CITY OF ONTARIO
CITY COUNCIL/HOUSING AUTHORITY
AGENDA
FEBRUARY 16, 2021

Paul S. Leon
Mayor

Alan D. Wapner
Mayor pro Tem

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member

Ruben Valencia
Council Member

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

Scott Ochoa
City Manager

Ruben Duran
City Attorney

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, and a website comment form. 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.**

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), 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 live streamed at: www.ontarioca.gov/Agendas/CityCouncil or Zoom.

TO PROVIDE PUBLIC COMMENT: Those wishing to speak during the "Public Comment" portion for any Closed Session item must call 909-395-2900 between 5:15 p.m. and 5:30 p.m. the date of the meeting. Those wishing to speak during the "Public Comment" portion of the meeting or any item on "Consent Calendar" must call 909-395-2900 between 6:00 p.m. and 6:30 p.m. the day of the meeting.

TO COMMENT BY EMAIL: Submit your comments by email no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comment to publiccomments@ontarioca.gov. All Comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter.

TO COMMENT BY MAIL: To submit your comments by mail, provide your name, agenda item you are commenting on, and your comment by mailing to Records Management, Ontario City Hall, 303 East "B" Street, Ontario, CA 91764. Comments by mail must be received by the Records Management Department no later than 4:00 p.m. on the day of the meeting. Postmarks are not accepted. All comments received by the deadline will be provided to the City Council for consideration before action us taken on the matter.

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.

ORDER OF BUSINESS

The regular City Council and Housing Authority meeting begins with Closed Session and Closed Session Public Comment at 5:30 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)*

ROLL CALL

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

CLOSED SESSION PUBLIC COMMENT - 5:30 P.M.
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) 395-2900 between 5:15 - 5:30 p.m. or by emailing PublicComments@ontarioca.gov no later than 4:00 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 54656.9(d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION
Robles, et al. v. City of Ontario et al., Case No. CIVDS2007038

GC 54656.9(d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION
Jennie Harrison Murray, Estate of Somer Harrison v. City of Ontario San Bernardino County Superior Court Case No. CIVDS1910129

GC 54656.9(d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION
Urfano v. City of Ontario, et al., San Bernardino County Superior Court Case No. CIVDS1828483

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

ATTACHMENT: 20210216 Closed Session.pdf

PLEDGE OF ALLEGIANCE

Council Member Valencia

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) 395-2900 between 6:00 - 6:30 p.m. or by emailing PublicComments@ontarioca.gov no later than 4:00 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.

SPECIAL PRESENTATION

- ***SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) - PROJECT UPDATE***

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 special meeting of the City Council and Housing Authority of January 15, 2021, and the regular meeting of January 19, 2021, approving same as on file in the Records Management Department.

ATTACHMENT: Minutes of 20210115 S Meeting.pdf

ATTACHMENT: Minutes of 20210119 Meeting.pdf

2. BILLS & PAYROLL

Bills January 15, 2021 through January 28, 2021 and Payroll January 3, 2021 through January 16, 2021 when audited by the Finance Committee.

3. 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. 59 (GATEWAY SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

That the City Council consider and:

A. Accept a written petition (on file with the Records Management Department) from GDCI-RCCD 2, L.P. ("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. 59 (Gateway 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, April 6, 2021.

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. 59 (GATEWAY SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

ATTACHMENT: 20210216 Community Facilities District No. 59 Gateway Services^01 Resolution Intention^RM

ATTACHMENT: 20210216 Community Facilities District No. 59 Gateway Services^02 RMA EXH B

4. A SPECIFIC PLAN (FILE NO. PSP18-001 - MERRILL COMMERCE CENTER) TO ESTABLISH THE LAND USE DISTRICTS, DEVELOPMENT STANDARDS, GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR THE POTENTIAL DEVELOPMENT OF UP TO 8,455,000 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK LAND USES ON 376.3 ACRES OF LAND GENERALLY BORDERED BY EUCALYPTUS AVENUE TO THE NORTH, MERRILL AVENUE TO THE SOUTH, CARPENTER AVENUE TO THE EAST, AND GROVE AVENUE TO THE WEST (APNS: 1054-111-01; 1054-111-02; 1054-121-01; 1054-121-02; 1054-131-01; 1054-131-02; 1054-141-01; 1054-141-02; 1054-151-01; 1054-151-02; 1054-161-01; 1054-161-02; 1054-161-03; 1054-171-01; 1054-171-02; 1054-171-03; 1054-171-04; 1054-181-01; 1054-181-02; 1054-191-01; 1054-191-02; 1054-201-01; 1054-201-02; 1054-211-01, 1054-211-02; 1054-221-01; 1054-221-02; 1054-331-01; 1054-331-02; 1054-341-01; 1054-341-02; 1054-351-01; 1054-351-02; 1054-361-01; 1054-361-02; 1073-111-01; 1073-111-02; 1073-111-03; 1073-111-04; 1073-111-05; 1073-111-06)

That the City Council consider and adopt the ordinance approving File No. PSP18-001, the Merrill Commerce Center Specific Plan, establishing the land use districts, development standards,

guidelines, and infrastructure improvements for the potential development of up to 8,455,000 square feet of Industrial and Business Park land uses on 376.3 acres of land generally bordered by Eucalyptus Avenue to the north, Merrill Avenue to the south, Carpenter Avenue to the east, and Grove Avenue to the west.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSP18-001, TO ESTABLISH LAND USE DISTRICTS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR THE POTENTIAL DEVELOPMENT OF UP TO 8,455,000 SQUARE FEET OF GENERAL INDUSTRIAL AND BUSINESS PARK LAND USES ON 376.3 ACRES OF LAND GENERALLY BORDERED BY EUCALYPTUS AVENUE TO THE NORTH, MERRILL AVENUE TO THE SOUTH, CARPENTER AVENUE TO THE EAST, AND GROVE AVENUE TO THE WEST, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1054-111-01; 1054-111-02; 1054-121-01; 1054-121-02; 1054-131-01; 1054-131-02; 1054-141-01; 1054-141-02; 1054-151-01; 1054-151-02; 1054-161-01; 1054-161-02; 1054-161-03; 1054-171-01; 1054-171-02; 1054-171-03; 1054-171-04; 1054-181-01; 1054-181-02; 1054-191-01; 1054-191-02; 1054-201-01; 1054-201-02; 1054-211-01, 1054-211-02; 1054-221-01; 1054-221-02; 1054-331-01; 1054-331-02; 1054-341-01; 1054-341-02; 1054-351-01; 1054-351-02; 1054-361-01; 1054-361-02; 1073-111-01; 1073-111-02; 1073-111-03; 1073-111-04; 1073-111-05 AND 1073-111-06.

ATTACHMENT:	20210216 File No. PSP18-001 Merrill Commerce^01 AR EXH A - C
ATTACHMENT:	20210216 File No. PGPA18-003_PSP18-001 Merrill Commerce^02 PC Backup
ATTACHMENT:	20210216 File No. PGPA18-003_PSP18-001 Merrill Commerce^03 SP ORD^RM
ATTACHMENT:	20210216 File No. PGPA18-003_PSP18-001 Merrill Commerce^04 SP ORD-ATTACH A MCCSP

5. ***AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT (FILE NO. PDA18-006) BETWEEN THE CITY OF ONTARIO AND ONTARIO CC, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 20027 (FILE NO. PMTT18-009), FOR A 46.64-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF RIVERSIDE DRIVE AND HAMNER AVENUE, WITHIN THE PROPOSED NEIGHBORHOOD COMMERCIAL, BUSINESS PARK AND LIGHT INDUSTRIAL LAND USE DESIGNATIONS OF THE EDENGLEN SPECIFIC PLAN (APNS: 0218-171-21 AND 0218-171-27)***

That the City Council consider and adopt an ordinance approving the Development Agreement (File No. PDA18-006) between the City of Ontario and Ontario CC, LLC., to establish the terms and conditions for the development of Tentative Parcel Map 20027 (File No. PMTT18-009), for a 46.64-acre property located at the southwest corner of Riverside Drive and Hamner Avenue, within the proposed Neighborhood Commercial, Business Park and Light Industrial land use designations of the Edenglen Specific Plan (APNs: 0218-171-21 and 0218 171-27).

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA18-006, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND ONTARIO CC, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT

OF TENTATIVE PARCEL MAP 20027 (FILE NO. PMTT18-009), FOR A 46.64 ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF RIVERSIDE DRIVE AND HAMNER AVENUE, WITHIN THE PROPOSED NEIGHBORHOOD COMMERCIAL, BUSINESS PARK AND LIGHT INDUSTRIAL LAND USE DESIGNATIONS OF THE EDENGLEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 0218-171-21 AND 0218 171-27.

ATTACHMENT: 20210216 Agenda Report^01 EXH A
ATTACHMENT: 20210216 Agenda Report ^02 EXH B
ATTACHMENT: 20210216 File No. PDA18-006 Ontario CC, LLC^03 PC Backup
ATTACHMENT: 20210216 File No. PDA18-006 Ontario CC, LLC^04 ORD^RM

6. APPLICATION FOR GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FY21/22 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT.

That City Council authorize the City Manager or his designee to execute all documents necessary to apply for and accept a 12-month grant in the amount of $794,125 from the California Office of Traffic Safety (OTS) for participation in the FY21/22 Selective Traffic Enforcement Program (STEP) Grant.

7. A GOODS AND EQUIPMENT PURCHASE AGREEMENT WITH DE NORA WATER TECHNOLOGIES, LLC., FOR REPLACEMENT OF ON-SITE SODIUM HYPOCHLORITE GENERATOR EQUIPMENT FOR WELL NO. 40

That the City Council approve and authorize the City Manager to execute a Goods and Equipment Purchase Agreement (on file in the Records Management Department) with De Nora Water Technologies, LLC., of Colmar, Pennsylvania, in the amount of $235,555 for the purchase of an On-site Sodium Hypochlorite Generator (OSCG) unit and replacement parts.

8. A RESOLUTION RECONSIDERING A CITY OF ONTARIO POLICY REGARDING ANNUAL ALARM PERMIT RENEWAL FEES

That the City Council consider and adopt a resolution removing an annual alarm permit renewal fee from the City's Fee Schedule.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RECONSIDERING CITY OF ONTARIO POLICY REGARDING ANNUAL ALARM PERMIT RENEWAL FEES

ATTACHMENT: 20210216 Resolution Reconsidering Annual Alarm Permit Fees^01 RESO .docx

9. A RESOLUTION OPPOSING LEGISLATION THAT ALLOWS FOR THE MINISTERIAL APPROVAL OF MODIFICATION OR ELIMINATION OF SINGLE-FAMILY RESIDENTIAL ZONING ACROSS THE STATE OF CALIFORNIA

That the City Council consider and adopt a resolution opposing any legislation that allows for the ministerial approval of modification or elimination of single-family residential zoning across the State of California.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OPPOSING LEGISLATION THAT ALLOWS FOR THE

MINISTERIAL APPROVAL OF MODIFICATION OR ELIMINATION OF SINGLE-FAMILY RESIDENTIAL ZONING ACROSS THE STATE OF CALIFORNIA

ATTACHMENT: 20210216 Opposition to Ministerial Modifications to Single Housing Zoning Laws^01 RESO^RM.docx

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. Notice of public hearing has been duly given, affidavits of compliance, for all items below, are on file with the Records Management Department.

10. A RESOLUTION OF NECESSITY FOR THE ACQUISITION BY EMINENT DOMAIN OF FEE INTERESTS IN CERTAIN REAL PROPERTIES LOCATED ON STATE STREET, MAIN STREET, AND JEFFERSON STREET

That the City Council conduct a public hearing and adopt a Resolution of Necessity declaring that the acquisition fee interests in certain real properties located on State Street, Main Street, and Jefferson Street more particularly described as Assessor Parcel Nos. 1049-122-13; 1049-122-15; 1049-161-11; 1049-191-10; 1049-194-10; 1049-194-12; 1049-194-13; and 1049-196-03 ("Properties"), for the mitigation of airport impacts and the elimination of blight ("Project") in Ontario, California.

A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION BY EMINENT DOMAIN OF FEE INTERESTS IN CERTAIN REAL PROPERTY LOCATED ON STATE STREET, MAIN STREET AND JEFFERSON STREET IN ONTARIO, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 1049-122-13, 1049-122-15, 1049-161-11, 1049-191-10, 1049-194-10, 1049-194-12, 1049-194-13, AND 1049-196-03, FOR MITIGATION OF AIRPORT IMPACTS AND ELIMINATION OF BLIGHT IN THE CITY OF ONTARIO, CALIFORNIA.

ATTACHMENT: 20210216 Resolution of Necessity Resolution by Eminent Domain^01 RESO^RM
ATTACHMENT: 20210216 EXH A to RESO - WBHAC^02
ATTACHMENT: 20210216 EXH 1 to Staff Report - Map WBHAC^03

STAFF MATTERS

CITY MANAGER OCHOA

COUNCIL MATTERS

MAYOR LEON
MAYOR PRO TEM WAPNER
COUNCIL MEMBER BOWMAN
COUNCIL MEMBER DORST-PORADA
COUNCIL MEMBER VALENCIA

ADJOURNMENT

CITY OF ONTARIO
CLOSED SESSION REPORT
City Council // Housing Authority // Other // *(GC 54957.1)*
February 16, 2021

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

STAFF: City Manager / Executive Director __, City Attorney __

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

- GC 54656.9(d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION Robles, et al. v. City of Ontario et al., Case No. CIVDS2007038

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

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

- GC 54656.9(d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION Jennie Harrison Murray, Estate of Somer Harrison v. City of Ontario San Bernardino County Superior Court Case No. CIVDS1910129

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

CITY OF ONTARIO
CLOSED SESSION REPORT
City Council // Housing Authority // Other // *(GC 54957.1)*
February 16, 2021
(continued)

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

- GC 54656.9(d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION Urfano v. City of Ontario, et al., San Bernardino County Superior Court Case No. CIVDS1828483

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

Reported by:

_____
City Attorney / City Manager / Executive Director

SPECIAL ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
January 15, 2021
(Not Official Until Approved)

JOINT MEETINGS

A Special Meeting of the Ontario City Council/Ontario Housing Authority was held on Friday, January 15, 2021, at the Ontario City Hall, 303 East B Street, Ontario, California.

CALLED TO ORDER

Mayor Leon called the Joint City Council and Ontario Housing Authority meetings at 9:10 a.m.

SPECIAL AND URGENT ANNOUNCEMENT

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

Members of the public were advised to utilize alternative measures to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting was live broadcast on local cable Channel 3, as well as internet live streamed at www.ontarioca.gov/Agendas/CityCouncil.

ROLL CALL

PRESENT:	Mayor/Chairman	Paul S. Leon
	Mayor pro Tem/Vice Chairman	Alan D. Wapner
	Council/Authority Members:	Jim W. Bowman, Debra Dorst-Porada and Ruben Valencia (all participating via teleconference).
ABSENT:	Council/Authority Members:	None.

Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran and Assistant City Clerk/Assistant Secretary Claudia Y. Isbell (all participating via teleconference).

The Pledge of Allegiance was led by Council Member Bowman.

PUBLIC COMMENTS

Assistant City Clerk Isbell reported that there were no written comments presented. There were three web submission as follows:

Frank A. Weiser, regarding the appeal of the transient occupancy tax notice of assessment.

AGENDA REVIEW/ANNOUNCEMENTS

CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Council Member Valencia and carried by unanimous roll call vote of those present, to approve the Consent Calendar as presented.

1. A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC AND TIES THE NEED FOR FUTURE RESOLUTIONS TO THE STATE OF CALIFORNIA EMERGENCY PROCLAMATION ISSUED ON MARCH 4, 2020

The City Council adopted a resolution continuing the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic and to tied future proclamations under the State of California Emergency Proclamation issued on March 4, 2020 until further notice, unless canceled sooner by the Ontario City Council.

RESOLUTION NO. 2021-01 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND TIES THE NEED FOR FUTURE PROCLAMATIONS TO THE STATE OF CALIFORNIA EMERGENCY PROCLAMATION ISSUED ON MARCH 4, 2020 THUS DIRECTING THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE ALL NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

2. AN APPEAL OF THE FINDINGS OF FACT AND STATEMENT OF DECISION OF THE TRANSIENT OCCUPANCY TAX LICENSE OFFICIAL FOR MOTEL 6 ONTARIO AIRPORT

The City Council considered and upheld the Findings of Fact and Statement of Decision of the Transient Occupancy Tax License Official for the Motel 6 Ontario Airport and directed staff to prepare a City Council resolution adopting findings and formalizing the decision, and placing the decision on the Consent Calendar for consideration at the next regular City Council meeting.

City Manager Ochoa provided a brief background.
City Attorney Duran announced the order of presentations.

Attorney Frank A. Weiser, representing the appellant, presented Motel 6's case before Council.

Attorney Darek Cole, representing the City of Ontario, presented the Tax License Official's case before Council.

Attorney Weiser was given an opportunity for rebuttal.

Mayor Leon opened the matter for Council questions and deliberation.

Mayor pro Tem Wapner moved to uphold the Findings of Fact and Statement of Decision of the Transient Occupancy Tax License Official for the Motel 6 Ontario Airport and, if evidence is present, asked Council to consider pursuing fraud charges.

MOTION: Moved by Mayor pro Tem Wapner, seconded by Council Member Dorst-Porada and carried by unanimous roll call vote of those present, to uphold the Findings of Fact and Statement of Decision of the Transient Occupancy Tax License Official for the Motel 6 Ontario Airport and directed staff to prepare a City Council resolution to adopt findings.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 10:16 a.m.

Respectfully submitted,

_____
CLAUDIA Y. ISBELL, ASSISTANT CITY CLERK/
ASSISTANT SECRETARY

APPROVED:

_____
PAUL S. LEON, MAYOR/CHAIRMAN

ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
JANUARY 19, 2021

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Friday, January 19, 2021, at the Ontario City Hall, 303 East B Street, Ontario, California.

SPECIAL AND URGENT ANNOUNCEMENT

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

Members of the public were advised to utilize alternative measures to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting was live broadcast on local cable Channel 3, as well as internet live streamed at www.ontarioca.gov/Agendas/CityCouncil.

CLOSED SESSION

Notice of Cancellation for Closed Session was posted at 5:30 p.m.

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: APNs: 1048-565-01 and 1048-565-03; 236 North Laurel Avenue and 245 North Euclid Avenue; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: 245 Ontario Place, LLC; Under Negotiation: Price and terms of payment.

- GC 54656.9(d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION Robles, et al. v. City of Ontario et al., Case No. CIVDS 2007038.

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council and Ontario Housing Authority meetings to order at 6:35 p.m.

PRESENT:	Mayor/Chairman	Paul S. Leon
	Mayor pro Tem/Vice Chair	Alan D. Wapner
	Council/Authority Members:	Jim W. Bowman, Debra Dorst-Porada and Ruben Valencia (all participating via teleconference)
ABSENT:	Council/Authority Members:	None

Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran and City Clerk/Secretary Sheila M. Mautz (all participating via teleconference).

REPORT ON CLOSED SESSION

City Attorney Duran stated that Closed Session was cancelled, for the record.

The Pledge of Allegiance was led by Mayor pro Tem Wapner.

Mayor Leon led a moment of silent reflection in lieu of the Invocation.

PUBLIC COMMENTS

Assistant City Clerk Isbell reported that there were no written comments presented. There were two web submission as follows:

Nelda Dooley, regarding airplane noise.

Amanda Rohrer, regarding street racing on 4th Street between Mountain Avenue and Benson Avenue.

Assistant City Clerk Isbell further reported that there was one caller as follows:

D'Andre Lampkin, spoke about the D'Andre D. Lampkin Foundation.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa announced updated materials for Item No. 04 that were provided to Council, and requested Public Hearing Item No. 18 be pulled.

CONSENT CALENDAR

PUBLIC COMMENT

D'Andre Lampkin, spoke on Item No. 03, commending Council and staff for finding a way to continue services during Covid-19.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried by unanimous roll call vote of those present, to approve the Consent Calendar as presented.

1. APPROVAL OF MINUTES

City Council approved Minutes for the special meeting of the City Council and Housing Authority of December 1, 2020, and the regular meeting of the City Council and Housing Authority of December 15, 2020.

2. BILLS/PAYROLL

City Council approved **Bills** for the period December 3, 2020 through December 22, 2020 in the amount of $36,002,160.48 and **Payroll** for the period December 5, 2020 through December 19, 2020 in the amount of $7,177,041.59 when audited by the Finance Committee.

3. REQUEST FOR ADDITIONAL APPROPRIATIONS FOR THE EMERGENCY SENIOR MEALS PROGRAM

The City Council authorized the City Manager, or his designee, to approve a request for additional appropriations for the Letter of Agreement with the Ontario-Montclair School District of Ontario, California, for the emergency senior meals program in the new not-to-exceed amount of $436,125 through June 30, 2021.

4. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE SAN BERNARDINO COUNTY TAX ROLLS

The City Council adopted a resolution for recovery of fees and costs incurred in abating property and dangerous building violations, as well as administrative citations and civil penalties associated with property maintenance violations and placing assessments on the San Bernardino County Tax Rolls.

RESOLUTION NO. 2021-002 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES

5. A DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (FILE NO. PDIF20-001) BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO LLC., FOR FACILITY CONSTRUCTION ASSOCIATED WITH TRACT MAP NO. 18937 (FILE NO. PMTT17-002), LOCATED AT THE NORTHEAST CORNER OF ARCHIBALD AVENUE AND ONTARIO RANCH ROAD, WITHIN THE AVENUE SPECIFIC PLAN; AND TRACT MAP NO. 20081 (FILE NO. PMTT17-003) AND A FUTURE MAP ("REGIONS SOUTH"), LOCATED AT THE NORTHEAST AND SOUTHEAST CORNERS, RESPECTIVELY, OF HAVEN AVENUE AND ONTARIO RANCH ROAD, WITHIN THE RICH-HAVEN SPECIFIC PLAN.

The City Council approved the Development Impact Fee Credit Agreement between the City of Ontario and BrookCal Ontario, LLC., for facility construction associated with Tract Map No. 18937 (File No. PMTT17-002), located at the northeast corner of Archibald Avenue and Ontario Ranch Road, within The Avenue Specific Plan; and Tract Map No. 20081 (File No. PMTT17-003) and a future map

("Regions South"), located at the northeast and southeast corners, respectively, of Haven Avenue and Ontario Ranch Road, within the Rich-Haven Specific Plan, and authorized the City Manager to execute the agreement.

6. A RESOLUTION OF THE ONTARIO CITY COUNCIL FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL SUCH PROPERTY

The City Council adopted a resolution finding the public interest and convenience require the sale of certain real property located at 1108 and 1120 East California Street and declaring its intent to sell a portion of such property.

RESOLUTION NO. 2021-003 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL SUCH PROPERTY.

7. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 20157 LOCATED AT THE NORTHWEST CORNER OF SUNKIST STREET AND CAMPUS AVENUE

The City Council adopted a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 20157 located at the northwest corner of Sunkist Street and Campus Avenue.

RESOLUTION NO. 2021-004 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 20157 LOCATED AT THE NORTHWEST CORNER OF SUNKIST STREET AND CAMPUS AVENUE.

8. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 20135, 20136 AND 20137 LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE

The City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map Nos. 20135, 20136 and 20137 located at the northeast corner of Haven Avenue and Schaefer Avenue within the Rich-Haven Specific Plan.

RESOLUTION NO. 2021-005 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NOS. 20135, 20136 AND 20137 LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE.

9. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 55 (PARKLANE)

The City Council considered and adopted an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 55 (Parklane). First reading and introduction took place at a regular City Council meeting on December 15, 2020.

ORDINANCE NO. 3177 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 55 (PARKLANE).

10. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2020

The City Council accepted the City of Ontario's Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2020.

11. APPROVAL OF THE HOME SUBRECIPIENT AGREEMENT BETWEEN MERCY HOUSE LIVING CENTERS AND THE CITY OF ONTARIO FOR THE IMPLEMENTATION OF A TENANT-BASED RENTAL ASSISTANCE ("HOME TBRA") PROGRAM

The City Council approved the HOME Subrecipient Agreement ("TBRA Agreement") between Mercy House Living Centers, of Santa Ana, California, and the City of Ontario for the implementation of a tenant-based rental assistance program, in the amount of $800,000; and authorized the City Manager to execute the contract and take all actions necessary to implement the contract.

12. PRE-AUTHORIZED LIST OF VENDORS TO PROVIDE SPECIALIZED COMPUTER AND NETWORK EQUIPMENT

The City Council approved a pre-authorized vendor list to provide computer and network hardware to maintain and support the City's technology infrastructure.

13. AN AMENDMENT TO THE AGREEMENT WITH INERGEX, LLC DBA CROSSFUZE FOR REMOTE SERVICENOW AND MICROSOFT SUPPORT

The City Council authorized the City Manager to execute an amendment to the agreement with Inergex, LLC dba Crossfuze, of Minneapolis, Minnesota, for ServiceNow and Microsoft remote support extending the term by three years and increasing the revised authorized contract amount by $207,000. The contract also includes a contingency of $27,000 (15%), bringing the contract agreement to a new total of $299,000.

14. A GOODS AND EQUIPMENT PURCHASE AGREEMENT FOR 32, 64, AND 96 GALLON AUTOMATED REFUSE/RECYCLING CONTAINERS

The City Council approved and authorized the City Manager to execute a Goods and Equipment Purchase Agreement with Sierra Container Group of Ocala, Florida, in the amount of $300,000; and authorize the City Manager to extend the agreement for up to four additional one-year periods consistent with City Council approved budgets.

15. ACCEPT AND APPROVE GRANT PROGRAM CITIZEN'S OPTION FOR PUBLIC SAFETY/ENHANCING LAW ENFORCEMENT ACTIVITIES FOR FISCAL YEAR 2020-21

The City Council accepted and approved for Fiscal Year 2020-21, the Citizen's Option for Public Safety (COPS) / Enhancing Law Enforcement Activities Subaccount (ELEAS) Grant.

16. A RESOLUTION ESTABLISHING THE MEMBERSHIP COMPOSITION OF THE DEVELOPMENT ADVISORY BOARD

The City Council adopted a resolution to identify the members of the Development Advisory Board in accordance with Division 2.01-Planning Agency, Section 2.01.030 of the City of Ontario Development Code.

RESOLUTION NO. 2021-006 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING THE MEMBERSHIP OF THE DEVELOPMENT ADVISORY BOARD IN ACCORDANCE WITH DIVISION 2.01-PLANNING AGENCY, SECTION 2.01.030 OF THE CITY OF ONTARIO DEVELOPMENT CODE.

17. AUTHORIZE THE PURCHASE OF FLEET VEHICLES

The City Council took the following actions:

Authorized the cooperative purchase and delivery of three Ford Explorers in the amount of $108,916 for the Police Department, three Ford Escapes in the amount of $77,421, two for the Engineering Department and one for the Utilities Department, two Ford F150 trucks in the amount of $66,715 for the Parks and Maintenance Department, one Ford F550 Gate Valve truck in the amount of $177,518 for the Utilities Department, one Ford F350 Stake Bed truck in the amount of $72,075 for the Fire Department, two Ford F250 Battalion Chief trucks in the amount of $216,833 for the Fire Department, one Ford F150 truck in the amount of $51,656 for the Fire Department, one Ford F350 in the amount of $50,293 for the Fire Department, and two Ford F250 truck in the amount of $75,752 for the Police Department from National Auto Fleet Group of Watsonville, California

consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.

Authorized the cooperative purchase and delivery of one Ford F650SD Aerial truck in the amount of $174,175 for the Facilities Department from Terex Utilities of Watertown, South Dakota, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 012418-TER.

Authorized the cooperative purchase and delivery of two CNG Freightliner Dump trucks in the amount of $427,894, one for the Parks and Maintenance Department and one for the Utilities Department, two Ford F350 Dump trucks in the amount of $183,362 for the Parks and Maintenance Department, and one CNG Freightliner Water Service Body truck in the amount of $327,333 for the Utilities Department from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL.

Authorized the cooperative purchase and delivery of one Kubota Excavator in the amount of $46,044 for the Utilities Department from Glenn B. Dorning of Ontario, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 040319-KBA.

Authorized the cooperative purchase and delivery of one John Deere Commercial Mower in the amount of $22,001, and one John Deere Tractor in the amount of $32,745 for the Parks and Maintenance Department from John Deere Company of Cary, North Carolina, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 062117-DAC.

Authorized the cooperative purchase and delivery of one Hamm Asphalt Roller in the amount of $133,377 for the Parks and Maintenance Department from Nixon Egli of Ontario, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 032119-JDC.

Authorized the cooperative purchase and delivery of two Peterbilt Refuse Roll Off trucks in the amount of $502,818 for the Integrated Waste Department from Rush Truck Centers of Pico Rivera, California consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 060920-PMC.

PUBLIC HEARINGS

18. A RESOLUTION OF NECESSITY FOR THE ACQUISITION BY EMINENT DOMAIN OF FEE INTEREST IN CERTAIN REAL PROPERTY LOCATED AT 1236 EAST AIRPORT DRIVE

The City Council conducted a public hearing regarding a Resolution of Necessity declaring that the acquisition of a fee interest in certain real property located at

1236 East Airport Drive, more particularly described as Assessor Parcel No. 0113-221-31 (the "Property"), for the construction of airport fueling facilities (the "Project") in Ontario, California.

A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION BY EMINENT DOMAIN OF FEE INTERESTS IN CERTAIN REAL PROPERTY LOCATED AT 1236 EAST AIRPORT DRIVE, IN ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 0113-221-31, FOR THE CONSTRUCTION OF AIRPORT FUELING FACILITIES.

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

There were no written communications.

Mayor Leon opened the public hearing asking those persons interested in this item to speak. The City Clerk reported one caller as follows:

Andrew Lee, called to confirm Item No. 18 was being continued.

City Attorney Duran recommended the public hearing remain open until it comes back on the agenda.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried by unanimous roll call vote of those present to continue the public hearing.

STAFF MATTERS

City Manager Ochoa made no announcements.

COUNCIL MATTERS

CITY COUNCIL ASSIGNMENT & APPOINTMENTS

Mayor Leon recommended the following Council Appointment:

Chino Basin Water Bank
Primary: Bowman
Alternate: Dorst-Porada

MOTION: Moved by Mayor pro Tem Wapner, seconded by Council Member Dorst-Porada and carried by a roll call vote of those present, 4-1-0, with Council Member Valencia opposed, to approve the Council Appointment.

COUNCIL COMMENTS

Mayor pro Tem Wapner had no comments.

Council Member Bowman had no comments.

Council Member Dorst-Porada echoed concerns of cars speeding throughout the City.

Mayor Leon agreed with the vehicle speeding concerns and spoke about concerns of debris located behind the Granada Theatre. He also congratulated Alejandro Soto for earning a perfect score on the California State Knowledge exam.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:01 p.m. to the next regular meetings to be held on Tuesday, February 2, 2021.

Respectfully submitted,

_____
SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:

_____
PAUL S. LEON, MAYOR/CHAIRMAN

CITY OF ONTARIO *Agenda Report* **February 16, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Investments & Revenue Resources Prepared By: Jason M Jacobsen Staff Member Presenting: Armen Harkalyan, Executive Director of Finance Reviewed By: Jason M Jacobsen, Armen Harkalyan Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 3

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. 59 (GATEWAY SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

RECOMMENDATION: That the City Council consider and:

A. Accept a written petition (on file with the Records Management Department) from GDCI-RCCD 2, L.P. ("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. 59 (Gateway 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, April 6, 2021.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
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 Gateway Services is projected to generate approximately $387,659 per year, for residential units; and $53,091.00 per year, for commercial, at build-out, to fund City services. The use of Mello-Roos financing is critical in achieving the City Council's goal to "Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch." The use of Mello-Roos financing for the Gateway Services development will not generate funds for facilities; therefore, bonds will not be issued as part of this formation.

BACKGROUND & ANALYSIS: 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.

GDCI-RCCD 2 L.P., 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 February 1, 2021, to fund City services. The Gateway Services will be a residential and industrial project that addresses the development of approximately 53.5 gross acres located south of Ontario Ranch Avenue, north of Edison Avenue, west of the Hamner Avenue, and east of Cleveland Avenue. As proposed, the project is anticipated to include 224 residential units comprised of 137 attached units and 87 detached units and 156,150 square feet of commercial space.

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. 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. 59 (Gateway 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.

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 attached 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, April 6, 2021.

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. 59 (GATEWAY 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 GDCI-RCCD 2, L.P., 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. 59 (Gateway 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, April 6, 2021, 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 April 6, 2021 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 16th day of February 2021.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER, 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. 2021- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 16, 2021 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. 2021- duly passed and adopted by the Ontario City Council at their regular meeting held February 16, 2021.

_____
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. 59
(GATEWAY SERVICES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 59 (Gateway Services) ("CFD No. 59") and collected each Fiscal Year commencing in Fiscal Year 2021-22, 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. 59, 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. 59: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 59 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. 59 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. 59; and amounts estimated or advanced by the City or CFD No. 59 for any other administrative purposes of CFD No. 59, 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. 59" means City of Ontario Community Facilities District No. 59 (Gateway 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. 59.

"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. 59 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, 2020, 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. 59 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. 59 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, 2020, 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. 59, 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. 59 to be levied within the boundaries of CFD No. 59.

"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. 59, 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. 59 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 2021-22, all Taxable Property within CFD No. 59 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

Land Use Class	Maximum Special Tax Fiscal Year 2021-22
Residential Property:	
Single Family Detached Dwelling Unit	$1,825 per Unit
Multiple Family Dwelling Unit	$1,582 per Unit
Gated Community Attached Dwelling Unit	$1,326 per Unit
Non-Residential Property	$0.34 per Sq. Ft.

On January 1 of each Fiscal Year, commencing January 1, 2022, 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 2021-22, 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. 59 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. 59.

CITY OF ONTARIO *Agenda Report* **February 16, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Planning Prepared By: Edmelynne V Hutter Staff Member Presenting: Scott Murphy, Executive Director Community Development Approved By: 	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 4

SUBJECT: A SPECIFIC PLAN (FILE NO. PSP18-001 - MERRILL COMMERCE CENTER) TO ESTABLISH THE LAND USE DISTRICTS, DEVELOPMENT STANDARDS, GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR THE POTENTIAL DEVELOPMENT OF UP TO 8,455,000 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK LAND USES ON 376.3 ACRES OF LAND GENERALLY BORDERED BY EUCALYPTUS AVENUE TO THE NORTH, MERRILL AVENUE TO THE SOUTH, CARPENTER AVENUE TO THE EAST, AND GROVE AVENUE TO THE WEST (APNS: 1054-111-01; 1054-111-02; 1054-121-01; 1054-121-02; 1054-131-01; 1054-131-02; 1054-141-01; 1054-141-02; 1054-151-01; 1054-151-02; 1054-161-01; 1054-161-02; 1054-161-03; 1054-171-01; 1054-171-02; 1054-171-03; 1054-171-04; 1054-181-01; 1054-181-02; 1054-191-01; 1054-191-02; 1054-201-01; 1054-201-02; 1054-211-01, 1054-211-02; 1054-221-01; 1054-221-02; 1054-331-01; 1054-331-02; 1054-341-01; 1054-341-02; 1054-351-01; 1054-351-02; 1054-361-01; 1054-361-02; 1073-111-01; 1073-111-02; 1073-111-03; 1073-111-04; 1073-111-05; 1073-111-06)

RECOMMENDATION: That the City Council consider and adopt the ordinance approving File No. PSP18-001, the Merrill Commerce Center Specific Plan, establishing the land use districts, development standards, guidelines, and infrastructure improvements for the potential development of up to 8,455,000 square feet of Industrial and Business Park land uses on 376.3 acres of land generally bordered by Eucalyptus Avenue to the north, Merrill Avenue to the south, Carpenter Avenue to the east, and Grove Avenue to the west.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
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: Adoption of the Merrill Commerce Center Specific Plan would result in both short and long-term fiscal impacts to the City. Short-term impacts include infrastructure improvements to serve the new Industrial and Business Park development. The cost of these improvements is included in the Nexus Study and Development Impact Fees previously adopted by the City Council. The developer will be required to install improvements or pay the Development Impact Fees ("DIF") associated with

the various improvements. Long-term fiscal impacts include the ongoing operations and maintenance services (police, fire, maintenance, etc.) necessary to serve the new development. While the development will result in increased property tax revenue, the increase is not sufficient to cover the cost of services associated with the project. To address this shortfall, the developer will be required to form and/or join a Community Facilities District ("CFD") to cover the additional public service costs. No Original Model Colony dollars will be used to fund this Ontario Ranch development.

BACKGROUND & ANALYSIS: On February 2, 2021, the City Council introduced and waived further reading of an ordinance approving the Specific Plan (File No. PSP18-001, Merrill Commerce Center Specific Plan). The Ontario Plan Policy Plan (General Plan) provides the basic framework for development within the 8,200-acre area commonly referred to as Ontario Ranch. The Policy Plan requires City Council approval of a Specific Plan for new developments within Ontario Ranch. A Specific Plan is required to ensure that sufficient land area is included to achieve cohesive, unified districts and neighborhoods. Additionally, a Specific Plan is required to incorporate a development framework that details land use, circulation, infrastructure improvements (such as drainage, sewer, and water facilities), provision for public services, and urban and design landscape standards.

The Merrill Commerce Center Specific Plan area is 376.3 acres in size and bordered by Eucalyptus Avenue on the north, Merrill Avenue on the South, Carpenter Avenue on the east, and Grove Avenue on the west (see Exhibit A – Project Location).

MERRILL COMMERCE CENTER SPECIFIC PLAN: The Merrill Commerce Center Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that excellence in community design is achieved during Project development. The Merrill Commerce Center Specific Plan establishes the procedures and requirements to approve new development within the Project site to ensure that Policy Plan goals and policies are achieved.

Land Use Plan – The Merrill Commerce Center Specific Plan consists of eleven Planning Areas that will accommodate a variety of commercial, office, technology, light industrial, and warehouse/distribution uses. The Land Use Plan implements The Ontario Plan vision by providing opportunities for employment in manufacturing, distribution, research and development, service, professional office, and supporting retail at intensities designed to meet the demand of current and future market conditions.

The Specific Plan identifies the land use intensity anticipated throughout the eleven proposed Planning Areas (See Exhibit B – Land Use Plan). The Specific Plan is proposing a maximum 0.55 FAR within the Industrial land use district (Planning Areas 1, 2, 3, 4, 5, and 6) and 0.6 FAR within the Business Park land use district (Planning Areas 1A, 3A, 4A, 5A, and 6A). The proposed FARs for the Planning Areas are consistent within the Policy Plan land use designations for the Industrial and Business Park districts.

The Specific Plan proposes the potential development of up to 8,455,000 square feet of industrial and business park development. Planning Areas 1, 2, 3, 4, 5, and 6, located along the southern portion of the Specific Plan, total approximately 292.8 acres of land and can potentially be developed with 7,014,000 square feet of industrial development. Planning Areas 1A, 3A, 4A, 5A, and 6A, located along the northern portion of the Specific Plan Area, total approximately 55.1 acres of land and can potentially be developed with up to 1,441,000 square feet of business park development (see Exhibit C – Land Use Summary Table).

Design Guidelines – The design theme and concept for the Merrill Commerce Center Specific Plan was created to ensure a high-quality, attractive, and cohesive design structure for the Specific Plan. The guidelines provide the following objectives for all future development within the Specific Plan area:

- Demonstrates high-quality development that complements and integrates into the community and adds value to the City.
- Creates a functional and sustainable place that ensures Merrill Commerce Center is competitive regionally and appropriate in the Ontario Ranch community.
- Illustrates the distinctive characteristics of the two land use districts: Industrial and Business Park.
- Establishes criteria for building design and materials, landscape design, and site design that provide guidance to developers, builders, architects, landscape architects, and other professionals preparing plans for construction.
- Provides guidance to City staff and the Planning Commission in the review and evaluation of future development projects in the Merrill Commerce Center Specific Plan area.
- Incorporates construction and landscape design standards that promote energy and water conservation strategies.
- Implements the goals and policies of the Policy Plan and the intent of the Ontario Development Code.

The Planning Areas within the Merrill Commerce Center Specific Plan are designed to be architecturally consistent, yet distinct through use and circulation. The Design Guidelines have been established to promote high-quality architecture as required by the Policy Plan and the Ontario Development Code. The proposed architectural theme of the Specific Plan incorporates a contemporary architectural style, with the two land use areas designed to be compatible with and complement one another. The design guidelines of the Specific Plan will require all buildings to provide a recognizable base, body, roofline, and entry. The Specific Plan provides examples of the type of industrial and business park concepts that are envisioned to be constructed within the Specific Plan.

The Specific Plan requires all buildings to be designed to highlight the primary entryways by incorporating special materials, visual relief, massing, and shading. Additionally, the facades that front onto a public street must incorporate vertical and horizontal articulation and material changes that will assist in enhancing these elevations and provide visual interest in areas that may be viewed by the public.

Circulation Concept — The circulation plan for the Specific Plan reinforces the objective of moving vehicles, pedestrians, cyclists, and public transit safely and efficiently through and around the Project. The Specific Plan contains a Conceptual Vehicular Circulation and Access Plan that establishes the hierarchy and general location of roadways within the Merrill Commerce Center Specific Plan, as well as traffic signal locations.

Primary access into the business park development will be provided along Eucalyptus Avenue. Primary access into the industrial developments will be provided along via Merrill Avenue to Grove Avenue, Walker Avenue, Baker Avenue, Vineyard Avenue, and Carpenter Avenue.

Merrill and Eucalyptus Avenues, which run east-to-west along the southern and northern portions of the Project site, will be improved as four-lane collector streets with 98-foot and 108-foot rights-of-way, respectively. Each street will include a parkway, a multipurpose trail, and a Class-II bike lane.

Landscaping — The landscape design theme for the Merrill Commerce Center Specific Plan encourages durable landscape materials and designs that enhance the aesthetics of the structure, create, and define

public and private spaces, and provide shade and environmental benefits. Table 6-1 of the Merrill Commerce Center Specific Plan establishes a base palette for the Merrill Commerce Center and includes a variety of groundcovers, shrubs, ornamental grasses, and evergreen and deciduous trees. The selection complements the design theme of the Specific Plan area and features water-efficient, drought-tolerant species native to the region. Similar plant materials may be substituted for the species listed in Table 6-1 if the alternative plans are climate appropriate and enhance the thematic setting.

The minimum landscape coverage required for both Business Park and Industrial land use districts is 10 percent. The Specific Plan also identifies the required neighborhood edge widths to ensure landscape opportunities along public rights-of-way. Eucalyptus and Merrill Avenues will each be required to provide a 35-foot wide neighborhood edge. Vineyard Avenue will be required to provide a 45-foot wide neighborhood edge. Grove Avenue will be designed with a 40-foot wide neighborhood edge. Walker Avenue will provide a 30-foot wide neighborhood edge. Baker Avenue, Carpenter Avenue, and Street "A" will each be designed with a 9-foot wide parkway that includes a 5-foot wide sidewalk and a 4-foot wide curb adjacent landscape area.

Infrastructure and Services — The backbone infrastructure to serve all areas of the Specific Plan will be installed by the developers in accordance with the Ontario Ranch (New Model Colony) Master Plans for streets, water (including recycled water), sewer, storm drain, and fiber optics facilities. Natural gas will be provided by Southern California Gas Company and the electricity by Southern California Edison. Development of the Project requires installation by the developer of all infrastructure necessary to serve the Project as a standalone development, with phasing and ultimate details to be reviewed and approved via a Development Agreement that will be reviewed by the Planning Commission and City Council.

Specific Plan Phasing — Development phasing within the Specific Plan will be determined by the developer, based upon the real estate market conditions, infrastructure extensions, and the associated Development Agreement. The Specific Plan provides a Conceptual Phasing Plan and anticipates development to occur in three phases. The phases may be developed as subphases and may occur either sequentially or concurrently with one another.

Signage — The Merrill Commerce Center Specific Plan requires that signage within the Specific Plan area adhere to Section 6.10 (Signage Guidelines) of the Merrill Commerce Center Specific Plan and comply with Chapter 8 (Sign Regulations) of the Development Code.

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.

The California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits the adoption and administration of specific plans as an implementation tool for elements contained in the local general plan. Specific plans must demonstrate consistency in regulations, guidelines, and programs, with the goals and policies set forth in the General Plan. The Merrill Commerce Center Specific Plan has been prepared in conformance with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan. The policy analysis in Appendix A of the Specific Plan describes the manner in which the Merrill Commerce Center Specific Plan complies with the Policy Plan goals and policies.

HOUSING ELEMENT COMPLIANCE: The Project is consistent with the Housing Element of the Policy 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.

PLANNING COMMISSION REVIEW: On December 22, 2020, the Planning Commission conducted a public hearing and voted (5-0) to recommend that the City Council approve the Merrill Commerce Center Specific Plan (File No. PSP18-001).

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The Project site is located within the Airport Influence Area of Ontario International Airport and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan. 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, 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. Any special conditions of approval associated with uses near the airport are included in the conditions of approval provided with the attached Ordinance.

The Project site is also located within Chino Airport's airport influence area and the Chino Airport zoning overlay. Land use compatibility assessments are part of the Chino Airport Master Plan. The Project site is within Safety Zones 1, 2, 3, 4, and 6 of the Chino Airport Overlay (Generic Safety Zones for General Aviation Airports from the Caltrans Division of Aeronautics – California Airport Land Use Planning Handbook). The restrictions applicable to the Safety Zones are summarized as follows:

- **Zone 1 – Runway Protection Zone:** No Build Zone (Sitewide Average – 0 people, Single Acre – 0 people)
- **Zone 2 – Inner Approach/Departure Zone:** At least 25 percent of the zone should remain as open land (Sitewide Average – 60 people, Single Acre – 120 people).
- **Zone 3 – Inner Turning Zone:** Maintain approximately 15 percent open land within the overall zone (Sitewide Average – 100 people, Single Acre – 300 people).
- **Zone 4 – Outer Approach/Departure Zone:** Maintain approximately 15 percent open land within the overall zone (Sitewide Average – 150 people, Single Acre – 450 people).
- **Zone 6 – Traffic Pattern Zone:** Approximately 10 percent of usable open land or an open area approximately every 1⁄4 to 1⁄2 mile should be provided (Sitewide Average – 300 people, Single Acre – 1,200 people).

The Specific Plan is consistent with the California Airport Land Use Planning Handbook.

ENVIRONMENTAL REVIEW: The Specific Plan is located in the City of Ontario in what was formally the approximate 8,200-acre City of Ontario Sphere of Influence area. On January 7, 1998, the City of Ontario adopted the Sphere of Influence General Plan Amendment, setting forth a comprehensive strategy for the future development of the Sphere of Influence. The Sphere of Influence (later referred to as the "New Model Colony") is generally bound by Riverside Drive to the north, Milliken/Hamner Avenue to the east, Euclid Avenue to the west, and Merrill/Bellegrave Avenue to the south.

On January 27, 2010, the City adopted The Ontario Plan and certified the accompanying Environmental Impact Report. The Policy Plan component of The Ontario Plan serves as the General Plan for the entire City, including the New Model Colony (now referred to as “Ontario Ranch”). The Ontario Plan identified many areas of development that might have a potentially significant impact on the environment. These areas included: 1) Aesthetics; 2) Biological Resources; 3) Geology and Soils; 4) Hazards and Hazardous Materials; 5) Hydrology and Water Quality; 6) Land Use and Planning; 7) Mineral Resources; 8) Population and Housing; 9) Public Services; 10) Recreation; and 11) Utilities and Service systems. Through the Environmental Impact Report process, these potential impacts were analyzed, revisions were incorporated into the plan, and/or mitigation measures were identified that reduced the potential environmental impacts to a level that was less than significant.

Even though an Environmental Impact Report was prepared for The Ontario Plan, the analyses focused on the program or "big picture" impacts associated with development. With the submittal of the Merrill Commerce Center Specific Plan, staff is charged with evaluating the potential impacts of development at the project level. As noted in the Planning Commission staff report, dated December 22, 2020, an Environmental Impact Report was prepared addressing 15 key areas.

The Merrill Commerce Center Specific Plan Environmental Impact Report (State Clearing House No. 2019049079) evaluates each of these areas and identifies mitigation measures and/or revisions to the plan to lessen the impacts of the project. Of the 15 areas considered by the Environmental Impact Report, all but six (6) of the impact areas were mitigated to a level of less than significant. Even with the mitigation measures, the impacts to air quality, agricultural resources, transportation, greenhouse gas emissions, noise and historical resources could not be reduced to less than significant, resulting in some impacts remaining potentially significant and unavoidable. While mitigation of all potential impacts to a level of less than significant is desirable, the fact that six areas will remain significant and unavoidable is not unexpected. The identification of these areas as significant and unavoidable validates the work previously completed for The Ontario Plan. Staff continues to believe that the benefits of the proposed development outweigh the potential impacts associated with it. On February 2, 2021, the City Council certified the Merrill Commerce Center Specific Plan Environmental Impact Report (State Clearing House No. 2019049079), adopted the Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program.

