and levy special taxes. As noted above, the issuance of bonds to finance public improvements is not being contemplated for this project; therefore, a resolution to issue bonds is not associated with this item. As proposed, the resolution declaring the City’s intention to establish the district and to levy special taxes will set a public hearing to consider the formation of the CFD for the regularly scheduled City Council meeting on Tuesday, July 21, 2020.

Included, as part of the resolution of intention, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council’s adopted Mello-Roos local goals and policies, and City staff have presented and discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner of the project.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

WHEREAS, Section 53318 of the Mello-Roos Community Facilities Act of 1982 (the "Act") provides that proceedings for the establishment of a Community Facilities District shall be instituted by a legislative body of a local agency when a petition requesting the institution of the proceedings signed by the owners of not less than 10% of the area of land proposed to be included in the community facilities district and not proposed to be exempt from the special tax, describing the boundaries of the territory that is proposed for inclusion in the community facilities district and specifying the types of services to be financed by the community facilities district is filed with the clerk of the legislative body; and

WHEREAS, Section 53318 of the Act further provides that such a petition is not required to be acted upon until the payment of a fee in an amount that the legislative body determines, within 45 days of receiving such petition, is sufficient to compensate the legislative body for all costs incurred in conducting proceedings to create a community facilities district pursuant to the Act; and

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has received a written petition (the "Petition") from Colony Commerce Ontario East LP, a Delaware limited partnership (the "Landowner"), requesting the institution of proceedings for the establishment of a community facilities district (the "Community Facilities District"), describing the boundaries of the territory that is proposed for inclusion in the Community Facilities District and specifying the types of services to be financed by the Community Facilities District; and

WHEREAS, the Landowner has represented and warranted to the City Council that the Landowner is the owner of 100% of the area of land proposed to be included within the Community Facilities District and not proposed to be exempt from the special tax; and

WHEREAS, the Landowner has previously submitted to the City the fee required by the City to be used to compensate the City Council and the City for all costs incurred in conducting proceedings to create the Community Facilities District, which the City Council has determined to be sufficient for such purpose;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ontario as follows:

SECTION 1. The foregoing recitals are true and correct and the City Council so finds and determines.

SECTION 2. The City Council hereby finds that the Petition is signed by the owner of the requisite amount of land proposed to be included in the Community Facilities District.

SECTION 3. The City Council proposes to establish a community facilities district under the terms of the Act. The boundaries of the territory proposed for inclusion in the Community Facilities District are described in the map showing the proposed Community Facilities District (the "Boundary Map") on file with the City Clerk of the City (the "City Clerk"), which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to sign the original Boundary Map and record, or cause to be recorded, the Boundary Map with all proper endorsements thereon in the office of the San Bernardino County Recorder within 15 days of the date of adoption of this Resolution, all as required by Section 3111 of the California Streets and Highways Code.

SECTION 4. The name proposed for the Community Facilities District is "City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services)."

SECTION 5. The services (the "Services") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Services" on Exhibit A hereto. The incidental expenses proposed to be incurred are identified under the caption "Incidental Expenses" on Exhibit "A" hereto. No facilities are proposed to be financed by the Community Facilities District.

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit "B" attached hereto, which is by this reference incorporated herein. The obligation to pay the special tax may not be prepaid and permanently satisfied. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the City Council shall determine, including direct billing of the affected property owners.

The special tax may only finance the Services to the extent that they are in addition to those provided in the territory of the Community Facilities District before the Community Facilities District is created. The Services may not supplant services already available within that territory when the Community Facilities District is created.

SECTION 7. The City Council hereby fixes Tuesday, July 21, 2020, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the establishment of the Community Facilities

District; provided, that, in the event the July 21, 2020 City Council meeting is held via teleconference and/or videoconference only, the means by which the public may observe such public hearing and offer public comment shall be prescribed in the notice and agenda for such City Council meeting.

SECTION 8. The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the proposed Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.

SECTION 9. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the Community Facilities District, with each owner having one vote for each acre or portion of an acre such owner owns in the Community Facilities District.

SECTION 10. Each officer of the City who is or will be responsible for providing one or more of the proposed types of Services is hereby directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the Services by type which will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing the Services. Such officers are hereby also directed to estimate the fair and reasonable cost of the incidental expenses proposed to be paid. Such report shall be made a part of the record of said public hearing.

SECTION 11. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 12. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED and ADOPTED this 2<sup>nd</sup> day of June 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

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COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 2, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held June 2, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

## EXHIBIT A

### SERVICES AND INCIDENTAL EXPENSES

#### Services

The types of services to be financed by the Community Facilities District are police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads and open space, flood and storm protection services and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

#### Incidental Expenses

The incidental expenses proposed to be incurred include the costs associated with the creation of the Community Facilities District, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District.



EXHIBIT B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 58  
(COLONY COMMERCE CENTER EAST SERVICES)**

**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX**

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A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services) ("CFD No. 58") and collected each Fiscal Year commencing in Fiscal Year 2020-21, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 58, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

**A. DEFINITIONS**

The terms as may hereinafter be set forth have the following meanings:

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code.

**"Administrative Expenses"** means the following actual or reasonably estimated costs directly related to the administration of CFD No. 58: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 58 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 58 related to an appeal of the Special Tax; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead related to CFD No. 58; and amounts estimated or advanced by the City or CFD No. 58 for any other administrative purposes of CFD No. 58, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

**"Assessor's Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

**"Assessor's Parcel Map"** means an official map of the Assessor of the County designating parcels by Assessor's Parcel Number.

**"Assessor's Parcel Number"** means, with respect to an Assessor's Parcel, that number assigned to such Assessor's Parcel by the County for purposes of identification.

**"CFD Administrator"** means an official of the City responsible for determining the Special Tax Requirement, providing for the levy and collection of the Special Tax, and performing the other duties provided for herein.

**“CFD No. 58”** means City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services).

**“City”** means the City of Ontario, California.

**“City Council”** means the City Council of the City, acting as the legislative body of CFD No. 58.

**“County”** means the County of San Bernardino.

**“Fiscal Year”** means the period starting July 1 and ending on the following June 30.

**“Gated Community Attached Dwelling Unit”** means a Unit within any residential building containing two or more dwelling units (including attached condominiums, townhouses, duplexes, triplexes, and apartments) within a gated community that, within such community, is primarily served by private interior streets.

**“Land Use Class”** means any of the classes listed in Table 1 below.

**“Lower Income Household Welfare Exemption Property”** means, for each Fiscal Year, an Assessor’s Parcel within the boundaries of CFD No. 58 that is subject to a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code (or any successor statute), as indicated in the most recent County assessor’s roll finalized prior to such Fiscal Year.

**“Maximum Special Tax”** means, with respect to an Assessor’s Parcel of Taxable Property, the maximum Special Tax determined in accordance with Section C below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

**“Multiple Family Dwelling Unit”** means a Unit within any residential building containing two or more dwelling units, including attached condominiums, townhomes, duplexes, triplexes, and apartments, but excluding Gated Community Attached Dwelling Units.

**“Non-Residential”** means any buildings that are for commercial lodging use, commercial retail use, institutional use (e.g., churches, private schools), commercial restaurant use, office use, or industrial use.

**“Non-Residential Property”** means, for each Fiscal Year, an Assessor’s Parcel for which a building permit for new construction was issued after January 1, 2019, and before May 1 of the prior Fiscal Year, for a Non-Residential use.

**“Property Owner Association Property”** means, for each Fiscal Year, property within the boundaries of CFD No. 58 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

**“Proportionately”** means that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Property.

**“Public Property”** means, for each Fiscal Year, property within the boundaries of CFD No. 58 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public or utility right-of-way that makes impractical its use for any purpose other than that set forth in such easement, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

**“Rate and Method of Apportionment”** means this Rate and Method of Apportionment of Special Tax.

**“Residential Property”** means, for each Fiscal Year, an Assessor's Parcel for which a building permit for new construction of one or more Units was issued after January 1, 2019, and before May 1 of the prior Fiscal Year.

**“Services”** means the services authorized to be financed, in whole or in part, by CFD No. 58, including: police protection services; fire protection and suppression services; ambulance and paramedic services; maintenance and lighting of parks, parkways, streets, roads, and open space; flood and storm protection services; and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

**“Single Family Detached Dwelling Unit”** means any residential building containing only one Unit on one legal lot, including single family residences and single family detached residential condominium units.

**“Special Tax”** means the special tax authorized by the qualified electors of CFD No. 58 to be levied within the boundaries of CFD No. 58.

**“Special Tax Requirement”** means the amount necessary in any Fiscal Year to pay the cost of the Services, Administrative Expenses, and an amount equal to Special Tax delinquencies based on the historical delinquency rate for Special Taxes, as determined by the CFD Administrator.

**“Square Footage”** or **“Sq. Ft.”** means, with respect to a building of Non-Residential Property, the gross floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City's Building Department or other appropriate means selected by CFD No. 58, for such building, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

**“State”** means the State of California.

**“Taxable Property”** means, for each Fiscal Year, all Assessor’s Parcels of Residential Property and Non-Residential Property within the boundaries of CFD No. 58 which are not exempt from the Special Tax pursuant to law or Section E below.

**“Unit”** means an individual single-family detached or attached home, townhome, condominium, apartment unit, or other residential dwelling unit, including each separate living area within a half-plex, duplex, triplex, fourplex, or other residential structure.

**B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year, beginning with Fiscal Year 2020-21, all Taxable Property within CFD No. 58 shall be classified as Residential Property (Single Family Detached Dwelling Unit, Multiple Family Dwelling Unit, or Gated Community Attached Dwelling Unit) or Non-Residential Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below.

**C. MAXIMUM SPECIAL TAX**

The Maximum Special Tax for each Assessor’s Parcel classified as Taxable Property shall be determined by reference to Table 1 below.

**TABLE 1  
MAXIMUM SPECIAL TAX**

<b>Land Use Class</b>	<b>Maximum Special Tax Fiscal Year 2020-21</b>
<b>Residential Property:</b>	
Single Family Detached Dwelling Unit	\$1,754 per Unit
Multiple Family Dwelling Unit	\$1,521 per Unit
Gated Community Attached Dwelling Unit	\$1,275 per Unit
<b>Non-Residential Property</b>	<b>\$0.32 per Sq. Ft.</b>

On January 1 of each Fiscal Year, commencing January 1, 2021, the Maximum Special Tax to be applied in the next Fiscal Year shall be subject to an automatic increase at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year.

In some instances an Assessor’s Parcel of Taxable Property may contain more than one Land Use Class. The Maximum Special Tax levied on such Assessor’s Parcel shall be the sum of the Maximum Special Tax for all Units of Residential Property and Square Footage of Non-Residential Property (based on the applicable building permits, final subdivision map, parcel map, condominium plan, or other recorded County map) located on that Assessor’s Parcel.

**D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Each Fiscal Year, beginning with Fiscal Year 2020-21, the CFD Administrator shall determine the Special Tax Requirement. The Special Tax shall then be levied Proportionately on each Assessor's Parcel of Taxable Property up to 100% of the applicable Maximum Special Tax for such Assessor's Parcel, until the Special Tax Requirement is satisfied. However, the Special Tax levied in any Fiscal Year shall not increase by more than 4.0% of the amount of the Special Tax levied in the prior Fiscal Year.

**E. EXEMPTIONS**

Notwithstanding anything in this Rate and Method of Apportionment to the contrary, no Special Tax shall be levied on Public Property or Property Owner Association Property.

No Special Tax shall be levied on Lower Income Household Welfare Exemption Property; provided, however, that if, in any Fiscal Year, applicable law does not require that Lower Income Household Welfare Exemption Property be exempt from some portion, or all, of the Special Tax, such portion, or all, of the Special Tax shall be levied on such property in accordance with this Rate and Method of Apportionment based on the Land Use Class to which the Assessor's Parcel is assigned.

**F. APPEALS**

Any property owner may file a written appeal of the Special Tax with CFD No. 58 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council, whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the City Council requires the Special Tax to be modified or changed in favor of the property owner, then the CFD Administrator shall determine if sufficient Special Tax revenue is available to make cash refund. If a cash refund cannot be made, then an adjustment shall be made to credit future Special Tax levy(ies).

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

**G. MANNER OF COLLECTION**

The Special Taxes shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the Special Taxes may be collected in such other manner as the City Council shall determine, including direct billing of affected property owners.

**H. TERM OF SPECIAL TAX**

The Special Tax shall continue to be levied indefinitely on an annual basis on all Taxable Property in CFD No. 58.

# CITY OF ONTARIO

Agenda Report  
June 2, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC**

**RECOMMENDATION:** That the City Council continue the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the June 16, 2020 City Council Meeting, unless cancelled sooner.

**COUNCIL GOALS:** Maintain the Current High Level of Public Safety


**FISCAL IMPACT:** This resolution continues the existence of a declared local emergency and the City's compliance with State and Federal requirements for emergency response. Furthermore, this action allows continued eligibility for State and Federal reimbursement for eligible costs associated with Coronavirus Disease 2019 (abbreviated COVID-19).

**BACKGROUND:** Governments worldwide are responding to an outbreak of respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in nearly 100 countries, including in the United States. The virus has been named "SARS-CoV-2"; and the disease COVID-19).

COVID-19 is a serious disease that as of May 18, 2020 has killed over 315,622 people worldwide with over 1,480,000 confirmed cases and over 89,000 deaths in the United States. On March 4, 2020, the Governor of the State of California declared a State of Emergency. On March 10, 2020, the San Bernardino County Health Department proclaimed a Public Health Emergency; and the Board of Supervisors issued a Proclamation of Local Emergency due to COVID-19. On March 11, 2020, the World Health Organization declared the disease a global pandemic. On March 13, 2020, the President of the United States declared a National Emergency.

Through Ontario Ordinance No. 2990, the City Manager, as the Director of Emergency Services, proclaimed a local emergency on March 14, 2020 in order to enhance the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and

**STAFF MEMBER PRESENTING:** Jordan Villwock, Fire Administrative Director

Prepared by: Raymond Cheung  
Department: Fire Department  
City Manager Approval: 

Submitted to Council/O.H.A. 06/02/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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seek potential reimbursement by the State and Federal governments. On March 17, 2020 the City Council ratified the local emergency proclamation and then on April 7, 2020 and May 5, 2020 the City Council issued additional proclamations to continue the local emergency.

The City of Ontario regularly participates in disaster drills to maintain its preparedness. The City's first and second response agencies are prepared for the impact of COVID-19; however, continuing the existence of a local emergency continues to unlock resources and legal authority to quickly respond to changing conditions.

Per California Government Code § 8630, a proclamation of local emergency must be ratified by the governing body within 7 days of issuance and reviewed and continued every 30 days thereafter until termination of the local emergency as conditions warrant.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECTING THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE THE NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

WHEREAS, City of Ontario Ordinance 2990 empowers the City Manager as the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely affected by a public calamity and the City Council is not in session; and

WHEREAS, conditions of disaster or of extreme peril to the safety of persons and property have arisen both Internationally and within the United States as a result of the introduction of the novel coronavirus (COVID-19), a novel communicable disease, which was first detected in Wuhan City, Hubei Province, China in December 2019; and

WHEREAS COVID-19 has spread globally to over 70 countries, infecting more than 153,000 persons in the United States and killing more than 2,800. COVID-19 has created conditions that are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

WHEREAS, on February 26, 2020, the CDC confirmed the first case of local person-to-person transmission of COVID-19 in the United States and this case raises the possibility of community transmission occurring in the general public, the Health Officer of San Bernardino County and the San Bernardino County Board of Supervisors has determined that there is an imminent threat to the public health from the introduction of COVID-19 in the City of Ontario and has declared a Local Health Emergency; and

WHEREAS, the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal governments will be critical to successfully responding to COVID-19; and

WHEREAS, these conditions warrant and necessitate that the City of Ontario declare the existence of a local emergency; and

WHEREAS, on March 17, 2020 the Ontario City Council ratified Resolution No. 2020-027 proclaiming the existence of local emergency; and

WHEREAS, on April 7, 2020 the Ontario City Council continued the existence of a local emergency through Resolution No. 2020-028; and

WHEREAS, on May 5, 2020 the Ontario City Council continued the existence of a local emergency through Resolution No. 2020-038.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario does hereby proclaim the continued existence of a local emergency and direct the Emergency Organization of the City of Ontario to take the necessary steps for the protection of life, health and safety in the City of Ontario.

IT IS FURTHER ORDERED, that during the existence of said local emergency the powers, functions, and duties of the Emergency Organization of the City shall be those prescribed by state law, by ordinances, and resolutions of the City; and

THE ONTARIO CITY COUNCIL FURTHER DIRECTS, that all City Departments shall review and revise their department emergency and contingency plans to address the risks COVID-19 poses to their critical functions in coordination with the Office of Emergency Management (OEM); and

THE ONTARIO CITY COUNCIL FURTHER DIRECTS, that all City Departments shall track costs for staffing, supplies, and equipment related to COVID-19 preparation and prevention and forward that information to the Financial Services Agency; and

THE ONTARIO CITY COUNCIL FURTHER DIRECTS, that OEM shall coordinate Citywide planning, preparedness and response efforts regarding COVID-19 with the San Bernardino County Department of Public Health and the San Bernardino County Office of Emergency Services (OES).

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the City Council of the City of Ontario, that the Resolution of Local Emergency shall take effect immediately and that widespread publicity and notice shall be given said Declaration through the most feasible and adequate means of disseminating such notice throughout the City.

IT IS FURTHER RESOLVED AND ORDERED, by the City Council of the City of Ontario, that a copy of this Resolution be forwarded to the San Bernardino County Office of Emergency Services to be forwarded to the Director of the California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State law; that the Governor of California pursuant to the Emergency Services Act, issue a resolution declaring an emergency in San Bernardino County; that the Governor waive regulations that may hinder response and recovery efforts; that response and recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

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

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of June 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-     was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 2, 2020 by the following roll call vote, to wit:

AYES:        COUNCIL MEMBERS:

NOES:        COUNCIL MEMBERS:

ABSENT:     COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-     duly passed and adopted by the Ontario City Council at their regular meeting held June 2, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

Agenda Report  
June 2, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR FIRE CODE PLAN REVIEW SERVICES**

**RECOMMENDATION:** That the City Council authorize the City Manager or his designee to execute a professional services agreement (on file in the Records Management Department) with JSB Fire Protection, LLC of Downey, California, for fire prevention services at hourly rates as specified in the agreement.

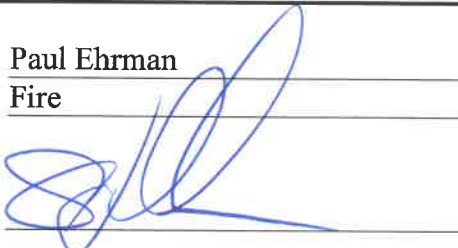
**COUNCIL GOALS:** Operate in a Businesslike Manner

**FISCAL IMPACT:** Under the proposed agreement, the City will compensate JSB Fire Protection, LLC on a time and material basis. Annual expenses have averaged \$111,152 for Fiscal Years 2017 through 2019. If approved, appropriations of \$137,550 will be included in the Fiscal Year 2020-21 budget; and future years' appropriations will reflect the anticipated development activity for the subject year.

**BACKGROUND:** The Fire Prevention Bureau has utilized the services of Jim Barger (JSB), a licensed Fire Protection Engineer, for over 20 years. JSB is a recognized expert in the field and provides an unparalleled resource for high-end fire protection analysis, hazardous materials requirements, and plan review. JSB's understanding of the Fire Prevention Bureau's immediate needs and practices increases the likelihood of greater efficiency and success justifying JSB as a sole source service provider.

JSB has agreed to hold its hourly rates fixed for the five-year term. JSB has held their rates fixed since 2001.

**STAFF MEMBER PRESENTING:** Ray Gayk, Fire Chief

Prepared by: Paul Ehrman  
Department: Fire  
City Manager Approval: 

Submitted to Council/O.H.A. 06/02/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

# CITY OF ONTARIO

Agenda Report  
June 2, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING DESIGN SERVICES FOR THE COMPRESSED NATURAL GAS COMPRESSOR REPLACEMENT AND UPGRADE PROJECT**


**RECOMMENDATION:** That the City Council authorize the City Manager to execute Amendment No. 2 (on file in the Records Management Department) to the Professional Service Agreement with STV Energy Services, Inc. of Douglassville, Pennsylvania for engineering services for the City's Compressed Natural Gas (CNG) Compressor Replacement and Upgrade Project, adding \$65,300 for a revised total contract authorization of \$153,630.

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

**FISCAL IMPACT:** The Fiscal Year 2019-20 Adopted Operating Budget includes Mobile Source Air Fund appropriations of \$153,630 for additional engineering services for equipment upgrades due to utility needs and capacity for the CNG Compressor Replacement and Upgrade Project. The recommended amendment will increase the contract in the amount of \$65,300 for an amended total contract amount of \$153,630.

**BACKGROUND:** The City has owned and operated the CNG fueling facility since 1995. Over the years, this facility has reduced the community's collective carbon footprint, improved air quality, lowered dependency on fossil fuels and foreign oil, and enabled compliance with the South Coast Air Quality Management District Rule 1193 "Clean On-Road Residential and Commercial Refuse Collection Vehicles." The facility provides CNG for 91 City vehicles, Ontario-Montclair School District buses, and a public fueling station located at 1440 South Cucamonga Avenue for those citizens and local companies that own or operate CNG vehicles.

**STAFF MEMBER PRESENTING:** Tito Haes, Executive Director Public Works

Prepared by: Michael Johnson  
Department: Municipal Services  
City Manager Approval: 

Submitted to Council/O.H.A. 06/02/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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In June 2019, the City awarded the Engineering Design Services Contract of the CNG facility to STV Energy Services Inc. In March 2020, after the initial assessment, scope of work changes and delayed facility infrastructure and service information from the utility companies, the design scope needed to be changed. The new scope includes revised equipment and infrastructure to meet future CNG capacity needs for City vehicles, OMSD school buses, street sweeping services, local companies, and the public. The revision also includes a phasing plan so fueling operations can continue uninterrupted during construction. If approved, staff anticipates award the construction by the end of 2020 and the new station being operational by June 2021.



# CITY OF ONTARIO

Agenda Report  
June 2, 2020

SECTION:  
PUBLIC HEARINGS

**SUBJECT:** A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TOYOTA/ONTARIO BUSINESS PARK SPECIFIC PLAN, REVISING THE CURRENT LAND USE DISTRICT COVERING PLANNING AREA 1 FROM "OFFICE/R&D" TO "INDUSTRIAL MIXED USE" AND UPDATING THE SPECIFIC PLAN'S LANDSCAPE PALETTE TO CONFORM TO CURRENT CALIFORNIA FRIENDLY LANDSCAPE PRACTICES, AFFECTING 95.35 ACRES OF LAND GENERALLY LOCATED SOUTH OF JURUPA STREET, EAST OF MILLIKEN AVENUE, NORTH OF FRANCIS STREET, AND WEST OF THE I-15 FREEWAY (APN: 0238-121-75)

**RECOMMENDATION:** That the City Council consider and adopt: (1) a resolution approving the use of an Addendum to The Ontario Plan Environmental Impact Report, and (2) a resolution approving an Amendment to the Toyota/Ontario Business Park Specific Plan, File No. PSPA19-004, revising the current land use district covering Planning Area 1 from "Office/R&D" to "Industrial Mixed Use" and updating the Specific Plan's landscape palette to conform to current California friendly landscape practices.

**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner

**FISCAL IMPACT:** None

**BACKGROUND:** The Toyota/Ontario Business Park Specific Plan applies to a pentagonal-shaped area of the City encompassing a little over 95 acres of land located at the southeast corner of Milliken Avenue and Jurupa Street. The Specific Plan area is divided into three planning areas (see Exhibit A—PROPOSED LAND USE CHANGE, attached) and generally characterized as follows:

- Planning Area 1 consists of 14.4 acres of unimproved land situated at the northwesterly corner of the Specific Plan area and is currently designated for Office and R&D land uses.

**STAFF MEMBER PRESENTING:** Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Charles Mercier  
Department: Planning  
City Manager Approval: 

Submitted to Council/O.H.A. 06/02/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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- Planning Area 2, situated within the eastern portion of the Specific Plan area, is comprised of 50.6 acres of land designated for warehouse and distribution land uses and is currently developed with an 857,000 square foot warehouse/distribution facility operated by Toyota Motor Sales USA.
- Planning Area 3, situated at the southwesterly corner of the Specific Plan area, encompasses the 29-acre balance of the Specific Plan area, and includes a mix of vacant land and truck-trailer parking and storage areas, and is designated for warehouse/distribution land uses.

The areas to the north and west of the Specific Plan are within the California Commerce Center Specific Plan and are characterized by a mix of industrial land uses; to the south is a mix of industrial land uses within the IG (General Industrial) zoning district; on the east side is Interstate 15, and abutting the Specific Plan area diagonally along its southeast boundary, is a 300-foot wide SCE easement.

The Specific Plan Amendment proposes a change in land use affecting Planning Area 1 from “Office/Research & Development” to “Industrial Mixed Use.” This change would allow for a mix of Office, R&D, warehouse, distribution, and manufacturing land uses within the Planning Area, which are consistent with those land uses allowed in the surrounding California Commerce Center Specific Plan area to the north and west, and the IG (General Industrial) zoning district to the south. Planning Areas 2 and 3 are unaffected by the Specific Plan Amendment and will continue to be designated Warehouse/Distribution.

In addition to the land use designation change to Planning Area 1, the Specific Plan Amendment will update the landscape palette to conform to current California friendly landscape practices. This update will only apply to landscaping installed in conjunction with new development projects and does not require the removal of existing landscaping or the re-landscaping of existing landscaped areas.

Along with the proposed land use and landscape palette changes, the private street separating Planning Area 1 from Planning Areas 2 and 3, which the Specific Plan currently designates as Rockefeller Drive, will be corrected to reflect the street’s actual assigned name, which is Toyota Way. A Specific Plan Amendment is not required to make this correction; however, the change to the Specific Plan document will be accomplished with this Amendment.

On April 28, 2020, the Planning Commission conducted a public hearing to consider the proposed Development Code Amendment and unanimously voted (7-0) to: (1) issue Resolution No. PC20-018 recommending the City Council adopt an Addendum to The Ontario Plan Environmental Impact Report, and (2) issue Resolution No. PC20-019 recommending the City Council approve the proposed Specific Plan Amendment (File No. PSPA19-004).

**AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE:** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed Project is located within the Airport Influence Area of

Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

**ENVIRONMENTAL REVIEW:** On January 27, 2010, the City Council certified The Ontario Plan Environmental Impact Report (State Clearinghouse No. 200405115), in conjunction with File No. PGPA06-001. Staff prepared an Addendum to The Ontario Plan Environmental Impact Report (“Certified EIR”) for the proposed Project, which found that all potential adverse direct, indirect, and cumulative environmental impacts were thoroughly analyzed and discussed in the Certified EIR, including, but not limited to, potential aesthetic, air quality, greenhouse gas emissions, noise, transportation, and tribal cultural resources impacts, and all feasible mitigation has been identified and will be incorporated into the proposed Project. This Project does not contemplate any actions that would require the preparation of a subsequent or supplemental environmental document under State CEQA Guidelines Sections 15162 or 15163, as it is consistent with the development scenario identified within the Certified EIR. Furthermore, this Project introduces no new significant environmental impacts and no further environmental review is required.

**CORRESPONDENCE:** On April 28, 2020, the Planning Commission received correspondence concerning the proposed Specific Plan Amendment, from Lozeau Drury, LLP, on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) and its members living or working in and around the City of Ontario (attached as Exhibit B—CORRESPONDENCE of this report). The correspondence cited four specific concerns with regard to the Addendum to The Ontario Plan Environmental Impact Report that was prepared for the Specific Plan Amendment. The City Attorney’s response to the letter is attached as Exhibit C—CITY ATTORNEY RESPONSE of this report and is summarized below:

1. *The City has improperly piecemealed this project by not analyzing File No. PDEV19-042 in conjunction with File No. PSPA19-004.*

The Specific Plan Amendment, File No. PSPA19-004, was originally filed in conjunction with a Development Plan, File No. PDEV19-042; however, shortly after application submittal, the application was withdrawn. The City is, therefore, not obligated to review the environmental effects of File No. PDEV19-042.

2. *The City is required to proceed under CEQA’s tiering provisions.*

The use of an Addendum to The Ontario Plan Environmental Impact Report (“TOP EIR”) is appropriate. Certified by the City Council on January 27, 2010, TOP EIR included Mitigation, Findings and a Statement of Overriding Considerations pursuant to the requirements of CEQA, and analyzed the direct and physical changes in the environment that would be caused by The Ontario Plan, focusing on changes to land use associated with the buildout of the proposed land use plan, as well as impacts resulting from population and employment growth in the City. TOP EIR analyzed the Project site as industrial, to be consistent with the industrial uses to the north, west, and south of the subject site, Interstate 15 to the east, and the Project site’s location under the landing path of the Ontario International Airport. Consequently, the City prepared an Addendum to document that the Project site had already been analyzed as industrial in TOP EIR and that the Specific Plan Amendment is consistent with the project assumed for the Project site. The City’s preparation of an Addendum to TOP EIR is consistent with CEQA, the CEQA

Guidelines, and case law interpreting both, as the industrial land use assigned to the Project site was fully analyzed in TOP EIR.

3. *The City improperly prepared an Addendum to the 2010 TOP EIR instead of the 1993 Toyota Specific Plan EIR.*

As discussed above, the Project site's Land use designation (zoning) was analyzed in TOP EIR as industrial. The City is considering a zoning change to the Project site as industrial and is using TOP EIR, which analyzed the project as industrial. As described above, the Development Plan application filed in conjunction with the proposed Specific Plan Amendment, File No. PDEV19-042, has been withdrawn by the applicant and the City is not required to perform environmental review when no action is contemplated.

4. *The City's reliance on the 2010 TOP EIR is improper.*

The impacts of the proposed Specific Plan Amendment were analyzed in TOP EIR, which studied the Project site as an industrial property. The City properly prepared an Addendum to TOP EIR to document that there are no new significant environmental impacts that would result from the proposed change in land use (zoning), which were not previously analyzed in TOP EIR.

**Exhibit A—PROPOSED LAND USE CHANGE**

Planning Area 1 – Proposed Land Use Change from “Office / R&D” to “Mixed Use Industrial”



Planning Area 2 – Warehouse/Distribution  
(No Land Use Change Proposed)

Planning Area 3 – Warehouse/Distribution  
(No Land Use Change Proposed)



## Exhibit B—CORRESPONDENCE



T 510.836.4200  
F 510.836.4205

1939 Harrison Street Ste. 150  
Oakland, CA 94612

www.lozeaudrury.com  
brian@lozeaudrury.com

VIA EMAIL ONLY

April 28, 2020

Planning Commission  
c/o Charles Mercier, Principal Planner  
Planning Development  
City of Ontario  
303 East "B" Street  
Ontario, CA 91764  
CMercier@ontarioca.gov

Planning Commission  
c/o Cathy Wahlstrom, Planning Director  
Planning Development  
City of Ontario  
303 East "B" Street  
Ontario, CA 91764  
cwahlstrom@ontarioca.gov

Sheila Mautz, City Clerk  
City Clerk/Records Management  
Department  
City of Ontario  
303 East B Street  
Ontario, CA 91764  
recordsmanagement@ontarioca.gov

**Re: Toyota Ontario Business Park Specific Plan Amendment (PSPA19-004);  
PLANNING COMMISSION AGENDA ITEM F (April 28, 2020)**

Honorable Members of the Planning Commission and Director Wahlstrom:

I am writing on behalf of the Supporters Alliance for Environmental Responsibility ("SAFER") and its members living or working in and around the City of Ontario concerning the Toyota Ontario Business Park Specific Plan Amendment (PSPA19-004) and the Addendum to The Ontario Plan (File No. PGPA06-001) Environmental Impact Report (SCH# 2008101140) ("TOP EIR"), certified by City Council on January 27, 2010.

The City of Ontario ("City") has received an application (PSPA19-004) from MIG, Inc. to amend the Toyota Ontario Business Park Specific Plan to revise the current land use district covering Planning Area 1, from Office/Research & Development (Office/R&D) to Industrial Mixed Use, allowing for both Office/R&D and warehouse/distribution/manufacturing land uses on the site. Planning Area 1 is approximately 14.4 acres in size and is located at the northwest corner of the Specific Plan area. The City has received another application (PDEV19-042) from MIG, Inc. to construct two industrial buildings totaling 169,573 square feet in Planning Area 1 in the northwest corner of the Specific Plan area.

Rather than conducting the whole of the Project, including the development of the two industrial buildings, the City has conducted environmental review by preparing an Addendum to the 2010 TOP EIR. The Addendum makes no reference to the proposed two building industrial development for the site nor does it make reference to the environmental impact report ("EIR") certified specifically for the Toyota Ontario Business Park in 1993. By proceeding in this manner, the City has violated CEQA's prohibition against piecemealing and has improperly applied the addendum provisions of CEQA Guidelines 15164. As such, the Planning Commission should refrain from recommending approval of the Addendum until the deficiencies described below are remedied.

### LEGAL STANDARD

CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in the fair argument standard. Under that standard, a lead agency must prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment. (Pub. Res. Code § 21082.2; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1993) ("Laurel Heights II") 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.)

#### CEQA's Prohibition Against Piecemealing

The courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document]." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) Thus, CEQA mandates "that environmental considerations do not become submerged by chopping a large project into many little ones -- each with a minimal potential impact on the environment - which cumulatively may have disastrous consequences." (*Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283-84; *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452.) Before undertaking a project, the lead agency must assess the environmental impacts of all reasonably foreseeable phases of a project and a public agency may not segment a large project into two or more smaller projects in order to mask serious environmental consequences. As the Court of Appeal stated:

The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, covering the entire project, from start to finish. . . the purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind.

(*Natural Resources Defense Council v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271 [emphasis added]). Similarly, an initial study must consider the "whole of an action." (14 Cal. Code Regs. § 15378(a).) That means:

[T]he environmental review accompanying the first discretionary approval must evaluate the impacts of the ultimate development authorized by that approval. ... Even though further discretionary approvals may be required before development can occur, the agency's environmental review must extend to the development envisioned by the initial approvals. It is irrelevant that the development may not receive all necessary entitlements or may not be built. **Piecemeal environmental review that ignores the environmental impacts of the end result will not be permitted.**

(Kostka et al., Practice Under the California Environmental Quality Act, § 6.52, p. 298 [emphasis added].)

#### Preparation of an Addendum Under CEQA

The City relies on CEQA Guidelines §§ 15162 and 15164 to claim that no CEQA review is required. The court of appeal recently stated, “[t]he addendum is the other side of the coin from the supplement to an EIR. This section provides an interpretation with a label and an explanation of the kind of document that does not need additional public review.” (*Save Our Heritage Org. v. City of San Diego* (2018) 28 Cal.App.5th 656, 665.) “It must be remembered that an addendum is prepared where ‘(2) **Only minor technical changes or additions are necessary to make the EIR under consideration adequate under CEQA; and (3) The changes to the EIR made by the addendum do not raise important new issues about the significant effects on the environment.**’ (*Id.* [quoting *Fund for Envtl. Def. v. County of Orange* (1988) 204 Cal.App.3d 1538, 1553, [quoting [Guideline] § 15164(a)]] [emphasis added].)

The key point is that an addendum is only allowed when an EIR has already been prepared for a particular project, and minor modifications are made to that project. (*Friends of Coll. of San Mateo Gardens v. San Mateo County Cmty. Coll. Dist.* (“*San Mateo Gardens*”) (2016) 1 Cal.5th 937, 960.) The general plan is not the same project as the Toyota Ontario Business Park Specific Plan, so the addendum provisions do not even apply. If a later project is outside the scope of the program, then it is treated as a separate project and the plan EIR may not be relied upon in further review. (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307.)

Section 15164(a) of the State CEQA Guidelines states that “[t]he lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” (14 CCR § 15164(a).) Pursuant to Section 15162(a) of the State CEQA Guidelines, “[w]hen an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for *that project*” unless the agency determines one or more of the following exists:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;



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

(14 CCR § 15162(a) [emphasis added].)

### **Tiering Under CEQA**

CEQA permits agencies to ‘tier’ EIRs, in which general matters and environmental effects are considered in an EIR “prepared for a policy, plan, program or ordinance followed by narrower or site-specific [EIRs] which incorporate by reference the discussion in any prior [EIR] and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior [EIR].” (Cal. Pub. Res. Code (“PRC”) § 21068.5.) “[T]iering is appropriate when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous [EIRs].” (*Id.* § 21093.) The initial general policy-oriented EIR is called a programmatic EIR (“PEIR”) and offers the advantage of allowing “the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts.” (14 CCR § 15168(a).) CEQA regulations strongly promote tiering of EIRs, stating that “[EIRs] shall be tiered whenever feasible, as determined by the lead agency.” (PRC § 21093.)

“Later activities in the program must be examined in light of the program EIR to determine whether an additional environmental document must be prepared.” (14 CCR § 15168(e).) The first consideration is whether the activity proposed is covered by the PEIR. (*Id.* § 15168(e)(2).) If a later project is outside the scope of the program, then it is treated as a separate

project and the PEIR may not be relied upon in further review. (*See Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320–21.) The second consideration is whether the “later activity would have effects that were not examined in the program EIR.” (14 CCR § 15168(c)(1).) A PEIR may only serve “to the extent that it contemplates and adequately analyzes the potential environmental impacts of the project . . .” (*Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 [quoting *Citizens for Responsible Equitable Envtl. Dev. v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598, 615].) If the PEIR does not evaluate the environmental impacts of the project, a tiered EIR must be completed before the project is approved. (*Id.* at 1184.)

For these inquiries, the “fair argument test” applies. (*Sierra Club*, 6 Cal.App.4th at 1318; *see also Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1164 (“when a prior EIR has been prepared and certified for a program or plan, the question for a court reviewing an agency’s decision not to use a tiered EIR for a later project ‘is one of law, i.e., ‘the sufficiency of the evidence to support a fair argument.’” [quoting *Sierra Club*, 6 Cal.App.4th at 1318]).) Under the fair argument test, a new EIR must be prepared “whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact. (*Sierra Club*, 6 Cal.App.4th at 1316 [quotations and citations omitted].) When applying the fair argument test, “deference to the agency’s determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary.” (*Id.* at 1318.) “[I]f there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR, notwithstanding the existence of contrary evidence.” (*Id.* at 1319.)

## DISCUSSION

### **I. THE CITY HAS IMPROPERLY PIECEMEALED THIS PROJECT BY NOT ANALYZING PDEV19-042 IN CONJUNCTION WITH PSPA19-004.**

CEQA requires that the City analyze “the entire project, from start to finish.” (*Natural Resources Defense Council, supra*, 103 Cal.App.4th at 271.) Therefore, it was inappropriate for the City to prepare an addendum that makes no mention of the specific 169,573 square feet industrial building development for the site proposed by PDEV19-042. Indeed, both applications were even received by the City on the same day. The specific development envisioned for Planning Area 1 of the Toyota Ontario Business Park is not some abstract concept. In order to ensure that the environmental impacts are fully considered and that the public has been adequately informed of the true scope of the Project, CEQA prohibits the City from reviewing PSPA19-004 in isolation from PDEV19-042.

Prior to approving any CEQA document for PSPA19-004, the City must ensure that the CEQA document describes, discloses, and analyzes the specific development proposed by PDEV19-042 for the land use designation changes of PSPA19-004. No CEQA document—whether an EIR, negative declaration, or addendum—is appropriate here unless the specific development proposed by PDEV19-042 is considered in the City’s analysis of PSPA19-004.

## **II. THE CITY IS REQUIRED TO PROCEED UNDER CEQA'S TIERING PROVISIONS.**

The City has incorrectly applied the CEQA criteria for preparing an addendum when, instead, the City should have applied CEQA's tiering provisions. The City relies on CEQA Guidelines section 15164, which applies to preparing an addendum to an existing EIR for a project. However, the 2010 TOP EIR was not a project-specific EIR, which the CEQA Guidelines define as an "EIR [which] examines the environmental impacts of a specific development project." (14 CCR § 15161.) Rather, the 2010 TOP EIR was a General Plan EIR governing zoning across the entire City. Furthermore, the City previously prepared an EIR for the Toyota Ontario Business Park Specific Plan in 1993 ("1993 Toyota Specific Plan EIR") (SCH No. 1993012066). In effect, the 1993 Toyota Specific Plan EIR serves as the program EIR for the specific plan area. As such, subsequent projects proposed for the specific plan area must be analyzed under the tiering provisions of CEQA Guidelines section 15168.

The Agenda for the Planning Commission's April 28, 2020 hearing could not be any clearer: the Project under consideration is "an amendment to the 95.35-acre Toyota Ontario Business Park." The City cannot ignore that the Toyota Ontario Business Park underwent CEQA review in the 1993 Toyota Specific Plan EIR and that PSPA19-004 in conjunction with PDEV19-042 now propose the development of 169,573 square feet of industrial buildings not considered 1993 Toyota Specific Plan EIR. Furthermore, the City cannot ignore that PSPA19-004 and PDEV19-042 are more than a "minor technical change or addition" allowing for the preparation of an addendum. Indeed, PSPA19-004 and PDEV19-042 propose a land use and industrial development not contemplated in the 1993 Toyota Specific Plan EIR.

The proper procedure in this context is to proceed under the tiering provisions of CEQA Guidelines section 15168 to analyze the land use change and proposed industrial development in comparison to the environmental analysis of the 1993 Toyota Specific Plan EIR—NOT the 2010 TOP EIR. Under this analysis, the issue is whether the activity proposed industrial development is covered by the 1993 Toyota Specific Plan EIR. (Guidelines § 15168(c)(2).) If the proposed industrial development is outside the scope of the 1993 Toyota Specific Plan EIR, then it is a separate project and the 1993 Toyota Specific Plan EIR may not be relied upon in further review. (*See Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320–21.) The City must also analyze whether the proposed industrial activity would have effects that were not examined in the 1993 Toyota Specific Plan EIR—not the 2010 TOP EIR. (Guidelines § 15168(c)(1).) Until the City compares the proposed industrial development to the 1993 Toyota Specific Plan EIR, the Planning Commission must refrain from recommending approval of the Project.

## **III. THE CITY IMPROPERLY PREPARED AN ADDENDUM TO THE 2010 TOP EIR INSTEAD OF THE 1993 TOYOTA SPECIFIC PLAN EIR.**

Even if an Addendum were proper in this situation (and SAFER contends that it is not), the City has prepared an addendum to the wrong project. CEQA Guidelines section 15164 requires agencies to prepare an addendum to an EIR or negative declaration if none of the conditions in Guideline section 15162 have occurred. (Guidelines § 15164(a).) However, CEQA Guidelines section 15162 only applies if an EIR or negative declaration has been adopted for a

project, allowing an agency to avoid preparing a “subsequent EIR . . . for *that project*” unless one or more of the listed conditions apply. (*Id.* [emphasis added].)

Here, the City has been clear that it is considering an amendment to the 95.35-acre Toyota Ontario Business Park. The 2010 TOP EIR is not an EIR that was prepared for the Toyota Ontario Business Park and, as such, the City’s reliance on it is misplaced. The EIR that was prepared for the project which is now being amended is the 1993 Toyota Specific Plan EIR. As such, if the City wants to proceed under the addendum provisions of CEQA Guidelines 15162 and 15164, the City must conduct the analysis by comparing the proposed industrial development to the 1993 Toyota Specific Plan EIR.

Under the proper analysis, the City must address whether the proposed industrial development requires major revisions of the 1993 Toyota Specific Plan EIR, whether the proposed industrial development involves any new significant effects or increases in effects that were not analyzed in the 1993 Toyota Specific Plan EIR, and whether there is any new information regarding the impacts of the proposed industrial development and feasible mitigation measures that were not considered in the 1993 Toyota Specific Plan EIR. Until the City compares the proposed industrial development to the 1993 Toyota Specific Plan EIR, the Planning Commission must refrain from recommending approval of the Project.

#### IV. THE CITY’S RELIANCE ON THE 2010 TOP EIR IS IMPROPER

In addition to the reasons discussed above, the City’s reliance on the 2010 TOP EIR is fundamentally inadequate for the reasons discussed below.

It has long been established that a General Plan EIR is not a project-specific EIR and does not eliminate the need to prepare project-specific EIRs for particular projects. (*Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350; *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 149 Cal. App. 4th 683, 698). The General Plan EIR simply does not analyze the specific impacts of specific projects.

The City may not rely on the 2010 TOP EIR for several reasons, including but not limited to, the following:

1. The 2010 TOP EIR did not analyze this Project. It conducted only very broad program level analysis and did not analyze Project-level impacts. A prior CEQA document may only be used for a later project that is “essentially the same project” as was analyzed in the prior document. (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320.)
2. The 2010 TOP EIR included many mitigation measures that were never implemented, including traffic mitigation measures. Since the City has failed to implement the mitigation measures required by the 2010 EIR, it may not now rely on that document. (see *Katzeff v. Dept. of Forestry* (2010) 181 Cal.App.4th 601, 611, 614; *Lincoln Place Tenants v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1507 n22.)



3. There are many mitigation measures that are now feasible that were not feasible or did not exist in 2009, when the 2010 TOP EIR was prepared. For example, the Project could offset its air pollution and greenhouse gas emissions in part by installing solar photovoltaic panels, using Tier 4 construction equipment, operating only 2010 or better diesel trucks, using electrified forklifts and related equipment, and many other measures that were not feasible in 2009. For example, Tier 4 construction equipment was not available until 2015, and is not required for the Project. Also, greenhouse gas mitigation measures are now feasible that were not feasible in 2009, such as electric vehicles, electric forklifts, solar panels, and other measures.
4. There are numerous changed circumstances that have occurred since 2010 that require renewed environmental review. For example, traffic in the area is much heavier not than in 2009, when the area was at the height of a recession, population has grown in the area, etc.

#### CONCLUSION

The City must proceed under the tiering provisions of CEQA Guidelines 15168 to assess this Project in comparison to the 1993 Toyota Specific Plan EIR. The preparation of an addendum is improper because a change in land-use designation and the construction of industrial facilities is not a minor change or addition. The City cannot rely on the 2010 TOP EIR because it did not analyze this specific Project and because the proposed Project is an amendment to the Toyota Ontario Business Park for which an EIR was prepared in 1993. As such, the Planning Commission must refrain from recommending approval of the Project at this time until proper CEQA review has been conducted.

Sincerely,



Brian B. Flynn  
Lozeau Drury LLP

Exhibit C—CITY ATTORNEY RESPONSE



Steven P. Graham  
sgraham@colehuber.com

REPLY TO:  
 ROSEVILLE  ONTARIO

May 15, 2020

VIA ELECTRONIC MAIL ONLY  
brian@lozeaudrury.com

Brian B. Flynn  
Lozeau Drury LLP  
1939 Harrison Street, Ste. 150  
Oakland, CA 94612

Re: Toyota Ontario Business Park Specific Plan Amendment (PSPA19-004)

Dear Mr. Flynn:

I am writing in response to your letter dated April 28, 2020 and addressed to the members of the City of Ontario ("City") Planning Commission and Planning Director Cathy Wahlstrom regarding the Toyota Ontario Business Park Specific Plan Amendment (PSPA19-004) ("SPA") submitted on behalf of the Supporters Alliance for Environmental Responsibility ("SAFER").

**Response No. 1 (Responds to Paragraph I on Page 5)**

The first argument in the letter is simply incorrect where it alleges that the City has improperly piecemealed the whole project by failing to analyze the environmental effects of PDEV19-042 along with the SPA. The City is not obligated to review the environmental effects of PDEV19-042 because the application was withdrawn by the applicant.

CEQA applies to "discretionary projects proposed to be approved or carried out by public agencies." Pub Res C §21080(a). As defined by CEQA, "project" has two essential elements. First, in this case, it would be an activity involving the issuance by a public agency of some form of entitlement, permit, or other authorization. Second, it is an activity that may cause a direct (or reasonably foreseeable indirect) physical environmental change. Pub Res C §21065; 14 Cal Code Regs §15378. An activity that is not a project under this two-part test is not subject to CEQA. 14 Cal Code Regs §15060(c). See Union of Med. Marijuana Patients, Inc. v City of San Diego (2019) 7 Cal.5th 1171, 1186. Critical to this analysis is that there must be some "activity" that is approved by the public agency; agency inaction does not constitute a "project." Lake Norconian Club Found. v Department of Corrections & Rehabilitation (2019) 39 Cal.App.5th 1044, 1051.

Here, PDEV19-042 was withdrawn by the applicant. As the City is no longer proposed to take action on that application, no activity is contemplated, and inaction does not require environmental review.

**ADVANCING YOUR AGENDA**  
00073262.1

**Northern California:**  
2281 Lava Ridge Court, Suite 300  
Roseville, CA 95661  
Phone: 916.780.9009  
Fax: 916.780.9050

**Southern California:**  
3401 Centrelake Dr., Suite 670  
Ontario, CA 91761  
Phone: 909.230.4209  
Fax: 909.937.2034

Brian B. Flynn  
May 15, 2020  
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**Response No. 2 (Responds to Paragraphs II and III on Pages 6-7)**

Second, the use of an Addendum to the TOP EIR is appropriate. The TOP EIR (State Clearinghouse No. 2008101140) was certified by the City Council on January 27, 2010 and included Mitigation, Findings and a Statement of Overriding Considerations pursuant to the requirements of CEQA. The TOP EIR analyzed the direct and physical changes in the environment that would be caused by TOP; focusing on changes to land use associated with the buildout of the proposed land use plan, and in the Policy Plan and impacts resultant of population and employment growth in the City. As noted in your letter, the TOP EIR is a "General Plan EIR governing zoning across the entire City."

In particular, the TOPEIR considered the land use for the subject site. The subject site was analyzed in the TOP EIR as industrial to be consistent with the industrial uses to the north, west, and south of the subject site, Interstate I-15 freeway to the east, and the subject site's location under the landing path of the Ontario International Airport. (See Exhibit A to the Addendum to the TOP EIR). Therefore, the City has prepared an addendum to document that the subject site had already been analyzed as industrial in the TOP EIR and that the SPA is consistent with the project assumed for the subject site. The City's preparation of an addendum here is consistent with CEQA, the CEQA Guidelines, and the case law interpreting both because industrial land use at the subject site was already analyzed in the TOP EIR.

**Response No. 3 (Responds to Paragraph IV on pages 7-8)**

As discussed above, the subject site was analyzed in the TOP EIR as industrial. The City is considering zoning the subject site as industrial and using the TOP EIR which analyzed the project as industrial. PDEV19-042 has been withdrawn by the applicant and the City is not required to perform environmental review when no action is contemplated.

In your letter, you do not identify any relevant mitigation measures from the TOP EIR that have not been implemented. With respect to traffic mitigation measures, the City has been diligently implementing the traffic improvements identified in Table 5.16.6 of the TOP. Notably, major improvements to the intersection at Milliken and Mission (just south of the subject site) were recently completed.<sup>1</sup> Improvements have occurred at Milliken and Airport (just north of the subject site) and design work is underway by Caltrans for the I-15 Corridor Project directly adjacent to the subject site.<sup>2</sup>

Your letter cites no authority for the proposition that the City is required to consider new feasible mitigation before it approved a project that was already analyzed in the TOP EIR. This unsupported position is "would render agency decision-making intractable, always awaiting updated information only to find the new information outdated by the time a decision is made." Friends of College of San Mateo Gardens v. San Mateo County Community College Dist. (2016)

<sup>1</sup> [https://www.ontarioca.gov/sites/default/files/Ontario-Files/Engineering/CIP/20141219\\_milliken\\_vineyard\\_gs\\_fact\\_sheets\\_draft\\_.pdf](https://www.ontarioca.gov/sites/default/files/Ontario-Files/Engineering/CIP/20141219_milliken_vineyard_gs_fact_sheets_draft_.pdf).

<sup>2</sup> See for example: <https://www.gosbcta.com/project/i-15-corridor/>

Brian B. Flynn  
May 15, 2020  
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1 Cal.5th 937, 949. The project will comply with all the mitigation measures in the TOP EIR, including Mitigation Measure 3-1 that requires the City to consider new feasible air quality and greenhouse gas mitigation measures prior to issuing building permits. TOP MMRP, MM 3-1 ("The City of Ontario Building Department shall require that all new construction projects incorporate feasible mitigation measures to reduce air quality emissions. ...").

As explained in the TOP EIR, the buildout of the TOP was "projected to generate 3,053,263 daily trips City-wide, an increase of 13 percent over the current General Plan (2,702,272 daily trips City-wide) and 142 percent increase over existing conditions (1,263,405 daily trips City-wide). TOP EIR, p. 5.16-22. Therefore, the increase in traffic raised your letter was predicted and analyzed in the TOP EIR. The subject site was analyzed in the TOP EIR as industrial and would therefore not result in any new significant impacts that were not already identified and mitigated in the TOP EIR.

#### Conclusion

The impacts of the SPA were analyzed in the TOP EIR which studied the project site as an industrial property. The City properly prepared an Addendum to the TOP EIR to document that there are no new significant environmental impacts that were not previously analyzed in the TOP EIR.

Sincerely,



Steven P. Graham  
COLE HUBER LLP



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT, PURSUANT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NO PSPA19-004.

WHEREAS, MIG (hereinafter referred to as "Applicant") has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA19-004, which consists of an Amendment to the 95.35-acre Toyota Ontario Business Park Specific Plan, generally located south of Jurupa Street, east of Milliken Avenue, north of Francis Street, and west of the I-15 freeway., in the City of Ontario, California (hereinafter referred to as "Application" or "Project"). The Specific Plan Amendment will revise the current land use district covering Planning Area 1 from Office/Research and Development ("Office/R&D") to Industrial Mixed Use, allowing for warehouse, distribution, and manufacturing land uses on the site in addition to the currently allowed Office/R&D land uses. Planning Area 1 is approximately 14.4 acres in size and is located at the northwest corner of the Specific Plan area. Furthermore, the proposed Amendment will update the Specific Plan's landscape palette to conform to current California friendly landscape practices, which will apply to any future development within the Specific Plan Area; and

WHEREAS, The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) was certified on January 27, 2010 (hereinafter referred to as "Certified EIR"), in which development and use of the Project site was discussed; and

WHEREAS, the Planning Director of the City of Ontario has prepared and approved for attachment to the certified Environmental Impact Report, an Addendum to the Certified EIR (hereinafter referred to as "EIR Addendum") in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively referred to as "CEQA"); and

WHEREAS, the EIR Addendum concluded that implementation of the Project could result in a number of significant effects on the environment that were previously analyzed in the Certified EIR, and that the Certified EIR identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, pursuant to State CEQA Guidelines Section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary to a project, but the preparation of a subsequent or supplemental EIR is not required; and

WHEREAS, the City determined that none of the conditions requiring preparation of a subsequent or supplemental EIR would occur from the Project, and that preparation of an Addendum to the Certified EIR was appropriate; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the City Council is the decision-making authority for the requested approval to construct and otherwise undertake the Project; and

WHEREAS, the City Council has reviewed and considered the EIR Addendum for the Project, has concluded that none of the conditions requiring preparation of a subsequent of supplemental EIR have occurred, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the EIR Addendum for the Project is on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

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

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

**SECTION 1.** *Environmental Determination and Findings.* As the decision-making authority for the Project, The City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), certified by the Ontario City Council on January 27, 2010 in conjunction with File No. PGPA16-001.

(2) The EIR Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.

(5) The EIR Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

(6) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

**SECTION 2. *Additional Environmental Review Not Required.*** Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

**SECTION 3. *City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 and 2, above, the City Council hereby finds that based upon the entire record of proceedings before it, and all information received, that there is no substantial evidence that the Project will constitute substantial changes to the Certified EIR, and does hereby approve the EIR Addendum, attached hereto as "Attachment A", and incorporated herein by this reference.

**SECTION 4. *Indemnification.*** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

**SECTION 5. Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of June 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 2, 2020, by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held June 2, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**ATTACHMENT A:**

**Addendum to The Ontario Plan  
Environmental Impact Report**

*(Addendum to follow this page)*



City of Ontario  
Planning Department  
303 East B Street  
Ontario, California 91764  
Phone: 909.395.2036  
Fax: 909.395.2420

## **California Environmental Quality Act Addendum to The Ontario Plan Environmental Impact Report**

**Project Title/File No.:** PSPA19-004

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

**Contact Person:** Charles Mercier, Senior Planner, 909-395-2425

**Project Sponsor:** City of Ontario, 303 East B Street, Ontario, CA 91764

**Project Location:** The project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County. As illustrated on Figures 1 through 3, below, the project site is located on Assessor Parcel Number (APN): 0238-121-75, which is comprised of 95.35 gross acres south of Jurupa Street, east of Milliken Avenue, north of Francis Street, and west of Interstate 15.

**Figure 1: REGIONAL LOCATION MAP**





Figure 2: VICINITY MAP

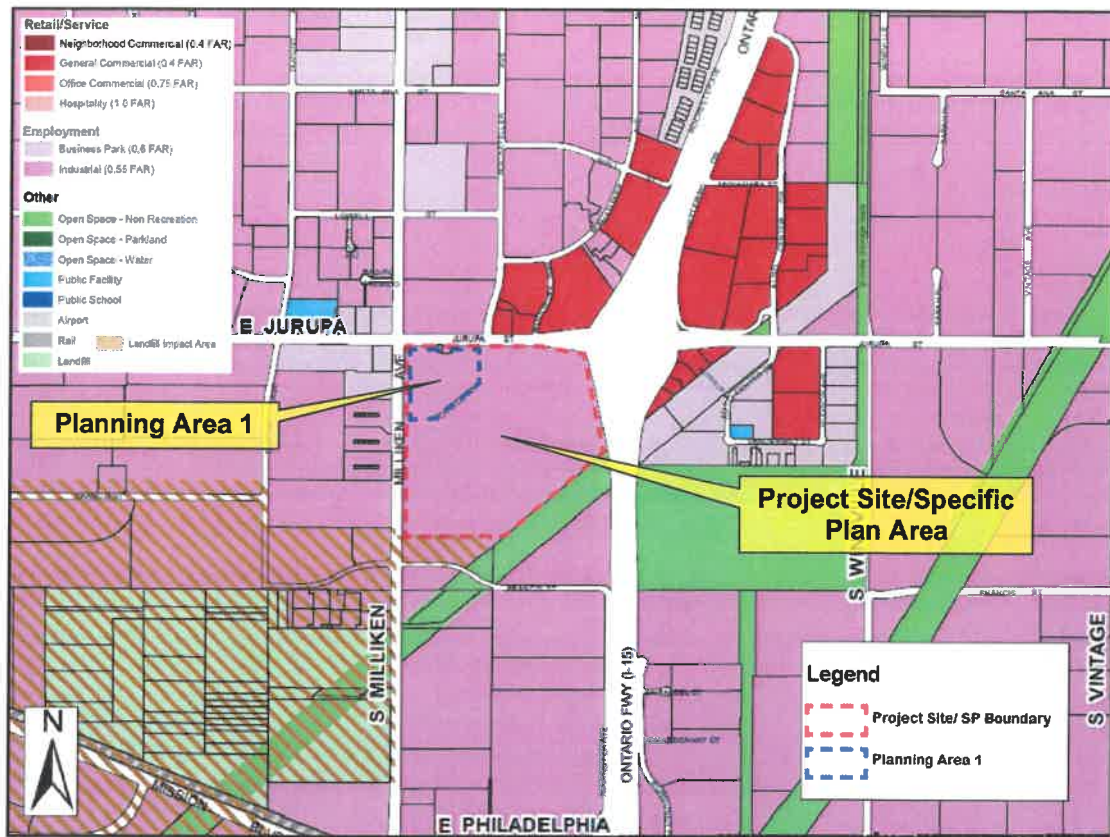
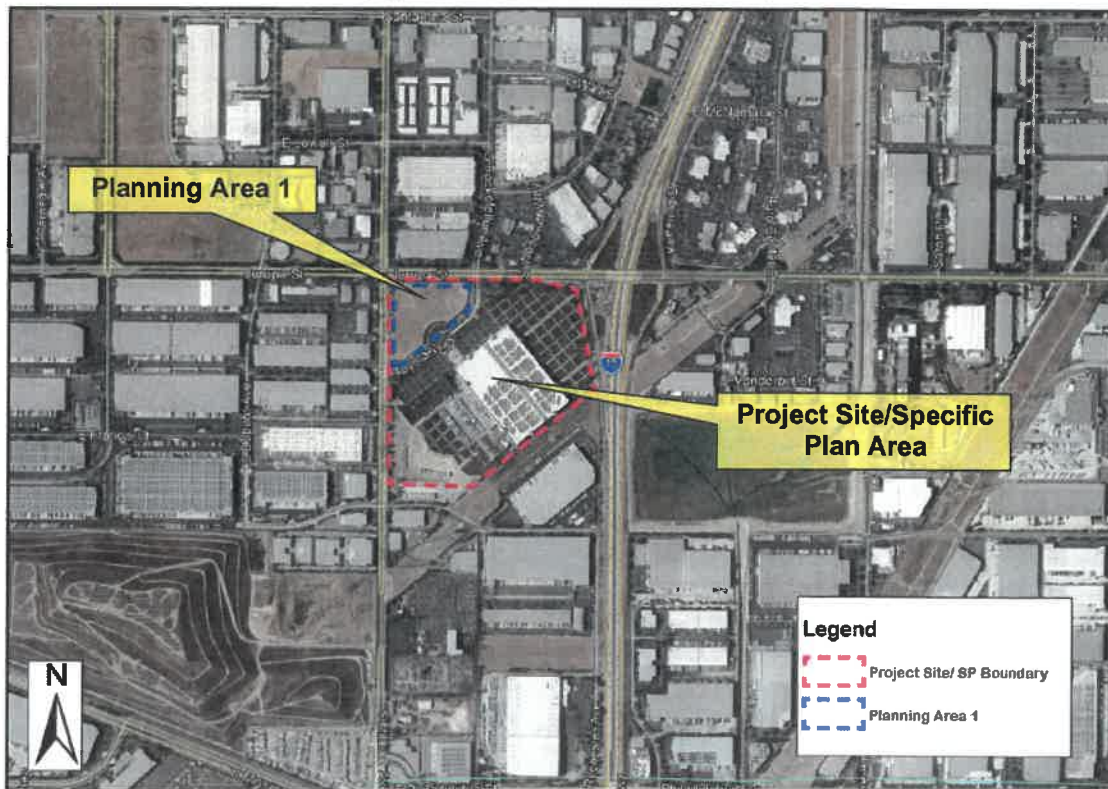


Figure 3: AERIAL PHOTOGRAPH





**General Plan Designation:** *Existing* – Industrial; *Proposed* – Industrial.

**Zoning:** *Existing* - Office/Research & Development (Office/R&D); Planning Area 1 of the Toyota/Ontario Business Park Specific Plan. Warehouse/ Distribution; Planning Areas 2 and 3. *Proposed* - Industrial Mixed Use; Planning Area 1. No change for Planning Areas 2 and 3.

**Description of Project:** An Amendment to the Toyota Ontario Business Park Specific Plan, which was adopted in August 1993. The Specific Plan is located on 95.35 gross acres of land generally located south of Jurupa Street, east of Milliken Avenue, north of Francis Street, and west of the I-15 freeway, in the City of Ontario. The Applicant is requesting a change in land use affecting Planning Area 1, from *Office/Research & Development (Office/R&D)* to *Industrial Mixed Use*, which would allow for both Office/R&D and warehouse/distribution/manufacturing land uses on the site. Planning Area 1 consists of approximately 14.4 acres of land located at the northwest corner of the Specific Plan area. Planning Areas 2 and 3 are unaffected by the Specific Plan Amendment (hereinafter referred to as “SPA”) and will remain Warehouse/Distribution. The SPA also updates the landscape palette to conform to current California friendly landscape practices, which will apply to any future development within the Specific Plan. The Specific Plan will also be revised to show the actual street name, *Toyota Way*, within the Specific Plan boundaries, in place of *Rockefeller Drive*, as incorrectly shown in the original Specific Plan document. The revision to the street name, from *Rockefeller Drive* to *Toyota Way*, is simply a correction and is, therefore, not analyzed in this Addendum. The update of the landscape palette and graphics is to bring the Specific Plan into compliance with the City's drought tolerant requirements and is also not analyzed in this Addendum.

Revisions to the Specific Plan include:

- Any graphic that currently identifies Planning Area 1 zoning as *Office/R&D*, will be changed to *Industrial Mixed Use*;
- Text in the Specific Plan that refers to the *Office/R&D* land use designation, will be revised to reflect the new *Industrial Mixed Use* land use designation;
- Permitted uses within the *Industrial Mixed Use* land use district will be updated to include warehouse and distribution, and manufacturing land uses;
- Graphic and text references to Rockefeller Drive within the Toyota Ontario Business Park Specific Plan will be changed to reflect the actual street name: *Toyota Way*;
- The landscape palette and graphic representations of landscape will be updated to reflect more drought tolerant, California friendly materials; and
- Specific Design Guidelines for the *Office/R&D* land use district will be retitled to *Industrial Mixed Use*.

**Project Setting:** The project site consists of approximately 95.35 acres of land within eastern Ontario. The site is generally pentagonal in shape, with an existing Southern California Edison (“SCE”) easement containing high-voltage transmission lines located along the southeasterly edge of the. Topographically, the site has a distinct slope to the southeast, with a total “fall” of approximately thirty to thirty-five feet over the run of the site. Existing site uses include a City of Ontario water well facility near the intersection of Jurupa Street and Milliken Avenue and a small number of mature trees (fewer than a dozen) just north of Francis Street. Planning Area 1, which is the subject of the proposed land use change, is a triangular shaped site located in the northwest corner of the Specific Plan area. Planning Area 1 consists of approximately 14.4 acres and is bound by Jurupa Street to the north, Milliken Avenue to the west, and Toyota Way to the southeast. Planning Areas 2 and 3 currently contain a warehouse/distribution building owned and operated by Toyota.

**Background:** On January 27, 2010, the Ontario City Council adopted The Ontario Plan (“TOP”). TOP serves as the framework for the City’s business plan and provides a foundation for the City to operate as a municipal corporation that consists of six (6) distinct components: 1) Vision; 2) Governance Manual; 3) Policy Plan; 4) Council Priorities; 5) Implementation; and 6) Tracking and Feedback. The Policy Plan component of TOP meets the functional and legal mandate of a General Plan and contains nine elements: Land Use, Housing, Parks and Recreation, Environmental Resources, Community Economics, Safety, Mobility, Community Design and Social Resources.

An Environmental Impact Report (“EIR”) was prepared for TOP (State Clearinghouse No. 2008101140) and certified by the City Council on January 27, 2010 (hereinafter referred to as “Certified EIR”), which included Mitigation, Findings and a Statement of Overriding Considerations pursuant to the requirements of the California Environmental Quality Act, commencing with Public Resources Code Section 21000 (“CEQA”). The Certified EIR analyzed the direct and physical changes in the environment that would be caused by TOP; focusing on changes to land use associated with the buildout of the proposed land use plan, and in the Policy Plan and impacts resultant of population and employment growth in the City. The subject site was analyzed in the Certified EIR as industrial (See Exhibit A) to be consistent with the industrial uses to the north, west, and south of the subject site, Interstate I-15 freeway to the east, and the subject site’s location under the landing path of the Ontario International Airport. The significant unavoidable adverse impacts that were identified in Certified EIR included agriculture resources, air quality, cultural resources, greenhouse gas emissions, noise, and transportation/traffic.

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

- 1) *Required Finding: Substantial changes are not proposed for the project that will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified effects.*

Substantial changes are not proposed by the project and its implementation will not require revisions to the Certified EIR. The Certified EIR analyzed the direct and physical changes in the environment that would be caused by TOP; focusing on changes to land use associated with the buildout of the proposed land use plan. The project site is located in the Toyota/Ontario Business Park Specific Plan, with a zone change to Planning Area 1, from Office/R&D to Industrial Mixed Use, to permit warehouse/distribution uses along with the already allowed Office/R&D uses. As described in the Specific Plan and, therefore, analyzed in the Certified EIR, maximum development within Planning Area 1 would not exceed 300,000 gross square feet. The proposed SPA will allow for warehouse/distribution and/or manufacturing uses, as well as the existing Office/R&D uses that are allowed in Planning Area 1. The SPA would allow for a maximum of 300,000 gross square feet of development on Planning Area 1; therefore, the proposed amendment to the site will result in the same or less development than TOP EIR analyzed at buildout.

Since the anticipated buildout resulting from the proposed SPA will be the same or less than that originally analyzed in the Certified EIR, no revisions to the Certified EIR are required. Based on an allowable 0.48 floor area ratio (FAR), the proposed zone change would replace 300,000 square feet of potential office space with approximately 173,247 square feet of proposed warehouse/distribution uses. A trip generation comparison was conducted by Ganddini Group and reviewed by the City’s Traffic Engineering Division that compared an Office use versus a Warehouse use at a FAR of 0.48 (See Appendix A). As shown below, the proposed zone change is forecast to result in 2,528 fewer daily PCE trips compared to the maximum allowable development under existing zoning, including 299 fewer PCE trips during the AM peak hour and 293 fewer PCE trips during the PM peak hour.

Trips Generated									
Zoning	Quantity	Unit <sup>1</sup>	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Existing (Office)	300,000	TSF	299	49	348	55	290	345	2,922
Proposed (Warehouse)	173,247	TSF	35	14	49	16	36	52	394
<b>Trip Generation Comparison (Proposed - Existing)</b>			<b>-264</b>	<b>-35</b>	<b>-299</b>	<b>-39</b>	<b>-254</b>	<b>-293</b>	<b>-2,528</b>

Notes:

(1) TSF = Thousand Square Feet

In addition, all previously adopted mitigation measures of the Certified EIR are conditions of project approval or mitigation measures and are incorporated herein by reference. The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines Section 15162 are present.

2) *Required Finding: Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, that would require major revisions of the previous Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

Substantial changes have not occurred with respect to the circumstances under which the project was undertaken, that would require major revisions to the Certified EIR in that the proposed changes would be in keeping with the surrounding area. The Certified EIR evaluated the site as Industrial, with a maximum FAR of 0.55 (see attached Exhibit "A"- Certified EIR Figure 1-3, Proposed Land Use Plan), consistent with the surrounding industrial properties to the north, west, and south. A future warehouse/distribution land use for the site now requires a zone change to achieve consistency between TOP's Land Use Plan and the industrial land use designation of the Toyota/Ontario Business Park Specific Plan. The proposed Specific Plan Amendment is implementing the Certified EIR's industrial land use designation for the site and is consistent with the previous 1992 General Plan land use designation of Planned Industrial for the site; therefore, no proposed changes or revisions to the Certified EIR are required. In addition, all previously adopted mitigation measures of the Certified EIR are incorporated herein by reference. The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines Section 15162 are present.

3) *Required Finding: No new information has been provided that would indicate that the proposed project would result in one or more significant effects not discussed in the previous EIR.*

No new information has been provided that would indicate the proposed project would result in any new significant effects not previously discussed in the Certified EIR. As stated above in Section 2, no substantial changes have occurred with respect to the circumstances under which the Project was undertaken. TOP EIR evaluated the site as Industrial, with a maximum FAR of 0.55 (see attached Exhibit "A"- Certified EIR Figure 1-3, Proposed Land Use Plan), consistent with the surrounding industrial properties to the north, west, and south. Since the 1992 General Plan and the 2010 Certified EIR, the subject site and surrounding area have been planned for and remained industrial (see attached Exhibit "B"- 1992 General Plan Land Use Map); therefore, no proposed changes or revisions to the Certified EIR are required. In addition, all previously adopted mitigation measures are incorporated herein by reference. The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines Section 15162 are present.

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

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

1) Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the negative declaration due to the involvement of any new significant

environmental effects or a substantial increase in the severity of previously identified significant effects; or

3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the negative declaration was adopted, shows any of the following:

a) The project will have one or more significant effects not discussed in the previous negative declaration;

b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

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

**Conclusion:** TOP EIR, certified by City Council on January 27, 2010, was prepared as a Program EIR in accordance with CEQA, the State CEQA Guidelines, and the City’s Rules for the Implementation of CEQA and in accordance with Section 15121(a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). TOP EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by The Ontario Plan. Consequently, TOP EIR focused on impacts from changes to land use associated with buildout of the City’s Land Use Plan, within the Policy Plan, and impacts from the resulting population and employment growth in the City. The proposed Specific Plan Amendment coordinates with the existing uses of the properties and uses within the surrounding areas. As described on page 4, the amount of development anticipated at buildout will be equal to or lower for Planning Area 1 than the Certified EIR analyzed. Subsequent activities within TOP Program EIR have been evaluated to determine whether an additional CEQA document needs to be prepared.

Accordingly, and based on the findings and information contained in the Certified EIR, the analysis above, the attached Initial Study, and CEQA statute and State CEQA Guidelines, including Sections 15164 and 15162, the Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary, nor is there a need for any additional mitigation measures; therefore, pursuant to State CEQA Guidelines Section 15164, the Ontario City Council hereby adopts this Addendum to the Certified EIR.

**Surrounding Land Uses:**

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
Site:	Vacant	Industrial	Toyota (4621-SP)	Office/R&D
North:	Warehouse/Distribution	Industrial	California Commerce Center (2591-SP)	Light Industrial
South:	Toyota Warehouse	Industrial	Toyota (4621-SP)	Warehouse/Distribution
East:	Interstate 15 Freeway	Interstate 15 Freeway	Interstate 15 Freeway	Interstate 15 Freeway
West:	Office/Business Park	Industrial	California Commerce Center (2591-SP)	Light Industrial Commercial/Food/Hotel

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

**Tribal Consultation:** Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1?  Yes  No

If "yes," has consultation begun?  Yes  No  Completed

### **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

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

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

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

On the basis of this initial evaluation:

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

Signature



Charles H. Mercier, Principal Planner  
Printed Name and Title

3/17/2020

Date

City of Ontario  
For



## **EVALUATION OF ENVIRONMENTAL IMPACTS**

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1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from the "Earlier Analyses" Section may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analyses Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources. A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) The significance criteria or threshold, if any, used to evaluate each question; and

b) The mitigation measure identified, if any, to reduce the impact to less than significance.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>Impacts Previously Analyzed in TOP EIR</i>
<b>1. AESTHETICS.</b> Would the project:				
<b>a.</b> Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c.</b> In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>d.</b> Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2. AGRICULTURE AND FOREST RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:				
<b>a.</b> Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c.</b> Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>d.</b> Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>e.</b> Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>Impacts Previously Analyzed in TOP EIR</i>
<b>3. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4. BIOLOGICAL RESOURCES.</b> Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5. CULTURAL RESOURCES.</b> Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>Impacts Previously Analyzed in TOP EIR</i>
<b>b.</b> Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c.</b> Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6. ENERGY.</b> Would the project:				
<b>a.</b> Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7. GEOLOGY AND SOILS.</b> Would the project:				
<b>a.</b> Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>i.</b> Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>ii.</b> Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iii.</b> Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iv.</b> Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c.</b> Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>d.</b> Be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>e.</b> Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>f.</b> Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8. GREENHOUSE GAS EMISSIONS.</b> Would the project:				

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>Impacts Previously Analyzed in TOP EIR</i>
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>9. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>Impacts Previously Analyzed in TOP EIR</i>
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>11. LAND USE AND PLANNING.</b> Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>12. MINERAL RESOURCES.</b> Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. NOISE.</b> Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>14. POPULATION AND HOUSING.</b> Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>Impacts Previously Analyzed in TOP EIR</i>
<b>b.</b> Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>15. PUBLIC SERVICES.</b> Would the project:				
<b>a.</b> Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
<b>i.</b> Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>ii.</b> Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iii.</b> Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iv.</b> Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>v.</b> Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>16. RECREATION.</b> Would the project:				
<b>a.</b> Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>17. TRANSPORTATION.</b> Would the project:				
<b>a.</b> Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c.</b> Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>d.</b> Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>18. TRIBAL CULTURAL RESOURCES.</b> Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is				

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>Impacts Previously Analyzed in TOP EIR</i>
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>19. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>20. WILDFIRES.</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts Previously Analyzed in TOP EIR
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>21. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Note:</b> Authority cited: Public Resources Code sections 21083, 21083.05, 21083.09.  <b>Reference:</b> Gov. Code section 65088.4; Public Resources Code sections 21073, 21074, 21080(c), 21080.1, 21080.3, 21080.3.1, 21080.3.2, 21082.3, 21083, 21083.3, 21083.5, 21084.2, 21084.3, 21093, 21094, 21095 and 21151; <i>Sundstrom v. County of Mendocino</i> (1988) 202 Cal.App.3d 296; <i>Leonoff v. Monterey Board of Supervisors</i> (1990) 222 Cal.App.3d 1337; <i>Eureka Citizens for Responsible Govt. v. City of Eureka</i> (2007) 147 Cal.App.4th 357; <i>Protect the Historic Amador Waterways v. Amador Water Agency</i> (2004) 116 Cal.App.4th 1099, 1109; <i>San Franciscans Upholding the Downtown Plan v. City and County of San Francisco</i> (2002) 102 Cal.App.4th 656.</p>				

### EXPLANATION OF ISSUES

#### 1. AESTHETICS. Would the project:

##### a. Have a substantial adverse effect on a scenic vista?

**Discussion of Effects:** The Policy Plan (General Plan) does not identify scenic vistas within the City. However, the Policy Plan (Policy CD1-5) requires all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountains. The project site is located at the southeast corner of Milliken Avenue and Jurupa Street, both Principal Arterials, as identified in the Functional Roadway Classification Plan (Figure M-2) of the Mobility Element within the Policy Plan. The proposed Specific Plan Amendment to permit warehouse, distribution, and/or manufacturing with the office/research and development uses that are already allowed will not result in adverse environmental impacts with regard to views of the San Gabriel Mountains. Therefore, no adverse impacts are anticipated in relation to the project.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The City of Ontario is served by three freeways: I-10, I-15, and SR-60. I-10 and SR-60 traverse the northern and central portion of the City, respectively, in an east–west direction. I-15 traverses the northeastern portion of the City in a north–south direction. These segments of I-10, I-15, and SR-60 have not been officially designated as scenic highways by the California Department of Transportation. In addition, there are no historic buildings, or any scenic resources identified on or in the vicinity of the project site. Therefore, it will not result in adverse environmental impacts.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

Discussion of Effects: The Project would not degrade the existing visual character or quality of the site or its surroundings. The project site is located in an area that is characterized by industrial development and is surrounded by urban land uses.

Any development proposals that would subsequently occur from the proposed Project will be required to be in accordance with the policies of the Community Design Element of the Policy Plan (General Plan) and zoning designations on the property. Therefore, no adverse impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed land use change itself will not cause lighting to be installed in the Project. New lighting will be introduced to the site with the development of the project. Pursuant to the requirements of the City's Development Code, on-site lighting will be shielded, diffused or indirect, to avoid glare to pedestrians or motorists. In addition, lighting fixtures will be selected and located to confine the area of illumination to within the project site and minimize light spillage.

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

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

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

Discussion of Effects: The site is presently vacant and does not contain any agricultural uses. Further, the site is identified as Urban and Built-up Land on the map prepared by the California Resources

Agency, pursuant to the Farmland Mapping and Monitoring Program. As a result, no adverse environmental impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project site is not zoned for agricultural use. The project proposes to change the allowed lands uses in Planning Area 1 of the Toyota/Ontario Business Park Specific Plan, to allow warehousing, distribution, and manufacturing uses in addition to office and research and development uses, which are already permitted in Planning Area 1. Future development will be consistent with the development standards and allowed land uses. Furthermore, there are no Williamson Act contracts in effect on the subject site. Therefore, no impacts to agricultural uses are anticipated, nor will there be any conflict with Williamson Act contracts.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The project proposes to change the allowed land uses in Planning Area 1 of the Toyota/Ontario Business Park Specific Plan, to allow for warehousing, distribution, and manufacturing uses in addition to the office and research and development uses currently allowed. This would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production because such land use designations do not exist within the City of Ontario. Therefore, no impacts to forest or timberland are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither TOP nor the City's Zoning Code provide designations for forest land. Consequently, the proposed project would not result in the loss or conversion of forest land.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: Implementation of the Project would not result in changes to the existing environment other than those previously addressed in the Certified EIR. While conversion of farmland increases the potential for adjacent areas to also be converted from farmland to urban uses, there are no agricultural uses occurring onsite or in the vicinity and the Project does not directly or indirectly result in conversion of farmland. No new cumulative impacts beyond those identified in the Certified EIR would result from Project implementation. As a result, the project will not result in loss of Farmland to non-agricultural use.

Additionally, there is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code Section 12220(g). Neither TOP nor the City's Zoning Code provide designations for forest land. Consequently, to the extent that the proposed project would result in changes to the existing environment, those changes would not impact forest land.



**Mitigation Required:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified EIR analyses are necessary.

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

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

**Discussion of Effects:** The subject site was previously analyzed by the Certified EIR as an industrial use and is surrounded on the north, west, and south by industrial uses and on the east by the Interstate 15 freeway. The project will not conflict with or obstruct implementation of any air quality plan. As noted in the Certified EIR (Section 5.3), pollutant levels in the Ontario area already exceed Federal and State standards. To reduce pollutant levels, the City of Ontario is actively participating in efforts to enhance air quality by implementing Control Measures in the Air Quality Management Plan for local jurisdictions within the South Coast Air Basin.

The proposed project is consistent with The Ontario Plan, for which the EIR was prepared and impacts evaluated. Furthermore, the project is consistent with the City's participation in the Air Quality Management Plan and, because of the project's limited size and scope, will not conflict with or obstruct implementation of the plan. Mitigation (Mitigation Measure 5.3-2) has been adopted by the City that requires fugitive dust control measures pursuant to SCAQMD's Rule 403, use of Tier 3 construction equipment, proper service and maintenance of construction equipment, limiting nonessential idling of construction equipment, and use of Super-Compliant VOC paints for coating and architectural surfaces. Any future development proposals on the project site will be required to comply with Mitigation Measure 5.3-2. No new impacts beyond those identified in the Certified EIR would result from Project implementation.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?**

**Discussion of Effects:** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or state ambient air quality because the Project is a Specific Plan Amendment that adds permitted industrial uses to property specified for industrial land uses by the Official Land Use Map (Exhibit LU-01) of the Policy Plan component of TOP. Mitigation (Mitigation Measure 5.3-1) has already been adopted by the City that would facilitate continued City cooperation with the SCAQMD and SCAG to achieve regional air quality improvement goals, promote energy conservation design and development techniques, encourage alternative modes of transportation, and implement transportation demand strategies. The project will comply with the air quality standards of the Certified EIR and the SCAQMD resulting in impacts that are less than significant [please refer to Sections 3(a) and 3(b)].

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Expose sensitive receptors to substantial pollutant concentrations?**

**Discussion of Effects:** The subject site was previously analyzed by TOP EIR as an industrial use and is surrounded on the north, west, and south by industrial uses and on the east by the Interstate 15 Freeway. As discussed in Section 5.3 of the Certified EIR, the proposed Project is within a non-attainment region of the South Coast Air Basin (SCAB). The proposed Specific Plan Amendment closely correlates with the land use designations of the surrounding area and will not generate significant new or greater air quality impacts than identified in the Certified EIR. Adequate mitigation (Mitigation Measure 5.3-5) has already been adopted by the City that would require new developments to be consistent with recommended buffer distances of the California Air Resources Board's Air Quality and Land Use Handbook: A Community Health Perspective (April 2005). Under this mitigation, new development that is inconsistent with the recommended buffer distances shall only be approved if all feasible mitigation measures, such as high

efficiency Minimum Efficiency Reporting Value filters, have been incorporated into the project design to protect future sensitive receptors from harmful concentrations of air pollutants as a result of proximity to existing air pollution sources. No new impacts beyond those identified in the Certified EIR would result from Project implementation.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

Discussion of Effects: The subject site was previously analyzed by TOP EIR as an industrial use and is surrounded on the north, west, and south by industrial uses and on the east by the Interstate 15 freeway. The uses proposed on the subject site, as well as those permitted within the Mixed Use Industrial land use district, do not create objectionable odors. Further, the project shall comply with the policies of the Ontario Municipal Code and the Policy Plan (General Plan). Therefore, no adverse impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified EIR analyses are necessary.

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

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

Discussion of Effects: The subject site was previously analyzed by the Certified EIR as an industrial use. According to the Certified EIR, the project site is located within an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. These species include: Delhi Sands Flower Loving Fly, Coast Horned Lizard, Burrowing Owl, and various species of nesting birds protected under the Migratory Bird Treaty Act. However, the proposed Project, a Specific Plan Amendment that adds additional zoning uses to Planning Area 1, would not have an impact on these species because no development project is proposed at this time that would have the ability to disturb the site. Any future development of Planning Area 1 would be required to conduct focused USFWS protocol surveys for Delhi Sands Flower Loving Fly, pre-construction surveys for Coast Horned Lizards and Burrowing Owls, and focused surveys for migratory bird nests. If the surveys identify any of these species on the Project site, the proper measures must be undertaken by the future project applicant to ensure that these impacts are reduced to less than significant. Therefore, because the proposed Project is a Specific Plan Amendment and zone change, and no development of the site is proposed at this time, no adverse impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified analyses are necessary.

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

Discussion of Effects: The subject site was previously analyzed by the Certified EIR as an industrial use. The site does not contain any riparian habitat or other sensitive natural community identified by the Department of Fish & Game or Fish & Wildlife Service. Therefore, no adverse environmental impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Discussion of Effects: No wetland habitat is present on site. Therefore, project implementation would have no impact on these resources.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The site is a vacant property that is bounded on all four sides by development. As a result, there are no wildlife corridors connecting this site to other areas. Therefore, no adverse environmental impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The City of Ontario does not have any specific policies or ordinances protecting biological resources. Further, Planning Area 1 does not contain any mature trees necessitating the need for preservation. As a result, no adverse environmental impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The site is not part of an adopted HCP, NCCP or other approved habitat conservation plan. As a result, no adverse environmental impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

**a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?**

Discussion of Effects: The subject site was previously analyzed by TOP EIR as an industrial use. The subject site is vacant and does not contain any buildings or structures constructed more than 50 years ago and cannot be considered for eligibility for listing in the California Register of Historic Resources. A Cultural Resources Records Search was conducted on July 16, 2019 at the California Historic Resource Inventory System at the South Central Coastal Information Center (CHRIS-SCCIC). The records search indicated that there are no cultural resources (prehistoric, historic, or built environments) recorded within the Project boundaries. There was one (1) historic resource (CA-SBR-008857H) located within a one-half mile radius of the Project Site. The historic resource is a section of the Southern California Edison Company's Lugo-Mira No. 1 500kv Transmission Line. The transmission line was determined eligible for listing in the National Register of Historic Place (NRHP) under Criteria A and C, and therefore, is eligible for listing in the California Register of Historic Resources. This historic resource will not be impacted (directly or indirectly) by the proposed Project. Therefore, no adverse impacts are anticipated.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

**Discussion of Effects:** The Certified EIR (Section 5.5) indicates no archeological sites or resources have been recorded in the City with the Archeological Information Center at San Bernardino County Museum. Figure 5.5-2 of the Certified EIR shows that the Project site has not been surveyed for archeological resources. Further, the CHRIS-SCCIC records search noted in subsection "a" above failed to identify prehistoric, historic, or historic built environments within or adjacent to the Project boundaries. The NAHC Sacred Lands File search also failed to indicate archaeological resources or artifacts associated with Tribal Cultural Resources (TCRs) within the Project site. The Project site has been highly disturbed by modern human activities to include agricultural use from the 1940's through the 1960's and the development and construction of the Toyota Motors North American Parts Center and supporting infrastructure that would have displaced potential surface and subsurface archaeological resources.<sup>1</sup> Therefore, the proposed Project will not impact cultural (prehistoric, historic, or historic built environments) resources and no mitigation measures are recommended. While no adverse impacts to archeological resources are anticipated at this site due to its urbanized nature, standard conditions have been imposed on the project that in the event of unanticipated archeological discoveries, construction activities will not continue or will moved to other parts of the project site and a qualified archaeologist shall be contacted to determine significance of these resources. If the find is discovered to be historical or unique archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines, avoidance or other appropriate measures shall be implemented.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Disturb any human remains, including those interred outside of formal cemeteries?**

**Discussion of Effects:** The proposed project is in an area that has been previously disturbed by human activity. No known religious or sacred sites exist within the Project area. Thus, human remains are not expected to be encountered during any construction activities. However, in the unlikely event that human remains are discovered, existing regulations, including the California Public Resources Code Section 5097.98, would afford protection for human remains discovered during development activities. Furthermore, standard conditions have been imposed on the project that in the event of unanticipated discoveries of human remains are identified during excavation, construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and/or Native American consultation has been completed, if deemed applicable.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**6. ENERGY** Would the project:

**a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

**Discussion of Effects:** Energy was not analyzed in the Certified EIR but has been included as part of the 2019 revisions to the State CEQA Guidelines. Implementation of the Project would increase the demand for electricity and natural gas at the Project site and gasoline consumption in the region during construction and operation. A detailed discussion is provided below.

<sup>1</sup> Historic Aerial Photographs. 1948-1964. Toyota Ontario Business Park Specific Plan Project. Prepared by MIG, Inc. Riverside California 92507; prepared for Toyota Motor Sales, USA (Mr. C. McMorris), Plano Texas, 75024. Electronically available at: <https://www.historicaerials.com/>

### **Electricity**

*Construction.* Temporary electric power would be required for lighting and electronic equipment (e.g., computers) located in trailers used by the construction crew. However, the electricity used for such activities would be temporary and would have a negligible contribution to the project's overall energy consumption.

*Operational.* The proposed zone change would allow additional industrial uses in the Planning Area that were not previously permitted. However, these uses will be similar to the already allowed uses and will have similar energy use during operation. The Project does not include construction of an actual development. However, during hypothetical operation of the Project, a warehouse, distribution, or manufacturing use would require electricity for multiple purposes, such as: building heating and cooling, lighting, appliances, and electronics. Any future development on the site would be required to comply with the CALGreen Building Code requirements in effect at the time of development, which are more efficient than the 2016 standards. Moreover, the Project includes a sample Greenhouse Gas Reduction Measure Screening Table for Commercial and Industrial Development. The Screening Table includes measures energy efficient development, indoor space efficiency measures, building efficiency measures, renewable energy measures, and water conservation measures. Measures that would reduce electricity consumption include, but are not limited to: greatly enhanced window insulation, an enhanced cool-roof, an improved efficiency heating, ventilation, and air conditioning ("HVAC") system, blower doors HERS verified Envelope leakage or equivalent, enhanced duct insulation, Energy Star commercial appliances, water efficient landscaping and irrigation systems, and water-efficient toilets and faucets. Although electricity consumption would increase at the site under implementation of the Project, the building envelope, HVAC, lighting, and other systems, would be designed to maximize energy performance. The project would also be subject to statewide mandatory energy requirements as outlined in the CALGreen Code. In addition, the project would implement additional measures, as detailed in the GHG reduction measures screening table, that would further reduce electricity consumption. Electricity that would be consumed by the Project would also be subject to the cap-and-trade regulation. For these reasons, the electricity that would be consumed by the Project is not considered to be inefficient or wasteful, and impacts would be less than significant.

### **Natural Gas**

*Construction.* Natural gas consumption is not anticipated during construction of the Project. Fuels used for construction would generally consists of diesel and gasoline, which are discussed in the next subsection. Any amounts of natural gas that may be consumed during project construction would be nominal and would have a negligible contribution to the project's overall energy consumption

*Operational.* The proposed zone change would allow additional industrial uses in the Planning Area that were not previously permitted. However, these uses will be similar to the already-allowed uses and will have similar natural gas use during operation. The Project does not include construction of an actual development. However, during hypothetical operation of the Project, a warehouse, distribution, or manufacturing use would require natural gas consumption for various purposes, such as building heating and cooling. Any future structure developed on the site would be built to the 2016 Title 24 CALGreen efficiency requirements or the code in effect at the time of development. In addition, measures will be applied based on the information contained in the County's GHG DRP checklist. These measures include, but are not limited to: enhanced wall, attic, and window insulation; high efficiency water heater, and optimized building orientation. Although natural gas consumption would increase at the site under implementation of the Project, the building envelope, HVAC, lighting, and other systems, would be designed to maximize energy performance. The project would be subject to statewide mandatory energy requirements as outlined in the CALGreen Code. In addition, the project would implement additional measures, as detailed in the GHG reduction measures screening table, that would further reduce natural gas consumption. Natural gas that would be consumed by the Project would also be subject to the cap-and-trade regulation. For these reasons, the natural gas that would be consumed by the project is not considered to be inefficient or wasteful, and impacts would be less than significant.

### **Diesel and Gasoline Fuel**

*Construction.* Diesel and gasoline fuels, also referred to as petroleum in this subsection, would be consumed throughout construction of the Project. Fuel consumed by construction equipment would be the primary energy resource consumed over the course of construction, and vehicle miles traveled ("VMT") associated with the transportation of construction materials (e.g., deliveries to the site) and worker trips to

and from the site would also result in petroleum consumption. Whereas on-site, heavy-duty construction equipment and delivery trucks would predominantly use diesel fuel, construction workers would generally rely on gasoline-powered vehicles. Any future development would be required to comply with CARB's Airborne Toxic Control Measures, which restricts heavy-duty diesel vehicle idling to five minutes. Since petroleum use during construction would be temporary and required to conduct development activities, it would not be wasteful or inefficient, and impacts would be less than significant.

**Operational.** Fuel consumption associated with development pursuant to the Project's operational phase would primarily be attributable to workers commuting to and from the Project and the operation of large, diesel-powered trucks (e.g., semi-trucks) needed to transport goods. Over the lifetime of the Project, the fuel efficiency of the vehicles being used by the employees is expected to increase. As such, the amount of petroleum consumed as a result of vehicular trips to and from the Project site during operation is anticipated to decrease over time. There are numerous regulations in place that require and encourage fuel efficiency. For example, CARB has adopted an approach to passenger vehicles by combining the control of smog-causing pollutants and GHG emissions into a single, coordinated package of standards. The approach also includes efforts to support an accelerate the number of plug-in hybrids and ZEVs in California. In addition, per the requirements identified in SB 375, CARB adopted a regional goal for the SCAG region of reducing per-capita GHG emissions from 2005 levels by 8 percent by 2020 and 19 percent by 2035 for light-duty passenger vehicles. Accordingly, operation of the Project is expected to decrease the amount of petroleum it consumes in the future due to advances in fuel economy. Although the Project would increase petroleum use in the region during construction and operation, the use would be a small fraction of the statewide use and, due to efficiency increases, would diminish over time. As such, petroleum consumption associated with the Project would not be considered inefficient or wasteful and would result in a less-than-significant impact.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts. No changes or additions to the Certified EIR analyses are necessary.

**b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

**Discussion of Effects:** The Project would not conflict with or obstruct a state or local plan adopted for the purposes of increasing the amount of renewable energy or energy efficiency. The California Title 24 Building Code contains energy efficiency standards for non-residential buildings. These standards address electricity and natural gas efficiency in lighting, water, heating, and air conditioning, as well as the effects of the building envelope (e.g., windows, doors, walls and rooves, etc.) on energy consumption. As described above, the Project would be required to comply with the 2019 Title 24 CALGreen standards and would implement additional measures as identified in the County's GHG DRP checklist. Since the Project would comply with applicable State standards and adhere to the County's energy reductions measures identified in the GHG Emissions Reduction Plan, the Project would not conflict with nor obstruct a state or local plan for renewable energy or energy efficiency. This impact would be less than significant.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts. No changes or additions to the Certified EIR analyses are necessary.

**7. GEOLOGY & SOILS.** Would the project:

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

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

**Discussion of Effects:** There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Certified EIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. Given that the closest fault zone is located more than ten miles from the project site, fault rupture within the project area is not likely. All development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility. Therefore, no adverse impacts are anticipated.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**ii. Strong seismic ground shaking?**

**Discussion of Effects:** There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Certified EIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. The closest fault zone is located more than ten miles from the project site. The proximity of the site to the active faults will result in ground shaking during moderate to severe seismic events. All construction will comply with the California Building Code, the Ontario Municipal Code, The Ontario Plan and all other ordinances adopted by the City related to construction and safety. Therefore, no adverse impacts are anticipated.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

**Discussion of Effects:** As identified in the Certified EIR (Section 5.7), groundwater saturation of sediments is required for earthquake induced liquefaction. In general, groundwater depths shallower than 10 feet to the surface can cause the highest liquefaction susceptibility. Depth to ground water at the project site during the winter months is estimated to be between 250 to 450 feet below ground surface. Therefore, the liquefaction potential within the project area is minimal. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**iv. Landslides?**

**Discussion of Effects:** The project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving landslides because the relatively flat topography of the project site (less than 2 percent slope across the City) makes the chance of landslides remote. Amending the Specific Plan Planning Area 1 to allow warehousing, distribution, and/or manufacturing uses will not create greater landslide potential impacts than were identified in the Certified EIR. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal Code would reduce impacts to a less than significant level.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

**Discussion of Effects:** Amending the Specific Plan Planning Area 1 to allow warehousing, distribution, and/or manufacturing uses will not create greater erosion impacts than were identified in the Certified TOP EIR. Impacts will be less than significant with mitigation.

The project will not result in significant soil erosion or loss of topsoil because of the previously disturbed nature of the Project site and the limited size and scope of the Project. Grading increases the potential for erosion by removing protective vegetation, changing natural drainage patterns, and constructing slopes. However, compliance with the California Building Code and review of grading plans by the City Engineer will ensure no significant impacts will occur. In addition, the City requires an erosion/dust control plan for projects located within this area. Implementation of a NPDES program, the Environmental Resource Element of the Policy Plan (General Plan) strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.



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

Discussion of Effects: Amending the Specific Plan Planning Area 1 to allow warehousing, distribution, and/or manufacturing uses will not create greater landslide potential impacts than were identified in the Certified EIR. In addition, the associated projects would not result in the location of development on a geologic unit or soil that is unstable, or that would become unstable because as previously discussed, the potential for liquefaction and landslides associated with the project is less than significant. The Certified EIR (Section 5.7) indicates that subsidence is generally associated with large decreases or withdrawals of water from the aquifer. The project would not withdraw water from the existing aquifer. Further, implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The majority of Ontario, including the project site, is located on alluvial and eolian soil deposits. These types of soils are not considered to be expansive. Therefore, no adverse impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The area is served by the local sewer system and the use of alternative systems is not necessary. There will be no impact to the sewage system.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Discussion of Effects: The City of Ontario is underlain by deposits of Quaternary and Upper-Pleistocene sediments deposited during the Pliocene and early Pleistocene time, Quaternary Older Alluvial sediments may contain significant, nonrenewable, paleontological resources and are, therefore, considered to have high sensitivity at depths of 10 feet or more below ground surface. In addition, the Certified EIR (Section 5.5) indicates that one paleontological resource has been discovered in the City. Moreover, Results of the paleontological resources records search through the Natural History Museum of Los Angeles County (NHMLAC) indicate that there are no known vertebrate fossil localities or unique geological features that have been previously identified within the Project area or within a one-mile radius. The results of the literature review and the search at the NHMLAC indicate that the Project site has surficial sediments composed of younger Quaternary Alluvium, derived as alluvial fan deposits from the San Gabriel Mountains to the north or as dune sands. These deposits typically do not contain significant vertebrate fossils, at least in the uppermost layers, but they may be underlain by older sedimentary materials at estimated depths greater than 9 feet (McLeod 2019). Therefore, it is concluded that the proposed Project will not impact paleontological resources or unique geological features and as such no mitigation measures are recommended. While no adverse impacts are anticipated, standard conditions have been imposed on the Project that in the event of unanticipated paleontological resources are identified during excavation, construction activities will not continue or will be moved to other parts of the Project site and a qualified paleontologist shall be contacted to determine significance of these resources. If the find is determined to be significant, avoidance or other appropriate measures shall be implemented.



**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**8. GREENHOUSE GAS EMISSIONS.** Would the project:

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

**Discussion of Effects:** The subject site was previously analyzed by the Certified EIR as an industrial use. Additionally, the impact of buildout of The Ontario Plan on the environment due to the emission of greenhouse gases ("GHGs") was analyzed in the Certified EIR. According to the EIR, this impact would be significant and unavoidable (Re-circulated Portions of the Ontario Plan Draft Environmental Impact Report, p. 2-118.) This EIR was certified by the City on January 27, 2010, at which time a statement of overriding considerations was also adopted for The Ontario Plan's significant and unavoidable impacts, including that concerning the emission of greenhouse gases. Amending the Specific Plan Planning Area 1 to allow additional industrial uses on the site will not create significantly greater impacts than were identified in the Certified EIR. The Project includes a sample GHG Reduction Measures Screening Threshold Table, which provides guidance in measuring the reduction of greenhouse gas ("GHG") emissions attributable to certain design and construction measures incorporated into development projects. The analysis, methodology, and significance determination (thresholds) are based upon the City's Climate Action Plan ("CAP"), which includes GHG emission inventories (2008 and 2020 forecasts), a year 2020 emission reduction target, the goals and policies to reach the target, together with the Addendum prepared for the CAP. The Screening Table assigns points for each option incorporated into a project as mitigation or a project design feature (collectively referred to as "feature"). The point values correspond to the minimum emissions reduction expected from each feature. The menu of features allows maximum flexibility and options for how development projects can implement the GHG reduction measures. The point levels are based upon improvements compared to 2008 emission levels of efficiency. Projects that garner at least 100 points will be consistent with the reduction quantities anticipated in the City's CAP. As such, those projects that garner a total of 100 points or greater would not require quantification of project specific GHG emissions. Consistent with CEQA Guidelines, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions. As shown in the Project GHG Reduction Measures Screening Table, the Project garners a total of 103 points, and is therefore consistent with the reduction quantities anticipated in the City's CAP. Therefore, quantification of Project-specific GHG emissions is not required.

Additionally, pursuant to Public Resources Code Section 21083.3, this impact need not be analyzed further, because (1) the proposed project would result in an impact that was previously analyzed in the Certified EIR, which was certified by the City; (2) the proposed project would not result in any greenhouse gas impacts that were not addressed in the Certified EIR; (3) the proposed project is consistent with The Ontario Plan. The proposed impacts of the project were already analyzed in the Certified EIR and the project will be built to current energy efficient standards. Potential impacts of project implementation will be less than significant with mitigation already required under the Certified EIR and current energy efficiency standards. No changes or additions to the Certified EIR analyses are necessary.

**Mitigation Required:** No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to TOP EIR analyses are necessary. The mitigation measures adopted as part of TOP EIR adequately address any potential significant impacts and there is no need for any additional mitigation measures. The City has reviewed the emission reduction measures and concepts in The Ontario Plan EIR's MM 6-2 and 6-3, and has determined that the following actions apply and shall be undertaken by the applicant in connection with the project: energy efficient design, efficient irrigation systems, electric vehicle charging stations, and compliance with Title 24 of the California Code of Regulations.

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

**Discussion of Effects:** The subject site was previously analyzed by the Certified EIR as an industrial use. The proposed Project is consistent with The Ontario Plan Goal ER 4 of improving air quality by, among other things, implementation of Policy ER4-3, regarding the reduction of greenhouse gas emissions in

accordance with regional, State, and federal regulations. In addition, the proposed Project is consistent with the policies outlined in Section 5.6.4 of the Environmental Impact Report for The Ontario Plan, which aims to reduce the City's contribution of greenhouse gas emissions at build-out by fifteen (15 percent), because the project is upholding the applicable City's adopted mitigation measures as represented in 6-1 through 6-6 and energy efficient design, efficient irrigation systems, electric vehicle charging stations, and compliance with Title 24 of the California Code of Regulations. The Project is consistent with the City's Climate Action Plan. Therefore, the proposed Project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases.