Exhibit A

Project Location

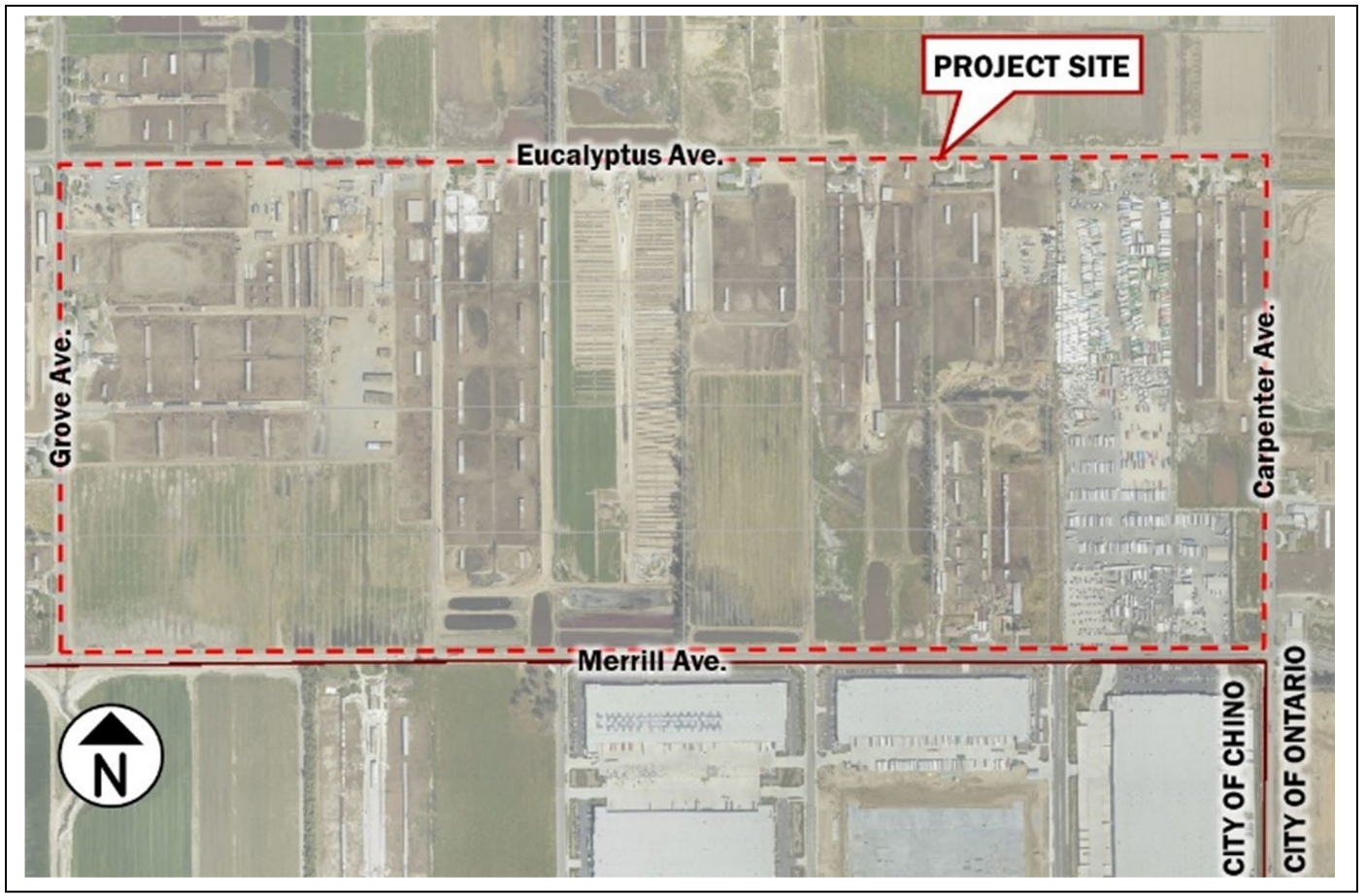


Exhibit B

Merrill Commerce Center Specific Plan Land Use Map

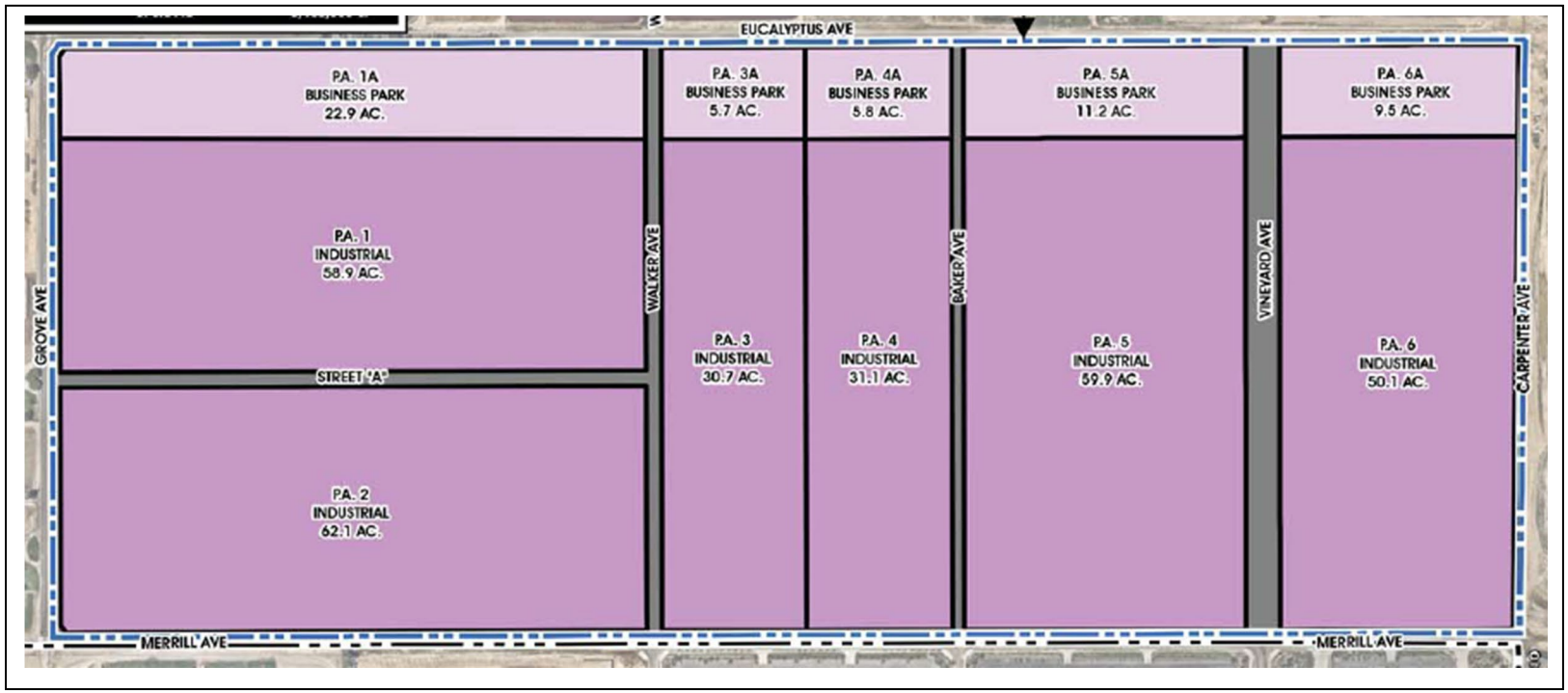


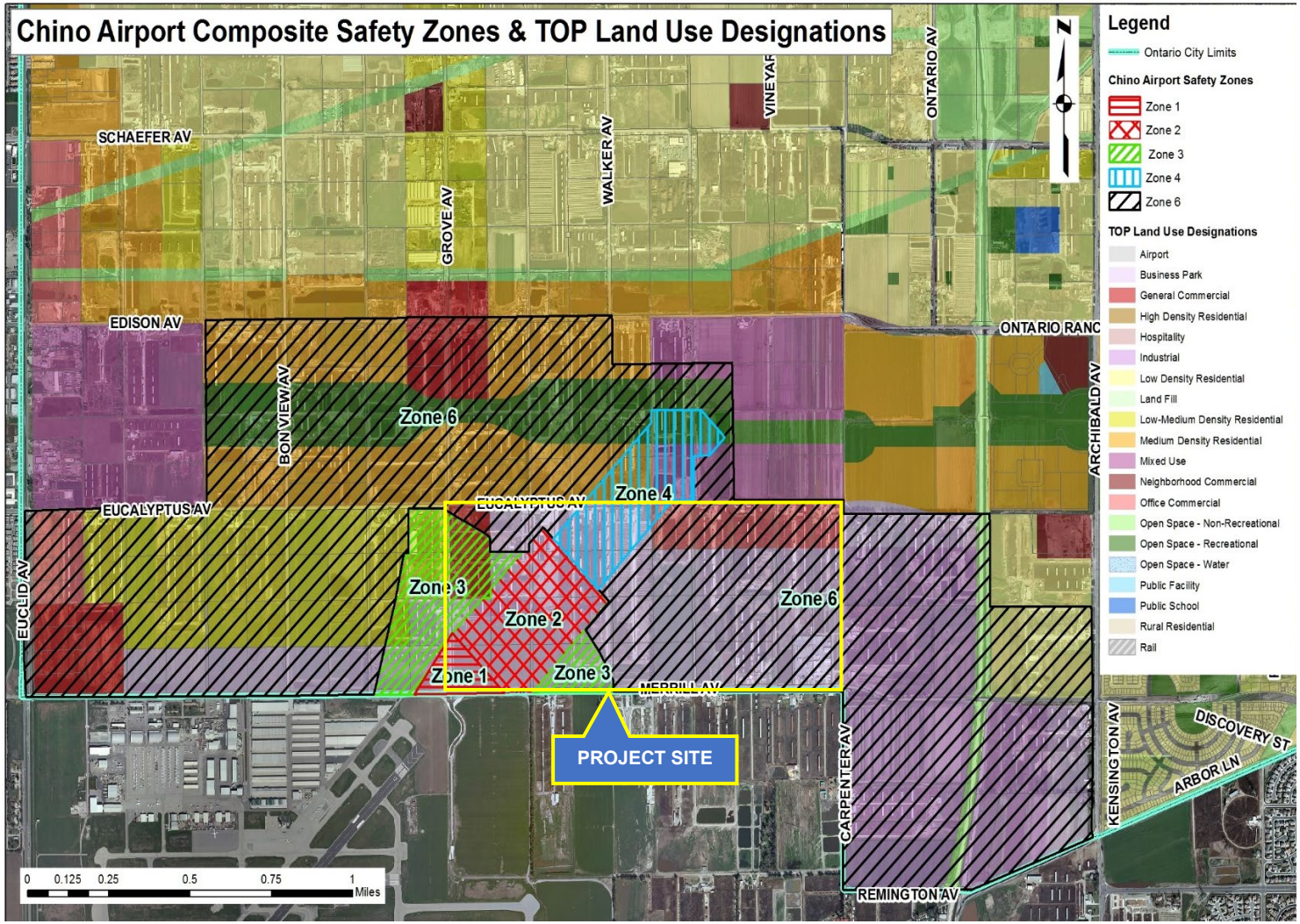
Exhibit C

Land Use Summary Table

Planning Area	Site Acreage	Maximum Building Square Footage
Industrial (Max. 0.55 FAR)		
1	58.9	1,411,000
2	62.1	1,488,000
3	30.7	735,000
4	31.1	745,000
5	59.9	1,435,000
6	50.1	1,200,000
Subtotal	*292.8*	*7,014,000*
Business Park (Max. 0.60 FAR)		
1A	22.9	598,000
3A	5.7	150,000
4A	5.8	152,000
5A	11.2	293,000
6A	95	248,000
Subtotal	*55.1*	*1,441,000*
Circulation	*28.4*	--
TOTAL	**376.3**	**8,455,000**

Exhibit F

Chino Airport Safety Zones



CITY OF ONTARIO PLANNING DEPARTMENT

PLANNING COMMISSION STAFF REPORT

December 22, 2020

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

FILE NOS.: PGPA18-003 and PSP18-001

SUBJECT: A public hearing to consider certification of an Environmental Impact Report (SCH#. 2019049079), including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, in conjunction with the following: [1] A General Plan Amendment (File No. PGPA18-003) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01), changing the land use designation on 376.3 acres of land from Business Park (0.6 FAR), Office Commercial (0.75 FAR) and General Commercial (0.4 FAR), to Business Park (0.6 FAR) and Industrial (0.55 FAR), and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; and [2] A Specific Plan (File No. PSP18-001 – Merrill Commerce Center) to establish the land use districts, development standards, guidelines, and infrastructure improvements for the potential development of up to 8,455,000 square feet of Industrial and Business Park land uses on the Project site, generally bordered by Eucalyptus Avenue to the north, Merrill Avenue to the south, Carpenter Avenue to the east, and Grove Avenue to the west; (APNs: 1054-111-01, 1054-111-02, 1054-121-01, 1054-121-02, 1054-131-01, 1054-131-02, 1054-141-01, 1054-141-02, 1054-151-01, 1054-151-02, 1054-161-01, 1054-201-01, 1054-201-02, 1054-211-01, 1054-211-02, 1054-221-01, 1054-221-02, 1054-331-01, 1054-331-02, 1054-341-01, 1054-341-02, 1054-351-01, 1054-351-02, 1054-171-02, 1054-171-04, 1054-181-01, 1054-181-02, 1054-191-01, 1054-191-02, 1054-361-01, 1054-361-02, 1054-161-02, 1054-161-03, 1054-171-01, 1051-171-03, 0218-261-29, 0218-261-34, 0218-261-35, and 0218-261-37). **submitted by Merrill Commerce Center East LLC & Merrill Commerce Center West LLC. City Council action is required**

PROPERTY OWNERS: Prologis L.P.; Joseph and Doleen Borba Administrative Trust; Minaberry Family, LLC;

RECOMMENDED ACTION: That the Planning Commission consider and recommend that the City Council: 1) certify the Merrill Commerce Center Specific Plan Environmental Impact Report (EIR) (SCH# 2019049079) including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations; 2) Approve the General Plan Amendment (File No. PGPA18-003); and 3) Approve the Merrill Commerce Center Specific Plan (File No. PSP18-001), pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached departmental reports.

Case Planner:	Edmelynne V. Hutter, AICP
Planning Director Approval:	
Submittal Date:	06/19/2018

Hearing Body	Date	Decision	Action
DAB			
PC	12/22/2020	Approval	Recommend
CC	TBD		Final

PROJECT SETTING: The Project site is comprised of 376.3 acres of agricultural/dairy uses, a truck terminal, and vacant land located at the northeast corner of Merrill and Grove Avenues, within the Specific Plan and Agricultural Overlay (SP(AG)) zoning district, and is depicted in Figure 1: Project Location. The Project site is bordered by Eucalyptus Avenue on the north, Merrill Avenue on the south, Carpenter Avenue on the east, and Grove Avenue on the west. The properties to the north of the site are currently developed with agricultural uses and dairies and are located within the SP(AG) zoning district. The properties to the south are developed with the Chino Airport, industrial buildings and agricultural uses, and are located within the City of Chino. The properties east of the Project are improved with industrial and warehousing developments. The properties to the west are developed with dairy farms. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the "Surrounding Zoning & Land Uses" table located in the Technical Appendix of this report.

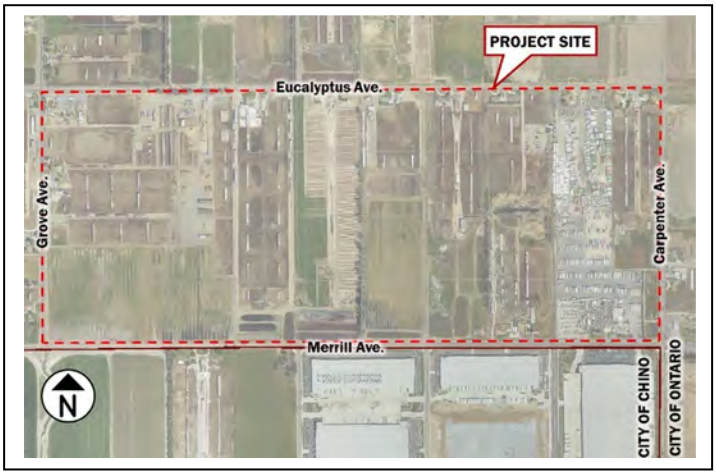


Figure 1: Project Location

PROJECT ANALYSIS:

(1) Background — The Ontario Plan ("TOP") Policy Plan (General Plan) provides the basic framework for development within the 8,200-acre area commonly referred to as Ontario Ranch. The Policy Plan requires City Council approval of a Specific Plan for new developments within Ontario Ranch. A Specific Plan is required to ensure that sufficient land area is included to achieve cohesive, unified districts and neighborhoods. Additionally, a Specific Plan is required to incorporate a development framework for detailed land use, circulation, infrastructure improvements (such as drainage, sewer, and water facilities), provision for public services (including parks and schools), and urban design and landscape standards.

(2) General Plan Amendment – The Merrill Commerce Center Specific Plan serves to implement the City's Policy Plan for the Project site and provides zoning regulations for development of the Project site by establishing permitted land uses, development standards, infrastructure requirements, and implementation requirements for the development of approximately 376.3 acres within the Specific Plan boundaries. In order to implement the Specific Plan land use as shown in Figure 4: Land Use Plan, the Project includes a General Plan Amendment ("GPA") to change the land uses designated Business Park (0.6 Floor Area Ratio ("FAR")), Office Commercial (0.75 FAR), and General Commercial (0.4 FAR), to Business Park (0.6 FAR) and Industrial (0.55 FAR). The GPA will

facilitate the potential development of 8,455,000 square feet of General Industrial and Business Park development. The amendment includes changes to TOP Policy Plan Exhibit LU-01, Official Land Use Plan, (Figure 2: General Plan Land Use Plan Amendment) and Exhibit LU-03, Future Buildout, to reflect the proposed land use designation changes (Exhibit A—Amended LU-03: Future Buildout Table).

The proposed GPA would change the land use designations to allow for a larger area for industrial development along the southern portion of the Project site, abutting Merrill Avenue, and allow for a business park buffer along the northern portion of the site, abutting Eucalyptus Avenue. The Business Park land use district serves as a buffer of very light industrial, commercial, and office uses to transition between the future residential and mixed use land uses north of the Project site, within the Medium Density Residential (11.1 – 25 du/ac) and NMC West Mixed Use TOP land use designations.

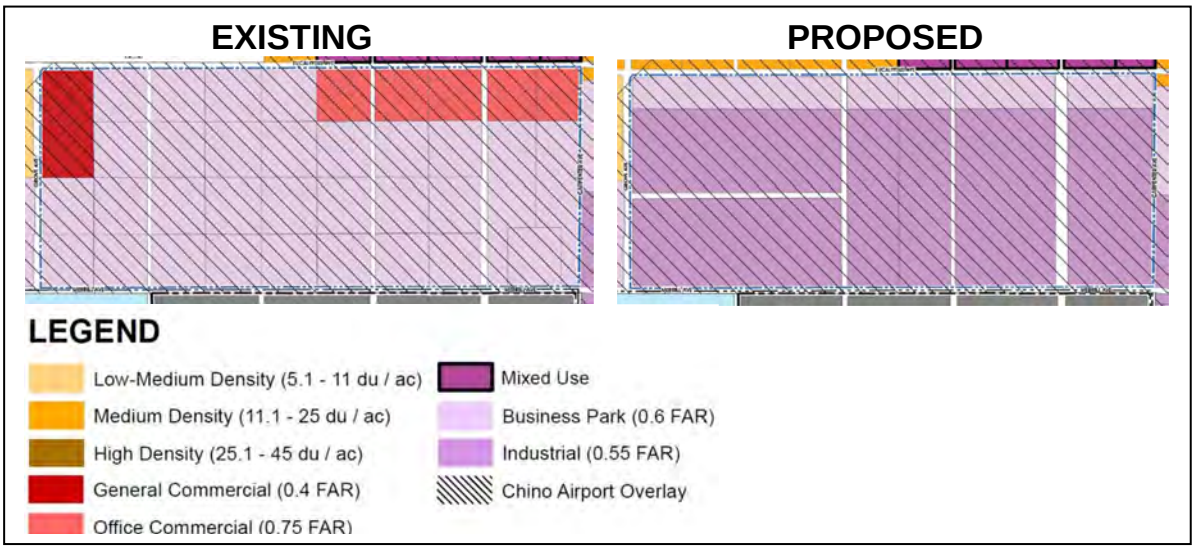


Figure 2: General Plan Land Use Plan Amendment

The southwest portion of the City, including the Project site, are impacted by the Chino Airport. The City is currently working towards completing an Airport Land Use Compatibility Plan for portions of the City that are impacted by aircraft operations at Chino Airport. Public Utilities Code Section 21370.1(c) requires that local jurisdictions under the "alternative process" to "rely upon" the California Airport Land Use Planning Handbook (Handbook) published by the California Department of Transportation (Caltrans), Division of Aeronautics, October 2011, for preparing Compatibility Plans and utilize the Handbook's height, land use, noise, safety, and density criteria. The Project site is located within Safety Zones 1, 2, 3, 4, and 6, as shown in Figure 3: Chino Airport Safety Zones, which limits the concentration of people, land uses such as schools, day care centers, hospitals, nursing homes, indoor/outdoor stadiums/arenas, and the storage of any hazardous materials. The Project site is also impacted by aircraft traffic patterns from Runway 3-21, where aircraft fly directly over the Project site when performing Touch-and-

Go Landings ("TGL"), a maneuver where aircraft are landing on a runway and taking off again without coming to a full stop, and the pilot then circles the airport in a defined pattern to allow many landings to be practiced in a short time. The proposed Industrial and Business Park land uses are compatible land uses in Safety Zones 2, 3, 4, and 6, in that these land uses are not considered sensitive land uses.

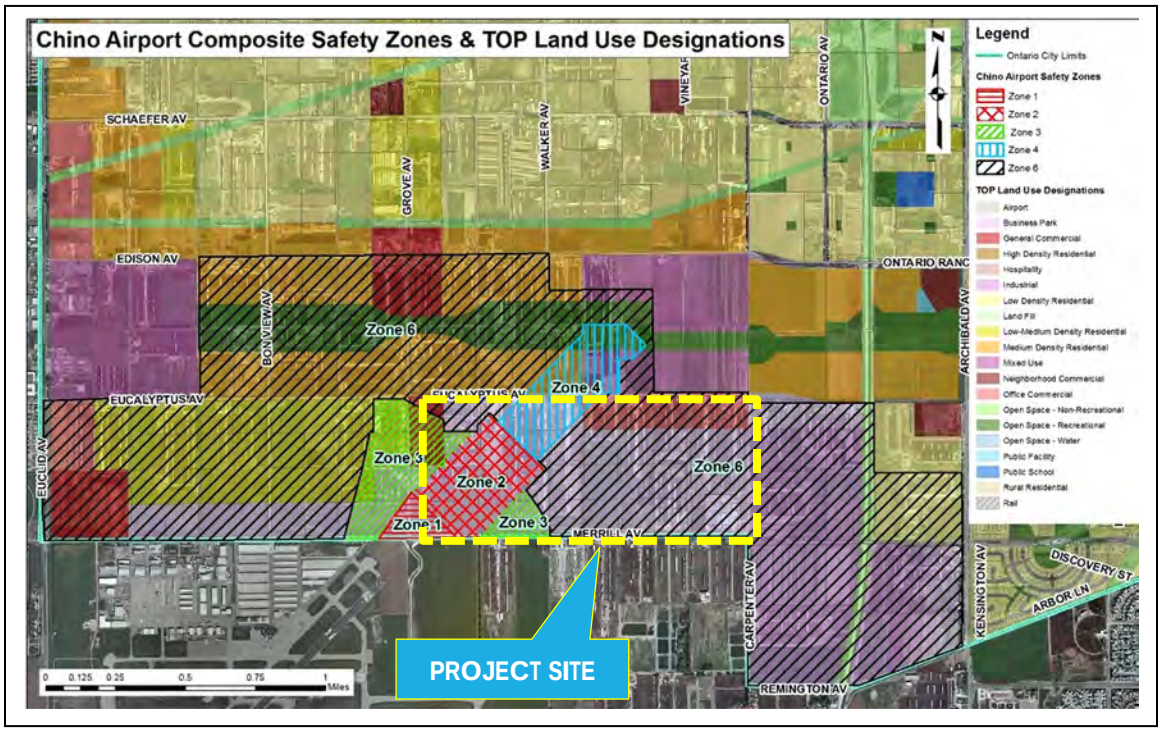


Figure 3: Chino Airport Safety Zones and Existing TOP Land Use Designations

The proposed Business Park and General Industrial land uses are consistent with other approved and proposed Specific Plans along the same corridor, generally bound by Eucalyptus Avenue to the north and Merrill Avenue to the south, including the South Ontario Logistics Center, Ontario Ranch Business Park, and the West Ontario Commerce Center Specific Plans.

(3) Specific Plan — The Merrill Commerce Center Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that excellence in community design is achieved during Project development. The Merrill Commerce Center Specific Plan establishes the procedures and requirements to approve new development within the Project site to ensure that TOP Policy Plan goals and policies are achieved.

(4) Land Use Plan — The Merrill Commerce Center Specific Plan consists of eleven Planning Areas that will accommodate a variety of commercial, office, technology, light

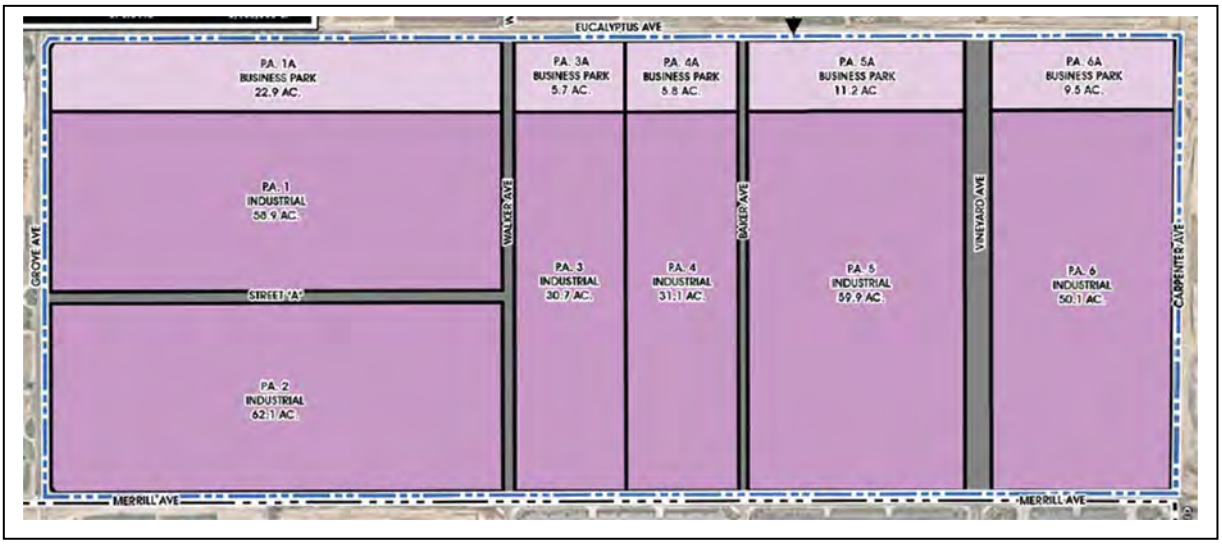


Figure 4: Land Use Plan

manufacturing, and warehouse/distribution uses. The Land Use Plan implements the vision of TOP by providing opportunities for employment in manufacturing, distribution, research and development, service, professional office, and supporting retail at intensities designed to meet the demand of current and future market conditions.

The Specific Plan identifies the land use intensity anticipated in the eleven proposed planning areas (see Figure 4: Land Use Plan, above). The Specific Plan is proposing a maximum 0.6 FAR within the Business Park land use district (Planning Areas 1A, 3A, 4A, 5A, and 6A) and 0.55 FAR within the Industrial land use district (Planning Areas 1, 2, 3, 4, 5, and 6). The proposed FARs for the Planning Areas are consistent within the Policy Plan Land Use designations for Business Park and Industrial.

The Specific Plan proposes the potential development of up to 8,455,000 square feet of industrial and business park development. Planning Areas 1A, 3A, 4A, 5A, and 6A, located along the northern portion of the Specific Plan Area, is approximately 55.1 acres in size and can potentially be developed with 1,441,000 square feet of business park development. Planning Areas 1, 2, 3, 4, 5, and 6, located along the southern

Planning Area	Site Acreage	Maximum Building Square Footage
Industrial (Max. 0.55 FAR)		
1	58.9	1,411,000
2	62.1	1,488,000
3	30.7	735,000
4	31.1	745,000
5	59.9	1,435,000
6	50.1	1,200,000
Subtotal	*292.8*	*7,014,000*
Business Park (Max. 0.60 FAR)		
1A	22.9	598,000
3A	5.7	150,000
4A	5.8	152,000
5A	11.2	293,000
6A	95	248,000
Subtotal	*55.1*	*1,441,000*
Circulation	*28.4*	--
TOTAL	**376.3**	**8,455,000**

Figure 5: Land Use Summary Table

portion of the Specific Plan, is approximately 292.8 acres in size and can potentially be developed with 7,014,000 square feet of industrial development (see Figure 5: Land Use Summary Table, above).

(5) Design Guidelines — The design theme and concept for the Merrill Commerce Center Specific Plan was created to ensure a high-quality, attractive, and cohesive design structure for the Specific Plan. The guidelines provide the following objectives for all future development within the Specific Plan area:

- Demonstrates high-quality development that complements and integrates into the community and adds value to the City.
- Creates a functional and sustainable place that ensures Merrill Commerce Center is competitive regionally and appropriate in the Ontario Ranch community.
- Illustrates the distinctive characteristics of the two land use districts: Business Park and Industrial.
- Establishes criteria for building design and materials, landscape design, and site design that provide guidance to developers, buildings, architects, landscape architects, and other professionals preparing plans for construction.
- Provides guidance to City staff and the Planning Commission in the review and evaluation of future development projects in the Merrill Commerce Center Specific Plan area.
- Incorporates construction and landscape design standards that promote energy and water conservation strategies.
- Implements the goals and policies of TOP and the intent of the Ontario Development Code.



Figure 6: Building Architecture Design Examples

The Planning Areas within the Merrill Commerce Center Specific Plan are designed to be architecturally consistent yet distinct through use and circulation. The Design Guidelines have been established to promote high-quality architecture as required by the Ontario Development Code and TOP. The proposed architectural theme of the

Specific Plan incorporates a Contemporary Architectural style, and the two planning areas shall be designed to be compatible with and complement one another. The design guidelines of the Specific Plan will require all buildings to provide a recognizable base, body, roofline, and entry. The Specific Plan provides examples of the type of industrial and business park concepts that are envisioned to be constructed within the Specific Plan (see Figure 6: Architecture Design Examples, above).

The Specific Plan requires all buildings to be designed to highlight the primary entryways by incorporating special materials, visual relief, massing, and shading. Additionally, the facades that front onto a public street must incorporate vertical and horizontal articulation and material changes that will assist in enhancing these elevations and providing visual interest from the public view.

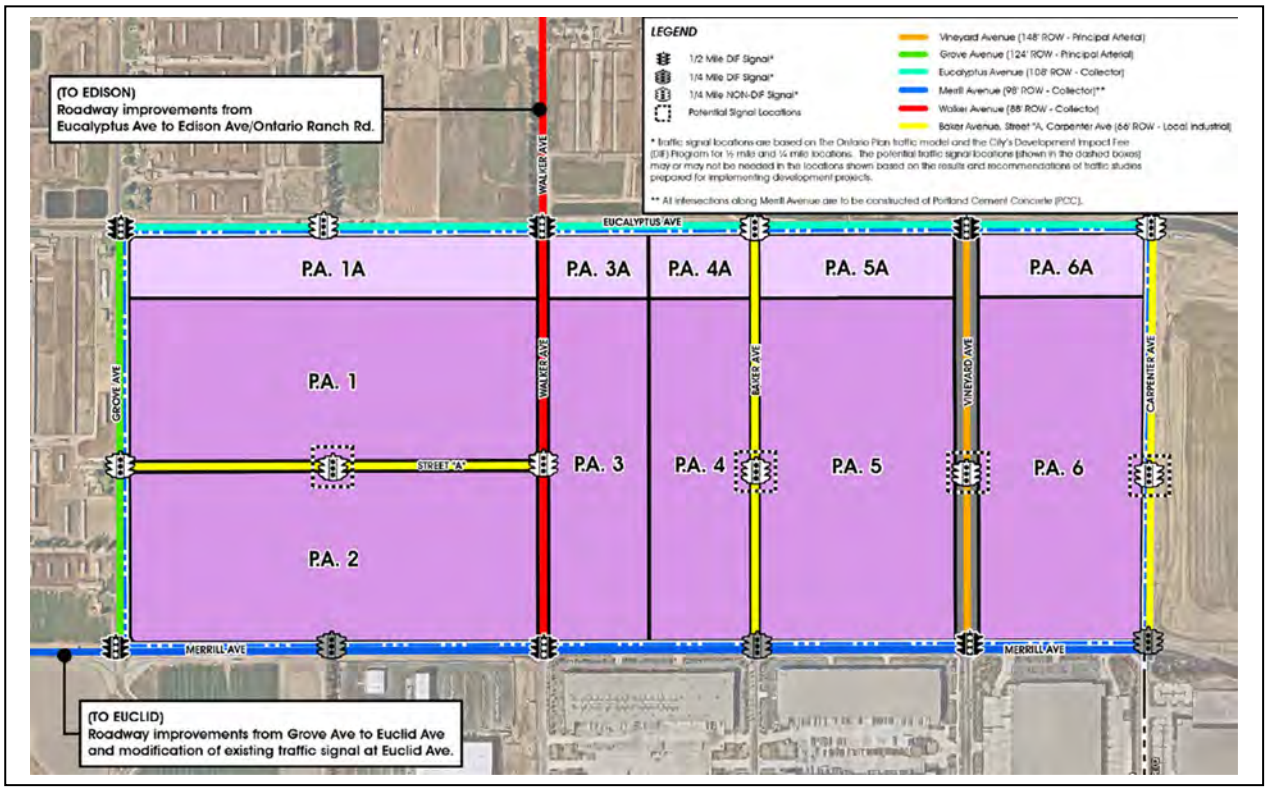


Figure 7: Conceptual Vehicular Circulation and Access Plan

(6) Circulation Concept — The circulation plan for the Specific Plan reinforces the objective of moving vehicles, pedestrians, cyclists, and public transit safely and efficiently through and around the Project. The Specific Plan establishes the hierarchy and general location of roadways within the Merrill Commerce Center Specific Plan (see Figure 7: Conceptual Vehicular Circulation and Access Plan, above).

Future traffic signals are planned at the following ten intersections:

- Eucalyptus and Grove Avenues
- Eucalyptus and Walker Avenues
- Eucalyptus and Vineyard Avenues
- Grove Avenue and Street "A"
- Merrill and Grove Avenues
- Merrill Avenue – between Grove and Walker Avenues
- Merrill and Walker Avenues
- Merrill and Baker Avenues
- Merrill and Vineyard Avenues
- Merrill and Carpenter Avenues

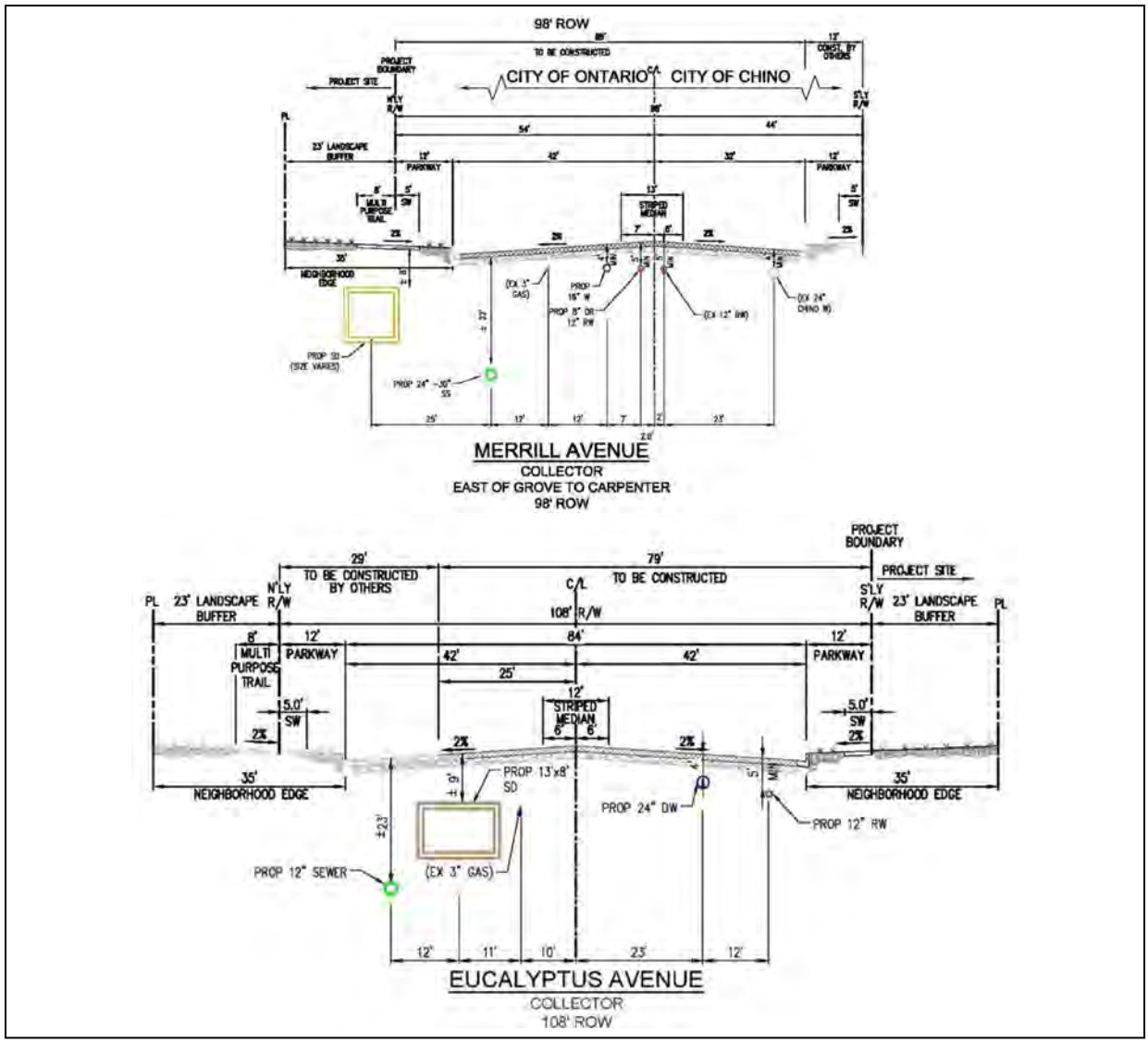


Figure 8: Merrill and Eucalyptus Avenues Street Cross Sections

Additionally, primary access into the business park development will be provided along Eucalyptus Avenue. Primary access into the industrial developments will be provided along Grove Avenue, Walker Avenue, Baker Avenue, Vineyard Avenue, Carpenter Avenue, and Merrill Avenue.

Merrill and Eucalyptus Avenues, which run east-to-west along the southern and northern portions of the Project site, will be improved as four-lane collector streets with 98-foot and 108-foot rights-of-way, respectively. Each street will include a parkway and a multipurpose trail. Merrill and Eucalyptus Avenues will include a Class-II bike lane (see Figure 8: Merrill and Eucalyptus Avenues Street Cross Sections, above).

(7) Landscaping — The landscape design theme for the Merrill Commerce Center Specific Plan encourages durable landscape materials and designs that enhance the aesthetics of the structure, create, and define public and private spaces, and provide shade and environmental benefits. Table 6-1 of the Merrill Commerce Center Specific Plan establishes a base palette for the Merrill Commerce Center and includes a variety of groundcovers, shrubs, ornamental grasses, and evergreen and deciduous trees. The selection complements the design theme of the Specific Plan area and features water-efficient, drought-tolerant species native to the region. Similar plant materials may be substituted for the species listed in Table 6-1 if the alternative plans are climate appropriate and enhance the thematic setting.

The minimum landscape coverage required for both Business Park and Industrial land use districts is 10 percent. As illustrated in the street sections, Eucalyptus and Merrill Avenues will each be required to provide a 35-foot wide neighborhood edge (see Figure 8: Merrill and Eucalyptus Avenues Street Cross Sections, above). Vineyard Avenue will be required to provide a 45-foot wide neighborhood edge. Grove Avenue will be designed with a 40-foot wide neighborhood edge, and Walker Avenue will provide a 30-foot wide neighborhood edge. Baker Avenue, Carpenter Avenue, and Street "A" will each be designed with a 9-foot wide parkway that includes a 5-foot wide sidewalk and a 4-foot wide curb adjacent landscape area.

(8) Infrastructure and Services — The backbone infrastructure to serve all areas of the Specific Plan will be installed by the developers in accordance with the Ontario Ranch (New Model Colony) Master Plans for streets, water (including recycled water), sewer, storm drain, and fiber optics facilities. Natural gas will be provided by Southern California Gas Company and the electricity by Southern California Edison ("SCE"). Development of the Project requires installation by the developer, all infrastructure necessary to serve the Project as a standalone development, with phasing and ultimate details to be reviewed and approved via a Development Agreement that will be reviewed by the Planning Commission in conjunction with the Project site's subdivision map.

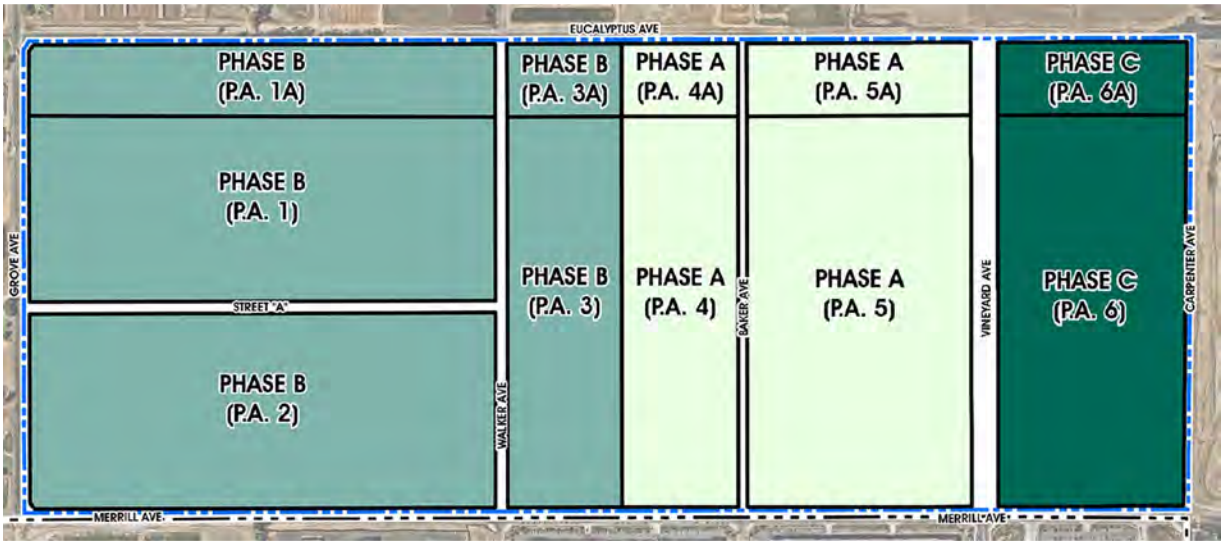


Figure 9: Conceptual Phasing Plan

(9) Specific Plan Phasing — Development phasing within the Specific Plan will be determined by the developer, based upon the real estate market conditions, infrastructure extensions, and associated Development Agreements. The Specific Plan provides a Conceptual Phasing Plan and anticipates development to occur in three phases (see Figure 9: Conceptual Phasing Plan, above). The phases may be developed as subphases and may occur either sequentially or concurrently with one another.

(10) Signage — The Merrill Commerce Center Specific Plan requires that signage within the Specific Plan area adhere to Section 6.10 (Signage Guidelines) of the Merrill Commerce Center Specific Plan and comply with Chapter 8 (Sign Regulations) of the Development Code.

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 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
- 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 the Ontario Ranch area

(2) 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.

(3) 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.

  - LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.

  - LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.

  - 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. (Refer to Complete Community Section of Community Economics Element).

- 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.

- Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

  - LU5-3: Airport Impacts. We work with agencies to maximize resources to mitigate the impacts and hazards related to airport operations.

  - LU5-6: Alternative Process. We fulfill our responsibilities and comply with state law with regard to Alternative Process for proper airport land use compatibility planning.

➢ LU5-7: ALUCP Consistency with Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Community Economics Element:

▪ 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.

Safety Element:

▪ Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.

➢ S1-1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

Mobility Element:

▪ Goal M1: A system of roadways that meets the mobility needs of a dynamic and prosperous Ontario.

➢ M1-1 Roadway Design and Maintenance. We require our roadways to:

- Comply with federal, state and local design and safety standards.
- Meet the needs of multiple transportation modes and users.

- Handle the capacity envisioned in the Functional Roadway Classification Plan.
- Be compatible with the streetscape and surrounding land uses.

➢ M1-2 Mitigation of Impacts. We require development to mitigate its traffic impacts.

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.

▪ Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.

➢ CD2-1 Quality Architecture. We encourage all development projects to convey visual interest and character through:

- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

➢ CD2-7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

➢ CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

- CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

- CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.

- CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

- CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

- 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.

▪ Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

- CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort, and aesthetics.

- CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.

- CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.

- CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.

- CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.

- Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.

  - CD5-1 Maintenance of Buildings and Property. We require all public- and privately-owned buildings and property (including trails and easements) to be properly and consistently maintained.

  - CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

HOUSING ELEMENT COMPLIANCE: 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.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The Project site is located within the Airport Influence Area ("AIA") of Ontario International Airport and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan. 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 near the airport are included in the conditions of approval provided with the attached Resolution.

The Project site is also located within Chino Airport's airport influence area and the Chino Airport zoning overlay. Land use compatibility assessments are part of the Chino Airport Master Plan. The Project site is within Safety Zones 1, 2, 3, 4, and 6 of the Chino Airport Overlay (Generic Safety Zones for General Aviation Airports from the Caltrans Division of Aeronautics – California Airport Land Use Planning Handbook). The restrictions applicable to the Safety Zones are summarize as follows:

- Zone1 – Runway Protection Zone – No Build Zone (Sitewide Average – 0 People, Single Acre – 0 People)

- Zone 2 - Inner approach/departure zone: At least 25 percent of the zone should remain as open land. (Sitewide Average – 60 People, Single Acre – 120 People)
- Zone 3- Inner Turning Zone: Maintain approximately 15 percent open land within the overall zone (Sitewide Average – 100 People, Single Acre – 300 People).
- Zone 4 - Outer approach/departure zone: Maintain approximately 15 percent open land within the overall zone (Sitewide Average – 150 People, Single Acre – 450 People).
- Zone 6 - Traffic pattern zone: Approximately 10 percent of usable open land or an open area approximately every 1/4 to 1/2 mile should be provided (Sitewide Average – 300 People, Single Acre – 1200 People).

ENVIRONMENTAL REVIEW: The Specific Plan is located in the City of Ontario in what was formally the approximate 8,200-acre City of Ontario Sphere of Influence ("SOI") area. On January 7, 1998, the City of Ontario adopted the New Model Colony ("NMC") General Plan Amendment, setting forth a comprehensive strategy for the future development of the SOI. The NMC is bound by Riverside Drive to the north, Milliken Avenue to the east, Euclid Avenue to the west, and Merrill Avenue/Bellegrave to the south.

On January 27, 2010, the City adopted The Ontario Plan and certified the accompanying EIR. The Policy Plan component of TOP serves as the General Plan for the entire City, including the NMC (now referred to as "Ontario Ranch"). TOP identified many areas that might have a potentially significant impact on the environment. These areas included: 1) Aesthetics; 2) Biological Resources; 3) Geology and Soils; 4) Hazards and Hazardous Materials; 5) Hydrology and Water Quality; 6) Land Use and Planning; 7) Mineral Resources; 8) Population and Housing; 9) Public Services; 10) Recreation; and 11) Utilities and Service systems. Through the EIR process, these potential impacts were analyzed, revisions were incorporated into the plan, and/or mitigation measures were identified that reduced the potential environmental impacts to a level that was less than significant.

TOP also identified several potential impacts that, even with revisions and/or mitigation measures, could not be reduced to a level of less than significant. These areas include:

- Agriculture Resources –

  Impact 5.2-1. Buildout of TOP 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, Impact 5.2-1 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

  Impact 5.2-2. There are a number of Williamson Act contracts within the City that have yet to expire. Buildout of TOP 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 Ontario Ranch, implementation of the proposed land use plan for TOP would conflict with these contracts and cause a significant impact. Consequently, Impact 5.2-2 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.2-3. Development of the city in accordance with TOP 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 the 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. Impact 5.2-3 would remain significant and unavoidable. Therefore, a Statement of Overriding Considerations would be required.

- Air Quality –

Impact 5.3-1. 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, Impact 5.3-1 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.3-2. Construction activities associated with buildout of TOP would result in general 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 O3, PM10, and PM2.5; and potentially elevate concentrations of air pollutants at sensitive receptors. Consequently, Impact 5.3-2 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.3-3. Buildout of TOP would generate long-term emissions that would exceed SCAQMD's regional significant thresholds and cumulatively contribute to the SoCAB nonattainment designations for O3, PM10, and PM2.5. Consequently, Impact 5.3-3 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.3-5. Approval of residential and other sensitive land uses within 500 feet of I-10, I-15, or SR-60 would result in exposure of persons to substantial

concentrations of diesel particulate matter. Consequently, Impact 5.3-5 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.3-6. Conversion of agricultural land to nonagricultural uses would temporarily expose residents to objectional odors. Consequently, Impact 5.3-6 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

- Cultural Resources –

  Impact 5.5-1. Although protective regulations are in place and preservation policies are included in TOP, implementation of the Proposed Land Use Plan, especially within growth focus areas, has the potential to impact Tier III historic resources. Mitigation Measures 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, historical resources categorized under the Ordinance as Tier III could potentially be impacted with implementation of the Proposed Land Use Plan. Consequently, Impact 5.5-1 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

- Global Climate Change –

  Impact 5.6-1. Buildout of the City of Ontario would generate greenhouse gas ("GHG") emissions that would significantly contribute to global climate change impacts in California. 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. Consequently, Impact 5.6-1 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

- Noise –

  Impact 5.12-1. 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, Impact 5.12-1 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

  Impact 5.12-2. 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. Consequently, Impact 5.12-2 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.12-3. 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 ground borne vibration. Consequently, Impact 5.12-3 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.12-5. 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. Consequently, Impact 5.12-5 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.12-6. Noise-sensitive land uses within the 65 dBA CNEL contour of the Ontario International Airport would be exposed to substantial levels of airport-related noise. Consequently, Impact 5.12-6 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

- Transportation and Traffic –

  Impact 5.15-1. Buildout of the Proposed Land Use Plan would result in additional traffic volume that would significantly cumulatively contribute to main-line freeway segment impacts. The City's development impact fees cannot be used for improvements to roadway facilities under Caltrans jurisdiction. Consequently, impacts to freeway segments within the City under Impact 5.16-1 would be significant and unavoidable and a Statement of Overriding Considerations would be required.

While these impacts will be significant and unavoidable, the City determined that the benefits of the Ontario Ranch development outweigh the potential unavoidable, adverse impacts of the plan. As a result, the City adopted a Statement of Overriding Considerations for those impacts that could not be fully mitigated to a level of less than significant.

Even though and EIR was prepared for TOP, the analyses focused on the program or "big picture" impacts associated with development. With the submittal of the Merrill Commerce Center Specific Plan, staff is charged with evaluating the potential impacts of development at the project level. Staff completed an Initial Study for the Project and determined that an EIR should be prepared for the Merrill Commerce Specific Plan. Through the Initial Study preparation and scoping meeting discussion, an EIR was prepared for the Merrill Commerce Center Specific Plan addressing the following issues:

- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural/Tribal Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use and Planning
- Noise
- Population/Housing
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

The Merrill Commerce Center Specific Plan EIR evaluates each of these various areas and identifies mitigation measures and/or revisions to the plan to lessen the level of significance. With the implementation of the various mitigation measures, many of the potential adverse impacts can be reduced to a level of less than significant. Of the 15 areas considered by the EIR, all but six areas were less than significant or mitigated to a level of less than significant. The six remaining impact areas, even with the mitigation measures, could not be reduced to less than significant, resulting in some impacts remaining potentially significant and unavoidable. These areas are:

- Air Quality
- Agricultural Resources
- Transportation
- GHG Emissions
- Noise
- Cultural (Historical) Resources

While mitigation of all potential impacts to a level of less than significant is desirable, the fact that six areas will remain significant and unavoidable is not unexpected. The identification of these areas as significant and unavoidable validates the work previously completed for TOP. Staff continues to believe that the benefits of the proposed development outweigh the potential impacts associated with it. Therefore, staff recommends the Planning Commission recommend certification of the EIR to the City Council and that a Statement of Overriding Considerations be adopted for the Project.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	Existing Land Use	*General Plan Designation*	*Zoning Designation*	*Specific Plan Land Use*
Site:	Agriculture, Dairy, Truck Terminal, and vacant	General Commercial (0.4 FAR), Office Commercial (0.75 FAR), and Business Park (0.6 FAR)	Specific Plan / Agricultural Overlay	N/A
North:	Agriculture and Dairy	Mixed Use (NMC West) and Medium Density Residential (11.1 – 25 du/ac)	Specific Plan / Agricultural Overlay	N/A
South:	Chino Airport, Agriculture, and Industrial (City of Chino)	Public and General Industrial (City of Chino)	AD (Airport Development), M2 (General Industrial), and Airport Overlay District (City of Chino)	N/A
East:	Industrial (under construction)	Business Park (0.6 FAR) and Industrial (0.55 FAR)	Specific Plan	West Ontario Commerce Center
West:	Dairy	Low Medium Density Residential (5.1 – 11 du/ac) and Business Park (0.6 FAR),	Specific Plan / Agricultural Overlay	N/A

Exhibit A – Amended LU-03: Future Buildout Table

THE ONTARIO PLAN

LU-03 Future Buildout[1]

Land Use	Acres[2]	Assumed Density/Intensity[3]	Units	Population[4]	Non-Residential Square Feet	Jobs[5]
Retail/Service						
Neighborhood Commercial[6]	285	0.30 FAR			3,725,556	9,015
General Commercial	~~464~~ 446	0.30 FAR			~~6,087,342~~ 5,827,805	~~5,636~~ 5,414
Office/ Commercial	~~498~~ 447	0.75 FAR			~~16,013,428~~ 14,613,311	~~35,523~~ 32,405
Hospitality	142	1.00 FAR			6,177,679	7,082
Subtotal	~~*1,392*~~ *1,320*				~~*31,989,005*~~ *30,343,352*	~~*57,256*~~ *53,916*
Employment						
Business Park	~~1,586~~ 1,259	0.40 FAR			~~26,273,284~~ 21,940,980	~~46,096~~ 38,495
Industrial	~~6,518~~ 6,806	0.55 FAR			~~156,162,964~~ 163,101,440	~~137,208~~ 143,304
Subtotal	~~*8,026*~~ *8,067*				~~*182,436,247*~~ *185,042,420*	~~*183,304*~~ *181,799*
Other						
Open Space– Non-Recreation	1,232	Not applicable				
Open Space– Parkland[6]	950	Not applicable				
Open Space- Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	621	Not applicable				
LA/Ontario International Airport	1,677	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	~~4,871~~ 4,891	Not applicable				
Subtotal	~~*9,895*~~ *9,915*					
Total	***31,786***		***100,976***	***348,467***	~~*248,083,563*~~ *249,044,083*	~~*310,358*~~ *305,512*

Notes
1 Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, access the Methodology report.
2 Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
3 Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
4 Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, access the Methodology report.
5 To view the factors used to generate the number of employees by land use category, access the Methodology report.
6 Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

RESOLUTION NO. PC20-094

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL CERTIFY THE PROJECT ENVIRONMENTAL IMPACT REPORT (SCH# 2019049079) AND ADOPT FINDINGS OF OVERRIDING CONSIDERATIONS FOR THE MERRILL COMMERCE CENTER SPECIFIC PLAN (FILE NOS. PSP18-001/PGPA18-003), LOCATED WITHIN THE ONTARIO RANCH AND BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, MERRILL AVENUE TO THE SOUTH, CARPENTER AVENUE TO THE EAST, AND GROVE AVENUE TO THE WEST, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 1054-111-01; 1054-111-02; 1054-121-01; 1054-121-02; 1054-131-01; 1054-131-02; 1054-141-01; 1054-141-02; 1054-151-01; 1054-151-02; 1054-161-01; 1054-161-02; 1054-161-03; 1054-171-01; 1054-171-02; 1054-171-03; 1054-171-04; 1054-181-01; 1054-181-02; 1054-191-01; 1054-191-02; 1054-201-01; 1054-201-02; 1054-211-01, 1054-211-02; 1054-221-01; 1054-221-02; 1054-331-01; 1054-331-02; 1054-341-01; 1054-341-02; 1054-351-01; 1054-351-02; 1054-361-01; 1054-361-02; 1073-111-01; 1073-111-02; 1073-111-03; 1073-111-04; 1073-111-05; AND 1073-111-06.

WHEREAS, the Project Environmental Impact Report ("EIR") for the Merrill Commerce Center Specific Plan (File No. PSP18-001/PGPA18-003) (State Clearinghouse No. 2019049079) has been prepared in accord with the California Environmental Quality Act ("CEQA"), the state CEQA Guidelines, and the City of Ontario Guidelines for implementation of the CEQA Guidelines; and

WHEREAS, the EIR for File Nos. PSP18-001/PGPA18-003 consists of the Draft EIR and the comments and responses to comments made on the Draft EIR; and

WHEREAS, the EIR for File Nos. PSP18-001/PGPA18-003 was circulated for a 45-day public review period and a notice of its availability was published in a local newspaper and posted in the Office of the Clerk of the Board of Supervisors of San Bernardino County; and

WHEREAS, copies of the EIR were distributed to the Planning Commission, City departments, and federal, state, regional, local, and other agencies and individuals; and

WHEREAS, the EIR for File Nos. PSP18-001 and PGPA18-003 has been prepared to address the environmental effects of a Specific Plan (Merrill Commerce Center) to establish land use designations, development standards, and design guidelines for approximately 376.3 acres of land within the Ontario Ranch, generally north of Merrill Avenue, south of Eucalyptus Avenue, east of Grove Avenue, and west of Carpenter Avenue; and

WHEREAS, on December 22, 2020, the Planning Commission of the City of Ontario conducted a duly noticed public hearing on the EIR at which time all persons wishing to testify were heard and the EIR was fully studied; and

WHEREAS, all other 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 body for the Project, the Planning Commission has reviewed and considered the information contained in the Environmental Impact Report (EIR) and supporting documentation. Based upon the facts and information contained in the EIR (State Clearinghouse No. 2019049079) and supporting documentation, the Planning Commission finds as follows:

(1) The EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The EIR reflects the independent judgement of the Planning Commission; and

SECTION 2: ***Planning Commission Action.*** 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 above, the Planning Commission hereby concludes as follows:

(1) The Project EIR analyzed the environmental impacts associated with the implementation of the Merrill Commerce Center Specific Plan, and finds that, if the Specific Plan is adopted and development occurs as proposed by this plan, and with implementation of proposed mitigation measures, the following impacts will still be significant and unavoidable:

(a) Air Quality – Impacts related to a net increase in criteria pollutants would remain significant and unavoidable with the implementation of recommended mitigation measures; and

(b) Agricultural Resources – Project-specific impacts and cumulative impacts would remain significant and unavoidable.

(c) Transportation – Impacts related to vehicle miles traveled are projected to be cumulatively significant and unavoidable.

(d) Greenhouse Gas Emissions – Project-specific impacts and cumulative impacts would remain significant and unavoidable.

(e) Noise – Impacts related to construction of off-site infrastructure are projected to be individually and cumulatively significant and unavoidable for the duration of off-site infrastructure construction activities.

(f) Cultural (Historic) Resources – Impacts related to demolition of potential District Contributors within the Project site is considered a significant and unavoidable impact.

SECTION 3: ***Recommendation.*** Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Planning Commission hereby recommends that the City Council certify the Project EIR, included as Attachment A of this Resolution, adopt a Statement of Overriding Considerations, and that the associated Mitigation Monitoring Program also be approved by the City Council.

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.

SECTION 6: ***Certification to Adoption.*** The Secretary shall certify to the adoption of the Resolution.