**Mitigation Required:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary

**9. HAZARDS & HAZARDOUS MATERIALS.** Would the project:

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

**Discussion of Effects:** The subject site was previously analyzed by TOP EIR as an industrial use. The project is not anticipated to involve the transport, use or disposal of hazardous materials during either construction or project implementation. Therefore, no adverse impacts are anticipated. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan will decrease the potential for health and safety risks from hazardous materials to a less than significant impact.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

**Discussion of Effects:** The subject site was previously analyzed by the Certified EIR as an industrial use. The proposed project does not include the use of hazardous materials or volatile fuels. In addition, there are no known stationary commercial or industrial land uses within close proximity to the subject site, which use/store hazardous materials to the extent that they would pose a significant hazard to visitors/occupants to the subject site, in the event of an upset condition resulting in the release of a hazardous material.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

**Discussion of Effects:** The proposed project does not include the use, emissions or handling of hazardous or acutely hazardous materials, substances, or waste. Therefore, no impacts are anticipated.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

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

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed project was reviewed and found to be located within the Airport Influence Area of Ontario International Airport ("ONT") and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan ("ALUCP") for ONT. The subject site is required to file and record an Avigation Easement with the Ontario International Airport Authority prior to obtaining a Certificate of Occupancy. The site is located within the airport influence area but outside the airport safety zones. The proposed Specific Plan Amendment to allow warehousing, distribution, and/or manufacturing uses in Planning Area 1 is compatible with the ALUCP. In addition, the project site lies outside the boundaries of the Chino Airport Influence Area. Therefore, any impacts would be reduced to a less than significant level.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Discussion of Effects: The City's Safety Element, as contained within The Ontario Plan, includes policies and procedures to be administered in the event of a disaster. The Ontario Plan seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from every day and disaster emergencies. In addition, the project will comply with the requirements of the Ontario Fire Department and all City requirements for fire and other emergency access. Because the project is required to comply with all applicable City codes, any impacts would be reduced to a less than significant level.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

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

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**10. HYDROLOGY & WATER QUALITY. Would the project:**

**a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

Discussion of Effects: The project site is served by City water and sewer service and will not affect water quality standards or waste discharge requirements. Discharge of storm water pollutants from areas of materials storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing, waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work) areas could result in a temporary increase in the amount of suspended solids, trash and debris, oil and grease, organic compounds, pesticides, nutrients, heavy metals and bacteria pathogens in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is required to comply with the statewide National Pollutant Discharge Elimination System ("NPDES") General Industrial Activities Stormwater Permit, the San Bernardino County Area-Wide Urban Runoff Permit (MS4 permit) and the City of Ontario's Municipal Code (Title 6, Chapter 6 (Stormwater Drainage System)). This would reduce any impacts to below a level of significance. Furthermore, any future applicant to develop the site would be required to submit a Preliminary Water Quality Management Plan ("PWQMP"), which would establish the site's compliance with storm water discharge and water quality management requirements. The PWQMP will include site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"),

such as retention and infiltration, biotreatment and evapotranspiration. The PWQMP would include the use of an underground stormwater infiltration system for the site. Any overflow drainage from future development of the site will be conveyed to the public street by way of parkway culverts.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

Discussion of Effects: The subject site was previously analyzed by the Certified EIR as an industrial use. No increases in the current amount of water flow to the project site are anticipated, and the proposed project will not deplete groundwater supplies, nor will it interfere with recharge. The water use associated with the proposed use of the property was included in the Certified EIR analysis. The development of the site will require the grading of the site and excavation is expected to be less than three feet and would not affect the existing aquifer, estimated to be about 230 to 250 feet below the ground surface. No adverse impacts are anticipated.

Mitigation: No additional mitigation required.

**c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

**i. Result in substantial erosion or siltation on- or off-site?**

Discussion of Effects: It is not anticipated that the Project would alter the drainage pattern of the site or area, in a manner that would result in erosion, siltation or flooding on-or-off site, nor will the proposed Project increase the erosion of the subject site or surrounding areas. The existing drainage pattern of the site will not be altered, and it will have no significant impact on downstream hydrology. Stormwater generated by the project will be discharged in compliance with the statewide NPDES General Construction Activities Stormwater Permit and San Bernardino County MS4 permit requirements. With the full implementation of a Storm Water Pollution Prevention Plan developed in compliance with the General Construction Activities Permit requirements, the Best Management Practices included in the SWPPP, and a stormwater monitoring program would reduce any impacts to below a level of significance. No streams or streambeds are present on the site. No changes in erosion off-site are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**ii. Substantially increase the rate or amount of surface runoff water in a manner which would result in flooding on- or off-site?**

Discussion of Effects: The proposed Project is not anticipated to increase the flow velocity or volume of storm water runoff to cause environmental harm from the site and will not create a burden on existing infrastructure. Furthermore, with the implementation of an approved Water Quality Management Plan developed for the site, in compliance with the San Bernardino County MS4 Permit requirements, stormwater runoff volume shall be reduced to below a level of significance.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: It is not anticipated that the project would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or create or contribute stormwater runoff pollutants during construction and/or post-construction activity. The stormwater flows will enter an existing storm pipe in Jurupa Street. Pursuant to the requirements of The Ontario Plan, the City's Development Code, and the San Bernardino County MS4 Permit's "Water Quality Management Plan" ("WQMP"), individual developments must provide site drainage and WQMP plans

according to guidelines established by the City's Engineering Department. If master drainage facilities are not in place at the time of project development, then standard engineering practices for controlling post-development runoff may be required, which could include the construction of on-site storm water detention and/or retention/infiltration facilities. Therefore, no impacts are anticipated.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**iv. Impede or redirect flood flows?**

**Discussion of Effects:** Urbanization in the areas surrounding the project site have resulted in increased responsiveness of the basin to rainfall. The increase in impervious surfaces such as roofs, roads, and parking lots has resulted in a decrease in groundwater infiltration and larger storm surges. The Project site currently slopes southeast, and the existing drainage pattern is characterized by sheet flows that follow the slope to the northwest. The project site is not impacted by offsite flows. The project site is not located in a FEMA Firm Panel designated Flood Zone Risk, and according to the United States Fish and Wildlife Service National Wetlands Inventory ("NWI") no wetlands exist on the property. The Project could lead to the conversion of permeable surfaces to impermeable surfaces such as parking areas and building foundation areas. Any future development on the Project site would discharge onsite flows into an existing storm drain facility. As such, the proposed project would not impede or redirect flood flows. With adherence to existing federal, state, and local regulation no changes to the existing flood flows would occur.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

**Discussion of Effects:** Impacts associated with flooding are primarily related to the construction or placement of structures in areas prone to flooding including within an unprotected 100-year flood zone, and in areas susceptible to high tides, tsunamis, seiches, mudflows or sea level rise. Specifically, structures placed in flood prone areas, if flooded, would be damaged, and could subject people to injury or death. The National Flood Insurance Act of 1968 requires the identification of floodplain areas and establishment of flood-risk zones within those areas. FEMA administers the programs and coordinates with communities to establish effective floodplain management standards. According to FEMA, the Project is not located in a known floodplain. Furthermore, this area is not known to flood and is not typically subjected to flooding. The Project site is not located in a floodplain as shown in Figure S-2 of TOP. The Project site is dominated by Agricultural fallow fields and does not contain any vegetation associated with riparian features. No wetlands have been mapped on the project site according to the NWI. According to the FEMA, the Project is not located in an area that is subject to flood hazard, tsunami, or seiche zones. The project site is located over 60 miles east of the Pacific Ocean and is not located in a mapped tsunami zone. Therefore, the project would not have a significant risk of flood hazard, tsunami, seiche zones, release of pollutants due to project inundation.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

**Discussion of Effects:** The Regional Water Quality Control Board's Basin Plan is designed to preserve and enhance water quality and protect the beneficial uses of all regional waters. Specifically, the Basin Plan (i) designates beneficial uses for surface and ground waters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state's anti-degradation policy, and (iii) describes implementation programs to protect all waters in the region. Development allowed by the Project would be required to adhere to requirements of the water quality control plan, including all existing regulation and permitting requirements. This would include the incorporation of best management practices ("BMPs") to protect water quality during construction and operational periods. Development of the Project would be subject to all existing water quality regulations

and programs, as described in the regulatory section above, including all applicable construction permits. Existing General Plan policies related to water quality would also be applicable to the Project. Implementation of these policies, in conjunction with compliance with existing regulatory programs, would ensure that water quality impacts related to the Project would be less than significant.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**11. LAND USE & PLANNING.** Would the project:

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

Discussion of Effects: The project site is located in an area that is currently developed with urban land uses. This project will be of similar design and size to surrounding development. No adverse impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

Discussion of Effects: The subject site was previously analyzed by the Certified EIR as an industrial use. Planning Area 1 is zoned Office/R&A in applicable zoning. Amending the Specific Plan to allow industrial uses on Planning Area 1 will not create greater impacts than were identified in the Certified EIR. The proposed project does not interfere with any policies for environmental protection. As such, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**12. MINERAL RESOURCES.** Would the project:

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

Discussion of Effects: The Project site is located within a mostly developed area surrounded by urban land uses. There are no known mineral resources in the area. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: There are no known mineral resources in the area. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**13. NOISE.** Would the project result in:

**a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Discussion of Effects: The subject site was previously analyzed by the Certified EIR as an industrial use and the Project will not expose people to or generate noise levels in excess of standards as established in the Certified EIR (Section 5.12). The subject site is surrounded on the north, west, and south sides by industrial uses, to the east of the subject site is the Interstate 15 freeway, and the subject site is not within

the landing approach of the Ontario International Airport. No additional analysis will be required at the time of site development review.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Generation of excessive groundborne vibration or groundborne noise levels?**

Discussion of Effects: The subject site was previously analyzed by the Certified EIR as an industrial use and the uses associated with this project normally do not induce groundborne vibrations. As such, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The proposed Amendment was reviewed and found to be located within the Airport Influence Area of Ontario International Airport ("ONT") and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan ("ALUCP") for ONT. The project site is located outside of the Safety, Noise Impact and Airspace Protection Zones. A portion of the project site is located within the 65-70 dB CNEL Noise Impact Zones; however, the proposed zone change is a compatible land use. In addition, the project site lies outside the boundaries of the Chino Airport Influence Area. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**14. POPULATION & HOUSING.** Would the project:

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

Discussion of Effects: The subject site was previously analyzed by the Certified EIR as an industrial use and changing the zoning on Planning Area 1 consistent with the Industrial General Plan designation would not induce significant population growth. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The project site does not contain existing housing. Changing the permitted zoning on the site will not create existing housing impacts.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.



**15. PUBLIC SERVICES.** Would the project:

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

**i. Fire protection?**

Discussion of Effects: The site is in a developed area currently served by the Ontario Fire Department. The Project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**ii. Police protection?**

Discussion of Effects: The site is in a developed area, currently served by the Ontario Police Department. The Project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**iii. Schools?**

Discussion of Effects: Upon development, the Project will be required to pay school fees as prescribed by state law prior to the issuance of building permits. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**iv. Parks?**

Discussion of Effects: The site is in a developed area, currently served by the City of Ontario. The Project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**v. Other public facilities?**

Discussion of Effects: The site is in a developed area, currently served by the City of Ontario. The Project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**16. RECREATION.** Would the project:

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

Discussion of Effects: This project is not proposing any new housing or large employment generator that would cause an increase in the use of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: This project is not proposing any new housing or large employment generator that would require the construction of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**17. TRANSPORTATION.** Would the project:

**a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

Discussion of Effects: The subject site was previously analyzed by the Certified EIR as an industrial use and is surrounded on the north, west, and south by industrial uses and on the east by the Interstate 15 freeway. The project is in an area that is mostly developed with all street improvements existing. As previously mentioned, a Trip Generation Analysis (See Appendix A) was performed to compare the number of trips forecast to be generated by the existing zoning and by the proposed Project. The Toyota-Ontario Business Park Specific Plan currently establishes the project site (Planning Area 1) with a maximum of 300,000 gross square feet of office and research and development land uses. Existing zoning trip generation forecast is based upon trip generation rates obtained from the Institute of Transportation Engineers, Trip Generation Manual, 10th Edition, 2017. Trip generation rates were determined for daily trips and AM/PM peak hour trips based on the General Office land use (ITE Land Use Code 710). The number of trips forecast to be generated by the existing zoning is determined by multiplying the trip generation rates by the maximum allowable land use quantity under existing zoning. As shown in the Trip Generation Comparison table on Page 4 of this document, maximum development under existing zoning is forecast to generate approximately 2,922 daily trips, including 348 trips during the AM peak hour and 345 trips during the PM peak hour. However as shown in Table 3 of the Trip Generation Analysis, the proposed Project is forecast to result in 2,528 fewer daily PCE trips compared to the maximum allowable development under existing zoning, including 299 fewer PCE trips during the AM peak hour and 293 fewer PCE trips during the PM peak hour. As such, the proposed Project is forecast to generate fewer trips than the existing zoning. Therefore, the traffic impacts will be consistent with and less than the traffic impacts projected and analyzed under the Certified EIR. The project will not create a substantial increase in the number of vehicle trips, traffic volume or congestion at intersections. Less than significant impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?**

Discussion of Effects: CEQA Guidelines Section 15064.3 subdivision (b) has been included in the 2018 CEQA Guidelines as part of the implementation of SB 743 which requires local jurisdictions to use Vehicle Miles Travelled (VMT) instead of Level of Service (LOS) methodologies for the purpose of determining the significance of traffic impacts under CEQA. Also, as part of the implementation of SB 743 local jurisdiction are given until July 1, 2020 to develop and implement thresholds of significance criteria and methodologies for evaluating VMT under the new SB 743 requirements. The City of Ontario has not

yet established a VMT analysis threshold or analysis methodology. Therefore, impacts with respect to CEQA Guidelines Section 15064.3(b) are less than significant.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The Project is in an area that is mostly developed. All street improvements are complete, and no alterations are proposed for adjacent intersections or arterials. The Project will, therefore, not create a substantial increase in hazards due to a design feature. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Result in inadequate emergency access?**

Discussion of Effects: Development of the Project will be designed to provide access for all emergency vehicles and will therefore not create an inadequate emergency access. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**e. Result in inadequate parking capacity?**

Discussion of Effects: The zone change does not affect the parking capacity in the Specific Plan. Future development of the site will be required to meet parking standards established by the Ontario Development Code and will therefore not create an inadequate parking capacity. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

**a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?**

Discussion of Effects: The subject site was previously analyzed by the Certified EIR as an industrial use and is not listed in the California Register of Historic Resources or local register of historical resources. Amending the Specific Plan to include additional permitted industrial uses will not create greater impacts than were identified in the Certified EIR. In addition, the results of the records research compiled from the CHRIS-SCCIC, the Sacred Lands File Search (commissioned through the NAHC) failed to indicate known Tribal Cultural Resources ("TCR") within the Project boundaries or within a one-mile radius of the Project area as specified in Public Resources Code (PRC): 210741, 5020.1(k), or 5024. Moreover, there was no indication of known TCRs within the Project site or within a one-mile radius of the Project Area. AB 52 (Gatto, 2014) is clear in stating that it is the responsibility of the Public Agency (e.g. Lead Agency) to consult with Native American tribes early in the CEQA process to allow tribal governments, lead agencies, and project proponents to discuss the appropriate level of environment review, identify and address potential adverse impacts to TCRs, and reduce the potential for delay and conflict in the environmental review process (see PRC Section 2108.3.2). Specifically, government-to-government consultation may provide "tribal knowledge" of the Project Area that can be used in identifying TCRs that cannot be obtained through other investigative means. The Project Site has been highly disturbed by modern human activities to include agricultural use from the 1940's through the 1960's and the development and construction of the Toyota Motors North American Parts Center and supporting infrastructure that would have displaced surface and

subsurface archaeological resources. Therefore, it is concluded that the proposed Project will not impact Tribal Cultural Resources or Native America artifacts relating to TCRs and as such, no mitigation measures are recommended.

**Mitigation:** No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

**Discussion of Effects:** The subject site is not listed in the California Register of Historic Resources. It is anticipated that during the application process the Lead Agency will notify the tribes of the proposed Specific Plan Amendment and will commence AB 52 Consultations as specified in the regulations. In addition, the results of the records research compiled from the CHRIS-SCCIC, the Scared Lands File Search (commissioned through the NAHC) failed to indicate known Tribal Cultural Resources ("TCR") within the Project boundaries or within a one-mile radius of the Project area as specified in Public Resources Code ("PRC"): 210741, 5020.1(k), or 5024. Moreover, there was no indication of known TCRs within the Project site or within a one-mile radius of the Project Area. No impacts are anticipated through Project implementation.

**Mitigation:** No new mitigation measures are required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**19. UTILITIES AND SERVICE SYSTEMS.** Would the project:

**a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

**Discussion of Effects:** The proposed Project is served by City of Ontario water system and has a 12-inch water line available for connection in Jurupa Street and adequate water supply for the Project. The proposed Project is served by the City of Ontario sewer system, which has an 8-inch sewer line available for connection off Jurupa Street, and which has waste treated by the Inland Empire Utilities Agency at the RP-1 treatment plant. RP-1 is not at capacity and future development of this Project site will not cause RP-1 to exceed capacity. The Project will therefore not require the construction of new water or wastewater treatment facilities, or the expansion of existing facilities. No impacts are anticipated.

The proposed project is served by the City of Ontario by a 72-inch storm drain located in Jurupa Street. The Project is required to meet the requirements of the Ontario Engineering Department regarding storm drain facilities. No impacts are anticipated.

As discussed in the energy section above, the Project will have less than significant impacts with regard to electric power and natural gas. In addition, the Project will not have an impact on telecommunications facilities.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).**

**Discussion of Effects:** The Project site is served by the City of Ontario water system. There is currently sufficient water supply available to the City of Ontario to serve this Project as per the findings of TOP EIR. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

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

Discussion of Effects: The Project site is served by the City of Ontario sewer system, which has waste treated by the Inland Empire Utilities Agency at the RP-1 treatment plant. RP-1 is not at capacity and future development of this project site will not cause RP-1 to exceed capacity. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

Discussion of Effects: City of Ontario serves the Project site. Currently, the City of Ontario contracts with a waste disposal company that transports trash to a landfill with sufficient capacity to handle the City's solid waste disposal needs. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to analyses are necessary.

**e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

Discussion of Effects: This Project complies with federal, state, and local statutes and regulations regarding solid waste. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**20. WILDFIRE.** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

**a. Substantially impair an adopted emergency response plan or emergency evacuation plan?**

Discussion of Effects: Wildfire impacts were not analyzed in the Certified EIR. A discussion of potential wildfire impacts is provided herein.

The Project site is not located in or near a state responsibility area nor is it located in or near lands classified as very high fire hazard severity zones. Therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

Discussion of Effects: The Project site is not located in or near a state responsibility area nor is it located in or near lands classified as very high fire hazard severity zones. Therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

Discussion of Effects: The Project site is not located in or near a state responsibility area nor is it located in or near lands classified as very high fire hazard severity zones. Therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

Discussion of Effects: The Project site is not located in or near a state responsibility area nor is it located in or near lands classified as very high fire hazard severity zones. Therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

## **21. MANDATORY FINDINGS OF SIGNIFICANCE.**

**a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Discussion of Effects: The proposed Project does not have the potential to reduce wildlife habitat and threaten a wildlife species; therefore, no environmental impacts resulting from the Project are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

Discussion of Effects: The Project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)**

Discussion of Effects: The Project does not have impacts that are cumulatively considerable.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

Discussion of Effects: The Project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

**Mitigation:** No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

### **EARLIER ANALYSES**

*(Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D)):*

- 1) **Earlier Analyses Used.** Identify earlier analyses used and state where they are available for review.
  - a) The Ontario Plan Final EIR
  - b) The Ontario Plan
  - c) City of Ontario Official Zoning Map
  - d) City of Ontario Development Code
  - e) Ontario International Airport Land Use Compatibility Plan
  - f) Ontario International Airport Land Use Compatibility Plan Negative Declaration (SCH 2011011081)

All documents listed above are on file with the City of Ontario Planning Department, 303 East "B" Street, Ontario, California 91764, (909) 395-2036.

- 2) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards.

### **MITIGATION MEASURES**

*(For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.)*

The Mitigation Measures contained in the Certified EIR adequately mitigate the impacts of the proposed Project. These mitigation measures are contained in the attached Mitigation Monitoring Program.

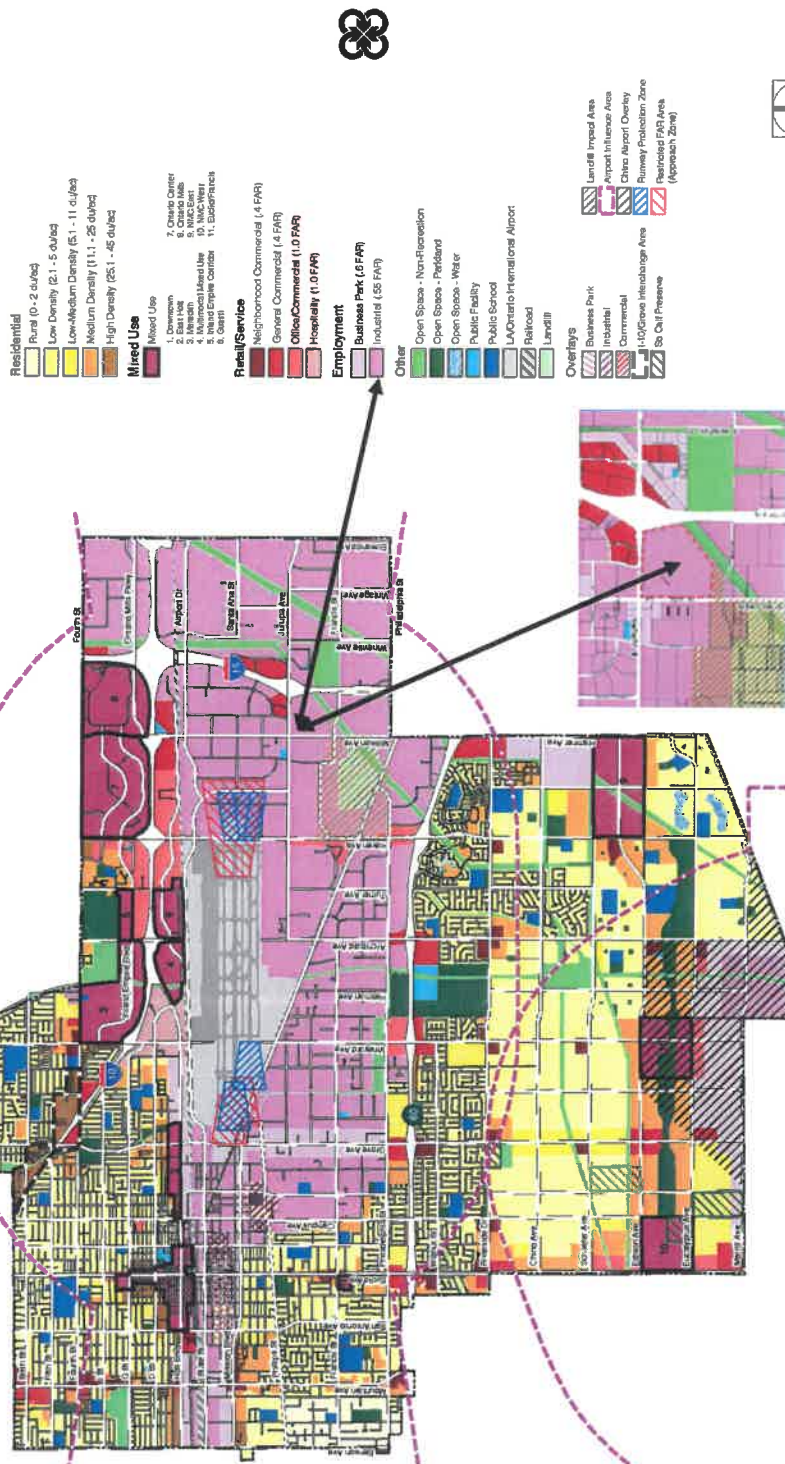
No additional mitigation beyond that previously imposed is required.



Exhibit A— Certified EIR Figure 1-3, Proposed Land Use Plan

1. Executive Summary

Proposed Land Use Plan



Tra Planning Center • Figure 1-3

Note: The configuration of the Ontario Airport reflects a potential future scenario, as provided by a MAP, and described in the Airport Element Section of the Land Use Element (CEQA MAP and 1.8 million acres of cargo).

Tra Planning Center Draft EIR



## **Mitigation Monitoring Program for The Ontario Plan Environmental Impact Report**

### **1. Introduction**

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#### **1.1 PURPOSE OF MITIGATION MONITORING PROGRAM**

This Mitigation Monitoring Program has been developed to provide a vehicle by which to monitor mitigation measures and conditions of approval outlined in The Ontario Plan Environmental Impact Report (EIR), State Clearinghouse No. 2008101140. The Mitigation Monitoring Program has been prepared in conformance with Section 21081.6 of the Public Resources Code and City of Ontario Monitoring Requirements. Section 21081.6 states:

(a) When making the findings required by paragraph (1) of subdivision subsection (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:

(1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

(2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

(b) A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.

(c) Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit the authority of the responsible agency or agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

#### **1.2 PROJECT SUMMARY**

The proposed project is the preparation of The Ontario Plan, which consists of a Vision, Governance Manual, Policy Plan, City Council Priorities, Implementation Plans, and Tracking and



Feedback. The Ontario Plan integrates components of city governance documents into a single guidance system that shapes the community 20 years or more into the future.

(a) The Ontario **Vision** describes the future community of Ontario. Its basic purpose is to improve the quality of life for the people of Ontario. It is the rationale and motivation for everything the City does.

(b) The **Governance Manual** describes the foundation for conducting the public's business on behalf of the present and future people of Ontario. It explains how The Ontario Plan is a tool for decision-making and communication.

(c) **City Council Priorities** define the short-term direction in City actions and initiatives. They are the primary means for exercising leadership in carrying out The Plan and realizing the Vision.

(d) The **Policy Plan** connects intent with action through the broad range of Goals and Policies that would guide the long-term growth and development required for the City to achieve its Vision. It also satisfies the California Government Code requirement for a general plan. Figure 3-6, *Proposed Land Use Plan*, shows the proposed General Plan land use designations that guide and regulate land use patterns, distributions, densities and intensities in the City of Ontario, including residential employment, retail, recreation, and public uses.

(e) **Implementation** consists of actions taken to carry out Plan policies. This includes initiatives by the City and decisions on public and private development projects.

(f) **Tracking and Feedback** allows the City to learn from experience and redirect efforts.

Pursuant to CEQA Guidelines Section 15064(d), the EIR considers the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by The Ontario Plan. Consequently, the EIR focuses on impacts from changes to land use associated with buildout of the Proposed Land Use Plan, within the Policy Plan, and impacts from the resultant population and employment growth in the City. The Ontario Plan Proposed Land Use Plan for the ultimate development of the City is not linked to a timeline. However, for the purpose of this environmental analysis, buildout of the Proposed Land Use Plan is forecast for the year 2035.

### 1.3 PROJECT LOCATION

The City of Ontario is in the southwestern corner of San Bernardino County and is surrounded by the Cities of Chino and Montclair, and unincorporated areas of San Bernardino County to the west; the Cities of Upland and Rancho Cucamonga to the north; the City of Fontana and unincorporated land in San Bernardino County to the east; and unincorporated Riverside County land to the south. The City is in the central part of the Upper Santa Ana River Valley. This portion of the valley is bounded by the San Gabriel Mountains to the north; the Chino Hills, Puente Hills, and San Jose Hills to the west; the Santa Ana River to the south; and Lytle Creek Wash on the east.

The City comprises approximately 50 square miles (31,958 acres), which includes the 8,200-acre New Model Colony (NMC) in the southern portion of the City (formerly the City's Sphere of Influence). The northern urbanized portion of the City is known as the Original Model Colony (OMC). The City is generally bounded by Benson Avenue and Euclid Avenue on the west; Interstate 10 (I-10), 8th Street, and 4th Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south. Regional circulation to and through the City is provided by I-10 and State Route 60 (SR-60) east-west, and by I-15 and SR-83 (Euclid Avenue) north-south.

## **1.4 ENVIRONMENTAL IMPACTS**

The environmental document for this project is a “program EIR” as defined by State CEQA Guidelines (Section 15161, California Code of Regulations, Title 14, Division 6, Chapter 3). As provided in Section 15168 of the State CEQA Guidelines, a Program EIR may be prepared on a series of actions that may be characterized as one large project that are related either 1) geographically; 2) as logical parts of a chain of contemplated events; 3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or 4) as individual activities carried out under the same authorizing statutory or regulatory authority and have generally similar environmental effects that can be mitigated in similar ways.

Although the legally required contents of a Program EIR are the same as those of a Project EIR, Program EIRs are typically more conceptual and may contain a more general discussion of impacts, alternatives, and mitigation measures than a Project EIR. Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine whether an additional CEQA document needs to be prepared. However, if the Program EIR addresses the program’s effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program EIR scope and additional environmental documents may not be required (Guidelines Section 15168[c]). When a Program EIR is relied on for a subsequent activity, the lead agency must incorporate feasible mitigation measures and alternatives developed in the Program EIR into the subsequent activities (Guidelines Section 15168[c][1]). If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. Pursuant to Sections 15126.2 and 15126.4 of the State CEQA Guidelines, the EIR should identify any potentially significant adverse impacts and recommend mitigation that would reduce or eliminate these impacts to levels of insignificance.

### **1.4.1 Impacts Considered Less Than Significant**

Ten environmental categories are identified as having less than significant impacts that do not require mitigation. These categories are:

- Aesthetics
- Biological Resources
- Geology/Soils
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use & Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation

### **1.4.2 Potentially Significant Adverse Impacts That Can Be Mitigated, Avoided, or Substantially Lessened**

The following have been identified as potentially resulting in significant adverse impacts that can be mitigated, avoided, or substantially lessened:

- Cultural Resources: Mitigation Measures 5-2 through 5-4 would reduce archeological and prehistoric cultural resource impacts to less than significant.
- Noise: Mitigation Measure 12-3 would ensure that any new vibration-sensitive structures near the Union Pacific Railroad or Southern California Regional Rail Authority right-of-way would be constructed so that train-related vibration would not be perceptible and operational vibration impacts would be less than significant.
- Utilities and Service Systems: Mitigation Measures 17-1 through 17-4 would reduce impacts on water supply and demand from buildout of The Ontario Plan to less than significant.

### **1.4.3 Unavoidable Significant Adverse Impacts**

There are six environmental categories considered to have impacts that would be significant and unavoidable and would not be lessened through mitigation.

#### **Agricultural Resources**

Buildout of The Ontario Plan would convert 3,269.3 acres of California Resource Agency designated Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to residential, commercial, mixed-use, and industrial land uses. Consequently, impacts to Farmland would remain significant and unavoidable.

There are a number of Williamson Act contracts within the City that have yet to expire. Buildout of The Ontario Plan would most likely require the cancellation or nonrenewal of these contracts. The current use of these contracts would slow the rate of conversion from agricultural to nonagricultural land, but it would not impede the conversion. Since there are some Williamson Act contracts still active in the New Model Colony, implementation of the proposed land use plan for The Ontario Plan would conflict with these contracts and cause a significant impact. Consequently, impacts to Williamson Act contracts would remain significant and unavoidable.

Development of the City in accordance with The Ontario Plan would increase the amount of nonagricultural land uses. When nonagricultural land uses are placed near agricultural uses, the odors, noises, and other hazards related to agriculture conflict with the activities and the quality of life of the people living and working in the surrounding areas. Consequently, conversion of agricultural uses in the city may cause farms and agricultural land uses outside the City to be converted to nonagricultural uses because of the nuisances related to agriculture and impacts would remain significant and unavoidable.

#### **Air Quality**

The project would not be consistent with the Air Quality Management Plan (AQMP) because air pollutant emissions associated with buildout of the City of Ontario would cumulatively contribute to the nonattainment designations in the South Coast Air Basin (SoCAB). Furthermore, buildout of the Proposed Land Use Plan would exceed current estimates of population, employment, and vehicle miles traveled for Ontario and therefore these emissions are not included in the current regional emissions inventory for the SoCAB. As both criteria must be met in order for a project to be considered consistent with the AQMP, the project would be considered inconsistent with the AQMP. Consequently, this impact would remain significant and unavoidable.

Construction activities associated with buildout of The Ontario Plan would generate short-term emissions that exceed the South Coast Air Quality Management District's (SCAQMD) regional significance thresholds; cumulatively contribute to the SoCAB's nonattainment designations for ozone (O<sub>3</sub>), coarse inhalable particulate matter (PM<sub>10</sub>), and fine inhalable particulate matter (PM<sub>2.5</sub>); and potentially elevate concentrations of air pollutants at sensitive receptors. Mitigation Measure 3-1 would reduce The Ontario Plan's short-term construction-related volatile organic compounds (VOC), carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), PM<sub>10</sub>, and PM<sub>2.5</sub> emissions but they would not be reduced to levels below the SCAQMD's regional thresholds and they would not reduce these impacts to less than significant. Consequently, construction air pollutant emissions generated by buildout of The Ontario Plan would remain significant and unavoidable.

Buildout of The Ontario Plan would generate long-term emissions that would exceed SCAQMD's regional significance thresholds and cumulatively contribute to the SoCAB nonattainment designations for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Mitigation Measure 3-2 would reduce long-term operational emissions of VOC, CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> related to the buildout of The Ontario Plan but they would not reduce these emissions to levels below the SCAQMD's regional significance thresholds and impacts would not be less than significant. Consequently, operational impacts from buildout of The Ontario Plan would remain significant and unavoidable.

Approval of residential and other sensitive land uses within 500 feet of Interstate-10, Interstate-15, or State Route-60 would result in exposure of persons to substantial concentrations of diesel particulate matter. Mitigation Measure 3-3 would reduce impacts related to the exposure of sensitive receptors (residential and other sensitive land uses) to diesel particulate matter because of their placement near freeways within the City. However, it would not reduce this impact to be less than significant.

Conversion of agricultural land to nonagricultural uses would temporarily expose residents to objectionable odors and impacts would remain significant and unavoidable.

### **Cultural Resources**

Although protective regulations are in place and preservation policies are included in The Ontario Plan, implementation of the Proposed Land Use Plan, especially within growth focus areas, has the potential to impact Tier III historic resources. Mitigation Measure 5-1 would require a historical evaluation for properties within historic resources in the Focus Areas under the City's ordinance. However, the ordinance does not provide a high level of protection for Tier III resources. As a result, demolition of historical resources categorized under the Ordinance as Tier III could potentially be impacted with implementation of the Proposed Land Use Plan. Consequently, Tier III historic resource impacts would remain significant and unavoidable.

### **Global Climate Change**

Buildout of the City of Ontario would generate greenhouse gas emissions that would significantly contribute to global climate change impacts in California. Greenhouse gas (GHG) emissions generated in the City would significantly contribute to climate change impacts in California as a result of the growth in population and employment in the City and scale of development activity associated with buildout of the Proposed Land Use Plan. Mitigation Measures 6-1 through 6-6 would act to reduce the contributions of The Ontario Plan to global climate change but they would not reduce the impacts to less than significant.

### **Noise**

Buildout of the Proposed Land Use Plan would result in an increase in traffic on local roadways in the City of Ontario, which would substantially increase noise levels. Consequently, impacts would remain significant and unavoidable.

Noise-sensitive uses could be exposed to elevated noise levels from transportation sources. Any siting of new sensitive land uses within a noise environment that exceeds the normally acceptable land use compatibility criterion would result in a potentially significant impact and would require a separate noise study through the development review process to determine the level of impacts and required mitigation. Mitigation Measure 12-1 would decrease the exposure of sensitive receptors to excessive noise levels within 65 dBA CNEL contours, whether near Los Angeles/Ontario International Airport (LAONT) or other noise-producing areas such as freeways and railroads, but it would not reduce these impacts to less than significant.

Construction activities associated with buildout of the individual land uses associated with the Proposed Land Use Plan would expose sensitive uses to strong levels of groundborne vibration. Mitigation Measure 12-2 would reduce the impacts caused by construction-related vibrations on sensitive receptors but it would not reduce the impact to less than significant.

Impact 5.12-5. Significant. Construction activities associated with buildout of the individual land uses associated with the Proposed Land Use Plan would substantially elevate noise levels in the vicinity of sensitive land uses. Mitigation Measure 12-4 calls for the use of noise-reducing techniques during construction projects that would impact nearby sensitive receptors, such as the use of temporary sound walls and reduced unnecessary truck idling. However, these impacts would not be reduced to levels considered less than significant.



Noise-sensitive land uses within the 65 dBA CNEL contour of the Los Angeles/Ontario International Airport would be exposed to substantial levels of airport-related noise. Consequently, impacts would remain significant and unavoidable.

**Transportation and Traffic**

The increased development and population growth associated with the buildout of the Proposed Land Use Plan would cause deficient levels of service at area intersections without implementation of the recommended lane geometry improvements. In addition, buildout of the Proposed Land Use Plan would also cumulatively contribute to the cumulatively significant freeway level of service impact that is already projected to occur in the future. Mitigation Measure 16-1 would require the buildout of The Ontario Plan to be consistent with the traffic study prepared by Kimley-Horn and Associates. This traffic study indicates the appropriate lane geometry for area intersections. This would allow for intersections to have LOS values of E or above but it would not improve the cumulative freeway LOS standards to appropriate levels. The City has no jurisdiction over Caltrans projects, such as freeway improvements. Therefore, the impacts related to cumulative LOS deficiencies on freeways would not be reduced to levels considered less than significant.

## **2. Mitigation Monitoring Process**

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### **2.1 MITIGATION MONITORING PROGRAM ORGANIZATION**

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). The mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Environmental Impact Report, specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in the Mitigation Monitoring Program (MMP). In order to effectively track and document the status of mitigation measures, a mitigation matrix has been prepared and includes:

- Responsibility for implementation
- Timing
- Responsibility for monitoring
- Monitor

Mitigation measure timing of verification has been apportioned into several specific timing increments. Of these, the most common are:

- Prior to project approval
- Prior to issuance of grading permit(s)
- During construction

Information pertaining to compliance with mitigation measures or any necessary modifications or refinements will be documented in the comments portion of the matrix.

### **2.2 MITIGATION MONITORING PROCEDURES**

The City of Ontario Planning Department is the designated lead agency for the Mitigation Monitoring and Reporting Program. The City of Ontario includes the Mitigation Measures within the Special Conditions of Approval. The City is responsible for review of all monitoring reports, enforcement actions, and document disposition. The Planning Department shall designate a Project Mitigation Monitor for the proposed project.

#### **2.2.1 In-Field Monitoring**

The Responsible Monitoring Party shall exercise caution and professional practices at all times when monitoring construction. Protective wear (hard hats, glasses, etc.) shall be worn at all times in construction areas. Injuries shall be reported immediately to the Project Mitigation Monitor.

#### **2.2.2 Coordination with Contractors**

The construction manager/superintendent is responsible for coordination of contractors and for contractor completion of required measures in accordance with the provisions of this program.

#### **2.2.3 Recognized Experts**

The use of recognized experts as a component of the monitoring team is required to ensure compliance with scientific and engineering mitigation measures. While the recognized experts assess

compliance with required mitigation measures, consultation with the City of Ontario planning staff shall take place in the event of a dispute.

**2.2.4 Enforcement**

Agencies may enforce conditions of approval through their existing police power, using stop-work orders, fines, infraction citations, loss of entitlements, refusal to issue building permits or certificates of use and occupancy or, in some cases, notice of violation for tax purposes. Criminal misdemeanor sanctions could be available where the agency has adopted an ordinance requiring compliance with the monitoring program, similar to the provision in many zoning ordinances that affirm the enforcement power to bring suit against violators of the ordinances.

### **3. Mitigation Monitoring Requirements**

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#### **3.1 CATEGORIZED MITIGATION MEASURES/MATRIX**

Project-specific mitigation measures have been categorized in matrix format, as shown in Table 3-1. The matrix identifies the environmental factor, specific mitigation measures, schedule, and responsible monitor. The mitigation matrix will serve as the basis for scheduling the implementation of, and compliance with, all mitigation measures.

#### **3.2 IN-FIELD MONITORING**

Project monitors and technical subconsultants shall exercise caution and professional practices at all times when monitoring implementation of mitigation measures. Protective wear (e.g., hard hat, glasses) shall be worn at all times in construction areas. Injuries shall be immediately reported to the mitigation monitoring committee.

#### **3.3 DATABASE MANAGEMENT**

All mitigation monitoring reports, letters, and memos shall be prepared using Microsoft Word software on IBM-compatible PCs and processed according to the City's Environmental Compliance Program.

#### **3.4 COORDINATION WITH CONTRACTORS**

The construction manager is responsible for coordination of contractors and for contractor completion of required mitigation measures.

#### **3.5 LONG-TERM MONITORING**

Long-term monitoring related to several mitigation measures will be required, including fire safety inspections. Post-construction fire inspections are conducted on a routine basis by the Ontario Fire Department.

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<b>5.3 AIR QUALITY</b>				
<p><b>3-1</b> The City of Ontario Building Department shall require that all new construction projects incorporate feasible mitigation measures to reduce air quality emissions. Potential measures shall be incorporated as conditions of approval for a project and may include:</p> <ul style="list-style-type: none"> <li>• Requiring fugitive dust control measures that exceed South Coast Air Quality Management District's Rule 403, such as:               <ul style="list-style-type: none"> <li>○ Requiring use of nontoxic soil stabilizers to reduce wind erosion.</li> <li>○ Applying water every four hours to active soil-disturbing activities.</li> <li>○ Tarping and/or maintaining a minimum of 24 inches of freeboard on trucks hauling dirt, sand, soil, or other loose materials.</li> </ul> </li> <li>• Using construction equipment rated by the United States Environmental Protection Agency as having Tier 3 or higher exhaust emission limits.</li> <li>• Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards.</li> <li>• Limiting nonessential idling of construction equipment to no more than five consecutive minutes.</li> <li>• Using Super-Compliant VOC paints for coating of architectural surfaces whenever possible. A list of Super-Compliant architectural coating manufactures can be found on the South Coast Air Quality Management District's website at: <a href="http://www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf">http://www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf</a> .</li> </ul>	<p>City of Ontario Building Department in coordination with the landowner/project applicant's construction contractor</p>	<p>During construction</p>	<p>City of Ontario Building and Department and Developer/Contractor</p>	

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<p><b>3-2</b> The City of Ontario shall evaluate new development proposals within the City and require all developments to include access or linkages to alternative modes of transportation, such as transit stops, bike paths, and/or pedestrian paths (e.g., sidewalks).</p>	<p>City of Ontario Planning/Engineering Department in coordination with the landowner/project applicant</p>	<p>Prior to individual project approvals</p>	<p>City of Ontario Planning Department</p>	
<p><b>3-3</b> The City of Ontario shall evaluate new development proposals within the City for potential incompatibilities with regard to the California Air Resources Board's <i>Air Quality and Land Use Handbook: A Community Health Perspective</i> (April 2005). New development that is inconsistent with the recommended buffer distances shall only be approved if feasible mitigation measures, such as high efficiency Minimum Efficiency Reporting Value filters have been incorporated into the project design to protect future sensitive receptors from harmful concentrations of air pollutants as a result of proximity to existing air pollution sources.</p>	<p>City of Ontario Planning Department in coordination with the landowner/project applicant</p>	<p>Prior to individual project approvals</p>	<p>City of Ontario Planning Department</p>	
<p><b>5.5 CULTURAL RESOURCES</b></p>				
<p><b>5-1</b> Historic or potentially historic resources in the City shall be evaluated for historic significance through the City's tier system prior to the issuance of plan or development approvals.</p>	<p>City of Ontario Planning Department</p>	<p>Prior to individual project approvals</p>	<p>City of Ontario Planning Department</p>	
<p><b>5-2</b> In areas of documented or inferred archaeological and/or paleontological resource presence, City staff shall require applicants for development permits to provide studies to document the presence/absence of such resources. On properties where resources are identified, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified cultural preservation expert. The mitigation plan shall include the following requirements:</p>	<p>City of Ontario Planning Department in coordination with the Landowner/Project Applicant</p>	<p>Prior to individual project approvals</p>	<p>City of Ontario Planning Department</p>	

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>Archaeologists and/or paleontologist shall be retained for the project and will be on call during grading and other significant ground-disturbing activities.</li> <li>Should any cultural resources be discovered, no further grading shall occur in the area of the discovery until the Planning Director or designee is satisfied that adequate provisions are in place to protect these resources.</li> <li>Unanticipated discoveries shall be evaluated for significance by a San Bernardino County Certified Professional Archaeologist/Paleontologist. If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon dates, and other special studies; submit materials to a museum for permanent curation; and provide a comprehensive final report including catalog with museum numbers.</li> </ul>				
<p><b>5-3</b> Upon receipt of an application for a Specific Plan or a project that requires a General Plan amendment subject to CEQA and is within the City's jurisdiction, the City's representative shall consult with the relevant tribe(s)' representative(s) to determine if the proposed project is within a culturally sensitive area to the tribe. If sufficient evidence is provided to reasonably ascertain that the site is within a [tribal] culturally sensitive area, then a cultural resources assessment prepared by an archaeologist shall be required. The findings of the cultural resources assessment shall be incorporated into the CEQA documentation. A copy of the report shall be forwarded to the tribe(s). If mitigation is recommended in the CEQA document, the procedure described in Mitigation Measure 5-4 shall be followed.</p>	City of Ontario Planning Department	Prior to individual project approvals	City of Ontario Planning Department	
<p><b>5-4</b> Prior to the issuance of grading permits for a Specific Plan or project that requires a General Plan amendment for which the CEQA document defines cultural resource mitigation for potential tribal resources, the project applicant</p>	City of Ontario Planning Department in coordination with the	Prior to issuance of grading permit(s)	City of Ontario Planning Department	



**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<p>shall contact the designated tribe(s) to notify them of the grading, excavation, and monitoring program. The applicant shall coordinate with the City of Ontario and the tribal representative(s) to develop mitigation measures that address the designation, responsibilities, and participation of tribal monitors during grading, excavation, and ground-disturbing activities; scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site. The City of Ontario shall be the final arbiter of the conditions for projects within the City's jurisdiction.</p>	<p>Landowner/Project Applicant</p>			

**5.6 Global Climate Change**

<p><b>6-1</b> The City of Ontario shall prepare a Climate Action Plan within 18 months after adopting The Ontario Plan. The goal of the Climate Action Plan shall be to reduce GHG emissions from all activities within the City boundaries to support the State's efforts under AB 32 and to mitigate the impact of climate change on the City, State, and world. Once completed, the City shall update The Ontario Plan and associated policies, as necessary, to be consistent with the Climate Action Plan and prepare a subsequent or supplemental Environmental Impact Report, if new significant impacts are identified. The Climate Action Plan shall include the following:</p> <ul style="list-style-type: none"> <li>• <b>Emission Inventories:</b> The City shall establish GHG emissions inventories including emissions from all sectors within the City, using methods approved by, or consistent with guidance from, the CARB; the City shall update inventories every 3 years or as determined by state standards to incorporate improved methods, better data, and more accurate tools and methods, and to assess progress. If the City is not on-schedule to achieve the GHG reduction targets, additional measured shall be implemented, as identified in the CAP.</li> </ul>	<p>City of Ontario</p>	<p>Within 18 months of adopting The Ontario Plan</p>	<p>City of Ontario Planning Department/ Municipal Utilities Agency (MUA)</p>	
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**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>○ The City shall establish a baseline inventory of GHG emissions including municipal emissions, and emissions from all business sectors and the community.</li> <li>○ The City shall define a “business as usual” scenario of municipal, economic, and community activities, and prepare a projected inventory for 2020 based on that scenario.</li> <li>• <b>Emission Targets:</b> The City will develop Plans to reduce or encourage reductions in GHG emissions from all sectors within the City:               <ul style="list-style-type: none"> <li>○ A Municipal Climate Action Plan which shall include measures to reduce GHG emissions from municipal activities by at least 30 percent by 2020 compared to the “business as usual” municipal emissions (including any reductions required by the California Air Resource Board under AB 32.</li> <li>○ A Business Climate Action Plan in collaboration with the business community, which shall include measures to reduce GHG emissions from business activities, and which shall seek to reduce emissions by at least 30 percent by 2020 compared to “business as usual” business emissions.</li> <li>○ A Community Climate Action Plan in collaboration with the stakeholders from the community at large, which shall include measures reduce GHG emissions from community activities, and which shall seek to reduce emissions by at least 30 percent by 2020 compared to “business as usual” community emissions.</li> </ul> </li> </ul>				
<p><b>6-2</b> The Climate Action Plan shall include specific measures to achieve the GHG emissions reduction targets identified in Mitigation Measure 6-1. The Climate Action Plan shall quantify the approximate greenhouse gas emissions reductions of each measure and measures shall be</p>	<p>City of Ontario Planning Department</p>	<p>Within 18 months of adopting The Ontario Plan</p>	<p>City of Ontario Planning Department</p>	

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<p>enforceable. Measures listed below, along with others, shall be considered during the development of the Climate Action Plan (CAP):</p> <ul style="list-style-type: none"> <li>• Require all new or renovated municipal buildings to seek Silver or higher Leadership in Energy and Environmental Design (LEED) standard, or compliance with similar green building rating criteria.</li> <li>• Require all municipal fleet purchases to be fuel efficient vehicles for their intended use based on the fuel type, design, size, and cost efficiency.</li> <li>• Require that new development projects in Ontario that require demolition prepare a demolition plan to reduce waste by recycling and/or salvaging a nonhazardous construction and demolition debris.</li> <li>• Require that new developments design buildings to be energy efficient by siting buildings to take advantage of shade, prevailing winds, landscaping, and sun screening to reduce energy required for cooling.</li> <li>• Require that cool roofs for non-residential development and cool pavement to be incorporated into the site/building design for new development where appropriate.</li> <li>• Evaluate the feasibility of implementing a Public Transit Fee to support Omnitrans in developing additional transit service in the City.</li> <li>• Require diesel emission reduction strategies to eliminate and/or reduce idling at truck stops, warehouses, and distribution facilities throughout the City.</li> <li>• Install energy efficient lighting and lighting control systems in all municipal buildings.</li> <li>• Require all new traffic lights installed be energy efficient traffic signals.</li> </ul>				

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>• Require the use of reclaimed water for landscape irrigation in all new development and on public property where such connections are within the service boundaries of the City's reclaimed water system.</li> <li>• Require all new landscaping irrigation systems installed within the City to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors.</li> <li>• Conduct energy efficiency audits of existing municipal buildings by checking, repairing, and readjusting heating, ventilation, and air conditioning systems, lighting, water heating equipment, insulation, and weatherization.</li> <li>• Ensure that its local Climate Action, Land Use, Housing, and Transportation Plans are aligned with, support, and enhance any regional plans that have been developed consistent with state guidance to achieve reductions in GHG emissions.</li> <li>• Mitigate climate change by decreasing heat gain from pavement and other hard surfaces associated with infrastructure.</li> <li>• Reduce heat gain from pavement and other similar hardscaping.</li> <li>• Work with appropriate agencies to create an interconnected transportation system that allows a shift in travel from private passenger vehicles to alternative modes, including public transit, ride sharing, car-sharing, bicycling and walking.</li> <li>• Provide safe and convenient access for pedestrians and bicyclists to, across, and along major transit priority streets.</li> </ul>				

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>• Facilitate employment opportunities that minimize the need for private vehicle trips, by:               <ul style="list-style-type: none"> <li>○ Amending zoning ordinances and the Development Code to include live/work sites and satellite work centers in appropriate locations.</li> <li>○ Encouraging telecommuting options with new and existing employers, through project review and incentives, as appropriate.</li> </ul> </li> <li>• Establish policies and programs to reduce onsite parking demand and promote ride-sharing and public transit at large events.</li> <li>• Support and promote the use of low-and zero-emission vehicles, by:               <ul style="list-style-type: none"> <li>○ Encouraging the necessary infrastructure to facilitate the use of zero- emission vehicles and clean alternative fuels, such as electric vehicle charging facilities and conveniently located alternative fueling stations.</li> <li>○ Encouraging new construction to include vehicle access to properly wired outdoor receptacles to accommodate ZEV and/or plug in electric hybrids (PHEV).</li> <li>○ Encouraging transportation fleet standards to achieve the lowest emissions possible, using a mix of alternate fuels, PZEV or better fleet mixes.</li> <li>○ Establishing incentives, as appropriate, to taxicab owners to use alternative fuel or gas-electric hybrid vehicles.</li> </ul> </li> <li>• Establish green building requirements and standards for new development and redevelopment projects, and work to provide incentives for green building practices and remove barriers that impede their use.</li> </ul>				

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>• Allow increased height limits and/or flexibility in other standards for projects that incorporate energy efficient green building practices where not prohibited by Airport Land Use Compatibility Plan (ALUCP)/Federal Aviation Administration (FAA).</li> <li>• Identify and remove regulatory or procedural barriers to implementing green building practices within its jurisdiction, such as updating codes, guidelines, and zoning, and ensure that all plan review and building inspection staff are trained in green building materials, practices, and techniques.</li> <li>• Support the use of green building practices by:               <ul style="list-style-type: none"> <li>○ Providing information, marketing, training, and technical assistance about green building practices.</li> <li>○ Adopting a Green Building ordinance with guidelines for green building practices in residential and commercial development.</li> <li>○ Adopt energy efficiency performance standards for buildings designed to achieve a greater reduction in energy and water use than currently required by state law, including:                   <ul style="list-style-type: none"> <li>○ Standards for the installation of "cool roofs".</li> <li>○ Standards for improved overall efficiency of lighting systems.</li> <li>○ Requirements for the use of Energy Star appliances and fixtures in discretionary new development.</li> </ul> </li> </ul> </li> <li>• Encourage the performance of energy audits for residential and commercial buildings prior to completion of sale, and that audit results and information about opportunities for energy efficiency improvements be presented to the buyer.</li> </ul>				



**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>• Establish policies and programs that facilitate the siting of new renewable energy generation.</li> <li>• Require that any building constructed in whole or in part with City funds incorporate passive solar design features, such as daylighting and passive solar heating, where feasible.</li> <li>• Prepare and implement a comprehensive plan to improve energy efficiency of municipal facilities, including:               <ul style="list-style-type: none"> <li>○ Conducting energy audits.</li> <li>○ Retrofitting municipal facilities for energy efficiency where feasible and when remodeling or replacing components, including increased insulation, installing green or reflective roofs and low-emissive window glass.</li> <li>○ Implementing an energy tracking and management system for its municipal facilities.</li> <li>○ Installing energy-efficient exit signs, street signs, and traffic lighting, subject to life/safety considerations.</li> <li>○ Installing energy-efficient lighting retrofits and occupancy sensors, and institute a "lights out at night" policy, subject to life/safety considerations.</li> <li>○ Retrofitting heating and cooling systems to optimize efficiency (e.g., replace chillers, boilers, fans, pumps, belts, etc.).</li> <li>○ Installing Energy Star® appliances and energy-efficient vending machines.</li> <li>○ Improving water use efficiency, including a schedule to replace or retrofit system components</li> </ul> </li> </ul>				



**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<p>with high- efficiency units (i.e., ultra-low-flow toilets, fixtures, etc.).</p> <ul style="list-style-type: none"> <li>○ Installing irrigation control systems which maximize water use efficiency and minimize off- peak use.</li> <li>○ Adopting an accelerated replacement schedule for energy inefficient systems and components.</li> <li>• Ensure that staff receives appropriate training and support to implement objectives and policies to reduce GHG emissions, including:             <ul style="list-style-type: none"> <li>○ Providing energy efficiency training to design, engineering, building operations, and maintenance staff.</li> <li>○ Providing information on energy use and management, including data from the tracking and management system, to managers and others making decisions that influence energy use.</li> <li>○ Providing energy design review services to departments undertaking new construction or renovation projects, to facilitate compliance with LEED standards.</li> </ul> </li> <li>• Maximize efficiency at drinking water treatment, pumping, and distribution facilities, including development of off-peak demand schedules for heavy commercial and industrial users.</li> <li>• Establish a replacement policy and schedule to replace fleet vehicles and equipment with the most fuel-efficient vehicles practical, including gasoline hybrid and alternative fuel or electric models.</li> <li>• Require the installation of outdoor electrical outlets on buildings to support the use, where practical, of</li> </ul>				

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<p>electric lawn and garden equipment, and other tools that would otherwise be run with small gas engines or portable generators.</p> <ul style="list-style-type: none"> <li>• Implement measures to reduce employee vehicle trips and to mitigate emissions impacts from municipal travel.</li> <li>• Conduct a comprehensive inventory and analysis of the urban forest, and coordinate tree maintenance responsibilities with all responsible departments, consistent with best management practices.</li> <li>• Evaluate existing landscaping and options to convert reflective and impervious surfaces to landscaping and will install or replace vegetation with drought-tolerant, low- maintenance native species or edible landscaping that can also provide shade and reduce heat-island effects.</li> <li>• Implement enhanced programs to divert solid waste from landfill operations, by:               <ul style="list-style-type: none"> <li>○ Establishing a diversion target which meets or exceeds AB 939 requirements.</li> <li>○ Promoting and expanding recycling programs, purchasing policies, and employee education to reduce the amount of waste produced.</li> </ul> </li> <li>• Reduce per capita water consumption consistent with state law by 2020.</li> <li>• Establish a water conservation plan that may include such policies and actions as:               <ul style="list-style-type: none"> <li>○ Maintaining and refining the City's tiered rate structure for water use.</li> <li>○ Establishing restrictions on time of use for landscape watering, or other demand management strategies.</li> </ul> </li> </ul>				

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>○ Establishing performance standards for irrigation equipment and water fixtures, consistent with state law.</li> <li>• Establish programs and policies to increase the use of recycled water, including:               <ul style="list-style-type: none"> <li>○ Promoting the use of recycled water for agricultural, industrial, and irrigation purposes, including grey water systems for residential irrigation.</li> </ul> </li> <li>• Ensure that building standards and permit approval processes promote and support water conservation, by:               <ul style="list-style-type: none"> <li>○ Establishing building design guidelines and criteria to promote water-efficient building design, including minimizing the amount of non-roof impervious surfaces around the building(s).</li> <li>○ Establishing menus and checklists for developers and contractors to ensure water-efficient infrastructure and technology are used in new construction, including low-flow toilets and shower heads, moisture-sensing irrigation, and other such advances.</li> </ul> </li> <li>• Organize workshops on waste reduction activities for the home or business, such as backyard composting, or office paper recycling, and shall schedule recycling drop-off events and neighborhood chipping/mulching days.</li> <li>• Organize workshops on steps to increase energy efficiency in the home or business, such as weatherizing the home or building envelope, installing smart lighting systems, and how to conduct a self-audit for energy use and efficiency.</li> </ul>				

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<p><b>6-3</b> The City of Ontario will amend the Municipal Code within 18 months after adopting The Ontario Plan, with provisions implementing the following GHG emission reduction concepts:</p> <ul style="list-style-type: none"> <li>• Increase densities in urban core areas to support public transit, by, among other means:               <ul style="list-style-type: none"> <li>○ Removing barriers to the development of accessory dwelling units in existing residential neighborhoods.</li> </ul> </li> <li>• Reduce required road width standards wherever feasible to calm traffic and encourage alternative modes of transportation.</li> <li>• Add bicycle facilities to city streets and public spaces, where feasible.</li> <li>• Promote infill, mixed-use, and higher density development, and provide incentives to support the creation of affordable housing in mixed use zones.</li> <li>• Plan for and create incentives for mixed-use development.</li> <li>• Identify sites suitable for mixed-use development and establish appropriate site- specific standards to accommodate mixed uses which could include:               <ul style="list-style-type: none"> <li>○ Increasing allowable building height or allow height limit bonuses, in appropriate areas and where safe to do so.</li> <li>○ Allowing flexibility in applying development standards (such as FAR2 and lot coverage) based on the location, type, and size of the units, and the design of the development.</li> <li>○ Allowing reduced and shared parking based on the use mix, and availability of and proximity to public transit stops.</li> </ul> </li> </ul>	<p>City of Ontario            Planning Department</p>	<p>Within 18 months of            adopting The Ontario            Plan</p>	<p>City of Ontario            Planning Department</p>	

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>○ Allowing for tandem parking, shared parking and off-site parking leases.</li> <li>• Enable prototype mixed-use structures for use in neighborhood center zones that can be adapted to new uses over time with minimal internal remodeling.</li> <li>• Identify and facilitate the inclusion of complementary land uses not already present in local zoning districts, such as supermarkets, parks and recreational fields, schools in neighborhoods, and residential uses in business districts, to reduce the vehicle miles traveled and promote bicycling and walking to these uses.</li> <li>• Revise zoning ordinance(s) to allow local-serving businesses, such as childcare centers, restaurants, banks, family medical offices, drug stores, and other similar services near employment centers to minimize midday vehicle use.</li> <li>• Develop form-based community design standards to be applied to development projects and land use plans, for areas designated mixed-use.</li> <li>• Implement a Housing Overlay Zone for residential properties at transit centers and along transit corridors. This may include average minimum residential densities of 25 units per acre within one quarter miles of transit centers; average minimum densities of 15 units per acre within one quarter mile of transit corridors; and minimum FAR of 0.5:1 for non- residential uses within a quarter mile of transit centers or corridors.</li> <li>• Identify transit centers appropriate for mixed-use development, and promote transit-oriented, mixed-use development within these targeted areas, by:               <ul style="list-style-type: none"> <li>○ Providing maximum parking standards and flexible building height limitations.</li> <li>○ Providing density bonus programs.</li> </ul> </li> </ul>				

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>○ Establishing guidelines for private and public spaces for transit-oriented and mixed-use development.</li> <li>○ Discouraging auto-oriented development.</li> <li>• Ensure new development is designed to make public transit a viable choice for residents, including:               <ul style="list-style-type: none"> <li>○ Locating medium to high density development near activity centers that can be served efficiently by public transit and alternative transportation modes.</li> <li>○ Locating medium to high density development near streets served by public transit whenever feasible.</li> <li>○ Linking neighborhoods to bus stops by continuous sidewalks or pedestrian paths.</li> </ul> </li> <li>• Develop form-based community design standards to be applied to development projects and land use plans, for areas designated mixed-use.</li> <li>• Create and preserve distinct, identifiable neighborhoods whose characteristics support pedestrian travel, especially within, but not limited to, mixed-use and transit-oriented development areas, by:               <ul style="list-style-type: none"> <li>○ Designing or maintaining neighborhoods where the neighborhood amenities can be reached in approximately five minutes of walking.</li> <li>○ Encouraging pedestrian-only streets and/or plazas within developments, and destinations that may be reached conveniently by public transportation, walking, or bicycling.</li> </ul> </li> </ul>				



**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>○ Allowing flexible parking strategies in neighborhood activity centers to foster a pedestrian-oriented streetscape.</li> <li>○ Providing continuous sidewalks with shade trees and landscape strips to separate pedestrians from traffic.</li> <li>○ Encouraging neighborhood parks and recreational centers near concentrations of residential areas (preferably within one quarter mile) and include pedestrian walkways and bicycle paths that encourage non- motorized travel.</li> <li>● Ensure pedestrian access to activities and services, especially within, but not limited to, mixed-use and transit- oriented development areas, by:             <ul style="list-style-type: none"> <li>○ Ensuring new development that provides pedestrian connections in as many locations as possible to adjacent development, arterial streets, and thoroughfares.</li> <li>○ Ensuring a balanced mix of housing, workplaces, shopping, recreational opportunities, and institutional uses, including mixed-use structures.</li> <li>○ Locating schools in neighborhoods, within safe and easy walking distances of residences served.</li> <li>○ Encouraging new development in which primary entrances are pedestrian entrances, with automobile entrances and parking located to the rear.</li> <li>○ Supporting development where automobile access to buildings does not impede pedestrian access, by consolidating driveways between buildings or developing alley access.</li> </ul> </li> </ul>				



**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>○ Utilizing street parking as a buffer between sidewalk pedestrian traffic and the automobile portion of the roadway.</li> <li>○ Prioritizing the physical development of pedestrian connectors for existing areas that do not meet established connectivity standards.</li> <li>• Mitigate climate change by decreasing heat gain from pavement and other hard surfaces associated with infrastructure.</li> <li>• Reduce heat gain from pavement and other similar hardscaping, by:               <ul style="list-style-type: none"> <li>○ Including low-water landscaping in place of hardscaping around transportation infrastructure and in parking areas.</li> <li>○ Establishing standards that provide for pervious pavement options.</li> <li>○ Removing obstacles to natural, drought tolerant landscaping and low-water landscaping.</li> </ul> </li> <li>• Coordinate with appropriate agencies to create an interconnected transportation system that allows a shift in travel from private passenger vehicles to alternative modes, including public transit, ride sharing, car-sharing, bicycling and walking, including, but not limited to:               <ul style="list-style-type: none"> <li>○ Providing safe and convenient access for pedestrians and bicyclists to, across, and along major transit priority streets.</li> </ul> </li> <li>• Upgrade and maintain the following transit system infrastructure to enhance public use, including:               <ul style="list-style-type: none"> <li>○ Ensuring transit stops and bus lanes are safe, convenient, clean and efficient.</li> </ul> </li> </ul>				

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>○ Ensuring transit stops have clearly marked street-level designation, and are accessible.</li> <li>○ Ensuring transit stops are safe, sheltered, benches are clean, and lighting is adequate.</li> <li>○ Working with transit providers to place transit stations along transit corridors within mixed-use or transit- oriented development areas at intervals appropriate for the mode of transit.</li> <li>● Facilitate employment opportunities that minimize the need for private vehicle trips, by:             <ul style="list-style-type: none"> <li>○ Amending zoning ordinances and the Development Code to include live/work sites and satellite work centers in appropriate locations.</li> <li>○ Encouraging telecommuting options with new and existing employers, through project review and incentives, as appropriate.</li> </ul> </li> <li>● Establish standards for new development and redevelopment projects to support bicycle use, including:             <ul style="list-style-type: none"> <li>○ Amending the Development Code to include standards for pedestrian and bicyclist accommodations, including:                 <ul style="list-style-type: none"> <li>➤ Providing access for pedestrians and bicyclist to public transportation through construction of dedicated paths, where feasible.</li> </ul> </li> <li>○ Requiring new development and redevelopment projects to include bicycle facilities, as appropriate with the new land use, including:                 <ul style="list-style-type: none"> <li>➤ Where feasible, promote the construction of weatherproof bicycle facilities and at a minimum, provide bicycle racks or covered, secure parking near the building entrances.</li> </ul> </li> </ul> </li> </ul>				

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>• Establish a network of multi-use trails to facilitate direct off- street bicycle and pedestrian travel, and will provide bike racks along these trails at secure, lighted locations.</li> <li>• Establish policies and programs to reduce onsite parking demand and promote ride-sharing and public transit at large events.</li> <li>• Require new commercial and retail developments to provide prioritized parking for electric vehicles and vehicles using alternative fuels.</li> <li>• Support and promote the use of low-and zero-emission vehicles (NEV), by:               <ul style="list-style-type: none"> <li>○ Encouraging the necessary infrastructure to facilitate the use of zero- emission vehicles and clean alternative fuels, such as electric vehicle charging facilities and conveniently located alternative fueling stations.</li> <li>○ Encouraging new construction to include vehicle access to properly wired outdoor receptacles to accommodate ZEV and/or plug in electric hybrids (PHEV).</li> <li>○ Encouraging transportation fleet standards to achieve the lowest emissions possible, using a mix of alternate fuels, PZEV or better fleet mixes.</li> <li>○ Establishing incentives, as appropriate, to taxicab owners to use alternative fuel or gas-electric hybrid vehicles.</li> </ul> </li> <li>• Establish green building requirements and standards for new development and redevelopment projects, and work to provide incentives for green building practices and remove barriers that impede their use.</li> <li>• Allow increased height limits and/or flexibility in other standards for projects that incorporate energy efficient</li> </ul>				

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<p>green building practices where not prohibited by ALUCP/FAA.</p> <ul style="list-style-type: none"> <li>• Identify and remove regulatory or procedural barriers to implementing green building practices within its jurisdiction, such as updating codes, guidelines, and zoning, and ensure that all plan review and building inspection staff are trained in green building materials, practices, and techniques.</li> <li>• Support the use of green building practices by:               <ul style="list-style-type: none"> <li>○ Establishing guidelines for green building practices in residential and commercial development.</li> <li>○ Providing incentives, which may include reduction in development fees, administrative fees, and/or expedited permit processing for projects that use green building practices.</li> </ul> </li> <li>• Adopt energy efficiency performance standards for buildings that achieve a greater reduction in energy and water use than otherwise required by current state law, including:               <ul style="list-style-type: none"> <li>○ Standards for the installation of "cool roofs".</li> <li>○ Standards for improved overall efficiency of lighting systems.</li> <li>○ Requirements for the use of Energy Star appliances and fixtures in discretionary new development.</li> <li>○ Requirements for new residential lots and/or structures to be arranged and oriented to maximize effective use of passive solar energy.</li> </ul> </li> <li>• Require that affordable housing development incorporate energy efficient design and features to the maximum extent feasible.</li> </ul>				

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>• Identify possible sites for production of renewable energy (such as solar, wind, small hydro, and biogas).</li> <li>• Identify and remove or otherwise address barriers to renewable energy production, including:               <ul style="list-style-type: none"> <li>○ Reviewing and revising building and development codes, design guidelines, and zoning ordinances to remove renewable energy production barriers.</li> <li>○ Working with related agencies, such as fire, water, health and others that may have policies or requirements that adversely impact the development or use of renewable energy technologies.</li> <li>○ Developing protocols for safe storage of renewable and alternative energy products with the potential to leak, ignite or explode, such as biodiesel, hydrogen, and/or compressed air.</li> </ul> </li> <li>• Allow renewable energy projects in areas zoned for open space, where consistent with the Land Use element, and other uses and values.</li> <li>• Promote and encourage renewable energy generation, and co-generation projects where feasible and appropriate.</li> <li>• Require that, where feasible, all new buildings be constructed to allow for easy, cost-effective installation of solar energy systems in the future, using such "solar-ready" features as:               <ul style="list-style-type: none"> <li>○ Optimal roof orientation (between 20 to 55 degrees from the horizontal), with sufficient south-sloped roof surface, where such buildings architecture and construction are designed for sloped roofs.</li> </ul> </li> </ul>				

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>○ Clear access without obstructions (chimneys, heating and plumbing vents, etc.) on the south sloped roof.</li> <li>○ Roof framing that will support the addition of solar panels.</li> <li>○ Installation of electrical conduit to accept solar electric system wiring.</li> <li>○ Installation of plumbing to support a solar hot water system and provision of space for a solar hot water storage tank.</li> <li>• Require that any building constructed in whole or in part with City funds incorporate passive solar design features, such as daylighting and passive solar heating, where feasible.</li> <li>• Prepare and implement a comprehensive plan to improve energy efficiency of municipal facilities, including:               <ul style="list-style-type: none"> <li>○ Conducting energy audits.</li> <li>○ Retrofitting municipal facilities for energy efficiency where feasible and when remodeling or replacing components, including increased insulation, installing green or reflective roofs and low-emissive window glass.</li> <li>○ Implementing an energy tracking and management system for its municipal facilities.</li> <li>○ Installing energy-efficient exit signs, street signs, and traffic lighting, subject to life/safety considerations.</li> <li>○ Installing energy-efficient lighting retrofits and occupancy sensors, and institute a "lights out at night" policy, subject to life/safety considerations.</li> </ul> </li> </ul>				



**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>○ Retrofitting heating and cooling systems to optimize efficiency (e.g., replace chillers, boilers, fans, pumps, belts, etc.).</li> <li>○ Installing Energy Star® appliances and energy-efficient vending machines.</li> <li>○ Improving water use efficiency, including a schedule to replace or retrofit system components with high- efficiency units (i.e., ultra-low-flow toilets, fixtures, etc.).</li> <li>○ Installing irrigation control systems maximizing water use efficiency and minimizing off- peak use.</li> <li>○ Adopting an accelerated replacement schedule for energy inefficient systems and components.</li> <li>● Require that any newly constructed, purchased, or leased municipal space meet minimum standards, such as:             <ul style="list-style-type: none"> <li>○ The Energy Star® New Homes Program established by U.S. EPA.</li> <li>○ The incorporation of passive solar design features in new buildings, including daylighting and passive solar heating.</li> </ul> </li> <li>● Reduce per capita water consumption consistent with state law by 2020.</li> <li>● Establish a water conservation plan that may include such policies and actions as:             <ul style="list-style-type: none"> <li>○ Maintaining and refining the City’s tiered rate structure for water use.</li> <li>○ Establishing restrictions on time of use for landscape watering, or other demand management strategies.</li> </ul> </li> </ul>				



**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>○ Establishing performance standards for irrigation equipment and water fixtures, consistent with State Law.</li> <li>• The City will establish programs and policies to increase the use of recycled water, including:               <ul style="list-style-type: none"> <li>○ Promoting the use of recycled water for agricultural, industrial, and irrigation purposes, including grey water systems for residential irrigation.</li> </ul> </li> <li>• Ensure that building standards and permit approval processes promote and support water conservation, by:               <ul style="list-style-type: none"> <li>○ Establishing building design guidelines and criteria to promote water-efficient building design, including minimizing the amount of non-roof impervious surfaces around the building(s).</li> <li>○ Establishing menus and check-lists for developers and contractors to ensure water-efficient infrastructure and technology are used in new construction, including low- flow toilets and shower heads, moisture-sensing irrigation, and other such advances.</li> </ul> </li> <li>• Install water-efficient landscapes and irrigation, including:               <ul style="list-style-type: none"> <li>○ Requiring planting drought-tolerant and native species, and covering exposed dirt with moisture-retaining mulch or other materials such as decomposed granite.</li> <li>○ Requiring the installation of water-efficient irrigation systems and devices, including advanced technology such as moisture-sensing irrigation controls.</li> </ul> </li> <li>• Promote the planting of shade trees and establish shade tree guidelines and specifications, including:</li> </ul>				

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<ul style="list-style-type: none"> <li>○ Establishing guidelines for tree planting based on the land use (residential, commercial, parking lots, etc.).</li> <li>○ Establishing guidelines for tree types based on species size, branching patterns, whether deciduous or evergreen, whether roots are invasive, etc.</li> <li>○ Establishing tree guidelines for placement, including distance from structures, density of planting, and orientation relative to structures and the sun.</li> <li>● Develop an Urban Forestry Program to consolidate policies and ordinances regarding tree planting, maintenance, and removal, including:               <ul style="list-style-type: none"> <li>○ Establishing guidelines for tree planting, including criteria for selecting deciduous or evergreen trees low-VOC- producing trees, and emphasizing the use of drought- tolerant native trees and vegetation.</li> </ul> </li> </ul>				
<p><b>6-4</b> Measures listed in Mitigation Measure 6-2 and 6-3 shall be considered by the City while reviewing all new development, as appropriate, between the time of adoption of The Ontario Plan and adoption of the Climate Action Plan (CAP).</p>	City of Ontario Planning Department	Prior to adoption of the Climate Action Plan	City of Ontario Planning Department	
<p><b>6-5</b> Pursuant to a goal of overall consistency with the Sustainable Communities Strategies, the City of Ontario shall evaluate new development for consistency with the development pattern set forth in the Sustainable Communities Strategies plan, upon adoption of the plan by the Southern California Association of Governments.</p>	City of Ontario Planning Department	Prior to individual project approvals	City of Ontario Planning Department	
<p><b>6-6</b> The City of Ontario shall participate in the County of San Bernardino's Green Valley Initiative.</p>	City of Ontario Planning Department	Prior to individual project approvals	City of Ontario Planning Department	

**5.12 NOISE**

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<p><b>12-1</b> Prior to the issuance of building permits for any project that involves a noise-sensitive use within the 65 dBA CNEL contour along major roadways, freeways, railroads, or the Los Angeles/Ontario International Airport, the project property owner/developers shall retain an acoustical engineer to conduct an acoustic analysis and identify, where appropriate, site design features (e.g., setbacks, berms, or sound walls) and/or required building acoustical improvements (e.g., sound transmission class rated windows, doors, and attic baffling), to ensure compliance with the City's Noise Compatibility Criteria and the California State Building Code and California Noise Insulation Standards (Title 24 and 21 of the California Code of Regulations).</p>	<p>City of Ontario Planning/Building Department in coordination with the Landowner/Project Applicant</p>	<p>Prior to individual project approvals</p>	<p>City of Ontario Planning/Building Department</p>	
<p><b>12-2</b> Individual projects that involve vibration-intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, occurring near sensitive receptors shall be evaluated for potential vibration impacts. If construction-related vibration is determined to be perceptible at vibration-sensitive uses (i.e., exceed the Federal Transit Administration vibration-annoyance criteria of 78 VdB during the daytime), additional requirements, such as use of less vibration intensive equipment or construction techniques, shall be implemented during construction (e.g., drilled piles to eliminate use of vibration-intensive pile driver).</p>	<p>City of Ontario Planning/Building/MUA Department in coordination with the Landowner/Project Applicant's construction contractor</p>	<p>During construction</p>	<p>City of Ontario Building/MUA Department</p>	
<p><b>12-3</b> Prior to the issuance of building permits for any project that involves a vibration-sensitive use directly adjacent to the Union Pacific Railroad or Southern California Regional Rail Authority main lines shall retain an acoustical engineer to evaluate potential for trains to create perceptible levels of vibration indoors. If vibration-related impacts are found, mitigation measures, such as use of concrete, iron, or steel, or masonry materials to ensure that levels of vibration amplification are within acceptable limits to building occupants, shall be implemented. Pursuant to the Federal Transit Administration vibration-annoyance criteria, these acceptable limits are 78 VdB during the daytime and 72 VdB</p>	<p>City of Ontario Planning/Building Department with collaboration with the Landowner/Project Applicant</p>	<p>Prior to individual project approvals</p>	<p>City of Ontario Building Department</p>	

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
during the nighttime for residential uses, 84 VdB for office uses, and 90 VdB for workshops.				
<b>12-4</b> Construction activities associated with new development that occurs near sensitive receptors shall be evaluated for potential noise impacts. Mitigation measures such as installation of temporary sound barriers for adjacent construction activities that occur adjacent to occupied noise-sensitive structures, equipping construction equipment with mufflers, and reducing non-essential idling of construction equipment to no more than five minutes shall be incorporated into the construction operations to reduce construction-related noise to the extent feasible.	City of Ontario Building/Planning/MUA Department in coordination with the Landowner/Project Applicant's construction contractor	During construction	City of Ontario Building/Planning/MUA Department	
<b>5.16 TRANSPORTATION AND CIRCULATION</b>				
<b>16-1</b> The Mobility Element of the Ontario Plan shall be consistent with the traffic study prepared by Kimley-Horn and Associates in 2009. Table 5.16-6 in Section 5.16, <i>Transportation and Traffic</i> , shows the recommended lane geometry for the Proposed Land Use Plan.	City of Ontario Engineering/Planning Department	Ongoing	City of Ontario Engineering/Planning Department	
<b>5.17 UTILITIES AND SERVICE SYSTEMS</b>				
<b>17-1</b> The City shall include a policy in the Policy Plan that requires water conservation measures for development projects to improve water use efficiency and reduce overall water demand. Reduce potable water demand, through conservation measures, including but not limited to: <ul style="list-style-type: none"> <li>• Work cooperatively with all developers to incorporate conservation measures into project designs (such as those recommended by the California Urban Water Conservation Council).</li> <li>• Continue to develop and implement drought contingency plans to assist citizens and businesses</li> </ul>	City of Ontario Planning/MUA Department	Ongoing	City of Ontario Planning/MUA/Engineering Department	

**Table 3-1  
 Mitigation Monitoring Requirements**

<b>Mitigation Measure</b>	<b>Responsibility for Implementation</b>	<b>Timing</b>	<b>Responsibility for Monitoring</b>	<b>Monitor (Signature Required) (Date of Compliance)</b>
<p>reduce water use during water shortages and emergencies.</p> <ul style="list-style-type: none"> <li>Revise the City Code to include a Water-Efficient Landscape Ordinance to encourage or, as appropriate, require the use of water-efficient landscaping consistent with AB 1881.</li> </ul>				
<p><b>17-2</b> The City shall include a policy in the Policy Plan that maximizes the use of recycled water as an irrigation (nonpotable) source for landscaping, parks, and other irrigation opportunities in all areas of the City and requires use of recycled water in dual-system office and industrial uses in selected urban areas of the City, where available and feasible.</p>	<p>City of Ontario Planning Department in coordination with City of Ontario MUA/Engineering Department</p>	<p>Ongoing</p>	<p>City of Ontario Planning/MUA/Engineering Department</p>	
<p><b>17-3</b> The City shall include a policy in the Policy Plan that the City participate through the Chino Basin Water Master and the Inland Empire Utilities Agency in regional efforts to develop finding additional sources of water for groundwater recharge, such as capture of stormwater runoff, recycled water, or other sources to ensure that the Chino Basin stays in long-term hydraulic balance and sustainability and that adequate additional local water sources would be available to increase the flexibility of the City's water supply.</p>	<p>City of Ontario Planning Department in coordination with City of Ontario MUA/Engineering Department</p>	<p>Ongoing</p>	<p>City of Ontario Planning/MUA/Engineering Department</p>	



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA19-004, AN AMENDMENT TO THE TOYOTA ONTARIO BUSINESS PARK SPECIFIC PLAN, GENERALLY LOCATED SOUTH OF JURUPA STREET, EAST OF MILLIKEN AVENUE, NORTH OF FRANCIS STREET, AND WEST OF THE I-15 FREEWAY, REVISING THE LAND USE DESIGNATION FOR PLANNING AREA 1 FROM OFFICE/RESEARCH AND DEVELOPMENT TO INDUSTRIAL MIXED USE, AND UPDATING THE LANDSCAPE PALETTE TO CONFORM TO CURRENT CALIFORNIA FRIENDLY LANDSCAPE PRACTICES, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0238-121-75.

WHEREAS, MIG (hereinafter referred to as "Applicant") has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA19-004, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 95.35 acres of land generally located south of Jurupa Street, east of Milliken Avenue, north of Francis Street, and west of the I-15 freeway. Planning Area 1, which is the subject of the proposed land use change, is a triangular shaped, unimproved site located at the northwest corner of the Specific Plan area, consisting of approximately 14.4 acres of land that is bordered by Jurupa Street to the north, Milliken Avenue to the west, and Toyota Way (a private street) to the southeast. Planning Areas 2 and 3 currently contain an approximate 857,000 square foot warehouse/distribution building that is owned and operated by Toyota Motor Sales USA, Inc.; and

WHEREAS, the Applicant is requesting a change in land use affecting Planning Area 1, from Office/Research & Development ("Office/R&D") to Industrial Mixed Use. The proposed change in land use designation will allow for a mix of Office/R&D, warehouse/distribution, and manufacturing land uses within the Planning Area, consistent with uses allowed in the surrounding Specific Plans and the IG (General Industrial) zoning district; and

WHEREAS, Planning Areas 2 and 3 are unaffected by the Specific Plan Amendment and will continue to be designated Warehouse/Distribution; and

WHEREAS, in addition to the land use designation change to Planning Area 1, the Specific Plan Amendment will update the Specific Plan's landscape palette to conform to current California friendly landscape practices, which will apply to any future development projects throughout the Specific Plan area; and

WHEREAS, the private street bordering Planning Area 1 on the southwest side, which the Specific Plan currently designates as Rockefeller Drive, will be corrected to reflect the street's actual assigned name: Toyota Way. A Specific Plan Amendment is not required to make this correction; however, it will be accomplished with this Amendment; and

WHEREAS, The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) was certified on January 27, 2020 (hereinafter referred to as "Certified EIR"), in which development and use of the Project site was discussed; and

WHEREAS, the Planning Director of the City of Ontario prepared and approved for attachment to the certified Environmental Impact Report, an Addendum to the Certified EIR (hereinafter referred to as "EIR Addendum") in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively referred to as "CEQA"); and

WHEREAS, the environmental impacts of this project were thoroughly analyzed in the EIR Addendum, which concluded that implementation of the Project could result in a number of significant effects on the environment that were previously analyzed in the Certified EIR, and that the Certified EIR identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act — Public Resources Code Section 21000 et seq. — (hereinafter referred to as "CEQA") and an EIR Addendum has been prepared to determine possible environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and



WHEREAS, on April 28, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the EIR Addendum and the Project, and concluded said hearing on that date, voting unanimously 7-0 to issue Resolution No. PC20-018, recommending the City Council adopt the EIR Addendum, and voting unanimously 7-0 to issue Resolution No. PC20-019, recommending the City Council approve the Application; and

WHEREAS, as the first action on the Project, on June 2, 2020, the City Council issued a Resolution adopting the EIR Addendum, finding that the proposed Project introduces no new significant environmental impacts and applying all previously adopted mitigation measures to the Project, which were incorporated by reference; and

WHEREAS, on June 2, 2020, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

**SECTION 1. *Housing Element Compliance.*** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based upon the facts and information contained in the Application and supporting documentation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

**SECTION 2. *Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance.*** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

**SECTION 3. Concluding Facts and Reasons.** Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Sections 1 and 2, above, the City Council hereby concludes as follows:

(1) ***The proposed Specific Plan Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Specific Plan Amendment is consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, in that the Specific Plan Amendment contributes toward the legislative framework for the implementation of The Ontario Plan's allowed land uses, guiding growth and development within the Toyota Ontario Business Park Specific Plan, and achieving optimum results from the City's physical, economic, environmental, and human resources.

(2) ***The proposed Specific Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The proposed land uses and corresponding standards and guidelines established by the Specific Plan have been created with the intent to safeguard and further the public interest, health, safety, convenience, and general welfare, and to ensure that the purposes of The Ontario Plan are maintained.

(3) ***In the case of an application affecting specific property, the proposed will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The locations of the proposed Specific Plan Amendment, and the conditions under which it will be implemented and maintained, is consistent with the Policy Plan component of The Ontario Plan and the City's Development Plan, and, therefore, will not adversely affect the harmonious relationship with adjacent properties and land uses.

(4) ***In the case of an application affecting specific property, the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.*** The proposed Specific Plan Amendment has been thoroughly evaluated by City agencies and departments, which have established that the affected property is physically suitable for the proposed land use changes in terms of parcel size, shape, access, and availability of utilities.

**SECTION 4. City Council Action.** Based upon the findings and conclusions set forth in Sections 1 through 3, above, the City Council hereby APPROVES the herein described Specific Plan Amendment, attached hereto as "Attachment A" and incorporated herein by this reference.

**SECTION 5. Indemnification.** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

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

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

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of June 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

---

COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 2, 2020, by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held on June 2, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**ATTACHMENT A:**

**File No. PSPA19-004 —  
Amendment to the Toyota/Ontario Business Park  
Specific Plan**

*(Document follows this page)*

**Toyota Ontario Business Park**

**Specific Plan**

(City File No. 4621-SP)



Prepared for:  
**City of Ontario**

Prepared by  
**Toyota Motor Sales, Inc.**

Amended June 2020 (File No. PSPA19-004)

*DRAFT*

**Toyota/Ontario Business Park  
Specific Plan**

**(City File No. 4621-SP)**

**Prepared for:  
City of Ontario**

**Original Prepared By:  
Toyota Motor Sales Inc.**

**August 1993**

**SPA Prepared By:  
MIG**

**For:  
Toyota Motor Sales, Inc.**

**Amended June 2020 (File No. PSPA19-004)**



**Applicant:**

**Toyota Motor Sales Inc.  
19001 S. Western Avenue  
Torrance CA 90509  
(310) 618-4385**

**Contact: Mr. Lem Bottoms**

**Consultant Team:**

**Elkus/Manfredi, Master Plan and Design Architects  
530 Atlantic Avenue  
Boston, Massachusetts 02210  
(617) 426 1300**

**Contact: Howard Elkus**

**The Nadel Partnership, Executive Architects  
3090 Bristol Street, Suite 200  
Costa Mesa, California 92626  
(714) 540 5000**

**Contacts: David Jacobson, AIA  
Scott Clausen**

**Steinmann Grayson Smylie, Architectural Programming  
6310 San Vicente Blvd., Suite 550  
Los Angeles, California 90048  
(213) 933 5050**

**Contact: Paul Eagle**

**EDAW, Landscape Architecture  
1920 Main Street, Suite 459  
Irvine, California 92714  
(714) 660 8044**

**Contact: William Schulz, ASLA**

**Williamson & Schmid, Civil Engineers**  
1101 S. Milliken Avenue, Suite G  
Ontario, California 91761  
(909) 988 7880

**Contact: Maurice Murad**

**Korve Engineering, Inc., Transportation Engineering**  
201 S. Lake, Suite 706  
Pasadena, California 91101  
(818) 568 9181

**Contact: Michael Bates**

**Kosmont and Associates, Fiscal Impact**  
610 N. Hollywood Way, Suite 350  
Burbank, California 91505  
(818) 840 8565

**Contact: James Rabe**

**Jerry Haag and Steven Reiner, Specific Plan Preparation**  
3254 Adeline St.  
Berkeley, California 94703  
(510) 450 0620

**Specific Plan Amendment PSPA 19-004**

**Applicant:**

**Toyota Motor North America, Inc.  
6565 Headquarters Drive, E3-3B  
Plano, TX 75024  
(469) 292-1024**

**Contact: Clint McMorris**

**Consultant Team:**

**MIG  
1500 Iowa Ave. Suite 110  
Riverside, CA 92507  
(951) 787-9222**

**Contact: Pamela Steele**

**Ganddini Group, Inc.  
550 Parkcenter Dr., Suite 202  
Santa Ana, CA 92705  
(714) 795-3100**

**Contact: Giancarlo Ganddini, PE, PTP**

## **ONTARIO CITY COUNCIL**

**James R. Fatland, Mayor**  
**Gus Skropos, Mayor Pro tempore**  
**Jim Bowman**  
**Rudy Favila**  
**Gary Ovitt**

## **ONTARIO PLANNING COMMISSION**

**Shelia Mautz, Chairperson**  
**Frank J. Lizzarraga, Jr., Vice Chairperson**  
**Kate Cerda-Nunez**  
**Alex Espinoza**  
**Reverend Charles Mabry**  
**James D. Maletic**  
**Joseph Puchalski**

## **ONTARIO DEVELOPMENT ADVISORY BOARD**

<b>Community Economic Development/Redevelopment</b>	<b>Norm Priest</b>
<b>Community Development</b>	<b>Byron Ely</b>
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<b>Transportation Projects Manager</b>	<b>Kim Schultz</b>
<b>Code Enforcement</b>	<b>Yuchuek Hsia</b>

## **ONTARIO CITY MANAGER**

**G. Michael Milheiser**

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## 1.0 Introduction

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### 1.1 Purpose of the Specific Plan

This Specific Plan document assures the systematic implementation of the goals and policies contained in the Ontario General Plan. In addition, it provides a framework outlining the logical and comprehensive development of the subject property governed by the Specific Plan. Land use designations, development standards and design guidelines contained within this document shall govern all territory known as the Toyota/Ontario Business Park (T/OPB) project and all previous specific plans that may have governed the subject property are superseded.

The Specific Plan contains development standards for various classifications of land use within the project site expressed in both text and graphic formats. In addition to land use, major components of the plan include transportation and circulation, streetscape and landscape guidelines, infrastructure, and public services.

### 1.2 Project Location

The T /OBP project includes approximately 94 acres of land located south of Jurupa Street, east of Milliken Avenue, west of the Ontario (1-15) Freeway and north of Francis Street and a Southern California Edison (SCE) easement in Ontario, California.

**Exhibit 1** shows the regional location of the project in relation to surrounding communities and **Exhibit 2** depicts the local context of the project site.

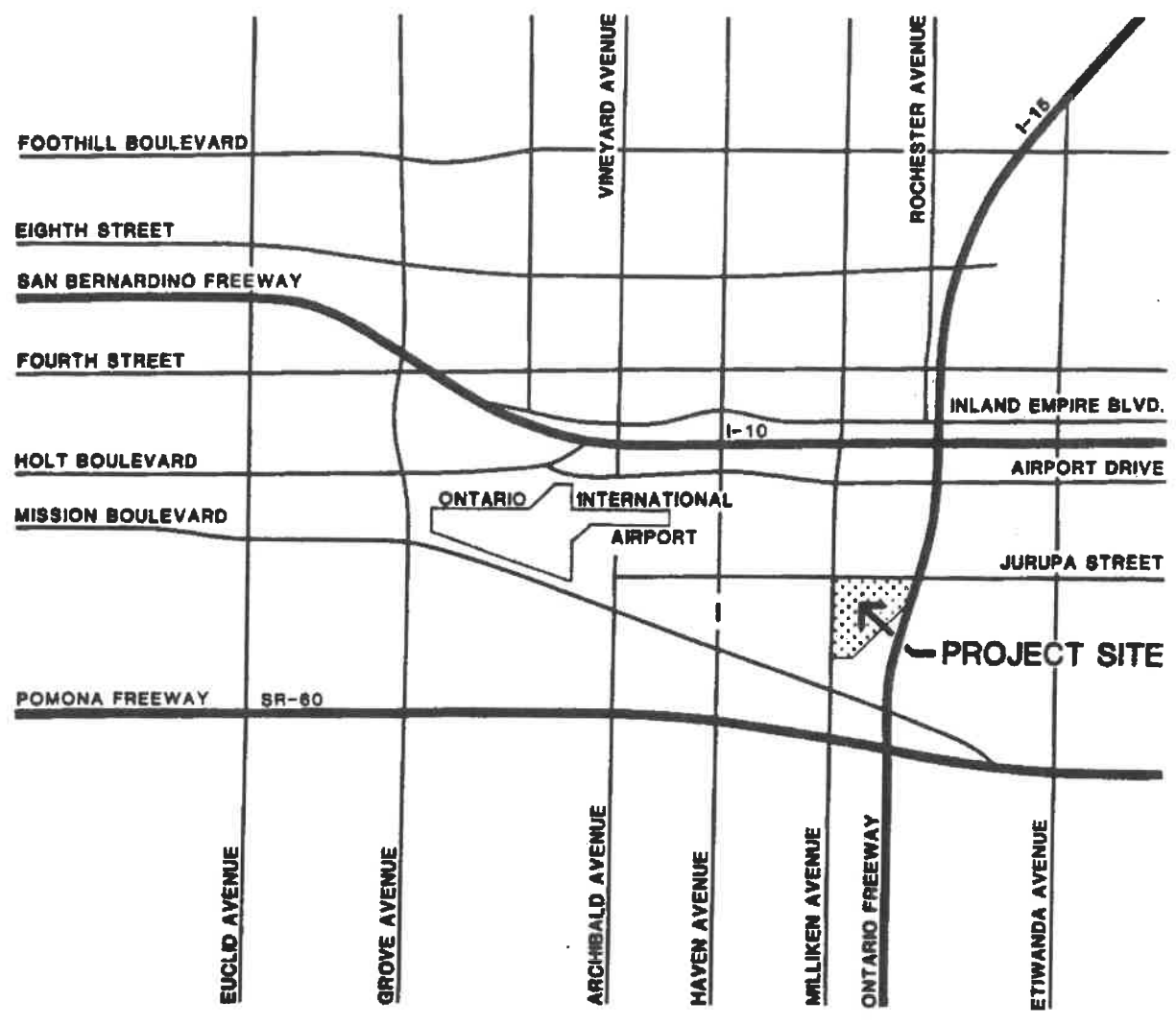
The project is centrally located within Southern California, approximately 40 miles east of downtown Los Angeles, 20 miles east of downtown San Bernardino and 30 miles northeast of Orange County.

### 1.3 Project Site Conditions

The project site consists of approximately 94 acres of land within eastern Ontario. The site is generally rectangular in shape with a triangular cutoff to the southeast to accommodate an existing SCE easement for high-voltage transmission lines. Topographically, the site has a distinct slope to the southeast, with a total "fall" of approximately thirty to thirty-five feet over the run of the site.

Existing site uses include a City of Ontario water well facility near the intersection of Jurupa Street and Milliken Avenue and a small number of mature trees (fewer than a dozen) just north of Francis Street.

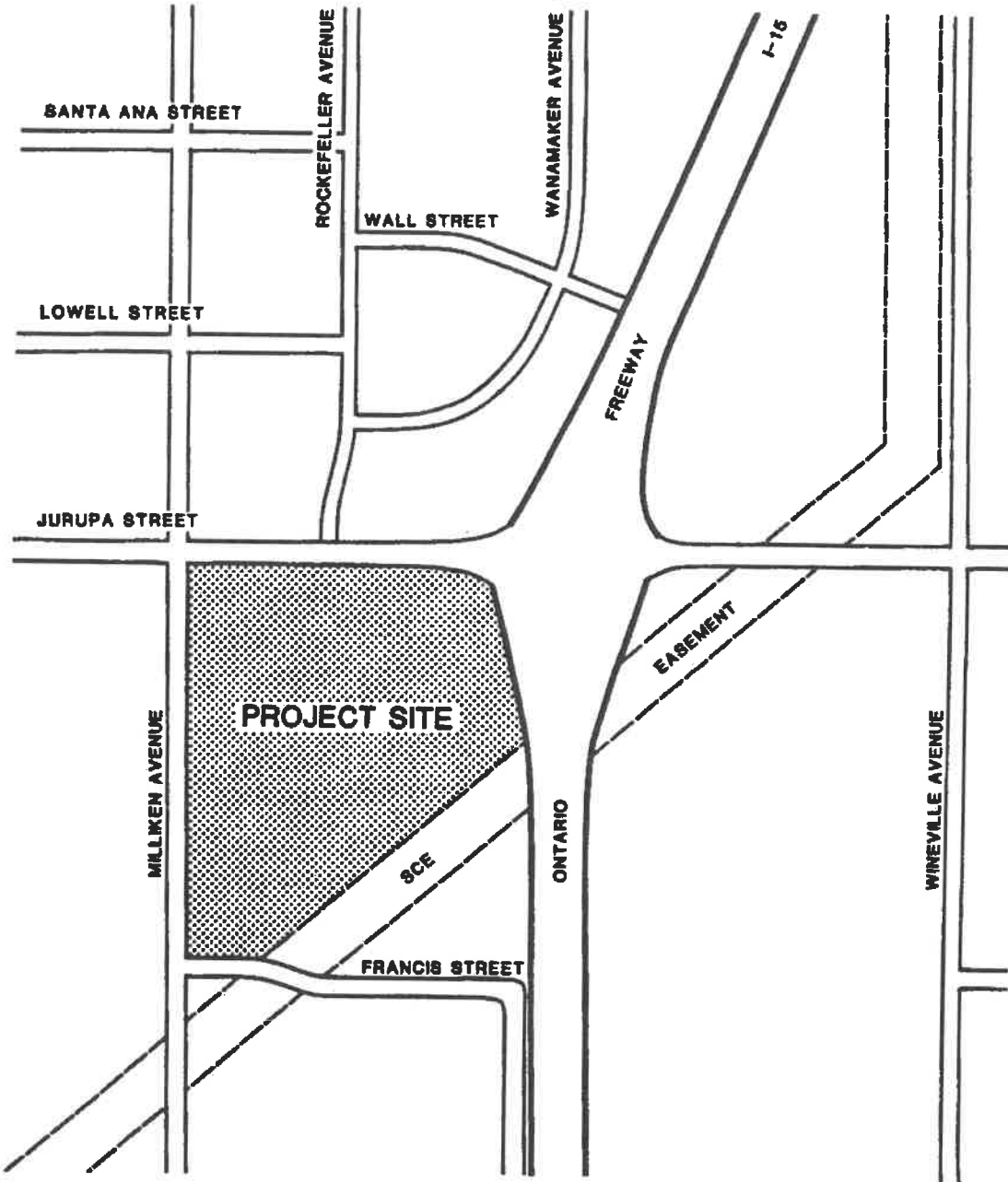
A legal description of the site is found in the Appendix of this Specific Plan.



No Scale 

Exhibit 1  
**Regional Location**





#### **1.4 Authority for Specific Plans**

Ordinance No. 2124, adopted by the Ontario City Council on March 16, 1981, allows for the creation, adoption and implementation of Specific Plans in the City. Specific Plans are governed by Section 65450 et. seq. of the California Government Code.

#### **1.5 Relationship to the Ontario General Plan, Municipal Code, and Related Policies**

Development standards or land use regulations not specifically addressed in this document shall be governed by appropriate City codes and standards. Unless otherwise noted in the Specific Plan, all off-site improvements are subject to City of Ontario policies, standards and specifications in effect at the time of submittal of improvement plans.

#### **1.6 Severability**

If any term, provision, condition or requirement of this Specific Plan shall be held invalid or unenforceable, the remainder of the Specific Plan or the application of such term, provision, condition, or requirement to circumstances other than those in which it was held invalid or unenforceable shall not be affected thereby; and each term, provision, condition or requirement of the Specific Plan shall be valid and unenforceable to the fullest extent permitted by law.

#### **1.7 Specific Plan Organization**

The Specific Plan is organized as follows:

- The *Introduction* section provides background information regarding the opportunities and objectives of the Plan as well as describing the purpose;
- *Project Characteristics* and *Objectives* describe the scope and intent of the project;
- The *Development Program* section describes the manner in which the site is to be developed and includes a land use concept plan, a streetscape and landscape plan, a circulation and transportation plan, a transportation demand management plan, a grading concept, a plan to provide infrastructure, public services and community facilities;
- A set of *comprehensive Design Guidelines* to provide direction relative to architectural treatment of buildings and ancillary structures on the project site;
- *Development Standards*, which establish minimum site development requirements, including permitted land uses, setbacks, building heights and related topics;
- *Specific Plan Administration*, which describe the manner in which the Plan will be implemented and, if necessary, amended to reflect changing conditions.

---

## 2.0 Project Characteristics

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### 2.1 Project Characteristics and Objectives

The project includes the construction of a combination of warehouse and distribution uses with potential office building(s).

Land Uses, which are described more fully in Chapter 3.0 of the Specific Plan, include two large warehouse and distribution structures. The larger of the two will be Toyota's NAPLD (North American Parts and Logistics Division) building, which will receive bulk auto parts from overseas and North American suppliers, sorted via manual and automated materials handling system (described below), and then distributed to smaller, regional warehouse facilities throughout North America, Hawaii, and the South Pacific. Parts will arrive and be shipped via tractor-trailer trucks with no use of on-site rail transit anticipated. A second, smaller warehouse and distribution facility will be built on the site which will be a regional facility to supply retail Toyota dealers throughout the Western United States. The warehouse and distribution buildings will also contain related administrative offices.

The materials handling component of the facility is described as follows. Automotive parts will be received in sea or land containers at the NAPLD facility on a scheduled basis. Containers will be unloaded, the contents broken down and moved by conveyor to areas designated for immediate shipping, repacking or storage. Parts will then be moved to their final destination by conveyor, automatic guided vehicle, or forklift. The fastest moving (in terms of time in the warehouse) small parts will be stored in a system that will allow automated retrieval and storage. Slower moving large parts will be stored and retrieved by warehouse personnel using wire-guided pickers or reach trucks. Such parts will then be transported to packing areas or staging areas by conveyor to shipping docks.

The entire inventory system will be paperless in that all parts will be received and shipped using bar code and computer scanner technology to verify quantities and order accuracy.

Other land uses may include freestanding office buildings and Research and Development (R&D) facilities. Non-auto related businesses may also select to locate within the Toyota/Ontario Business Park due to the geographic location or quality of development. Other ancillary or complementary uses are also allowed. Ample landscaping and related amenities will be provided throughout the site as described in Section 3.3 of the Specific Plan.

The project will be built in multiple phases. Phasing is discussed in Section 3.8.