- - - - - - - - - - - - - -

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 22nd day of December 2020, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Planning Commission Chairman

ATTEST:

Rudy Zeledon
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. PC20-094, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on December 22, 2020, by the following roll call vote, to wit:

AYES: DeDiemar, Gage, Gregorek, Ricci, Willoughby

NOES: None

ABSENT: None

ABSTAIN: None

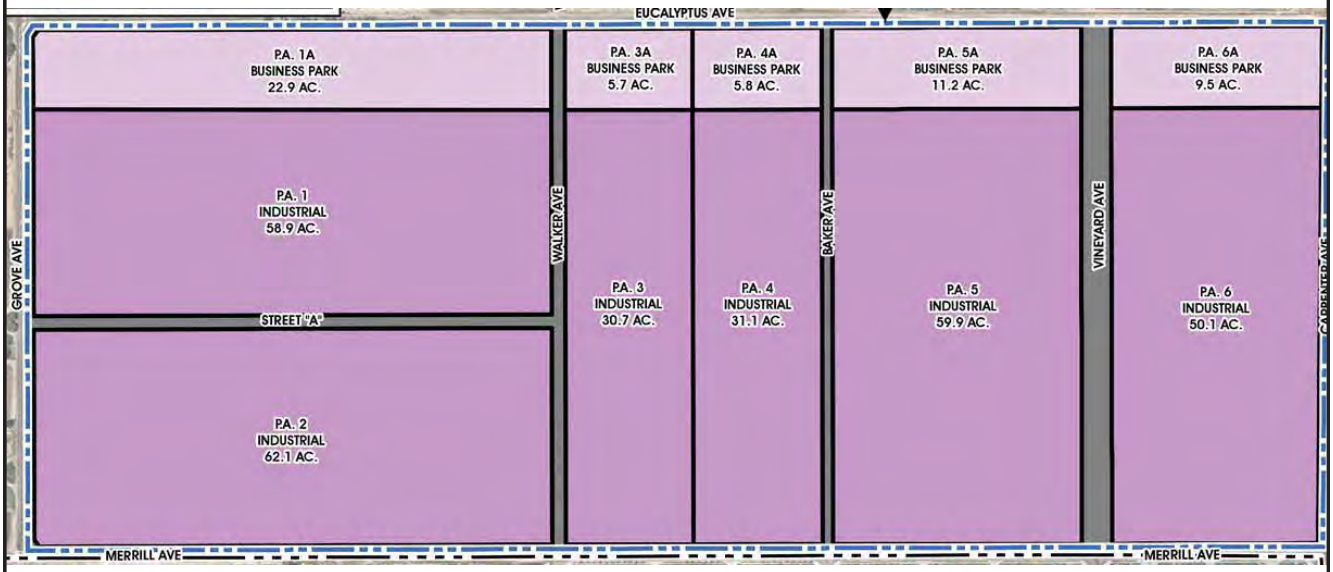
Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT :

Merrill Commerce Center SP Draft EIR

(Document to follow this page)

Merrill Commerce Center
Specific Plan
Draft EIR



October 2020

applied planning inc

DRAFT ENVIRONMENTAL IMPACT REPORT

for the

Merrill Commerce Center Specific Plan

State Clearinghouse Number:
2019049079

October 2020

Prepared for:

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

Prepared by:

Applied Planning, Inc.
11762 De Palma Road
Suite 1-C 310
Corona, CA 92883

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1.0 EXECUTIVE SUMMARY

1.0 EXECUTIVE SUMMARY

1.1 INTRODUCTION

The Merrill Commerce Center Specific Plan Project (Project, Specific Plan) proposes development and operation of Specific Plan Industrial and Business Park Land Uses on approximately 376.3 acres located in the City of Ontario, within San Bernardino County. The Specific Plan area is apportioned into approximately 292.8 acres of Industrial Land Use; approximately 55.1 acres of Business Park Land Use; and approximately 28.4 acres allocated for Circulation (vehicular and non-vehicular) rights-of-ways, easements, and similar non-building uses. The Specific Plan Land Use Plan is presented subsequently at Figure 1.2-1.

Detailed information regarding land uses and development that would be allowed under the Specific Plan is presented within the *Merrill Commerce Center Specific Plan* (T&B Planning, Inc.) September 29, 2020, EIR Appendix B. The Specific Plan document in total is incorporated in this Project Description by reference. Under the current Project Development Concept evaluated in this EIR, the Specific Plan area would be developed with the following uses:

- **Industrial:** Approximately 6,312,600 square feet of high-cube fulfillment center warehouse use, and approximately 701,400 square feet of high-cube cold storage warehouse use.

- **Business Park:** Approximately 1,441,000 square feet of mixed uses including merchant wholesale, professional services, professional office, warehouse/storage, and research and development.

  Total Development: 8,455,000 square feet.

The Project would also implement off-site City of Ontario Master Plan infrastructure improvements (roads, potable water, recycled water, sanitary sewer, storm drains, and fiber optic lines) in support of the Project. Predominantly, off-site areas that would be affected by construction of these infrastructure improvements comprise already-disturbed/developed rights-of-way and easements. City of Ontario Master Plan infrastructure systems improvements that would be implemented by the Project would conform to City Master Plan Utilities/Service Systems Concepts. Descriptions of infrastructure systems that would be implemented in support of the Project improvements are presented within this Section. Detailed analysis of impacts resulting from construction and operation of Master Plan infrastructure improvements that would be constructed in support of the Project is presented in this EIR.

It is also noted that potential impacts resulting from construction and operation of City Master Plan infrastructure systems have been previously considered and addressed in Initial Study and Mitigated Negative Declaration City of Ontario Infrastructure Master Plans (City of Ontario) July 2012 (Infrastructure Master Plans MND). The Infrastructure Master Plans MND concluded that construction and operation of Master Plan infrastructure improvements would not result in significant impacts not already considered and addressed in correlating analyses in The Ontario Plan EIR. Similarly, Master Plan infrastructure improvements constructed in support of the Project would not result in significant impacts not already considered and addressed in correlating analyses presented within the Infrastructure Master Plans MND; and by extension would not result in significant infrastructure systems impacts not already considered and addressed in correlating analyses presented within The Ontario Plan EIR.

Analyses within this EIR reflect the range and types of uses permitted or conditionally permitted under the Specific Plan Industrial and Business Park Land Use designations. Should future development proposals proposed within the Specific Plan area, or supporting infrastructure proposed as part of the Project differ substantially from the development concepts analyzed herein, the Lead Agency would comply with CEQA in consideration of those proposals.

It is specifically noted that any site plan concepts, building footprints, building sizes, and/or building orientations depicted in the EIR or supporting technical analyses are provided for illustrative purposes only. This EIR in all instances evaluates likely maximum impact scenarios. No site plans or building plans would be entitled under the EIR Project or as part of the Specific Plan approval.

The Project site[1] is located within the Ontario Ranch (formerly the "New Model Colony," NMC) area of the City. More specifically, the Project site is located along Merrill Avenue, between Grove Avenue and Carpenter Avenue. Eucalyptus Avenue forms the northerly boundary of the Specific Plan area. Please refer to Figure 1.1-1, *Project Location*.

The analysis presented in this EIR considers and addresses environmental impacts resulting from development of the Project site proper, and also evaluates impacts that would result from off-site activities or improvements necessary to implement and support the Project. This EIR Section summarizes relevant Project background issues, provides a brief description of the Project and its Objectives, and summarizes potential environmental impacts of the Project. Table 1.11-1, *Impacts and Mitigation Summary*, presented at the conclusion of this Section, lists these impacts and presents the mitigation measures recommended to eliminate or reduce the effects of impacts determined to be potentially significant.

Alternatives to the Project which could avoid or substantially lessen the Project's identified significant environmental impacts are also briefly described within this Section. For a full description of the Project, its impacts, recommended mitigation measures, and considered Alternatives, please refer to EIR Sections 3.0, 4.0, and 5.0, respectively.

[1] The Project site is defined as the area encompassed by the Merrill Commerce Center Specific Plan (the Specific Plan area). The analysis presented in this Environmental Impact Report (EIR) considers and addresses environmental impacts resulting from development of the Project site proper, and also evaluates impacts that would result from off-site activities or improvements necessary to implement and support the Project.



NOT TO SCALE

Source: Google Earth; Applied Planning, Inc.

Figure 1.1-1
Project Location

1.2 PROJECT ELEMENTS

Primary elements comprising the Project are summarized below. Please refer also to the expanded characterization of Project facilities and operations presented at EIR Section 3.0, *Project Description*.

1.2.1 Existing and Proposed Land Use Designations

Existing City of Ontario Policy Plan (General Plan) Project site Land Use designations are: "Business Park," "Office Commercial," and "General Commercial." To allow for the Project, the Applicant proposes to amend the current Project site Policy Plan Land Use designations to "Business Park" and "Industrial." Existing and proposed Policy Plan Land Use designations are summarized at Table 1.2-1.

Table 1.2-1
Existing and Proposed Policy Plan Land Use Designations

Existing	Proposed
Business Park – 314.7 Acres	Business Park - 55.1 acres
Office Commercial - 43.3 acres	Industrial - 292.8 acres
General Commercial - 18.3 acres	Circulation - 28.4 acres
Total: 376.3 Acres	**Total: 376.3 Acres**

The existing Zoning designation of the Project site is "Specific Plan" with an "AG" (Agricultural) Overlay. If adopted by the City, the proposed Merrill Commerce Center Specific Plan would establish the effective Zoning of the Project site.

1.2.2 Site Preparation, Construction Traffic Management

As an initial action, the Project site would be cleared of vegetation. All on-site improvements associated with or supporting the existing on-site land uses would be demolished or removed. At a minimum, debris generated by site preparation and demolition activities would be disposed of/recycled consistent with provisions of the California Integrated Waste Management Plan Act (AB 939) and the City's Integrated Waste Department *Refuse and Recycling Planning Manual*.[2]

[2] City of Ontario, California: *Solid Waste Department* [Integrated Waste Department] *Refuse and Recycling Manual*, Updated March 17, 2016. https://www.ontarioca.gov/omuc/integrated-waste. Additionally, the Project Construction and Demolition Waste Management Plan will be designed and implemented to yield a minimum of 90 percent recycled/salvaged materials.

The natural topography of the Project site is relatively flat. No unusual grading conditions are present and substantial import or export of earth materials is not expected. The primary objectives of the grading plan are to: provide stable development pads for construction; balance the cut and fill grading quantities on-site; and meet City of Ontario building standards and acceptable infrastructure gradient requirements.

To avoid or minimize temporary construction-related traffic impacts throughout site preparation and construction activities, the Project Applicant would be required to prepare and implement a City-approved construction traffic management plan. Typical elements and information incorporated in the Plan would include, but not be limited to:

- **Name of on-site construction superintendent and contact phone number.**

- **Identification of Construction Contract Responsibilities** - For example, for excavation and grading activities, describe the approximate depth of excavation, and quantity of soil import/export (if any).

- **Identification and Description of Truck Routes** - to include the number of trucks and their staging location(s) (if any).

- **Identification and Description of Material Storage Locations (if any).**

- **Location and Description of Construction Trailer (if any).**

- **Identification and Description of Traffic Controls** - Traffic controls shall be provided per the Manual of Uniform Traffic Control Devices (MUTCD) if the occupation or closure of any traffic lanes, parking lanes, parkways or any other public right-of-way is required. If the right-of-way occupation requires configurations or controls not identified in the MUTCD, a separate traffic control plan must be submitted to the City for review and approval. All right-of-way encroachments would require permitting through the City.

- **Identification and Description of Parking** - Estimate the number of workers and identify parking areas for their vehicles.

Identification and Description of Maintenance Measures - Identify and describe measures taken to ensure that the work site and public right-of-way would be maintained (including dust control).

The Plan would be reviewed and approved by the City prior to the issuance of the first building permit. The Plan and its requirements would also be required to be provided to all contractors as one component of building plan/contract document packages.

1.2.3 Development Concept

1.2.3.1 Land Use Plan Concept

The Specific Plan Land Use Plan is presented at Figure 1.2-1. The Specific Plan area comprises approximately 376.3 acres apportioned as follows:

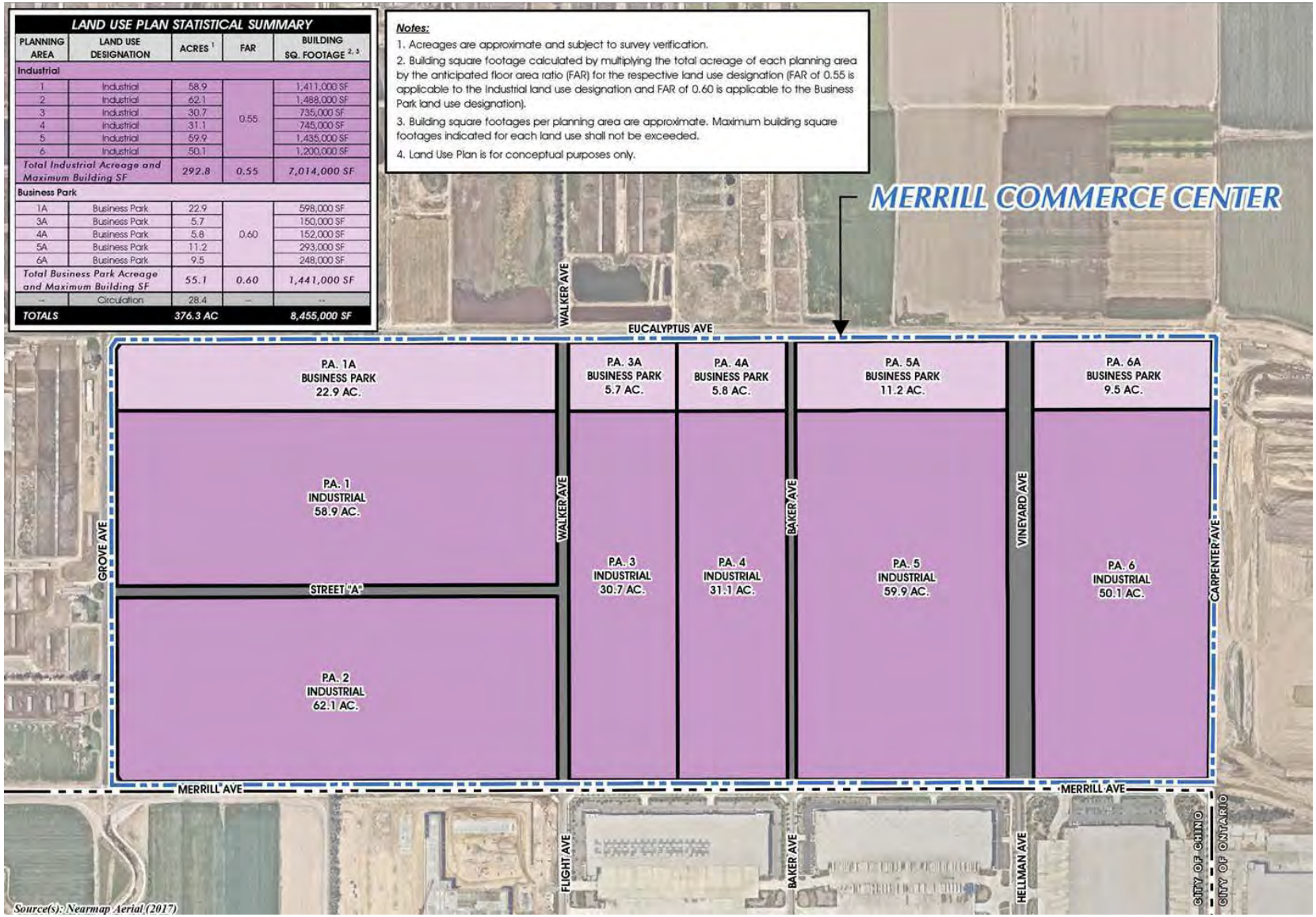
- Industrial Land Use: Approximately 292.8 acres;
- Business Park Land Use: Approximately 55.1 acres; and
- Circulation (vehicular and non-vehicular): Approximately 28.4 acres.

Under the Project Development Concept evaluated in this EIR, the Specific Plan area would be developed with the following uses:

- **Industrial Land Use:** The Specific Plan Industrial Land Use would be developed with approximately 6,312,600 square feet of high-cube fulfillment center warehouse use, and approximately 701,400 square feet of high-cube cold storage warehouse use;

- **Business Park Land Use**: The Specific Plan Business Park Land Use would be developed with approximately 1,441,000 square feet of mixed uses including merchant wholesale, professional services, professional office, warehouse/storage, and research and development.

Total Development: 8,455,000 square feet



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 1.2-1
Land Use Plan

Analyses within this EIR address the range and types of uses permitted or conditionally permitted under the Specific Plan Industrial and Business Park Land Use designations. Should future development proposals proposed within the Specific Plan area, or supporting infrastructure proposed as part of the Project differ substantially from the development concepts analyzed herein, the Lead Agency would comply with CEQA in consideration of those proposals.

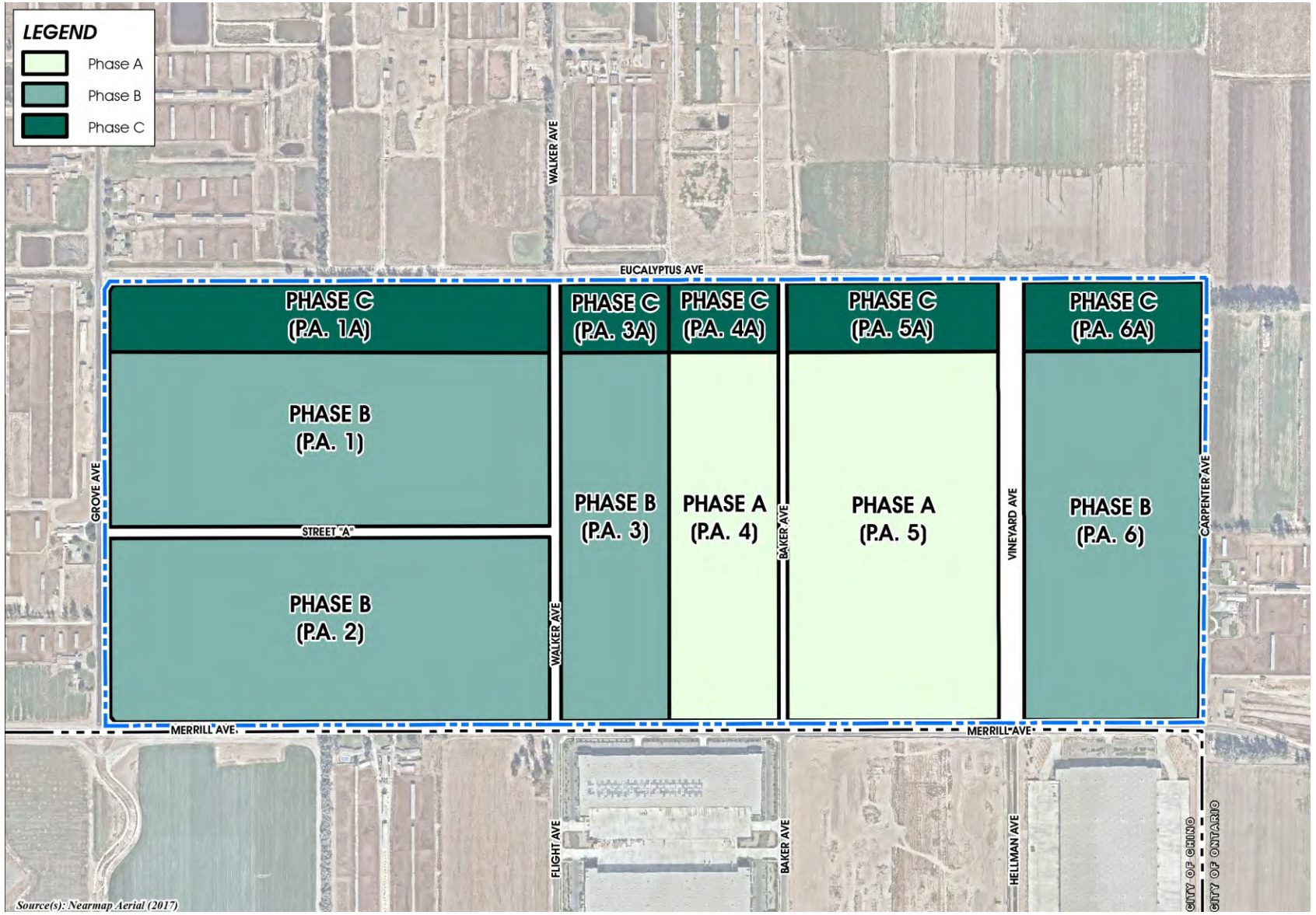
1.2.3.2 Project Phasing Concept

The Project would be implemented in 3 Phases – "A," "B," and "C." Phase A is anticipated to be completed by 2022, Phase B by 2025, and Phase C by 2026. Project phasing would ultimately respond to market demands and would be contingent on availability of supporting infrastructure. The Project Phasing Plan is presented at Figure 1.2-2.

1.2.3.3 Access and Circulation

As illustrated at Figure 1.2-3, access to the Specific Plan area would be provided via surrounding roadways, including Merrill Avenue, Grove Avenue, Vineyard Avenue, and Eucalyptus Avenue. The roadway improvements listed below would be constructed as part of the Specific Plan buildout. Please refer also to Specific Plan Section 4.1, *Circulation and Access Plan* for further details regarding Project roadway and access improvements.

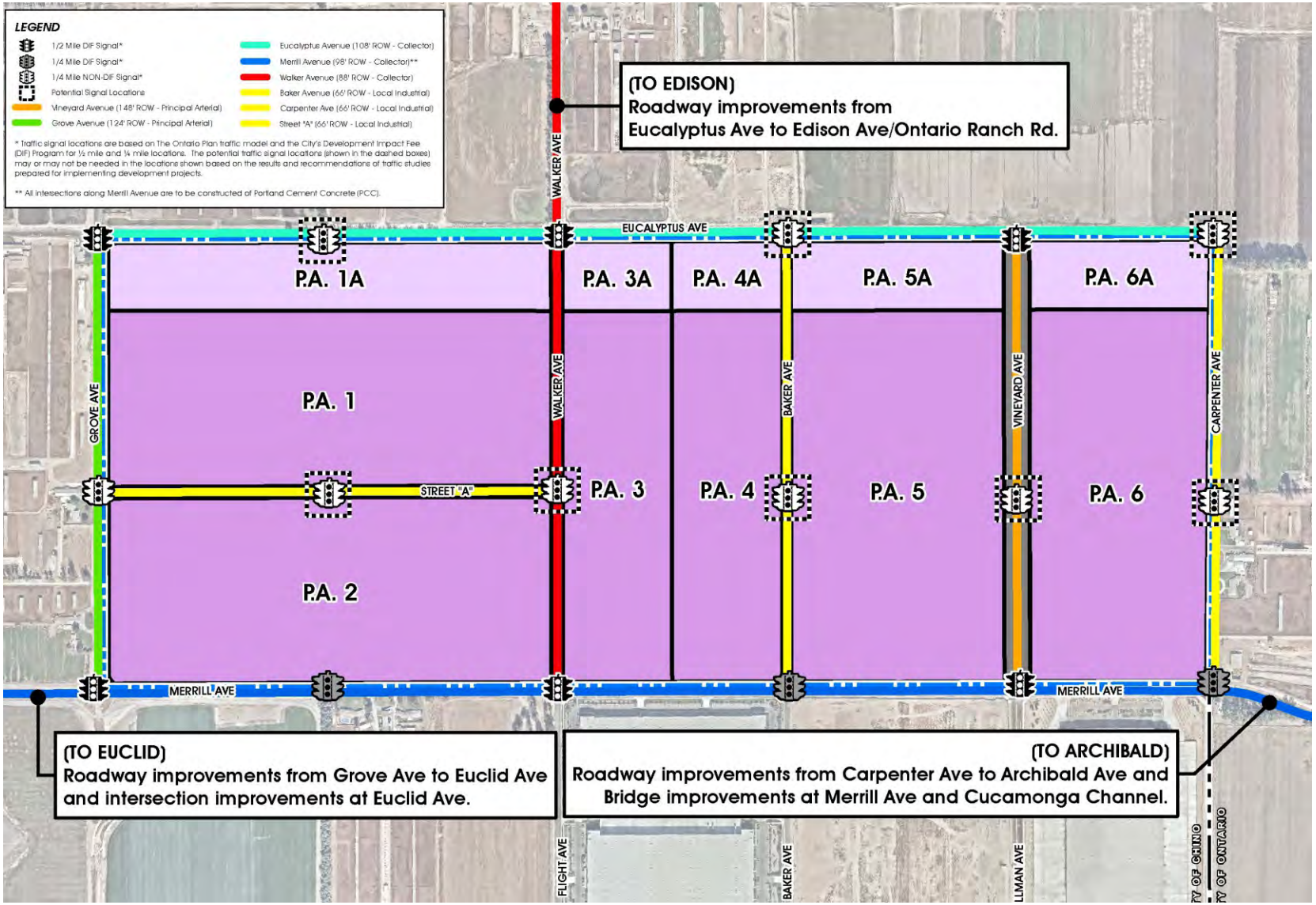
- Walker Avenue would be constructed as a north-south oriented Collector road that would connect to Edison Avenue/Ontario Ranch Road to the north and Merrill Avenue to the south;
- Street "A" would be constructed as an east-west oriented Local Industrial Street that would provide access through the western portion of the Specific Plan area and connect to Grove Avenue at its westerly terminus and future Walker Avenue at its easterly terminus;
- Baker Avenue would be constructed as a north-south oriented Local Industrial Street that would provide access through the Specific Plan area and connect to Eucalyptus Avenue at its northerly terminus and Merrill Avenue at its southerly terminus;



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 1.2-2
Phasing Concept



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 1.2-3
Circulation Plan

- Vineyard Avenue would be constructed as a north-south oriented Principal Arterial that would provide access through the Specific Plan area and connect to Eucalyptus Avenue at its northerly terminus and Merrill Avenue at its southerly terminus;
- Frontage improvements to Carpenter Avenue as a Local Industrial roadway along the entirety of the easterly Specific Plan boundary;
- Frontage improvements to Eucalyptus Avenue as a Collector roadway along the entirety of the northerly Specific Plan boundary;
- Frontage improvements to Grove Avenue as a Principal Arterial roadway along the entirety of the westerly Specific Plan boundary;
- Improvements to the segment of Merrill Avenue as a Collector roadway located between Euclid Avenue and Archibald Avenue; and
- Widening of the existing bridge crossing Merrill Avenue at the Cucamonga Flood Control Channel.

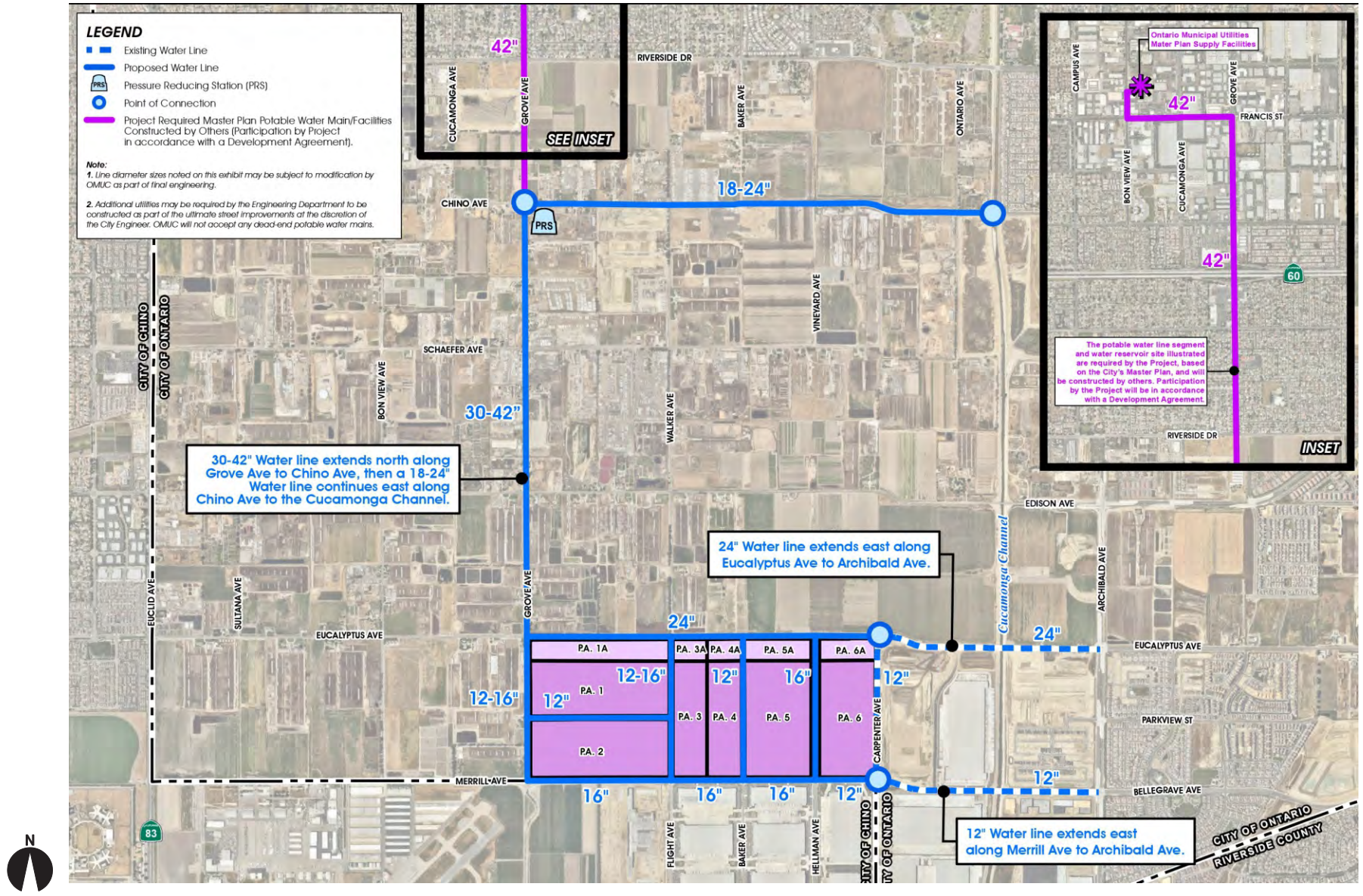
1.2.4 Utilities Infrastructure

Development of the Project would require the installation of water, sewer, drainage and other utility facilities. Proposed utilities infrastructure plans and improvements to be implemented by the Project are summarized below.

City of Ontario Policy Plan Policy LU4-3 *Infrastructure Timing* requires that necessary infrastructure and services be in place prior to or concurrent with new development. Similarly, the Merrill Commerce Center Specific Plan includes a development phasing plan and infrastructure phasing plan that require infrastructure supporting buildout of the Specific Plan be adequately phased concurrent with development (see: Specific Plan, p. A-6).

1.2.4.1 Potable Water Plan

The Project Potable Water Plan Concept is presented at Figure 1.2-4. Potable water services to the Specific Plan area would be provided by the City of Ontario (Ontario Municipal Utilities Company, OMUC). Please refer also to correlating discussions presented at EIR Section 3.0, *Project Description;* and EIR Section 4.12, *Utilities & Services.*



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 1.2-4
Conceptual Water Plan

Currently there are no City potable water mains or City potable water infrastructure in the vicinity of the Project. Potable Water System Improvements for the Specific Plan area require the planning, design, and construction of the 925 Pressure Zone (PZ) Phase 2 West Backbone, which includes:

- Extending the 24-inch potable water main in Eucalyptus Avenue from Carpenter Avenue to Grove Avenue;

- A 30-inch to 42-inch potable water main in Grove Avenue connecting from the 24-inch potable water main in Eucalyptus Avenue and extending to Chino Avenue;

- An 18-inch to 24-inch potable water main in Chino Avenue and connecting to the existing 18-inch potable water main located on the west side of the Cucamonga Creek Channel;

- A Pressure Reducing Station between the 1010 PZ and 925 PZ near the intersection of Grove Avenue and Chino Avenue.

Master Plan Phase 2 facilities that are required to serve the Project but that will be constructed by others include:

- A 42-inch potable water main in Grove Avenue connecting from the 30-inch potable water main in Grove Avenue at Chino Ave and extending to Francis Avenue;

- A 42-inch potable main in Francis Avenue connecting from the 42-inch potable water main in Grove Avenue and extending to Bon View Avenue;

- A 42-inch potable water main in Bon View Avenue connecting from the 42-inch potable water main in Francis Avenue and extending to the Bon View Avenue Reservoir site and to the Reservoir;

- A 9 million gallon reservoir on the Bon View Reservoir site, two 2,500 gpm wells with any treatment necessary to meet water quality standards and the 16-inch to 42-inch well collection mains from the wells to the reservoirs.

At the time the Specific Plan was prepared, the alignment of the 42-inch water line between Chino Avenue and the water reservoir site had not been finalized and is subject to change. The Project will be required to participate in the future Phase 2 Water System Improvements north of Chino Avenue, as detailed in the Development Agreement with the City.

In addition to the 925 Pressure Zone (PZ) Phase 2 West Backbone system described above, the Project would implement a Secondary Loop between the 925 Pressure Zone (PZ) Phase 2 West Backbone system and the Project site. These improvements would include:

- A 24-inch potable water main in Eucalyptus Avenue connecting to the 30-inch to 42-inch 925 Pressure Zone (PZ) Phase 2 West Backbone main in Grove Avenue;

- A 16-inch potable water main in Merrill Avenue connecting from the 12-inch to 16-inch potable water main in Grove Avenue and extending to Vineyard Avenue;

- A 16-inch potable water main in Vineyard Avenue connecting from the 16-inch potable water main in Merrill Avenue and extending to connect to the 24-inch potable water main in Eucalyptus Avenue; and

- A 12-inch potable water main in Merrill Avenue connecting from the 16-inch potable water main in Vineyard Avenue and extending east to connect to the 12-inch potable water main in Carpenter Avenue.

The Project would also construct the Local Adjacent Potable Water System. Improvements would include:

- A 12-inch to 16-inch potable water main in Grove Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue;

- A 12-inch to 16-inch potable water main in Walker Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue;

- A 12-inch potable water main in Baker Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue; and

- A 12-inch potable water main in "Street A" connecting to the 12-inch potable water main in Grove Avenue and extending to connect to the 12-inch to 16-inch potable water main in Walker Avenue.

Water infrastructure improvements required of the Project are subject to change based upon findings of City-approved hydraulic studies, master plan updates, and Project final designs. Orientation and configuration of water mains are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including Inland Empire Utility Agency (IEUA) water mains, that do not meet minimum depths, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/replacement by the Project developer(s). Within the Project site, on individual private property, all onsite potable water systems, non-potable water systems, and fire protection/suppression water systems shall be private and be privately-maintained.

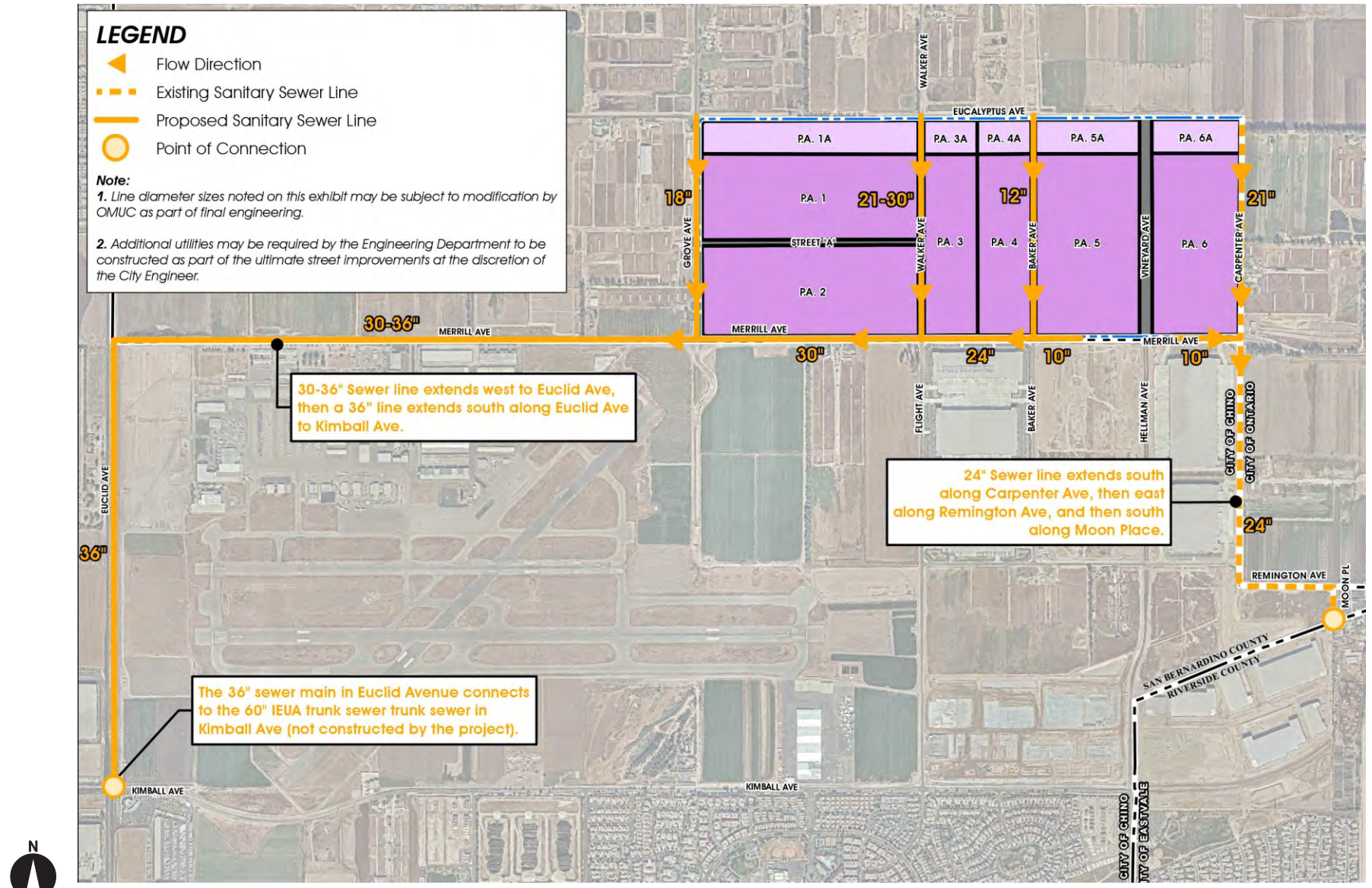
1.2.4.2 Sewer Plan

The Project Sanitary Sewer Plan Concept is presented at Figure 1.2-5. Please refer also to correlating discussions presented at EIR Section 3.0, *Project Description;* and EIR Section 4.12, *Utilities & Services.*

Sanitary sewer service to the Project site and surrounding area is provided by OMUC. OMUC conveys wastewater to IEUA for transmission to area-serving treatment facilities. Existing 21-inch and existing 24-inch City sanitary sewer mains are located in Carpenter Avenue to the east and south of the Project site. The Project site and surrounding properties are included within the City's Sewer Master Plan. The areas west of Vineyard Avenue are Tributary to the Western Trunk Sewer (WTS), which connect to IEUA's system at Kimball Avenue and Euclid Avenue. The areas east of Vineyard Avenue are Tributary to the Eastern Trunk Sewer (ETS), through the City's Carpenter Trunk Sewer which connect to IEUA's system at Vineyard/Hellman Avenue and the San Bernardino/Riverside County line. Specific Plan Planning Areas 1 to 5 and 1A to 5A are within the WTS tributary area. Specific Plan Planning Area 6 and 6A are within the ETS tributary area.

The Project would construct the following Primary Sewer Master Plan Backbone mains of the WTS:

- A 36-inch sewer main in Euclid Avenue connecting to the IEUA's 60-inch Kimball Interceptor at the intersection of Kimball Avenue and Euclid Avenue and extending north to Merrill Avenue;
- A 30-inch to 36-inch sewer main in Merrill Ave from Euclid Avenue to Grove Avenue;
- A 30-inch sewer main in Merrill Avenue from Grove Avenue to Walker Avenue; and
- A 21-inch to 30- inch sewer main in Walker Avenue from Merrill Avenue to Eucalyptus Avenue.



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 1.2-5
Conceptual Sewer Plan

In addition to the Primary Sewer Master Plan Backbone mains, the Specific Plan area requires the planning, design, and construction of a Secondary Master Plan Trunk Sewer, which includes: installing an 18-inch Grove Trunk Sewer main in Grove Avenue from the WTS in Merrill Avenue and extending north in Grove Avenue to Eucalyptus Avenue.

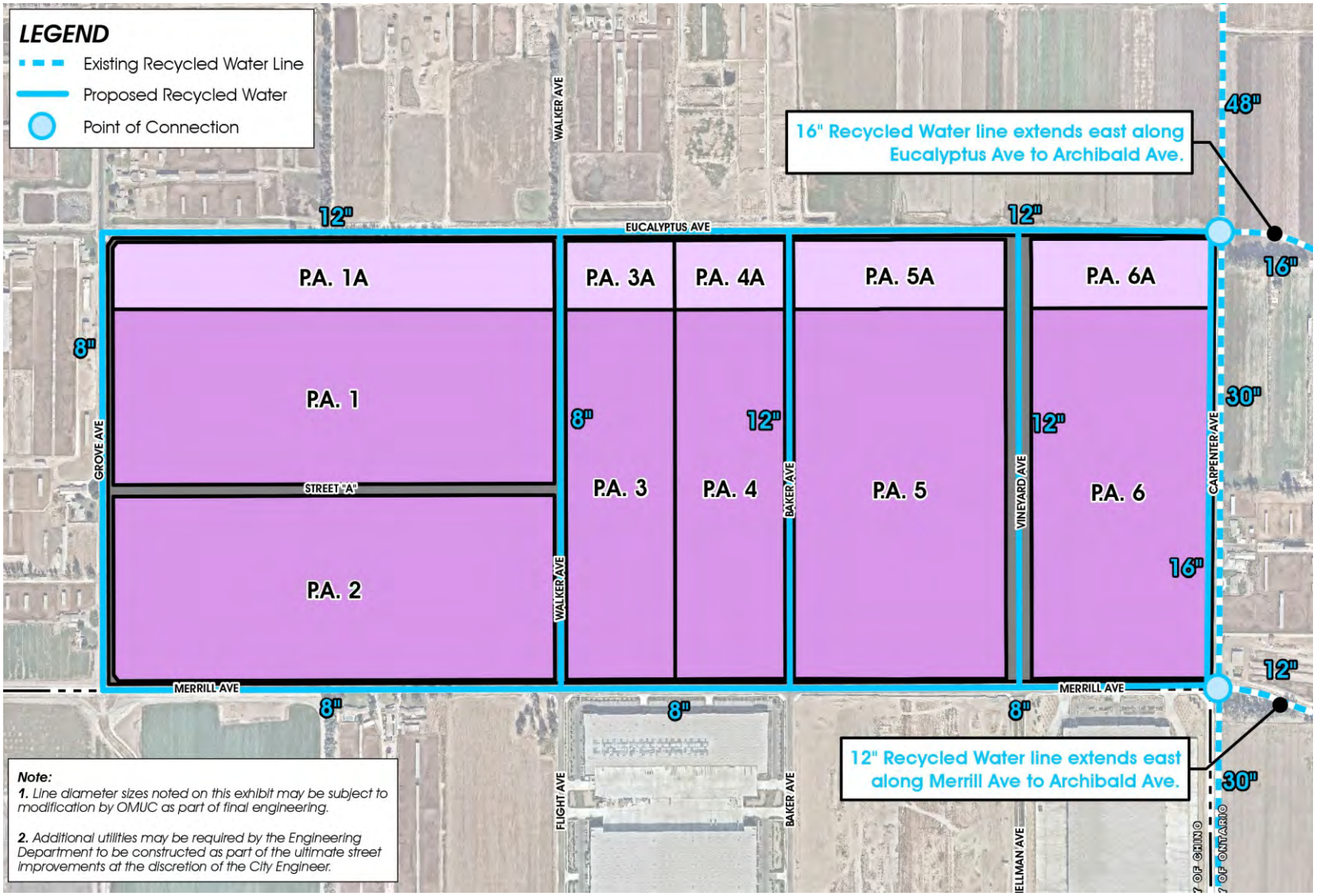
The Project would also construct the Local Adjacent Sewer System. These improvements include:

- A 10-inch sewer main in Merrill Avenue from Carpenter Avenue extending westerly towards Vineyard Avenue;
- A 24-inch sewer main in Merrill Avenue from the WTS in Walker Avenue and extending easterly to Baker Avenue;
- A 10-inch sewer main in Merrill Avenue from Baker Avenue extending easterly towards Vineyard Avenue; and
- A 12-inch sewer main in Baker Avenue from Merrill Avenue extending northerly toward Eucalyptus Avenue.

Sanitary sewer infrastructure improvements required of the Project are subject to change based upon findings of City-approved hydraulic studies, master plan updates, and Project final designs. Sewer main orientations and configurations are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including IEUA Recycled Water mains, that do not meet minimum depth, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/replacement by the Project developer(s). Within the Project site, on individual private property, the onsite sanitary sewer systems shall be private and be privately maintained.

1.2.4.3 Recycled Water Plan

The Project Recycled Water Plan Concept is presented at Figure 1.2-6. Please refer also to correlating discussions presented at EIR Section 3.0, *Project Description;* and EIR Section 4.12, *Utilities & Services.*



Source: T&B Planning, Inc.

Figure 1.2-6
Conceptual Recycled Water Plan

In the vicinity of the Project, existing City recycled water infrastructure is located in Carpenter Avenue, Eucalyptus Avenue, and Merrill Avenue. Recycled water supplied to the Project would be provided by OMUC. OMUC recycled water supplies are produced by IEUA from IEUA's four wastewater reclamation plants. The Project site and surrounding properties lie within the City's Master Plan 930 Pressure Zone.

The following Master Plan 930 Pressure Zone recycled water system improvements would be constructed as part of the Project:

- A 16-inch recycled water main in Carpenter Avenue connecting to the 16-inch 930 Pressure Zone Recycled Water main in Eucalyptus Avenue and extending it to connect to the 8-inch 930 Pressure Zone Recycled Water main in Merrill Avenue;

- A 12-inch recycled water main in Eucalyptus Avenue connecting to the existing 30-inch to 48-inch 930 Pressure Zone recycled water main in Carpenter Avenue and existing 16-inch recycled water main in Eucalyptus Avenue between Carpenter Avenue and Archibald Avenue;

- An 8-inch recycled water main in Grove Avenue connecting to the 12-inch recycled water main in Eucalyptus Avenue and extending in Grove Avenue to Merrill Avenue;

- An 8-inch recycled water main in Merrill Avenue connecting to the existing City 12-inch 930 Pressure Zone Recycled Water main in Merrill Avenue at the intersection of Merrill Avenue and Carpenter Avenue and extending it west to Baker Avenue; and

- An 8-inch recycled water main in Merrill Avenue connecting to the 12-inch recycled water main in Merrill Avenue at Baker Avenue and extending west to Grove Avenue.

In addition to the Master Plan 930 Pressure Zone improvements listed above, the Project would construct the following Secondary Loop improvements:

- An 8-inch recycled water main in Merrill Avenue connecting to the 8-inch recycled water main in Merrill Avenue at Grove Avenue and extending west to Euclid Avenue.

The Project would also construct the Local Adjacent Recycled Water System. These improvements include:

- A 12-inch recycled water main in Vineyard Avenue connecting to the 8-inch recycled water main in Merrill Avenue and extending it to connect to the 12-inch main in Eucalyptus Avenue;

- A 12-inch recycled water main in Baker Avenue connecting to the 8-inch recycled water main in Merrill Avenue and extending it to connect to the 12-inch main in Eucalyptus Avenue;

- An 8-inch recycled water main in Walker Avenue connecting to the 8-inch recycled water main in Merrill Avenue and extending it to connect to the 12-inch main in Eucalyptus Avenue.

Recycled water infrastructure improvements required of the Project are subject to change based upon findings of City-approved hydraulic studies, master plan updates, and Project final designs. Recycled water main orientations and configurations are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including IEUA Recycled Water mains, that do not meet minimum depth, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/replacement by the Project developer(s). Within the Project site, on individual private property, the onsite recycled water systems shall be private and be privately maintained.

1.2.4.4 Storm Water Management Plan

The Project Storm Water Management Plan Concept is presented at Figure 1.2-7. Please refer also to correlating discussions presented at EIR Section 3.0, *Project Description;* and EIR Section 4.12, *Utilities & Services.*

The Project Storm Water Management Plan Concept responds to and incorporates City of Ontario Master Plan of Drainage standards. Storm drain improvements listed below would be installed to service the Specific Plan area. Line diameter sizes and other storm drain facility sizes noted herein may be subject to modification by the City of Ontario and/or the San Bernardino Flood Control District as part of the Project final designs and engineering. Where required by the City, storm drains shall be equipped with a hydrodynamic separator(s) to satisfy the statewide trash mandate. Each device will be approved by and listed on the Certified Full Capture System List of Trash Treatment Control Devices of the State Water Resources Control Board (SWRCB). Project stormwater management system improvements include:

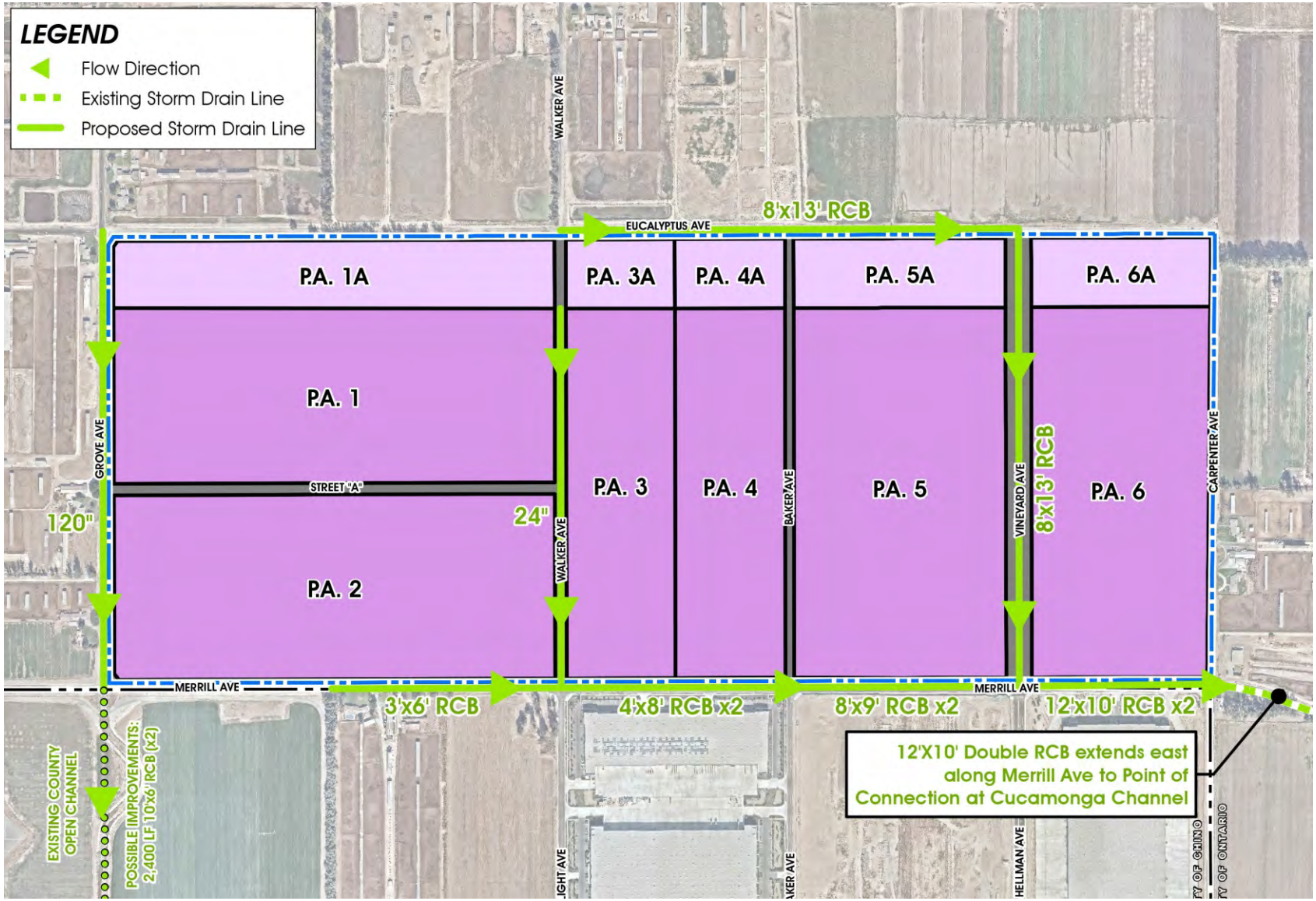
- An 8-foot by 13-foot Reinforced Concrete Box (RCB) in the segment of Eucalyptus Avenue located between Walker Avenue and Vineyard Avenue;

- A 3-foot by 6-foot RCB, a double 4-foot by 8-foot RCB, a double 8-foot by 9-foot RCB, and a double 12-foot by 10-foot RCB in various segments of Merrill Avenue between the midpoint of the southerly boundary of Planning Area 2 and Carpenter Avenue;

- A 24-inch storm drain line in the segment of Walker Avenue located between the southerly boundary of Planning Area 1A and Merrill Avenue;

- A 120-inch storm drain line in the segment of Grove Avenue located between Eucalyptus Avenue and Merrill Avenue (with a point of connection to the existing open flood channel located south of the intersection of Merrill Avenue and Grove Avenue); and

- An 8-foot by 13-foot RCB in the segment of Vineyard Avenue located between Merrill Avenue and Eucalyptus Avenue.



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 1.2-7
Conceptual Storm Drain Plan

- Additionally, the developer(s) of the Project may be conditioned to improve the existing open flood channel located south of the intersection of Merrill Avenue and Grove Avenue. Improvements may consist of either lowering the elevation of the existing earthen channel or installing a double 10-foot by 6-foot RCB within the existing earthen channel to connect to an existing RCB located at the southerly terminus of the existing earthen flood channel. The ultimate solution will be determined during the final Project design and engineering process.

- On-site storm drain improvements would include storm water detention/retention/water quality basins, which would capture, treat, and provide controlled release of storm water discharges to the public storm drain system.

Planning Areas 1, 1A, and 2 would drain southerly, the drainage ultimately flowing into either a water quality basin located in the southwest portion of Planning Area 2, the existing flood channel located south of the intersection of Merrill Avenue and Grove Avenue, or to the RCB drainage system in Merrill Avenue, which would then convey flows easterly to the Cucamonga Channel.

Storm water flows from Planning Areas 3 and 3A would drain southerly, the drainage ultimately flowing into either the 24-inch line within Walker Avenue or to the RCB system in Merrill Avenue.

Planning Areas 4 and 4A would also drain southerly, the drainage ultimately flowing to either a storm drain line installed in Baker Avenue or to the RCB system in Merrill Avenue.

Planning Areas 5, 5A, 6 and 6A would drain southerly, the drainage ultimately flowing to the 8-foot by 13-foot RCB in Vineyard Avenue or the double 8-foot by 9-foot RCB in Merrill Avenue.

Stormwater discharges from Planning Areas 3, 3A, 4, 4A, 5, 5A, 6, and 6A would ultimately drain easterly to an existing inlet connection to the Cucamonga Creek Channel

via the existing double 12-foot by 10-foot RCB in Merrill Avenue (east of Carpenter Avenue).