Project objectives are to:

- Permit the construction of a national auto parts warehouse and distribution center for Toyota Motor Sales, U.S.A., Inc. (TMS) relatively close to a major port facility to be able to serve the needs of their national dealer network in an economic and efficient manner.
- Provide for the construction of a regional auto parts warehouse on the same site to serve Toyota dealers in the western United States.
- Permit the construction of office and research and development space.
- Construct the above land uses in a high-quality, project setting which will allow on-site uses to be complimentary and which will present a positive image of the project and the City.
- Provide a range of employment opportunities for local residents, including managerial, technical, administrative, and general labor.
- Link the construction of major facilities to the provision of required infrastructure and community facilities.
- Comply with local and regional programs and policies to improve air quality within the South Coast Air Basin.





Scale 1"=300'

*Exhibit 3*  
**Land Use Concept**



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## 3.0 Development Program

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### 3.1 Development Plan Overview

The type, intensity, and character of anticipated development on the site are described in Chapter 2.0, Project Characteristics. To support this level of development, the Specific Plan provides for:

- A comprehensive transportation and circulation component, governing vehicular and non-vehicular modes of traffic generated by the project, including truck traffic and a plan for transportation demand management;
- A streetscape and landscape component to guide the aesthetic and functional treatment of adjacent street frontages, other project edges and interior landscaping;
- An infrastructure, public service and community facility component describing required improvements to water, sewer, storm drainage systems, as well as police protection, fire protection, solid waste disposal, and maintenance of public and private facilities;
- Phasing of on-site facilities and any off-site facilities which may be required.

### 3.2 Land Use Plan

The overall concept for the Toyota/Ontario Business Park Specific Plan is to permit the construction of a mixed use warehouse/distribution/office complex for TMS and future owners on the site. Land uses will include the NAPLD building, previously described, smaller regional warehouse and distribution facilities and/or other office and research and development buildings. A trip generation comparison was conducted by Ganddini Group and reviewed by the City's Traffic Engineering Division that compared an Office use versus a Warehouse at a FAR of 0.48.

**Exhibit 3** depicts the land use plan for the project. The exhibit divides the site into three Planning Areas based on anticipated, optimum land uses within each of these areas. In addition to buildings, each planning area will contain parking and landscaped areas. A description of uses within each planning areas follows.

- Planning Area 1, located directly on the northwest corner of the site, will provide the opportunity to develop warehouse/distribution, manufacturing, office, research and development facilities or similar uses which may be occupied by Toyota facilities or other users desiring a high visibility site near Toyota's distribution facility. Maximum development within Planning Area 1 will not exceed 300,000 gross square feet .
- Planning Area 2 will house the NAPLD warehouse and distribution facility, consisting of 1.2 million square feet of gross floor space to be built in at least two phases. As a part of the NAPLD building, approximately 65,000 square feet of internal office space will be included to house administrative offices related to the warehouse function.
- Planning Area 3 will contain a regional distribution facility, consisting of a maximum of 700,000 square feet of gross floor area.

Land uses which are permitted within each of the Planning Areas are described in Section 5.2, Permitted Uses.

**Table 1** below summarizes land use, development intensity, planning area size and Floor Area Ratio (FAR for the Toyota/Ontario Business Park).

**Table 1 Toyota/Ontario Business Park Land Use Summary**

<b>Planning Area</b>	<b>Size (Ac.)</b>	<b>Land Use</b>	<b>Max. Dev. Intensity (Sq. Ft.)</b>	<b>Maximum FAR</b>
1	14.4	Office/R&D, Warehouse, and Distribution	300,000	0.48
2	50.6	Warehouse/ Distribution	1,200,000	0.54
3	29.0	Warehouse/ Distribution	700,000	0.55
<b>Total</b>	<b>94.0</b>		<b>2,200,200</b>	<b>0.54</b>

It is anticipated that all or a portion of the site may be subdivided into smaller parcels, consistent with the City's subdivision ordinance and provisions of the Specific Plan for purposes of financing or utility provision. Minimum lot size shall be consistent with all Development Standards set forth in Chapter 5.0 of the plan.

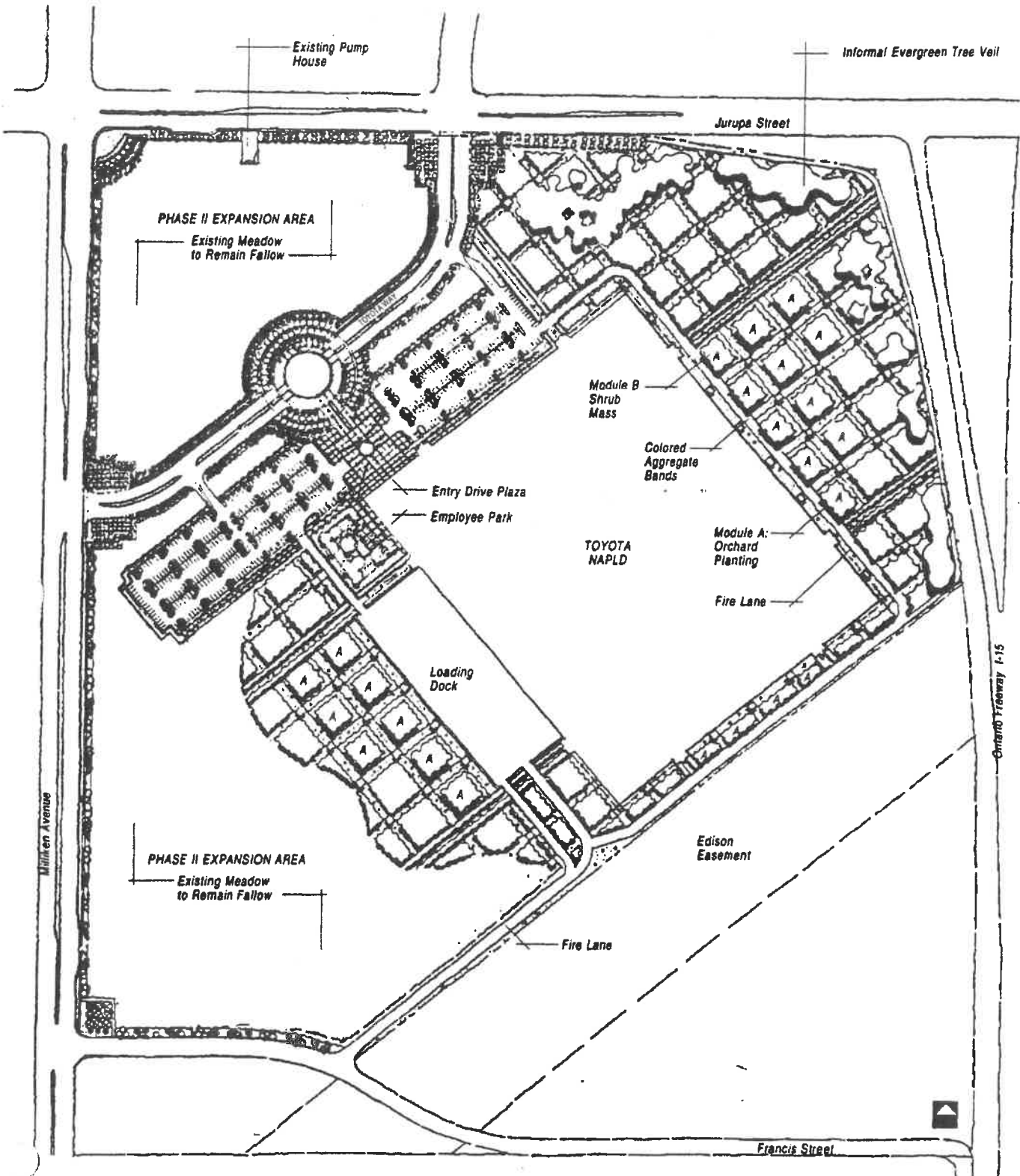
### 3.3 Streetscape and Landscape Concepts

The general location and extent of landscape and streetscape elements of the project site are depicted on **Exhibit 4**. Landscape and streetscape design objectives include:

- To integrate building architecture and landscape architectural design providing a complementary appearance;
- To use a plant palette appropriate to Ontario's climatic condition;
- To provide an environmentally responsible design solution consistent with the water constraints in southern California and the necessity to reduce green waste;
- To provide a landscape concept requiring low maintenance;
- To provide a solution for the temporary landscape areas which meet the above objectives as well as providing dust and weed control.

Principal landscape components for the Toyota/Ontario Business Park consist of a landscape grid, shrub dots, tower shrub bands, orchards and parking lot trees which are all design extensions of the architectural elements of the first building on Planning Area 2. The role of the landscape is to complement and enhance buildings comprising the Business Park, not to hide these buildings. Perimeter landscape elements consist of streetscape plantings and an evergreen tree veil, which provide a transition zone between the context of the surrounding area and the project site.

# Toyota Ontario Business Park



**Note**  
 1. This plan is a diagrammatic concept plan only. Actual numbers and location of plant material may change during the design process.  
 2. See Exhibit 20 for Recommended Plant Palette.

Exhibit 4  
**Landscape Concept**

8/23/93



A key component of the landscape concept is the landscape module, reminiscent of agricultural patterns found in Southern California. The orchard concept has been developed not to replicate, but to pay homage to Ontario's agricultural history and the natural beauty of the landscape. Plantings create a rhythm with the building façade harmonizing with the architecture. The height of orchard trees has been selected with the intent of allowing views to accent "dot" windows, which together with the trees, appear as a "necklace" around the top of the building. **Orchards have been located only between the building towers to focus views to the accented corners of the buildings.** The shrub dots are repeating forms found on the building and integrated into the landscape. Shrub tower bands are an extension of the vertical architectural element into the horizontal plane of the landscape. The parking lot trees are also sequenced with building elevations.

Streetscapes along Jurupa Street and Milliken Avenue have been designed to complement existing landscape forms on the opposite sides of the street, providing a unified public appearance. Toyota Way, the private drive within the project, is accented with special landscape treatments at the intersections with Jurupa Street and Milliken Avenue, as well as Toyota Way. No street trees are planted adjacent to Toyota Way.

An evergreen tree veil with a hydroseeded meadow mix below functions as a transitional element between adjacent streets and the Toyota/Ontario Business Park. This treatment is not contiguous, which allows for views into the project site so that individual buildings can be seen.

A crushed aggregate mulch will be placed on portions of the project site slated for future construction. This will provide temporary dust and weed control prior to permanent construction and landscaping.

The irrigation system for the project reflects water conservation elements consistent with the overall landscape theme and plant palette. Conventional spray irrigation will be minimized. An individual basin watering strategy will be incorporated which uses water efficiently and minimizes weed growth.

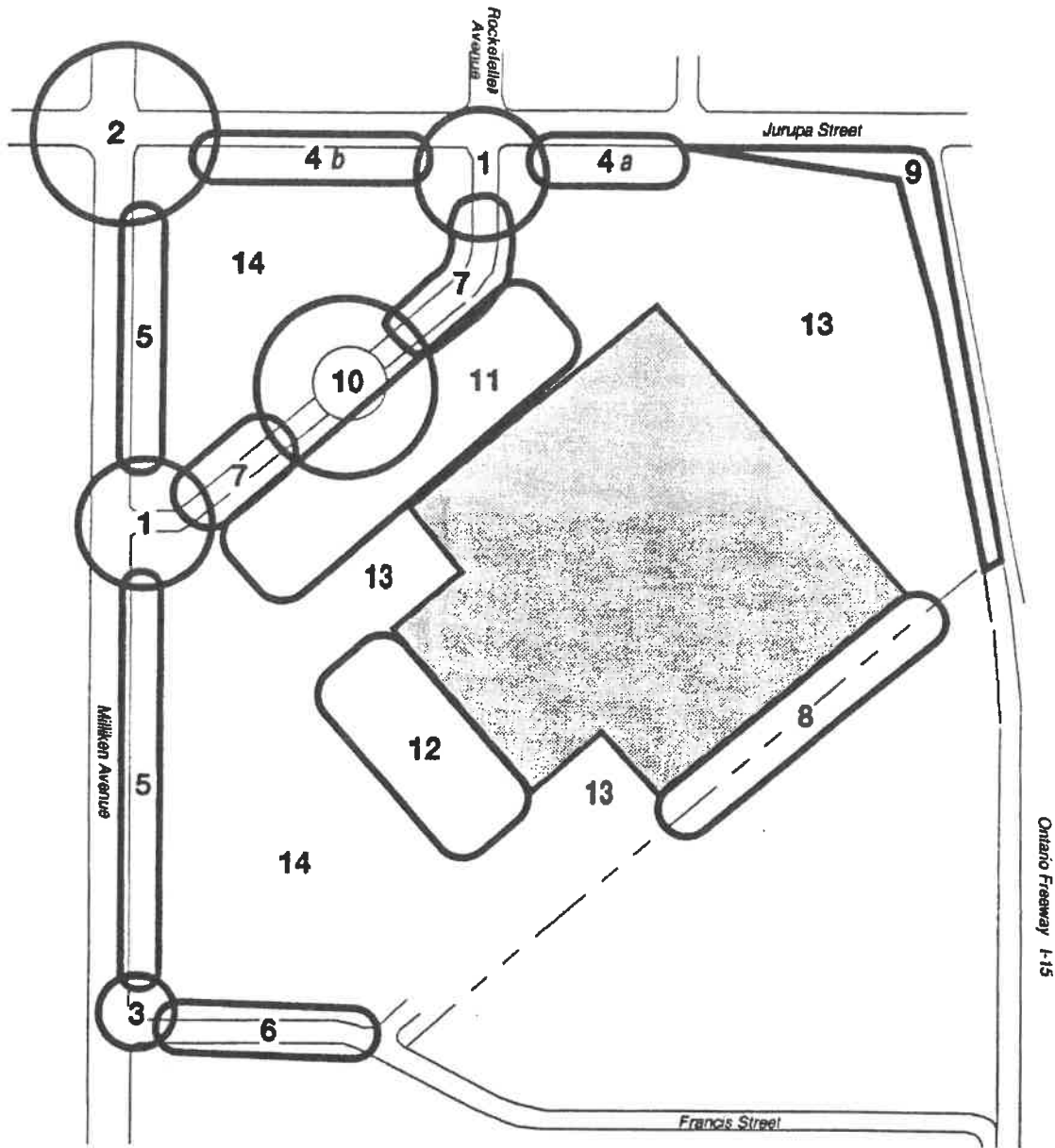
**Exhibit 5** shows the location of the various landscape zones within the project area. These are further detailed on exhibits later in the Specific Plan Document.

A small number of trees are currently growing on site which are perhaps the remnants of a windrow or windbreak associated with the previous agricultural use of the property. Prior to commencement of construction on the site, the applicant shall complete an arborist report to determine the health and status of these trees and, based on the arborist report, will prepare a mitigation plan to deal with trees. The mitigation plan may recommend that the trees be relocated on site. If the existing trees are not healthy or are too large to be safely relocated, they may be removed. Replacement and mitigation for removed trees shall be equal to trunk diameter of heritage trees removed per the Development Code Tree Preservation Policy and Protection Measures, section 6.05.020. Add tree protection notes on construction and demolition plans to protect trees to remain.

Following is a description of key streetscape and landscape elements.

### **3.3.1 Project Entrances**

Two project entrances areas are planned, one at the intersection of Jurupa Street and Toyota Way and the other at the intersection of Milliken Avenue and Toyota Way. The



**LEGEND**

- |  |  |
|--|--|
| 1 Project Entrances (Exhibit 6)                        | 7 Toyota Way Streetscape Treatment (Exhibit 12)  |
| 2 Milliken / Jurupa Intersection Treatment (Exhibit 7) | 8 Southeast Property Line Treatment (Exhibit 13) |
| 3 Francis Intersection Treatment (Exhibit 8)           | 9 Freeway Edge Treatment (Exhibit 14)            |
| 4a Jurupa Streetscape Treatment - East (Exhibit 9a)    | 10 Toyota Way Circle Treatment (Exhibit 15)      |
| 4b Jurupa Streetscape Treatment - West (Exhibit 9b)    | 11 Parking Lot (Exhibit 16)                      |
| 5 Milliken Streetscape Treatment (Exhibit 10)          | 12 Loading Dock Screening (Exhibit 19)           |
| 6 Francis Streetscape Treatment (Exhibit 11)           | 13 Permanent Landscaping                         |
|  | 14 Existing Meadow to Remain Fallow              |

Scale: 1" = 400'

8/23/93

*Exhibit 5*  
**Landscape Zones**





project entrance design is shown on **Exhibit 6**. Each entrance will contain a mixture of palm trees, flowering accent trees, shrubs and ground cover, which are listed on the recommended plant palette (**Exhibit 19**). Public and private sidewalks will be integrated into the design of the entrance areas. Special paving material will be installed at project entrances, which will likely be exposed concrete aggregate to match accent material elsewhere in the Business Park.

The minimum dimension for primary entry treatments is ninety (90) feet.

### **3.3.2 Milliken Avenue/Jurupa Street and Francis Street Intersection Treatments**

**Exhibit 7** depicts landscaping improvements which will be installed on the southeast corner of Milliken Avenue and Jurupa Street. Design of the intersection will be complementary with similar intersection treatments constructed by California Commerce Center. Improvements will consist of a concentric, semi-circular ring of Crape Myrtle and Italian Stone Pines with the centerpiece being a number of Mexican Fan Palms sited in a turf area adjacent to the roadway.

**Exhibit 8** illustrates the project entrance treatment at the intersection of Francis Street and Milliken Avenue. The concept is to provide a geometric-shaped landscaped area adjacent to Francis Street with a minimum width of ninety (90) feet. Features within this area include a formal planting of an accent tree (Chinese Flame Tree) in a bed of hydroseeded turf and framed by shrub plantings of New Zealand Flax on the perimeter of the intersection treatment.

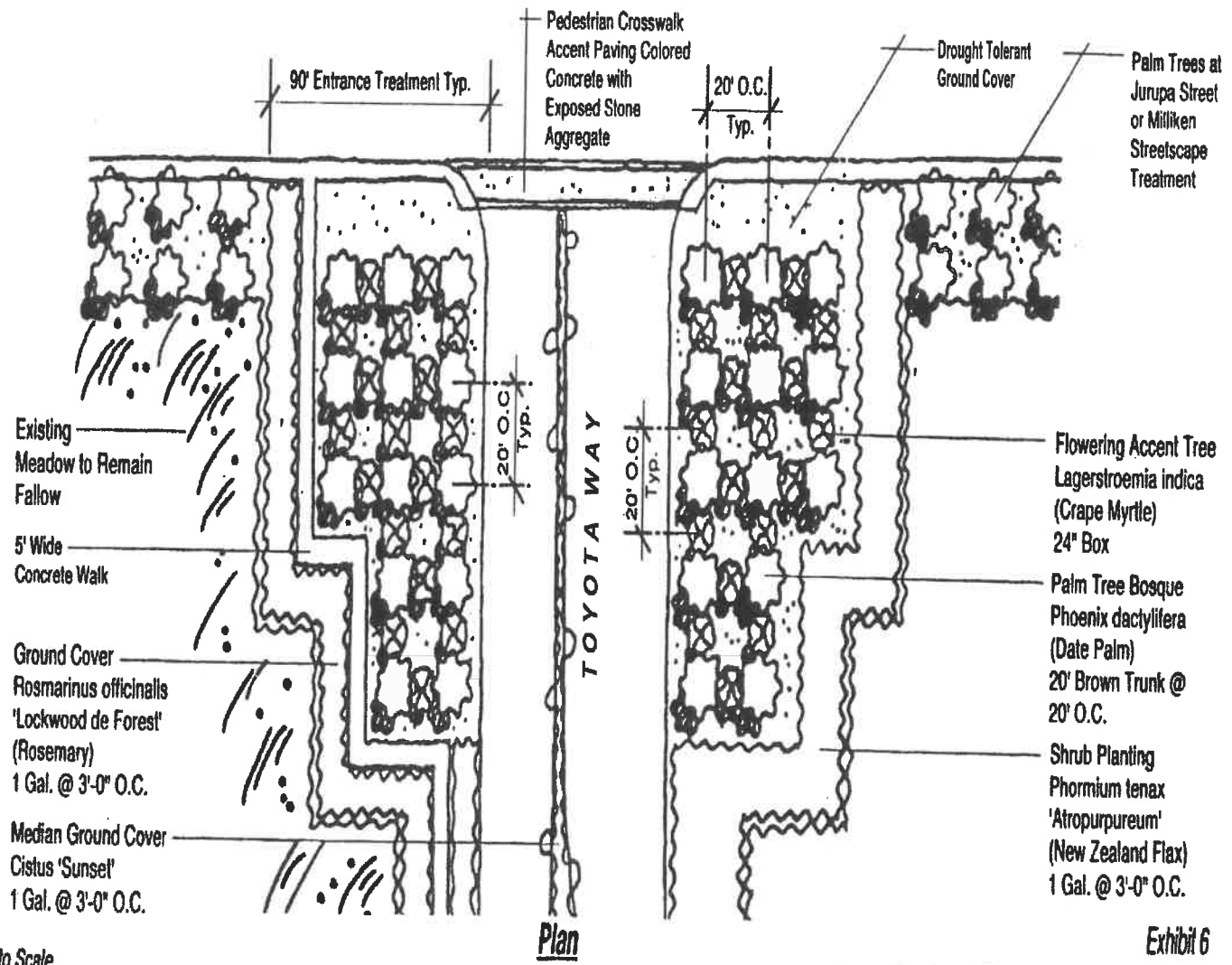
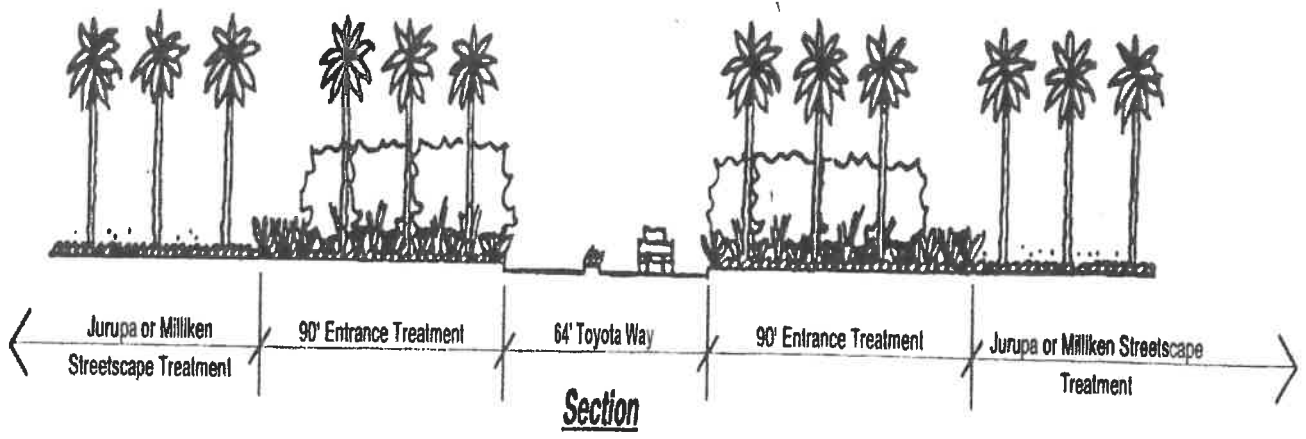
Plant selection may vary somewhat from the above, but all plantings will conform with the Recommended Plant Palette, **Exhibit 20**.

### **3.3.3 Streetscape Treatments**

**Exhibit 9a** depicts the streetscape treatment which will be characteristic of Jurupa Street east of Toyota Way. Features include a five (5) foot wide public sidewalk with a landscaped parkway of forty-one (41) feet in back of the sidewalk which will contain a double row of Date Palms within a ground cover area. A forty (40) foot storm drain easement east of Toyota Way overlays the landscaped parkway, which contains a ninety-six (96) inch storm drain facility.

West of Toyota Way no storm drain facility or easement exists. **Exhibit 9b** depicts the streetscape condition in this location, which includes plantings of Date Palms with a closer spacing, twenty feet as opposed to twenty-two feet, since the existing storm drain facility does not need to be avoided.

**Exhibit 10** illustrates streetscape conditions adjacent to Milliken Avenue. Improvements will consist of an eight (8) foot wide swath of landscaping immediately adjacent to the street, followed by a five (5) foot wide public sidewalk with a twelve (12) foot bermed landscape parkway located behind the sidewalk. Street trees will consist of informal groupings of Ginkgo (Maiden Hair) trees and Italian Stone Pine with a rosemary ground cover.

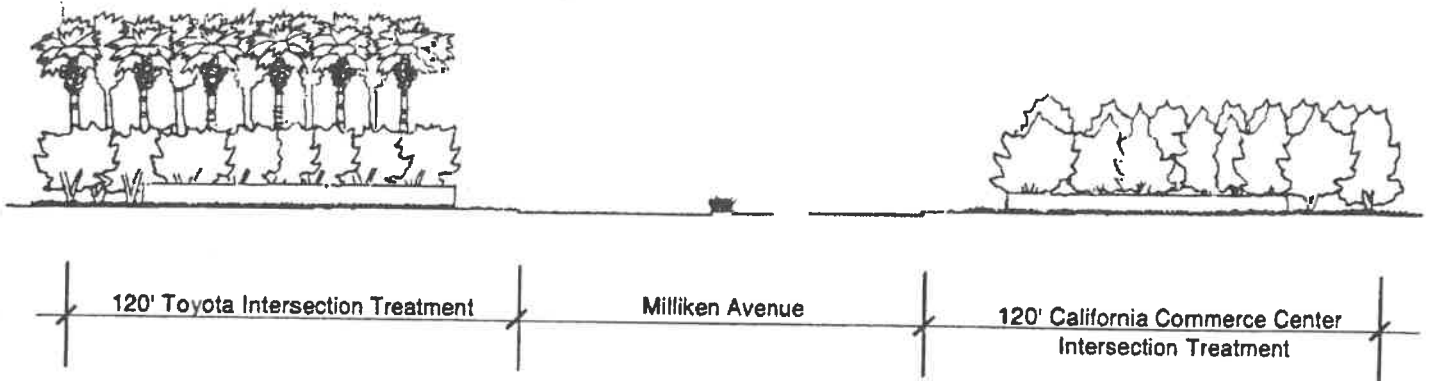


Not to Scale

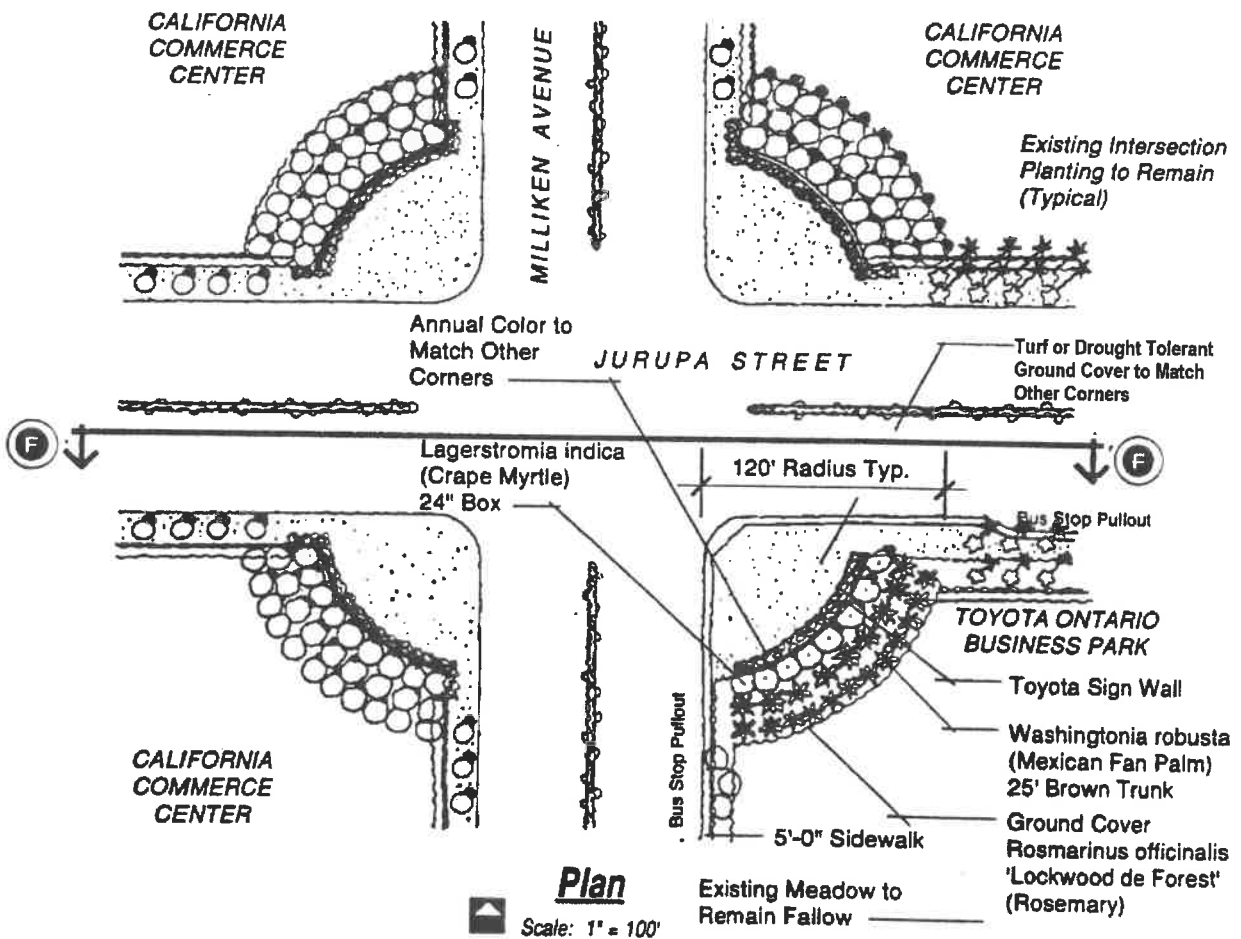
0/23/93

Exhibit 6  
**Project Entrance Treatment**



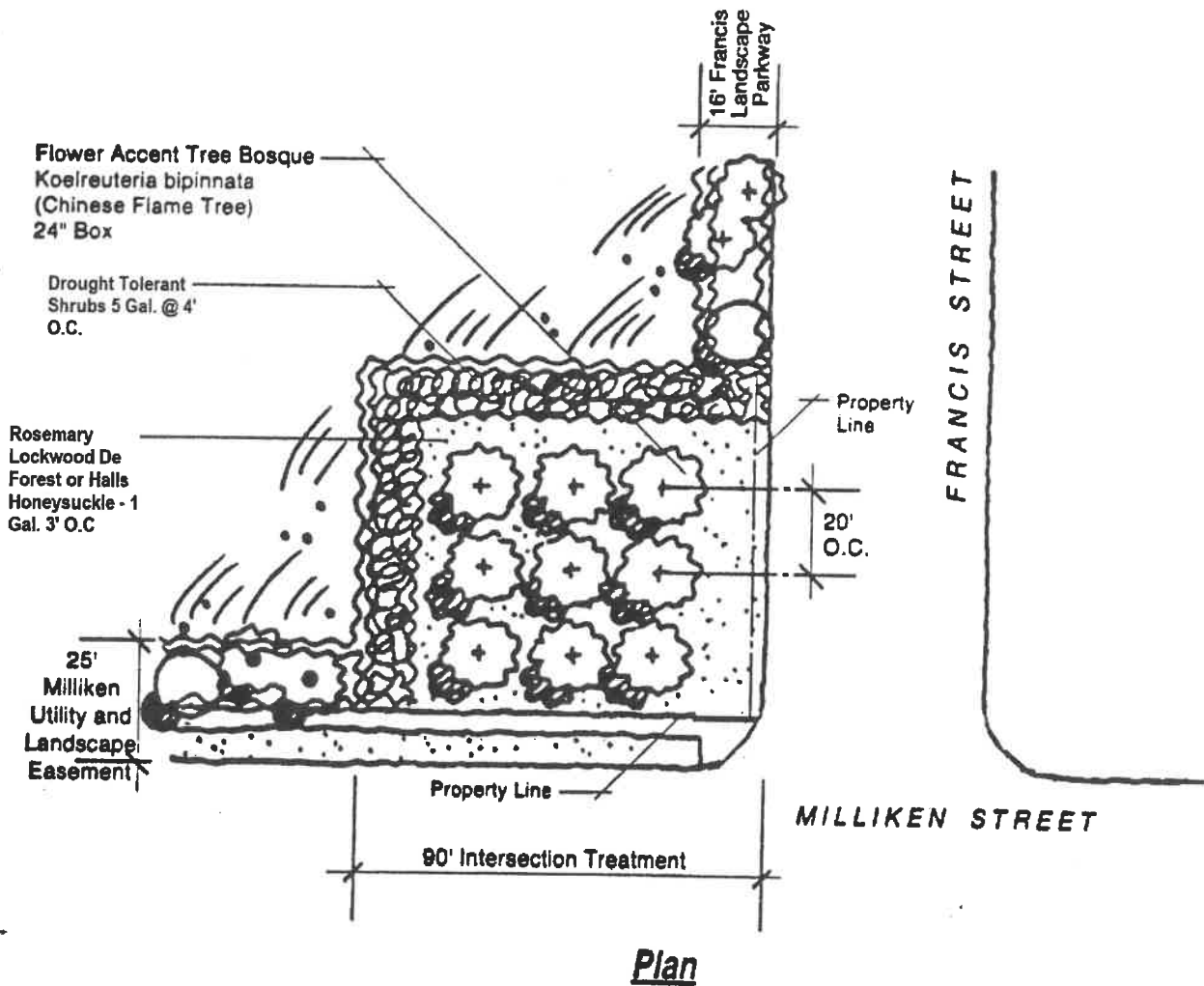
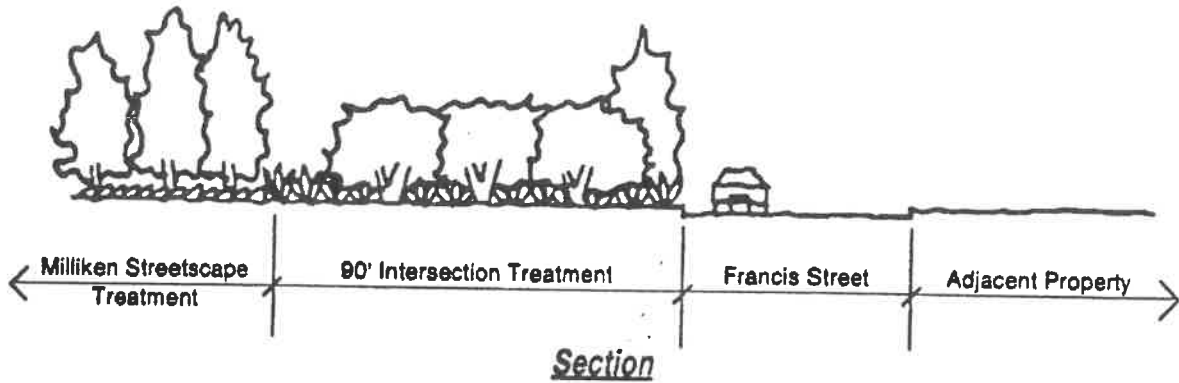


**(F) Section**  
Scale: 1" = 50'



**Exhibit 7**  
**Milliken / Jurupa Intersection Treatment**

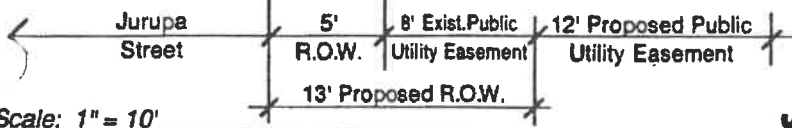
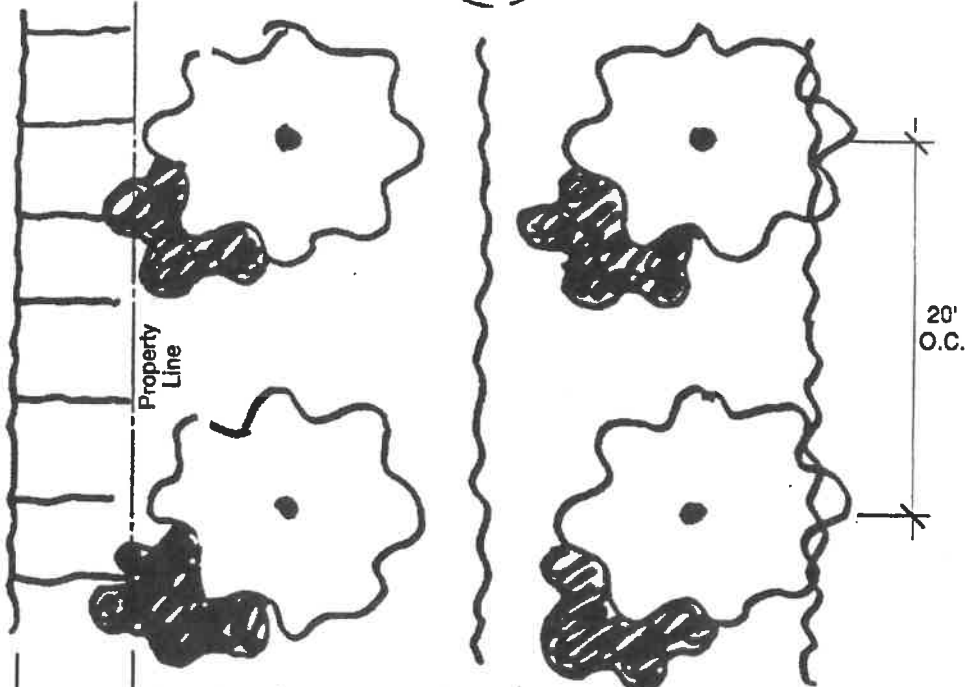
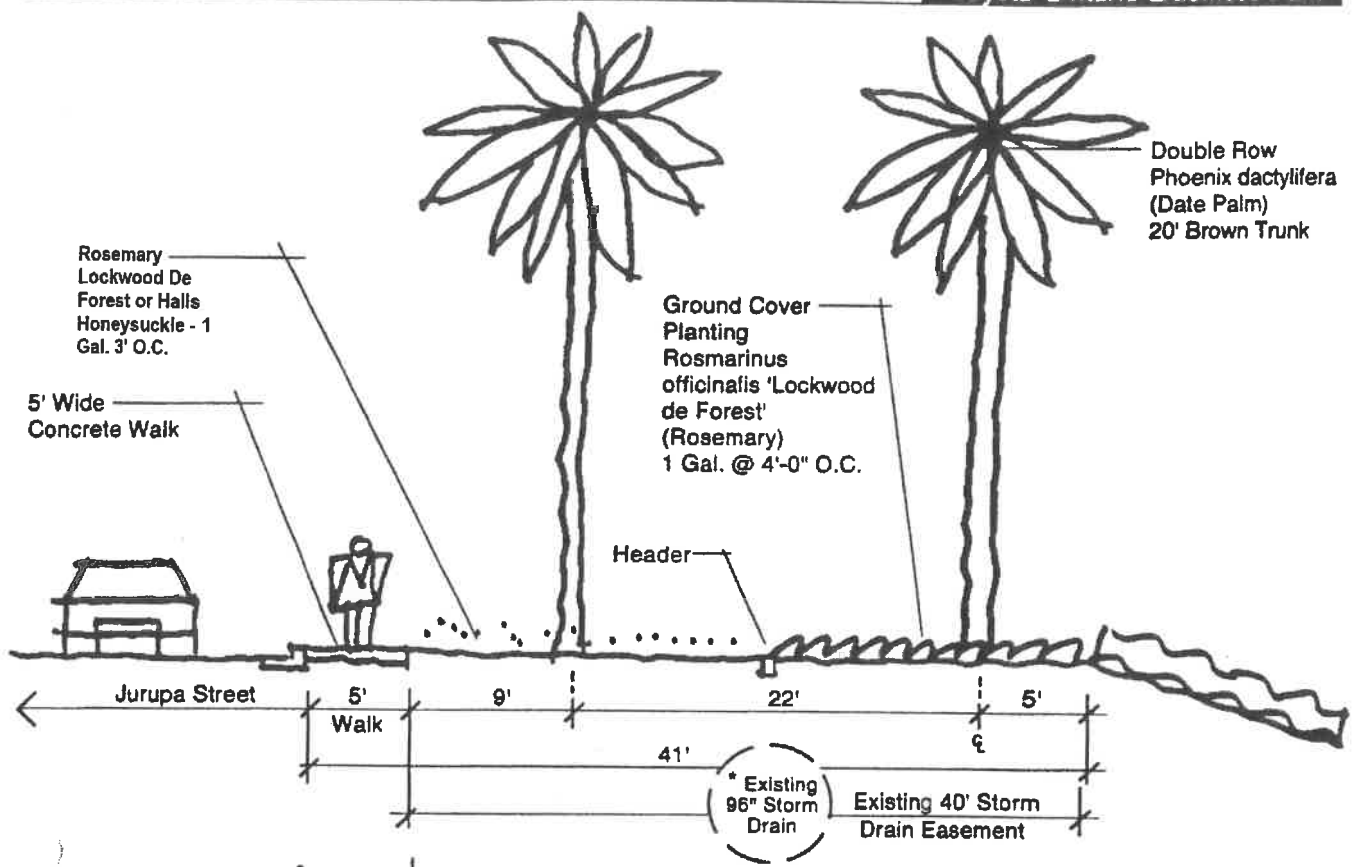




Scale: 1" = 40'  
8/23/03

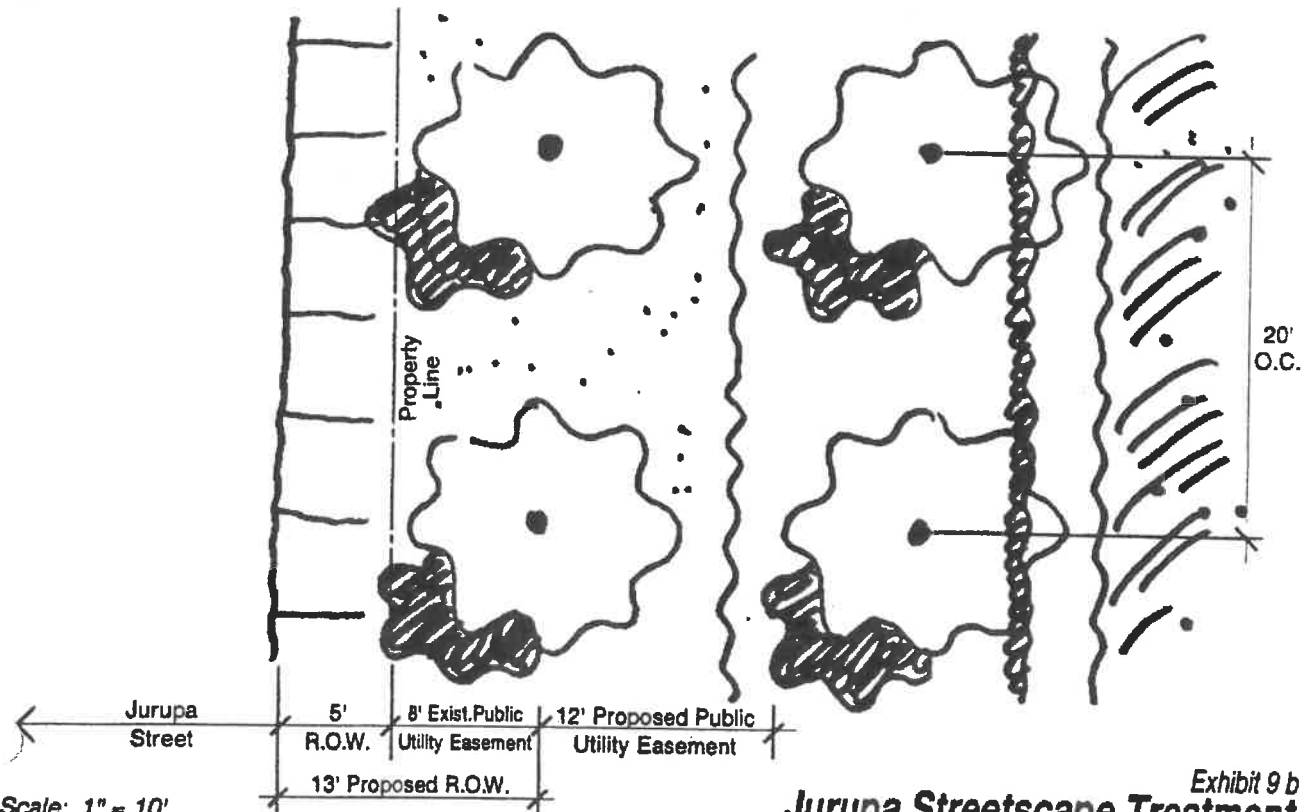
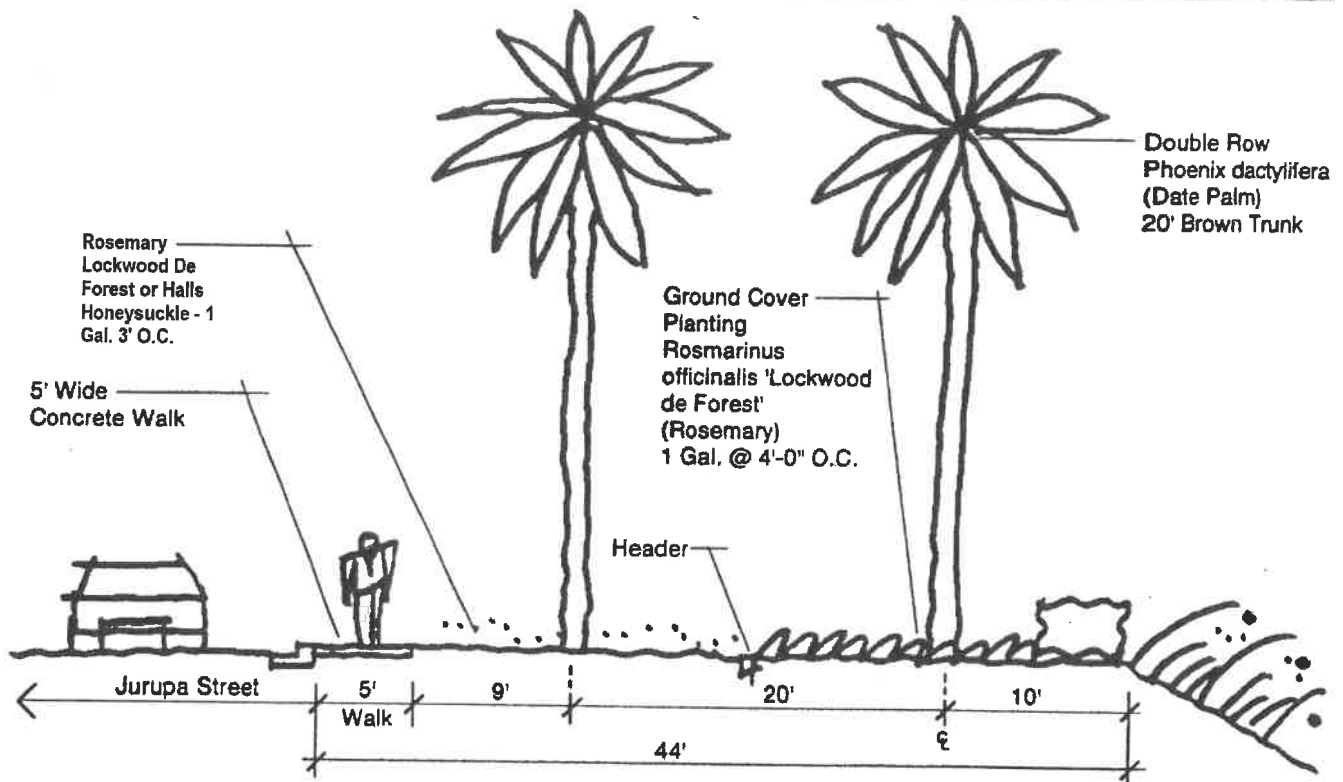
Exhibit 8  
**Francis Street Intersection Treatment**





Scale: 1" = 10'  
6/23/93


Exhibit 9 a  
**Jurupa Streetscape Treatment**  
East of Toyota Way 

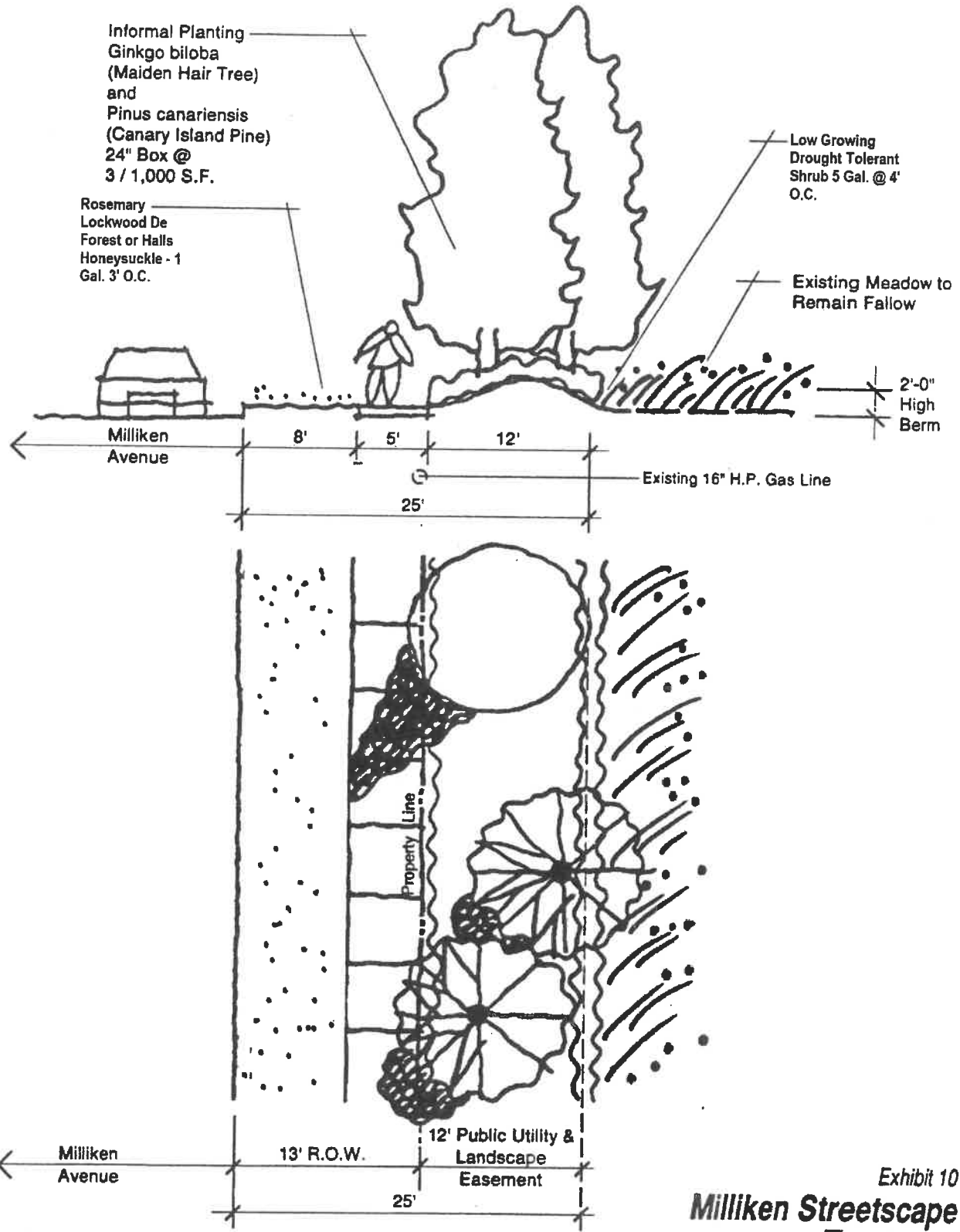


Scale: 1" = 10'

8/23/93

Exhibit 9 b  
**Jurupa Streetscape Treatment**

West of Toyota Way 



Scale: 1" = 10'

8/23/93

Exhibit 10  
Milliken Streetscape  
Treatment



The Francis Street streetscape treatment, illustrated in **Exhibit 11**, will consist of informal groupings of Chinese Flame trees and Italian Stone Pine trees planted in a fifteen (15) foot wide public utility easement.

**Exhibit 12** shows the treatment along both sides of Toyota Way, which will be a private street. **No trees will be planted in this location, so as not to obscure the visibility of surrounding buildings and landscaping. Instead, the streetscape treatment will consist of a low-growing groundcover within the median strip (Hypericum) and New Zealand Flax on the perimeter of the roadway.**

### **3.3.4 Southeast Property Line and Ontario Freeway Landscape Treatment**

Special attention will be given the southeastern property line edge of the project site, since this will be visible from the nearby Ontario Freeway. **Exhibit 13** shows this treatment. A private driveway will run along a portion of the southeasterly property line, primarily for truck access to loading areas, but also to provide emergency access around nearby buildings. Adjacent to the driveway will be a building setback varying in width from approximately 70'0" to 92'6" in width. A grove of olive trees will be planted within the building setback area.

Landscaping will be provided along the easterly boundary of the project site as depicted on **Exhibit 14**. Major features of this treatment will consist of a row of Date Palms on Caltrans property integrated with slope bank landscaping installed by Caltrans as part of the I-15 / Jurupa interchange project. Immediately adjacent to the site property line will be a solid planting of shrubs followed by a band of rock aggregate. A tree veil of Red Gum eucalyptus trees, which are tall and columnar, will frame the NAPLD building and provide a contrasting element to the horizontal features of the building.

### **3.3.5 On-Site Landscaping**

Treatment of the special landscape visual feature along Toyota Way is shown on **Exhibit 15**. This will consist of a circular planter intersecting Toyota Way at the convergence of the three Planning Areas. The primary visual element in this planter will be a row of Mexican Fan Palm and a row of Crape Myrtle trees with the foundation planting of drought tolerant shrubs behind the trees. Interspersed within the planter area will be a low-growing ground cover of Halls Honeysuckle.

**Exhibit 16** depicts typical parking lot landscape conditions within the Specific Plan both in plain view and section. Future development may incorporate a similar grid theme, although the modules may be scaled down to more appropriately integrate future building modules.

Landscaping adjacent to buildings within the Specific Plan is depicted on **Exhibit 17**. Landscape standards are further described in Section 5.7 of this specific plan document. Landscape planters and walkways adjacent to parking lots have taken into consideration overhangs from parked vehicles.

Plant material within parking lots are listed on the plant palette contained in the next section of the Specific Plan.



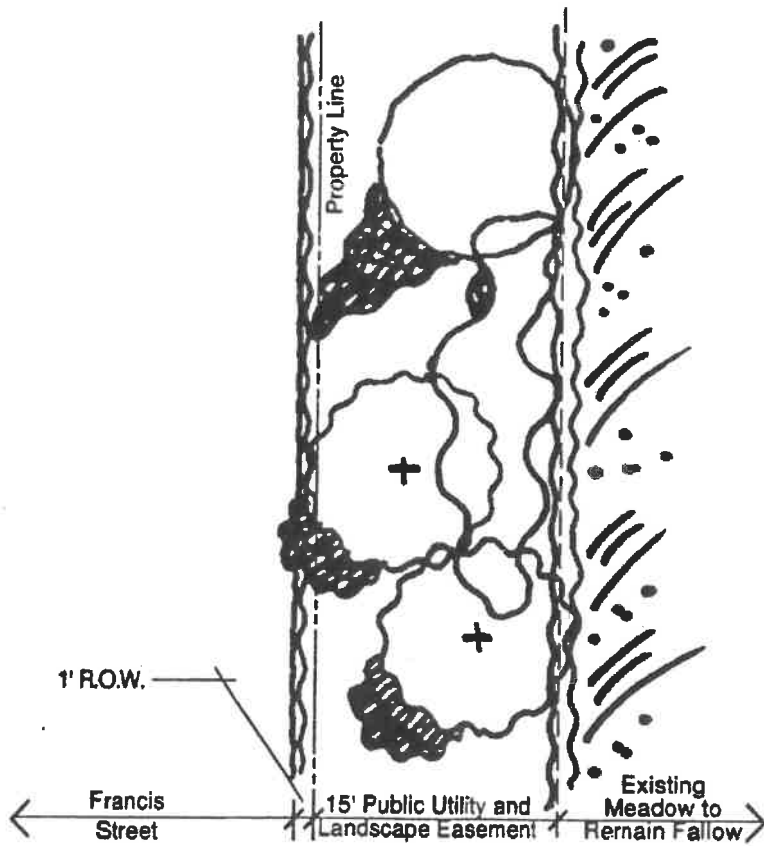
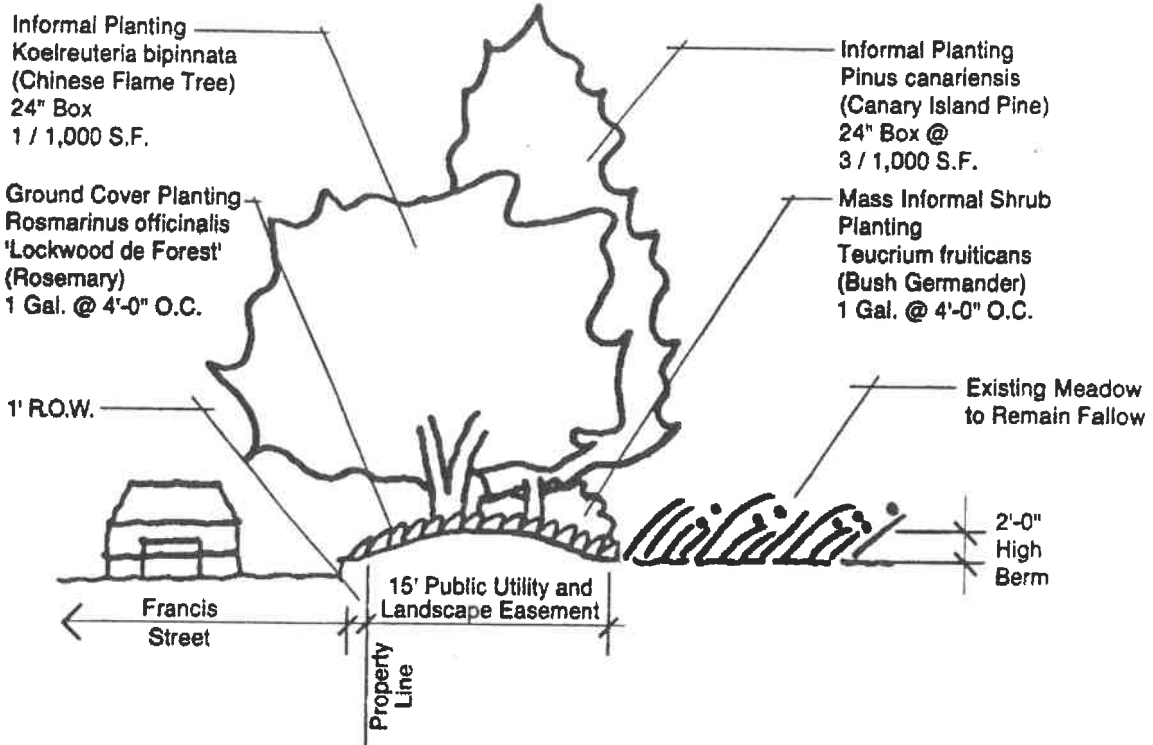
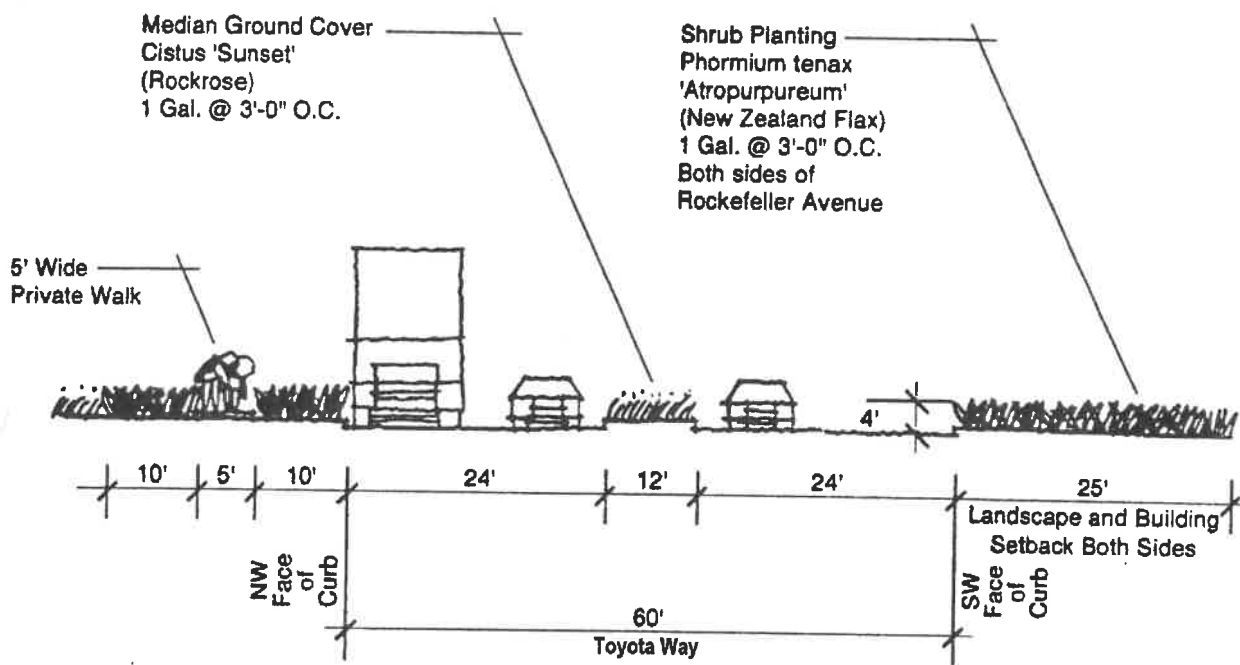


Exhibit 11  
Francis Streetscape Treatment

Scale: 1" = 10'

8/23/93



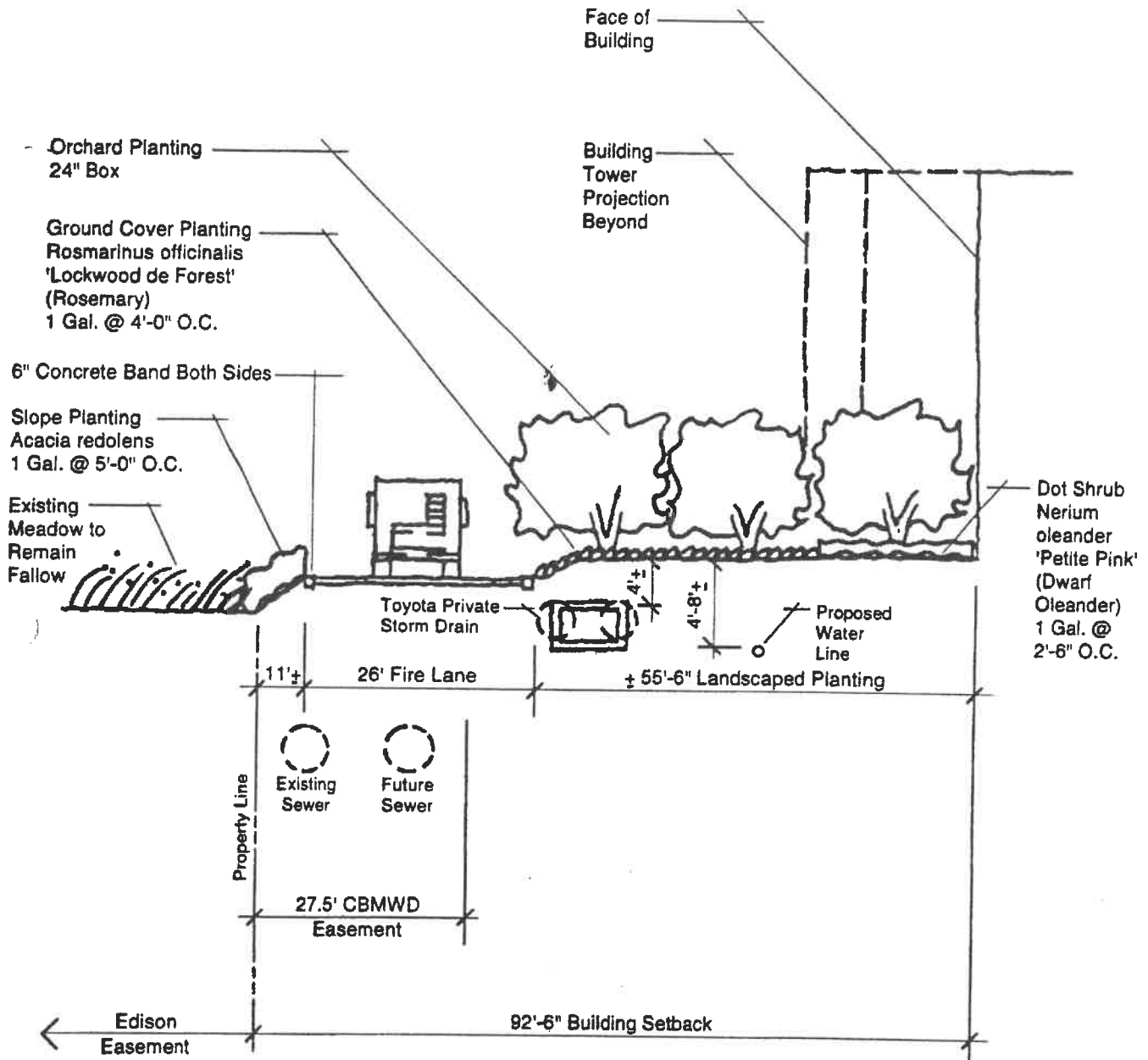


Scale: 1" = 20'

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Exhibit 12  
Toyota Way Streetscape Treatment



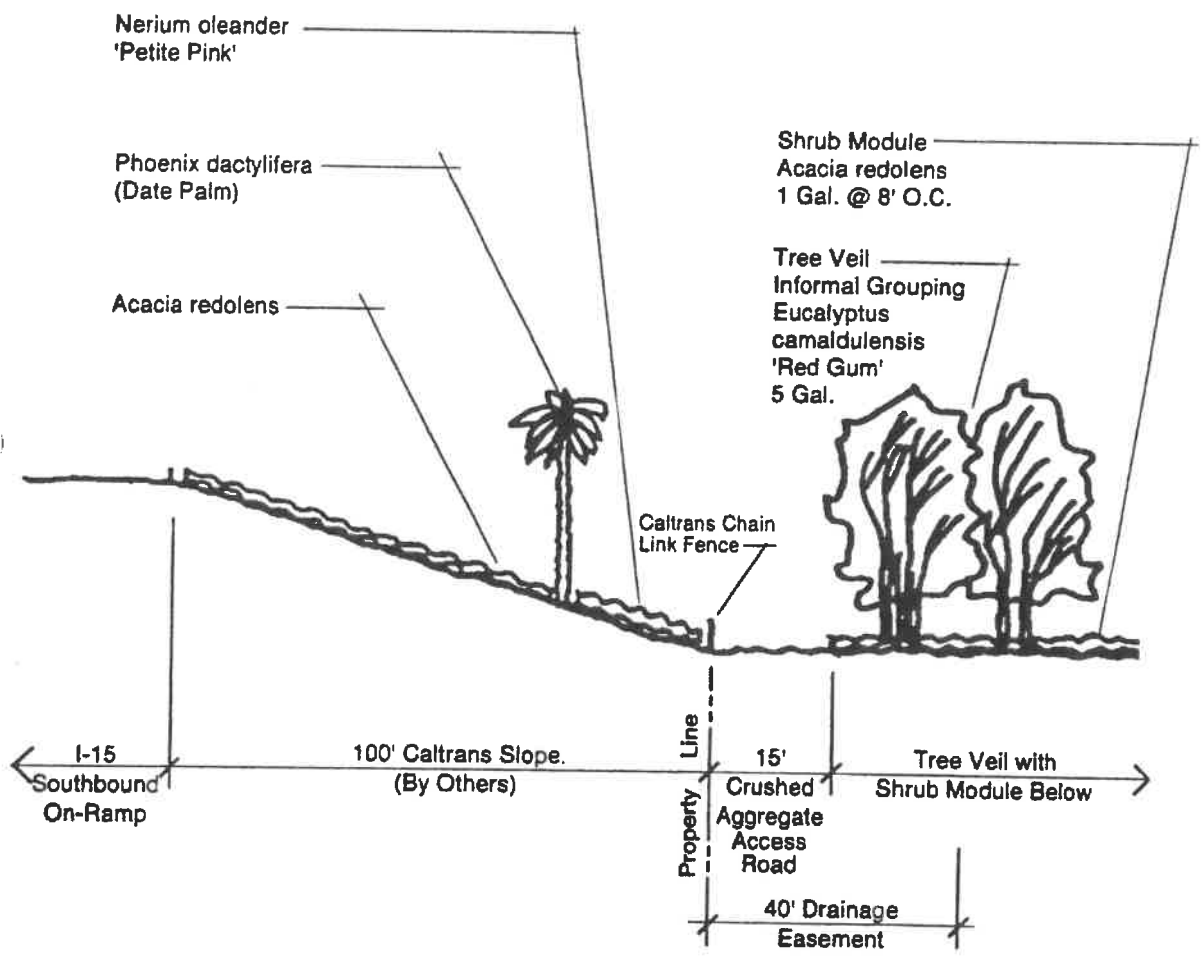


Scale: 1" = 20'

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Exhibit 13  
**Southeast Property Line Treatment**



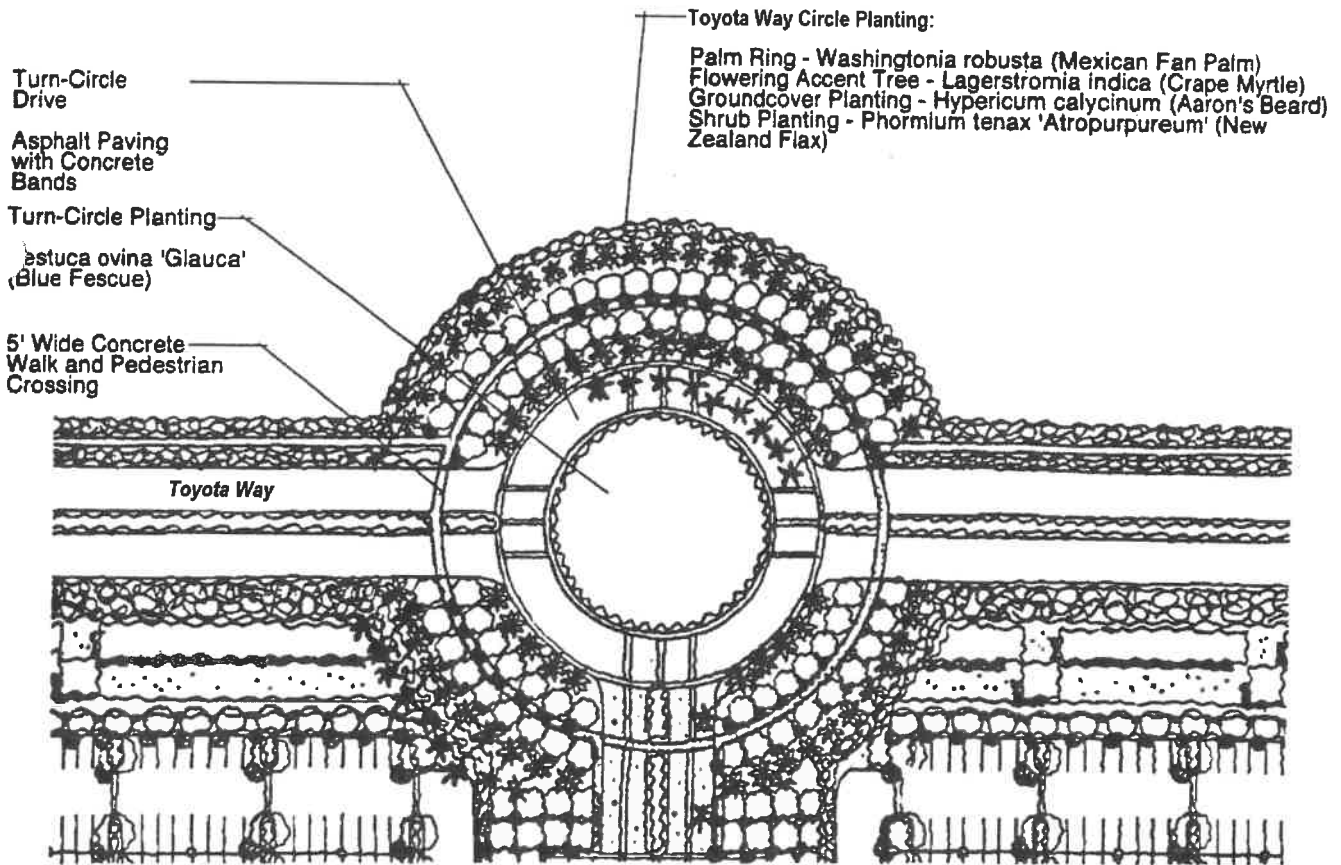
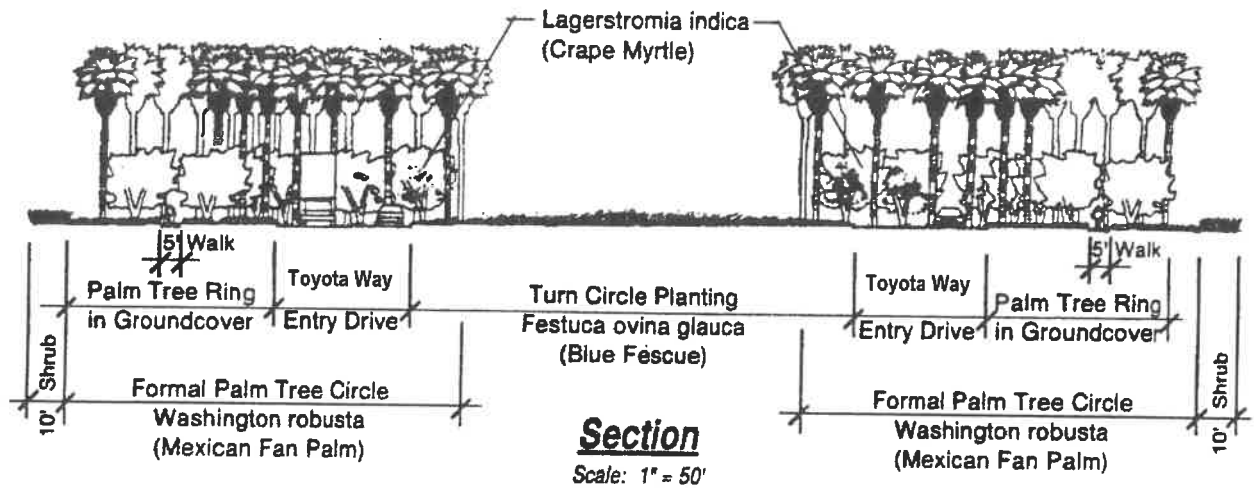


Scale: 1" = 30'

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Exhibit 14  
Freeway Edge Treatment





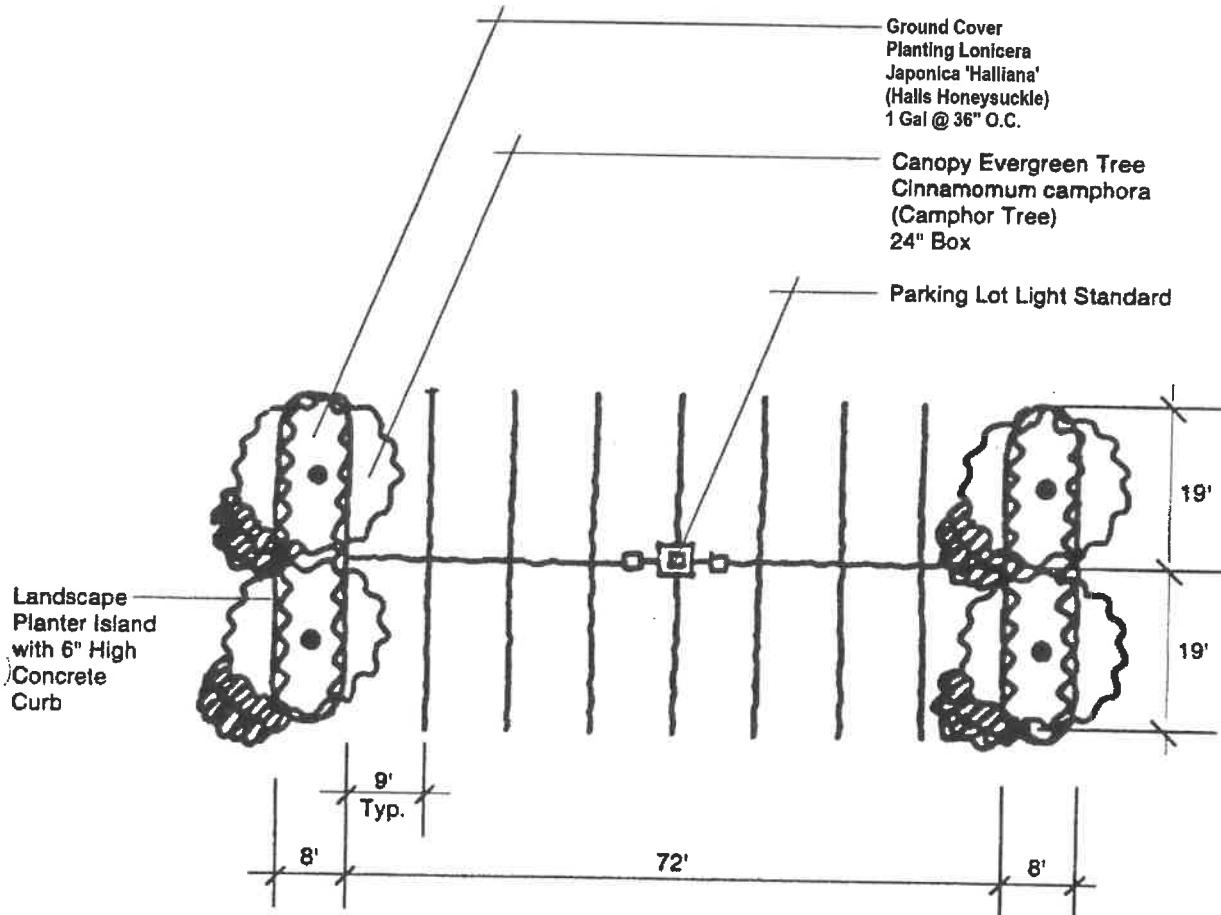
**Plan**

Scale: 1" = 100'

Exhibit 15

**Toyota Way Circle Treatment**



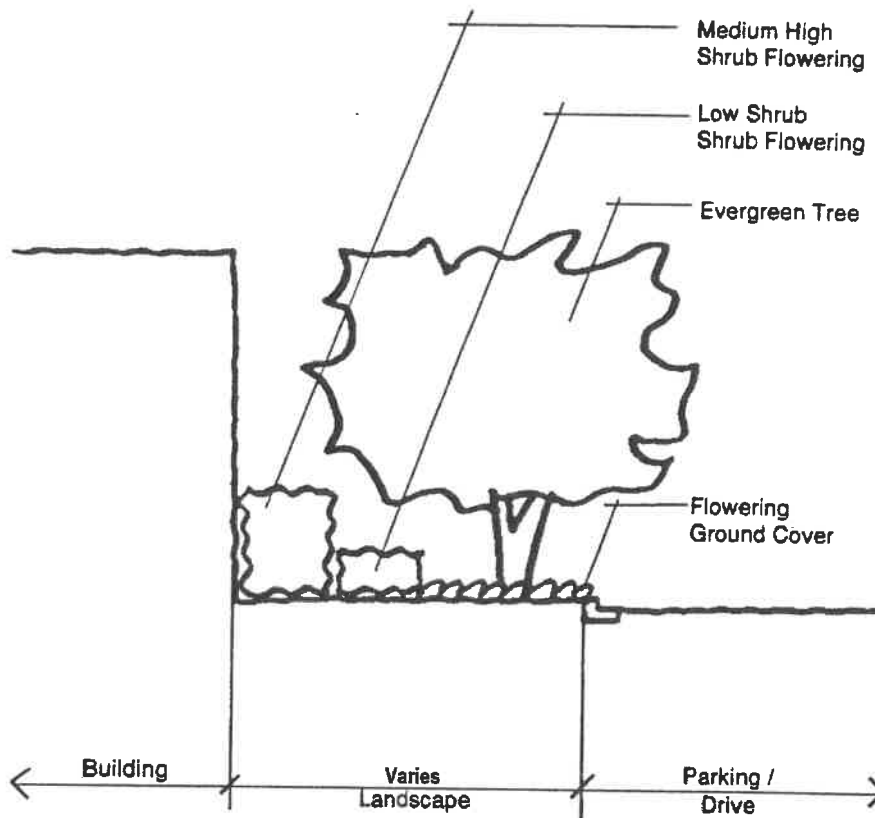


Note:  
Minimum one landscape  
finger per 8 parking stalls.

Scale: 1" = 20'

8/23/03





Scale: 1" = 10'

8/23/93

Exhibit 17  
**Typical Office and Warehouse Building Landscape**



**Exhibit 18** shows typical landscape modules which will be installed throughout the project. Such features include the orchard modules which form the primary element for the landscaping of the project site, shrub modules and the colored aggregate field, which constitutes the landscaping treatment on portions of the site which are slated for construction in future phases.

Finally, **Exhibit 19** depicts how landscape and structural elements will be used to screen loading docks and loading areas from adjacent streets on the NAPLD Building, Planning Area 2. Screening consists of a ten (10) foot high block wall immediately in front of the truck loading and maneuvering area. A 120-foot area landscaped with a grove of olive trees will be planted in front of the wall, which will ensure that views of the loading area will be obscured from passing motorists. In addition, a sight line analysis shall accompany each site plan submittal to the City in order to demonstrate that sufficient screening has been provided to obscure truck docks and loading areas from nearby streets.

Following installation of on- and off-site landscape with the initial phase of development, any proposed revisions to the landscape will be required to meet the City landscape requirements in effect at the time of Site Plan review and/or the updated landscape palette on Exhibit 20.

### **3.3.6 Plant Palette**

The recommended plant palette for the Toyota/Ontario Business Park is shown on **Exhibit 20**. As noted previously, plant material has been chosen for drought tolerance, which is compatible with the local climate and which is readily available from local suppliers.

## **3.4 Circulation and Transportation Concepts**

### **3.4.1 Regional Issues**

Vehicular traffic in Southern California and the Inland Empire in particular has been steadily increasing over the past fifteen to twenty years, generally outstripping the capacity of the surface transportation network to accommodate demand. This has resulted in high levels of traffic congestion on freeways, at freeway interchanges, and on arterial highways, especially during peak commute times.

To improve mobility within the region, a number of governmental agencies have undertaken programs to upgrade the surface street system, to provide for alternative transportation modes, including the expansion of bus transportation opportunities and the addition of mass transit facilities, including commuter rail and light rail projects.

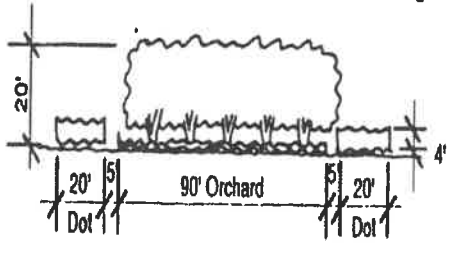
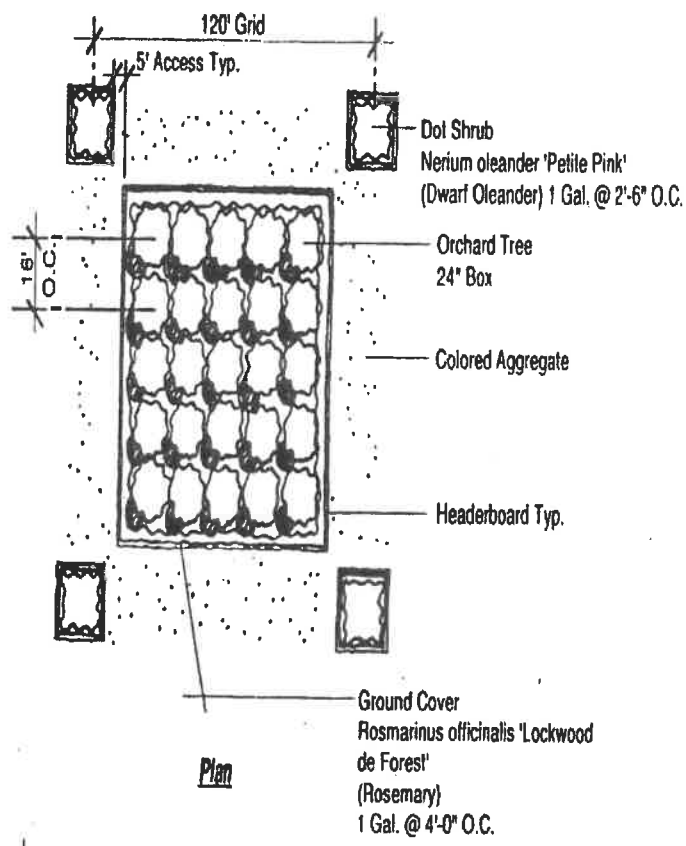
Strongly linked to regional transportation and mobility improvements is a concerted regional effort to improve air quality through increased reliance on carpooling, bus transportation, and mass transit, all of which decrease the use of single-occupant automobile traffic.

On November 4, 1992, the San Bernardino County Congestion Management Agency (CMA) adopted a Congestion Management Plan (CMP) for the County, which will affect the T/OBP project. Pursuant to the CMP, the traffic and circulation analysis for this project must comply with CMP guidelines.

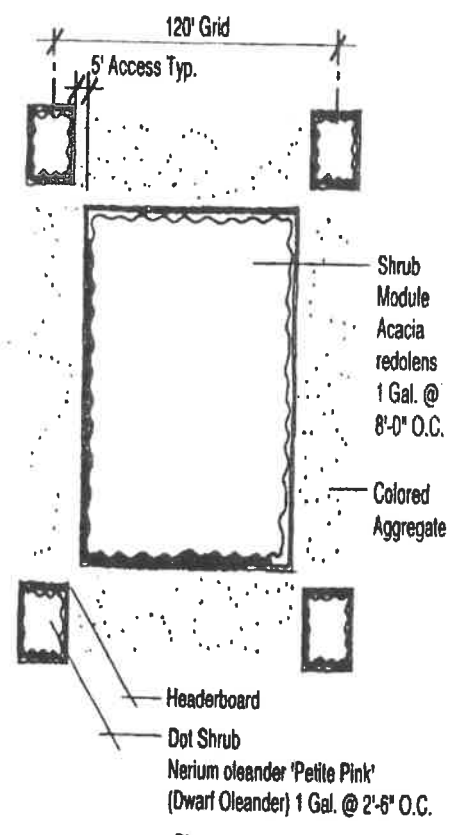
Other regional transportation issues which have been considered in the development of this Specific Plan include: the Ground Access Program for Ontario International Airport, which



includes the expansion and construction of arterial highways and freeway interchanges in the community to accommodate the planned enlargement of the terminal for Ontario International Airport and Metrolink, which is a commuter rail link between Riverside and downtown Los Angeles with at least one stop in Ontario.



**Section**  
**Module A: The Orchard**

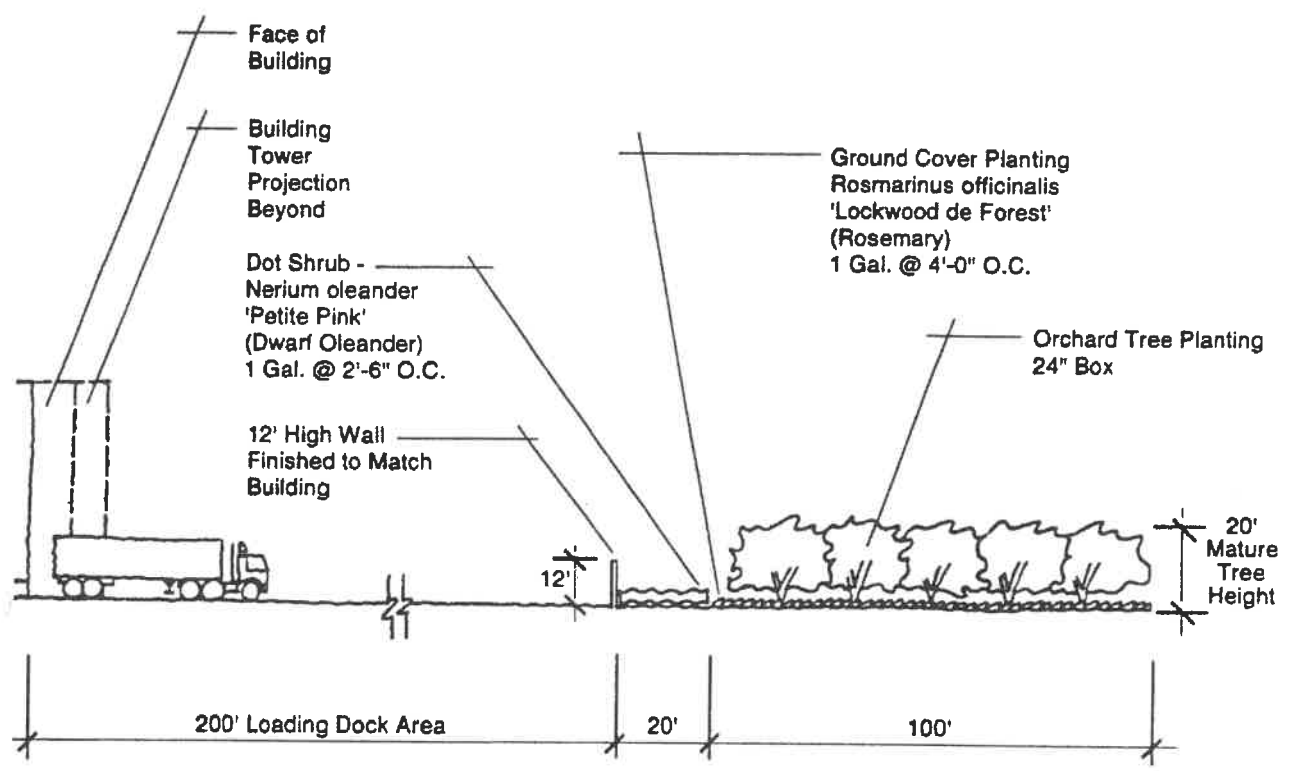


**Section**  
**Module B: Shrubs**

Scale: 1" = 60'

8/23/93





Scale: 1" = 40'

8/23/03



<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
<b><u>JURUPA STREETSCAPE</u></b>		
TREES		
Phoenix dactylifera	Date Palm	20' Brown Trunk
SHRUBS		
None		
GROUND COVERS		
Rosmarinus officinalis 'Lockwood de Forest'	Prostrate Rosemary	1 Gal. @ 4'-0" O.C.
<b><u>MILLIKEN STREETSCAPE</u></b>		
TREES (Informally grouped canopy trees)		
Pinus canariensis	Canary Island Pine	24" Box
Ginkgo biloba	Maidenhair Tree	24" Box
GROUND COVERS		
Rosmarinus officinalis 'Lockwood de Forest'	Prostrate Rosemary	1 Gal. @ 4'-0" O.C.
<b><u>FRANCIS STREETSCAPE</u></b>		
TREES (Informally grouped)		
Pinus canariensis	Canary Island Pine	24" Box
Koeleruteria bipinnata	Chinese Flame Tree	24" Box
GROUND COVERS		
Turf	Fescue-blend	Hydroseeded
<b><u>TOYOTA STREETSCAPE</u></b>		
TREES		
None		
SHRUBS		
Dianella Revoluta	Baby Bliss Flax Lily	1 Gal. @ 3'-0" O.C.
GROUND COVERS (in median)		
Cistus 'Sunset'	Rockrose	1 Gal. @ 3'-0" O.C.
<b><u>TOYOTA CIRCLE</u></b>		
TREES		
Washingtonia Filifera	California Fan Palm	25' Brown Trunk
Lagerstroemia indica	Crape Myrtle	24" Box
SHRUBS		
Dianella Revoluta	Baby Bliss Flax Lily	1 Gal. @ 3'-0" O.C.
GROUND COVERS		
Lonicera Japonica	Halls Honeysuckle	Flats @ 12" O.C.
Curio Repens	Blue Chalksticks	
<b><u>MILLIKEN/JURUPA INTERSECTION</u></b>		
TREES		
Washingtonia Filifera	California Fan Palm	25' Brown Trunk
SHRUBS		
None		
GROUND COVERS		
Lonicera Japonica 'Halliana'	Halls Honeysuckle	1 Gal. 36" O.C.
Rosmarinus Officinalis 'Lockwood De Forest'	Rosemary	1 Gal. 36" O.C.
<b><u>PROJECT ENTRANCE (Rockefeller @ Milliken and Jurupa)</u></b>		
TREES		
Phoenix dactylifera	Date Palm	20' Brown Trunk
Lagerstroemia indica	Crape Myrtle	24" Box
SHRUBS		
Dianella Revoluta	Baby Bliss Flax Lily	5 Gal. @ 3'-0" O.C.
Turf	Fescue-blend	Hydroseeded

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
<b><u>TEMPORARY LANDSCAPE AREAS</u></b>		
TREES (Informally grouped veil)		
Eucalyptus camaldulensis	Red Gum	5 Gal.
SHRUBS		
Rhaphiolepis Indica	India Hawthorn	1 Gal. @ 2'-6" O.C.
Existing Meadow to Remain Fallow		
<b><u>PARKING AREAS</u></b>		
TREES		
Cinnamomum camphora	Camphor Tree	24" Box
Geijera parviflora	Australian Willow	24" Box
SHRUBS (as windscreen)		
Ligustrum japonicum 'Texanum'	Texas Privet	1 Gal. @ 3'-0" O.C.
GROUND COVERS		
Lonicera Japonica 'Halliana'	Halls Honeysuckle	1 Gal. 36" O.C.
<b><u>MIXED USE INDUSTRIAL AREA</u></b> (Building edges and frontages and entry courtyards)		
TREES		
Eucalyptus rudis	Desert Gum	15 Gal.
Lagerstroemia indica	Crape Myrtle	24" Box
Washingtonia Filifera	California Fan Palm	20' Brown Trunk
Phoenix dactylifera	Date Palm	25' Brown Trunk
Magnolia grandiflora	Southern Magnolia	24" Box
Ginkgo biloba	Maidenhair Tree	24 Box
Pinus pinea	Italian Stone Pine	24" Box
SHRUBS		
Rhaphiolepis Indica	India Hawthorn	5 Gal.
Pittosporum tobira	Tobira	5 Gal.
Raphiolepis indica	Indian Hawthorn	5 Gal.
Xylosma congestum 'Compacta'	Shiny Xylosma	5 Gal.
Ligustrum	Privet	5 Gal.
Juniperus sabina 'Tamariscifolia'	Tamarix Juniper	5 Gal.
GROUND COVERS		
Rosmarinus officinalis	Rosemary	1 Gal. @ 4'-0" O.C.
Lonicera Japonica 'Halliana'	Halls Honeysuckle	1 Gal. 36" O.C.
Trachelospermum jasminoides	Star Jasmine	1 Gal. @ 2'-0" O.C.
<b><u>INTERIOR SITE</u></b>		
MODULE A - THE ORCHARD		
Olea europaea 'Wilsonii'	Wilson's Olive	24" Box
Rhus lancea	African Sumac	24" Box
Schinus molle	California Pepper	24" Box
GROUND COVER BELOW		
Rosmarinus officinalis	Rosemary	1 Gal. @ 4'-0" O.C.
Vinca major	Periwinkle	Flats @ 12" O.C.
Lonicera Japonica	Halls Honeysuckle	Flats @ 12" O.C.
MODULE B - SHRUBS		
Acacia redolens		1 Gal. @ 8'-0" O.C.
MODULE C		
Crushed Colored Aggregate		2" Deep
THE DOT		
Rhaphiolepis Indica	India Hawthorn	1 Gal. @ 2'-6" O.C.
TOWER SHRUB BANDS		
Dianella Revoluta	Baby Bliss Flax Lily	1 Gal. @ 3'-0" O.C.



### 3.4.2 Circulation and Transportation Overview

**Exhibit 21** depicts the major components of the circulation and transportation system to support the level of development intensity on the project site. These elements include an expanded and enlarged Jurupa Street/I-15 Freeway interchange; arterial streets Milliken Avenue, Jurupa Street, and Francis Street, a new private local street, known as Toyota Way and links to the regional public transportation system, OmniTrans. The proposed location of bus bays adjacent to the project is shown on **Exhibit 24**.

### 3.4.3 Jurupa Street, Milliken Avenue and Francis Street Improvements

#### 3.4.3.1 Existing Conditions

Jurupa Street, which forms the northerly boundary for the project site, presently has a total right-of-way width of 112 feet with a curb-to-curb width of 108 feet, and is improved as a four-lane divided arterial highway with curb and gutter on both the north and south sides of the roadway. A raised median has been constructed within Jurupa Street.

Milliken Avenue has a dedicated right-of-way width of 120 feet (94 feet curb-to-curb) and has been configured as a four lane arterial highway with full curb and gutter improvements.

Francis Street has a right-of-way width of 50 feet with a 48 foot Curb-to-Curb width.

No sidewalks have been built in the vicinity of the project.

#### 3.4.3.2 Planned Improvements

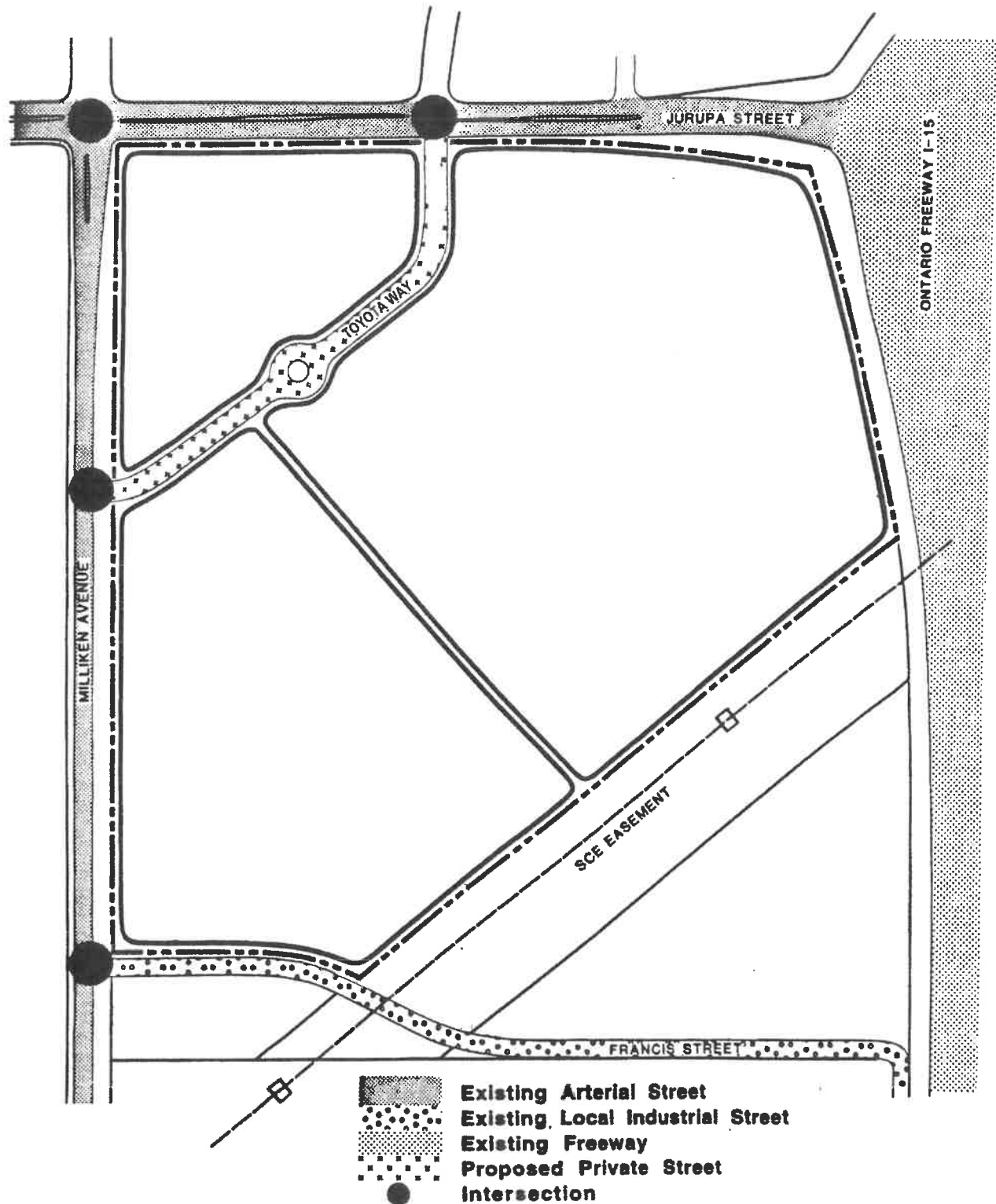
**Exhibit 22a** shows, in cross-section format, the ultimate mid-block configurations of Jurupa Street and Milliken Avenue.






A new private street will also be constructed, known as a Toyota Way, which will link Jurupa Street and Milliken Avenue, and which will also provide primary vehicular access into the Business Park. The curb-to-curb width of Toyota Way will be sixty (60) feet. The cross-section design for both Toyota Way and Francis Street are shown on **Exhibit 22b**.

In each instance, these improvements are consistent with the City of Ontario's Master Plan of Streets and Highways.

In conjunction with the T/OBP project, traffic signals will be constructed at the intersections of Milliken Avenue/Toyota Way and Jurupa Street/Toyota Way. A traffic signal has previously been approved for construction at the intersection of Francis and Milliken and is not part of this project. The existing signal at Milliken Avenue/Jurupa Street will be modified to accommodate a new right turn lane.