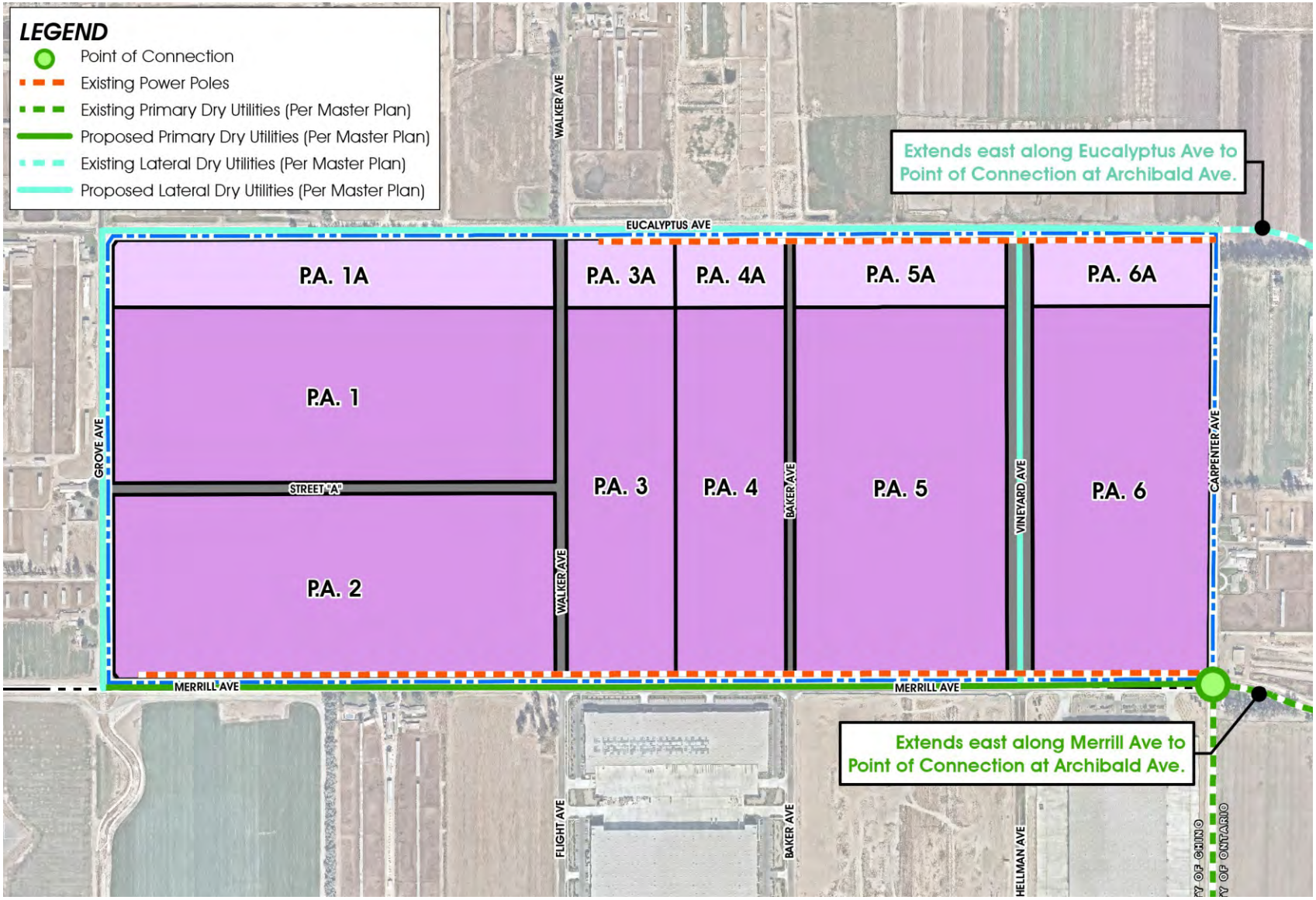
1.2.4.5 Dry Utilities/Fiber Optics Plan

Figure 1.2-8 presents the Project Dry Utilities Infrastructure Plan Concept. Please refer also to correlating discussions presented at EIR Section 3.0, *Project Description;* and EIR Section 4.12*, Utilities & Services.*

Dry utility lines (e.g., natural gas lines, electric lines) would be installed within joint trenches in Merrill Avenue and would connect to existing lines in Merrill Avenue to the west of Grove Avenue, and to existing lines in Merrill Avenue to the east of Carpenter Avenue. Lateral dry utility lines within joint trenches would be installed in Grove Avenue, Vineyard Avenue, and Eucalyptus Avenue. The lateral dry utility line within Eucalyptus Avenue would connect to existing dry utility lines in Merrill and Archibald Avenue to the east. The lateral dry utility lines within Grove Avenue and Vineyard Avenue would connect to the primary dry utility lines within Merrill Avenue.

Dry utilities internal to the Specific Plan Area would be installed underground in accordance with applicable purveyor standards and specifications and to the satisfaction of the City Engineer. The locations and configurations of utilities connections, transformers, switches, pull boxes, and manholes would be determined in conjunction with final Project designs and engineering. Existing power poles located along Eucalyptus Avenue and Merrill Avenue will be undergrounded as part of the Specific Plan's buildout.

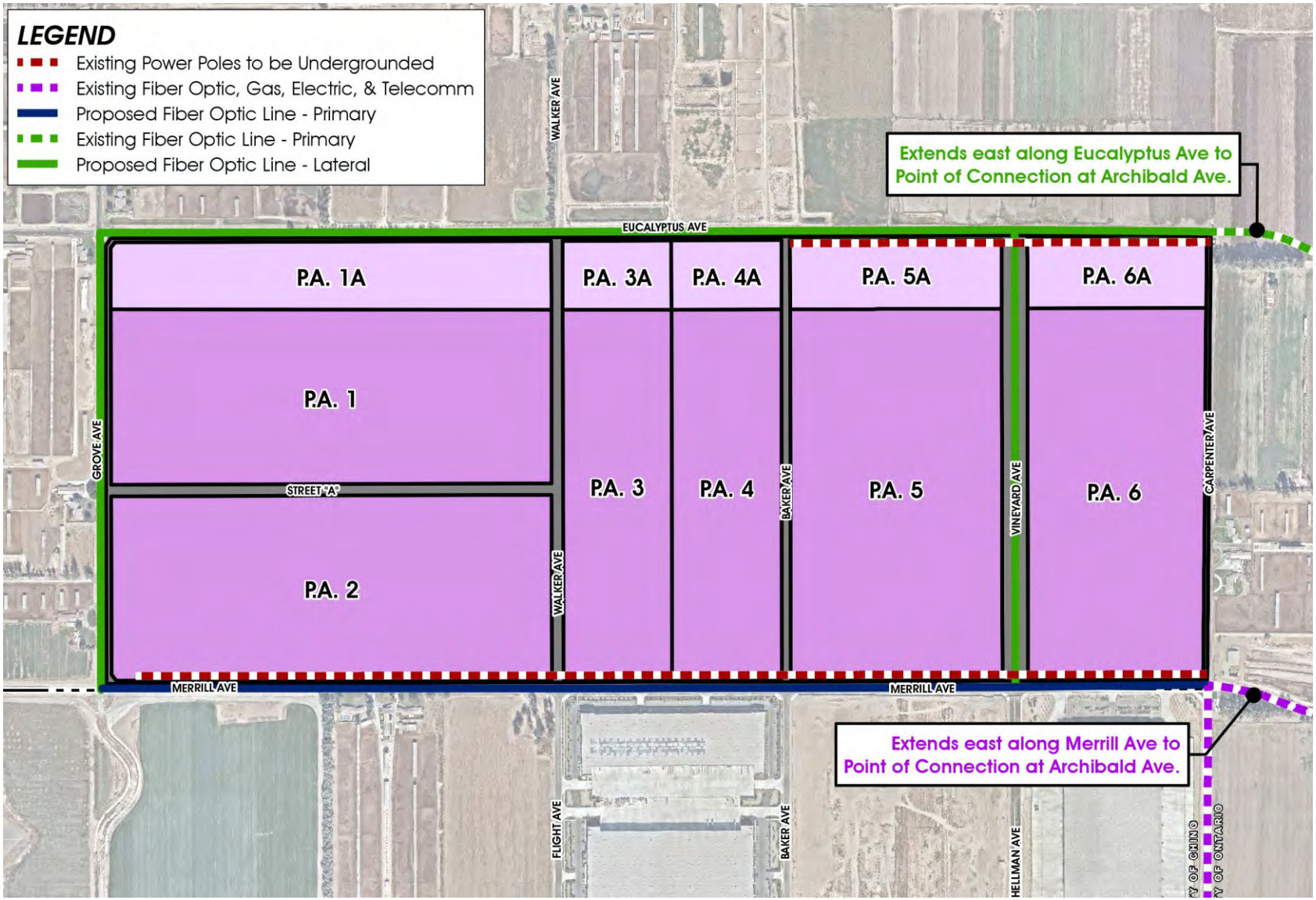
The Specific Plan Fiber Optics Plan is illustrated at Figure 1.2-9. Fiber optic lines would be installed on- and off-site in accordance with the City of Ontario's Master Plan standards. Per the City of Ontario's Master Fiber Optic Plan, lines will be installed in Merrill Avenue between Grove Avenue and Carpenter Avenue, Grove Avenue abutting Planning Areas 1 and 2; in Eucalyptus Avenue from Grove Avenue to Carpenter Avenue; and in Vineyard Avenue abutting Planning Areas 5 and 6.



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 1.2-8
Dry Utilities Plan



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 1.2-9
Conceptual Fiber Optics Plan

Backbone fiber optics components (conduits, hand holes, tracer wire, and fiber) will be placed underground within a duct and structure system to be installed in a joint trench within adjacent streets. Within the Specific Plan Area, in-tract fiber and conduit will be installed per the City's in-tract fiber optic design guidelines (see: https://www.ontarioca.gov/sites/default/files/Ontario-Files/Information-Technology/2014-12-16_in-tract_designguidelines.pdf).

Maintenance of the installed fiber optic system will be the responsibility of the City/Special District. Development of the Project requires installation of all fiber optic infrastructure and peripheral equipment necessary to service the Specific Plan as a stand-alone development.

1.2.5 Project Design Features

Design features proposed by the Applicant and incorporated in the Project would promote efficient use of energy and other resources, would further City conservation and sustainability goals and strategies, and would diminish the Project's potential environmental effects. In consultation with the Lead Agency, final designs of Project buildings, site plans, and improvements would incorporate the following:

- All Project buildings will be LEED Certified;
- Building and site designs will facilitate and incorporate use of renewable energy sources, including roofs structurally designed to support solar photovoltaic (PV) panels;
- Building and site designs will incorporate conduit and infrastructure for electric car chargers;
- Building and site designs will incorporate conduit and infrastructure for electric truck chargers;
- To minimize the potential for on-site truck idling, site plans will be designed to ensure adequate circulation and access for trucks;
- Truck trailer parking areas will be designed and configured to avoid vehicle stacking at the Project site access point and along adjacent streets;
- LED Lighting will be provided throughout the Project (interior and exterior);

- Project grading will be balanced, thereby minimizing potential requirements for truck conveyance of soil import/export;
- Project warehouse designs will provide 40-foot or higher interior clear heights, allowing for greater storage per square foot of building, reducing building footprints, and generally reducing construction material and energy demands;
- Site designs will incorporate pedestrian/bicycle/multi-use paths and supporting amenities;
- The Project Construction and Demolition Waste Management Plan will be designed and implemented to yield a minimum of 90 percent recycled/salvaged materials.

1.2.6 Specific Plan Development Regulations

The proposed Specific Plan Development Regulations address physical requirements and attributes of development within the Specific Plan area including, but not limited to: building/facility setbacks, lot coverage requirements, and maximum building heights. In instances where the Specific Plan is silent, applicable development regulations of the City of Ontario Municipal Code would apply. See also: Merrill Commerce Center Specific Plan, Chapter 5, *Development Regulations*.

1.2.7 Specific Plan Design Guidelines

The Specific Plan document proposes architectural and landscape Design Guidelines that would establish the quality and character of the built environment within the Specific Plan Area. More specifically, the proposed Design Guidelines would provide criteria for architecture, lighting, signage, and landscape design. In instances where the Specific Plan is silent, applicable design guidelines of the City of Ontario Municipal Code would apply. See also: Merrill Commerce Center Specific Plan, Chapter 6, *Design Guidelines.*

1.3 PROJECT OBJECTIVES

The primary goal of the Project is the development of the subject site with a productive mix of business park and industrial uses. Complementary Project Objectives include the following:

- Implement a Specific Plan development supporting business park and industrial uses providing a broad range of long-term employment opportunities.
- Implement business park and industrial uses providing a broad range of additional construction employment opportunities.
- Provide safe and convenient access for trucks in a manner that minimizes any potential disruption to residential areas.
- Provide business park and industrial uses near existing roadways and freeways to reduce traffic congestion and air emissions.
- Facilitate goods movement locally, regionally, nationally, and internationally.
- Provide land uses that are compatible with surrounding land uses and that would not conflict with the policies and environmental constraints identified in the Policy Plan.
- Support the Policy Plan vision for urbanization of the Ontario Ranch area of the City.
- Establish new development that would further the City's near-term and long-range fiscal goals.
- Improve the regional jobs/housing balance.

1.4 DISCRETIONARY APPROVALS AND PERMITS

Anticipated discretionary actions, permits, and consultation(s) necessary to approve the Project are summarized below.

1.4.1 Discretionary Actions

CEQA Guidelines Section 15124 states in pertinent part that if "a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed…" Requested decisions, or City discretionary actions, necessary to realize the Merrill Commerce Center Specific Plan would include:

- Certification of the Merrill Commerce Center Specific Plan EIR;
- Approval of Policy Plan (General Plan) Amendment (Land Use);
- Adoption of the Merrill Commerce Center Specific Plan;
- Approval of Parcel Maps;
- Adoption of a Development Agreement; and
- Cancellation of the existing Williamson Act Contracts on APN 0218-261-35 (Contract #69-147, initiated in 1973); and APNs 1054-151-02, 1054-161-02, 1054-161-03, 1054-201-02 and 1054-351-02 (Contract #70-167, initiated in 1970).[3]

1.4.2 Consultation and Permits

CEQA Guidelines Section 15124 also states that environmental documentation should, to the extent known, list other permits or approvals required to implement the Project. Anticipated permits and consultation necessary to realize the Project would likely include, but would not be limited to, the following:

- Permitting by/through the Regional Water Quality Control Board (RWQCB) pursuant to requirements of the City's National Pollutant Discharge Elimination System (NPDES) Permit;

- Permitting by/through the South Coast Air Quality Management District (SCAQMD) for certain equipment or land uses that may be implemented within the Project area;

- Consultation with requesting Tribes as provided for under *AB 52, Gatto. Native Americans: California Environmental Quality Act*; and *SB 18, Burton. Traditional tribal cultural places*;

- Review and approval by the City for conformance with the Compatibility Plan for Chino Airport;

- Review and approval by the Federal Aviation Administration (FAA) for potential airspace obstruction(s), if any;

[3] A notice of non-renewal dated September 14, 2017, and recorded, has initiated the termination process for Contract #70-167.

- CWA Section 404 authorization from the Army Corps of Engineers (Corps);

- Clean Water Act (CWA) Section 401 Water Quality Certification;

- California Department of Fish and Wildlife (CDFW) Section 1602 Streambed Alteration Agreement(s);

- CDFW consultation/coordination addressing protected species impact mitigation; and

- Various construction, grading, and encroachment permits from affected agencies allowing implementation of Project facilities including construction/modification of utilities systems and roadways.

1.5 INITIAL STUDY

The City of Ontario, through the Initial Study process, has determined that the Project has the potential to cause or result in significant environmental impacts, and warranted further analysis, public review, and disclosure through the preparation of an EIR. The Initial Study (IS) and associated EIR Notice of Preparation (NOP), dated April 2019, were forwarded to the California Office of Planning and Research, State Clearinghouse (SCH), and circulated for public review and comment. The State Clearinghouse established the public comment period for the NOP/IS as April 12 through May 13, 2019. The assigned State Clearinghouse reference for the Project is SCH No. 2019049079. The Initial Study, NOP, and NOP responses are presented at Appendix A of this EIR.

1.6 IMPACTS NOT FOUND TO BE POTENTIALLY SIGNIFICANT

The following discussions identify those environmental issues that have been determined not to be potentially significant, and consistent with *CEQA Guidelines* Section 15143, *Emphasis*, need not be addressed in detail in the EIR. Accordingly, the specific issues listed are not substantively discussed within the body of this EIR. Any related technical studies and references are noted in the following discussions. A complete list of references is provided at the conclusion of the EIR. All cited materials are available at, or can be made available by contacting, the City of Ontario Planning Department.

Aesthetics

There are no scenic vistas within the Project site, nor would the Project otherwise adversely affect a designated scenic vista. Views of the San Gabriel Mountains, located to the north of the City, are the dominant scenic resource in the area. As described in the Ontario Plan Draft EIR, "... the scale and design of the City, including its land uses, would not deter views of the mountain backdrop" (Ontario Plan Draft EIR, p. 5.1-8).

The City of Ontario is served by three freeways, including Interstate 10 (I-10), Interstate 15 (I-15), and State Route 60 (SR-60). The segments of these freeways located within the City are not designated as scenic highways by the California Department of Transportation. There are no scenic resources, including, but not limited to trees, rocks, outcroppings, and historic buildings within a state scenic highway located within the Project site. Nor does the Project propose or require facilities or operations that would otherwise substantially damage such resources.

The Project is located in an urbanized area and is subject to those provisions of the City of Ontario Policy Plan (Policy Plan) and City of Ontario Development Code governing scenic quality. The Policy Plan Community Development Element establishes multiple Policies that protect scenic resources and promote high quality, visually compatible development. For example, Community Design Element Policy CD 1-2 requires that "development in growth areas to be distinctive and unique places within which there are cohesive design themes"; Policy CD 1-5 requires that "all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountains, which are part of the City's visual identity and a key to geographic orientation. Such views should be free of visual clutter, including billboards and may be enhanced by framing with trees"; Policy CD 2-1 encourages "all development projects to convey visual interest and character . . ."; Policy CD 2-15 supports "excellence in design and construction quality through collaboration with trade and professional organizations that provide expertise, resources and programs for developers, builders and the public."[4] The City would review development proposals for conformance with Policy Plan Community Development Element Policies prior to issuance of development permits.

[4] City of Ontario. "Policy Plan." The Ontario Plan, City of Ontario, www.ontarioplan.org/policy-plan/.

Additionally, all development proposals within the Specific Plan Area would be required to conform to the Specific Plan Development Regulations, Design Guidelines, and Implementation Plan (Specific Plan Chapters 5, 6, and 7 respectively). Conformance with the Specific Plan further ensures that the Project would not substantially degrade the existing visual character or quality of the site and its surroundings.

The Project would create new sources of lighting, including ground, building-mounted, wall-mounted, and pole-mounted lighting fixtures. The Project would also provide illuminated exterior signs. The City would assure that the proposed Merrill Commerce Center Specific Plan, as implemented, contains Development Regulations and Design Guidelines that would, at a minimum, conform to City regulations addressing lighting and light overspill (see: Development Code, Division 6.01 – *District Standards and Guidelines*, *Lighting*). All subsequent development within the Specific Plan area would be required to conform with the Specific Plan Development Regulations and Design Guidelines addressing light, glare and overspill. Conformance with the Specific Plan would minimize the potential for the Project to result in adverse light and glare impacts. Further all development proposals would be reviewed by the City for conformance with applicable light/glare provisions of the Compatibility Plan for Chino Airport.

As such, the Project would not result in potentially significant impacts for the following considerations:

- Have a substantial adverse effect on a scenic vista;

- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- In a non-urbanized area, substantially degrade the existing visual character or quality of the site and its surroundings; and

- Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

Agriculture and Forest Resources

There is currently no land in the City of Ontario that qualifies as forest land or timberland. Neither the Policy Plan nor the City's Development Code provide such designations. As such, the Project will not conflict with existing zoning for, or cause rezoning of, forest land or timberland, or result in the loss or conversion of forest land.

The Project does not involve other changes to the environment which could result in the conversion of farmland or forest land to other uses beyond those discussed in Section 4.11, *Agricultural Resources*.

Based on the preceding, the Project would not result in potentially significant impacts for the following considerations:

- Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned "Timberland Production;"

- Result in the loss of forest land or conversion of forest land to non-forest use; or

- 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.

Air Quality

Temporary, short-term odor releases are potentially associated with Project construction activities. Potential sources of odors associated with construction activities would include, but not be limited to: asphalt/paving materials, glues, paint, and other architectural coatings. Construction-source odor impacts are minimized through compliance with established regulations (Code of Federal Regulations [CFR], Subpart H-*Materials Handling, Storage Use and Disposal*, et al.) addressing construction materials storage, use, and disposal. In pertinent part the isolation/containment devices or mechanisms specified under these regulations prevent significant release of odors. The Project would be required to comply with these regulations.

Uses typically considered to be sources of odors or other emissions that could adversely affect a substantial number of people include agricultural operations, cement plants, wastewater treatment plants, and the like. The Project proposes none of these. Rather, the Project would implement contemporary high-cube fulfillment center warehouse and business park uses. Refuse generated by the Project uses could be a source of localized odors. Project refuse is required to be collected, contained, and disposed of as stipulated in the City of Ontario Municipal Code (see: Municipal Code, Chapter 3: *Integrated Solid Waste Management*).

Further, all Project construction activities, uses and occupancies would be required to conform to SCAQMD Rule 402. Rule 402 provides in pertinent part that there shall be no "discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property."

Based on the preceding, the Project would not result in potentially significant impacts for the following consideration:

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

Cultural Resources

There are no known formal cemeteries or informal burial sites within the Project site or in off-site areas that would likely be affected by Project construction activities. The likelihood of encountering human remains in the course of Project development is therefore considered minimal. Further, as required by California Health and Safety Code Section 7050.5, should human remains be found, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains were found to be prehistoric, the coroner would coordinate

with the California Native American Heritage Commission as required by State law.

Based on the preceding, the Project would not result in potentially significant impacts for the following consideration:

- Disturb any human remains, including those interred outside of formal cemeteries.

Geology and Soils

The Ontario Plan Draft EIR (Figure 5.7-2) identifies active and/or potentially active fault zones in the region, none of which are located within the City. There are no active faults known with the Project site, or in off-site areas that would be affected by Project construction activities. The Project site and potentially affected off-site locations are outside any Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Project does not propose actions or facilities that would otherwise exacerbate known or probable adverse earthquake fault conditions.

The Project site topography evidences little internal difference, with a general northeast to southwest downward trending slope. Elevations within the Project site range from approximately 686 feet above mean sea level (amsl) at the northeast corner of the Project site, to approximately 651 feet amsl at the southwest corner of the Project site – an elevation difference of approximately 35 feet over approximately 1.3 miles with average internal slopes ranging between +2.3 % to -2.6% (Google Earth Imagery 2018). The Project site is not considered internally susceptible to land sliding. Any slopes manufactured in the course of Project development would be subject to review and approval by the City Building Department to ensure their stability. Adjacent properties also present little topographic relief.

No septic tanks or other alternative wastewater disposal systems are proposed as part of the Project. The Project does not propose or require facilities or programs that would substantively affect off-site septic systems or alternative wastewater disposal systems.

Based on the preceding, the Project would not result in potentially significant impacts under the following topics:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault;

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides; or

- 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.

Hazards and Hazardous Materials

The Project site is located in an urbanizing area, and no wildlands are located in the vicinity of the Project site. Fire protection services are provided to the City and the Project site by the Ontario Fire Department. Pre-construction coordination with Fire Department staff and adherence to local fire regulations during construction and operation of the Project would be required. The Project site is located in an urbanizing area, and no wildlands are located in the vicinity of the Project site. Fire protection services are provided to the City and the Project site by the Ontario Fire Department. Preconstruction coordination with Fire Department staff and adherence to local fire regulations during construction and operation of the Project would be required. The City and Fire Department would require that fire prevention/fire suppression measures are incorporated in the Project designs and that water delivery systems serving the Project site provide adequate fire flow. Creation and maintenance of firebreaks and fire-defensible spaces adjacent to building and roadways as required by the City and Fire Department would further reduce the potential for exposure to wildland fires and the spread of wildland fires. The City would also enforce weed abatement measures, minimizing potential fire fuel loads. Lastly, as noted in the Ontario Plan Draft EIR, "development of the Ontario Ranch [including the Project site] would actually reduce fire

hazard risks for that area because, upon buildout, it would eliminate brush, dry grass, manure, and hay" (Ontario Plan Draft EIR, p. 5.8- 29).

Based on the preceding, the Project would not result in potentially significant impacts under the following topic:

- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Hydrology and Water Quality

Direct additions or withdrawals of groundwater are not proposed by the Project. Further, construction proposed by the Project would not involve substructures or other intrusions at depths that would significantly impair or alter the direction or rate of flow of groundwater. Water is provided throughout the City by the City of Ontario Utilities Department. Groundwater which may be consumed by the Project and the City of Ontario, as a whole, would be recharged pursuant to the Department's policies and programs. The Project site is not a designated groundwater recharge area. The Project does not propose or require facilities or operations that would otherwise adversely affect designated recharge areas.

Project construction activities would temporarily expose underlying soils, thereby increasing their susceptibility to erosion. Potential erosion impacts incurred during construction activities are mitigated below the level of significance through the Project's mandated compliance with a City-approved Storm Water Pollution Prevention Plan (SWPPP), as well as compliance with SCAQMD Rules that prohibit grading activities and site disturbance during high wind events. At Project completion, potential soil erosion impacts in the area will be resolved, as pavement, roads, buildings, and landscaping are established, overcovering previously exposed soils.

Based on the preceding, the Project would not result in potentially significant impacts under the following topics:

- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; or

- 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 result in substantial erosion or siltation on- or off-site.

Land Use and Planning

Pursuant to the Specific Plan as approved by the City, the Project would establish a pattern of cohesive and complementary land uses. The Specific Plan configuration and orientation of land uses, combined with integral development standards and design guidelines, act to preclude division or disruption of an established community, whether that community be internal or external to the Project site.

Physical arrangement of surrounding areas would not be modified or otherwise affected by the Project. Based on the preceding discussion, the Project's potential to disrupt or divide the physical arrangement of an established community is considered less-than-significant.

Based on the preceding, the Project would not result in potentially significant impacts under the following topic:

- Physically divide an established community.

Mineral Resources

Mineral resources in the City are limited to construction aggregates such as sand and gravel. There are currently no permitted mining operations located within the City (Ontario Plan Draft EIR, p. 5.11-2). The Ontario Plan Draft EIR at Figure 5.11-1, *Mineral Resources Zones,* indicates that the Project site is classified pursuant to the California Geological Survey as Mineral Resource Zone 3 (MRZ-3). The Ontario Plan Draft EIR

concludes that "[d]evelopment in a MRZ-3 [area] would not result in significant impacts as mineral resources of statewide or local importance are not identified in the California Geological Survey PC maps" (Ontario Plan Draft EIR, p, 5.11-6).

Based on the preceding, the Project would not result in potentially significant impacts under the following topics:

- Result in the loss of availability of a known mineral resource that would be of value to the region and to the residents of the state; and

- 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.

Population and Housing

Limited single-family residential uses (fewer than 20 single-family residences) exist within the Project site. These residences are ancillary to the site's current dairy/agricultural/trucking operations and would be demolished along with all other surface improvements as part of the Project site preparation activities. The loss of these residential units in the context of the City's existing 50,000 +/- housing units[5] is not considered substantial.

Based on the preceding, the Project would not result in potentially significant impacts under the following topic:

- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Public Services

Fire suppression and emergency response services for the Project would be provided by the Ontario Fire Department. The Ontario Plan Draft EIR recognizes the potential for

5 http://www.ontarioplan.org/wp-content/uploads/sites/4/2016/05/29467.pdf

development pursuant to the Ontario Plan, including development of the Ontario Ranch (formerly known as New Model Colony, NMC) area encompassing the Project site, to result in increased demands for fire protection services. (Ontario Plan Draft EIR, p. 5.14-5).

The Ontario Plan Draft EIR also recognizes that evaluation of potential environmental impacts resulting from the construction or expansion of new or modified fire protection facilities would be speculative until such time the location(s) of such facilities are determined. Environmental review of new or modified fire stations would be conducted when and as required by the City.

The Project does not propose or require construction or modification of fire protection facilities. The Project site is not designated or proposed as the location for new or modified fire protection facilities. Incremental fire protection service demands generated by the Project are offset through Project payment of City of Ontario General City (GC) Development Impact Fees. A portion of the City's GC Development Impact Fees are allocated for fire protection services. The Project Applicant would pay incumbent City GC Development Impact Fees at issuance of building permit(s).

The Ontario Fire Department has not indicated that substantial expansion of fire protection facilities or new fire protection facilities would be required as part of this Project. The Ontario Plan Draft EIR also recognizes that evaluation of potential environmental impacts resulting from the construction or expansion of new or modified fire protection facilities would be speculative until such time the location(s) of such facilities are determined. Environmental review of new or modified fire protection facilities would be conducted when and as required by the City.

Additionally, to the satisfaction of the Ontario Fire Department, the Project would comply with City and Fire Department fire prevention and suppression requirements, including building/site design requirements, fire flow adequacy, and provisions for emergency access, thereby reducing potential increased demands for fire protection services.

Police protection services for the Project would be provided by the Ontario Police Department. The Ontario Plan Draft EIR (see discussion excerpted below) recognizes the

potential for development pursuant to the Ontario Plan, including development of the Ontario Ranch (formerly known as New Model Colony, NMC) area encompassing the Project site, to result in increased demands for police protection services. (Ontario Plan Draft EIR, p. 5.14-8). The Ontario Police Department has not indicated that substantial expansion of police facilities or new police facilities would be required as part of this Project. The Project does not propose or require construction or modification of police protection facilities. Evaluation of potential environmental impacts resulting from the construction or expansion of new or modified police protection facilities would be speculative until such time the location(s) of such facilities are determined. Environmental review of new or modified police protection facilities would be conducted when and as required by the City.

The Project site is not designated or proposed as the location for new or modified police protection facilities. Incremental police protection service demands generated by the Project are offset through Project payment of City of Ontario General City (GC) Development Impact Fees. A portion of the City's GC Development Impact Fees are allocated for police protection services. The Project Applicant would pay incumbent City GC Development Impact Fees at issuance of building permit(s).

Additionally, the Project site plan concept and proposed building designs would be reviewed by the Ontario Police Department to ensure incorporation of appropriate safety and security elements. Such design features would include secure building designs, defensible spaces, and area and facility security lighting. These design features would act to reduce Project demands for police protection services.

The Project site lies within the Chino Valley Unified School District. The Project does not propose residential uses that would result in populations of resident school-aged children requiring public education, and would therefore not directly cause or contribute to a need to construct new or physically altered public school facilities. Indirectly, the Project may contribute to area demands for school services if Project employees and their school age children would relocate to school districts serving the City.

The Project does not propose or require construction or modification of school facilities. The Project site is not designated or proposed as the location for new or modified school facilities. Project incremental impacts to school services would be offset through payment of school impact fees. The Project Applicant would pay incumbent school impact fees at issuance of building permit(s). Payment of school impact fees would reduce the Project's potential impacts to school services to levels that would be less-than-significant.

Uses proposed by the Project would not increase demands for parks or parks services.

Development of the Project would require established public agency oversight including, but not limited to, various plan check and permitting actions by the City. Impacts of the Project would fall within routine tasks of these agencies/departments and are paid for via plan check and inspection fees. Impacts of the Project would not be of such magnitude that new or physically altered facilities would be required. There are no known or probable other public facilities that would be substantially affected by the Project.

Based on the preceding, the Project would result in less-than-significant impacts under the following topics:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts for any of the public services:

    - Fire Protection;
    - Police Protection;
    - Schools;
    - Parks; or
    - Other Public Facilities.

Recreation

The Project does not propose residential development, and would not directly contribute to resident populations that would increase the use of existing neighborhood and regional

parks or other recreational facilities. Job opportunities created by the Project may result in relocation of persons to the City that could indirectly contribute to resident populations, demands for new housing, and resulting increased use of existing neighborhood and regional parks or other recreational facilities. New residential development within the City is required to pay City GC Development Impact Fees, a portion of which would be allocated for parks facilities, acting to offset incremental demands on neighborhood and regional parks or other recreational facilities.

The Project does not propose recreational facilities. Based on the discussion above, the Project would not require the construction or expansion of recreational facilities.

Based on the preceding, the Project would result in less-than-significant impacts under the following topics:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated; and

- Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

Wildfire

CAL FIRE maintains California Fire Hazard Severity Zone Maps, including maps for State responsibility areas, as well as local responsibility areas.[6] As shown on the State responsibility map for southwestern San Bernardino County, the City of Ontario is located within a local responsibility area. According to the local responsibility map, Ontario is located in a non-very high fire hazard severity zone (Non-VHFHSZ).

6 http://www.fire.ca.gov/fire_prevention/fhsz_maps_sanbernardinosw

As such, the Project is not located within or near a state responsibility area, or within an area classified as a very high fire hazard severity zone. All development within the Specific Plan area would be required to comply with City building and Fire Codes. All building plans within the City are reviewed by the Ontario Fire Department to ensure their compliance with the City's fire code. Additionally, the Ontario Plan Draft EIR at page 5.8-29 states, ". . . development of the Ontario Ranch would actually reduce fire hazard risks for that area because, upon buildout, it would eliminate brush, dry grass, manure, and hay."

Based on the preceding, the Project would result in less-than-significant impacts under the following topics:

- Substantially impair an adopted emergency response plan or emergency evacuation plan;

- 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;

- 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; or

- 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.

1.7 AREAS OF CONCERN OR CONTROVERSY

Section 15123 of the *CEQA Guidelines* requires that the EIR summary identify areas of potential concern or controversy known to the lead agency, including issues raised by other agencies and the public. Issues of concern were identified by the Lead Agency,

through responses to the Project Initial Study (IS)/Notice of Preparation (NOP), and other communications addressing the Project and the Project EIR.

Responses received pursuant to distribution of the NOP and Public Scoping Meeting are presented at EIR Appendix A. Table 1.7-1 presents a list of NOP respondents, and a corresponding summary of NOP comments, indicated by *italicized text*. Responses to comments, together with correlating EIR references are indicated in subsequent statements. Unless otherwise noted, all NOP respondent comments are addressed within the body of the EIR.

Table 1.7-1
List of NOP Respondents and Summary of NOP Comments

Respondent	Summary of Comments
State Agencies	
Office of Planning and Research - State Clearinghouse (SCH)	*SCH provided receipt and record of distribution of the NOP/IS and established the NOP review and comment period of April 12 through May 13, 2019. SCH assigns the SCH No. 2019049079 to the Project environmental documents.* EIR Appendix A includes a copy of the Project IS/NOP and NOP Responses.
State of California Native American Heritage Commission (NAHC)	*NAHC provides procedural guidance in evaluating and determining potential impacts to cultural resources and Tribal Cultural Resources (TCRs).* The EIR evaluates potential impacts to cultural resources consistent with NAHC guidelines and requirements. Please refer to EIR Section 4.10, *Cultural Resources/Tribal Cultural Resources*.
California Air Resources Board (CARB)	*CARB identifies potential air quality impact concerns including potential health risks associated with air pollutants generated during Project construction and Project operations.* Potential air quality impacts of the Project, including potential health risks associated with air pollutant emissions generated during Project construction and Project operations are addressed at EIR Section 4.3, *Air Quality*. As matter of clarification for the commentor, the Project evaluated in the EIR assumes 701,400 square feet of high-cube cold storage warehouse use.
California Department of Conservation (DOC)	*DOC identifies potential impacts to agricultural resources and Williamson Act contract properties.* Potential agricultural resources impacts are considered and addressed at EIR Section 4.11, Agricultural Resources. Cancellation of the existing Williamson Act Contracts are identified as a Project Discretionary Action.
California Department of Transportation District 8 (Caltrans)	*Caltrans notes its roles as the owner and operator of the State Highway System (SHS) and as a CEQA Responsible Agency. Caltrans notes that the Project traffic may impact the SHS and recommends that a Traffic Impact Analysis (TIA) be prepared for the Project and submitted to Caltrans prior to circulation of the DEIR. Caltrans provides various design*

Table 1.7-1
List of NOP Respondents and Summary of NOP Comments

Respondent	Summary of Comments
	recommendations for transportation system improvements that may be implemented by the Project. Caltrans is recognized as the owner and operator of the SHS and as a CEQA Responsible Agency. Consistent with Caltrans recommendations, a TIA has been prepared for the Project. The TIA is presented at EIR Appendix C and has been provided to Caltrans under separate cover. Caltrans transportation system design recommendations are recognized and have been incorporated where appropriate.
County/Regional Agencies	
Santa Ana Regional Water Quality Control Board (SARWQCB)	*SARWQCB recommends that DEIR address potential impacts to water quality resulting from demolition of dairies to include disposition of manure, wastewater and soils. SARWQCB recommends that DEIR address potential increase of stormwater runoff through on-site and/or off-site dairy production areas. SARWQCB recommends that DEIR include pertinent requirements of Regional Board Order No. R8-2010-0036, for controlling post-construction stormwater pollutant discharges.* Potential Project hydrology/water quality impacts, including those noted by SARWQCB, are addressed at DEIR Section 4.7, *Hydrology/Water Quality*. In total stormwater management systems implemented by the Project would result in net improvement in existing drainage and water quality conditions. Disposition of potentially contaminated soils is addressed at EIR Section 4.6, *Hazards/Hazardous Materials*. The Project Water Quality Management Plan (WQMP, EIR Appendix H) responds to Regional Board Order No. R8-2010-0036 requirements for controlling post-construction stormwater pollutant discharges.
San Bernardino County, Department of Public Works (DPW)	DPW review and permitting requirements are identified. DPW requests inclusion on the circulation/notification lists for all Project notices, public reviews, and public hearings. Potential environmental impacts resulting construction of off-site infrastructure improvements, including master plan drainage improvements are comprehensively addressed in the EIR. The Project Applicant will comply with all DPW review and permitting requirements. Concurrent with final designs of master plan drainage improvements, the City will coordinate with DPW and other extra-jurisdictional agencies in instances where master plan drainage improvements would interface with or potentially affect DPW or other extra-jurisdictional facilities. DPW has been included on the circulation/notification lists for all Project notices, public reviews, and public hearings.
South Coast Air Quality Management District (SCAQMD)	*SCAQMD provides detailed guidance in regard to the preparation of the Project air quality impact analysis and greenhouse gas analysis, and requests that modeling data and electronic copies air quality technical studies accompany submittal of the Draft EIR to SCAQMD.* The Project Air Quality Impact Analysis (AQIA) and Greenhouse Gas Analysis GHGA) are presented at EIR Appendices D and E, respectively. Specific topics referenced by SCAQMD in their NOP response are addressed at EIR Sections 4.3, *Air Quality*; and 4.4, *Greenhouse Gas Emissions*. Modeling data files, technical

Table 1.7-1
List of NOP Respondents and Summary of NOP Comments

Respondent	Summary of Comments
	studies and supporting air quality documentation have been provided to SCAQMD in electronic format(s) as requested.
Local Agencies	
City of Chino	*The City of Chino requests review of infrastructure improvements that may affect off-site areas in the City of Chino. The City of Chino requests review of the Project traffic study scoping agreement including proposed trip distribution and analyzed Study area intersections.* The EIR comprehensively addresses potential impacts associated with implementation of proposed infrastructure improvements, including potential impacts at off-site locations. The City of Ontario will coordinate final designs and construction of infrastructure improvements with all potentially affected extra-jurisdictional agencies. The TIA Scoping Agreement is provided at TIA Appendix 1.1. All potentially affected transportation/traffic facilities located with the City of Chino have been evaluated within the Project TIA. The Project TIA also considers effects of related cumulative projects located in the City of Chino. Please refer also to EIR Section 4.2, *Transportation*.

1.8 EIR TOPICAL ISSUES

Based upon the Initial Study analysis, comments received pursuant to circulation of the NOP, and other public/agency input, the analysis of the EIR addresses the following topics:

- Agricultural Resources;
- Air Quality;
- Biological Resources;
- Cultural/Tribal Resources;
- Energy;
- Geology and Soils;
- Greenhouse Gas Emissions;
- Hazards/Hazardous Materials;
- Hydrology/Water Quality;
- Land Use and Planning;
- Noise;

- Population/Housing;
- Transportation; and
- Utilities and Service Systems.

Additionally, EIR Section 5.0, *Other CEQA Considerations*, presents discussions of other mandatory CEQA topics including:

- Cumulative Impact Analysis;
- Alternatives Analysis;
- Growth-Inducing Impacts of the Proposed Action;
- Significant Environmental Effects;
- Significant and Irreversible Environmental Changes; and
- Energy Conservation.

1.9 SUMMARY OF SIGNIFICANT PROJECT IMPACTS

Implementation of the Project as proposed will result in certain impacts which are determined to be significant. These impacts are discussed in detail in the body of the EIR text under their associated topical headings, and are summarized below.

Table 1.9-1
Summary of Significant and Unavoidable Impacts

Environmental Topic	Comments
Transportation	**Vehicle Miles Traveled (VMT) Impacts** Consistent with to CEQA Guidelines Section 15064.3 requirements (statute effective July 1, 2020) this EIR presents an analysis of the Project's potential vehicle miles traveled (VMT) impacts. Detailed analysis of the Project's potential VMT impacts is presented in Merrill Commerce Center Specific Plan, Vehicle Miles Traveled (VMT) Assessment (Urban Crossroads, Inc.) January 14, 2020 (Project VMT Assessment). The Project VMT Assessment is presented at EIR Appendix C. The Project VMT Assessment estimates the Project VMT/Service Population (Project VMT/SP) and compares the Project VMT/SP to a calculated City Average Existing VMT/SP. Project VMT/SP that would exceed 85 percent of the City Average Existing VMT/SP would be considered a potentially significant VMT Impact. Potentially significant VMT impacts are mitigated through implementation of Transportation Demand Management (TDM) measures. However, even with implementation of proposed TDM measures, Project VMT impacts would be individually and cumulatively significant and unavoidable.
Air Quality	EIR Section 4.3, *Air Quality*, details the Project's potential air quality impacts. As discussed within that Section, even after compliance with applicable regulations and requirements, and application of

Table 1.9-1
Summary of Significant and Unavoidable Impacts

Environmental Topic	Comments
	mitigation measures, the Project would result in the following significant and unavoidable air quality impacts: • The South Coast Air Basin (SCAB, Basin) encompassing the Project site is designated as non-attainment for ozone, PM10, and PM2.5 (VOC and NOX are both ozone precursors; NOX is a precursor to PM10/PM2.5). Project operational-source VOC, NOX, PM10, and PM2.5 emissions regional threshold exceedances would result in a cumulatively considerable net increase in criteria pollutants (ozone and PM10/PM2.5) for which the Project region is non-attainment. These are cumulatively significant and unavoidable air quality impacts. • Because a change in land use is proposed under the Project, it is assumed that the emissions generated by the Project's proposed land uses are not reflected in the 2016 AQMP air quality standards, interim emissions reductions targets, and emissions inventories. Consequently, development of the subject site as proposed by the Project is conservatively assumed to conflict with the 2016 AQMP. This is a significant and unavoidable impact.
GHG Emissions	EIR Section 4.4, *Greenhouse Gases*, details the Project's potential GHG emissions impacts. As discussed within that Section, even after compliance with applicable regulations and requirements, and application of mitigation measures, the Project GHG could directly or indirectly generate GHG emissions that may have a significant impact on the environment. Further, the Project could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. These are cumulatively significant and unavoidable impacts.
Noise	EIR Section 4.5, *Noise*, details the Project's potential noise impacts. As discussed within that Section, even after compliance with applicable regulations and requirements, and application of mitigation measures, noise impacts associated with the construction of off-site infrastructure improvements would be individually and cumulatively significant and unavoidable for the duration of off-site infrastructure construction activities.
Cultural (Historic) Resources	As discussed at EIR Section 4.10, *Cultural/Tribal Cultural Resources*, 5 buildings or structures within the Project site appear to qualify as Contributors to the New Model Colony / Chino Valley Dairy Historic District (District). These 5 potential Contributors would be demolished to allow for implementation of the Project. Per CCR Title 14, Section 15126.4(b), the demolition or destruction of a historical resource cannot typically be fully mitigated. Demolition of potential District Contributors resulting from the Project is therefore considered a significant and unavoidable impact. The proposed demolition of potential District Contributors within the Project site would considerably and cumulatively contribute to impacts to District historic resources. This is a cumulatively significant impact.
Agricultural Resources	As substantiated at EIR Section 4.11, *Agricultural Resources*, the Project would result in conversion of on-site Farmland to urban uses. Additional conversion of off-site agricultural lands to non-agricultural purposes could also occur as a result of construction of master plan infrastructure improvements supporting the Project. These are considered to be significant and unavoidable impacts. However, the Project would not cause or result in significant and unavoidable agricultural resources impacts and loss of Farmland impacts beyond those already considered and addressed in the Ontario Sphere of Influence (New Model Colony [Ontario Ranch]) General Plan Amendment EIR, The Ontario Plan EIR, and the [City of Ontario] Infrastructure Master Plans MND. The Project would not result in new significant and unavoidable agricultural resources impacts and loss of Farmland not otherwise occurring pursuant to the Policy Plan Land Use Plan.

As substantiated within this EIR, all other potential environmental effects of the Project would be less-than-significant or are reduced below levels of significance with application of mitigation measures identified herein. A summary of all Project impacts and proposed mitigation measures is presented in EIR Section 1.11, *Summary of Impacts and Mitigation*.

1.10 ALTERNATIVES TO THE PROJECT

Consistent with provisions of the *CEQA Guidelines*, this EIR evaluates alternatives to the Project that would lessen its significant environmental effects while allowing for attainment of the basic Project Objectives. Alternatives to the Project are described and summarized below. Please refer also to the detailed Alternatives Analysis presented in EIR Section 5.0, *Other CEQA Considerations*; 5.2, *Alternatives Analysis*.

Alternatives to the Project considered in detail include:

- No Project Alternative: No Build;
- No Project Alternative: Development per Existing Policy Plan Land Uses; and
- Reduced Intensity Alternative.

As provided for at *CEQA Guidelines* 15126.6(c), alternatives that were considered by the lead agency but were rejected as infeasible are also identified. These included:

- Alternative Sites;
- "No Threshold Exceedance" Alternative for Significant Transportation Impacts;
- "No Threshold Exceedance" Alternative for Significant Air Quality Impacts;
- "No Threshold Exceedance" Alternative for Significant GHG Impacts;
- "No Threshold Exceedance" Alternative for Significant Noise Impacts;
- Preservation Alternatives for Significant Historical Resources Impacts;
- "No Threshold Exceedance" Alternative for Significant Agricultural Resources Impacts.

1.10.1 No Project Alternatives

1.10.1.2 Overview

The *CEQA Guidelines* require that the EIR include in its evaluation of Alternatives a "No Project" Alternative. Within this analysis, two No Project scenarios are considered – "No Build" and "Development per Existing Policy Plan Land Uses."

No Project Alternative: No Build

If a No Build scenario were maintained, its comparative environmental impacts would replicate the existing conditions discussions for each of the environmental topics evaluated in this EIR; and comparative impacts of the Project would be as presented under each of the EIR environmental topics. A No Build condition would achieve none of the basic Project Objectives.

No Project Alternative: Development per Existing Policy Plan Land Uses

The No Project Alternative: Development per Existing Policy Plan Land Uses (Existing Policy Plan Land Uses) scenario represents foreseeable development of the subject site pursuant to the site's current Policy Plan Land Use designations. Table 1.10-1 compares the composition and scope of uses under the Project with development that could result under the Existing Policy Plan Land Uses scenario.

Table 1.10-1
Site Development Comparison
Project and No Project Alternative: Existing Policy Plan Land Uses

Project	No Project Alternative: Existing Policy Plan Land Uses
Business Park: 55.1 acres; 1,441,000 building sf	Business Park: 314.7 acres; 8,225,000 building sf
N/A	Office Commercial: 43.3 acres; 1,414,600 building sf
N/A	General Commercial: 18.3 acres; 318,900 building sf
Industrial: 292.8 acres; 7,014,000 building sf	N/A
Circulation: 28.4 Acres	N/A
Total: 376.3 Acres; 8,455,000 building sf	**Total: 376.3 Acres; 9,958,500 building sf**

Sources: Policy Plan Land Use Element; Merrill Commerce Center Specific Plan.
Notes:
1. Maximum building square footage calculated by multiplying the total acreage of each land use by the anticipated floor area ratio (FAR) for the respective land use designation. Per Policy Plan Table LU-02 Land Use Designations Summary Table: Industrial FAR = 0.55; Business Park FAR = 0.60; General Commercial FAR = 0.040; Office Commercial FAR = 0.75.

1.10.2 Reduced Intensity Alternative

The Reduced Intensity Alternative focuses on a development scenario that would reduce the significant operational-source air quality impacts otherwise occurring under the Project.

Of the total operational-source emissions generated by the Project, approximately 90 percent (by weight) would be generated by Project traffic. An effective way to reduce the Project operational-source emissions would therefore be an Alternative that would reduce the total amount of traffic generated by the Project.

Based on the reduction in total traffic, the Reduced Intensity Alternative would also reduce the scope and/or intensity of significant transportation impacts, air quality impacts, and GHG emissions impacts that would result from implementation of the Project.

For purposes of the EIR Alternatives Analysis, the Reduced Intensity Alternative would implement the proposed Merrill Commerce Center Specific Plan uses at an approximately 25 percent reduction in overall development intensity. The mix of land uses proposed by the Project would be proportionally maintained under the Reduced Intensity Alternative. When compared to the approximately 8,455,000 square feet of light industrial/ business park uses proposed by the Project, the Reduced Intensity alternative would realize approximately 6,341,000 square feet of light industrial/business park development. Development under the Project and the Reduced Intensity Alternative is compared at Table 1.10-2.

Table 1.10-2
Site Development Comparison
Project and Reduced Intensity Alternative

Project	Reduced Intensity Alternative
Business Park: 55.1 acres; 1,441,000 building sf	Business Park: 55.1 acres; 1,081,000 building sf
Industrial: 292.8 acres; 7,014,000 building sf	Industrial: 292.8 acres; 5,260,000 building sf
Circulation: 28.4 Acres	Circulation: 28.4 Acres
Total: 376.3 Acres; 9,958,500 building sf	**Total: 376.3 Acres; 6,341,000 building sf**

Sources: Project Development - Merrill Commerce Center Specific Plan; Reduced Intensity Alternative Development - Applied Planning, Inc.

1.10.3 Alternatives Considered and Rejected

1.10.3.1 Alternative Sites Considered and Rejected

As stated in the *CEQA Guidelines* §15126.6 (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." *CEQA Guidelines* §15126.6 (f) (1) also provides that when considering the feasibility of potential alternative sites, the factors that may be taken into account include: "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent). None of these factors establishes a fixed limit on the scope of reasonable alternatives."

As discussed below, relocation of the Project would not avoid or substantially lessen the Project's significant impacts. Further, there are no feasible alternative sites under control or likely control of the Applicant that would allow for relocation of the Project in manner that could substantially reduce the Project's significant environmental impacts.

Significant Transportation Impacts Not Substantially Reduced at Alternative Site

- Relocation to an Alternative Site is not likely to achieve any measurable reduction in the Project's VMT impacts. VMT impacts are influenced by the Project location, but are also a product of the Project land uses. Relocation of the Project within the City could shorten certain worker commutes trip lengths; however, others could be lengthened. There is no demonstrable evidence indicating that worker trip lengths would be substantially altered by relocation of the Project. Further, Project truck trip lengths are determined by SCAQMD trip length modeling protocols, and would not be affected by relocation of the Project site. Further, there are no feasible alternative sites under control or likely control of the Applicant that

would allow for relocation of the Project and associated reassignment of traffic that in manner that could substantially reduce VMT impacts.

Significant Air Quality Impacts Not Substantially Reduced at Alternative Site

- Relocation to an Alternative Site would not likely achieve any measurable reduction in the Project's operational-source air quality impacts and contributions to nonattainment conditions. Relocation of the Project anywhere within the South Coast Air Basin would not alter or diminish the significance of this impact.
- The AQMP land use inconsistency resulting from the Project could not be feasibly avoided by relocation of the Project to an alternative site. That is, there are no alternative sites under control or likely control of the Applicant that would allow for relocation of the Project and that would preclude a changes or changes in land use designations.

Significant Noise Impacts Not Substantially Reduced at Alternative Site

- Significant noise impacts are assumed to occur at land uses adjacent to alignments of off-site infrastructure to be constructed by the Project. These infrastructure alignments are determined by, and are consistent with, City infrastructure master plans. These master plan infrastructure alignments are beyond the control of the Applicant. Relocation of the Project would not substantially alter master plan infrastructure alignments, or substantially diminish construction-source noise impacts that are assumed to occur at adjacent land uses. Moreover, there are no alternative sites under control or likely control of the Applicant that would allow for relocation of the Project and that would substantially reduce construction-source noise impacts affecting land uses adjacent to infrastructure alignments.

Significant GHG Emissions Impacts Not Substantially Reduced at Alternative Site

- GHG emissions impacts are by definition cumulative and global in their effects. Relocation of the Project would not alter or diminish the significance of its GHG emissions impacts.

Significant Impacts to Historical Resources Not Substantially Reduced at Alternative Site

- Consistent with City requirements, the EIR incorporates mitigation that would reduce impacts to the 5 potential contributors to historical resources to the extent feasible. However, buildout of the City as envisioned under The Ontario Plan would ultimately result in urbanization of the area and would not allow for relocation of the Project in manner that would preclude or substantially reduce historical resources impacts otherwise resulting from the Project. In this regard, the Ontario Plan EIR recognizes that implementation of the Proposed General Plan Land Use Plan could threaten historic resources, and recognizes these impacts as significant and unavoidable (General Plan EIR, pp. 5.5-23, 5.5-24). Moreover, there are no alternative sites of under control or likely control of the Applicant that would allow for relocation of the Project and that would substantially reduce potential impacts to historic resources.

Significant Agricultural Resources Impacts Not Substantially Reduced at Alternative Site

- The Project's significant agricultural resources impacts are consistent with the significant agricultural resources impacts anticipated under buildout of the City. In this regard, The Ontario Plan envisions the City buildout condition comprising urban mixed-use, commercial, industrial, and residential land uses. The Ontario Plan vision does not support the continuation of existing agricultural uses. In this latter regard, existing agricultural uses within the City are becoming economically unsustainable and represent land uses that are increasingly incongruous with continuing urbanization of the City. Moreover, there are no alternative sites under control or likely control of the Applicant that would allow for relocation of the Project and that would substantially reduce agricultural resources impacts.

Based on the preceding considerations, analysis of an Alternative Site as means of reducing the Project's significant environmental impacts was not further considered.

1.10.3.2 "No Threshold Exceedance" Alternative for Significant Transportation Impacts Considered and Rejected

VMT impacts are defined in terms of miles traveled per service population (VMT/SP). Reduction in VMT impacts could therefore be potentially reduced by diminishing trip lengths relative to the service population, or increasing the service population relative to trip lengths. Trip lengths for the Project are fixed by its location and land use context. As noted previously in these discussions, relocation of the Project would likely not substantially reduce VMT impacts. The Project Service Population is a function of the land uses proposed. Alteration of the Project land uses would be required in order to significantly increase the Service Population while maintaining or decreasing VMT and thereby improve the VMT/SP ratio and diminish potential VMT impacts. Such land use alterations would result in some undefined development concept other than the Project evaluated in this EIR. Analysis of this other, undefined development would be speculative and would not support the Project Objectives; and is therefore not considered here.

Based on the preceding, there are no feasible means or alternatives to avoid this impact or reduce the impact to levels that would be less-than-significant.

1.10.3.3 "No Threshold Exceedance" Alternative for Significant Air Quality Impacts Considered and Rejected

In order to reduce Project operational-source air quality emissions to levels that would preclude exceedance of all SCAQMD thresholds, the Project scope would need to be reduced by approximately 90 percent (this would achieve the most restrictive threshold [NO_x] and all subordinate thresholds). At such a reduction in scope, however, the Project Objectives would not be realized in any meaningful sense. As such, potential alternatives with the specific goal of avoiding all significant operational-source air quality impacts resulting from the Project were rejected from consideration, and are not further evaluated in this discussion.

The Project operational-source emissions exceedances noted herein would result in cumulatively considerable contributions to existing Basin pollutant non-attainment conditions. For the same reasons noted above, there are no feasible means or alternatives

to avoid this impact or reduce the impact to levels that would be less-than-significant. However, this impact and all operational-source air quality impacts would be diminished under the EIR Reduced Intensity Alternative.

The Project proposes Policy Plan Land Use amendments that would allow for implementation of the Project uses. Because the Project's proposed Policy Plan Land Uses designations are not reflected in the AQMP, the Project is considered to be inconsistent with AQMP emissions assumptions and projected AQMP emissions inventory. To maintain AQMP consistency, avoidance of the proposed amendments to the site's current Policy Plan Land Use designations would be required. This would effectively negate the Project in total. Additionally, there are no alternative locations under control or likely control of the Applicant that would preclude any potential change in land use designations, thereby avoiding potential inconsistencies with the AQMP.

Based on the preceding, there are no feasible means or alternatives to avoid this impact or reduce the impact to levels that would be less-than-significant.