**Toyota Ontario Business Park**



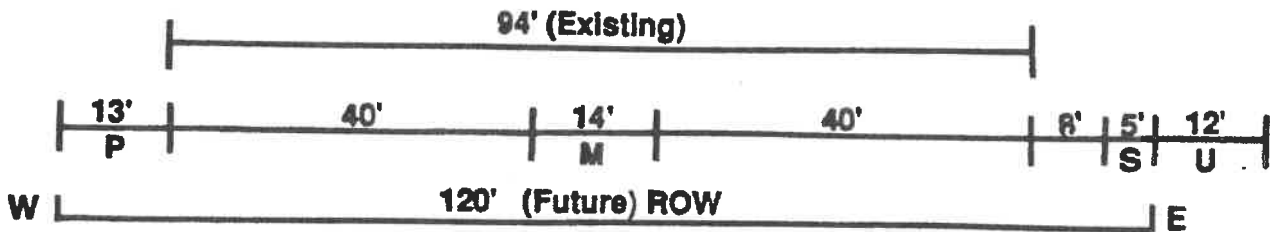
-  Existing Arterial Street
-  Existing Local Industrial Street
-  Existing Freeway
-  Proposed Private Street
-  Intersection

Scale 1"=300'

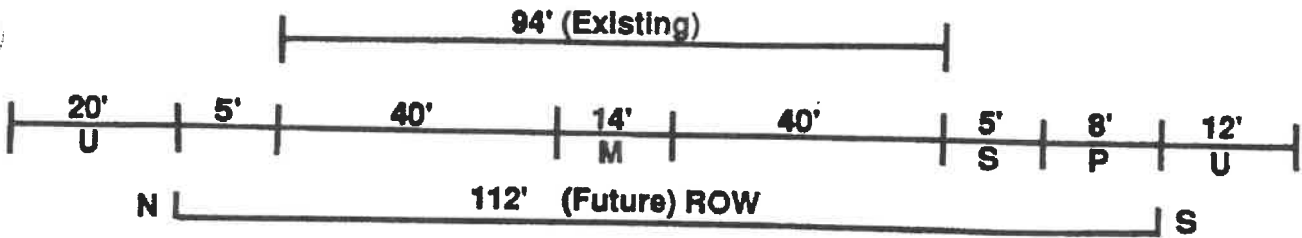
Exhibit 21  
**Circulation Concept**



**Milliken Avenue**



**Jurupa Street**



**Legend**

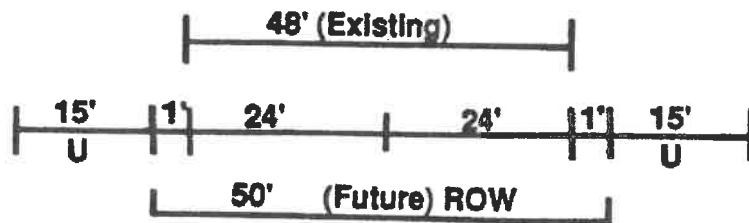
- M Median
- U Utility and Landscape Easement
- S Sidewalk
- W Private Walkway

Exhibit 22a  
**Milliken / Jurupa  
 Cross Sections**

No Scale



**Francis Street**



**Toyota Way (Private)**



**Legend**

- M** Median
- U** Utility and Landscape Easement
- S** Sidewalk
- W** Private Walkway

*No Scale*

*Exhibit 22b*  
**Francis / Toyota**  
**Cross Sections**





All of these improvements will be incorporated into and financed by Assessment District 106:

- Milliken Avenue:
  - The addition of a 250-ft. long right turn pocket on northbound Milliken Avenue to eastbound Jurupa Street.
  - A median break to allow a left turn pocket for southbound Milliken Avenue to eastbound Toyota Way.
  - Construction of two bus turnouts, one just north of Francis Street and one north of Rockefeller Street.
  - Construction of a new traffic signal at the intersection of Milliken Avenue and Toyota Way and the modification of the existing signal at Milliken Avenue and Jurupa Street.
- Jurupa Street:
  - Construction of a traffic signal at the intersection of Jurupa Street and Toyota Way.

#### **3.4.4 I-15/Jurupa Interchange**

Caltrans has prepared plans for the improvement of the existing Jurupa Street/I-15 interchange. The existing diamond interchange configuration is planned to be retained. Primary improvements will include the widening of Jurupa Street to three lanes in each direction with dual left turn lanes accessing the I-15. The existing freeway on-ramps will be widened to three lanes.

The above interchange improvements are anticipated to be completed by late 1994. Funding is to be provided by a combination of Federal grants and the State of California sources, and are not part of the T/OPB.

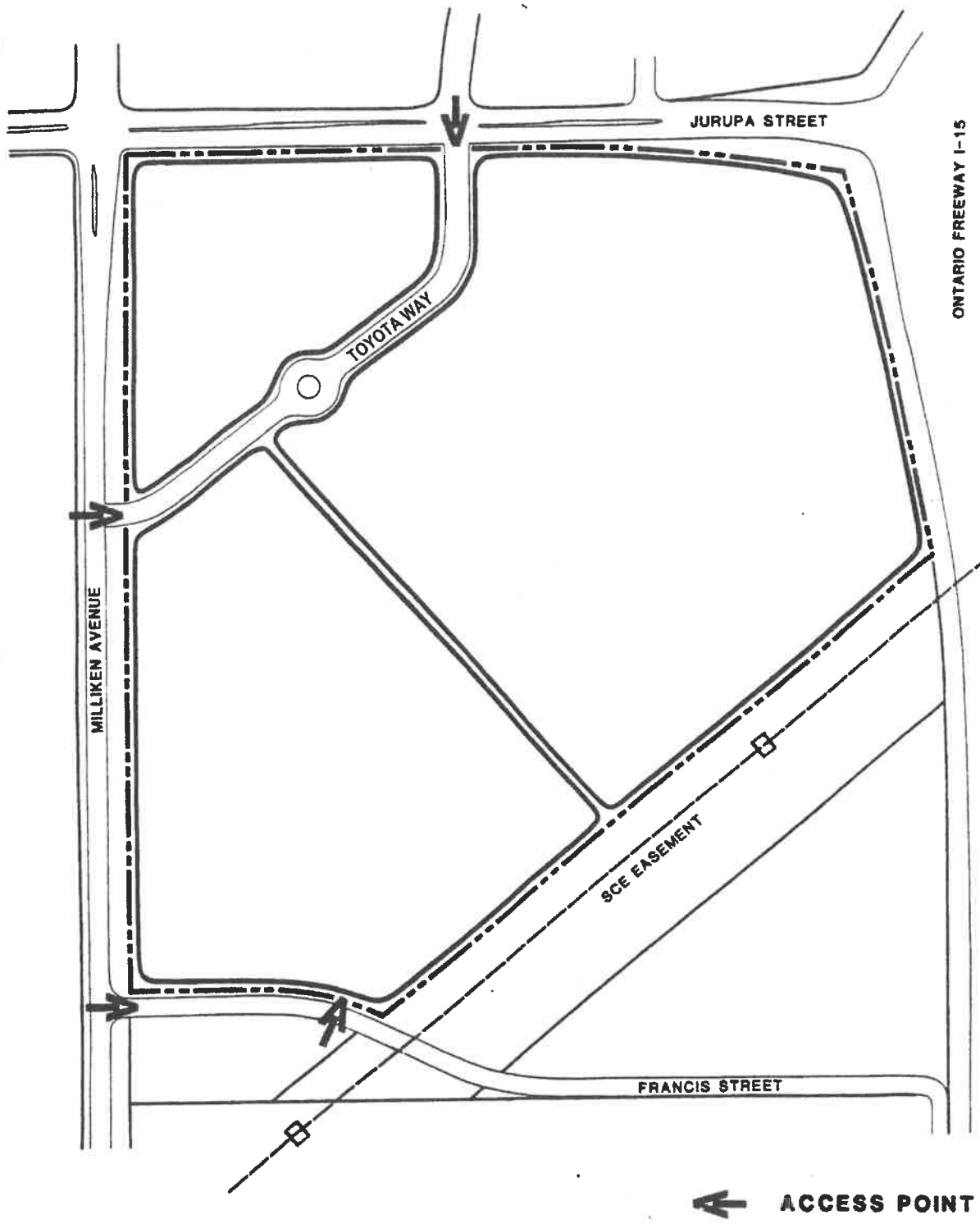
#### **3.4.5 Access Points**

**Exhibit 23** shows the approximate location of primary vehicular entry points into the project. The precise location of access points will be indicated on site plans for individual projects within the T/OBP project. Additional access points, if desired, shall be subject to the approval of the Planning and Engineering Departments.

#### **3.4.6 Truck Routes**

The NAPLD facility will be served by tractor-trailer trucks originating at the Ports of Los Angeles and Long Beach. The primary truck routing paths include the use of the SR-60 (Pomona) Freeway exiting at Milliken Avenue, a right turn onto Francis Street and a left turn into the project site. It is estimated that some truck travel paths would include use of the I-15 (Ontario) Freeway, exiting at Jurupa Street, a left turn on Milliken, left turn onto Francis Street and a final left turn into the project site. A number of the trucks exiting the site would use I-15 and I-10 freeways. Other trucks leaving the site, would use the SR-60 freeway to return to the ports area or to serve auto dealers in the Southern California area. In the future, truck travel paths, origins and destinations, are expected to become more diverse.

**Toyota Ontario Business Park**



Scale 1"=300'

Exhibit 23  
**Access Points**



It is anticipated that a majority of the truck trips will take place during non-peak commute hours.

On-site rail service will not be used.

### **3.4.7 Public Transportation and Pedestrian Facilities**

At the present time, there is no public transit service to the project site. Future transit service is anticipated by OmniTrans based on the relatively large size of the facility and the number of employees to be located within the complex. **Exhibit 24** shows the approximate location of bus turnouts adjacent to the project. The precise design of each bus turnout facility and timing of installation will be mutually agreed by the City of Ontario, OmniTrans staff and landowner.

Planned pedestrian facilities are also shown on **Exhibit 24**. Public sidewalks are anticipated near the intersection of Jurupa Street and Milliken Avenue which are planned to be integrated with private walkways serving the office complexes and the entries to warehouse and distribution buildings.

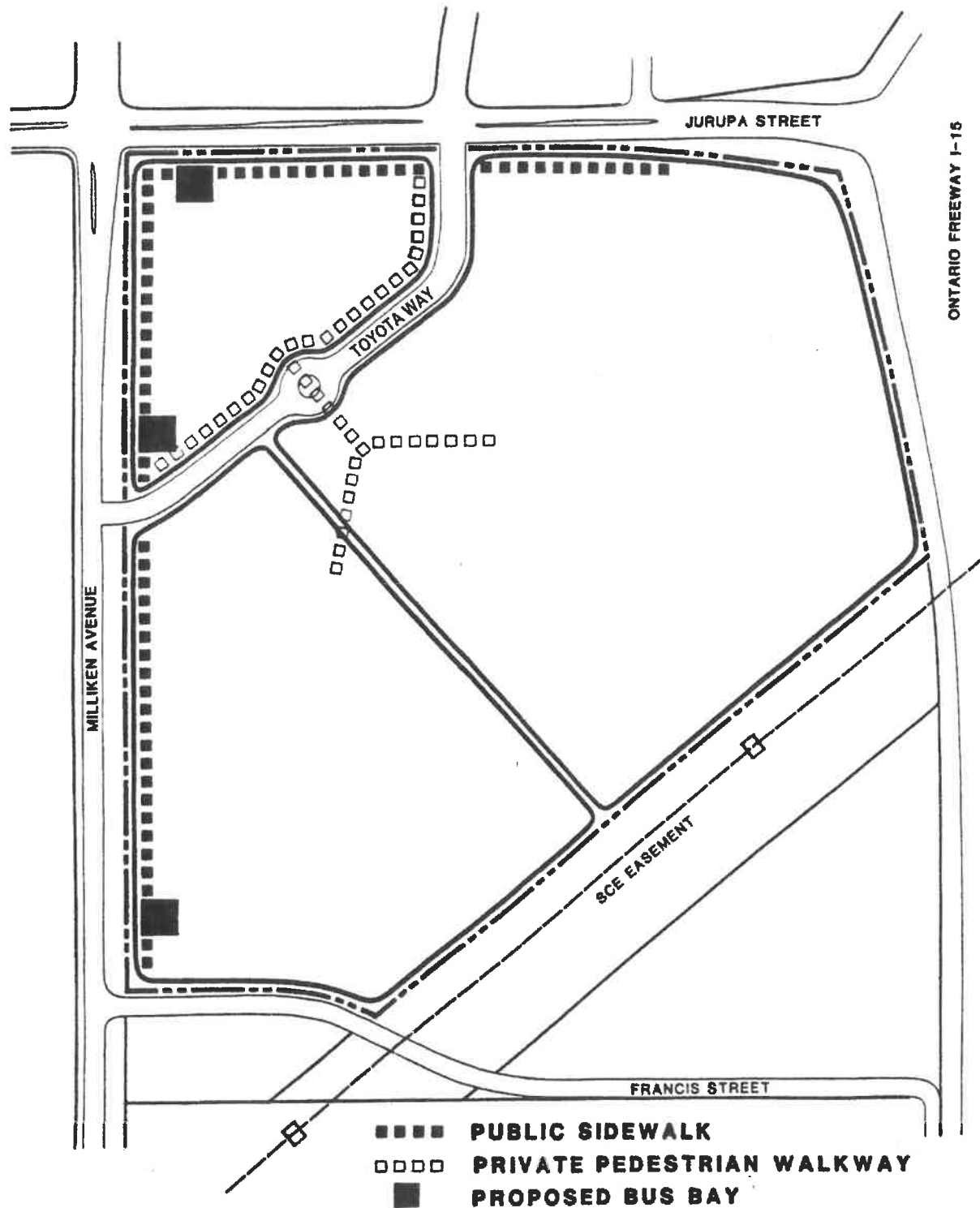
### **3.4.8 Transportation Demand Management**

An important component of the project is the incorporation of Transportation Demand Management (TDM) concepts. The goal of TDM is to reduce the number of automobiles entering and leaving the site at peak travel times which will, in turn, reduce traffic congestion within the region and thereby reduce emission of air pollutants.

Strategies to achieve this goal includes use of carpooling and/or vanpooling, use of public transit opportunities, alternative work hours and reliance upon alternative transportation modes, such as bicycling.

Objectives of TDM include:

- Increased traffic levels generated by new development on the site will be mitigated through TDM strategies aimed at reducing the number of peak hour trips.
- Requirements of the South Coast Air Quality Management District to achieve regional air quality standards are to be partially addressed through implementation of TDM requirements.



Scale 1"=300'

*Exhibit 24*  
**Pedestrian Paths and Bus Bays**



#### 3.4.8.1 Role of Property Owner, City of Ontario and South Coast Air Quality Management District

The individual property owner of any property owned within the specific plan area, or its designated agent, will be the responsible party for designing and implementing specific TDM methods for that property. These methods are described in the following section. The City of Ontario will review individual site plans within the project for consistency with TDM elements as outlined in the Specific Plan. The South Coast Air Quality Management District reviews and approves trip reduction plans for facilities having 100 or more people.

#### 3.4.8.2 Trip Reduction Plan

Consistent with the provisions established by the South Coast Air Quality Management District Regulation XV, a comprehensive Trip Reduction Plan (TRP) shall be completed and submitted to the City of Ontario and the South Coast Air Quality Management District prior to or subsequent with the first site plan to be filed within the T/OB Project, and shall apply to all additional site plans approved by the City. The Trip Reduction Plan consists of specific measures to be taken to ensure that an Average Vehicle Ridership of 1.5 is achieved and maintained. Techniques and strategies which can be employed to reach this goal are listed in Section 3.4.8.3. Compliance with this requirement will be monitored through annual reporting and updates.

If a portion of the project site is later sold to another owner by Toyota Motor Sales, the new owner shall have the responsibility of submitting a separate Trip Reduction Plan should a minimum of 100 employees be located on the site.

The Trip Reduction Plan shall contain, at minimum, the following information:

- Proposed land use or uses;
- Gross building square footages and site address;
- Number of employees at the site (by shift) and methods used to determine employee population;
- Hours of operations, work hour shifts and related information which may assist in developing TRP;
- A listing of nearby businesses which have or plan to have a TRP in place;
- A listing of specific trip reduction techniques to be used to achieve trip reduction goals and estimated time frames for installation of physical improvements (such as bike racks) or start dates for trip reduction programs (such as carpooling);
- The name of the Employee Transportation Coordinator (ETC) who will be responsible for developing, implementing, and evaluating the effectiveness of the TRP;
- A discussion of estimated costs of funding sources necessary to implement the TRP;
- Provision for annual monitoring and updating of the TRP, including information as to achievement of trip reduction goals for the year. If reduction goals are not met,

a specific listing of additional methods which will be implemented over the next year must be included.

#### 3.4.8.3 Trip Reduction Techniques

Individual site plans within the project will contain some or all of the following trip reduction techniques. Such techniques will be specified upon submittal of site plans to the City of Ontario.

##### Facility Improvements (on-site):

- Provision of bicycle lockers;
- Provision of on-site bus benches, bus shelters and bus turnouts;
- Reservation of high occupancy vehicle parking areas in convenient locations;

##### Employee Benefits:

- Preferential parking for carpools/vanpools;
- Distribution of incentives and subsidies, such as bus passes and similar incentives;
- Prizes for participation in carpools/vanpools;
- Alternative work hours and flex time options;
- Provision for telecommuting.

##### Alternative Transportation Modes:

- Bus (public or private transit);
- Train (when and if available);
- Carpooling/vanpooling;
- Bicycling.

As part of the Trip Reduction plan, the transportation coordinator shall ensure that all employees are aware of the Trip Reduction Plan and the various incentives and programs available.

### 3.5 Grading Concept

Existing site conditions consist of undeveloped land, gently sloping in a southeasterly direction. Consisting of loose soil, the site is covered with seasonal vegetation and a few trees that may be removed during grading operations. Drainage for the site consists generally of sheet flow in a southeasterly direction towards Francis Street, where it is collected in existing City storm drain systems.

Grading for the project will consist of both mass and precise grading. The site is to be developed in multiple phases, with large areas landscaped to create a visual statement that will also accommodate future phased construction.

The initial phase of the grading concept calls for the construction of phase I of the NAPLD facility, along with roadways connecting to Jurupa Street, Milliken Avenue and Francis Street as well as truck loading areas and parking areas. Small amounts of grading will also occur adjacent to Milliken Avenue and Jurupa Street to allow for installation of streetscape improvements and sidewalks. This area, identified as Planning Areas 1 and 2 on **Exhibit 25**, will be designed such that no importation of soil from outside of the site will be required.

The remaining phased construction of the regional distribution facility in Planning Area 3 and the development of Planning Area 1 will proceed as the need is encountered and will utilize on-site materials when possible. The preliminary earthwork estimates for Phase 1 of development (Planning Areas 1 and 2) will require approximately 290,000 cubic yards of material to be handled. The future of development of Planning Area 1 will require approximately 30,000 cubic yards and Planning Area 3 will require approximately 140,000 cubic yards. The total estimated quantity of soil to be handled is approximately 460,000 cubic yards.

Prior to issuance of building permits, the developer must obtain permits for dust control from the City of Ontario as well as the San Bernardino County Department of Agriculture. The notice of intent for the NPDES permit will also be required. Grading operations shall meet or exceed all Federal, State, and local NPDES requirements.

The Chino Basin Municipal Water District has a large Interceptor Relief Sewer line in an easement along the south easterly boundary of the site. Their review and approval will be required prior to the start of any of the grading operations.

### **3.6 Infrastructure and Public Services**

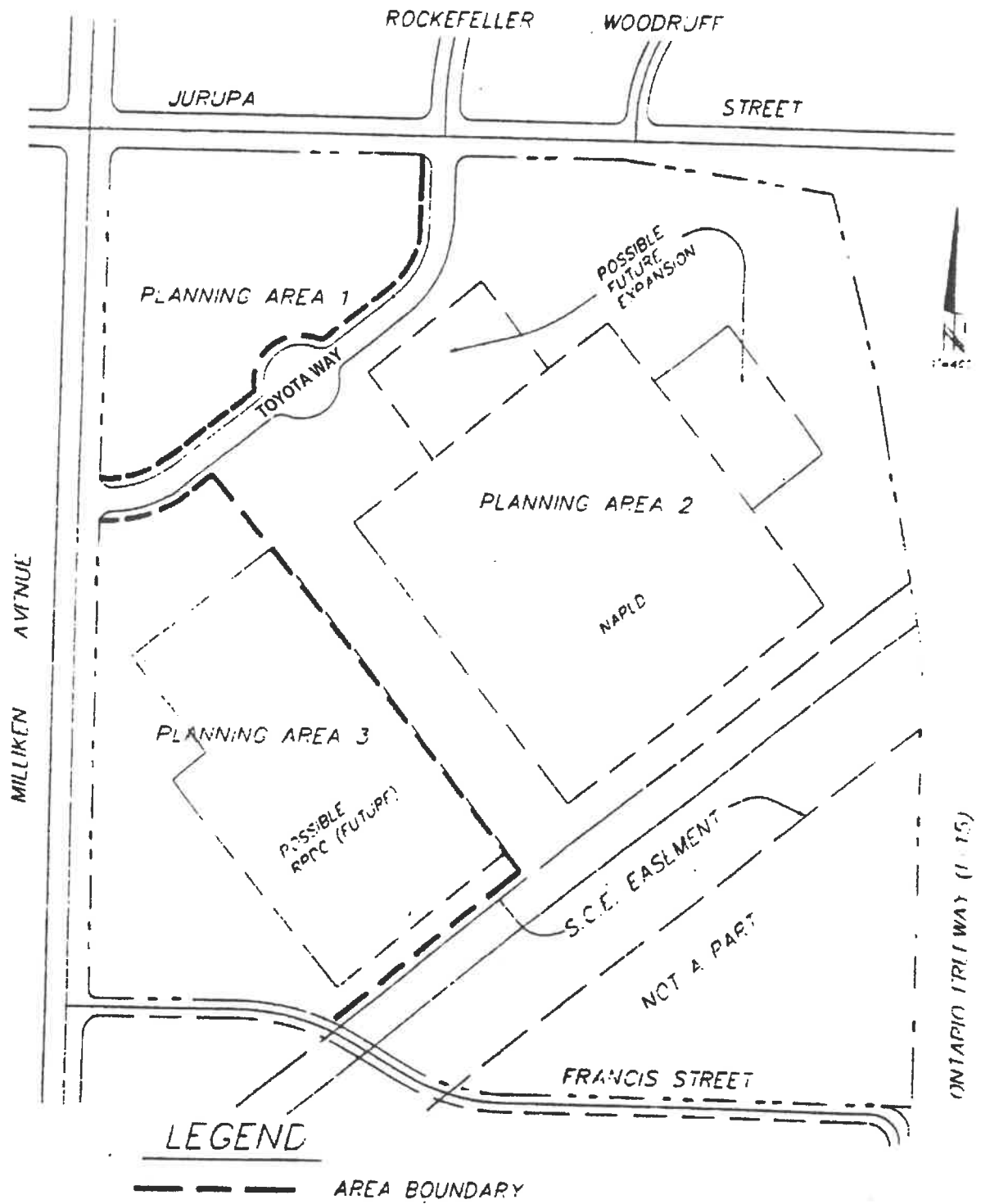
Presented below are descriptions of the existing water, sewer, and storm drain systems in the vicinity of the project site as well as the improvements that will be required to accommodate the proposed project. Technical master plans for infrastructure components for T/OBP have been printed separately.

So that improvements will be sized conservatively, the water and sewer master plans assume that the facilities built will have an industrial use rather than a mix of industrial and office/research and development uses. The industrial land use designation yields higher values for water demand as well as for wastewater generation.

#### **3.6.1 Water System**

The City of Ontario provides water service to the site, which lies within the Eighth Street system and the proposed Phillips Street system. Generally, this site was analyzed in the "Master Plan of Sewer and Water for the Entratter Property" (by Williamson and Schmid in

**Toyota Ontario Business Park**



Scale 1"=300'

Exhibit 25  
**Concept Grading**





December of 1989). However, several factors make it likely that the assumptions and conclusions contained in this earlier study may be subject to modification. First, the City's current study of the entire water system could result in new data for existing system segments. In addition, changes to the siting of buildings have required the reconfiguration of the previously designed system for the site.

#### 3.6.1.1 Existing Water Systems

The City of Ontario currently serves the site with a 16" line in both Milliken Avenue and Jurupa Street, as well as a 12" line north of the street centerline in Francis Street. These lines are within the City of Ontario's Eighth Street System.

There is also an 18" line in Milliken Avenue and a 12" line south of the street centerline in Francis Street that are within the City's proposed Phillips Street System. This system operates at a lower pressure than the Eighth Street System and will ultimately be supplied by a reservoir to be located near the Interstate 10 Freeway and Milliken Avenue. Currently, this system is connected to the Eighth Street System and is supplied by a pressure reducing station located approximately 250' south of Francis Street.

Although the City of Ontario is attempting to provide non-reclaimable water lines for landscape and irrigation uses, no such lines are currently in the vicinity of this project. Therefore, services for landscape and irrigation will be provided by the existing lines bordering the site. Final design of the system will permit connection to any future non-reclaimable water lines.

#### 3.6.1.2 Water System Requirements

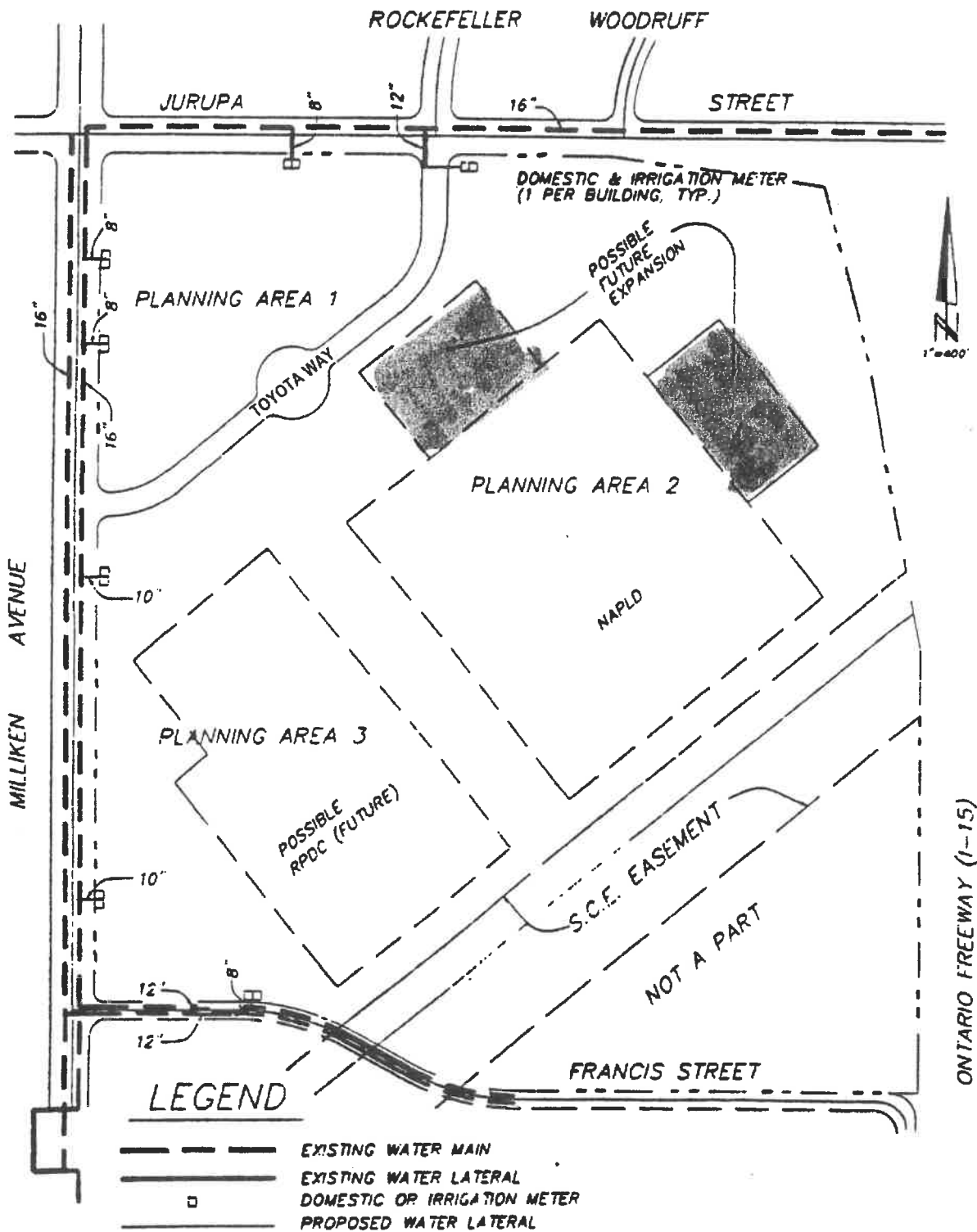
A Water Master Plan for T/OBP has been prepared to be used as a guide for the design and construction of the water system for the project. The Water Master Plan also indicates the water facilities necessary to provide service and meet fire flow requirements.

All water facility improvements will be constructed in accordance with the requirements of the City of Ontario. Minimum pressures should be normally above 40 pounds per square inch (PSI) under maximum day conditions. The maximum velocities should not exceed 10 feet per second and the minimum residual pressure allowed is 20 psi for fire flow conditions. Fire hydrant spacing will generally be between 300' and 350'. Fire hydrants will be located in accordance with Ontario Fire Department recommendations.

Fire flow demands of approximately 3,000 gallons per minute (gpm) shall be assumed at two fire hydrant locations (for a total of 6,000 gpm demand) spaced no more than 300 feet apart.

#### 3.6.1.3 Water Master Plan

The services for domestic and landscape/irrigation uses will be provided by the existing Eighth Street system facilities bordering the site. Existing laterals will be utilized when practical and, if none exists where needed, new laterals will be constructed. Each building will be separately metered.



Scale 1"=300'

Exhibit 26  
**Concept Water System**



If future development of the results in building(s) that exceed two stories, booster pumps may be required to insure adequate pressures at the upper stories.

**Exhibit 26** shows the proposed ultimate water system, in concept format, for domestic and landscape/irrigation service.

The fire protection system will be independent of the domestic system. The proposed system utilizes the 12" Phillips Street System line in Francis Street as its source. The proposed system is looped; the plan will call for a secondary storage tank to be constructed in the southeast portion of the site rather than connecting to an existing main as a second source. Pumps are proposed at both sources to boost the pressures so that adequate fire protection will be provided.

The fire protection system is connected to the Phillips Street system because of the uncertain reliability of the Eighth Street System to provide adequate supplies for use in fire protection. The fire protection system for this site may be revised when the City's ongoing study of the entire water system has been completed.

Prior to the issuance of occupancy permits, future applicants shall submit documentation to the City of Ontario Building Department that all appropriate water conservation measures have been incorporated into building and site designs. Compliance with all relevant State laws will be demonstrated, including Title 20 and Title 24. Drought tolerant landscaping, efficient irrigation, and mulching shall be employed where appropriate.

### **3.6.2 Sewer Master Plan**

This site was included in the "Master Plan of Sewer and Water for the Entratter Property" (prepared by Williamson and Schmid in December 1989). However, the development of this site has changed considerably since preparation of that report with the addition of approximately 8 acres in the northwest and southwest corners and the construction of Francis Street along the southerly boundary. The current plan both responds to the current site configuration and complies with restrictions on utilities crossing the Southern California Edison right-of-way.

#### **3.6.2.1 Existing Sewage Conveyance System**

The City of Ontario provides sewage collection for this site. The Chino Basin Municipal Water District (CBMWD) accepts the flow from the City lines into their interceptor and relief sewers, which is then conveyed to the CBMWD Regional Treatment Plant 1.

Major existing sewer lines in the project vicinity include an 18" line in Jurupa Street and Milliken Avenues, and a 10" line in Francis Street. The 18" line in Jurupa Street is connected to the 18" line in Milliken Avenue in the intersection of the two streets. However, the manhole was rechannelized when the line in Jurupa Street was extended westerly. Flows that previously flowed southerly in Milliken Avenue now flow westerly in Jurupa Street; only the flows generated by properties fronting Milliken Avenue contribute flow into the 18" line in Milliken Avenue.

The CBMWD had a 66" Interceptor Relief Sewer and a 36" Interceptor Sewer. The 66" line runs adjacent to the Southern California Edison Easement along the southeasterly border of the property, while the 36" line runs along the southerly edge of Francis Street.

A metering manhole located approximately 190 feet south of the centerline of Francis Street limits the capacity of the 18" sewer in Milliken Avenue to 1.28 cfs. The existing 18" sewer south of Francis Street turns easterly through a manhole and decreases to 8". The sewer turns southerly, and increases to 10" to the upstream end of the metering manhole. Upon leaving the metering manhole, the pipe size is again 8" until it connects to a manhole at the intersection with the 66" CBMWD Fontana Interceptor Relief Sewer.

### 3.6.2.2 Sewage Flows

Average wastewater flows differ by type of land use and by overall building coverage. Unit flow factors used in previous California Commerce Center sewer master plans and previous infrastructure master plans for this site were based on gross acreage. This approach has been used in calculating flows for this site.

In addition, a peaking equation presented in the previous sewer master plans was used to calculate peak flows and form the basis of design for sizing collection sewers. The wastewater flow factors and peaking equations are shown in **Tables 2 and 3**, respectively.

**Table 2 Average Wastewater Flow Factors**

City of Ontario Sewer Master Plan (gal/ac-day)	California Commerce Center (gal/ac-day)	Entratter/Baxter Site (gal/ac-day)	Toyota NAPLD (gal/ac-day)
4,000	1,950	4,000	4,000

Source: Williamson & Schmid, *Draft- Master Plan of Water and Sewer for the Toyota NAPLD (Ontario)*, 3-22-93.

**Table 3 Wastewater Peak Flow Equation**

Peaking Equation	Units
$Q_{pk} = 2.42 - 0.235 \ln Q_{avg}$	CFS

Source: Williamson & Schmid, *Draft- Master Plan of Water and Sewer for the Toyota NAPLD (Ontario)*.

### 3.6.2.3 System Requirements

Design and construction of the sewer system will be completed in accordance with the standards and specifications of the City of Ontario. After calculating peak flows, the sewer lines were sized based on maximum 50 percent full of 8" diameter line and maximum 75 percent full for sizes greater than 8" at peak flow with a minimum velocity of 2 feet per second.

The estimated pipe slope used was based on preliminary finish grade and proposed street alignment. The minimum depth of sewer will be 6 to 7 feet below finished grade. Manholes will be spaced at 300 to 400 feet. All facilities will be built in locations approved by the City. The sewer system has been laid out so that all portions of the site can be served by public sewers, in public rights of way or in easements, without the necessity of pumping.

#### 3.6.2.4 Sewer Plan

Applying the peaking factor to the total average flow for this site yields 1.83 cubic feet per second (cfs). The site configuration allows for the flow to be divided and distributed into two different sewer systems. Each of the systems ultimately flows to CBMWD's Regional Treatment Plant No. 1.

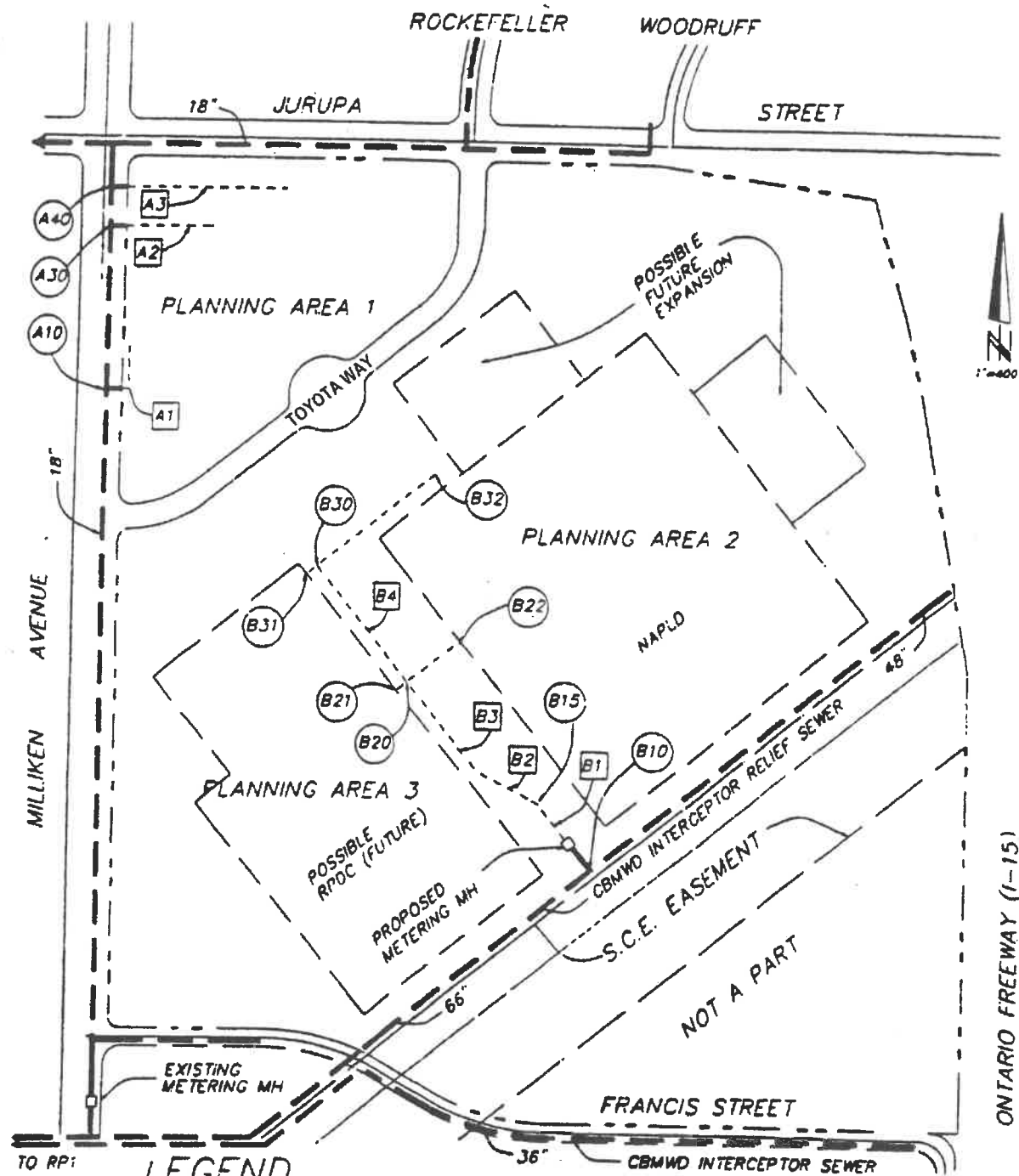
Planning Area 1 was analyzed to consider development of Research and Development Offices as a maximum use. Located at the northwest corner of the site, this use would generate 0.29 cfs, and flow into the existing 18" sewer in Milliken Avenue. A triangular shaped portion of the southwest corner of the site, although containing only open space at this time, as well as an adjacent area just south of Francis Street has been tabulated to generate 0.14 cfs, and flow into the existing 10" sewer line in Francis Street. Both of these areas could contain buildings in the future and would best be served by the existing 10" sewer in Francis Street. Should a warehouse building(s) be developed in Planning Area 1 instead of offices, the sewer demand would be less. At the time of entitlement, the specific project will be analyzed to confirm anticipated sewer flow.

The existing 10" line in Francis Street connects to the existing 18" line in Milliken Avenue in the intersection of the two streets. Therefore, the total flow from this site entering the existing 18" line in Milliken Avenue is 0.43 cfs.

In addition to these areas of the project site, the area bounded on the north by Jurupa Street, on the south by the future extension of Francis Street, on the east by Milliken Avenue, and on the west at the midpoint between Milliken and Dupont Avenues was calculated to flow into the existing 18" line in Milliken. Applying the generation factor to the area of 39.4 acres, yields a peaked flow of 0.66 cfs. This flow, combined with the 0.43 cfs generated from this project site, totals 1.09 cfs.

The proposed NAPLD and regional distribution facility will flow into the existing 66" CBMWD Fontana Interceptor Relief Sewer. The total flow from all of these facilities will be 1.35 cfs.

A request for service to connect a new facility to an interceptor or relief sewer is initiated by the municipality being served rather than individual users. The City of Ontario must submit a formal letter to the CBMWD Board of Directors requesting this type of connection.



TO RP:

**LEGEND**

- |  |                        |  |             |
|--|------------------------|--|-------------|
|  | PROPOSED PRIVATE SEWER |  | NODE NUMBER |
|  | EXISTING PUBLIC SEWER  |  | LINE NUMBER |
|  | PROPOSED PUBLIC SEWER  |  |             |

Scale 1"=300'

Exhibit 27  
**Concept Sewer System**



#### 3.6.2.5 Sewer Master Plan

**Exhibit 27** shows the proposed sewer concept plan for the Toyota/Ontario Business Park, including existing facilities, pipe sizes for the backbone system and related components. The limited capacity of the existing 18" line in Milliken Avenue has not been exceeded.

### 3.6.3 Storm Drainage System

This master plan serves as a guide for design and construction of drainage systems for this project. This master plan considers the existing and future regional drainage facilities as well as the drainage from this site and its effect on existing master planned facilities.

#### 3.6.3.1 Methodology

This drainage study follows the procedures outlined in the 1986 San Bernardino County Hydrology Manual. All of the watersheds studied for this site encompass less than one square mile in area and therefore the rational method has been used for the hydrologic analysis. Based on a 1985 rainfall study in the City of Ontario, a slope of 0.55 for the intensity-duration curve will be used in lieu of the 0.60 slope provided in the Hydrology Manual.

#### 3.6.3.2 Existing Storm Drain Systems

The existing storm drain facilities, as shown on **Exhibit 28**, will be utilized to drain the project site. The facilities consist of the following:

##### A. Existing 90" Reinforced Concrete Pipe

This system is in Toyota Way, crosses Jurupa Street and turns easterly, then it runs easterly along the southerly side of Jurupa Street before turning southerly along the Interstate 15 Freeway, then it runs southerly parallel to the Interstate 15 Freeway before turning easterly at the Southern California Edison easement, it then continues easterly, across the Interstate 15 Freeway as an 8'x8' reinforced concrete box, where it terminates at the County of San Bernardino's Wineville Detention Basin.

##### B. The Baxter Storm Drain System-West

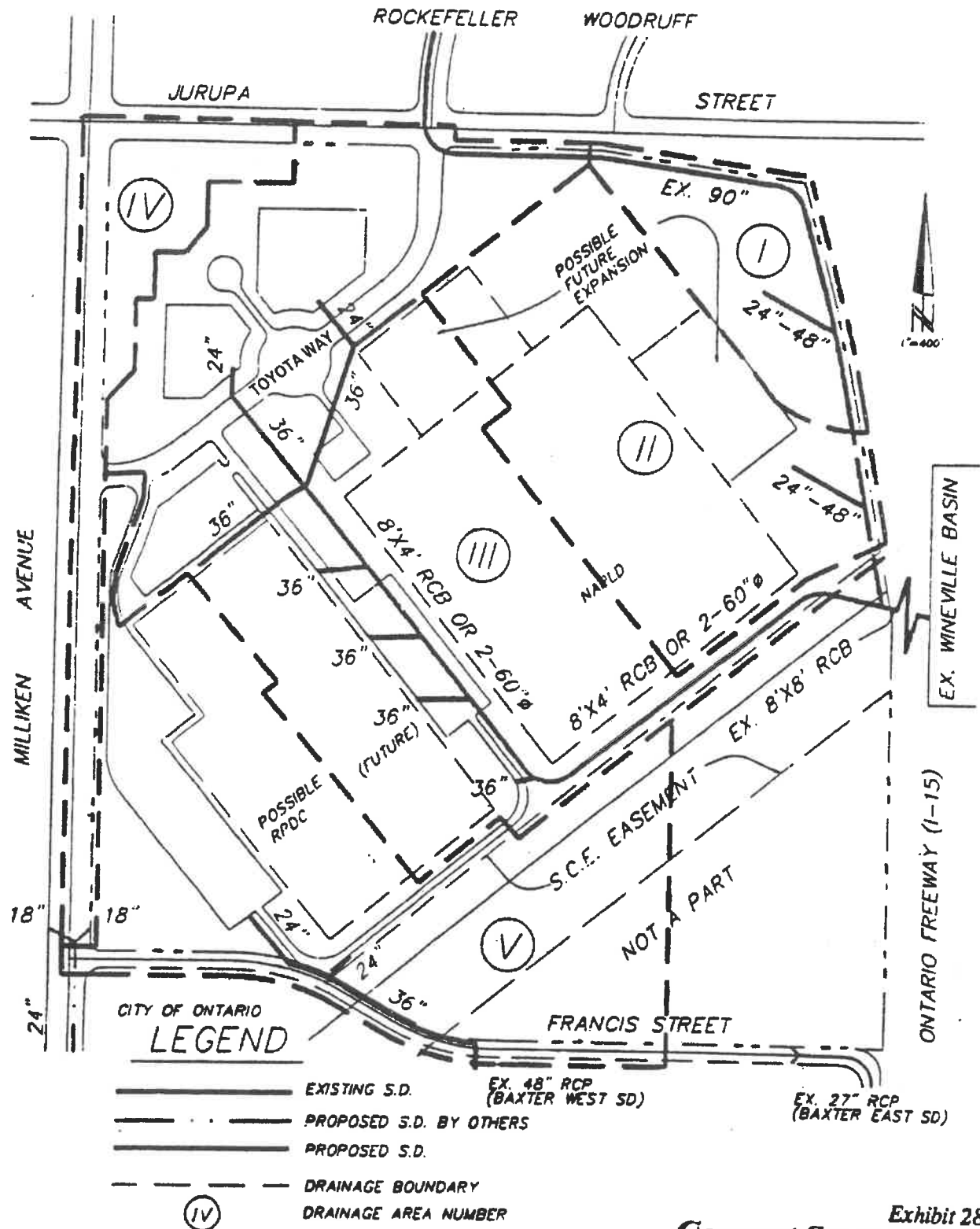
This system consists of 48" reinforced concrete pipe in Francis Street that drains ultimately to the Philadelphia Street Master Planned Storm Drain System.

##### C. The Baxter Storm Drain System-East

This system consists of a 27" reinforced concrete pipe in Francis Street that ultimately drains to the Philadelphia Master Planned Storm Drain System.

##### D. The City of Ontario AD 106 Storm Drain System

This proposed system consists of two 18" reinforced concrete pipes connecting to a 24" reinforced concrete main line in Milliken Avenue at Francis Street. this system will ultimately connect to the storm drain facility in Philadelphia Street.



Scale 1"=300'

Exhibit 28  
Concept Storm Drain System





### 3.6.3.3 Storm Drain Master Plan

The site has been segmented into five major contributing drainage areas. These areas, as shown on **Exhibit 28**, will drain to the existing or proposed facilities as described in Section 3.6.3.2. Areas I, II, and III will drain to the existing 90" RCP that runs along the Interstate 15 Freeway. The total tributary acreages in the 1981 drainage report was approximately 73 acres. It is anticipated that a total of 73 acres will now drain into the 90" RCP. Area IV will drain to the proposed City of Ontario AD 16 storm drain system in Milliken Avenue. This site will contribute 6.7 acres or 13.8 cfs for Q100, which is less than the Q100 value of 19.0 cfs for which the system has been designed.

Area V, as shown on **Exhibit 28** will drain to the Baxter Storm Drain System-West. This system is 48" and has been designed to accept 89 cfs. The new tributary area is approximately 38 acres with a peak flow at Q100 of 86 cfs.

The site grading and ultimate location of the buildings may require a minor adjustment to these five tributary areas; however, they generally conform with the existing or proposed system's design capacities. The Baxter Storm Drain System-East will not be utilized for any of this site's drainage needs.

## 3.7 Community Facilities

### 3.7.1 Fire Protection

Fire protection service to the site is provided by the Ontario Fire Department, which is headquartered at 425 East "B" Street. The Department also currently maintains six other fire stations throughout the community. In addition to fire suppression, the Department offers emergency medical and rescue services, fire code compliance, and inspection services.

The closest fire station to the project site is located at 5400 East Jurupa Street, east of the I-15 freeway, which is equipped with one engine/paramedic company and one ladder company.

Prior to the approval of the individual site plans within the project area, a Master Fire Protection Plan shall be submitted to and approved by the Ontario Fire Department which will detail specific fire protection measures to be included within the site plan. The Master Fire Protection Plan shall address:

- Adequate interior sprinkler systems, smoke detectors or other fire suppression systems.
- Location and testing of fire hydrants and fire extinguishers.
- Identification of and methods for handling and storage of potentially hazardous materials.
- Adequate access and turning radii for emergency vehicles

Individual site plans within the T/OBP will be subject to City Ordinance No. 2491, requiring the payment of fire facility and fire equipment impact fees.

### **3.7.2 Police Protection**

Police Protection is provided by the Ontario Police Department which is headquartered at 200 North Cherry Street in the Ontario Civic Center. The Police Department presently employs a force of 268 personnel, of which 186 are sworn officers.

All future construction within the project site will comply with applicable provisions of City of Ontario Ordinance No. 2482, Security Standards for Buildings.

### **3.7.3 Solid Waste Disposal**

The City of Ontario provides solid waste disposal services to the site, which includes periodic pick-up of waste material and transportation to the County's Milliken Landfill facility. Trash enclosures will be constructed within the project area, with the number, location, and size of the enclosures to be determined by the City of Ontario Public Service Agency at the time of the site plan review.

The Toyota/Ontario Business Park will be subject to solid waste reduction programs currently being developed by the City pursuant to the requirements of AB 939.

### **3.7.4 Maintenance**

Maintenance of utilities and related facilities within public rights-of-way, including traffic signalization, street paving, lane striping, street signs, and street lights is the responsibility of the City of Ontario.

Landscape and hardscape features, both on private property and within adjacent street rights-of-way are maintained by the property owner.

Major water, sewer and storm drainage facilities within public rights-of-way or within dedicated easements are maintained by the City of Ontario. Telephone, electric and natural gas facilities are to be maintained by their respective providers.

## **3.8 Phasing**

The Toyota/Ontario Business Park is anticipated to be built in multiple phases. The initial phase will consist of approximately 872,000 square feet as the first increment of the NAPLD project within Planning Area 2 (shown on **Exhibit 3**). Additional phases will be built, but no projections exist as to the timing or the square footages of the increments to be built.

It is anticipated that all of the off-site improvements, including street improvements, traffic control devices, major utilities, including fire hydrants, sidewalks, and streetscape improvements will be installed in conjunction with the initial phase of project construction. On-site facilities to be built as the first phase includes a portion of the NAPLD building, described above, parking lots, building, and parking lot landscaping and utility connections to major utility systems (sewer, water, storm drainage etc.)

Minor extensions to on-site improvements, including water, sewer, storm drains, sidewalks, and building landscaping, will be constructed as additional buildings are constructed.

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## 4.0 Design Guidelines

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### 4.1 Overview

This portion of the plan sets forth guidelines to assure aesthetically pleasing and functional design for all on-site improvements, including main and accessory buildings and related improvements, including lighting and similar amenities.

### 4.2 Urban Design Concepts

Included in this section are guidelines for construction within the Industrial Mixed Use and the Warehouse/Distribution land use classifications.

#### 4.2.1 Warehouse/Distribution

##### 4.2.1.1 Material

Consistent with the need to provide tall, high-volumetric clear span areas to maximize storage, warehousing and distribution buildings will consist of tilt-up concrete construction with minimally sloping roofs. Building entrances and office frontages will be highlighted with accent material which could include architectural panels and expanses of window and glass areas painted, extruded aluminum frames. Architectural panels will consist of composite aluminum, steel, painted or textured concrete, cement plaster, or similar products. Building entrance and office frontage architectural treatment will be enhanced with enriched landscaping, which is described in Section 3.3 of the Specific Plan.

Materials which will not be used include exposed wood, brick, or stucco.

##### 4.2.1.2 Building Design

A significant effort will be expended to minimize large, flat expanses of unarticulated or undifferentiated wall surfaces. To achieve this objective, distinctive architectural reveals and recesses will be integrated into walls and/or architectural panels. Similar elements or other treatments could be placed at strategic locations to create visual interest and scale to the buildings. Architectural elements or landscape masses will be used to break up or soften large expanses of unarticulated wall surfaces.

All exterior walls and surfaces will either be painted, sandblasted, or the concrete tinted or dyed.

Parapets will extend above the rooflines, unless such elements are treated to create an architectural statement. All other roof-mounted mechanical equipment will be screened as noted in the Specific Plan.

Office components and primary entrances of warehouse and distribution buildings will receive special architectural and landscape treatment to differentiate these particular areas and to direct visitor traffic to these points.

Consistent with Ontario Planning Commission Resolution No. 2392, special attention will be given to the design and treatment of warehouse elevations fronting the I-15 Freeway. Such special treatment will consist of detailed facades, use of texturing, trellises or other architectural or graphic design elements together with enriched landscaping and similar features. Although the Resolution requires the placement of building entries to front on the freeway, such an orientation is not feasible for this site given the location of the Jurupa overcrossing, which essentially obscures much of the site from the freeway with changes of grade, and that the site has limited amount of frontage adjacent to the I-15 Freeway.

A copy of Planning Commission Resolution No 2393 is located in the Appendix.

#### **4.2.1.3 Colors and Textures**

Primary building colors will be determined by the intrinsic qualities of the building finish material. Appropriate complementary colors may be used as accents for reveals, window, and door trim and similar features. Accent colors may be used at project entries, the warehouse office area and at other locations requiring special treatment, such as freeway elevations.