1.10.3.4 "No Threshold Exceedance" Alternative for GHG Emissions Impacts Considered and Rejected

The Project cannot feasibly achieve no net increase in GHG emissions, nor can the applicable SCAQMD screening-level threshold (3,000 MTCO2e/year) be achieved. In this regard, the majority (approximately 70 percent) of the Project GHG emissions would be generated by Project vehicular sources. Responsibility and authority for regulation of vehicular-source emissions resides with the State of California (CARB, et al.). Neither the Applicant nor the Lead Agency can effect or mandate substantive reductions in vehicular-source GHG emissions, much less reductions that would achieve no net increase condition or achieve the SCAQMD screening-level 3,000 MTCO2e/year threshold. In effect, all Project traffic would need to be eliminated or be "zero GHG emissions sources" in order to achieve the SCAQMD threshold. There is no feasible means to or alternatives to eliminate all Project traffic, or to ensure that Project traffic would zero GHG emissions sources. In terms of its practical application, this would constitute a "no build" condition.

The Project would implement all feasible measures to provide consistency with the current City CAP and pending CAP update. The CAP as updated by the City may implement performance standards and GHG emissions reduction targets differing from the current CAP. There is therefore the potential for Project development proposals to conflict with as-yet-unknown performance standards and GHG emissions reduction targets implemented under the pending CAP updates, and thereby result in GHG emissions that would be considered to represent a significant impact on the environment. Moreover, it cannot be assured that the CAP as updated by the City would be determined to be consistent with applicable State and regional plans adopted for the for the purpose of reducing the emissions of greenhouse gases. There are no feasible alternatives that would ensure consistency with the pending CAP update, or to ensure that the CAP update would be consistent with applicable State and regional plans adopted for the for the purpose of reducing the emissions of greenhouse gases.

Based on the preceding, there are no feasible means or alternatives to avoid this impact or reduce the impact to levels that would be less-than-significant.

1.10.3.5 "No Threshold Exceedance" Alternative for Significant Noise Impacts Considered and Rejected.

Construction-source noise impacts resulting construction of off-site infrastructure improvements would be significant and unavoidable. Construction-source noise impacts reflect maximum noise levels generated by likely operations of typical construction equipment. The types and quantities of equipment employed, and associated maximum noise levels generated, would not differ substantively under any reasonable scenario for construction of off-site infrastructure.

Based on the preceding, there are no feasible means or alternatives to avoid this impact or reduce the impact to levels that would be less-than-significant.

1.10.3.6 Preservation Alternatives for Significant Historical Resources Impacts Considered and Rejected

Consistent with City requirements, this EIR incorporates mitigation that would reduce impacts to historical resources to the extent feasible. However, even with application of mitigation, impacts would be significant and unavoidable. In this regard, the Ontario Plan EIR recognizes that implementation of the Proposed Land Use Plan could threaten historic resources and recognizes these impacts as significant and unavoidable (General Plan EIR, pp. 5.5-23, 5.5-24). Preservation Alternatives that could lessen or avoid impacts to historical resources were also considered, but were ultimately determined to be infeasible and were therefore rejected. These Alternatives and the basis for their rejection are summarized below:

- **In Situ Retention:** In situ of these contributors would be incompatible with, and would conflict with the proposed Specific Plan Land Use Plan, Development Standards, and Design Guidelines and would not allow for implementation of the Project. In situ retention of these contributors is therefore not considered feasible.

- **Retention and Adaptive Reuse:** Similarly, retention and adaptive reuse of these contributors would be incompatible with, and would conflict with the proposed Specific Plan Land Use Plan, Development Standards, and Design Guidelines and would not allow for implementation of the Project. Retention of and adaptive use of these contributors is therefore not considered feasible.

- **Relocation:** Relocation of the contributors may be possible, pending identification of a recipient site that is within the New Model Colony [Ontario Plan] boundaries and that maintains similar setting and location, and historic associations. Additionally, each relocated building should retain original materials and design features that give evidence of original workmanship and feeling / aesthetic such that the resource, upon relocation, maintains the ability to convey its identified significance. There are no designated recipient sites that meet the relocation criteria noted. Moreover, buildout of the City as envisioned under The Ontario Plan would ultimately result in urbanization of the area and would not allow for

relocation at a recipient site that maintains similar setting, and location, and historic associations for the affected contributors. Relocation of the contributors is therefore considered infeasible.

Based on the preceding, there are no feasible means or alternatives to avoid this impact or reduce the impact to levels that would be less-than-significant.

1.10.3.7 "No Threshold Exceedance" Alternative for Significant Agricultural Resources Impacts Considered and Rejected

The Ontario Plan vision does not support the continuation of existing agricultural uses within the City. In this regard, existing agricultural uses within the City are becoming economically unsustainable and represent land uses that are increasingly incongruous with continuing urbanization of the City.

Long-term maintenance of agricultural/farmland uses within the Project site would therefore be contrary to General Plan Land Use Plan and the goals of the Ontario Plan. Persisting agricultural/farmland uses within the Project site would likely result in on-going and increasing land use incompatibilities as surrounding areas continue to urbanize as envisioned under the General Plan. Long-term maintenance of agricultural/farmland uses within the Project would therefore potentially exacerbate rather than reduce environmental impacts. Further, transition of the Project site from agricultural/farmland uses and associated significant impacts to agricultural uses are consistent with and have been previously addressed in certified/adopted City environmental documents. The Project would not result in significant agricultural resources impacts not already considered and addressed in these documents.

Moreover, there are no alternative sites under control or likely control of the Applicant that would allow for relocation of the Project and that would substantially reduce agricultural resources impacts. Replacement of agricultural resources at an off-site location would require the Applicant to purchase off-site replacement acreage not designated as Farmland, and improve or restore it to Farmland status. Creation of additional Farmland in the City is contrary to the General Plan Land Use Plan policies and vision as summarized previously, and would require comprehensive amendment of

the General Plan. Neither the City nor Applicant has indicated that such amendment is warranted or desired, and neither has initiated such action.

Additionally, creation of new Farmland-status properties within the City could result in new and additional adverse impacts to the environment associated with typical farm/dairy operations, including but not limited to:

- Animal waste and creation of methane gas, and soil contamination from nitrates and ammonia.

- Use of petroleum products and above ground storage tanks (ASTs) used for fueling, maintaining and repairing farm equipment.

- Use of formaldehyde, iodine, glycerol, muriatic acid and chlorinated alkaline as cleaning solutions. Application of pesticides to prevent parasite infestations.

- Holding ponds for contaminated runoff from agricultural/dairy farm operations and discharge of wastewater from these processes to pastures or to the area drainage system.

- Accumulating general debris that may have the potential to impact on-site surficial soil.

- Potential presence of septic systems.

These adverse impacts would be amplified at the interface of any agricultural uses imposed within the City's urbanizing context.

Further, creation of new Farmland-status properties outside the City is beyond the Lead Agency and Applicant control. The Farmland status at any site would be assigned through the California Department of Conservation Farmland Mapping and Monitoring Program *Important Farmland Series* mapping protocol. Additionally, creation of new

Farmland-status properties at extra-jurisdictional locations could result in adverse impacts noted above. These impacts would be similar to those the City has experienced, and seeks to avoid through implementation of the Policy Plan Land Use Plan.

Based on the preceding, there are no feasible means or alternatives to avoid this impact or reduce the impact to levels that would be less-than-significant.

1.10.4 Environmentally Superior Alternative

The *CEQA Guidelines* require that the environmentally superior alternative (other than the No Project Alternative) be identified among the Project and other Alternatives considered in an EIR.

Excluding the No Project Alternatives as stipulated under CEQA[7], the Reduced Intensity Alternative would likely result in a general reduction in environmental effects when compared to the Project. For the purposes of CEQA, the Reduced Intensity Alternative is identified as the "environmentally superior alternative."

Reduced Intensity Alternative Would Reduce but Would not Eliminate Significant Impacts

The Reduced Intensity Alternative would reduce, but not eliminate the Project's significant impacts in regard to transportation, air quality, GHG emissions, noise, agricultural resources noise. More specifically:

- Traffic volumes otherwise generated by the Project may be reduced. However, significant traffic impacts at Study Area facilities would likely persist until such time as the recommended improvements are completed.

- Total VMT would be reduced. However, VMT/SP ratios would be similar to the Project and related VMT impacts would be significant and unavoidable.

[7] If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (*CEQA Guidelines* Section 15126.6 (e)(2)).

- The magnitude of operational-source air quality impacts (VOC, NO_x, CO, PM_{10} and $PM_{2.5}$ emissions impacts) would be diminished but would remain significant and unavoidable.

- Construction-source noise impacts affecting off-site properties along infrastructure improvements corridors would be similar to the Project and would remain significant and unavoidable.

- Demolition of historic District Contributors would be required. Impacts to historic resources would be similar to the Project and would remain significant and unavoidable.

- GHG emissions impacts would be similar to the Project and would remain significant and unavoidable.

- Agricultural resources impacts would be similar to the Project and would remain significant and unavoidable.

Reduced Intensity Alternative Would Marginalize Attainment of Project Objectives
Based on the reduction in overall development scope, the Reduced Intensity Alternative would broadly restrict attainment of all Project Objectives. Where quantifiable (e.g., additional sales tax revenues, job creation, incremental property tax revenues), this reduction in attainment of Objectives would be approximately 25 percent less than would be otherwise realized under the Project. Qualitatively, development of the subject site under the Reduced Intensity Alternative fails to optimize use of a significant vacant property, and would is not be considered by the Lead Agency to represent the highest and best use of the subject site.

Reduced Intensity Alternative Identified as the Environmentally Superior Alternative
In conclusion, the Reduced Intensity Alternative would result in potential incremental reduction in certain significant environmental impacts otherwise occurring under the Project, but would not eliminate these impacts. The Reduced Intensity Alternative would

provide for limited attainment of the Project Objectives. On this basis, the Reduced Intensity Alternative is identified as the environmentally superior alternative.

Other Considerations

Countering its potential environmental benefits, the Reduced Intensity Alternative would broadly and substantially diminish attainment of the Project Objectives, with related diminishment of socio-economic benefits to the City and region. CEQA indicates that socioeconomic effects (while not lone determinants) are important considerations for decision-makers in evaluating and considering EIR Alternatives. With respect to socioeconomics, the Project and the Reduced Intensity Alternative would each have beneficial effects for the area. Either of these scenarios would contribute to area employment and the City's overall tax base. However, as noted previously, because the scope and variety of land uses would be reduced by approximately 25 percent under the Reduced Intensity Alternative, the resulting effective realization of the Project Objectives, to include economic benefits to the City and region, would likely be similarly diminished.

Additionally, at an approximate 25 percent reduction in the Project's development scope, the Reduced Intensity Alternative would not recognize the site's value as one of the remaining undeveloped properties within the City; or take advantage of the site's available acreage and consequently would not result in development of the subject site in a manner considered to be its highest and best use.

1.11 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Table 1.11-1 summarizes potential impacts resulting from implementation and operations of the Project. The impacts identified in Table 1.11-1 correspond with environmental topics and impacts discussed in EIR Section 4.0, *Environmental Impact Analysis*. Table 1.11-1 also lists measures proposed to mitigate potentially significant environmental impacts of the Project and indicates the level of significance after application of proposed mitigation.

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Table 1.11-1
Summary of Impacts and Mitigation

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.*

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
4.1 Land Use and Planning			
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.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.2 Transportation			
Conflict or be inconsistent with *CEQA Guidelines* Section 15064.3, subdivision (b).			
VMT Impacts:	Potentially Significant.	4.2.1 *The following language or similar shall be incorporated in all Project contract, construction, and property sale/lease documents: "Owners/tenants shall, to the extent practical, allow for and encourage Telecommuting and Alternative Work Schedules."* 4.2.2 *The following language or similar shall be incorporated in all Project contract, construction, and property sale/lease documents: "Owners/tenants shall, to the extent practical, allow for and encourage ride-sharing programs."* 4.2.3 *The Applicant shall record a covenant of a Transportation Demand Management (TDM) program for each Project building/occupancy with 250 or more employees. The form of the covenant shall be approved by the City Attorney's Office. The covenant shall be recorded prior to issuance of Certificate of Occupancy for the subject building(s).*	**Significant and Unavoidable.** Implementation of Mitigation Measures 4.2.1 through 4.2.4 have the potential to reduce Project VMT. The effectiveness of these measures would be dependent in part on final Project designs and occupancies, which are unknown at this time. Beyond Project design and tenancy considerations, land use context is a major factor relevant to the potential application and effectiveness of TDM measures. More specifically, the land use context of the Project is characteristically suburban. Of itself, the Project's suburban context acts to reduce the range

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		4.2.4 Prior to issuance of a Certificate of Occupancy for each building/occupancy providing for 250 or more employees, each owner/tenant shall develop a use/occupant-specific TDM program. The TDM program shall submitted to the City Planning Department and City Building Department as part of tenant improvements plan(s) documentation. At a minimum, the TDM program shall: • *Identify physical improvements (if any) to be implemented as part of the TDM program. The City Planning/Building Department shall verify completion of physical TDM improvements as part of the Certificate of Occupancy process.* • *Identify TDM program operational strategies to be implemented. These TDM strategies may include but would not be limited to the following:* o *On-site services such as food, retail, and other services to be provided.* o *Ridesharing. Develop a commuter listing of all employee members for the purpose of providing a "matching" of employees with other employees who live in the same geographic areas and who could rideshare.* o *Vanpooling. Develop a commuter listing of all employees for the purpose of matching numbers of employees who live in geographic*	of feasible TDM measures and moderates their potential effectiveness.

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		proximity to one another and could comprise a vanpool or participate in the existing vanpool programs. o *Guaranteed Ride Home Program. Develop and implement a program to provide employees who rideshare, or use transit or other means of commuting to work, with a prearranged ride home in a taxi, rental car, shuttle, or other vehicle, in the event of emergencies during the work shift.* o *Target Reduction of Longest Commute Trip. Provide incentives for ridesharing and other alternative transportation modes to put highest priority on reduction of longest employee commute trips.* o *Implement staggered work shifts to the extent practical.* o *Implement telecommute programs to the extent practical.* • *Establish a TDM coordinator position. The position of TDM coordinator may be fulfilled by the building owner/lessee, an employee, or third*	

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		party provider. The TDM coordinator shall: o *Identify proposed TDM measures to be implemented and provide a list of implemented measures to the City Planning Department;* o *Inform employees of commute options and shall, as applicable, arrange rideshare or vanpool programs;* o *Develop and implement a TDM monitoring program. The TDM monitoring program shall identify trip generation, trip origin(s), average vehicle ridership, and provide an estimate of VMT/employee. The results of the survey shall be submitted annually to the City Planning Department;* o *Based on the results of the TDM monitoring program, provide TDM modification recommendations to the City and affected owners/tenants. Additional/alternative VMT reduction measures that would act to reduce Project VMT levels and that are mutually agreed to by the City and owners/tenants shall be implemented.*	

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Summary of Impacts and Mitigation

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Substantially increase hazards to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Result in inadequate emergency access.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.3 Air Quality			
Conflict with or obstruct implementation of the applicable air quality plan.	Potentially Significant.	The Project would implement development-specific air quality mitigation measures acting to generally reduce the Project's construction-source and operational-source air pollutant emissions. Additionally, incorporation of contemporary energy-efficient technologies and operational programs, and compliance with SCAQMD emissions reductions and control requirements act to reduce Project air pollutant emissions generally.	**Significant and Unavoidable**. Notwithstanding, because a change in land use is proposed under the Project, it is assumed that the emissions generated by the Project's proposed land uses are not reflected in the 2016 AQMP air quality standards, interim emissions reductions targets, and emissions inventories. Consequently, development of the subject site as proposed by the Project is conservatively assumed to

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Summary of Impacts and Mitigation

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
			conflict with the 2016 AQMP.
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.	***Potentially Significant*** (VOC and NO_X construction-source emissions)	*4.3.1 The Project shall utilize "Super-Compliant" low VOC paints which have been reformulated to exceed the regulatory VOC limits put forth by SCAQMD's Rule 1113. Super-Compliant low VOC paints shall be no more than 10g/L of VOC. Alternatively, the applicant may utilize tilt-up concrete buildings that do not require the use of architectural coatings.* *4.3.2 Construction contractors shall ensure that large off-road diesel fueled construction equipment, including but not limited to excavators, graders, rubber-tired dozers, and similar large pieces of equipment be equipped with CARB Tier 4 Compliant engines. If the operator lacks Tier 4 equipment, and Tier 4 equipment is not available for lease or short-term rental within 50 miles of the project site, Tier 3 Compliant or cleaner off-road construction equipment may be utilized.*	Less-Than-Significant**.**
	Potentially Significant (VOC, NO_X, CO, PM_{10}, and $PM_{2.5}$ operational-source emissions)	*4.3.3 Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than five (5) minutes once the*	***Significant and Unavoidable.*** Mitigation Measures 4.3.3 through 4.3.8 would act to globally reduce Project operational-source emissions. However, there is no way to quantify these reductions in the California Emissions Estimator

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		vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and the CARB to report violations. Prior to the issuance of an occupancy permit, the City shall conduct a site inspection to ensure that the signs are in place. *4.3.4 Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the City demonstrating that occupants/tenants of the Project site have been provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than-required engines and equipment.* *4.3.5 The minimum number of automobile electric vehicle (EV) charging stations required by the California Code of Regulations (CCR) Title 24 shall be provided. As agreed to by the Applicant and Lead Agency, final designs of Project buildings shall include electrical infrastructure sufficiently sized to accommodate the potential installation of additional auto and truck EV charging stations.* *4.3.6 As agreed to by the Applicant and Lead Agency, final Project designs shall provide for installation of*	Model (CalEEMod). This analysis therefore conservatively assumes that mitigated and unmitigated Project operational-source emissions are substantively equal.

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		conduit in tractor trailer parking areas for the purpose of accommodating potential installation of EV truck charging stations. *4.3.7 Where transport refrigeration units (TRUs) are in use, electrical hookups shall be installed in order to allow TRUs to use electric standby capabilities.* *4.3.8 All diesel trucks accessing the Project shall be compliant with the CARB Truck and Bus Regulation 2010 engine emissions standards.*	
Expose sensitive receptors to substantial pollutant concentrations.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.4 Greenhouse Gas Emissions			
Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	Potentially Significant.	*4.4.1 Project development proposals with building permit applications on file with the City prior to approval and adoption of updates to the December 16, 2014 CAP shall implement Screening Table Measures that achieve at least 100 points per the Screening Tables. The City shall verify that Screening Table Measures achieving the 100-point performance standard are incorporated in development plans prior to the issuance of building permit(s) and/or site plans (as applicable). The City shall verify implementation of the selected Screening Table Measures prior to the issuance of Certificate(s) of Occupancy. At the*	***Significant and Unavoidable.*** Pending adoption of the City CAP update; a determination that the City CAP as updated is consistent with applicable State and regional GHG emissions reduction plans; and a determination that Project development proposals are consistent with the CAP as updated, the potential for Project GHG emissions to result in a significant impact on the

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General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.*

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		discretion of the City, measures that provide GHG reductions equivalent to GHG emissions reductions achieved via the Screening Table Measures may be implemented. Multiple development proposals may, at the discretion of the City, be allowed to collectively demonstrate achievement of at least 100 points per the Screening Tables. 4.4.2 *Project development proposals with building permit applications on file with the City subsequent to approval and adoption of updates to the December 16, 2014 CAP shall comply with performance standards and GHG emissions reduction targets of the incumbent CAP. The City shall verify incorporation of measures that would achieve performance standards and GHG emissions reduction targets of the incumbent CAP prior to the issuance of building permit(s) and/or site plans (as applicable). The City shall verify implementation of applicable CAP provisions prior to the issuance of Certificate(s) of Occupancy. Multiple development proposals may, at the discretion of the City, be allowed to collectively demonstrate consistency with applicable provisions of the incumbent CAP.*	environment is considered to be a significant and unavoidable impact.
Conflict with an applicable plan, policy or regulation adopted for the	Potentially Significant.	Please refer to Mitigation Measures 4.4.1, 4.4.2.	***Significant and Unavoidable.*** Pending adoption of the City

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
purpose of reducing the emissions of greenhouse gases.			CAP update; a determination that the City CAP as updated is consistent with applicable State and regional GHG emissions reduction plans; and a determination that Project development proposals are consistent with the CAP as updated, the potential for Project GHG emissions to result in a significant impact on the environment is considered to be a significant and unavoidable impact.
4.5 Noise			
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.	Potentially Significant. (On-site Construction)	*4.5.1 Provide a minimum 150-foot buffer distance between large construction equipment (e.g. dozers, graders, scrapers, etc.) and receiver locations R3, R4, R7 and R8, if residences at these locations are occupied and actively used at the time Project demolition and/or grading activities occur.* *4.5.2 If a 150-foot buffer is not achievable, install temporary noise control barriers that provide a minimum noise level attenuation of 10.0 dBA when Project demolition or grading activities occur within 150 feet of existing residential structures, or other*	Less-Than-Significant.

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		off-site sensitive land uses that are occupied and actively utilized. General noise control barrier design parameters are presented below, though any solution(s) providing the required 5.0 dBA noise attenuation is/are acceptable. o *The noise control barrier should present a generally solid face from top to bottom. Unnecessary openings should not be made.* o *The noise control barrier shall be maintained and any damage in the barrier or openings between the barrier and the ground shall be promptly repaired.* o *The noise control barrier(s) and associated elements shall be removed and affected portion(s) of the site restored at the conclusion of grading/demolition activities.* *4.5.3 Alternatively, the Applicant may employ construction equipment and construction techniques that would demonstrably ensure that noise levels at potentially affected sensitive receptors would not exceed 65 dBA. A combination of noise-receptor separation, noise barriers and use of noise reducing construction equipment and construction techniques may be employed provided that noise levels at potentially affected receptors does not exceed 65 dBA.*	

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Summary of Impacts and Mitigation

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
	Potentially Significant. (Offsite Infrastructure Construction)	*4.5.4 Off-site infrastructure improvement plans and construction documents shall include a note indicating that noise-generating Project construction activities shall only occur between the hours of 7:00 a.m. to 6:00 p.m. any weekday, or on Saturday or Sunday from 9:00 a.m. to 6:00 p.m. (City of Ontario Municipal Code, Section 5-29.09).* *4.5.5 Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. Construction contractors shall place all stationary construction equipment so that emitted noise is directed away from the nearest noise sensitive receivers.* *4.5.6 Construction contractors shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers.* *4.5.7 Construction contractors shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 6:00 p.m. any weekday, or on Saturday or Sunday from 9:00 a.m. to 6:00 p.m.). Contractors*	***Significant and Unavoidable.*** Implementation of these measures would reduce off-site construction-source noise levels at potentially affected receptors. However, the degree of reduction cannot be assured, and is subject to varied source-receptor distances, numbers and types of equipment used, variable terrain and weather conditions and other factors beyond control of the Applicant. For the purposes of this analysis, even with the application of mitigation, noise generated by construction of off-site infrastructure is assumed to exceed the applicable 65 dBA Leq noise standard, and would be significant and unavoidable.

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.	
	Potentially Significant. (Operational-Source)	*4.5.8 Cold storage loading dock activities and distribution/warehouse facilities shall be designed so that truck bays and loading docks are a minimum of 300 feet away from the property line of sensitive receivers, measured from the dock building door. This distance may be reduced if the site design includes berms or other similar features to appropriately shield and buffer the sensitive receivers from the active truck operations areas.* *4.5.9 Cold storage loading dock activities and distribution/warehouse facilities shall be designed to provide adequate on-site parking for commercial trucks and passenger vehicles and on-site queuing for trucks that is away from sensitive receivers. The general queuing and spill-over of trucks onto surrounding public streets shall be prevented. Commercial trucks shall not be parked in the public road right-of-way or nearby residential areas.* *4.5.10 All Project PA systems shall be oriented to direct sound away from sensitive receivers. PA volumes shall be set such that received noise levels are not readily audible past the property line.*	Less-Than-Significant.

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		4.5.11 Individual development proposals within the Project site shall demonstrate to the satisfaction of the Lead Agency that noise impacts generated by such proposals would not exceed or be substantially different than noise impacts considered and addressed in the Project Noise Impact Analysis.	
Generation of excessive groundborne vibration or groundborne noise.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
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.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.6 Hazards/Hazardous Materials			
Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.	Potentially Significant (Existing On-site Hazards and Construction Hazards).	*4.6.1 Soil Management Plan(s) Required. Prior to commencement of site disturbance activities, the Applicant shall retain a qualified professional to prepare a Soil Management Plan. The Soil Management Plan shall address the Specific Plan Area proper as well as areas potentially affected by construction of off-site infrastructure. The Soil Management Plan shall include a Health and Safety Plan (HASP), soil excavation monitoring protocols, and measures to monitor and control*	Less-Than-Significant.

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		vapors and dust. The Applicant shall submit the Soil Management Plan to the California Department of Toxic Substances (DTSC) for review and approval. The City shall not authorize any activity at the Project site that has the potential to disturb soil until DTSC has approved the Soil Management Plan and all necessary permits have been obtained. Should contaminated soils be encountered as part of Project development, the protocols identified within the Soil Management Plan(s) shall be followed in regard to monitoring, handling, disposal, and reporting of management activities to the California Department of Toxic Substance Control, Regional Water Quality Control Board, and/or South Coast Air Quality Management District (including copies of all daily field logs containing SCAQMD Rule 1166 monitoring results), as required. Copies of all submitted reports and responses from responsible agencies shall be provided to the City of Ontario. 4.6.2 *On-Site Environmental Manager Required. The Applicant shall retain a qualified Environmental Manager who shall be on-site during all site disturbance activities. The Environmental Manager shall ensure implementation of the Soil Management Plan required under Mitigation*	

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		Measure 4.6.1. The Environmental Manager shall also be responsible for monitoring of site disturbance activities to include identification of potentially contaminated media. The Environmental Manager shall have the responsibility and authority to halt on-site activities should any contaminated media or potentially contaminated media be encountered during site disturbing activities. Any contaminated media or potentially contaminated media identified by the Environmental Manager shall be excavated, handled, inventoried, stockpiled, and disposed of in accordance with the approved Soil Management Plan and consistent with all applicable provisions of local, state, and federal laws and regulations. 4.6.3 *Consistent with the City of Ontario requirements, prior to the issuance of building permits, all lots in potential methane areas shall be tested for the presence of methane and its concentration 30 days after building pads are graded and created. Measures set forth by the Ontario Methane Design Guidelines shall be implemented to the satisfaction of the City Building Department.*	

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		4.6.4 Prior to the issuance of grading permits, a subsurface investigation shall be completed to assess the presence or absence of soil contaminants due to the sites past agricultural use, and current dairy farming uses.	
		4.6.5 Prior to the issuance of grading permits, the Project Applicant shall demonstrate to the satisfaction of the City that Soil Management Plan(s) have been developed for the site and areas potentially affected by construction of off-site infrastructure. Grading plans shall include a copy of the Soil Management Plan(s). *4.6.6 Prior to the issuance of grading permits, any existing debris shall be removed. All debris, including soils that evidence surficial staining, shall be disposed of off-site, consistent with the protocols of the Soil Management Plan(s).* *4.6.7 Prior to any relocation, demolition, or destructive renovation activities involving the on-site structures, the Applicant shall submit documentation to the City that ACMs and LBP issues are not applicable to Project. Negative ACM/LBP findings shall be documented in Site/Structure Survey Report (Report) prepared by the Environmental Manager or qualified assignee.*	

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General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.*

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		The Report shall be submitted to and approved by the City prior to the issuance of applicable relocation, demolition, renovation and/or site disturbing permit(s). If results of the Report indicate presence of ACMs and/or LBP, an action plan shall be implemented in accordance with all appropriate regulatory agency guidelines to abate any issues. Please refer to Mitigation Measure 4.6.8. 4.6.8 *Any confirmed and suspected ACMs or LBP shall be handled and disposed of by licensed contractors in accordance with all appropriate regulatory agency guidelines. Abatement, containment and disposal of any ACMs encountered shall comply with SCAQMD Rule 1403. The removal and disposal of lead-based paint material shall be implemented in accordance with California Code of Regulations, Title 8 Section 1532.1, the Code of Federal Regulations (Title 40, Part 745, and Title 29, Part 1926), the EPA's Lead Renovation, Repair and Painting Program Rules and Residential Lead-Based Paint Disclosure Program, and sections 402/404 and 403, and Title IV of the Toxic Substances Control Act (TSCA).*	

Table 1.11-1
Summary of Impacts and Mitigation

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		4.6.9 *For the duration of off-site Project ground-disturbing activities:* • *Stained or odorous soil encountered during ground-disturbing activities shall be removed, stockpiled, and transported for disposal in accordance with local, state, and federal regulations. Soil samples shall be collected from the resulting excavation(s) to verify complete removal of any impacted soil.* • *During soils/debris removal operations, a Project Environmental Professional (Environmental Professional) shall be retained and shall be available to identify and address other issues that may arise in the course Project development. As determined necessary by the Environmental Professional, additional measures shall be employed to minimize effects of any encountered hazards. Documentation of the measures employed and resulting conditions after their application shall be documented and submitted to the Lead Agency.* • *Contractors and the Environmental Professional shall maintain ongoing observation and assessment of areas of possible contamination. Such areas would include but not be limited to: the presence of unexpected*	

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		underground facilities, buried debris, stained soil or odorous soils. Should such materials be encountered, the Environmental Professional in consultation with the Lead Agency shall determine the scope of investigation, analysis, and remediation warranted.	
Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	No Impact.	No mitigation is necessary.	Not applicable.
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.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
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 the people residing or working in the project area.	Potentially Significant.	*4.6.10 Prior to Final Project Plan approvals (including but not limited to: Site Plans, Building Plans, Landscape Plans, Utility Plans, and Roadway Plans), the Project Applicant shall document compliance with applicable provisions of the City of Ontario Chino Airport Compatibility Plan and correlating provisions of the Merrill Commerce Center Specific Plan. Overflight Deed Notices shall be provided for any properties identified in the Compatibility Plan as subject routine aircraft overflight(s).*	Less-Than-Significant.

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Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.7 Hydrology and Water Quality			
Violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
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: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of the existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

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Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.8 Biological Resources			
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.	Potentially Significant.	*4.8.1 A qualified biologist shall conduct a pre-construction presence/absence survey for burrowing owls within 14 days prior to site disturbance. If the species is absent, no additional mitigation is required. If burrowing owl(s) is (are) detected within the Project's disturbance footprint located within the City of Chino Preserve Resource Management Plan (RMP) boundary, the owl(s) are required to be handled as indicated by the RMP:* *Prior to disturbance of occupied burrows (if any), suitable and unoccupied replacement burrows shall be provided at a ratio of 2:1 within the City of Chino designated relocation area (e.g., the NTS basins). A qualified biologist through coordination with the City shall confirm that the artificial burrows are currently unoccupied and suitable for use by owls.* *Until suitable replacement burrows have been provided/confirmed within the designated relocation area (e.g., the NTS basins), no disturbance shall occur within 50 meters (approximately 160 feet) of*	Less-Than-Significant.

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Summary of Impacts and Mitigation

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		occupied burrows during the nonbreeding season (September 1 through January 31) or within 75 meters (approximately 250 feet) during the breeding season (February 1 through August 31). *Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.* *If burrowing owls are present at the time that the occupied burrows are to be disturbed, then the owls shall be excluded from the site following the 2012 CDFG Staff Report and Table 4-6 of the RMP.* *Pursuant to mitigation measure B-3(8) of The Preserve EIR, and as noted on Page 4-39 of the RMP, the Project shall pay the required mitigation fee prior to initiation of ground disturbing activities.*	

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		4.8.2 If burrowing owl(s) is (are) detected within the Project's proposed disturbance footprint outside of the RMP boundary: *Prior to disturbance of the occupied burrows, suitable and unoccupied replacement burrows shall be provided at a ratio of 2:1 within designated off-site conserved lands to be identified through coordination with CDFW and the City in which the burrowing owl(s) is(are) detected (either the City of Ontario or the City of Chino). A qualified biologist shall confirm that the artificial burrows are currently unoccupied and suitable for use by owls.* *Until suitable replacement burrows have been provided/confirmed within the off-site conserved lands to be identified through coordination with CDFW and the City of Ontario or the City of Chino, no disturbance shall occur within 50 meters (approximately 160 feet) of occupied burrows during the nonbreeding season (September 1 through January 31) or within 75 meters (approximately 250 feet) during the breeding season (February 1 through August 31).* *Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31)*	

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		unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. *If burrowing owls are present at the time that the occupied burrows are to be disturbed, then the owls shall be relocated from the site following the 2012 [CDFW] Staff Report.*	
		4.8.3 Vegetation clearing should be conducted outside of the nesting season (February 1 through August 31) to avoid impacts to nesting birds, including raptors. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests (generally a minimum of 200 feet up to 500 feet for raptors and a minimum of 50 feet up to 300 feet for passerine species, with specific buffer widths to be determined by a qualified biologist), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.	

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		4.8.4 *For large ornamental trees suitable for bat roosting/nursery, exit counts and acoustic surveys shall be performed prior to initial ground disturbance and vegetation removal to determine whether the Project footprint and a 300-foot buffer supports a nursery or roost, and by which species. This survey work shall occur between late-spring and late summer and/or in the fall (generally mid-March through late October).* *If the results of the bat survey finds a single roosting individual of a special-status bat species or a total of a 25 or more individuals of non-special-status bat species with potential to be present in the Study area (i.e., western Mastiff bat, big free-tailed bat, pallid bat, western red bat, and western yellow bat), a Bat Management Plan (Plan) shall be developed to ensure mortality to bats does not occur. For each location confirmed to be occupied by bats, the Plan shall provide details both in text and graphically where exclusion devices and/or staged tree removal will need to occur, the timing for exclusion work, and the timeline and methodology needed to exclude the bats. Preliminary Plan components and performance standards are outlined below:*	

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		To avoid the direct loss of bats that could result from removal of trees that may provide maternity roost habitat (e.g., in cavities or under loose bark), the following steps should be taken: *1) If trees and/or structures must be removed or disturbed as part of Project activities, a qualified bat specialist should conduct surveys to identify use of habitat by any bat species. Focused surveys using electronic detection should be used to identify general bat use and any special status bat species using any habitat proposed for removal or disturbance;* *2) Maternity season lasts from March 1 to September 30. Trees and/or structures should not be removed until the end of the maternity season;* *3) If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree should be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should*	

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		then be pushed to the ground slowly and should remain in place overnight and until it is inspected by a bat specialist. Trees that are suspected to be bat roosts should not be sawed up or mulched immediately. A period of at least 24 hours, and preferably 48 hours, should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by placing one way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building; *4) The bat specialist should document all demolition monitoring activities, and prepare a summary report to the Lead Agency upon completion of tree disturbance and/or building demolition activities. CDFW requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition);* *5) If confirmed occupied or formerly occupied bat roosting and foraging habitat is destroyed, habitat of comparable size and quality should be preserved and maintained at a nearby suitable undisturbed area. The bat habitat mitigation shall be determined by the bat specialist in consultation with CDFW;*	

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		6) A monitoring plan should be prepared and submitted to the Lead Agency. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats; and, *7) Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to Lead Agency and CDFW for five years following relocation or until performance standards are met, whichever period is longer.* *The Plan shall be reviewed and approved by CDFW prior to disturbance of any roost(s).* *4.8.5 Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Project Applicant shall purchase credits from an approved mitigation bank/in-lieu fee program at a minimum of a 1:1 ratio, for a minimum of 4.15 acres (inclusive of the 2.14 acres of non-wetland Waters of the US) of mitigation credits, or a number of mitigation credits equal to Project impacts based on final Project design during aquatic permitting.*	

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Summary of Impacts and Mitigation

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		If an approved mitigation bank/in-lieu fee program cannot be identified to mitigate the loss of Corps, Regional Board, and CDFW jurisdiction, the Project Applicant shall enhance, re-establish, or establish Corps, Regional Board, and CDFW jurisdictional areas on off-site conserved lands at a minimum of a 1:1 ratio, for a minimum of 4.15 acres (inclusive of the 2.14 acres of non-wetland Waters of the US) of enhancement, re-establishment, or establishment, or a number acres equal to Project impacts based on final Project design during aquatic permitting. Conservation and compensation shall conform to Conservation and Mitigation Banking Guidelines (CDFW) July 2019, to include applicable interagency (e.g., Corps, Regional Board, and USFWS) measures. See also: https://wildlife.ca.gov/Conservation/Planning/Banking/Guidelines. *Compensatory mitigation shall be coordinated with CWA 401 and 404 permitting and CDFW 1602 Streambed Alteration Agreement acquisition to ensure efficiency and efficacy of the mitigation effort.*	

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
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.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) though direct removal, filling, hydrological interruption, or other means.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
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 wildlife nursery sites.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

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Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.9 Geology and Soils			
Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking; seismic-related ground failure, including liquefaction; or 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.	Potentially Significant.	*4.9.1 Design and development of the Project shall comply with Recommendations and Grading Specifications identified within Project Geotechnical Studies, to include preparation of and conformance with design-level geotechnical studies for individual development proposals within the Project site. Where the Project Geotechnical Studies and design-level geotechnical studies are silent, requirements of the California Building Code as adopted and implemented by the City shall prevail.*	Less-Than-Significant.
Location on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), thereby creating substantial direct or indirect risks to life or property.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Result in substantial soil erosion or the loss of topsoil.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

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4.10 Cultural/Tribal Resources			
Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.	Potentially Significant. (Impacts to residences and/or dairy properties at: 8731 Eucalyptus Avenue; 8831 Eucalyptus Avenue; 8888 Eucalyptus Avenue; 14651 S. Grove Avenue; and 8643 Eucalyptus Avenue).	*4.10.1 Mitigation shall be provided consistent with City requirements, to include:* • *Payment of mitigation fees;* • *Provisions of as-built drawings and Historic American Buildings Survey (HABS) photo documentation; and* • *Development of Historic Context Reports for significant persons in the dairy farm industry, such as the Borba family.* *(See also EIR Section 4.10 for further mitigation details).*	**Significant and Unavoidable.** Application of mitigation, per City requirements, would diminish impacts to the noted potential Historic District Contributors (8731 Eucalyptus Avenue; 8831 Eucalyptus Avenue; 8888 Eucalyptus Avenue; 14651 S. Grove Avenue; and 8643 Eucalyptus Avenue). However, because these potential Contributors would be demolished as part of the Project, this impact could not be reduced to levels that would be less-than-significant. On this basis, impacts to residences and/or dairy properties at: 8731 Eucalyptus Avenue; 8831 Eucalyptus Avenue; 8888 Eucalyptus Avenue; 14651 S. Grove Avenue; and 8643 Eucalyptus Avenue would be significant and unavoidable.
Cause a substantial adverse change in the significance of an archaeological	Potentially Significant.	*4.10.2 Archaeological, Historical, and Tribal Cultural Resources: Prior to the issuance of the first grading*	Less-Than-Significant.

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resource pursuant to §15064.5.		*permit, the applicant shall provide a letter to the City of Ontario Building Department, or designee, from a qualified professional archeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archeologist has been retained to provide on-call services in the event archeological resources are discovered. The archeologist shall be present at the pre-grading conference to establish procedures for archeological resource surveillance. In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the City shall be immediately notified. The archeologist shall be contacted to flag the area in the field and determine if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)), unique archaeological resource (Public Resources Code 21083.2(g)), or Tribal Cultural Resource (Public Resources Code 21074 (a)). If the find is considered a "resource" the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. A qualified archaeologist and a Native American Monitor of Gabrieleño Ancestry shall evaluate all archaeological resources unearthed by Project construction*	

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		activities. If the resources are Native American in origin, they shall have the opportunity to consult with the City and/or Project developer on appropriate treatment and curation of these resources. If unique archaeological resources, or Tribal Cultural Resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the applicant's expense. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archaeologist. Resources shall be identified and curated into an established accredited professional repository. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. Excavation as a treatment option will be restricted to those parts of the unique archaeological resource, or Tribal Cultural Resource that would be damaged or destroyed by the Project.	
		4.10.3 Native American Monitoring. Prior to commencement of any excavation activities, the Project developer shall retain a Native American Monitor of Gabrieleño Ancestry to:	

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		• *Conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Tribal Cultural Resources/Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of Gabrieleño Ancestry, and the general steps the Monitor would follow in conducting a salvage investigation.* • *Monitor all project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, and grubbing) of previously undisturbed native soils to a maximum depth of 30 feet below ground surface. At their discretion and expense, a Native American Monitor of Gabrieleño Ancestry can be present during the removal of dairy manure to native soil.*	
		4.10.4 Native American Human Remains Prior to the start of ground disturbing activities, the project developer shall designate a location within the footprint of the Project site for the respectful reburial of Native American human remains and/or ceremonial objects. All human skeletal material discoveries shall be reported immediately to the	

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		County Coroner. The Native American Monitor shall immediately divert work a minimum of 50 feet from the discovery site and place an exclusion zone around the burial. The Native American Monitor shall notify the construction manager who shall contact the San Bernardino County Coroner. Pursuant to California Health and Safety Code, Section 7050.5, all construction activity shall be diverted while the San Bernardino County Coroner determines if the remains are Native American. If the San Bernardino County Coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the San Bernardino County Coroner. Reburial will be in an appropriate setting. If the San Bernardino County Coroner determines the remains to be modern, the San Bernardino County Coroner shall take custody of the remains. *If Native American, the San Bernardino County Coroner shall notify the Native American Heritage Commission (NAHC) as mandated by state law who will then appoint a Most Likely Descendent. The discovery shall be confidential and secure to prevent further disturbance. In the case where discovered human remains cannot be documented and*	

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		recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside working hours. The Native American Tribe of Gabrieleño Ancestry shall make every effort to recommend diverting the Project and keep the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials will be removed. If data recovery is approved by the Tribe, documentation shall be taken, which includes at a minimum, detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. No scientific study or the utilization of any invasive diagnostics shall be allowed to any Native American human remains. Cremations will either be removed in bulk or means necessary to ensure complete recovery of all material. If the discovery of human remains includes four (4) or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The Project developer shall consult with the Tribe regarding avoidance of all cemetery sites. Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human	

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		remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container onsite if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Project site, but at a location agreed upon between the Tribe and the developer and protected in perpetuity. There shall be no publicity regarding any cultural materials recovered. Once complete, a final report of all activities shall be submitted to the NAHC.	
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: (iii) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section	Potentially Significant.	Please refer to Mitigation Measures 4.10.2, 4.10.3, and 4.10.4.	Less-Than-Significant.

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General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.*

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
5020.1(k), or (iv) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			
Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.	Potentially Significant.	*4.10.5 Paleontological monitoring shall be conducted during all grading and trenching operations. Monitoring shall be conducted intermittently during initial cuts until the Quaternary deposits are encountered. Once Quaternary deposits are identified, paleontological monitoring shall be conducted on a full-time basis.* *4.10.6 Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor shall be empowered to temporarily halt or*	Less-Than-Significant.

Table 1.11-1
Summary of Impacts and Mitigation

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.*

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		divert equipment to allow for the removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if they are present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. *4.10.7 Recovered specimens shall be prepared of to a point of identification and permanent preservation, including screen-washing sediments to recover small invertebrates and vertebrates if indicated by the results of test sampling.* *4.10.8 All recovered fossils shall be deposited in an accredited institution (university or museum) that maintains collections of paleontological materials. All costs of the paleontological monitoring and mitigation program, including any one-time charges by the receiving institution, shall be the responsibility of the developer(s).* *4.10.9 At the conclusion of monitoring activities at a given location, the paleontological monitor shall prepare a Final Mitigation and Monitoring Report (Final Report). The Report shall identify*	

Table 1.11-1
Summary of Impacts and Mitigation

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.*

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		findings and significance of findings, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). A letter documenting receipt and acceptance of all fossil collections by the receiving institution shall be included in the Final Report. The Final Report, when submitted to and accepted by the Lead Agency (City of Ontario), shall signify satisfactory completion of mitigation of potential impacts to paleontological resources.	
4.11 Agricultural Resources			
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 nonagricultural use.	Potentially Significant.	No Feasible Mitigation Measures.	*Significant and Unavoidable.* The Project would result in conversion of on-site Farmland to urban uses. Additional conversion of off-site agricultural lands to non-agricultural purposes could also occur as a result of construction of master plan infrastructure improvements supporting the Project. These are considered to be significant and unavoidable impacts. However, the Project would not cause or result in significant and unavoidable agricultural resources impacts

Table 1.11-1
Summary of Impacts and Mitigation

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.*

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
			and loss of Farmland impacts beyond those already considered and addressed in the *Ontario Sphere of Influence (New Model Colony* [Ontario Ranch]*) General Plan Amendment* EIR, The Ontario Plan EIR, and the Infrastructure Master Plans MND. Nor would the Project otherwise result in new significant and unavoidable agricultural resources impacts and loss of Farmland that would not otherwise occur pursuant to the Land Use Plan.
Conflict with existing zoning for agricultural use, or a Williamson Act contract.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.12 Utilities and Service Systems			
Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effect.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

Table 1.11-1
Summary of Impacts and Mitigation

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.*

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
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.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
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.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Comply with federal, state, and local statutes and regulations related to solid waste.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.13 Energy			
Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

Table 1.11-1
Summary of Impacts and Mitigation

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.*

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
4.14 Population and Housing			
Induce substantial unplanned population growth in the area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension or roads or other infrastructure).	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

2.0 INTRODUCTION

2.0 INTRODUCTION

2.1 OVERVIEW

This Environmental Impact Report (DEIR or EIR) proposes development and operation of up to 7,014,000 square feet of high-cube fulfillment center warehouse uses and up to 1,441,000 square feet of business park uses (total of 8,455,000 square feet of development) on approximately 376.3 acres located in the City of Ontario, within San Bernardino County. Elements of the Project are further described at EIR Section 3.0, *Project Description*.

An EIR is an informational document intended to inform decision-makers and the general public of potentially significant environmental impacts of a Project. An EIR also identifies possible ways to preclude or minimize these potentially significant impacts (referred to as mitigation) and describes reasonable alternatives to the Project that may also reduce or avoid significant impacts. Having the authority to take action on the Project, the City of Ontario will consider the information in this EIR in their evaluations of the proposal. The findings and conclusions of the EIR regarding environmental impacts do not control the City's discretion to approve, deny, or modify the Project, but instead are presented as information to aid the decision-making process.

2.2 AUTHORIZATION

This EIR has been prepared by the City of Ontario in accordance with the *Guidelines for the Implementation of the California Environmental Quality Act (CEQA Guidelines)*, (Sections 15000-15387 of the California Code of Regulations), and the City *CEQA Guidelines*, 2019 and updates. The Merrill Commerce Center Specific Plan considered in this EIR is a "project," as defined by Section 15378 of the *CEQA Guidelines*. The *CEQA Guidelines* stipulate that an EIR must be prepared for any project that may have a significant

impact on the environment. Upon initial environmental review of the Project, the City determined that the Merrill Commerce Center Specific Plan may have a significant adverse impact on the environment and, therefore, the preparation of an EIR was required.

2.3 LEAD AND RESPONSIBLE AGENCIES

CEQA defines a "lead agency" as the public agency which has the principal responsibility for carrying out or approving a Project which may have a significant effect upon the environment. Other agencies, e.g., the California Department of Transportation (Caltrans), the South Coast Air Quality Management District (SCAQMD) or the Regional Water Quality Control Board (RWQCB), which also have some authority or responsibility to issue permits for Project implementation, are designated as "responsible agencies." Both the lead agency and responsible agencies must consider the information contained in the EIR prior to acting upon or approving the Project. The City of Ontario is the lead agency for the Project.

The City's address is:	City of Ontario
	303 East "B" Street
	Ontario, CA 91764
Contact:	Chuck Mercier, Principal Planner

2.4 PROJECT APPLICANT

The Project Applicant is:	Prologis
	3546 Concours Street, Suite 100
	Ontario, California 91764
Contact:	Thomas Donahue, Director of Construction & Development

2.5 THE EIR PROCESS

When a public agency determines that there is substantial evidence that a Project may have a significant effect on the environment, the agency must prepare an EIR before a decision is made to approve or deny the Project. The purpose of the EIR is to disclose a project's potential environmental impacts and recommend measures to reduce or avoid significant impacts. The basic content of an EIR includes a description of the project under consideration and its objectives, a description of the existing project site and vicinity environmental conditions, a discussion of the potentially significant environmental effects of the project, recommended measures for reducing these effects, and identification and evaluation of feasible alternatives to the project which may also reduce potentially significant impacts of the proposal.

Typically, EIRs consist of two documents: a Draft EIR, distributed by the lead agency for review and comment by the general public and any interested governmental agencies; and a Final EIR, which consists of responses to comments received on, together with any necessary modifications to, the Draft EIR. After the Draft EIR has been circulated for review and the Final EIR has been prepared, the EIR must be certified by the lead agency as having complied with CEQA and considered by the agency's decision-making body before any action can be taken on a project.

When a public agency receives a complete project application or decides to undertake a Project of its own, it first determines if the project is subject to environmental review under CEQA and, if it is, the agency then typically prepares an Initial Study (IS) to determine if the project has the potential to cause significant adverse environmental effects. The IS serves as a tool to help the agency determine if an EIR is needed and also helps determine what issues should be examined in the EIR. An agency may skip the Initial Study process if it is evident in the preliminary assessment of a project that an EIR will be required.

The EIR process is initiated by the distribution of a Notice of Preparation (NOP). Together with the Initial Study, the NOP is sent to agencies and interested individuals

to solicit their suggestions for appropriate issues and types of analysis to be included in the Draft EIR. When preparation of the Draft EIR has been completed, it is circulated to responsible agencies, other affected or interested agencies, and interested members of the public for review and comment. The review period for a Draft EIR is typically 45 days. To provide for appropriate consideration in the Final EIR, all comments and concerns regarding the Draft EIR should be received by the lead agency during this 45-day period.

Responses to comments received on the Draft EIR are prepared by the lead agency and included in the Final EIR. The Final EIR may also contain some additional information about the project's potential impacts and minor corrections or modifications to the Draft EIR. The Final EIR must be certified by the lead agency's decision-making body before, or in conjunction with, any action to approve or deny a project.

CEQA requires that the EIR only address significant adverse impacts. The *CEQA Guidelines* suggest thresholds or standards which define the significance of various types of impacts. The *CEQA Guidelines* also state that the significance of impacts should be considered in relation to their severity and probability of occurrence. However, ultimately, the determination of the significance of impacts is at the discretion of the lead agency. The identification of significant impacts in the EIR does not prevent an agency from approving a project. A project may be approved if the lead agency determines that impacts cannot be feasibly mitigated below a level of significance and if the agency determines that there are important overriding considerations, such as social and economic benefits, which are sufficient to justify approval of the considered project.

2.6 EIR CONTENT AND FORMAT

This EIR is organized into seven Chapters or Sections, each addressing a separate aspect of the required content of an EIR as described in the *CEQA Guidelines*. A summary of the Project's impacts and recommended mitigation measures is provided at Chapter 1.0. An introduction and general overview of the environmental process and the format of this EIR can be found at Chapter 2.0. Chapter 3.0 contains a complete description of the

Project, including its location, objectives, and physical and operational characteristics. The complete and detailed environmental impact analysis is presented at Chapter 4.0. The topical issues mandated by CEQA dealing with cumulative impacts, alternatives, long-term implications of the Project, and energy conservation are found at Chapter 5.0. Chapter 6.0 lists and defines the acronyms and abbreviations contained in this document. Chapter 7.0 lists the information sources and persons consulted during the environmental analysis process, and presents a list of the persons who prepared the EIR. The Initial Study and responses to the NOP, with supporting technical studies, are appended to the primary EIR document.

Chapter 4.0, entitled "Environmental Impact Analysis," is the focal component of the EIR. The environmental impact analysis has been organized into a series of sections, each addressing an environmental topic or area of concern identified through the Initial Study process (e.g., Land Use and Planning, Transportation, Air Quality, Noise, etc.). To assist the reader in understanding the organization and basis of the analysis, the sections covering each individual environmental topic are typically divided into the following subsections:

- **Reader's Abstract:** An introductory reader's abstract, summarizing content and findings, is provided at the beginning of each topical section.

- **Introduction:** The introduction summarizes the content of the section and references other important studies and reports, such as technical studies appended to the EIR.

- **Setting:** This subsection describes environmental conditions at the Project site and its vicinity which may be subject to change as a result of implementation of the proposal. Separate descriptions of existing environmental conditions are provided for each environmental topic.

- **Existing Policies and Regulations:** Various relevant policies, regulations, and programs related to the environmental topic are briefly described. Often, these existing policies and regulations serve to reduce or avoid potential environmental impacts.

- **Standards of Significance:** Before potential impacts are evaluated, the standards which will serve as the basis for judging significance are presented.

- **Potential Impacts and Mitigation Measures:** This subsection states and explains potential impacts caused by the Project. Based on the standards of significance, impacts are categorized as either potentially significant or less-than-significant. If the impacts are considered to be potentially significant, mitigation measures are proposed to reduce the impacts. At the conclusion of each discussion for a potentially significant impact, a determination is made as to whether the impact can be reduced to a less-than-significant level with the application of feasible mitigation measures. Impacts that cannot be reduced to levels that are less-than-significant are identified as "significant."

The summary presented at Chapter 1.0 provides a comprehensive overview of the Project's impacts. For a more detailed description of Project impacts, it is recommended that the reader review the Project description (Chapter 3.0), and then read the sections on the topics of interest in the environmental impact analysis (Chapter 4.0).

2.7 INTENDED USE OF THIS EIR

This EIR addresses the potential environmental effects of the implementation and operation of the proposed Merrill Commerce Center Specific Plan Project. The City of Ontario (City) is the Lead Agency for the purposes of CEQA because it has the principal responsibility and authority for deciding whether or not to approve the Project, and how it will be implemented. As the Lead Agency, the City is also responsible for preparing the environmental documentation for the Project in compliance with CEQA.

The Lead Agency will employ this EIR in its evaluation of potential environmental impacts resulting from, or associated with, approval and implementation of the Project, to include potential effects of the Project's component elements. It is anticipated that this EIR may also be employed by Responsible Agencies, e.g., Air Quality Management District(s), Regional Water Quality Control Board(s), *et al*.; as well as utilities and service providers for their related or dependent environmental analyses.

In employing this EIR, the City and other agencies need recognize that Project plans and development concepts identified herein are just that, plans and concepts which are subject to refinement and the Project is further defined. Recognizing the potential for these future minor alterations to the Project, this EIR in all instances evaluates likely maximum impact scenarios that would account for these minor alterations. These refinements and/or minor revisions to development proposals do not typically warrant modified or revised environmental documentation. Notwithstanding, at the discretion and direction of the City, substantive modifications to the Project described herein may warrant additional environmental evaluation.

2.8 DOCUMENTS INCORPORATED BY REFERENCE

Section 15150 of the State *CEQA Guidelines* permits and encourages an environmental document to incorporate, by reference, other documents that provide relevant data. The documents summarized below are incorporated by reference, and the pertinent material is summarized throughout this EIR, where that information is relevant to the analysis of potential impacts of the Project. All documents incorporated by reference are available for review at, or can be obtained through, the City of Ontario Planning Department.

2.8.1 City of Ontario Policy Plan (General Plan) and General Plan EIR

The Policy Plan serves as the City's General Plan which is mandated by state law. The City of Ontario Policy Plan (General Plan) establishes Goals and Policies and provides guidance for future development of the City. The General Plan, which was updated and adopted in 2010, incorporates and relies upon its Implementation Plan to provide the guidance necessary for successful implementation of General Plan Goals and Policies.

Ontario's General Plan is made up of nine elements: Land Use, Housing, Mobility, Safety (including Noise), Environmental Resources (including Conservation), Parks and Recreation (including Open Space), Community Economics, Community Design, and Social Resources. The General Plan EIR (SCH No. 2008101140) evaluates and addresses potential environmental impacts that would result from implementation of the General Plan. The General Plan and General Plan EIR documents contain background information employed in this EIR. These documents are available through the City of Ontario Planning Department, or can be accessed at: http://www.ontarioplan.org/policy-plan/.