The color palette chosen for warehouse and distribution buildings shall be complementary with other buildings on the project site, including fences and walls, light standards, accessory buildings, sign structures and other structures.

Texturing may be used to achieve the desired level of building articulation, including sandblasting, "ribbing," and use of exposed aggregate material. The scale of these elements will be appropriate for the design.

#### **4.2.2 Industrial Mixed Use**

##### **4.2.2.1 Material**

Similar to warehouse and distribution buildings, offices and R&D buildings could be built of tilt-up concrete, precision block, architectural metal panel systems, cement plaster, or pre-cast concrete. Flat roofs with parapets could also be employed. Exposure of sloping metal roofs, when integral to the design, may also be used. Unlike warehouse building, a predominant feature of office structures will be windows and expanses of plate glass in extruded aluminum, painted frames. Special accent material will be used at office entrances and to enhance frontages adjacent to Milliken Avenue, Jurupa Street and the I-15 Freeway. Warehouse and distribution buildings in this district will follow the guidelines under 4.2.1.

Exposed wood and brick are prohibited building materials.

##### **4.2.2.2 Building Design**

If a complex of Office and Research and Development is proposed in this district, dominant design elements will likely be horizontal, including appearance of the ground floor level and building entrances through the use of recessed entries, architectural panels, canopies, and enriched landscaped treatment.

All exterior surfaces will be painted, sandblasted, finished metal or the concrete will be treated as noted in the next section.

Similar to warehouse structures, parapets will extend above the roofline. Rooftop mounted mechanical and plumbing equipment will be appropriately screened.

#### 4.2.2.3 Colors and Textures

Use of color in the office buildings as in the warehouse structures will be complementary, although not necessarily identical to other buildings within the T/OBP project, to create a harmonious effect. Special texturing may be used, such as sandblasting and exposed aggregate.

### 4.3 Lighting

A Master Lighting Plan will be submitted to the City of Ontario for review and approval prior to building permit issuance for the first phase of building construction on the project site. The Master Plan shall contain criteria and standards governing lighting along Toyota Way parking lot lighting, lighting within parking lots and access drives and lighting improvements for pedestrian walkways. The Master Plan will also establish minimum illumination criteria consistent with City of Ontario policies on exterior illumination.

Site lighting will be directed inward and downward, to avoid spillover of light and glare onto the adjacent freeway, nearby public streets or onto adjacent properties.

### 4.4 Fences and Walls

Fences and walls are an integral part of the overall project design. They will be articulated in a manner consistent with building architecture in terms of proportion, materials color and texture. Painted concrete with reveals, metal fencing, both solid or transparent, may be used with the concrete block, when appropriate, and shall be articulated or screened from view by landscape materials.

### 4.5 Public Art and On-Site Amenities

Construction within the project site shall comply with applicable City of Ontario General Plan policies and implementing ordinances regarding public art. Plans to provide public art will be reviewed and approved by the City of Ontario Development Director prior to issuance of a Certificate of Occupancy for any major building within the Business Park.

Each Building within the Toyota/Ontario Business Park will have access to an outdoor employee break area.

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## 5.0 Development Standards

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### 5.1 Overview

This portion of the Specific Plan establishes minimum standards governing development on the project site, including, but not limited to setbacks, Floor Area Ratios, building heights, parking requirements and similar elements.

### 5.2 Permitted Uses

The following land uses are permitted within the T/OBP Specific Plan, based upon land use category:

#### 5.2.1 Industrial Mixed Use Permitted Uses

- Administrative, business, corporate, and professional offices.
- Banks and financial institutions.
- Business services.
- Child care facilities, only for use of on-site employees.
- Communication services.
- Health clubs and spas, as ancillary uses to other permitted uses.
- Manufacturing that is within enclosed building(s).
- Medical clinics.
- Research, testing, assembly and service of components, devices and similar equipment. Research laboratories, development laboratories. And related uses.
- Restaurants, cafeterias and eating establishments, including outdoor eating areas.
- Security facilities intended to limit access to the site.
- Warehousing, storage, and distribution within enclosed buildings or fully screened from a public right-of-way.
- Wholesale establishments.
- All other uses, unless specifically listed above are prohibited unless a finding is made by the Planning Commission that the use is similar to and no more objectionable than a permitted use.

#### 5.2.2 Warehouse/Distribution Permitted Uses

- Administrative and managerial offices as ancillary to other permitted uses.
- Child care facilities, only for use of on-site employees.
- Health clubs and spas, as ancillary uses to other permitted uses.
- Restaurants, cafeterias and eating establishments, only as ancillary to other permitted uses, including outdoor dining areas.
- Warehousing, storage, distribution and classification of parts and materials within enclosed buildings.
- Wholesale establishments.



- All other uses are prohibited, unless specifically listed above, are prohibited unless approved by the Zoning Administrator in accordance with the requirements of Ontario Development Code Section 1.02.010 (Interpretations and Land Use Determinations).

### **5.3 Maximum Floor Area Ratio (FAR)**

Pursuant to the Ontario General Plan, the maximum Floor Area Ratio (FAR) within the Toyota/Ontario Business Park shall not exceed 0.55, as approved by both the Planning Commission and City Council. Although the FAR on individual parcels may be somewhat higher than this figure, FAR shall be calculated and regulated over the entire property contained within the Specific Plan site.

### **5.4 Building Height**

Maximum building height above finished grade shall not exceed sixty-five (65) feet. Certain encroachments, such as communication antennae, water tanks which are architecturally integrated into the design of the building and similar roof-mounted equipment, shall be allowed with the written approval of the Ontario City Planner.

### **5.5 Minimum Parcel Size**

All parcels or lots created within the Specific Plan shall have a minimum size of one (1) acre.

### **5.6 Building and Parking Setbacks**

#### **5.6.1 Building Setbacks**

The following building setbacks shall be maintained within the Specific Plan area.

- Adjacent to Jurupa Street: Forty (40) feet
- Adjacent to Milliken Avenue: Forty-Five (45) feet
- Adjacent to Francis Street: Forty-Five (45) feet
- Adjacent to Toyota Way: Thirty-Five (35) feet
- Along Interior Property Lines: Five (5) feet

These setbacks apply to front, side, and rear yard conditions. Setbacks shall be measured from the nearest property line with the exception of Toyota Way which is a private street. Setbacks along Toyota Way shall be measured from the curb line adjacent to the roadway. Setback shall be measured to the face of building and shall exclude minor architectural features such as awnings, downspouts, and similar ancillary features.

No structures, other than the following exceptions, shall be permitted to exist within the building setback area. Exceptions include drive approaches, vehicular parking (subject to parking setback standards, listed in the next section), public or quasi-public utility improvements, project entry signs and improvements (as described in Section 3.3 of the Specific Plan), public transit facilities, utility and infrastructure appurtenances, temporary real estate signs, pedestrian walkways and ancillary facilities such as guard houses and water pump houses not exceeding a height of twelve (12) feet and a floor area of four hundred (400) square feet.

### **5.6.2 Parking Setbacks**

The following parking setbacks shall be maintained:

- Jurupa Street: Twenty-five (25) feet
- Milliken Avenue: Twenty-five (25) feet
- Francis Street: Twenty-five (25) feet
- Toyota Way: Twenty-five (25) feet
- Along Interior Property Line: Five (5) feet

The same uses as noted in section 4.6.1 are permitted within parking setback areas as well, with the exception of vehicular parking.

### **5.6.3 Freeway Setback**

Adjacent to the Ontario (I-15) Freeway, a minimum twenty (20) foot parking and building setback shall be established and maintained.

## **5.7 On-Site Landscaping**

All parcels within the Toyota/Ontario Business Park Specific Plan area shall contain a minimum of ten (10) percent on-site landscaping, which shall include:

- All required parking setbacks;
- A minimum of five (5) percent landscaping within parking areas;
- A minimum of twelve (12) feet of landscaping adjacent to warehousing and distribution buildings, except at loading docks and service areas. (Note: minor architectural features may project no greater than two feet into the required landscaped area).

Pedestrian walkways, minor utility installations and drive accessways may be located within these areas and shall be counted as part of the landscaped area.

## **5.8 Parking and Loading**

Parking and loading within the project site shall comply with City of Ontario standards in effect at the time individual site plans are submitted for City review and approval.

## **5.9 Signs**

A Master Sign Plan will be submitted to the City of Ontario for review and approval prior to or concurrently with the submittal of the first site plan on the project site. The Signage Master Plan shall contain criteria and standards governing the number, size, height and placement of both temporary and permanent signs within the complex, including signs for both warehouse and distribution uses and for the industrial mixed use portion of the project.

## **5.10 Outdoor Storage and Screening Requirements**

Outdoor storage is not permitted within the project. This does not include truck trailers.

All rooftop equipment, such as primary HVAC equipment, shall be fully screened from adjacent streets and from the I-15 Freeway with building parapets, architectural screening or shall be expressed as an overall part of the design concept. Screening of mechanical equipment shall be architecturally integrated with the design and materials of the project. Other, similar methods may also be approved by the Ontario Planning Department.

## **5.11 Performance Standards**

### **5.11.1 Air Quality**

No operation or activity shall cause the emission of smoke, fly ash, fumes, dust, vapors, gasses, or other forms of air pollution which has the probability of damage to human health, vegetation, or other forms of property or which can cause excessive soiling to adjacent properties. No emission shall be permitted which exceeds the requirements of the South Coast Air Quality Management District or any related requirements adopted by the City of Ontario.

### **5.11.2 Electrical or Electrical Interference**

No operation or activity shall cause any source of electrical or electronic disturbance that adversely affects persons or the operation of any equipment on adjacent parcels of land that is not in conformance with FCC regulations.

### **5.11.3 Light and Glare**

No lighting fixture shall create any illumination which exceeds five foot candles on adjacent parcels of land, whether such illumination is direct or indirect. Glare levels shall be measured with a photoelectric photometer following standard spectral luminous efficiency curves adopted by the International Commission of Illumination.

### **5.11.4 Mechanical and Electrical Equipment**

All mechanical and electrical equipment, such as air conditioners, antennas, pumps, transformers, heating and ventilating equipment, and similar equipment, shall be located and operated in a manner that does not disturb adjacent uses and activities.

### **5.11.5 Noise and Sound**

Unless otherwise specified, loudspeakers, bells, gongs, buzzers, or other noise attention or attracting devices shall not exceed 60 decibels at any one time beyond the boundaries of the subject property.

### **5.11.6 Airport Noise**

A portion of the project site lies within the 65 CNEL noise contour limit generated by Ontario International Airport. Prior to issuance of building permits on any parcel of land within the 65 CNEL contour level, an acoustical report shall be prepared and submitted to the City along with final building plans. The acoustical report shall contain specific recommendations to reduce interior noise within all buildings to acceptable levels as identified in the Noise Element of the Ontario General Plan.

**5.11.7 Odors**

No operation or activity shall be permitted which emits odorous gasses or other odorous matter in such quantities as to be dangerous, injurious, noxious, or otherwise objectionable to a level that is detectable with or without the aid of instruments at or beyond the property within which odor is detected.

**5.11.8 Vibration**

No operation or activity shall be permitted to cause a steady, earth-borne oscillation which is continuous and occurring more than 100 times per minute beyond the property within which the vibration was created. Ground vibration caused by moving vehicles, trains, aircraft, or temporary construction or demolition is exempted.

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## 6.0 Administration

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### 6.1 Overview

This Chapter Describes how the Specific Plan is to be implemented and amended, if necessary.

### 6.2 Site Plans and Parcel Maps

The two primary methods for implementing the Toyota/Ontario Business Park Specific Plan are site plans and parcel maps. Applications for site plans shall be prepared for each individual building or structure within the project area. The format, content and submittal requirements for site plans shall be determined by the City of Ontario Planning Department and shall be accompanied by appropriate fees and necessary environmental documentation. In addition, a sight line analysis shall accompany submittals for warehouse and distribution building site plans to ensure that appropriate screening is provided to obscure views to truck docks and loading areas.

Parcel maps, or subdivision maps, may also be permitted for land division purposes. Applications for parcel map approval shall also be submitted to the Ontario Planning Department in a form prescribed by the City along with required and other supporting documentation required by the City. All new parcels created within the project area shall comply with minimum lot size requirements and other standards set forth in this Specific Plan.

Both site plans and parcel maps shall be reviewed by the Development Advisory Board (DAB). If approved by the DAB, site plans shall not require additional review by the City of Ontario unless an appeal is filed in the prescribed manner. Parcel maps shall be reviewed by the Planning Commission following DAB review. Once Planning Commission approval is received, no further City review is required unless an appeal is filed in the prescribed manner.

### 6.3 Environmental Review

An Environmental Impact Report (EIR) is in process of being prepared to assess the environmental impacts of this project (City of Ontario EIR NO. 93-1). Once a Final EIR is certified by the City of Ontario, no additional EIRs will be required for implementing site plans or parcel maps, so long as such plans and maps are consistent with the Specific Plan. A Notice of Intent may be required to be filled with site plans and parcel maps, as determined by the Ontario Planning Department.

### 6.4 Substantial Conformance

Substantial Conformance is a process established in the Specific Plan to allow a limited degree of flexibility for both the applicant and City of Ontario in the implementation of the project. Through this process, minor modifications may be made in certain technical components of the Specific Plan. Substantial Conformance may include, but is not limited to, modifications to infrastructure improvements, public service and facility improvements, landscape materials, location of signs and similar issues. The Substantial Conformance process shall not be used to modify development regulations, basic design concepts or to exceed the maximum development intensity cap established in the Specific Plan.

Determination of Substantial Conformance may be made by the DAB when the following findings can be made:

- The proposed modification complies with the goals and intent of the Specific Plan;
- The modification does not create adverse impacts on infrastructure such as sewer, water, storm drainage, or circulation Systems;
- The modification does not create adverse impacts on public facilities or community services;
- The modification does not represent an increase in density or intensity allowed in the Specific Plan;
- Subsequent technical studies and analysis substantiate the need for the modification;
- Other changes have occurred either on- or off-site which necessitate a minor modification.

### **6.5 Specific Plan Amendments**

Amendments to the Specific Plan may be submitted to the City of Ontario which exceed the scope and intent of the Substantial Conformance Process. Specific Plan Amendments are governed by Section 65500 of the California Government Code.

# CITY OF ONTARIO

Agenda Report  
June 2, 2020

SECTION:  
PUBLIC HEARINGS

**SUBJECT:** A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PIEMONTE OVERLAY OF THE ONTARIO CENTER SPECIFIC PLAN, FILE NO. PSPA19-009, TO MODIFY THE MINIMUM PARKING REQUIREMENTS (SECTION 3.3.5.1) FOR RESIDENTIAL USES TO ALLOW TANDEM PARKING FOR UP TO A MAXIMUM OF 50 PERCENT OF THE REQUIRED PARKING FOR DWELLING UNITS. THE PIEMONTE OVERLAY OF THE ONTARIO CENTER SPECIFIC PLAN ENCOMPASSES 84.43 ACRES OF LAND AND IS GENERALLY LOCATED NORTH OF CONCOURS STREET, SOUTH OF FOURTH STREET, WEST OF VIA ALBA AND EAST OF HAVEN AVENUE (APNS: 0210-204-26, 0210-204-37, 0210-204-40, 0210-531-15, 0210-531-16)

**RECOMMENDATION:** That the City Council consider and adopt a resolution approving an Amendment to The Piemonte Overlay of the Ontario Center Specific Plan (File No. PSPA19-009) to modify the Minimum Parking Requirements (Section 3.3.5.1) for residential uses to allow tandem parking for up to a maximum of 50 percent of the required parking for dwelling units.

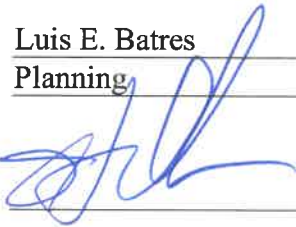
**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner  
Focus Resources in Ontario's Commercial and Residential Neighborhoods

**FISCAL IMPACT:** None

**BACKGROUND:** Approved in 2006, The Ontario Center Specific Plan established land use designations, development standards and guidelines for the 84.43-acre Piemonte Overlay. The land use and site development concept of the Piemonte Overlay takes advantage of the excellent freeway access and proximity to the Toyota Arena and the Ontario International Airport and recognizes the potential for specialty retail, entertainment, office, hotel, commercial, and high-density residential land uses.

The Applicant, LCD Residential at Ontario, LLC, has proposed an amendment to the Piemonte Overlay of the Ontario Center Specific Plan to modify the Minimum Parking Requirements (Section 3.3.5.1) for

**STAFF MEMBER PRESENTING:** Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Luis E. Batres  
Department: Planning  
City Manager Approval: 

Submitted to Council/O.H.A. 06/02/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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residential uses, to allow tandem parking (one parking space located in front of another) for up to a maximum of 50 percent of the required parking for dwelling units. The Specific Plan currently defaults to the Development Code (Section 6.03.025) for the number of tandem parking spaces allowed to be counted towards required dwelling unit parking. The current maximum tandem provision is 12 percent.

The Development Code provides standards and requirements for the orderly development of areas throughout the City. The Piemonte Overlay area is distinct from other areas of the City in that it is envisioned as a more intensely developed and more urbanized area of the City. The proposed increase in the number of allowed tandem parking spaces will continue to provide for more intense residential development, as envisioned by the Piemonte Overlay of The Ontario Center Specific Plan, and Policy Plan component of The Ontario Plan (“TOP”).

The proposed Specific Plan Amendment will facilitate the future development of two multiple-family residential projects (for-sale products), totaling 182 units. The first of the two developments (File No. PDEV19-054), consisting of 72 multiple-family townhome units on 3.02 acres of land, was approved by the Planning Commission on April 28, 2020, noting that the proposed amendment only provides for more extensive tandem parking within The Ontario Center Specific Plan and not the balance of the community. Final project approval is contingent upon the City Council approving this Specific Plan Amendment.

On April 28, 2020, the Planning Commission conducted a public hearing and voted unanimously (7-0) to recommend that the City Council approve the proposed Specific Plan Amendment.

**AIRPORT LAND USE COMPATIBILITY:** The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan.

**ENVIRONMENTAL REVIEW:** The environmental impacts of this project were previously reviewed in conjunction with File No. PSPA16-003, for which a Mitigated Negative Declaration was adopted by the City Council on May 16, 2017. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.



# PLANNING COMMISSION STAFF REPORT

April 28, 2020

**FILE NO.:** PSPA19-009

**SUBJECT:** An Amendment to the Piemonte Overlay of The Ontario Center Specific Plan (File No. PSPA19-009), modifying the Minimum Parking Requirements (Section 3.3.5.1) to allow tandem parking to be counted toward a maximum of 50 percent of the dwelling unit parking space requirement. The Piemonte Overlay area encompasses 84.43 acres of land generally located north of Concours Street, south of Fourth Street, west of Milliken Avenue, and east of Haven Avenue; (APNs: 0210-204-26, 0210-204-37, 0210-204-40, 0210-531-15, 0210-531-16) submitted by LCD Residential at Ontario, LLC. **City Council action is required.**

**PROPERTY OWNER:** LCD Residential at Ontario, LLC.

**RECOMMENDED ACTION:** That the Planning Commission recommend that the City Council consider and approve File No. PSPA19-009, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval contained in the attached departmental reports.

**PROJECT SETTING:** The project site is comprised of 84.43 acres generally located north of Concours Street, east of Haven Avenue, South of Fourth Street and west of Milliken Avenue, and is depicted in Figure 1: Project Location, below. The north and west sides of the project site are generally developed with multiple-family residential and commercial developments. To the south of the project site, the area is developed with the Toyota Arena, several Arena parking lots, and commercial office buildings. To the east of the project site, the area is developed with commercial land uses. To the west of the project site, the area is developed with retail and multiple-family residential developments.



Figure 1: Project Location

**PROJECT ANALYSIS:**

Case Planner:	Luis E. Batres
Planning Director Approval:	
Submittal Date:	10-16-19

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	
PC	4-28-20	Approval	Recommend
CC	6-2-20		Final

later substantially amended in 2017, established the standards, regulations and design guidelines for the development of the project area. The objectives of the Specific Plan are to:

- Provide special design and development standards for the subject area;
- Implement a mixture of related and supporting land uses;
- Provide for the orderly and master planned development of land uses within the Specific Plan, ensuring the development of economically viable developments;
- Ensure that development of the area is consistent with The Ontario Plan (“TOP”) policies, objectives, and implementation programs; and
- Provide special standards for the evaluation of individual developments within the Piemonte Overlay.

The land use and site development concept of the Piemonte Overlay is to recognize the TOCSP’s potential for special uses, entertainment land uses, office, hotels, commercial, and high-density residential land uses; and to take advantage of the excellent freeway access and proximity to the Toyota Arena and the Ontario International Airport. The Interstate 10 Freeway access at Haven and Milliken Avenue provides convenient access for residents, employees and customers. In order to allow for development flexibility, the Piemonte Overlay was divided into five different planning areas, each having a specific listing of allowed uses and development guidelines. The five land use areas are (see Figure 2: Piemonte Overlay Land Use Plan, right):

- Commercial
- Entertainment/Retail
- Office
- Special Use
- Residential

[2] Specific Plan Amendment — The Applicant is requesting approval of an amendment to the Piemonte Overlay of TOCSP to modify the Minimum Parking Requirements (Section 3.3.5.1) to allow tandem parking (one parking space located in front of another) to be counted toward a maximum of 50 percent of the dwelling unit parking space requirement, excluding guest/visitor parking. The Specific Plan currently defaults to the

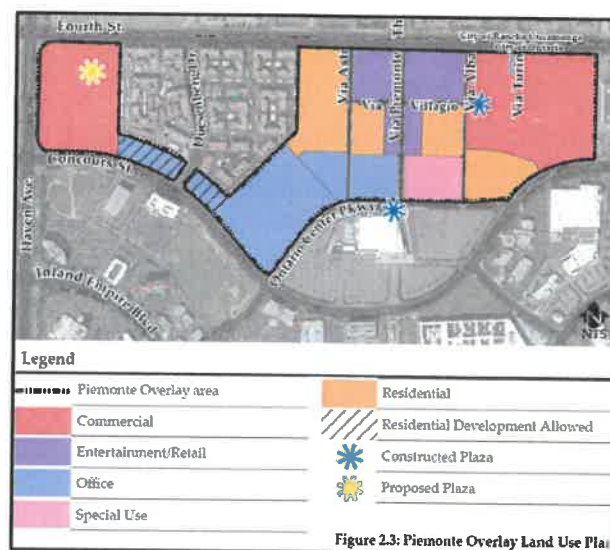


Figure 2: Piemonte Overlay Land Use Plan

Development Code (Section 6.03.025) for the number of tandem parking spaces allowed to be counted towards required parking, which is a maximum of 12 percent. The Development Code provides standards and requirements for orderly development in areas throughout the City. The Piemonte Overlay of TOCSP area is distinct from other areas of the City in that it is envisioned as more intense and more urban. The proposed increase in the number of allowed tandem parking spaces will allow for a more urbanized pattern of residential development as envisioned by TOCSP, the Piemonte Overlay and The Ontario Plan (TOP).

This amendment has been proposed to facilitate the future development of two multiple-family residential development projects totaling 182 townhouse units, which are currently undergoing City review. The Planning Commission will have the opportunity to review and act on these projects, as well as all other future residential development projects affected by this proposed amendment.

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods

[2] Vision.

**Distinctive Development:**

- Commercial and Residential Development
  - Development quality that is broadly recognized as distinctive and not exclusively tied to the general suburban character typical of much of Southern California.

[3] Governance.

**Decision Making:**

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.

- G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

#### [4] Policy Plan (General Plan)

##### **Land Use Element:**

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
  - LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.
- Goal LU2: Compatibility between a wide range of uses.
  - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

##### **Housing Element:**

- Goal H2: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.
  - H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.
- Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.
  - H5-2 Family Housing. We support the development of larger rental apartments that are appropriate for families with children, including, as feasible, the provision of services, recreation and other amenities.

##### **Community Economics Element:**

- Goal CE1: A complete community that provides for all incomes and stages of life.

➤ CE1-6 Diversity of Housing. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.

▪ Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

➤ CE2-1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

➤ CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

➤ CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

➤ CE2-5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

#### **Community Design Element:**

▪ Goal CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.

➤ CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.

➤ CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

➤ CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

**AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE:** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be

consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed Specific Plan Amendment is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP. Any special conditions of approval associated with future development projects and/or land uses in close proximity to the airport will be included in conditions of approval specifically imposed on those future development projects and/or land uses at the time of their approval.

**ENVIRONMENTAL REVIEW:** The environmental impacts of this project were previously reviewed in conjunction with File No. PSPA16-003, for which a Mitigated Negative Declaration was adopted by the City Council on May 16, 2017. This application introduces no new significant environmental impacts, and all previously adopted mitigation measures are a condition of project approval.

**CONDITIONS OF APPROVAL:** See attached department reports.

**TECHNICAL APPENDIX:**

**Surrounding Zoning and Land Use:**

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	MU (Mixed Use)	Ontario Center Specific Plan-Piemonte Overlay	Residential
<i>North</i>	Multi-Family Residential and Commercial	City of Rancho	City of Rancho	n/a
<i>South</i>	Toyota Arena, Arena Parking & Office	MU (Mixed Use)	Ontario Center Specific Plan-Piemonte Overlay	Urban Commercial & Garden Commercial
<i>East</i>	Commercial	MU (Mixed Use)	Ontario Center Specific Plan	Urban Commercial
<i>West</i>	Commercial & Multi-Family Residential	MU (Mixed Use)	Wagner Specific Plan & Ontario Center Specific Plan	Multi-Family Residential & Garden Commercial



RESOLUTION NO. PC20-015

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF FILE NO. PSPA19-009, AN AMENDMENT TO THE PIEMONTE OVERLAY OF THE ONTARIO CENTER SPECIFIC PLAN TO MODIFY THE MINIMUM PARKING REQUIRMENTS (SECTION 3.3.5.1) TO ALLOW TANDEM PARKING TO BE COUNTED TOWARD A MAXIMUM OF 50 PERCENT OF THE DWELLING UNIT PARKING SPACE REQUIREMENT. THE PIEMONTE OVERLAY ENCOMPASSES 84.43 ACRES OF LAND GENERALLY LOCATED NORTH OF CONCOURS STREET, SOUTH OF FOURTH STREET, WEST OF MILLIKEN AVENUE, AND EAST OF HAVEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF— APN: APNS: 0210-204-26, 0210-204-37, 0210-204-40, 0210-531-15, 0210-531-16.

WHEREAS, LCD Residential at Ontario, LLC. ("Applicant") has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA19-009, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to the Piemonte Overlay of The Ontario Center Specific Plan, consisting of 84.43 acres of land generally located north of Concours Street, east of Haven Avenue, South of Fourth Street and west of Milliken Avenue within the Residential zoning designation, and is presently vacant; and

WHEREAS, the north and west sides of the project site are generally developed with multiple-family residential and commercial developments. To the south of the project site, the area is developed with the Toyota Arena, several Arena parking lots and office buildings. To the west of the project site, the area is developed with retail and multiple-family residential developments. To the east of the project site, the area is developed with commercial land uses; and

WHEREAS, the proposed Specific Plan Amendment is related to two Development Plan applications: (1) File No. PDEV19-054 proposing the development of 72 townhouse units on 3.02 acres of land located at the southwest corner of Via Alba and Via Villagio, and (2) File No. PDEV19-061 proposing the development of 110 townhouse units on 4.63 acres of land located at the northeast corner of Ontario Center Parkway and Via Alba, Both projects are within the Residential land use district of the Piemonte Overlay; and

WHEREAS, the proposed Specific Plan Amendment proposes to modify the Minimum Parking Requirements (Section 3.3.5.1) of the Piemonte Overlay of The Ontario Center Specific Plan to allow tandem parking to be counted toward a maximum of 50 percent of the dwelling unit parking space requirement as shown on Attachment "A"; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act — Public Resources Code Section 21000 et seq. — (hereinafter referred to as "CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSPA16-003, a Specific Plan Amendment, for which a Mitigated Negative Declaration ("MND") was adopted by the City Council on May 16, 2017, and this Application introduces no new significant environmental impacts; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and make recommendation to the City Council on the subject Application; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on April 28, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

**SECTION 1: Environmental Determination and Findings.** As the recommending authority for the Project, the Planning Commission has reviewed and

considered the information contained in the previous MND and supporting documentation. Based upon the facts and information contained in the previous MND and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were previously analyzed in conjunction with File No. PSPA16-003, a Specific Plan Amendment for which a Mitigated Negative Declaration was adopted by the City Council on May 16, 2017.

(2) The previous MND contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous MND was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous MND reflects the independent judgment of the Planning Commission; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous MND, and all mitigation measures previously adopted with the MND are incorporated herein by this reference.

**SECTION 2: Subsequent or Supplemental Environmental Review Not Required.** Based on the information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental MND is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the MND that will require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the MND was prepared, that will require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the MND was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the MND; or

(b) Significant effects previously examined will be substantially more severe than shown in the MND; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

**SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.*** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the PLANNING COMMISSION, therefore, finds and determines that the Project is consistent with the policies and criteria set forth within the ALUCP.

**SECTION 4: *Concluding Facts and Reasons.*** Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed Specific Plan, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed amendment to the Piemonte Overlay of The Ontario Center Specific Plan will modify the Minimum Parking Requirements (Section 3.3.5.1) to allow tandem parking to be counted toward a maximum of 50 percent of the dwelling unit parking space requirement. The proposed amendment is consistent with TOP’s Vision, which states “[i]n order to take advantage

opportunities or remove impediments to achieving our Vision, we need the ability to quickly respond to changing market needs,” and TOP’s Policy Plan (General Plan) goals and policies, which states “*LU3-1 Development Standards*. We maintain clear development standards which allow flexibility to achieve our Vision;” and

(2) ***The proposed Specific Plan, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** With the proposed amendment to the Piemonte Overlay of The Ontario Center Specific Plan, the proposed revision to the Minimum Parking Requirements (Section 3.3.5.1) to allow tandem parking to be counted toward a maximum of 50 percent of the dwelling unit parking space requirement will be in conformance with The Ontario Plan (TOP) Policy Plan Land Use Plan and will comply with the Policy Plan goals and policies applicable to the Specific Plan. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because it will allow for more urbanized residential development consistent with the vision for residential development within the Piemonte Overlay; and

(3) ***In the case of an application affecting specific property(ies), the proposed Specific Plan, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The project site is located in an area that will be developed with entertainment, hotels, commercial, and multiple-family residential land uses. The proposed Specific Plan Amendment will facilitate a more urbanized pattern of residential development that is consistent with the overall vision of The Ontario Center Specific Plan and the Piemonte Overlay, and will not, therefore, adversely affect the harmonious relationship with adjacent properties and land uses; and

(4) ***In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.*** The proposed amendment to the Piemonte Overlay of The Ontario Center Specific Plan will amend the minimum parking requirements for residential land uses, allowing more flexibility in the allocation and use of tandem parking. The physical suitability of increased tandem parking, up to a maximum of 50 percent of the dwelling unit parking space requirement, will be analyzed by the Planning Commission on a case-by-case basis as residential development projects are submitted.

**SECTION 5: Planning Commission Action.** Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as “Attachment B,” and incorporated herein by this reference.

**SECTION 6: *Indemnification.*** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

**SECTION 7: *Custodian of Records.*** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

**SECTION 8: *Certification to Adoption.*** The Secretary shall certify to the adoption of the Resolution.

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The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.


I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 28th day of April 2020, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



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Jim Willoughby  
Planning Commission Chairman

ATTEST:



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Cathy Wahlstrom  
Planning Director and  
Secretary to the Planning Commission

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC20-015, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on April 28, 2020, by the following roll call vote, to wit:

AYES:           DeDiemar, Downs, Gage, Gregorek, Reyes, Ricci, Willoughby

NOES:           None

ABSENT:        None

ABSTAIN:       None

  
\_\_\_\_\_  
Gwen Berendsen  
Secretary Pro Tempore

**ATTACHEMENT A:**

**File No. PSPA19-009  
Piemonte Overlay Amended  
Section 3.3.5.1**

*(Departmental conditions of approval to follow this page)*



All development is highly encouraged to leverage transit, multi-modal, and shared parking opportunities to reduce required parking demand. Parking reductions may be achieved through shared parking, or other strategies that reduce the amount of area devoted to parking and to increase the use of alternative forms of mobility, as validated by a Parking Analysis Study as provided in Section 6.03.020 Reduction in the Required Number of Parking Spaces of the Ontario Development Code.

### **3.3.5.1 Minimum Parking Requirements**

Off-site parking and loading facilities for each of the Piemonte Overlay Land Use Subareas shall be provided pursuant to the requirements of Ontario Development Code Division 6.03 (Off-Street Parking and Loading), except that parking facilities for residential uses shall be provided as follows:

- Studio Unit – 1.0 space per unit.
- One bedroom unit – 1.0 space per unit.
- Two bedroom unit – 1.75 spaces per unit.
- Three or more bedroom unit – 2.0 spaces per unit.
- Residential guest parking – 0.2 space per unit. Guest parking shall be accommodated within the host lot/building, in common parking areas along abutting private drives, or on adjacent private drives.

*Tandem parking spaces may be counted toward a maximum of 50 percent of resident parking space requirements as established in this section. The Tandem parking regulations and design shall be subject to the provisions of the Ontario Development Code, Division 6.03 – Off Street Parking and Loading, Section 6.03.025 C: Tandem Parking for Multi-Family projects.*

### **3.3.6 Structured Wiring**

Residential (single-family and multi-family), commercial and industrial developments shall adhere to the City's Structured Wiring ordinance. An integrated structured wiring system (low-voltage wiring) provides infrastructure for today's technology applications and the framework for the future technology advances. Requirements and benefits of a structured wiring system include:

Planning Commission Resolution  
File No. PSPA19-009  
April 28, 2020  
Page 9

**ATTACHEMENT B:**

**File No. PSPA19-009  
Departmental Conditions of Approval**

*(Departmental conditions of approval to follow this page)*



City of Ontario  
Planning Department  
303 East B Street  
Ontario, California 91764  
Phone: 909.395.2036  
Fax: 909.395.2420

## ***Planning Department Land Development Division Conditions of Approval***

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**Meeting Date:** April 28, 2020

**File No:** PSPA19-009

**Related Files:** n/a

**Project Description:** An Amendment to the Piemonte Overlay of the Ontario Center Specific Plan (File No. PSPA19-009), to modify the Minimum Parking Requirements (Section 3.3.5.1) to allow tandem parking up to a maximum of 50% of the required parking. The Ontario Center Specific Plan-Piemonte Overlay encompasses 84.43 acres of land, and is generally located north of Concours Street, south of Fourth Street, west of Milliken Avenue, and east of Haven Avenue; (APNs: 0210-204-26, 0210-204-37, 0210-204-40, 0210-531-15, 0210-531-16) **submitted by LCD Residential at Ontario, LLC.**

**Prepared By:** Luis E. Batres, Senior Planner  
**Phone:** 909.395.2431 (direct)  
**Email:** Lbatres@ontarioca.gov

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The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

**1.0 Standard Conditions of Approval.** The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

**2.0 Special Conditions of Approval.** In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

**2.1 Specific Plan/Specific Plan Amendment.** The following shall be submitted to the Planning Department within 30 days following City Council approval of the Specific Plan Amendment:

- (a) Fifteen copies of the final revised Specific Plan document;
- (b) One complete, unbound copy of the final Specific Plan document;
- (c) One CD containing a complete Microsoft Word copy of the final Specific Plan document, including all required revisions;
- (d) Five CDs, each containing a complete PDF copy of the final Specific Plan document, including all required revisions; and
- (e) One CD containing a complete electronic website version of the final Specific Plan document, including all required revisions.

**2.2** Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. PSPA16-003, for which a Mitigated Negative Declaration was adopted by the City Council on May 16, 2017. This application introduces no new significant environmental impacts, and all previously adopted mitigation measures are a condition of project approval.

(b) Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA19-009, AN AMENDMENT TO THE PIEMONTE OVERLAY OF THE ONTARIO CENTER SPECIFIC PLAN TO MODIFY THE MINIMUM PARKING REQUIREMENTS (SECTION 3.3.5.1) TO ALLOW TANDEM PARKING FOR UP TO A MAXIMUM OF 50 PERCENT OF THE REQUIRED DWELLING UNIT OFF-STREET PARKING REQUIREMENT FOR PROPERTIES LOCATED WITHIN THE RESIDENTIAL DISTRICT. THE PIEMONTE OVERLAY ENCOMPASSES 84.43 ACRES OF LAND AND IS GENERALLY LOCATED NORTH OF CONCOURS STREET, SOUTH OF FOURTH STREET, WEST OF VIA ALBA AND EAST OF HAVEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0210-204-26, 0210-204-37, 0210-204-40, 0210-531-15 AND 0210-531-16.

WHEREAS, LCD RESIDENTIAL AT ONTARIO, LLC. (hereinafter referred to as "Applicant") has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA19-009, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 84.43 acres of land generally located north of Concours Street, south of Fourth Street, west of Via Alba and east of Haven Avenue within the Residential zoning designation; and

WHEREAS, the north and west sides of the project site are generally developed with multiple-family residential and commercial developments. To the south of the project site, the area is developed with the Toyota Arena, several Arena parking lots and office buildings. To the east of the project site, the area is developed with commercial land uses; and

WHEREAS, the proposed Specific Plan Amendment is related to two Development Plan applications: (1) File No. PDEV19-054 that proposes the development of 72 townhouse units on 3.02 acres of land located at the southwest corner of Via Alba and Via Villagio, and (2) File No. PDEV19-061 which proposes the development of 110 townhouse units on 4.63 acres of land located at the northeast corner of Ontario Center Parkway and Via Alba. Both projects are within the Residential land use district of the Piemonte Overlay; and

WHEREAS, the proposed Specific Plan Amendment proposes to modify the Minimum Parking Requirements (Section 3.3.5.1) of the Piemonte Overlay of The Ontario Center Specific Plan to allow tandem parking to be counted toward a maximum of 50 percent of the dwelling unit off-street parking requirement; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSPA16-003, a Specific Plan Amendment, for which a Mitigated Negative Declaration ("MND") was adopted by the City Council on May 16, 2017, and this Application introduces no new significant environmental impacts; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act — Public Resources Code Section 21000 et seq. — (hereinafter referred to as "CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on April 28, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting unanimously 7-0 to issue Resolution No. PC20-015 recommending the City Council approve the Application; and

WHEREAS, on June 2, 2020, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

**SECTION 1. *Environmental Determination and Findings.*** As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previous Mitigated Negative Declaration (MND) and supporting documentation. Based upon the facts and information contained in the previous MND and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PSPA16-003, a Specific Plan Amendment for which a Mitigated Negative Declaration was adopted by the City Council on May 16, 2017; and

(2) The previous MND contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous MND was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous MND reflects the independent judgment of the City Council; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous MND, and all mitigation measures previously adopted with the MND are incorporated herein by this reference.

**SECTION 2. *Additional Environmental Review Not Required.*** Based on the information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental MND is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the MND that will require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the MND was prepared, that will require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the MND was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the MND; or

(b) Significant effects previously examined will be substantially more severe than shown in the MND; or

- (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or
- (d) Mitigation measures or alternatives considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

**SECTION 3. *Housing Element Compliance.*** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan.

**SECTION 4. *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.*** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

**SECTION 5. *Concluding Facts and Reasons.*** Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, the City Council hereby concludes as follows:

(1) ***The proposed Specific Plan, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed amendment to the Piemonte Overlay of The Ontario Center Specific Plan will modify the Minimum Parking Requirements (Section 3.3.5.1) to allow tandem parking to be counted toward a



maximum of 50 percent of the dwelling unit parking space requirement. The proposed amendment is consistent with TOP's Vision, which states "[i]n order to take advantage opportunities or remove impediments to achieving our Vision, we need the ability to quickly respond to changing market needs," and TOP's Policy Plan (General Plan) goals and policies, which states "*LU3-1 Development Standards*. We maintain clear development standards which allow flexibility to achieve our Vision;" and

(2) ***The proposed Specific Plan, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** With the proposed amendment to the Piemonte Overlay of The Ontario Center Specific Plan, the proposed revision to the Minimum Parking Requirements (Section 3.3.5.1) to allow tandem parking to be counted toward a maximum of 50 percent of the dwelling unit parking space requirement will be in conformance with The Ontario Plan (TOP) Policy Plan Land Use Plan and will comply with the Policy Plan goals and policies applicable to the Specific Plan. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because it will allow for more urbanized residential development consistent with the vision for residential development within the Piemonte Overlay; and

(3) ***In the case of an application affecting specific property(ies), the proposed Specific Plan, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The project site is located in an area that will be developed with entertainment, hotels, commercial, and multiple-family residential land uses. The proposed Specific Plan Amendment will facilitate a more urbanized pattern of residential development that is consistent with the overall vision of The Ontario Center Specific Plan and the Piemonte Overlay, and will not, therefore, adversely affect the harmonious relationship with adjacent properties and land uses; and

(4) ***In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.*** The proposed amendment to the Piemonte Overlay of The Ontario Center Specific Plan will amend the minimum parking requirements for residential land uses, allowing more flexibility in the allocation and use of tandem parking. The physical suitability of increased tandem parking, up to a maximum of 50 percent of the dwelling unit parking space requirement, will be analyzed by the Development Advisory Board, Planning Commission or City Council on a case-by-case basis as residential development projects are submitted.

**SECTION 6. City Council Action.** Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Specific Plan Amendment, attached hereto as "Attachment A" and incorporated herein by this reference.

**SECTION 7. Indemnification.** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees

to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

**SECTION 8. *Custodian of Records.*** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

**SECTION 9. *Certification to Adoption.*** The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of June 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 2, 2020, by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held June 2, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**ATTACHMENT A:**

**File No. PSPA19-009  
Amendment to The Piemonte Overlay of the Ontario Center Specific Plan**

**Section 3.3.5.1 Minimum Parking Requirements**

*(Documents follows this page)*

All development is highly encouraged to leverage transit, multi-modal, and shared parking opportunities to reduce required parking demand. Parking reductions may be achieved through shared parking, or other strategies that reduce the amount of area devoted to parking and to increase the use of alternative forms of mobility, as validated by a Parking Analysis Study as provided in Section 6.03.020 Reduction in the Required Number of Parking Spaces of the Ontario Development Code.

### **3.3.5.1 Minimum Parking Requirements**

Off-site parking and loading facilities for each of the Piemonte Overlay Land Use Subareas shall be provided pursuant to the requirements of Ontario Development Code Division 6.03 (Off-Street Parking and Loading), except that parking facilities for residential uses shall be provided as follows:

- Studio Unit – 1.0 space per unit.
- One bedroom unit – 1.0 space per unit.
- Two bedroom unit – 1.75 spaces per unit.
- Three or more bedroom unit – 2.0 spaces per unit.
- Residential guest parking – 0.2 space per unit. Guest parking shall be accommodated within the host lot/building, in common parking areas along abutting private drives, or on adjacent private drives.

*Tandem parking spaces may be counted toward a maximum of 50 percent of resident parking space requirements as established in this section. The Tandem parking regulations and design shall be subject to the provisions of the Ontario Development Code, Division 6.03 – Off Street Parking and Loading, Section 6.03.025 C: Tandem Parking for Multi-Family projects.*

### **3.3.6 Structured Wiring**

Residential (single-family and multi-family), commercial and industrial developments shall adhere to the City's Structured Wiring ordinance. An integrated structured wiring system (low-voltage wiring) provides infrastructure for today's technology applications and the framework for the future technology advances. Requirements and benefits of a structured wiring system include:

# CITY OF ONTARIO

Agenda Report  
June 2, 2020

SECTION:  
ADMINISTRATIVE REPORTS/  
DISCUSSION/ACTION

**SUBJECT: IMPLEMENTATION OF CALIFORNIA PUBLIC EMPLOYEE RETIREMENT SYSTEM (CALPERS) TWO-YEARS ADDITIONAL SERVICE CREDIT FOR DESIGNATED CLASSIFICATIONS, DEPARTMENTS OR ORGANIZATIONAL UNITS**

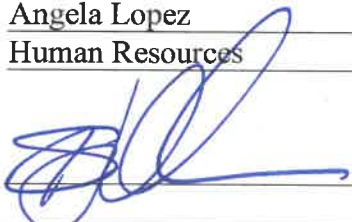
**RECOMMENDATION:** That the City Council, by motion, adopt a resolution authorizing the City Manager to provide for the designation of a period for two-years additional service credit in accordance with California Government Code section 20903 for designated classifications, departments or organizational units.

**COUNCIL GOALS: Operate in a Businesslike Manner**

**FISCAL IMPACT:** The present value of the program cost is estimated at \$28,309,000, or if amortized over five (5) years, \$6,376,000 per year; and if City Council adopts the resolution for all classifications, 321 regular full-time employees would be eligible to participate and retire during the designated "window" period. The corresponding savings for the same eligible employees is approximately \$51,600,000 through future and ongoing personnel cost reductions to be attained through attrition and realignment of the workforce. However, based on the experience of CalPERS and consultants who work with public agencies on early retirement incentives, it is highly unlikely that 100% of eligible employees will choose to retire. It would be more likely that between 25% and 40% of eligible employees would opt for this program. This action, if approved, will result in freezing many of the vacated positions authorized in the FY 2020-21 adopted budget, and carry forward to the budgets for FY 2021-22 and future years.

**BACKGROUND:** California Government Code Section 20903 allows the City, as part of a budget-reduction process, to offer a retirement incentive of two-years service credit to eligible employees. If approved, the proposed resolution will open a window period for the two-years additional service credit for City employees based on designated classifications, departments or organizational units as identified in Exhibit A of the Resolution. The proposed window period is June 3, 2020 through

**STAFF MEMBER PRESENTING:** Angela Lopez, Executive Director Human Resources

Prepared by: Angela Lopez  
Department: Human Resources  
City Manager Approval: 

Submitted to Council/O.H.A. 06/02/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

15

September 30, 2020. Any eligible employee who elects to retire during this time will receive the additional service credit. In exchange the City will capture significant payroll savings.

Due to the unprecedented impact of the COVID-19 pandemic, the City's budget has been severely impacted by a reduction in sales tax, transient occupancy tax (TOT), parking tax, and business license revenues coupled with increased and ongoing operational costs specifically related to COVID-19 which were unanticipated and unbudgeted.

Consistent with the Council Goals and Objectives, the City is committed to taking budget actions necessary to address the declining revenues and increasing costs. This is part of a wide range of solutions to balancing the City's budget. Allowing and encouraging attrition that is likely pending with retirement-ready employees by providing an additional two years of service credit can provide immediate cost savings and create voluntary vacancies, thus mitigating the impact of potential forced vacancies. This is also an attempt to hold costs down which mitigates a revenue/expenditure imbalance in future fiscal years.

In accordance with the California Public Employees Retirement Law, two years of additional service credit may be offered to employees who have at least five years of CalPERS service and meet the minimum age requirement for a service retirement. Additionally, an agency must be facing impending mandatory transfers, demotions or layoffs that constitute at least one percent (1%) of the job classification, department or organizational unit, as designated by the City. Further, the City must certify that it intends to keep all vacancies created by retirements under this program or least one vacancy in any position in any department or organizational unit permanently unfilled, resulting in an overall reduction in the work force. To provide this early retirement incentive, the City must designate a window period of at least 90 days up to a maximum of 180 days during which eligible employees must retire to receive the early retirement incentive.

To offer this early retirement incentive, CalPERS requires the City to follow certain procedures. On May 19, 2020, the City Council took action to notice its intent to provide additional service credit and disclosed the estimated costs and corresponding savings. The proposed resolution grants final approval and completes the CalPERS process.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, GRANTING A DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT.

WHEREAS, the City Council of the City of Ontario is a contracting Public Agency of the California Public Employees' Retirement System (CalPERS); and

WHEREAS, the City of Ontario desires to provide a designated period of Two Years Additional Service Credit, based on the contract amendment included in City's contract with CalPERS, which provided for Section 20903, Two Years Additional Service Credit for eligible members.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES HEREBY RESOLVE AND DECLARE AS FOLLOWS: Pursuant to Government Code Section 20903, the City Council hereby designates the period from June 3, 2020 through September 20, 2020, during which eligible members in the following positions must retire in order to receive the Two Years Additional Service Credit:

**All classifications in the following Departments (Agencies):**

DEPARTMENT (AGENCY)

Community Life and Culture  
Development  
Economic Development  
Fire Department  
Housing & Neighborhood Preservation  
Human Resources  
Information Technology  
Police Department

**All classifications in the following Organizational Unit (Division):**

DEPARTMENT(AGENCY)

Management Services:

UNIT (DIVISION)

Office of the City Manager  
Management Services

Ontario Municipal Utilities Company: Utilities Operations\*

*\*(Classifications within Utilities Operations Unit: Utilities Operation Division Manager, Utilities Operation Assistant Division Manager, Utilities Supervisor, Utilities Services Representative, Senior Utilities Technician, Utilities Technician, Utilities Maintenance Worker, Cross Connection Control Specialist)*

Public Works:

Public Works Administration  
Parks & Street Maintenance  
Fleet Services



**Classifications in the following Department (Agency) & Organizational Unit (Division):**

<u>DEPARTMENT (AGENCY)</u>	<u>ORGANIZATIONAL UNIT(DIVISION)</u>	<u>CLASSIFICATION</u>
Financial Services:	Fiscal Services	Accounting Technician Senior Financial Analyst
	Investment & Revenue Services	Accounting Technician Central Services Specialist Management Analyst Business License supervisor Customer Service Representative
	Utilities Customer Service	Customer Service Representative Utilities Customer Services Supervisor
Ontario Municipal Utilities Company:	All	Office Specialist
	Integrated Waste	Integrated Waste Division Manager Integrated Waste Assistant Division Manager Integrated Waste Supervisor Integrated Waste Lead Collector Senior Integrated Waste Lead Collector Integrated Waste Collector Integrated Waste Welder Integrated Waste Maintenance Worker
Public Works:	Various	Custodian Design & Construction Director Facilities Maintenance Technician Municipal Services Manager Public Facilities Maintenance Manager Senior Facilities Maintenance Technician

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

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of June 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )  
CITY OF ONTARIO )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 2, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held June 2, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

“Exhibit A”

**All classifications in the following Departments (Agencies):**

DEPARTMENT(AGENCY)

Community Life and Culture

Development

Economic Development

Fire Department

Housing & Neighborhood Preservation

Human Resources

Information Technology

Police Department

**All classifications in the following Organizational Unit (Division):**

DEPARTMENT(AGENCY)

UNIT (DIVISION)

Management Services:

Office of the City Manager

Management Services

Ontario Municipal Utilities Company:

Utilities Operations\*

*\*(Classifications within Utilities Operations Unit: Utilities Operation Division Manager, Utilities Operation Assistant Division Manager, Utilities Supervisor, Utilities Services Representative, Senior Utilities Technician, Utilities Technician, Utilities Maintenance Worker, Cross Connection Control Specialist)*

Public Works:

Public Works Administration

Parks & Street Maintenance

Fleet Services

**Classifications in the following Department (Agency) & Organizational Unit (Division):**

<u>DEPARTMENT (AGENCY)</u>	<u>ORGANIZATIONAL UNIT(DIVISION)</u>	<u>CLASSIFICATION</u>
Financial Services:	Fiscal Services	Accounting Technician Senior Financial Analyst
	Investment & Revenue Services	Accounting Technician Central Services Specialist Management Analyst Business License supervisor Customer Service Representative
	Utilities Customer Service	Customer Service Representative Utilities Customer Services Supervisor
Ontario Municipal: Utilities Company:	All	Office Specialist
	Integrated Waste	Integrated Waste Division Manager Integrated Waste Assistant Division Manager Integrated Waste Supervisor Integrated Waste Lead Collector Senior Integrated Waste Lead Collector Integrated Waste Collector Integrated Waste Welder Integrated Waste Maintenance Worker
Public Works:	Various	Custodian Design & Construction Director Facilities Maintenance Technician Municipal Services Manager Public Facilities Maintenance Manager Senior Facilities Maintenance Technician