2.8.2 City of Ontario Development Code

The City of Ontario Development Code (Development Code) codifies and complements the City General Plan. The Development Code, in effect, provides the mechanism to implement and enforce the goals, objectives, policies and programs articulated in the General Plan. The City's Development Code was adopted by the Ontario City Council on July 7, 1998 and continues to be periodically updated to reflect current Federal/State laws. The Development Code is available through the City of Ontario Planning Department, or can be accessed at: https://www.ontarioca.gov/Planning/Applications.

2.8.3 *Initial Study and Mitigated Negative Declaration City of Ontario Infrastructure Master Plans* (City of Ontario) July 2012 (Infrastructure Master Plans MND).

City of Ontario Master Plan infrastructure systems improvements that would be implemented by the Project would conform to City Master Plan Utilities/Service Systems Concepts. Descriptions of these Master Plan improvements are presented at EIR Section 3.0, *Project Description*. Potential impacts resulting from construction and operation of City Master Plan Utilities/Service Systems have been previously considered and addressed in *Initial Study and Mitigated Negative Declaration City of Ontario Infrastructure Master Plans* (City of Ontario) July 2012 (Infrastructure Master Plans MND). The Infrastructure Master Plans MND concluded that construction and operation of Master Plan infrastructure improvements would not result in significant impacts not already considered and addressed in correlating analyses in The Ontario

Plan EIR. Similarly, Master Plan infrastructure improvements constructed in support of the Project would not result in significant impacts not already considered and addressed in correlating analyses presented within the Infrastructure Master Plans MND; and by extension would not result in significant infrastructure systems impacts not already considered and addressed in correlating analyses presented within The Ontario Plan EIR. Detailed analysis of impacts resulting from construction and operation of the Master Plan infrastructure improvements that would be constructed in support of the Project are addressed in this EIR. The Infrastructure Master Plans MND is available through the City of Ontario Planning Department.

2.8.4 Ontario Ranch Business Park Specific Plan Draft EIR (SCH No. 2019050018)

The Ontario Ranch Business Park Specific Plan is a contemporaneous light industrial/warehouse development proposal located within Ontario Ranch, approximately 1 mile westerly of the Merrill Commerce Center Specific Plan Project evaluated in this EIR. Relevant analyses presented in the Ontario Ranch Business Park Specific Plan Draft EIR inform certain of the discussions presented in this EIR for the Merrill Commerce Center Specific Plan Project. The Ontario Ranch Business Park Specific Plan Draft EIR is available through the City of Ontario Planning Department, or can be accessed at: https://www.ontarioca.gov/Planning/Reports/EnvironmentalImpact.

2.9 PROJECT TECHNICAL STUDIES/EIR APPENDICES

Following are summary descriptions of documents and supporting technical studies which are appended to the main body of the EIR. Working titles of these documents generically refer to the Project and its physical attributes, and may not necessarily reflect the currently assigned "Merrill Commerce Center Specific Plan" development title.

2.9.1 Initial Study, NOP, and NOP Responses - EIR Appendix A

The EIR Initial Study (IS), Notice of Preparation (NOP) and responses received pursuant to distribution of the IS/NOP are presented at EIR Appendix A. Based on the

Initial Study and responses to the NOP, the EIR addresses the following environmental topics:

- Agricultural Resources;
- Air Quality;
- Biological Resources;
- Cultural Resources/Tribal Cultural Resources;
- Energy;
- Geology and Soils;
- Greenhouse Gas Emissions;
- Hazards/Hazardous Materials;
- Hydrology/Water Quality;
- Land Use and Planning;
- Noise;
- Population/Housing;
- Transportation; and
- Utilities and Service Systems.

2.9.2 Merrill Commerce Center Specific Plan - EIR Appendix B

The *Merrill Commerce Center Specific Plan* (Specific Plan) is presented in its entirety at EIR Appendix B. If adopted by the City, the Specific Plan would become the effective zoning for the subject site, and would regulate all development within the site.

The proposed Specific Plan would establish land use plans, development standards, and design guidelines directing the ultimate buildout of the Project site. Land uses and development concepts reflected within the proposed Specific Plan can be feasibly implemented consistent with applicable provisions of the City General Plan (as amended) and City Development Code.

2.9.3 Transportation Impact Analysis - EIR Appendix C

Detailed analysis of the Project's potential VMT impacts is presented in *Merrill Commerce Center Specific Plan, Vehicle Miles Traveled (VMT) Assessment* (Urban Crossroads, Inc.) January 14, 2020.

Additionally, although not specifically relevant to an analysis of CEQA transportation impacts, for City use and informational purposes, a Project Traffic Impact Analysis (Project TIA, TIA) addressing LOS impacts has been prepared (see: *Merrill Commerce Center Specific Plan, Traffic Impact Analysis, City of Ontario* [Urban Crossroads, Inc.] June 30, 2020. The TIA identifies Study Area LOS deficiencies and recommends improvements to address any identified deficient conditions. Project trip generation estimates developed as part of the Project TIA are employed in the EIR VMT analysis and the trip generation estimates also employed in related analyses (e.g., vehicular-source emissions air quality impacts, vehicular-source noise impacts) presented elsewhere in this EIR.

2.9.4 Air Quality Impact Analysis - EIR Appendix D

Air quality impact analyses germane to the Project are provided at EIR Appendix D. These analyses include: *Merrill Commerce Center Specific Plan, Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020; *Merrill Commerce Center Specific Plan, Mobile Source Health Risk Assessment, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020; and *Merrill Commerce Center Specific Plan, Construction Health Risk Assessment Memorandum* (Urban Crossroads, Inc.) January 12, 2020.

2.9.5 Greenhouse Gas Analysis - EIR Appendix E

Detailed analysis of the Project's potential Greenhouse Gas and Global Climate Change impacts are presented in *Merrill Commerce Center Specific Plan, Greenhouse Gas Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.

2.9.6 Noise Impact Analysis - EIR Appendix F

Potential noise impacts of the Project, including construction-source and operational source noise impacts are assessed within *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

2.9.7 Environmental Site Assessments - EIR Appendix G

An assessment of potential hazards/hazardous conditions affecting the Project site and potential hazards resulting from the Project, including potential effects at off-site land uses is provided in:

- *Phase I Environmental Site Assessment, Borba Land Phase II (189 acres), 14545 South Grove Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) May 2, 2017;
- *Limited Phase II Subsurface Investigation and Limited Methane Investigation Report, Borba Land Phase II (189 acres) 14545 South Grove Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) June 26, 2017;
- *Phase I Environmental Site Assessment, GH Dairy Farm, 8643 Eucalyptus Avenue, Ontario, San Bernardino County, California* (AECOM) April 13, 2017;
- *Limited Phase II Environmental Site Assessment, GH Dairy, 8643 Eucalyptus Avenue, Ontario, San Bernardino County, CA* (AECOM) June 12, 2017;
- *Phase I Environmental Site Assessment Report, Minaberry Land, 8731 Eucalyptus Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) February 28, 2017;
- *Limited Methane Investigation Report, 8731 Eucalyptus Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) May 31, 2017;
- *Phase I Environmental Site Assessment Report, Lanting Land, 9032 Merrill Avenue and 8911 Eucalyptus Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) August 24, 2018;
- *Limited Phase II Subsurface Investigation and Limited Methane Investigation Report, Lanting Land, 9032 Merrill Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) August 31, 2018;

- *Phase I Environmental Site Assessment Report, Alewyn Land, 9031 Eucalyptus Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) August 2, 2018; and
- *Limited Methane Investigation Report, Alewyn Land, 9031 Eucalyptus Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) August 31, 2018.

2.9.8 Hydrology Report - EIR Appendix H

Potential impacts of the Project on hydrology and water quality are assessed in: *Technical Memorandum Borba II Project* [Merrill Commerce Center Specific Plan Project] *Hydrology & Hydraulic Assessment* (JLC Engineering & Consulting, Inc.) September 19, 2019 (Project Hydrology Report); *Preliminary Water Quality Management Plan (PWQMP) for Merrill Commerce Center Specific Plan Project* (JLC Engineering & Consulting, Inc.) September 17, 2019 (Project WQMP).

2.9.9 Biological Report - EIR Appendix I

Biological resources potentially affected by the Project are assessed in: *Biological Technical Report for Merrill Commerce Center Specific Plan, Located in the City of Ontario, San Bernardino County, California with Off-Site Improvements Located in the Cities of Ontario and Chino, San Bernardino County, California* (Glenn Lukos Associates, Inc.) September 19, 2019.

2.9.10 Geotechnical Investigations - EIR Appendix J

An assessment of the soils and geological conditions affecting the Project site and vicinity properties is presented in:

- *Geotechnical Feasibility Study, Proposed Commercial/Industrial Development, NEC Grove Avenue and Merrill Avenue, Ontario, California* (Southern California Geotechnical) November 21, 2017;
- *Geotechnical Feasibility Study, Proposed Commercial/Industrial Development, NWC Vineyard Avenue and Merrill Avenue, Ontario, California* (Southern California Geotechnical) November 21, 2017;

- *Geotechnical Investigation, Proposed Commercial/Industrial Development, 8643 Eucalyptus Avenue, Ontario, California* (Southern California Geotechnical) May 18, 2017;
- *Geotechnical Investigation, Proposed Commercial/Industrial Development, NWC Merrill Avenue and Carpenter Avenue, Ontario, California* (Southern California Geotechnical) August 21, 2018.

The Geotechnical Investigations also provide recommendations pertaining to geotechnical aspects of constructing the Project.

2.9.11 Cultural Resources Investigation - EIR Appendix K

A cultural resources investigation was prepared for the Project: *Cultural Resources Study for the Merrill Commerce Center Specific Plan Project, City of Ontario, San Bernardino County, California* (Brian F. Smith and Associates, Inc.) August 27, 2019. Additionally, historical resources that may be affected by the Project were in: *Proposed Merrill Commerce Center Specific Plan – Revised Historical Resource Survey* (Urbana Preservation & Planning) April 28, 2020. Paleontological resources impacts are evaluated in: *Paleontological Resource Assessment for the Proposed Merrill Commerce Center Specific Plan Project, City of Ontario, Southern San Bernardino County, California* (Brian F. Smith and Associates, Inc.) April 1, 2020.

2.9.12 Project Water Supply Assessment (WSA) - EIR Appendix M

The Project WSA (*Water Supply Assessment Merrill Commerce Center Specific Plan for City of Ontario* [Placeworks] July 2019) evaluates Project water supply and reliability under near-term and long-range scenarios; and under normal, dry and extended drought conditions.

2.9.13 Project Energy Estimates - EIR Appendix N

Detailed Project construction energy consumption estimates are presented in the *Merrill Commerce Center Specific Plan Energy Tables* (Urban Crossroads, Inc.) January 22, 2020.

3.0 PROJECT DESCRIPTION

3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW AND LOCATION

The Merrill Commerce Center Specific Plan Project (Project, Specific Plan) proposes development and operation of Specific Plan Industrial and Business Park Land Uses on approximately 376.3 acres located in the City of Ontario, within San Bernardino County. The Project site[1] is located within the Ontario Ranch (formerly known as New Model Colony, NMC) area of the City. More specifically, the Project site is located along Merrill Avenue, between Grove Avenue and Carpenter Avenue. Eucalyptus Avenue forms the northerly boundary of the Specific Plan area. Please refer to Figure 3.1-1, *Project Location*.

The Specific Plan area is apportioned into approximately 292.8 acres of Industrial Land Use; approximately 55.1 acres of Business Park Land Use; and approximately 28.4 acres allocated for Circulation (vehicular and non-vehicular) rights-of-ways, easements, and similar non-building uses. The Specific Plan Land Use Plan is presented subsequently at 3.4-3. Detailed information regarding land uses and development that would be allowed under the Specific Plan is presented within the *Merrill Commerce Center Specific Plan* (T&B Planning, Inc.) September 29, 2020, EIR Appendix B. The Specific Plan document in total is incorporated in this Project Description by reference.

[1] The Project site is defined as the area encompassed by the Merrill Commerce Center Specific Plan (the Specific Plan area). The analysis presented in this Environmental Impact Report (EIR) considers and addresses environmental impacts resulting from development of the Project site proper, and also evaluates impacts that would result from off-site activities or improvements necessary to implement and support the Project.



NOT TO SCALE

Source: Google Earth; Applied Planning, Inc.

Figure 3.1-1
Project Location

Under the Project Development Concept evaluated in this EIR, the Specific Plan area would be developed with the following uses:

- **Industrial:** Approximately 6,312,600 square feet of high-cube fulfillment center warehouse use, and approximately 701,400 square feet of high-cube cold storage warehouse use.

- **Business Park:** Approximately 1,441,000 square feet of mixed uses including merchant wholesale, professional services, professional office, warehouse/storage, and research and development.

Total Development: 8,455,000 square feet

The Project would also implement off-site City of Ontario Master Plan infrastructure improvements (roads, potable water, recycled water, sanitary sewer, storm drains, and fiber optic lines) in support of the Project. Predominantly, off-site areas that would be affected by construction of these infrastructure improvements comprise already-disturbed/developed rights-of-way and easements. City of Ontario Master Plan infrastructure systems improvements that would be implemented by the Project would conform to City Master Plan Utilities/Service Systems Concepts. Descriptions of infrastructure systems that would be implemented in support of the Project improvements are presented within this Section. Detailed analysis of impacts resulting from construction and operation of Master Plan infrastructure improvements that would be constructed in support of the Project is presented in this EIR.

It is also noted that potential impacts resulting from construction and operation of City Master Plan infrastructure systems have been previously considered and addressed in Initial Study and Mitigated Negative Declaration City of Ontario Infrastructure Master Plans (City of Ontario) July 2012 (Infrastructure Master Plans MND). The Infrastructure Master Plans MND concluded that construction and operation of Master Plan infrastructure improvements would not result in significant impacts not already considered and addressed in correlating analyses in The Ontario Plan EIR. Similarly,

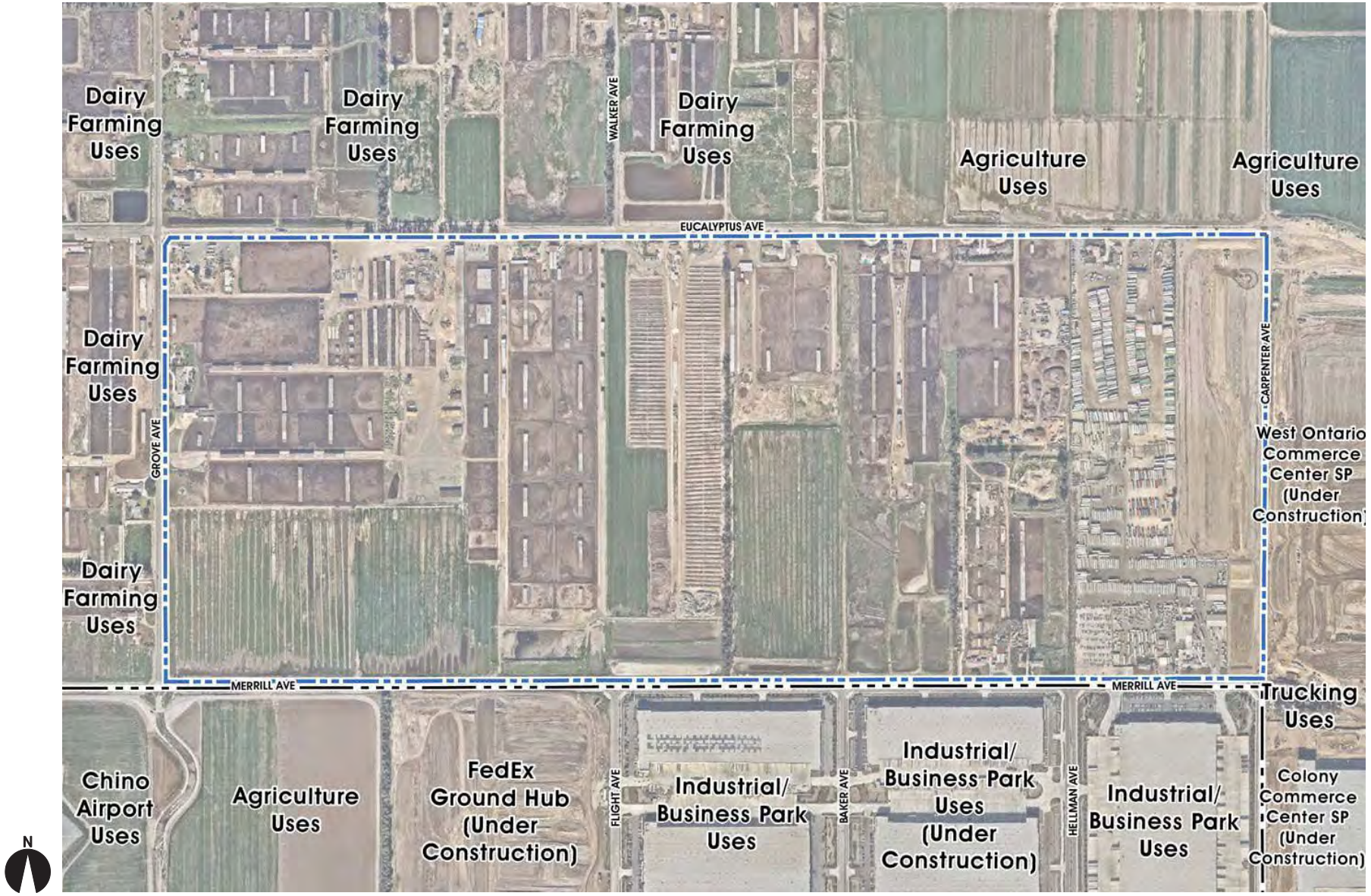
Master Plan infrastructure improvements constructed in support of the Project would not result in significant impacts not already considered and addressed in correlating analyses presented within the Infrastructure Master Plans MND; and by extension would not result in significant infrastructure systems impacts not already considered and addressed in correlating analyses presented within The Ontario Plan EIR.

Analyses within this EIR reflect the range and types of uses permitted or conditionally permitted under the Specific Plan Industrial and Business Park Land Use designations. Should future development proposals proposed within the Specific Plan area, or supporting infrastructure proposed as part of the Project, differ substantially from the development concepts analyzed herein, the Lead Agency would comply with CEQA in consideration of those proposals.

It is specifically noted that any site plan concepts, building footprints, building sizes, and/or building orientations depicted in the EIR or supporting technical analyses are provided for illustrative purposes only. This EIR in all instances evaluates likely maximum impact scenarios. No site plans or building plans would be entitled under the EIR Project or as part of the Specific Plan approval.

3.2 EXISTING LAND USES

Existing land uses within, and adjacent to, the Project site are illustrated at Figure 3.2-1 and described below. Representative photos of existing Project site conditions are presented at Figures 3.2-2 through 3.2-6.



NOT TO SCALE

Source: T&B Planning, Inc.

applied planning inc

Figure 3.2-1
Existing Land Uses



View of truck service building and office.



View of truck washing area.



View of three-chamber clarifier in truck washing area.



View of paper product storage by shelter.



View of paper product loading area by shelter.



View of unpaved truck parking area.

Source: Partner Engineering and Science, Inc.; AECOM; Applied Planning, Inc.

Figure 3.2-2
Site Photographs



View of former dairy structure.



View of fenced cattle pasture.



View of stormwater drainage swale.



View of wastewater leachfield.



View of wastewater lagoon.



View of 35-gallon drum of iodine and associated leaking.

Source: Partner Engineering and Science, Inc.; AECOM; Applied Planning, Inc.

Figure 3.2-3
Site Photographs



View of scrap storage
(vehicles, scrap wash water treatment drums).



View of scrap storage.



View of scrap storage.



View of beef ranch area.



View of pallet company.



View of manure piles (mixed with clean sand).

Source: Partner Engineering and Science, Inc.; AECOM; Applied Planning, Inc.

Figure 3.2-4
Site Photographs



View of a typical calf corral.



View of the milk bottle and other milking equipment cleaning area located in the calf milk barn.



View of maintenance shop.



View of 10,000-gallon and three 1,000-gallon diesel ASTs for fueling.



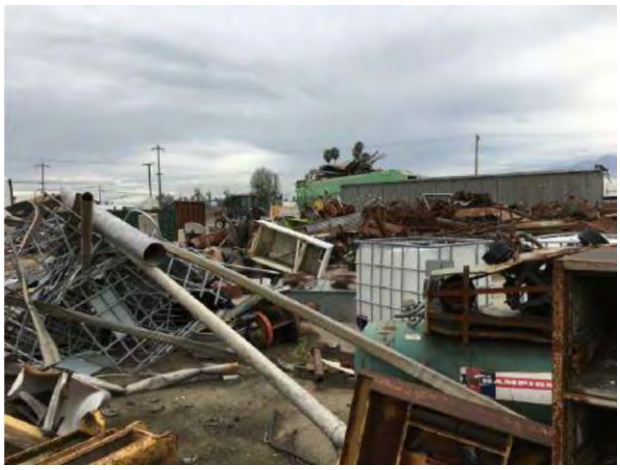
View of fuel pump for the 10,000-gallon diesel AST with staining around the base.



View of typical feed silos.

Source: Partner Engineering and Science, Inc.; AECOM; Applied Planning, Inc.

Figure 3.2-5
Site Photographs



View of scrap metal storage.



View of old equipment located in the scrap metal yard.



View of several empty 55-gallon drums.



View of vehicle/equipment staging for parts.



View of the interior of an abandoned milk barn.



View of the detention ponds.

Source: Partner Engineering and Science, Inc.; AECOM; Applied Planning, Inc.

Figure 3.2-6
Site Photographs

3.2.1 Project Site

The Project site currently evidences dairy farm uses, interior unpaved roads, cattle stockades, support equipment for cattle and dairy farming, bio-retention basins, a trucking operation in the easterly portion of the Project site, and appurtenant residences at various locations within the Project site.

The Project site is extensively disturbed and evidences environmental degradation due to historic and on-going agricultural and trucking uses. Such degradation includes, but is not limited to:

- Animal waste from the long-term dairy farm uses have potentially created methane gas, and soil contamination from nitrates and ammonia.

- Numerous automotive fluids, including several large above ground storage tanks (ASTs) on or near the on-site maintenance shop. These materials are used for maintaining and repairing farm equipment.

- Additional ASTs used for truck and equipment refueling are located on-site.

- A scrap metal area containing drums, ASTs, farming equipment, and vehicles is located on the property.

- Dairy operations use formaldehyde, iodine, and glycerol to wash the cows. The dairies also use muriatic acid and chlorinated alkaline as a cleaning solution. Pesticides are applied to prevent parasite infestations. Wastewater from these processes is discharged to the pastures for irrigation.

- Holding ponds for contaminated runoff from agricultural/dairy farm operations. Discharge from these ponds to surrounding areas; and potential infiltration of contaminated runoff to underlying groundwater.

- General debris observed throughout the property, including vehicle equipment staging areas, used tires, concrete rubble piles, compressors, and generators may have the potential to impact on-site surficial soil.

- Presence of septic systems.

3.2.2 Vicinity Land Uses

Eucalyptus Avenue comprises the northerly Project site boundary. Northerly, across Eucalyptus Avenue, are dairy farming and agricultural land uses. Carpenter Avenue comprises the easterly Project site boundary. Easterly, across Carpenter Avenue, properties are designated for Specific Plan development: West Ontario Commerce Center Specific Plan, Parkside Specific Plan, and Colony Commerce Center Specific Plan. The Colony Commerce Center Specific Plan and the West Ontario Commerce Center Specific Plan are current under construction. Merrill Avenue comprises the southerly Project site boundary. Merrill Avenue at this location is also the common City of Ontario/City of Chino municipal boundary. Southerly, across Merrill Avenue, are agricultural uses, and industrial/business park land uses (existing and under construction) located in the City of Chino. Grove Avenue comprises the westerly Project site boundary. Westerly, across Grove Avenue, are dairy farming land uses. Chino Airport is located southwesterly of the Project site, within the City of Chino.

3.3 EXISTING LAND USE DESIGNATIONS

Existing City of Ontario Policy Plan (General Plan) Land Use designations for the Project site are "Business Park," "Office Commercial," and "General Commercial." Zoning for the Project site is Specific Plan with an AG (Agricultural) Overlay.

3.4 PROJECT ELEMENTS

3.4.1 Existing and Proposed Land Use Designations

Existing City of Ontario Policy Plan (General Plan) Project site Land Use designations are: "Business Park," "Office Commercial," and "General Commercial." To allow for the Project, the Applicant proposes to amend the current Project site Policy Plan Land Use

designations to "Business Park" and "Industrial." Existing and proposed Policy Plan Land Use designations are summarized at Table 3.4-1 and are illustrated at Figure 3.4-1.

Table 3.4-1
Existing and Proposed Policy Plan Land Use Designations

Existing	Proposed
Business Park – 314.7 acres	Business Park - 55.1 acres
Office Commercial - 43.3 acres	Industrial - 292.8 acres
General Commercial - 18.3 acres	Circulation - 28.4 acres
Total: 376.3 Acres	**Total: 376.3 Acres**

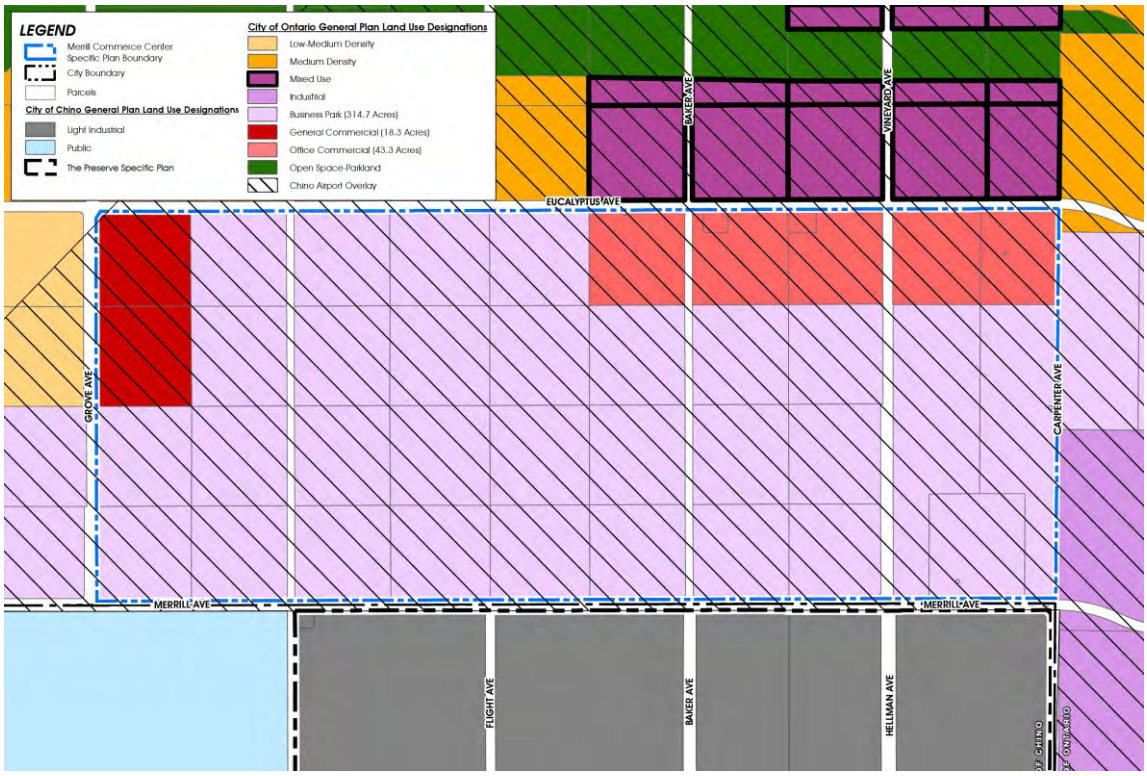
The existing Zoning designation of the Project site is "Specific Plan" with an "AG" (Agricultural) Overlay. If adopted by the City, the proposed Merrill Commerce Center Specific Plan would establish the effective Zoning of the Project site. Existing and proposed zoning designations are presented at Figure 3.4-2.

3.4.2 Site Preparation, Construction Traffic Management

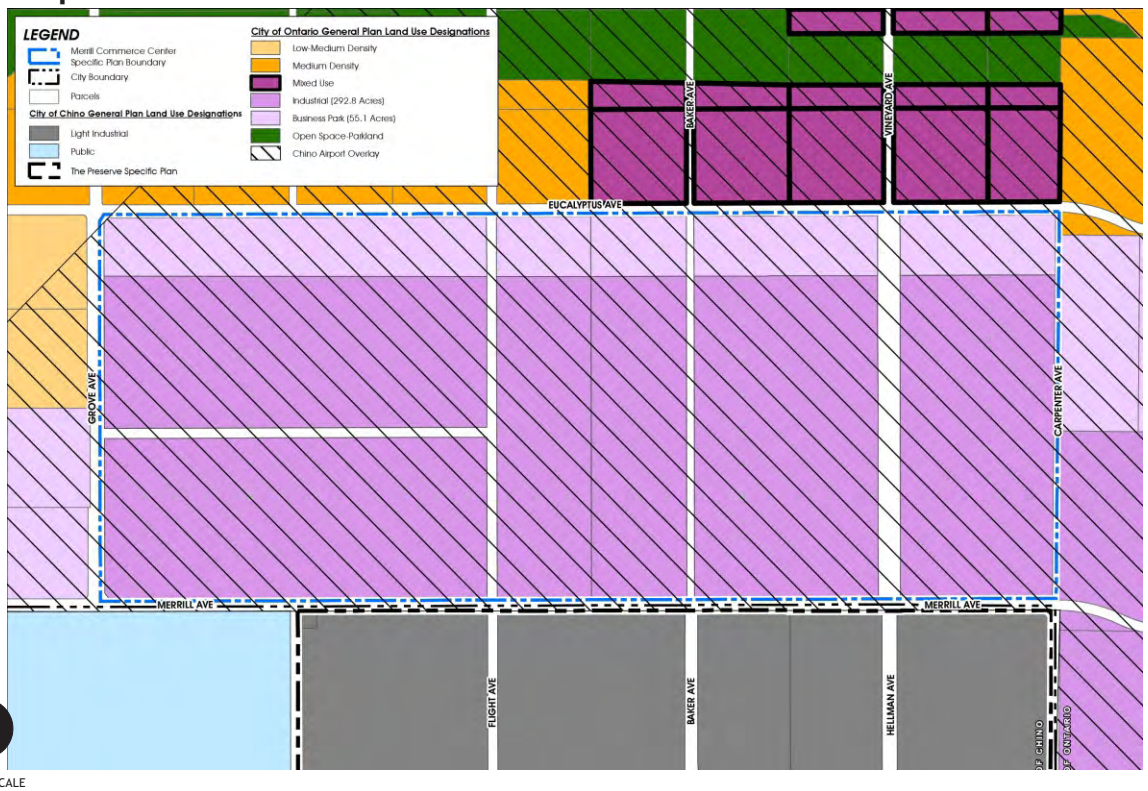
As an initial action, the Project site would be cleared of vegetation. All on-site improvements associated with or supporting the existing on-site land uses would be demolished or removed. At a minimum, debris generated by site preparation and demolition activities would be disposed of/recycled consistent with provisions of the California Integrated Waste Management Plan Act (AB 939) and the City's Integrated Waste Department *Refuse and Recycling Planning Manual*.[2]

[2] City of Ontario, California: *Solid Waste Department* [Integrated Waste Department] *Refuse and Recycling Manual*, Updated March 17, 2016. https://www.ontarioca.gov/omuc/integrated-waste.

Existing:



Proposed:

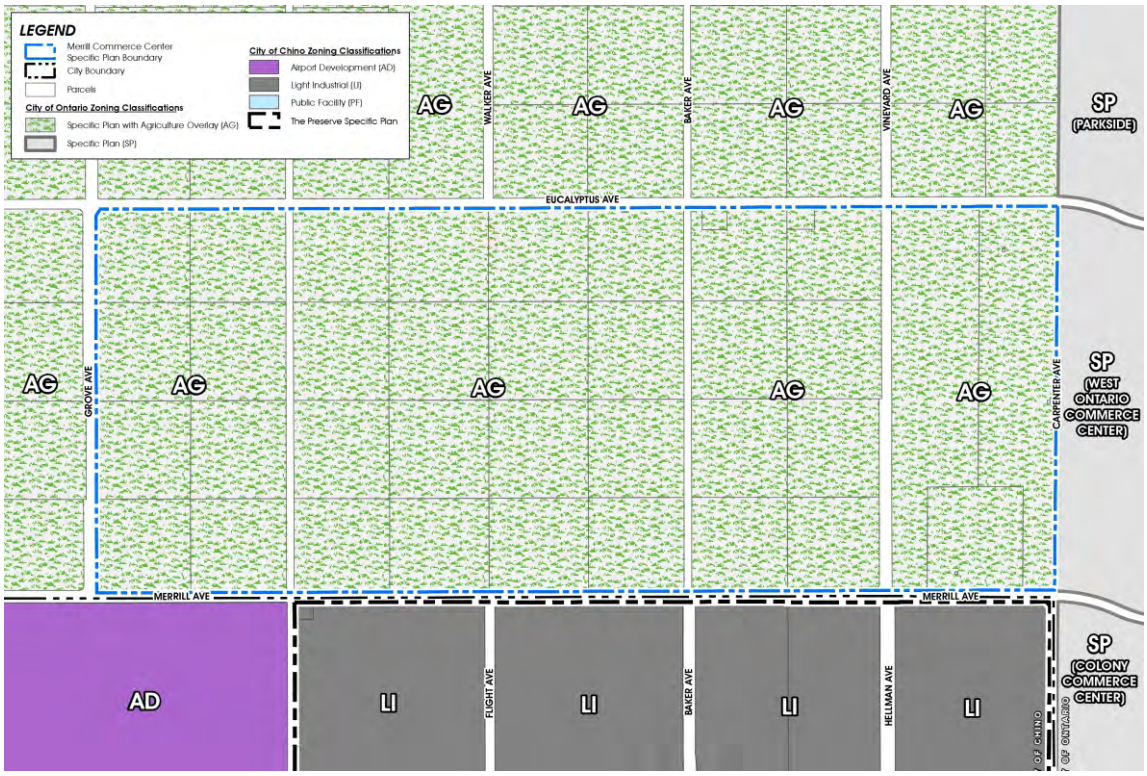


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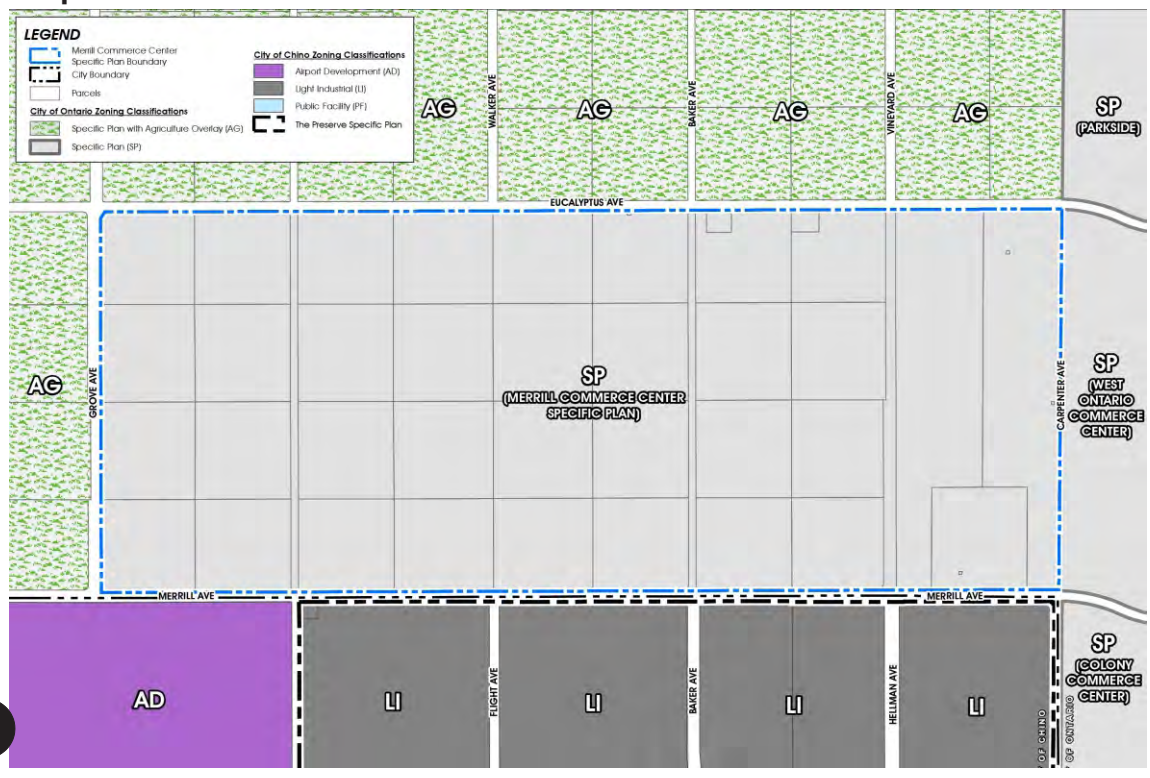
Source: City of Ontario, City of Chino

Figure 3.4-1
Existing/Proposed Policy Plan Land Use Designations

Existing:



Proposed:



NOT TO SCALE

Source: City of Ontario, City of Chino

Figure 3.4-2
Existing/Proposed Zoning Designations

The natural topography of the Project site is relatively flat. No unusual grading conditions are present and substantial import or export of earth materials is not expected. The primary objectives of the grading plan are to: provide stable development pads for construction; balance the cut and fill grading quantities on-site; and meet City of Ontario building standards and acceptable infrastructure gradient requirements.

To avoid or minimize temporary construction-related traffic impacts throughout site preparation and construction activities, the Project Applicant would be required to prepare and implement a City-approved Construction Traffic Management Plan (Plan). Typical elements and information incorporated in the Plan would include, but not be limited to:

- **Name of on-site construction superintendent and contact phone number.**

- **Identification of Construction Contract Responsibilities** - For example, for excavation and grading activities, describe the approximate depth of excavation, and quantity of soil import/export (if any).

- **Identification and Description of Truck Routes** - to include the number of trucks and their staging location(s) (if any).

- **Identification and Description of Material Storage Locations (if any).**

- **Location and Description of Construction Trailer (if any).**

- **Identification and Description of Traffic Controls** - Traffic controls shall be provided per the Manual of Uniform Traffic Control Devices (MUTCD) if the occupation or closure of any traffic lanes, parking lanes, parkways or any other public right-of-way is required. If the right-of-way occupation requires configurations or controls not identified in the MUTCD, a separate traffic control plan must be submitted to the City for review and approval. All right-of-way encroachments would require permitting through the City.

- **Identification and Description of Parking** - Estimate the number of workers and identify parking areas for their vehicles.

- **Identification and Description of Maintenance Measures** - Identify and describe measures taken to ensure that the work site and public right-of-way would be maintained (including dust control).

The Plan would be reviewed and approved by the City prior to the issuance of the first building permit. The Plan and its requirements would also be required to be provided to all contractors as one component of building plan/contract document packages.

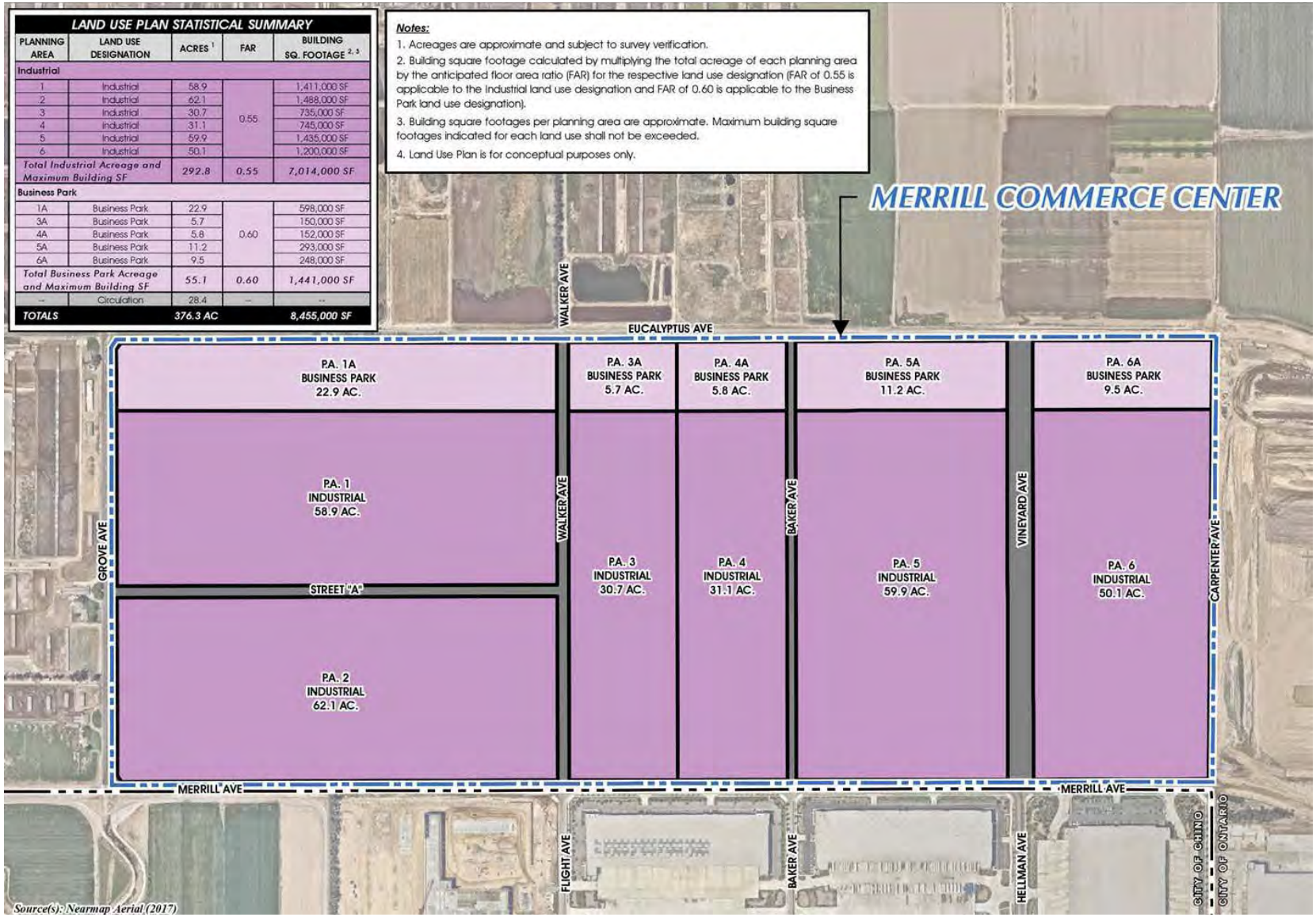
3.4.3 Development Concept

3.4.3.1 Land Use Plan Concept

The Specific Plan Land Use Plan is presented at Figure 3.4-3. The Specific Plan area comprises approximately 376.3 acres apportioned as follows:

- Industrial Land Use: Approximately 292.8 acres;
- Business Park Land Use: Approximately 55.1 acres; and
- Circulation (vehicular and non-vehicular): Approximately 28.4 acres.

Under the Project Development Concept evaluated in this EIR, the Specific Plan area would be developed with the following uses:



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 3.4-3
Land Use Plan

- Industrial Land Use: The Specific Plan Industrial Land Use would be developed with approximately 6,312,600 square feet of high-cube fulfillment center warehouse use, and approximately 701,400 square feet of high-cube cold storage warehouse use.

- Business Park Land Use: The Specific Plan Business Park Land Use would be developed with approximately 1,441,000 square feet of mixed uses including merchant wholesale, professional services, professional office, warehouse/storage, and research and development.

Total Development: 8,455,000 square feet

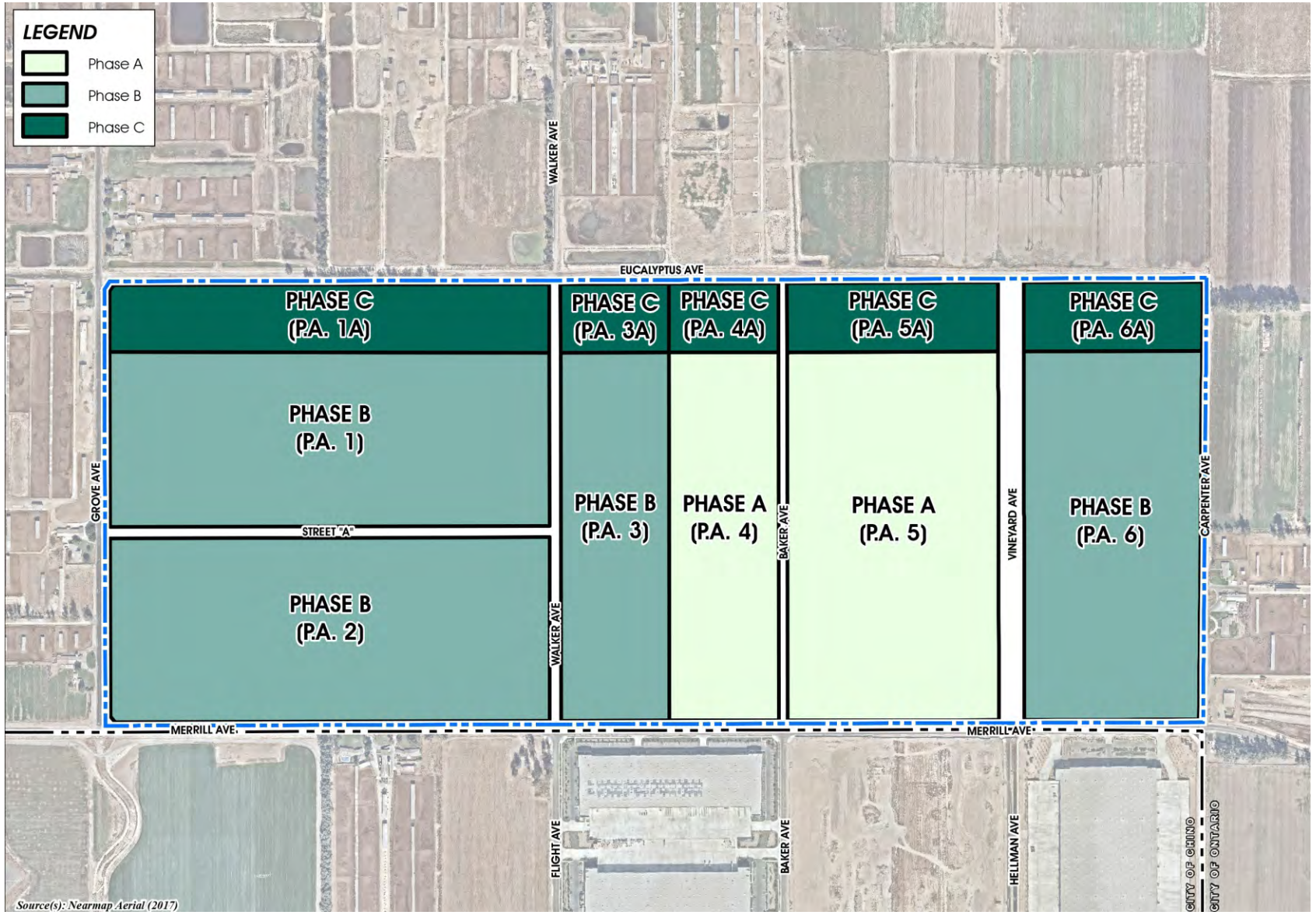
Analyses within this EIR address the range and types of uses permitted or conditionally permitted under the Specific Plan Industrial and Business Park Land Use designations. Should future development proposals proposed within the Specific Plan area, or supporting infrastructure proposed as part of the Project differ substantially from the development concepts analyzed herein, the Lead Agency would comply with CEQA in consideration of those proposals.

3.4.3.2 Project Phasing Concept

The Project would be implemented in 3 Phases – "A," "B," and "C" as illustrated at Figure 3.4-4, *Phasing Concept*. Phase A is anticipated to be completed by 2022, Phase B by 2025, and Phase C by 2026. Project phasing would ultimately respond to market demands and would be contingent on availability of supporting infrastructure.

3.4.3.3 Access and Circulation

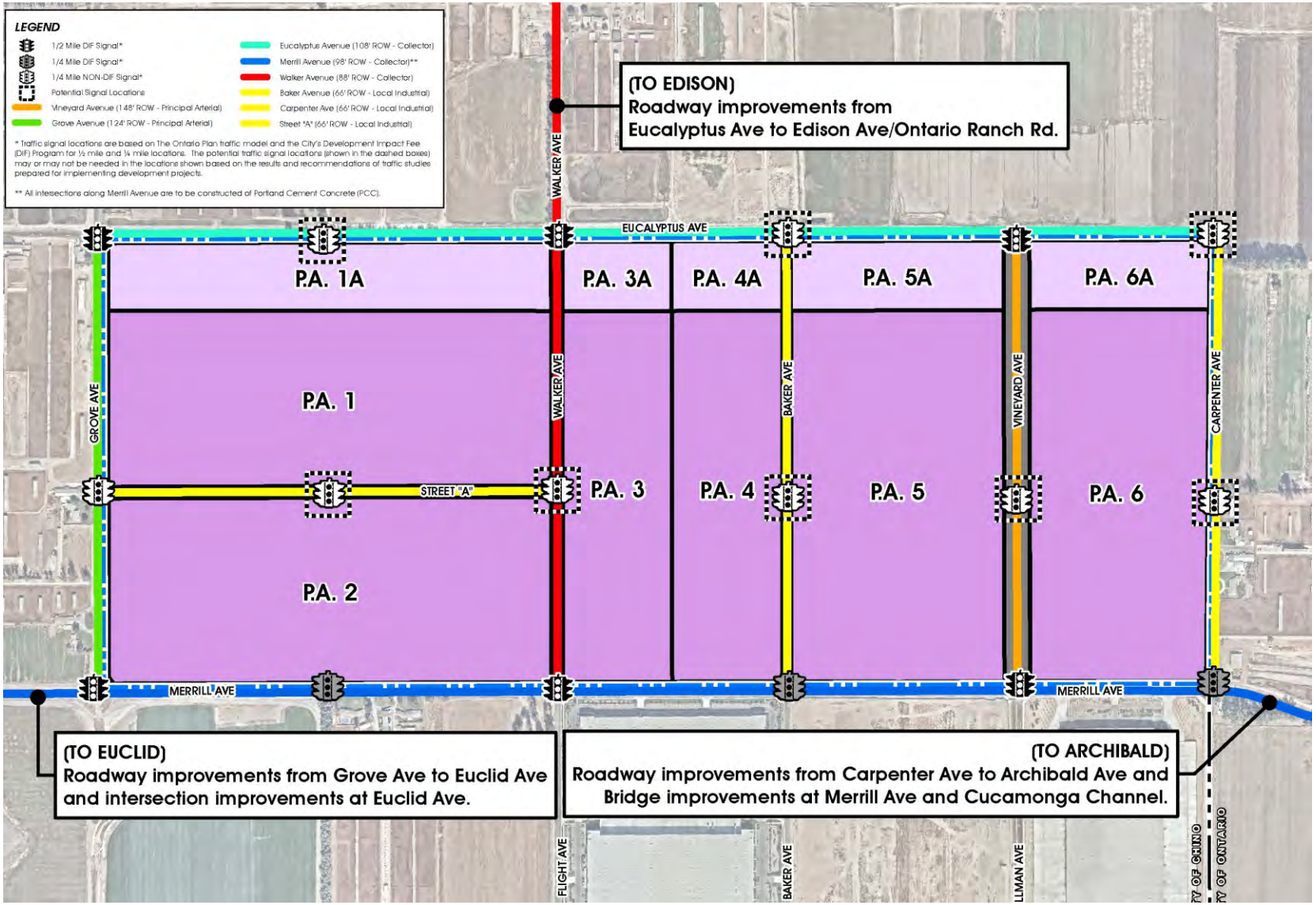
The Project Access and Circulation Concept is presented at Figure 3.4-5. Access to the Specific Plan area would be provided via surrounding roadways, including Merrill Avenue, Grove Avenue, Vineyard Avenue, and Eucalyptus Avenue. The roadway improvements listed below would be constructed as part of the Specific Plan buildout. Please refer also to Specific Plan Section 4.1, *Circulation and Access Plan* for further details regarding Project roadway and access improvements.



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 3.4-4
Phasing Concept



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 3.4-5
Circulation Plan

- Walker Avenue would be constructed as a north-south oriented Collector road that would connect to Edison Avenue/Ontario Ranch Road to the north and Merrill Avenue to the south;
- Street "A" would be constructed as an east-west oriented Local Industrial Street that would provide access through the western portion of the Specific Plan area and connect to Grove Avenue at its westerly terminus and future Walker Avenue at its easterly terminus;
- Baker Avenue would be constructed as a north-south oriented Local Industrial Street that would provide access through the Specific Plan area and connect to Eucalyptus Avenue at its northerly terminus and Merrill Avenue at its southerly terminus;
- Vineyard Avenue would be constructed as a north-south oriented Principal Arterial that would provide access through the Specific Plan area and connect to Eucalyptus Avenue at its northerly terminus and Merrill Avenue at its southerly terminus;
- Frontage improvements to Carpenter Avenue as a Local Industrial roadway along the entirety of the easterly Specific Plan boundary;
- Frontage improvements to Eucalyptus Avenue as a Collector roadway along the entirety of the northerly Specific Plan boundary;
- Frontage improvements to Grove Avenue as a Principal Arterial roadway along the entirety of the westerly Specific Plan boundary;
- Improvements to the segment of Merrill Avenue as a Collector roadway located between Euclid Avenue and Archibald Avenue; and
- Widening of the existing bridge crossing Merrill Avenue at the Cucamonga Flood Control Channel.

3.4.3.4 Utilities Infrastructure

Development of the Project would require the installation of water, sewer, drainage and other utility facilities. Proposed utilities infrastructure plans and improvements to be implemented by the Project are summarized below.

City of Ontario Policy Plan Policy LU4-3 *Infrastructure Timing* requires that necessary infrastructure and services be in place prior to or concurrent with new development. Similarly, the Merrill Commerce Center Specific Plan includes a development phasing plan and infrastructure phasing plan that require infrastructure supporting buildout of the Specific Plan be adequately phased concurrent with development (see: Specific Plan, p. A-6).

Potable Water Plan

The Project Potable Water Plan Concept is presented at Figure 3.4-6. Context of the Project within the City of Ontario Ultimate Water System is presented at Figure 3.4-6A. Potable water services to the Specific Plan area would be provided by the City of Ontario (Ontario Municipal Utilities Company, OMUC).

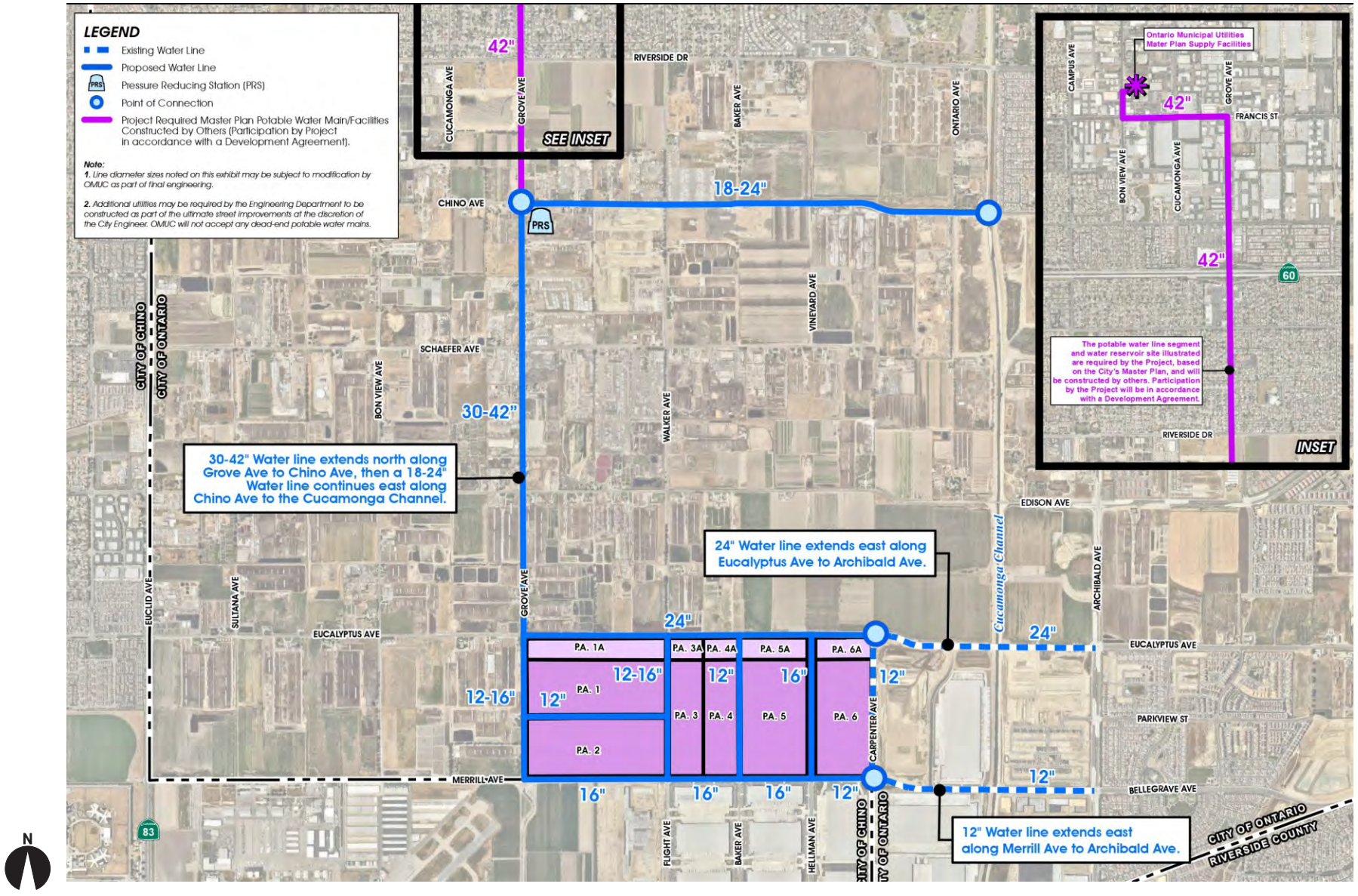
Currently there are no City potable water mains or City potable water infrastructure in the vicinity of the Project. Potable Water System Improvements for the Specific Plan area require the planning, design, and construction of the 925 Pressure Zone (PZ) Phase 2 West Backbone, which includes:

- Extending the 24-inch potable water main in Eucalyptus Avenue from Carpenter Avenue to Grove Avenue;

- A 30-inch to 42-inch potable water main in Grove Avenue connecting from the 24-inch potable water main in Eucalyptus Avenue and extending to Chino Avenue;

- An 18-inch to 24-inch potable water main in Chino Avenue and connecting to the existing 18-inch potable water main located on the west side of the Cucamonga Creek Channel;

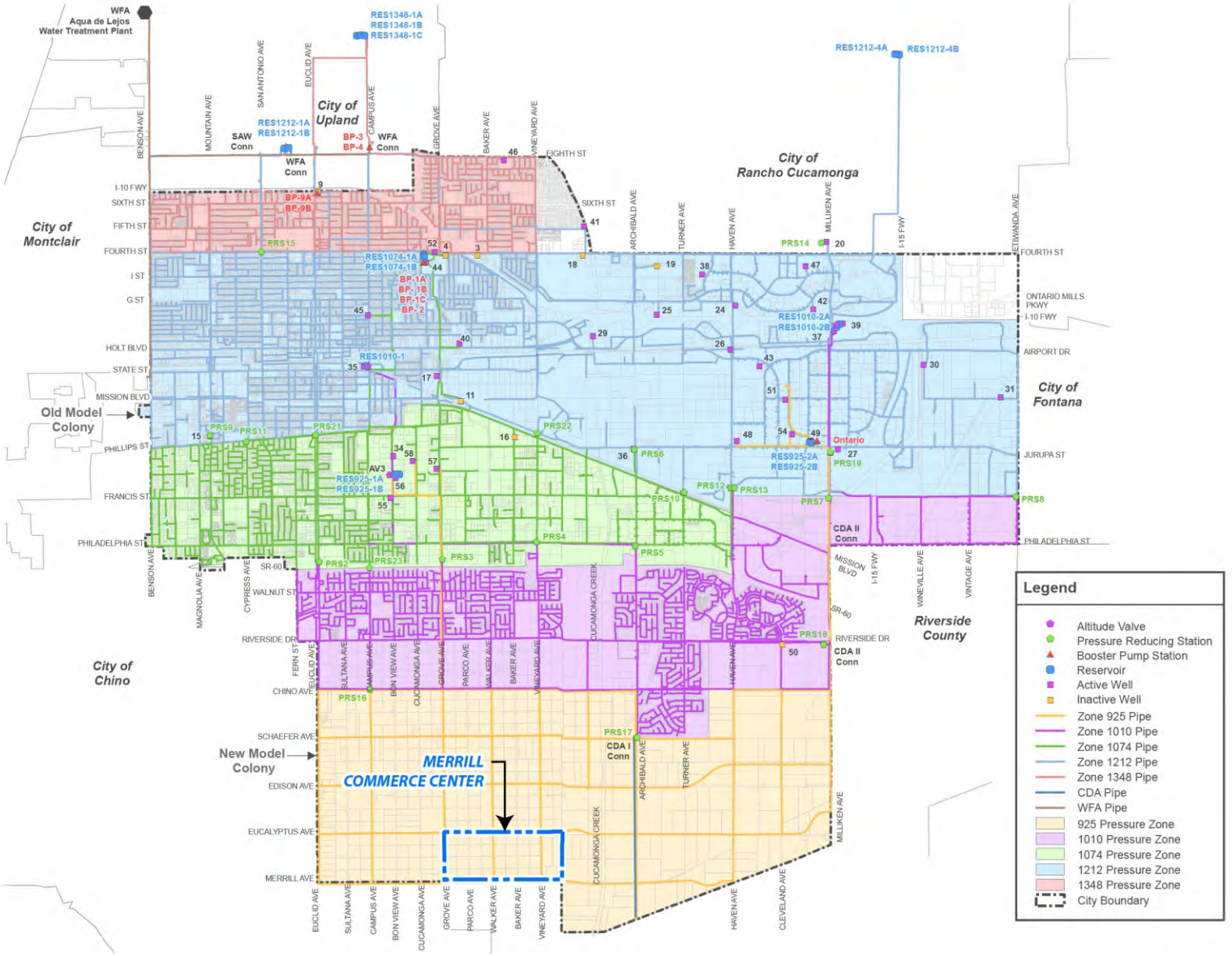
- A Pressure Reducing Station between the 1010 PZ and 925 PZ near the intersection of Grove Avenue and Chino Avenue.



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 3.4-6
Conceptual Water Plan



NOT TO SCALE

Source: T & B Planning

Figure 3.4-6A
City of Ontario Water Master Plan

Master Plan Phase 2 facilities that are required to serve the Project but that will be constructed by others include:

- A 42-inch potable water main in Grove Avenue connecting from the 30-inch potable water main in Grove Avenue at Chino Ave and extending to Francis Avenue;

- A 42-inch potable main in Francis Avenue connecting from the 42-inch potable water main in Grove Avenue and extending to Bon View Avenue;

- A 42-inch potable water main in Bon View Avenue connecting from the 42-inch potable water main in Francis Avenue and extending to the Bon View Avenue Reservoir site and to the Reservoir;

- A 9 million gallon reservoir on the Bon View Reservoir site, two 2,500 gpm wells with any treatment necessary to meet water quality standards and the 16-inch to 42-inch well collection mains from the wells to the reservoirs.

At the time the Specific Plan was prepared, the alignment of the 42-inch water line between Chino Avenue and the water reservoir site had not been finalized and is subject to change. The Project will be required to participate in the future Phase 2 Water System Improvements north of Chino Avenue, as detailed in the Development Agreement with the City.

In addition to the 925 Pressure Zone (PZ) Phase 2 West Backbone system described above, the Project would implement a Secondary Loop between the 925 Pressure Zone (PZ) Phase 2 West Backbone system and the Project site. These improvements would include:

- A 24-inch potable water main in Eucalyptus Avenue connecting to the 30-inch to 42-inch 925 Pressure Zone (PZ) Phase 2 West Backbone main in Grove Avenue;

- A 16-inch potable water main in Merrill Avenue connecting from the 12-inch to 16-inch potable water main in Grove Avenue and extending to Vineyard Avenue;

- A 16-inch potable water main in Vineyard Avenue connecting from the 16-inch potable water main in Merrill Avenue and extending to connect to the 24-inch potable water main in Eucalyptus Avenue; and

- A 12-inch potable water main in Merrill Avenue connecting from the 16-inch potable water main in Vineyard Avenue and extending east to connect to the 12-inch potable water main in Carpenter Avenue.

The Project would also construct the Local Adjacent Potable Water System. Improvements would include:

- A 12-inch to 16-inch potable water main in Grove Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue;

- A 12-inch to 16-inch potable water main in Walker Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue;

- A 12-inch potable water main in Baker Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue; and

- A 12-inch potable water main in "Street A" connecting to the 12-inch potable water main in Grove Avenue and extending to connect to the 12-inch to 16-inch potable water main in Walker Avenue.

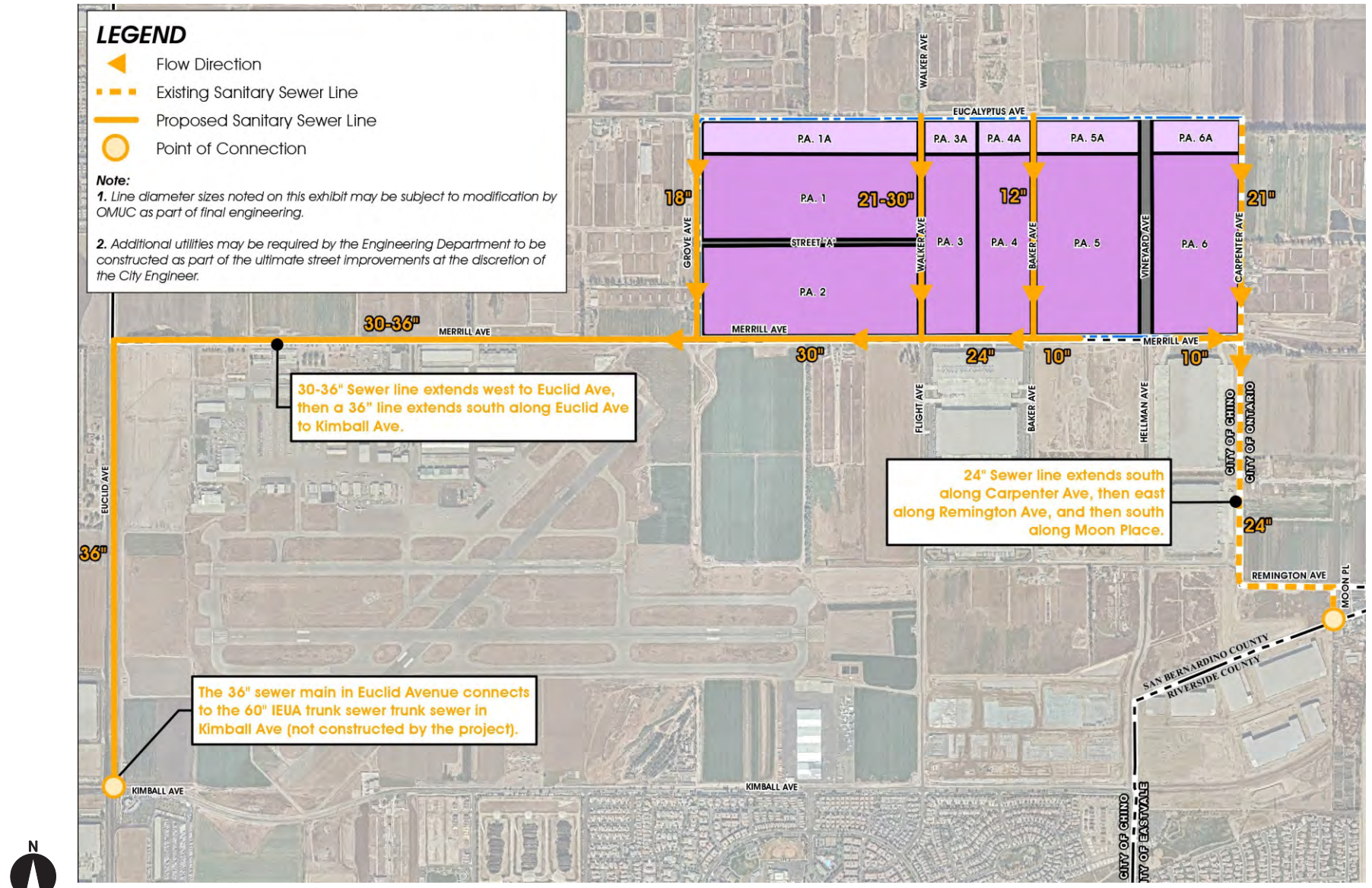
Water infrastructure improvements required of the Project are subject to change based upon findings of City-approved hydraulic studies, master plan updates, and Project final

designs. Orientation and configuration of water mains are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including Inland Empire Utility Agency (IEUA) water mains, that do not meet minimum depths, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/replacement by the Project developer(s). Within the Project site, on individual private property, all onsite potable water systems, non-potable water systems, and fire protection/suppression water systems shall be private and be privately-maintained.

Sanitary Sewer Plan

The Project Sanitary Sewer Plan Concept is presented at Figure 3.4-7. Context of the Project with the City of Ontario Ultimate Sewer System is presented at Figure 3.4-7A. Sanitary sewer service to the Project site and surrounding area is provided by OMUC. OMUC conveys wastewater to IEUA for transmission to area-serving treatment facilities.

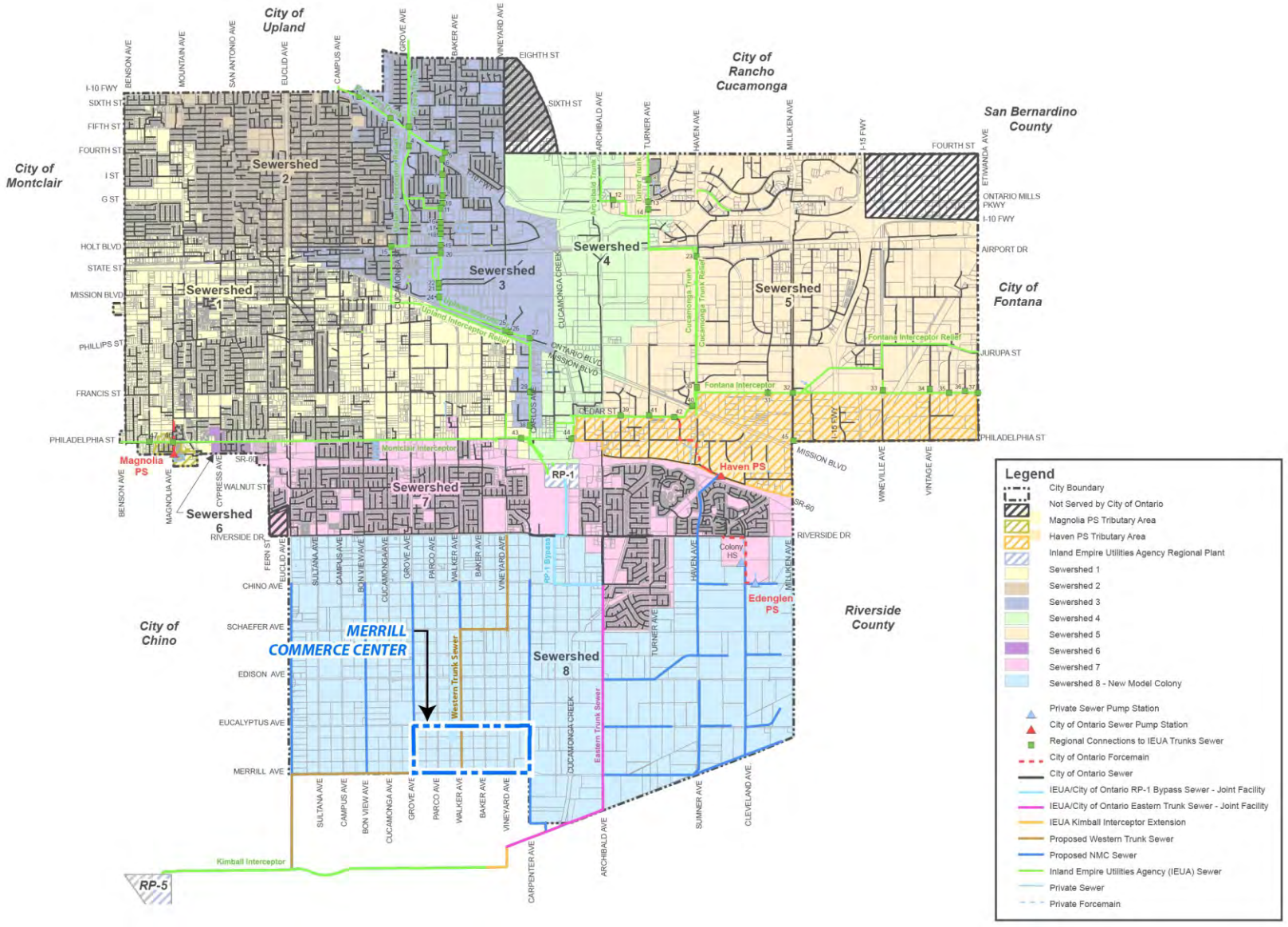
Existing 21-inch and existing 24-inch City sanitary sewer mains are located in Carpenter Avenue to the east and south of the Project site. The Project site and surrounding properties are included within the City's Sewer Master Plan. The areas west of Vineyard Avenue are Tributary to the Western Trunk Sewer (WTS), which connect to IEUA's system at Kimball Avenue and Euclid Avenue. The areas east of Vineyard Avenue are Tributary to the Eastern Trunk Sewer (ETS), through the City's Carpenter Trunk Sewer which connect to IEUA's system at Vineyard/Hellman Avenue and the San Bernardino/Riverside County line. Specific Plan Planning Areas 1 to 5 and 1A to 5A are within the WTS tributary area. Specific Plan Planning Areas 6 and 6A are within the ETS tributary area.



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 3.4-7
Conceptual Sewer Plan



Source: T & B Planning

Figure 3.4-7A
City of Ontario Sewer Master Plan

The Project would construct the following Primary Sewer Master Plan Backbone mains of the WTS:

- A 36-inch sewer main in Euclid Avenue connecting to the IEUA's 60-inch Kimball Interceptor at the intersection of Kimball Avenue and Euclid Avenue and extending north to Merrill Avenue;
- A 30-inch to 36-inch sewer main in Merrill Avenue from Euclid Avenue to Grove Avenue;
- A 30-inch sewer main in Merrill Avenue from Grove Avenue to Walker Avenue; and
- A 21-inch to 30-inch sewer main in Walker Avenue from Merrill Avenue to Eucalyptus Avenue.

In addition to the Primary Sewer Master Plan Backbone mains, the Specific Plan area requires the planning, design, and construction of a Secondary Master Plan Trunk Sewer, which includes: installing an 18-inch Grove Trunk Sewer main in Grove Avenue from the WTS in Merrill Avenue and extending north in Grove Avenue to Eucalyptus Avenue.

The Project would also construct the Local Adjacent Sewer System. These improvements include:

- A 10-inch sewer main in Merrill Avenue from Carpenter Avenue extending westerly towards Vineyard Avenue;
- A 24-inch sewer main in Merrill Avenue from the WTS in Walker Avenue and extending easterly to Baker Avenue;
- A 10-inch sewer main in Merrill Avenue from Baker Avenue extending easterly towards Vineyard Avenue; and
- A 12-inch sewer main in Baker Avenue from Merrill Avenue extending northerly toward Eucalyptus Avenue.

Sanitary sewer infrastructure improvements required of the Project are subject to change based upon findings of City-approved hydraulic studies, master plan updates, and Project final designs. Sewer main orientations and configurations are also subject to

change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including IEUA Recycled Water mains, that do not meet minimum depth, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/replacement by the Project developer(s). Within the Project site, on individual private property, the onsite sanitary sewer systems shall be private and be privately maintained.

Recycled Water Plan

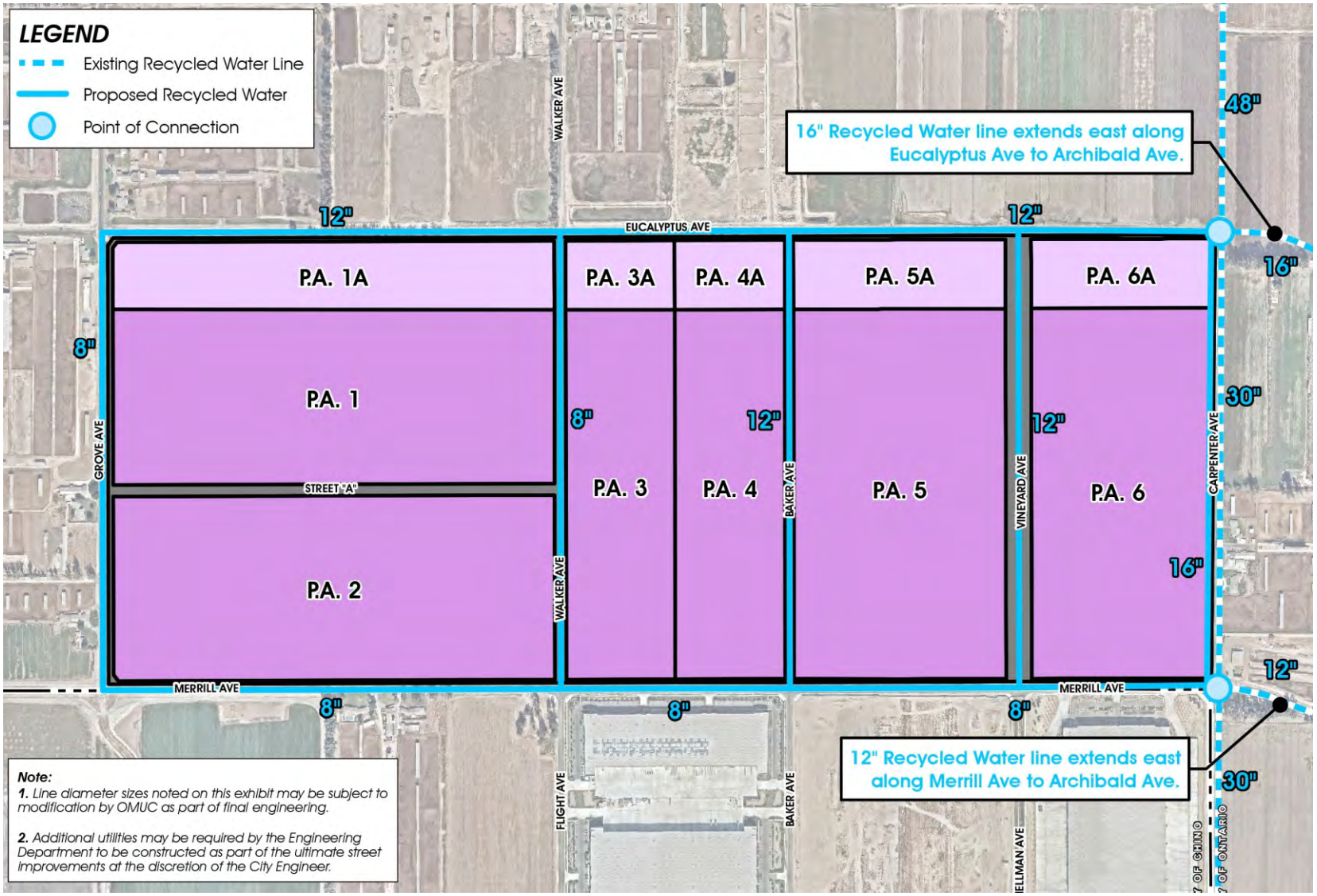
The Project Recycled Water Plan Concept is presented at Figure 3.4-8. Context of the Project within the City of Ontario Future Recycled Water System is presented at Figure 3.4-8A. In the vicinity of the Project, existing City recycled water infrastructure is located in Carpenter Avenue, Eucalyptus Avenue, and Merrill Avenue. Recycled water supplied to the Project would be provided by OMUC. OMUC recycled water supplies are produced by IEUA from IEUA's four wastewater reclamation plants. The Project site and surrounding properties lie within the City's Master Plan 930 Pressure Zone.

The following Master Plan 930 Pressure Zone recycled water system improvements would be constructed as part of the Project:

- A 16-inch recycled water main in Carpenter Avenue connecting to the 16-inch 930 Pressure Zone Recycled Water main in Eucalyptus Avenue and extending it to connect to the 8-inch 930 Pressure Zone Recycled Water main in Merrill Avenue;

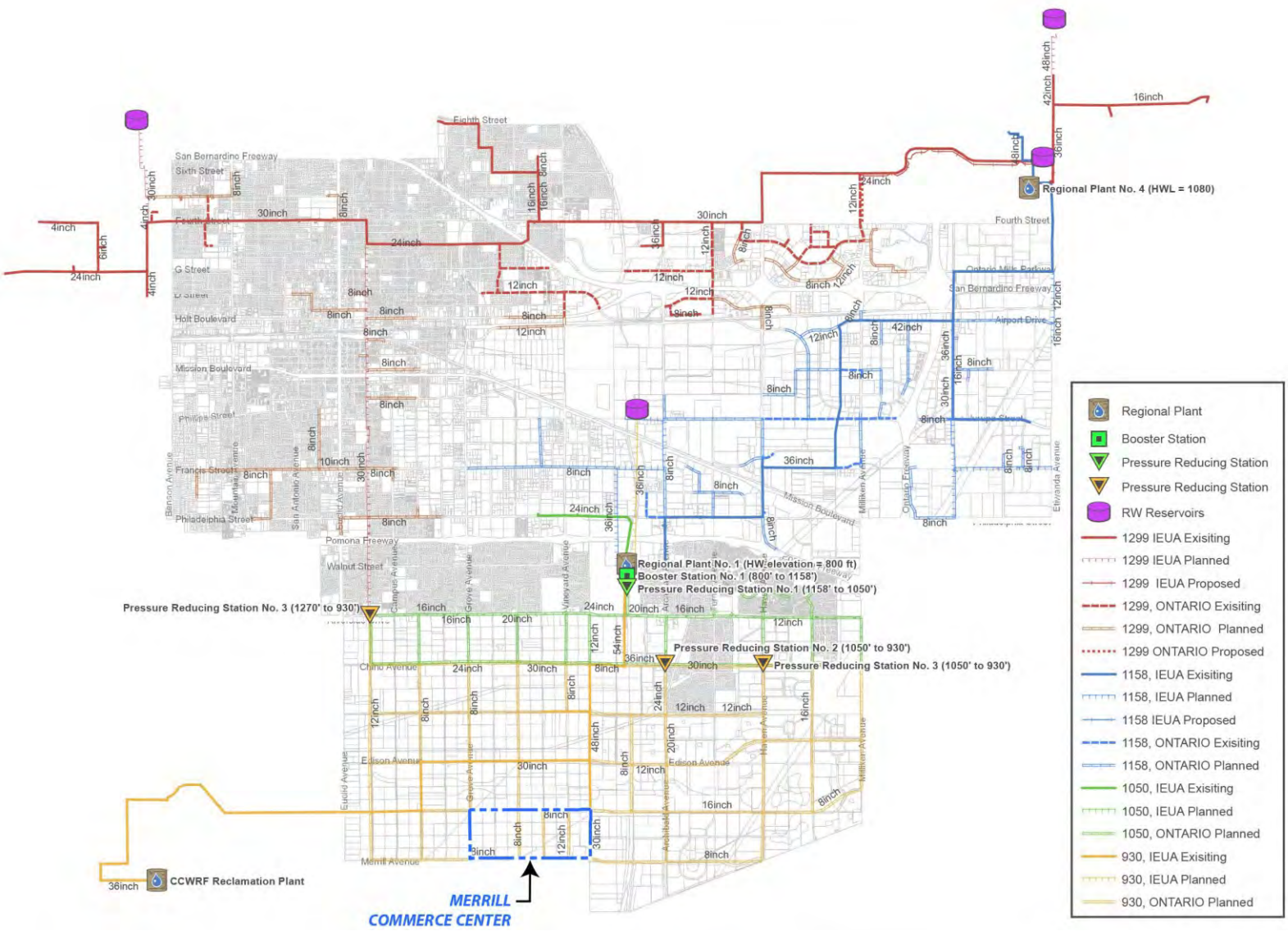
- A 12-inch recycled water main in Eucalyptus Avenue connecting to the existing 16-inch 930 Pressure Zone recycled water main at the intersection of Carpenter Avenue and Eucalyptus Avenue and extending to Grove Avenue;

- An 8-inch recycled water main in Merrill Avenue connecting to the existing City 12-inch 930 Pressure Zone Recycled Water main in Merrill Avenue at the intersection of Merrill Avenue and Carpenter Avenue and extending westerly to Baker Avenue;



Source: T&B Planning, Inc.

Figure 3.4-8
Conceptual Recycled Water Plan



Source: T & B Planning

Figure 3.4-8A
City of Ontario Future Recycled Water System

- An 8-inch recycled water main in Merrill Avenue connecting to the 12-inch recycled water main in Merrill Avenue at Baker Avenue and extending westerly to Grove Avenue.

In addition to the Master Plan 930 Pressure Zone improvements listed above, the Project would construct the following Secondary Loop improvements:

- An 8-inch recycled water main in Merrill Avenue connecting to the 8-inch recycled water main in Merrill Avenue at Grove Avenue and extending west to Euclid Avenue.

The Project would also construct the Local Adjacent Recycled Water System. These improvements include:

- A 12-inch recycled water main in Vineyard Avenue connecting to the 8-inch recycled water main in Merrill Avenue and extending it to connect to the 12-inch main in Eucalyptus Avenue;

- A 12-inch recycled water main in Baker Avenue connecting to the 8-inch recycled water main in Merrill Avenue and extending it to connect to the 12-inch main in Eucalyptus Avenue;

- An 8-inch recycled water main in Walker Avenue connecting to the 8-inch recycled water main in Merrill Avenue and extending it to connect to the 12-inch main in Eucalyptus Avenue.

Recycled water infrastructure improvements required of the Project are subject to change based upon findings of City-approved hydraulic studies, master plan updates, and Project final designs. Recycled water main orientations and configurations are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including IEUA Recycled Water mains, that do not meet minimum depth, standard alignment locations, and/or minimum horizontal and

vertical separation requirements shall be subject to relocation/replacement by the Project developer(s). Within the Project site, on individual private property, the onsite recycled water systems shall be private and be privately maintained.

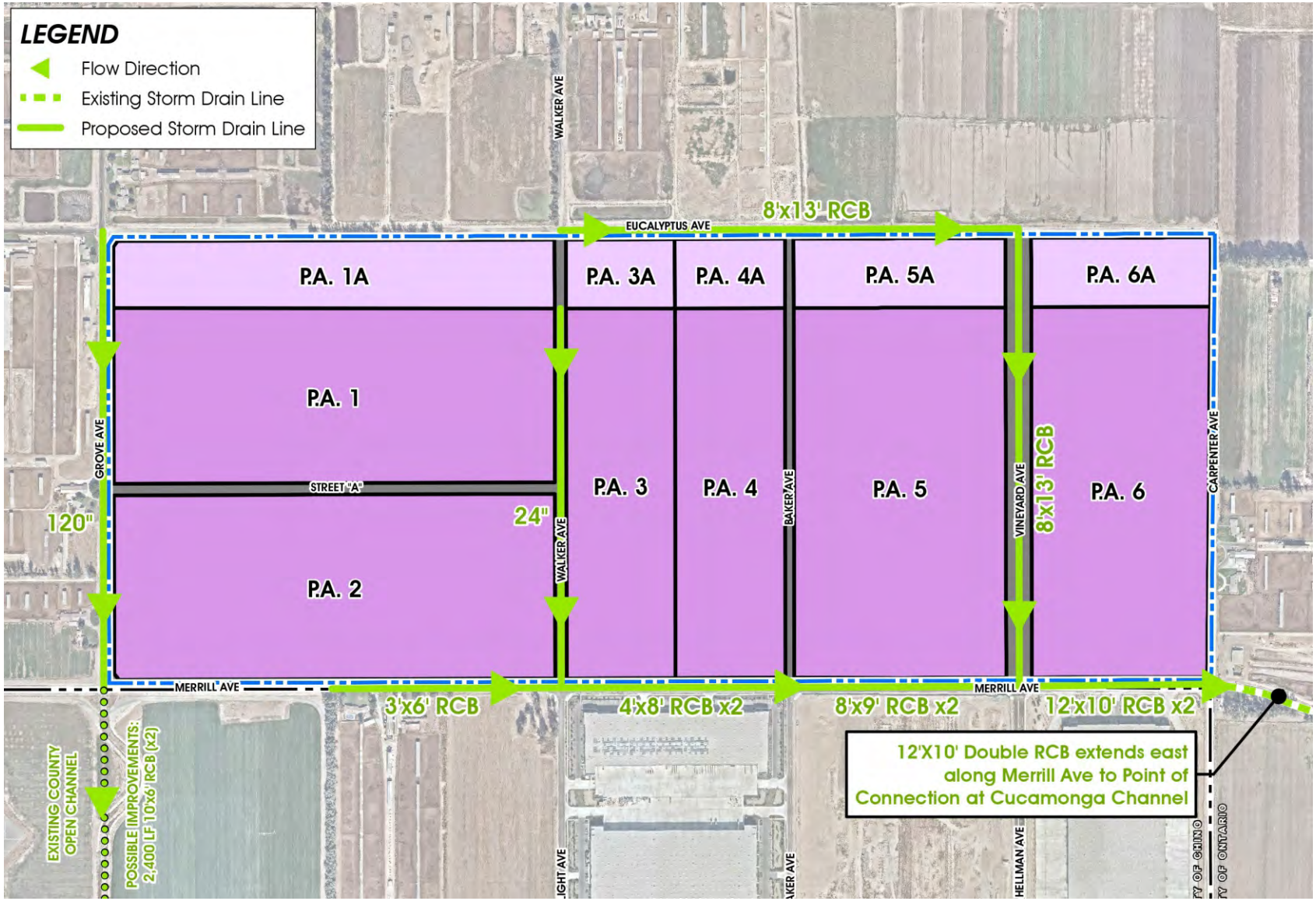
Storm Water Management Plan

The Project Storm Water Management Plan Concept is presented at Figure 3.4-9. Context of the Project within the City of Ontario Planned Drainage Facilities is presented at Figure 3.4-9A. The Project Storm Water Management Plan Concept responds to and incorporates City of Ontario Master Plan of Drainage standards. Storm drain improvements listed below would be installed to service the Specific Plan area. Line diameter sizes and other storm drain facility sizes noted herein may be subject to modification by the City of Ontario and/or the San Bernardino Flood Control District as part of the Project final designs and engineering. Where required by the City, storm drains shall be equipped with a hydrodynamic separator(s) to satisfy the statewide trash mandate. Each device will be approved by and listed on the Certified Full Capture System List of Trash Treatment Control Devices of the State Water Resources Control Board (SWRCB). Project stormwater management system improvements include:

- An 8-foot by 13-foot Reinforced Concrete Box (RCB) in the segment of Eucalyptus Avenue located between Walker Avenue and Vineyard Avenue;

- A 3-foot by 6-foot RCB, a double 4-foot by 8-foot RCB, a double 8-foot by 9-foot RCB, and a double 12-foot by 10-foot RCB in various segments of Merrill Avenue between the midpoint of the southerly boundary of Planning Area 2 and Carpenter Avenue;

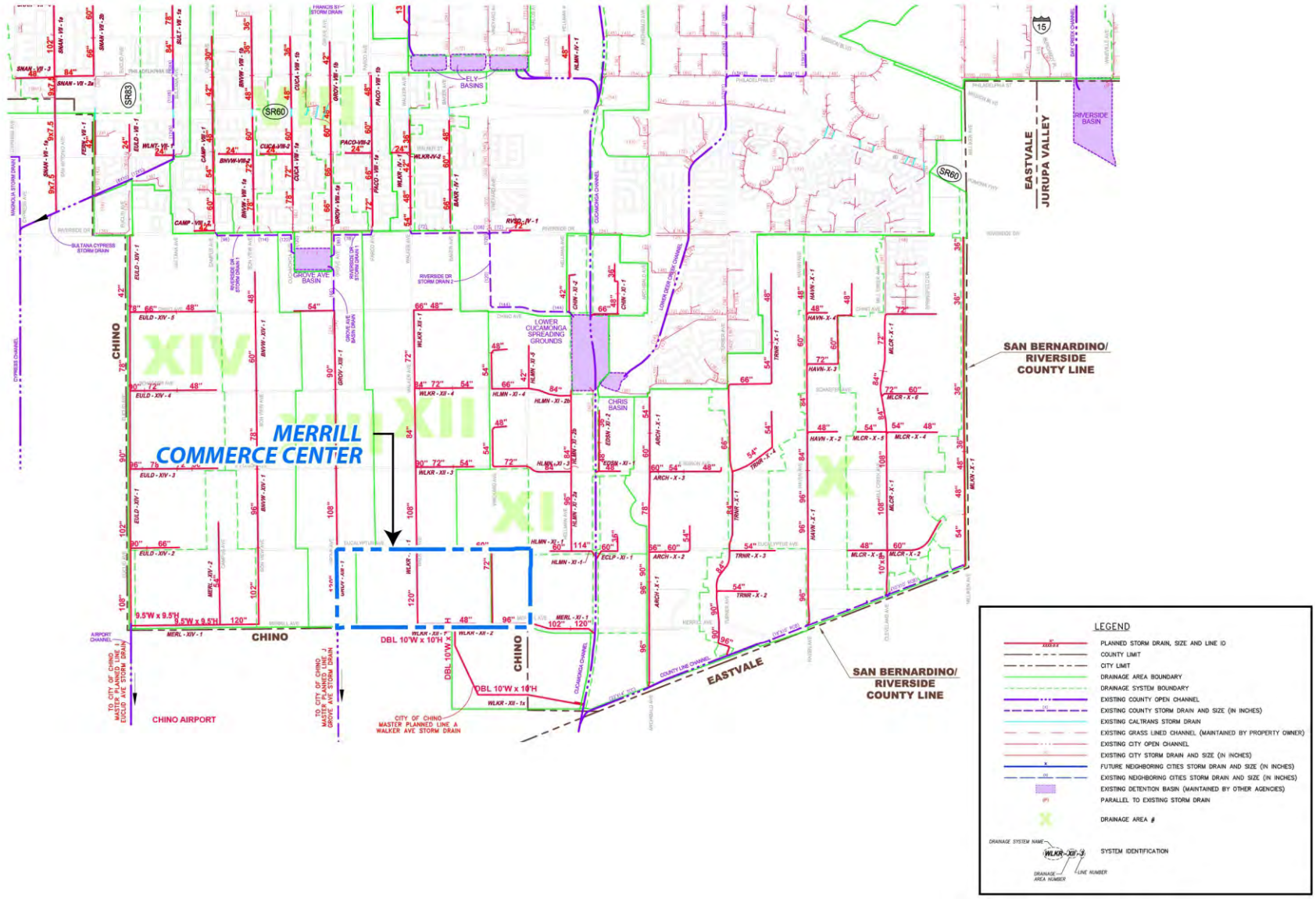
- A 24-inch storm drain line in the segment of Walker Avenue located between the southerly boundary of Planning Area 1A and Merrill Avenue;



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Source: T&B Planning, Inc.

Figure 3.4-9
Conceptual Storm Drain Plan



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Source: T & B Planning

Figure 3.4-9A
City of Ontario Planned Drainage Facilities

- A 120-inch storm drain line in the segment of Grove Avenue located between Eucalyptus Avenue and Merrill Avenue (with a point of connection to the existing open flood channel located south of the intersection of Merrill Avenue and Grove Avenue); and

- An 8-foot by 13-foot RCB in the segment of Vineyard Avenue located between Merrill Avenue and Eucalyptus Avenue.

- Additionally, the developer(s) of the Project may be conditioned to improve the existing open flood channel located south of the intersection of Merrill Avenue and Grove Avenue. Improvements may consist of either lowering the elevation of the existing earthen channel or installing a double 10-foot by 6-foot RCB within the existing earthen channel to connect to an existing RCB located at the southerly terminus of the existing earthen flood channel. The ultimate solution will be determined during the final Project design and engineering process.

- On-site storm drain improvements would include storm water detention/retention/water quality basins, which would capture, treat, and provide controlled release of storm water discharges to the public storm drain system.

Planning Areas 1, 1A, and 2 would drain southerly, the drainage ultimately flowing into either a water quality basin located in the southwest portion of Planning Area 2, the existing flood channel located south of the intersection of Merrill Avenue and Grove Avenue, or to the RCB drainage system in Merrill Avenue, which would then convey flows easterly to the Cucamonga Channel.

Storm water flows from Planning Areas 3 and 3A would drain southerly, the drainage ultimately flowing into either the 24-inch line within Walker Avenue or to the RCB system in Merrill Avenue.

Planning Areas 4 and 4A would also drain southerly, the drainage ultimately flowing to either a storm drain line installed in Baker Avenue or to the RCB system in Merrill Avenue.

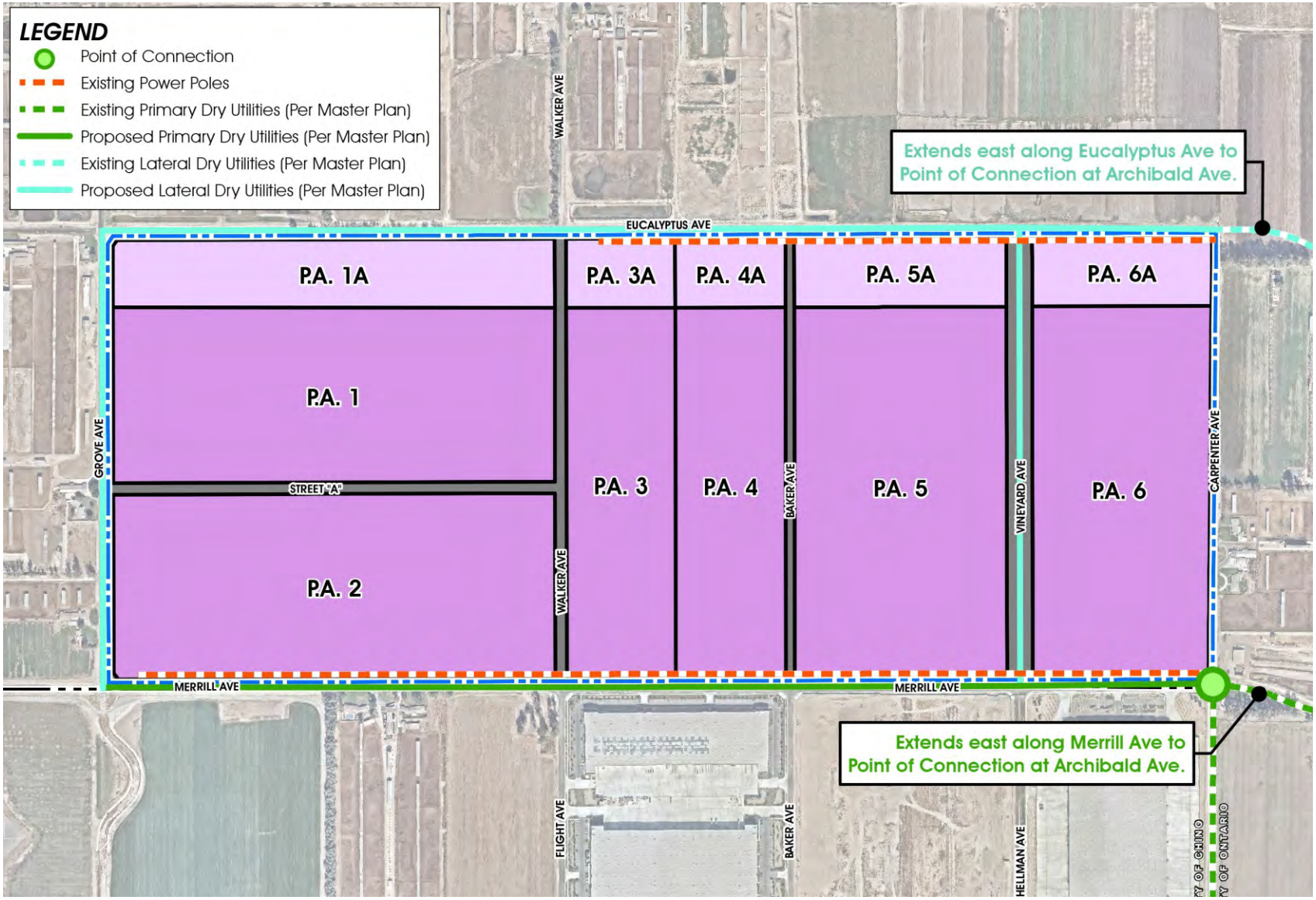
Planning Areas 5, 5A, 6 and 6A would drain southerly, the drainage ultimately flowing to the 8-foot by 13-foot RCB in Vineyard Avenue or the double 8-foot by 9-foot RCB in Merrill Avenue.

Stormwater discharges from Planning Areas 3, 3A, 4, 4A, 5, 5A, 6, and 6A would ultimately drain easterly to an existing inlet connection to the Cucamonga Creek Channel via the existing double 12-foot by 10-foot RCB in Merrill Avenue (east of Carpenter Avenue).

Dry Utilities/Fiber Optics Plan

Figure 3.4-10 presents the Project Dry Utilities Infrastructure Plan concept. Dry utility lines (e.g., natural gas lines, electric lines) would be installed within joint trenches in Merrill Avenue and would connect to existing lines in Merrill Avenue to the west of Grove Avenue, and to existing lines in Merrill Avenue to the east of Carpenter Avenue. Lateral dry utility lines within joint trenches would be installed in Grove Avenue, Vineyard Avenue, and Eucalyptus Avenue. The lateral dry utility line within Eucalyptus Avenue would connect to existing dry utility lines in Merrill and Archibald Avenue to the east. The lateral dry utility lines within Grove Avenue and Vineyard Avenue would connect to the primary dry utility lines within Merrill Avenue.

Dry utilities internal to the Specific Plan Area would be installed underground in accordance with applicable purveyor standards and specifications and to the satisfaction of the City Engineer. The locations and configurations of utilities connections, transformers, switches, pull boxes, and manholes would be determined in conjunction with final Project designs and engineering. Existing power poles located along Eucalyptus Avenue and Merrill Avenue will be undergrounded as part of the Specific Plan's buildout.



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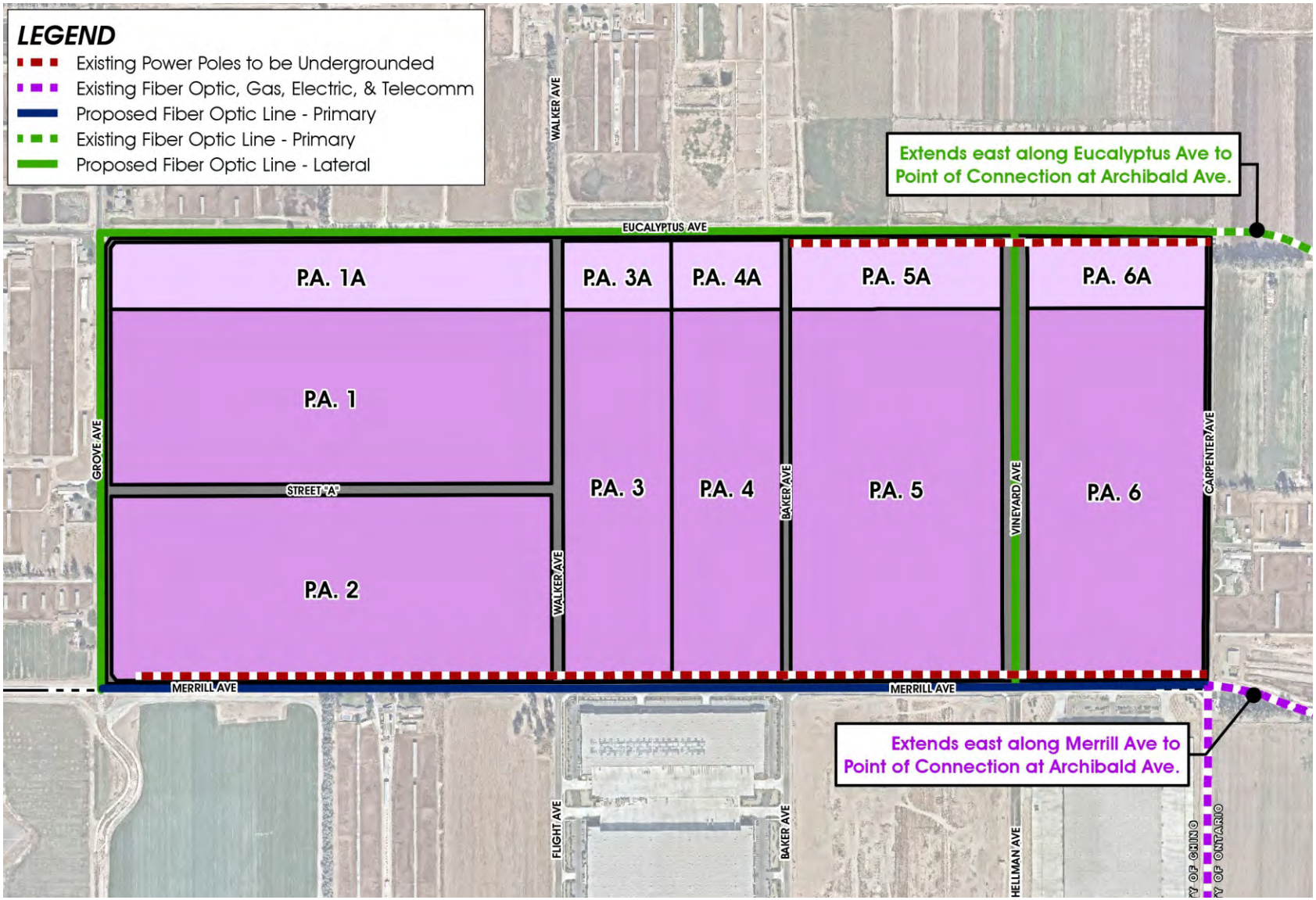
Source: T&B Planning, Inc.

Figure 3.4-10
Dry Utilities Plan

The Specific Plan Fiber Optics Plan is illustrated at Figure 3.4-11. Fiber optic lines would be installed on- and off-site in accordance with the City of Ontario's Master Plan standards. Per the City of Ontario's Master Fiber Optic Plan, lines will be installed in Merrill Avenue between Grove Avenue and Carpenter Avenue, Grove Avenue abutting Planning Areas 1 and 2; in Eucalyptus Avenue from Grove Avenue to Carpenter Avenue; and in Vineyard Avenue abutting Planning Areas 5 and 6.

Backbone fiber optics components (conduits, hand holes, tracer wire, and fiber) will be placed underground within a duct and structure system to be installed in a joint trench within adjacent streets. Within the Specific Plan Area, in-tract fiber and conduit will be installed per the City's in-tract fiber optic design guidelines (see: https://www.ontarioca.gov/sites/default/files/Ontario-Files/Information-Technology/2014-12-16_in-tract_designguidelines.pdf).

Maintenance of the installed fiber optic system will be the responsibility of the City/Special District. Development of the Project requires installation of all fiber optic infrastructure and peripheral equipment necessary to service the Specific Plan as a stand-alone development.



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 3.4-11
Conceptual Fiber Optics Plan

3.4.3.6 Project Design Features

Design features proposed by the Applicant and incorporated in the Project would promote efficient use of energy and other resources, would further City conservation and sustainability goals and strategies, and would diminish the Project's potential environmental effects. In consultation with the Lead Agency, final designs of Project buildings, site plans, and improvements would incorporate the following:

- All Project buildings will be LEED Certified;
- Building and site designs will facilitate and incorporate use of renewable energy sources, including roofs structurally designed to support solar photovoltaic (PV) panels;
- Building and site designs will incorporate conduit and infrastructure for electric car chargers;
- Building and site designs will incorporate conduit and infrastructure for electric truck chargers;
- To minimize the potential for on-site truck idling, site plans will be designed to ensure adequate circulation and access for trucks;
- Truck trailer parking areas will be designed and configured to avoid vehicle stacking at the Project site access point and along adjacent streets;
- LED Lighting will be provided throughout the Project (interior and exterior);
- Project grading will be balanced, thereby minimizing potential requirements for truck conveyance of soil import/export;
- Project warehouse designs will provide 40-foot or higher interior clear heights, allowing for greater storage per square foot of building, reducing building footprints, and generally reducing construction material and energy demands;
- Site designs will incorporate pedestrian/bicycle/multi-use paths and supporting amenities;
- The Project Construction and Demolition Waste Management Plan will be designed and implemented to yield a minimum of 90 percent recycled/salvaged materials.

3.4.4 Specific Plan Development Regulations

The proposed Specific Plan Development Regulations address physical requirements and attributes of development within the Specific Plan area including, but not limited to: building/facility setbacks, lot coverage requirements, and maximum building heights. In instances where the Specific Plan is silent, applicable development regulations of the City of Ontario Municipal Code would apply. See also: Merrill Commerce Center Specific Plan, Chapter 5, *Development Regulations*.

3.4.5 Specific Plan Design Guidelines

The Specific Plan document proposes architectural and landscape Design Guidelines that would establish the quality and character of the built environment within the Specific Plan Area. More specifically, the proposed Design Guidelines would provide criteria for architecture, lighting, signage, and landscape design. In instances where the Specific Plan is silent, applicable design guidelines of the City of Ontario Municipal Code would apply. See also: Merrill Commerce Center Specific Plan, Chapter 6, *Design Guidelines.*

3.5 PROJECT OBJECTIVES

The primary goal of the Project is the development of the subject site with a productive mix of business park and industrial uses. Complementary Project Objectives include the following:

- Implement a Specific Plan development supporting business park and industrial uses providing a broad range of long-term employment opportunities.

- Implement business park and industrial uses providing a broad range of additional construction employment opportunities.

- Provide safe and convenient access for trucks in a manner that minimizes any potential disruption to residential areas.

- Provide business park and industrial uses near existing roadways and freeways to reduce traffic congestion and air emissions.

- Facilitate goods movement locally, regionally, nationally, and internationally.

- Provide land uses that are compatible with surrounding land uses and that would not conflict with the policies and environmental constraints identified in the Policy Plan.

- Support the Policy Plan vision for urbanization of the Ontario Ranch area of the City.

- Establish new development that would further the City's near-term and long-range fiscal goals.

- Improve the regional jobs/housing balance.

3.6 DISCRETIONARY APPROVALS AND PERMITS

Anticipated discretionary actions, permits, and consultation(s) necessary to approve the Project are summarized below.

3.6.1 Discretionary Actions

CEQA Guidelines Section 15124 states in pertinent part that if "a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed…" Requested decisions, or City discretionary actions, necessary to realize the Merrill Commerce Center Specific Plan would include:

- Certification of the Merrill Commerce Center Specific Plan EIR;
- Approval of Policy Plan (General Plan) Amendment (Land Use);
- Adoption of the Merrill Commerce Center Specific Plan;
- Approval of Parcel Maps;
- Adoption of a Development Agreement; and

- Cancellation of the existing Williamson Act Contracts on APN 0218-261-35 (Contract #69-147, initiated in 1973); and APNs 1054-151-02, 1054-161-02, 1054-161-03, 1054-201-02 and 1054-351-02 (Contract #70-167, initiated in 1970).[3]

3.6.2 Consultation and Permits

CEQA Guidelines Section 15124 also states that environmental documentation should, to the extent known, list other permits or approvals required to implement the Project. Anticipated permits and consultation necessary to realize the Project would likely include, but would not be limited to, the following:

- Permitting by/through the Regional Water Quality Control Board (RWQCB) pursuant to requirements of the City's National Pollutant Discharge Elimination System (NPDES) Permit;

- Permitting by/through the South Coast Air Quality Management District (SCAQMD) for certain equipment or land uses that may be implemented within the Project area;

- Consultation with requesting Tribes as provided for under *AB 52, Gatto. Native Americans: California Environmental Quality Act*; and *SB 18, Burton. Traditional tribal cultural places*;

- Review and approval by the City for conformance with the Compatibility Plan for Chino Airport;

- Review and approval by the Federal Aviation Administration (FAA) for potential airspace obstruction(s) if any;

- CWA Section 404 authorization from the Army Corps of Engineers (Corps);

[3] A notice of non-renewal dated September 14, 2017, and recorded, has initiated the termination process for Contract #70-167.

- Clean Water Act (CWA) Section 401 Water Quality Certification;

- California Department of Fish and Wildlife (CDFW) Section 1602 Streambed Alteration Agreement(s);

- CDFW consultation/coordination addressing protected species impact mitigation; and

- Various construction, grading, and encroachment permits from affected agencies allowing implementation of Project facilities including construction/modification of utilities systems and roadways.

4.0 ENVIRONMENTAL IMPACT ANALYSIS

4.0 ENVIRONMENTAL IMPACT ANALYSIS

This chapter of the EIR analyzes and describes the potential environmental impacts associated with the adoption and implementation of the Merrill Commerce Center Specific Plan (Project). The environmental impact analysis has been organized into a series of sections, each addressing a separate environmental topic. Environmental topics addressed in this EIR are presented in the following sections:

Section	Topic
4.1	Land Use and Planning
4.2	Transportation
4.3	Air Quality
4.4	Greenhouse Gas Emissions
4.5	Noise
4.6	Hazards/Hazardous Materials
4.7	Hydrology/Water Quality
4.8	Biological Resources
4.9	Geology and Soils
4.10	Cultural/Tribal Resources
4.11	Agricultural Resources
4.12	Utilities and Service Systems
4.13	Energy
4.14	Population and Housing

Within each of the above topical Sections, the discussion is typically divided into subsections which: describe the "setting" or existing environmental conditions; identify regulations and policies, which through their observance typically resolve many

potential environmental concerns; identify thresholds of significance applicable to potential environmental effects of the Project; describe the significance of Project-related environmental effects in the context of applicable significance thresholds; and for impacts which are potentially significant or significant, recommend mitigation measures to eliminate or reduce their effects. In this latter regard, it is recognized that the intent of the California Environmental Quality Act (CEQA) is to focus on significant, or potentially significant adverse effects of the Project, and therefore, mitigation is proposed only for potential impacts of this magnitude.

As noted above, before potential impacts are evaluated, the standards or thresholds which will serve as the basis for judging the relative significance of impacts are presented. Often thresholds serve as a general guide or gauge for determining an impact's potential relative significance, rather than defining its absolute effects. Subsequent to identification of relevant significance thresholds, potential Project-related effects and impacts are identified and explained. If an impact is considered to be potentially significant, mitigation measures are proposed to avoid the impact, or reduce its effects to the extent feasible. In determining the potential significance of impacts, the adequacy of existing policies and regulations in addressing each impact is taken into consideration. At the conclusion of each discussion for a potentially significant impact, a determination is made as to whether the impact can be reduced to a less-than-significant level with the application of mitigation measures.

In the environmental analysis, the following terms are used to describe the potential effects of the Project:

- **Less-Than-Significant Impacts**: Minor changes or effects on the environment caused by the Project which do not meet or exceed the criteria, standards, or thresholds established to gauge significance are considered to be less-than-significant impacts. Less-than-significant impacts do not require mitigation. In some cases, these impacts may appear to be potentially significant. However, existing public policies, regulations, and procedures adequately address these

potential effects, thereby reducing them to a less-than-significant level, without the need for additional mitigation.

- **Potentially Significant Impacts**: Potentially significant impacts are defined as a substantial, or potentially substantial, adverse change in the environment. The *CEQA Guidelines* and various responsible agencies provide guidance for determining the significance of impacts. However, the determination of impact significance is ultimately based on the judgment of the lead agency. Similarly, the establishment of any criteria to be used in evaluating the significance of impacts is the responsibility of the lead agency. Wherever possible, mitigation is proposed in the EIR to avoid or reduce the magnitude of potentially significant impacts.

- **Significant Impacts**: Impacts identified in the EIR which cannot be mitigated below thresholds of significance through the application of feasible mitigation measures are categorized as "significant."

- **Cumulative Impacts**: A discussion of cumulative impacts is provided in Section 5.0 of this environmental analysis. Cumulative impacts refer to the impacts of the Project as they are combined or interact with anticipated impacts of other vicinity projects and physical effects of projected ambient regional growth.

4.1 LAND USE AND PLANNING

4.1 LAND USE AND PLANNING

Abstract

This Section identifies and addresses potential impacts that may result from land use and planning decisions necessary to implement the proposed development. More specifically, the land use and planning analysis presented here examines whether the Project would:

- *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.*

Additionally, as discussed in the EIR Initial Study (EIR Appendix A), the Project's potential impacts under the following topic were previously determined to be less-than-significant, and are not further substantively discussed here:

- *Physically divide an established community.*

As supported by the analysis presented in this Section, potential land use and planning impacts of the Project would be less-than-significant.

4.1.1 INTRODUCTION

The Land Use and Planning Section of the EIR focuses on the Project's consistency with applicable land use plans, policies and regulations; and also evaluates the Project's compatibility with existing and proposed development in the vicinity. Discussions and analysis within this Section are based on and supported by the following documents and source information:

- The Ontario Plan (TOP), Policy Plan (General Plan), and TOP Final Environmental Impact Report (TOP Final EIR). These documents are available through the City of Ontario, or are accessible at: http://www.ontarioplan.org/;

- The City of Ontario Development Code, available through the City of Ontario, or accessible at: https://www.ontarioca.gov/planning/documents/development-code; and

- The proposed Merrill Commerce Center Specific Plan (Specific Plan, SP) included at EIR Appendix B.

4.1.2 SETTING

4.1.2.1 Project Overview and Location

The Merrill Commerce Center Specific Plan Project (Project, Specific Plan) proposes development and operation of Specific Plan Industrial and Business Park Land Uses on approximately 376.3 acres located in the City of Ontario, within San Bernardino County. The Specific Plan area is apportioned into approximately 292.8 acres of Industrial Land Use; approximately 55.1 acres of Business Park Land Use; and approximately 28.4 acres allocated for Circulation (vehicular and non-vehicular).

The Project would also implement off-site infrastructure (roads, potable water, recycled water, sanitary sewer, storm drains, and fiber optic lines) in support of the Project. Preliminary studies prepared for the Project indicate that an additional 113.3 acres of off-site areas could be disturbed during construction of off-site master plan infrastructure

improvements. Predominantly, off-site areas that would be affected by construction of infrastructure improvements comprise already-disturbed/developed rights-of-way and easements.

Detailed information regarding land uses and development that would be allowed under the Specific Plan is presented within the *Merrill Commerce Center Specific Plan* (T&B Planning, Inc.) September 29, 2020, EIR Appendix B. The Specific Plan document in total is incorporated by reference. Under the current Project Development Concept evaluated in this EIR, the Specific Plan area would be developed with the following uses:

- Industrial: Approximately 6,312,600 square feet of high-cube fulfillment center warehouse use, and approximately 701,400 square feet of high-cube cold storage warehouse use;
- Business Park: Approximately 1,441,000 square feet of mixed uses including merchant wholesale, professional services, professional office, warehouse/storage, and research and development.

Total Development: 8,455,000 square feet

Analyses within this EIR reflect the range and types of uses permitted or conditionally permitted under the Specific Plan Industrial and Business Park Land Use designations. Should future development proposals proposed within the Specific Plan area, or supporting infrastructure proposed as part of the Project differ substantially from the development concepts analyzed herein, the Lead Agency would comply with CEQA in consideration of those proposals.

It is specifically noted that any site plan concepts, building footprints, building sizes, and/or building orientations depicted in the EIR or supporting technical analyses are provided for illustrative purposes only. This EIR in all instances evaluates likely maximum impact scenarios. No site plans or building plans would be entitled under the EIR Project or as part of the Specific Plan approval.

The Project site[1] is located within the Ontario Ranch (formerly New Model Colony)[2] area of the City. More specifically, the Project site is located along Merrill Avenue, between Grove Avenue and Carpenter Avenue. Eucalyptus Avenue forms the northerly boundary of the Specific Plan area. Please refer to Figure 4.1-1, *Project Location*.

4.1.2.2 Existing Land Uses

Project site and vicinity land uses are denoted at Figure 4.1-2 and are summarized below.

Project Site Land Use

The Project site currently contains a dairy farm with interior unpaved roads, cattle stockades, support equipment for cattle and dairy farming, bio-retention basins located at the southern boundary, a trucking operation on the eastern portion, and appurtenant residences at various locations within the Project site.

The Project site is extensively disturbed and evidences environmental degradation due to historic and on-going agricultural and trucking uses. Such degradation includes, but is not limited to:

- Animal waste from the long-term dairy farm uses have potentially created methane gas, and soil contamination from nitrates and ammonia.

- Numerous automotive fluids, including several large above ground storage tanks (ASTs) on or near the on-site maintenance shop. These materials are used for maintaining and repairing farm equipment.

[1] The Project site is defined as the area encompassed by the Merrill Commerce Center Specific Plan (the Specific Plan area). The analysis presented in this EIR considers and addresses environmental impacts resulting from development of the Project site proper, and also evaluates impacts that would result from off-site activities or improvements necessary to implement and support the Project.

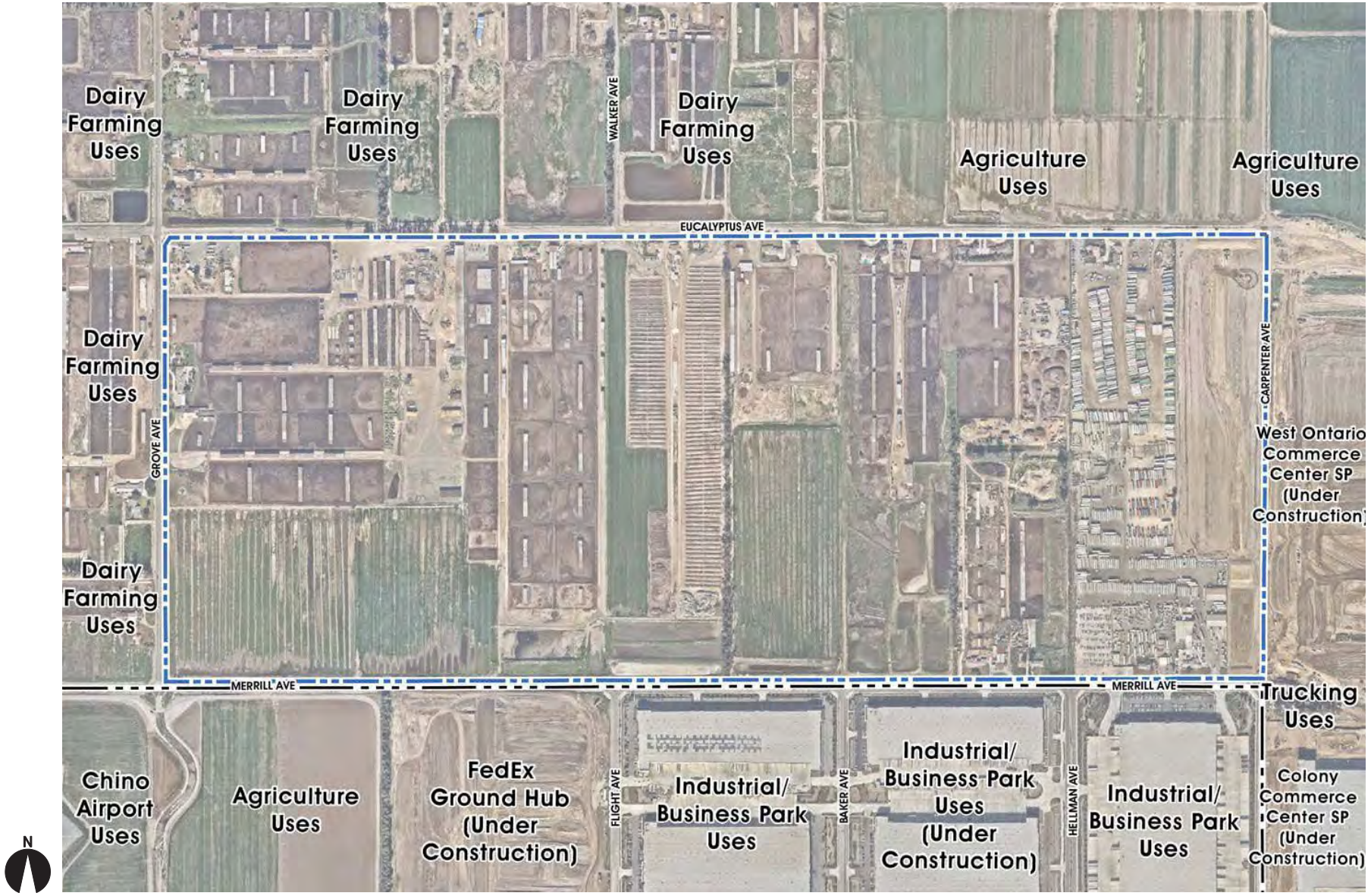
[2] Within these discussions, City documents referring to or citing the "New Model Colony" area have been revised to reference the "Ontario Ranch" area.



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Source: Google Earth; Applied Planning, Inc.

Figure 4.1-1
Project Location



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 4.1-2
Existing Land Uses

- Additional ASTs used for truck and equipment refueling are located on-site.

- A scrap metal area containing drums, ASTs, farming equipment, and vehicles is located on the property.

- The property is located within the South Archibald Tricholroethyleme (TCE) Plume. The 2,000-acre TCE Plume contains contaminated groundwater that underlies the Project site.

- Dairy operations use formaldehyde, iodine, and glycerol to wash the cows. The dairies also use muriatic acid and chlorinated alkaline as a cleaning solution. Pesticides are applied to prevent parasite infestations. Wastewater from these processes is discharged to the pastures for irrigation.

- Holding ponds for contaminated runoff from agricultural/dairy farm operations.

- General debris observed throughout the property, including vehicle equipment staging areas, used tires, concrete rubble piles, compressors, and generators may have the potential to impact on-site surficial soil.

- Presence of septic systems.

Vicinity Land Uses

Eucalyptus Avenue comprises the northerly Project site boundary. Northerly, across Eucalyptus Avenue, are dairy farming and agricultural land uses. Carpenter Avenue comprises the easterly Project site boundary. Easterly, across Carpenter Avenue, properties are designated for Specific Plan development (West Ontario Commerce Center Specific Plan, Parkside Specific Plan, and Colony Commerce Center Specific Plan. The Colony Commerce Center Specific Plan and the West Ontario Commerce Center Specific Plan are currently under construction. Merrill Avenue comprises the southerly Project site boundary. Merrill Avenue at this location is also the common City of Ontario/City of Chino municipal boundary. Southerly, across Merrill Avenue, are agricultural uses, and

industrial/business park land uses (existing and under construction) located in the City of Chino. Grove Avenue comprises the westerly Project site boundary. Westerly, across Grove Avenue, are dairy farming land uses. Chino Airport is located southwesterly of the Project site, within the City of Chino.

4.1.2.3 Existing Land Use Designations

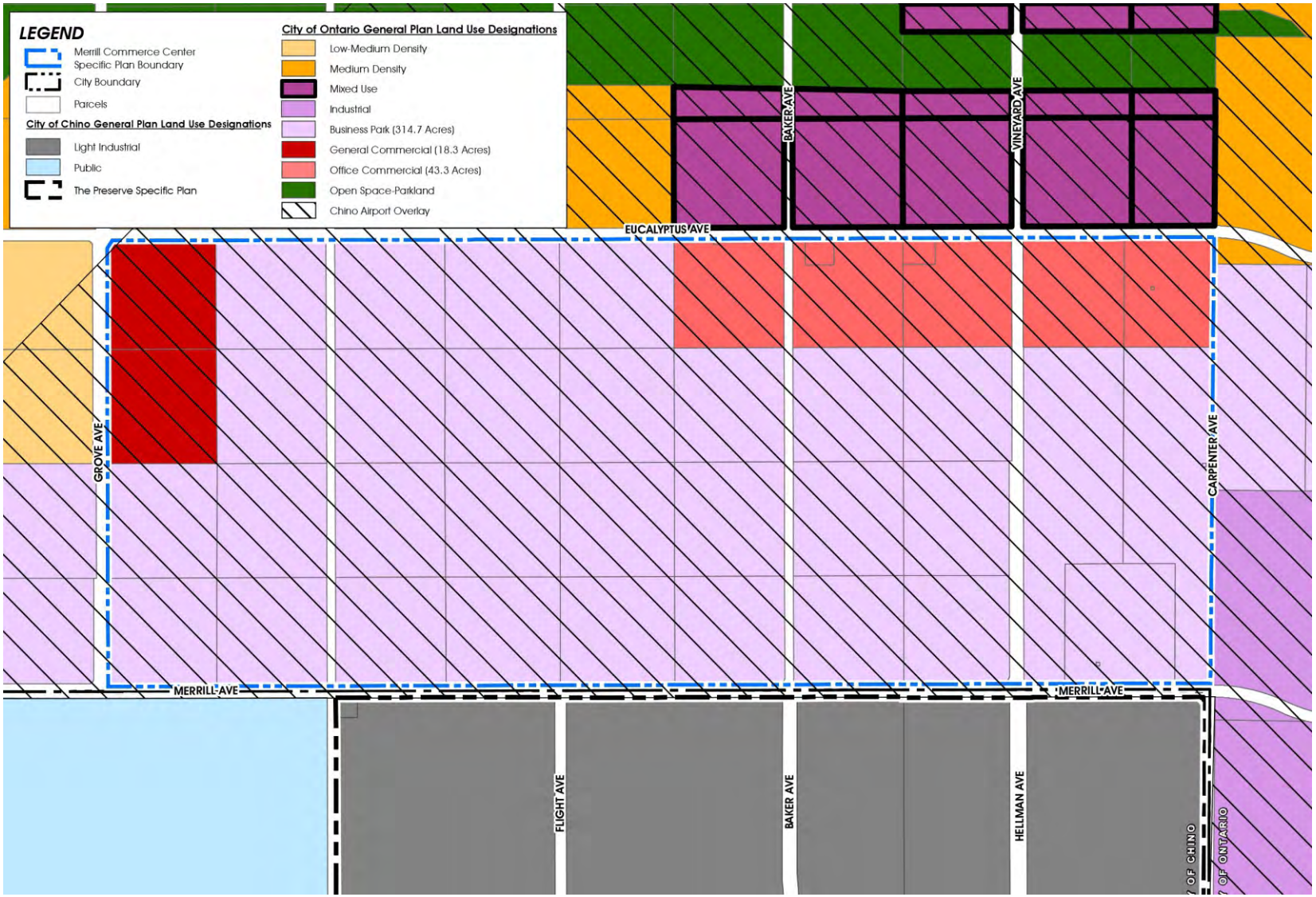
Project Site Policy Plan Land Use Designations

The City of Ontario Policy Plan (General Plan) assigns land uses by general categories, and establishes various land use designations under each category. Existing Policy Plan Land Use designations for the Project site are: "Business Park" - 303.5 acres; "Office/Commercial" - 43.3 acres; and "General Commercial" - 18.3 acres. Descriptions of existing Policy Plan Land Use designations applicable to the Project site are presented at Table 4.1-1. Existing Policy Plan Land Use designations for the Project site are illustrated at Figure 4.1-3.

Table 4.1-1
Project Site - Existing Land Use Designations

Land Use Designation	Maximum Allowable Intensity	Intent
Business Park-303.5 acres	0.60 FAR	Employee-intensive office uses including corporate offices, technology centers, research and development, "clean" industry, light manufacturing, and supporting retail.
General Commercial-18.3 acres	0.40 FAR	Local and regional serving retail, personal service, entertainment, dining, office, tourist-serving, and related commercial uses.
Office/Commercial-43.3 acres	0.75 FAR	An intense mixture of regional serving retail, service, tourist-serving, professional office, entertainment, dining, and supporting services uses that capitalize on strategic locations in Ontario. This designation also includes professional offices including financial, legal, insurance, medical, and other similar uses in a neighborhood setting and/or as adaptive reuse.

Source: Policy Plan Land Use Designation Maximum Allowable Intensities and Intent from Policy Plan Table LU-02 *Land Use Designations Summary Table* (see: http://www.ontarioplan.org/wp-content/uploads/sites/4/2015/05/LU-02-Land-Use-Designations-Table-amended-March-2017.pdf).



NOT TO SCALE

Source: City of Ontario, City of Chino

Figure 4.1-3
Existing Policy Plan Land Use Designations

Vicinity Land Use Designations

City of Ontario Policy Plan Land Use designations applicable to vicinity properties are: "Medium Density Residential," "Low-Medium Density Residential," "Mixed Use," "Business Park," and "Industrial."

Southerly of the Project site across Merrill Avenue are properties located in the City of Chino. City of Chino General Plan Land Use designations for these properties are: "Public," and "Light Industrial."

Descriptions of Ontario Policy Plan Land Use designations applicable to vicinity properties are summarized at Table 4.1-2. Description of City of Chino General Plan Land Use designations for vicinity properties are also summarized. Existing Policy Plan Land Use designations and City of Chino General Plan Land Use designations applicable to vicinity properties are illustrated at previous Figure 4.1-3. The Project does not propose or require land use amendments that would affect Land Use designations of off-site properties.

Table 4.1-2
Vicinity Properties - Land Use Designations

CITY OF ONTARIO		
Land Use Designation	**Maximum Allowable Density/Intensity**	**Intent**
Low-Medium Density Residential	>5.0–11.0 du/ac	Single/multi-family attached and detached residences, including small lot subdivisions, townhouses, and courtyard homes.
Medium Density Residential	>11.0–25.0 du/ac	Single/multi-family attached and detached residences including townhouses, stacked flats, courtyard homes, stacked flats, and small lot single-family subdivisions.
Business Park	0.60 FAR	Employee-intensive office uses including corporate offices, technology centers, research and development, "clean" industry, light manufacturing, and supporting retail.
Industrial	0.55 FAR	Variety of light industrial uses, including warehousing/distribution, assembly, light manufacturing, research and development, storage, repair facilities, and supporting retail and professional office uses. This designation also accommodates activities that could potentially generate impacts, such as noise, dust, and other nuisances.

Table 4.1-2
Vicinity Properties - Land Use Designations

		If office uses and/or multiple tenant uses are developed on parcels fronting on the Milliken, Haven, and Archibald corridors, a FAR of 0.60 may be used.
Ontario Ranch West Mixed Use Area	• >14.0 to 65.0 dwelling units per acre • 1.5 FAR for office uses • 1.0 FAR for retail uses • Subject to Specific Plan	The Ontario Ranch West Mixed Use Areas are envisioned as the southern activity centers of Ontario and the focus of the Ontario Ranch. These areas accommodate a vertical and horizontal mixture of commercial, office, entertainment, and residential uses in a pedestrian oriented atmosphere. It is envisioned that the major roads through these Mixed Use areas are couplets, which are a series of one-way streets that disperse traffic and allow reduced street widths, maximize the sense of community, and emphasize pedestrian accessibility. These Mixed Use areas are envisioned as low-rise (3-5 stories) with some mid-rise (5-10 stories) near the intersection of Euclid and Edison. See the Ontario Ranch Area Plan for more detail.
CITY OF CHINO		
Land Use Designation	**Maximum Allowable Density/Intensity**	
Public (Preserve Specific Plan)	---	The Public Facilities designation accommodates local and regional-serving public and quasi-public facilities and services, such as schools, libraries, places of worship, police and fire stations, and utility stations.
Light Industrial (Preserve Specific Plan)	0.45	The Light Industrial designation is intended to accommodate industrial uses that produce minimal traffic, noise, odors, or pollutants. Permitted land uses include light manufacturing, assembly and processing, and office. Permitted FAR is 0.45.

Sources: Policy Plan Land Use Designation Maximum Allowable Intensities and Intent from Policy Plan Table LU-02 *Land Use Designations Summary Table* (see: http://www.ontarioplan.org/wp-content/uploads/sites/4/2015/05/LU-02-Land-Use-Designations-Table-amended-March-2017.pdf).

City of Chino General Plan Land Use designations and descriptions from: City of Chino General Plan Land Use Element, pp. LU-18, LU-19 (see: https://www.cityofchino.org/cms/One.aspx?portalId=10382662&pageId=11469788; https://www.cityofchino.org/UserFiles/Servers/Server_10382578/File/City%20Hall/Departments/Community%20Development/Chino%20General%20Plan%20Map%20-%20Revised%20February%2013,%202020.pdf

4.1.2.4 Zoning Designations

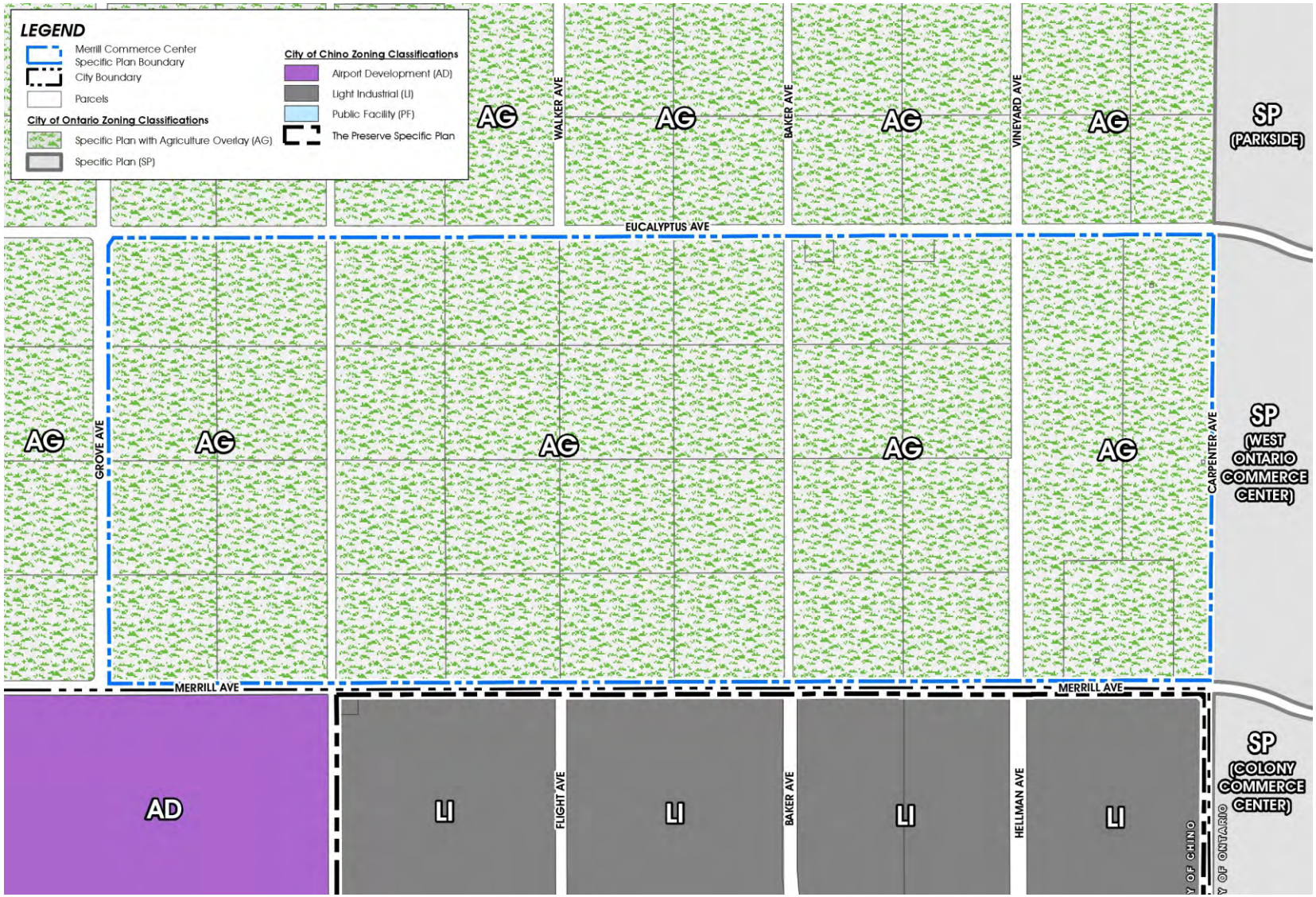
Zoning is the primary tool for implementing a General Plan. Zoning is a site-specific device designed to control the locations, densities, and intensities of various land uses. To prevent incompatible land use relationships, zoning ordinance(s) and accompanying map(s) designate different areas or zones for different types of land uses, and establish standards for development. These standards may specify requirements for lot sizes, lot

coverages, building heights, setbacks, parking, landscaping, and other development parameters. The California Government Code, Section 65860, requires City zoning designations to be consistent with the City General Plan. Existing zoning designations of the Project site and vicinity properties are presented at Figure 4.1-4.

Project Site

The existing Zoning designation of the Project site is "Specific Plan" (SP) with an "AG" (Agriculture) Overlay. City of Ontario Development Code (Development Code) descriptions of the Specific Plan Zoning District and AG Overlay are presented below:

> SP (Specific Plan) Zoning District. The SP zoning district is hereby established to accommodate the adoption of Specific Plans pursuant to this Development Code. The SP zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan (Development Code, p. 5.01-6).
>
> AG (Agriculture) Overlay District. The AG Overlay District is hereby established to accommodate the continuation of agricultural uses within the City, on an interim basis, until such time that development is slated to occur consistent with the Policy Plan component of The Ontario Plan and the underlying zoning district. Furthermore, it is the intent of this Overlay District to permit continued agricultural use of properties or to establish general agricultural uses, including dairies, which are appropriate for areas of concentrated agricultural uses. The AG Overlay District is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan (Development Code, p. 5.01-6).



NOT TO SCALE

Source: City of Ontario, City of Chino

Figure 4.1-4
Existing Zoning Designations

Consistent with the site's SP Zoning designation, the Project would implement industrial and business park uses under the Merrill Commerce Center Specific Plan. If adopted by the City, the Merrill Commerce Center Specific Plan (Specific Plan) would comprise the Project site Zoning. Under the proposed Specific Plan, the site's existing AG Overlay District would no longer be appropriate and would be removed.

Vicinity Properties Zoning Designations

Development of City of Ontario properties is regulated under the specific Zone Districts as detailed within the City of Ontario Development Code. Similarly, development of City of Chino properties is regulated under the specific Zone Districts as detailed within the City of Chino Zoning Code. The Project does not propose or require land use amendments that would affect existing Zoning designations of off-site properties. Zoning designations applicable to properties adjacent to the Project site are summarized below.

City of Ontario

SP Zoning with Agriculture Overlay. Properties to the north west of the Project site are designated SP Zoning with Agriculture Overlay. Please refer to previous descriptions of these Zoning designations.

West Ontario Commerce Center Specific Plan. The West Ontario Commerce Center Specific Plan exists easterly of the Project site across Carpenter Avenue. Development within the West Ontario Commerce Center Specific Plan area is regulated by the West Ontario Commerce Center Specific Plan as approved by the City of Ontario. The West Ontario Commerce Center Specific Plan provides for development of Business Park and Industrial Land Uses within an approximately 119-acre site. Please refer also to: https://www.ontarioca.gov/Planning/SpecificPlans.

Colony Commerce Center West Specific Plan. The Colony Commerce Center West Specific Plan exists southeasterly of the Project site across Carpenter Avenue. Development within the Colony Commerce Center West Specific Plan area is regulated by the Colony Commerce Center West Specific Plan as approved by the City of Ontario. The Colony Commerce Center West Specific Plan provides for development of various

Industrial Land Uses including wholesale and distribution, light manufacturing and business uses within an approximately 123.17-acre site. Please refer also to: https://www.ontarioca.gov/Planning/SpecificPlans.

Parkside Specific Plan. The Parkside Specific Plan exists northeasterly of the Project site across Carpenter Avenue. Development within the Parkside Specific Plan area is regulated by the Parkside Specific Plan as approved by the City of Ontario. The Parkside Specific Plan comprises approximately 251 acres and provides for various Single-Family and Multi-Family Residential uses, and supporting Commercial and Park land uses. Easterly adjacent to the Project site, across Carpenter Avenue, Parkside Specific Plan land uses are designated "Multi-Family Attached" and "Park." Please refer also to: https://www.ontarioca.gov/Planning/SpecificPlans.

City of Chino Zoning Designations

Southerly of the Project site, across Merrill Avenue are properties located in the City of Chino. City of Chino Zoning for certain of these properties is established by the Preserve Specific Plan. The Preserve Specific Plan comprises approximately 5,226 acres and provides for various Residential, Business, Open Space, and Other land uses. Southerly adjacent to the Project site, across Merrill Avenue, Preserve Specific Plan land uses are designated "Light Industrial" and "Public Facilities." Please refer also to: https://www.cityofchino.org/city_hall/departments/community_development/planning/plans/the_preserve.

Westerly of The Preserve Specific Plan, and south/southwesterly of the Project site, City of Chino zoning is "Airport Development." The purpose of the Airport Development (AD) district is to provide areas for the operation of airport and aviation facilities, services and administrative uses, as well as incidental office uses. The AD district also provides areas for air freight handling facilities, aircraft hangars and public transportation and related facilities, including aircraft fuel and supply services. Please refer also to: Chino, California - Code of Ordinances Title 20 - Zoning Chapter 20.07 - Industrial Zoning Districts 20.07.020 - District Purposes.

4.1.2.5 Chino Airport Overlay

The City of Ontario is currently developing a Compatibility Plan for Chino Airport (Compatibility Plan) that relies on procedures and requirements outlined in *California Airport Land Use Planning Handbook* (State of California Department of Transportation, Division of Aeronautics) October 2011 (*Handbook*). As provided for in the *Handbook* "alternative process" the City functions as the Designated Agency in formulating airport land use compatibility plans for City properties. The Compatibility Plan is based on the Handbook *Generic Safety Zones for General Aviation Airports*.
See also: https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf).

The City anticipates adoption of a Draft Chino Airport Compatibility Plan in late 2020 – early 2021. Final site plans and development plans within the Project site would be subject to, and would be required to comply with, applicable standards and requirements of the Compatibility Plan as adopted by the City. Please refer also to related discussions presented at EIR Section 4.6, *Hazards/Hazardous Materials*.

4.1.3 LAND USE PLANS, POLICIES, AND REGULATIONS

4.1.3.1 Southern California Association of Governments (SCAG) *2016 – 2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)*.

SCAG is a council of governments representing Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. SCAG is the federally recognized metropolitan planning organization (MPO) for this region, which encompasses over 38,000 square miles. SCAG is a regional planning agency and a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG is also the regional clearinghouse for projects requiring environmental documentation under federal and state law.

In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. As the region's MPO, SCAG cooperates

with the Southern California Air Quality Management District (SCAQMD), the California Department of Transportation (Caltrans), and other agencies in preparing regional planning documents. The Project's consistency with the applicable RTP/SCS goals is summarized subsequently within this Section at Table 4.1-6.

4.1.3.2 Local Planning

The City of Ontario Policy Plan [General Plan] Land Use Goals, Objectives, Policies and Actions promote a pattern of orderly and compatible land uses within the City. In support of the Policy Plan, the City Development Code regulates site and use-specific development within the City. In the case of the Project, proposed land uses and development actions are also subject to requirements of the proposed Merrill Commerce Center Specific Plan document. In many instances, Project compliance with applicable provisions of the City of Ontario Policy Plan, Development Code, and proposed Merrill Commerce Center Specific Plan would avoid potential land use and planning impacts, or would reduce those potential impacts to levels that would be less-than-significant.

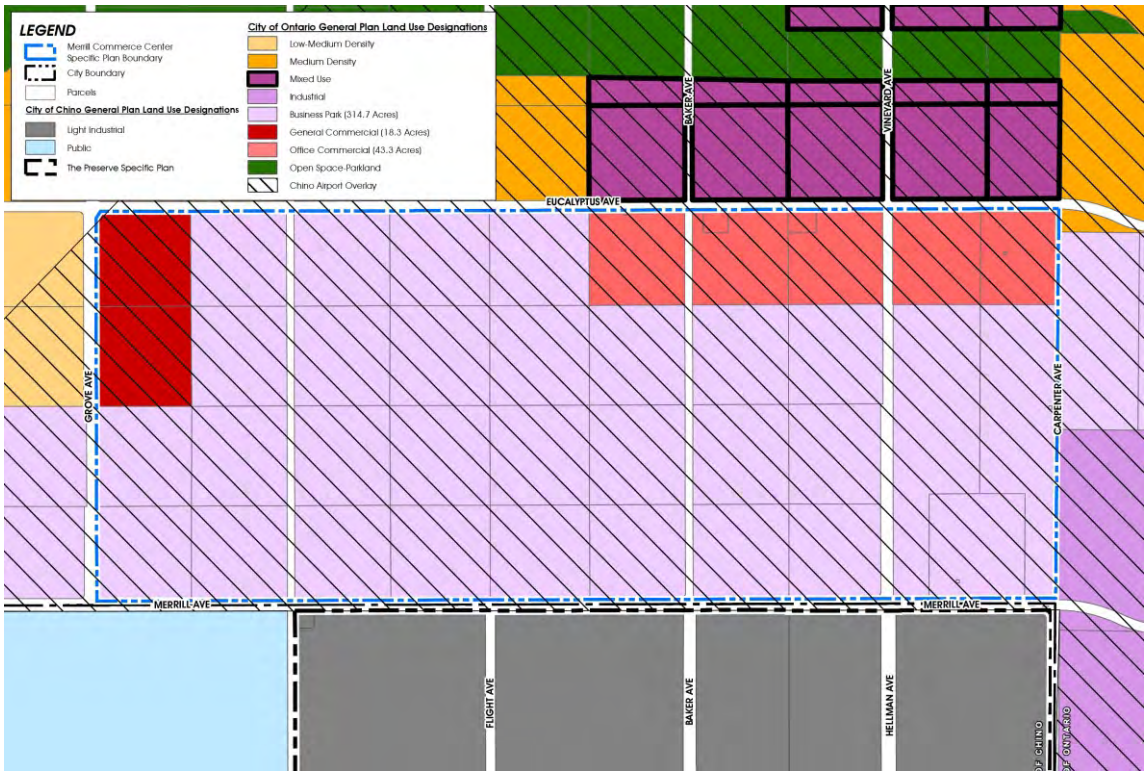
Comparison of Existing and Proposed Policy Land Use Designations

Existing Policy Plan Land Use designations for the Project site are: "Business Park" - 303.5 acres; "Office/Commercial" - 43.3 acres; and "General Commercial" - 18.3 acres. To accommodate land uses and development concepts proposed by the Project, the Applicant proposes to amend the current Policy Plan Land Use designations for the Project site. Existing and proposed Policy Plan Land Use designations for the Project site are summarized at Table 4.1-3. Existing and proposed Policy Plan Land Use designations are illustrated at Figure 4.1-5.

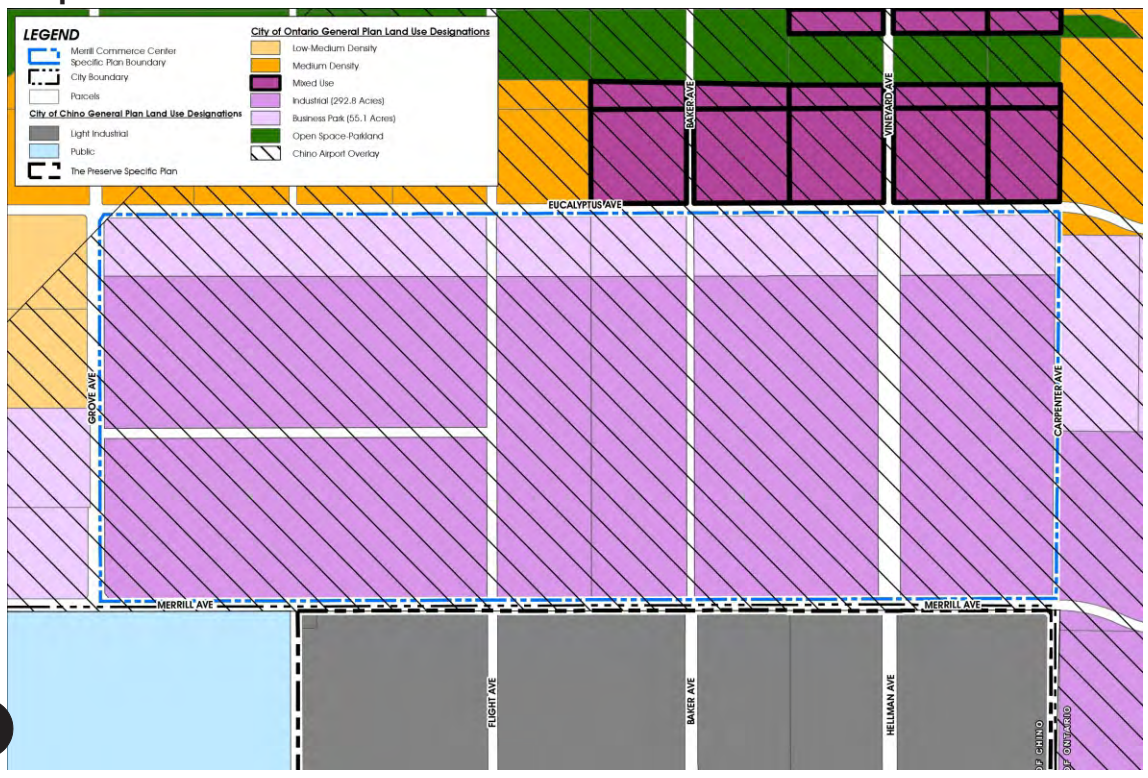
Table 4.1-3
Existing and Proposed Policy Plan Land Use Designations

Existing	Proposed
Business Park - 303.5 acres	Business Park - 55.1 acres
Office Commercial - 43.3 acres	Industrial - 292.8 acres
General Commercial - 18.3 acres	Circulation - 28.4 acres

Existing:



Proposed:



NOT TO SCALE

Source: City of Ontario, City of Chino

Figure 4.1-5
Existing/Proposed Policy Plan Land Use Designations

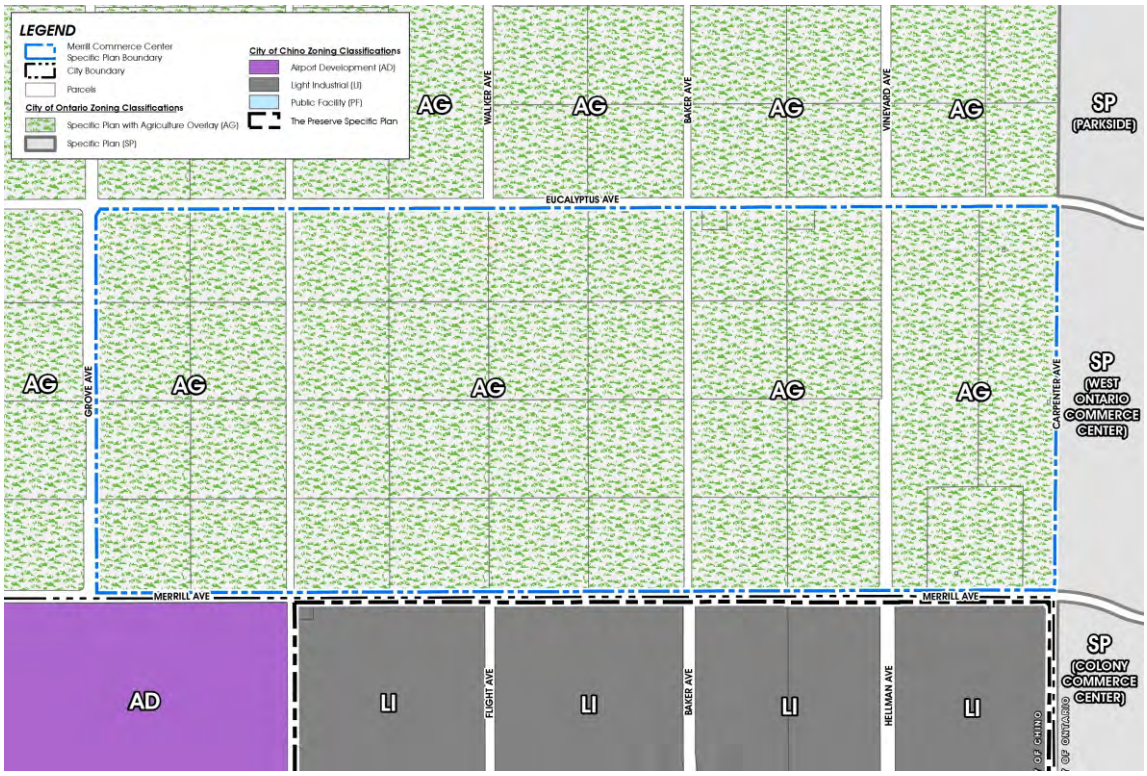
The Policy Plan Land Use Element establishes a plan for land uses within the City and directs the general character and intensities of development within the City boundaries. All proposed development projects are evaluated for consistency with the intent and purpose of the applicable Policy Plan Land Use designation(s) and related Policy Plan Goals and Policies. An assessment of Project support of, or consistency with, applicable Policy Plan Goals and Policies is presented subsequently at Section 4.1.5, *Potential Impacts and Mitigation Measures*.

4.1.3.3 Comparison of Existing and Proposed Zoning Designations

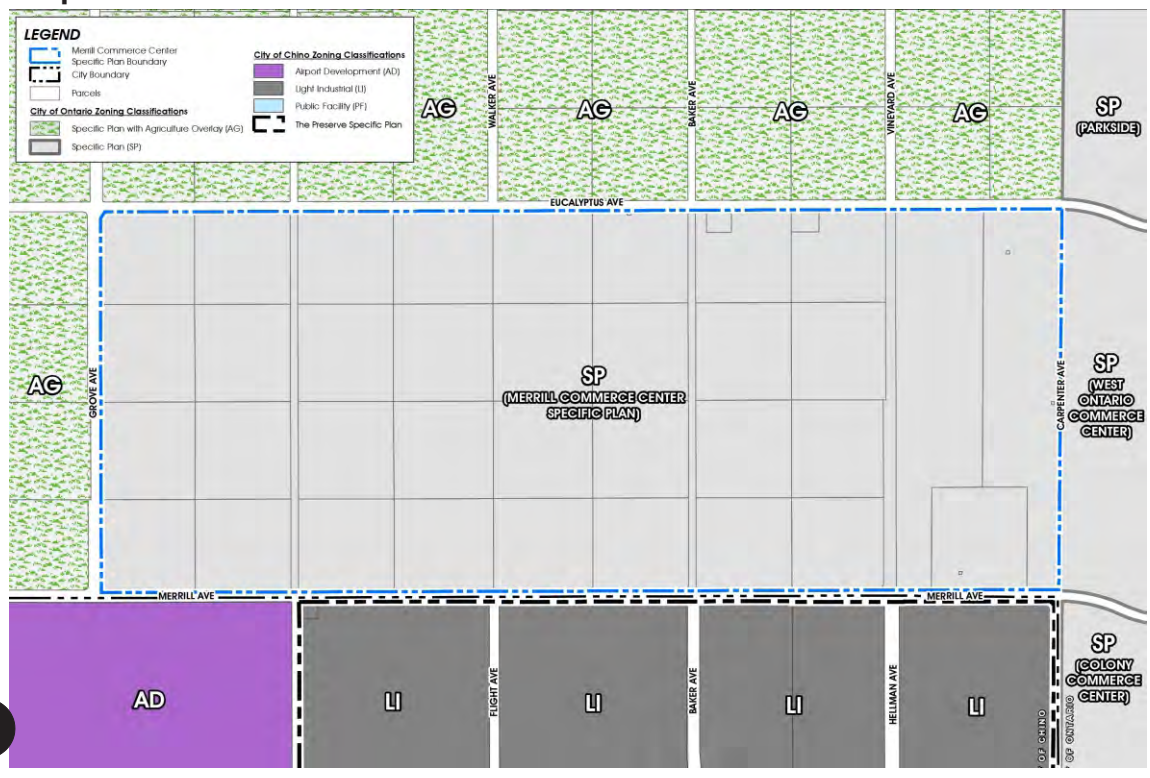
Existing Zoning of the Project site is Specific Plan with an Agricultural Overlay. The Specific Plan Zoning district accommodates the adoption of Specific Plans pursuant to the City Development Code. Consistent with the provisions of the Project site's current Specific Plan Zoning, the Project would be implemented under the provisions and requirements of a Specific Plan (the proposed Merrill Commerce Center Specific Plan). If adopted by the City, the Specific Plan would become the effective zoning for the subject site, and would regulate all development within the site. Where the Specific Plan is silent, regulations and requirements of the City Development Code would prevail. Existing and proposed Zoning designations are illustrated at Figure 4.1-6.

The site's current Agricultural Overlay is intended to accommodate the continuation of agricultural uses within the City, on an interim basis, until such time that development is slated to occur consistent with the Policy Plan and the underlying Specific Plan zoning district. Because the Project would implement a Specific Plan development that would be consistent with the Policy Plan as amended under the Project, the Project would have no impact on agricultural zoning designations. If the proposed Specific Plan is approved by the City, the site's current Agricultural Overlay designation would no longer be appropriate and would be removed.

Existing:



Proposed:



NOT TO SCALE

Source: City of Ontario, City of Chino

Figure 4.1-6
Existing/Proposed Zoning Designations

Project Land Use Concept

The Project Specific Plan Land Use Concept is presented at Figure 4.1-7, and includes the following land use designations/descriptions: "Industrial", "Business Park," and "Circulation." The Specific Plan Land Uses are described below.

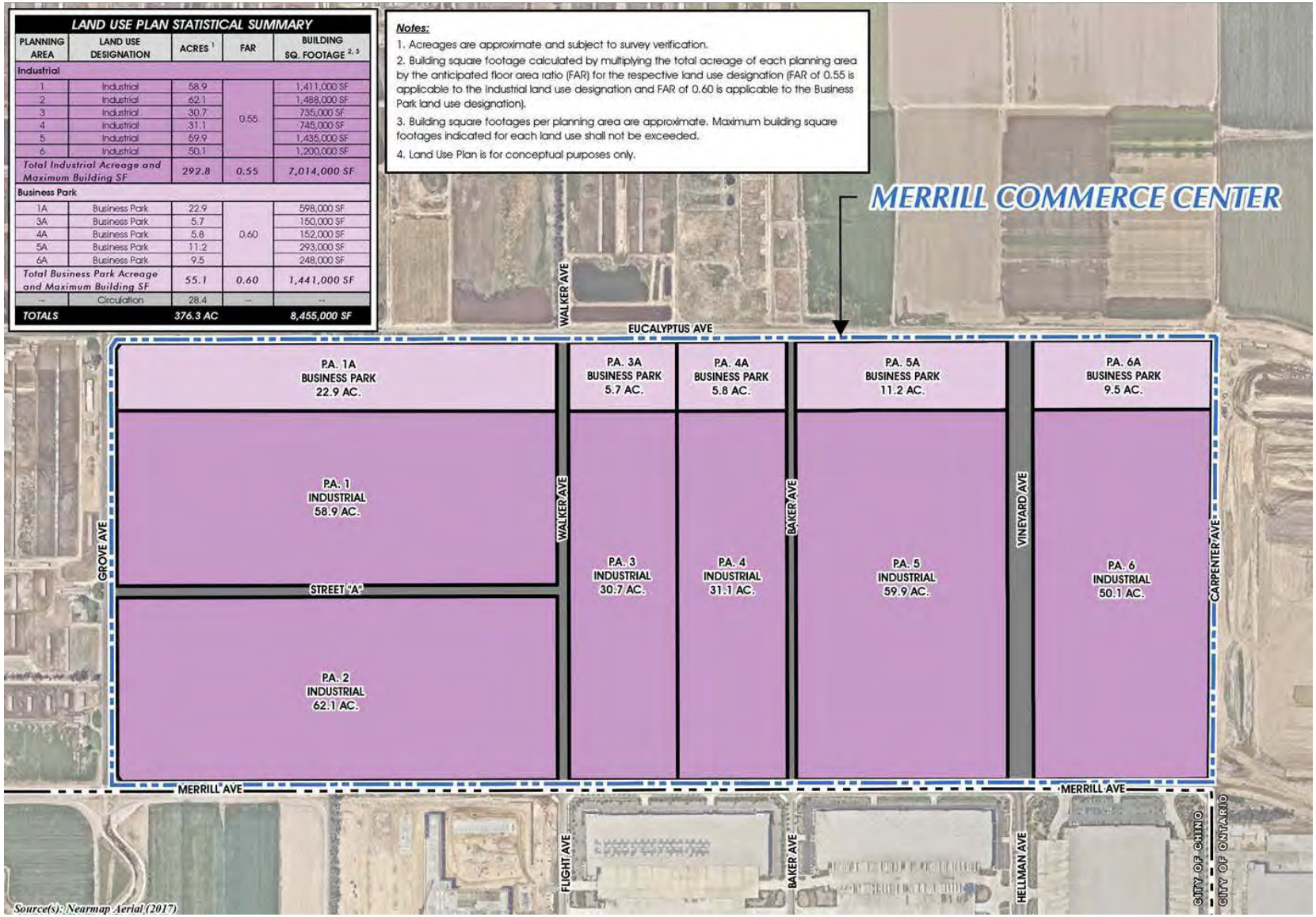
Industrial

Typical allowed uses within the Specific Plan Industrial Land Use would include: general light industrial, manufacturing, warehouse/distribution, and e-commerce fulfillment centers.[3] Please refer to Specific Plan Chapter 5, *Development Regulations*, for a list of permitted uses within the Specific Plan Industrial Land Use designation. Specific Plan Chapter 6, *Design Guidelines,* provides design criteria for all development proposals within the Specific Plan area. Criteria are established for architecture, lighting, energy efficiency, signage, and landscape design. The City would review all development proposals within the Specific Plan Industrial Land Use to ensure conformance with applicable provisions of the Specific Plan.

Business Park

Typical allowed uses within the Specific Plan Business Park Land Use would include: offices, technology centers, research and development, enterprise, and light manufacturing. Please refer to Specific Plan Chapter 5, *Development Regulations*, for a list of permitted uses within the Specific Plan Business Park Land Use designation. Specific Plan Chapter 6, *Design Guidelines,* provides design criteria for all development proposals within the Specific Plan area. Criteria are established for architecture, lighting, energy efficiency, signage, and landscape design. The City would review all development proposals within the Specific Plan Business Park Land Use to ensure conformance with applicable provisions of the Specific Plan.

[3] The analysis presented in this EIR assumes that the Specific Plan Industrial Land uses would be developed with up to 7,014,000 square feet of high-cube fulfillment center warehouses. This Industrial development scenario is considered to generate the likely maximum potential environmental impacts related to traffic, air quality, noise, and greenhouse gas emissions. As development proposals within the Specific Plan are further defined and are formalized, the City would evaluate such development to ensure that potential impacts would not be substantially greater than or different than impacts evaluated in this EIR.



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 4.1-7
Land Use Plan

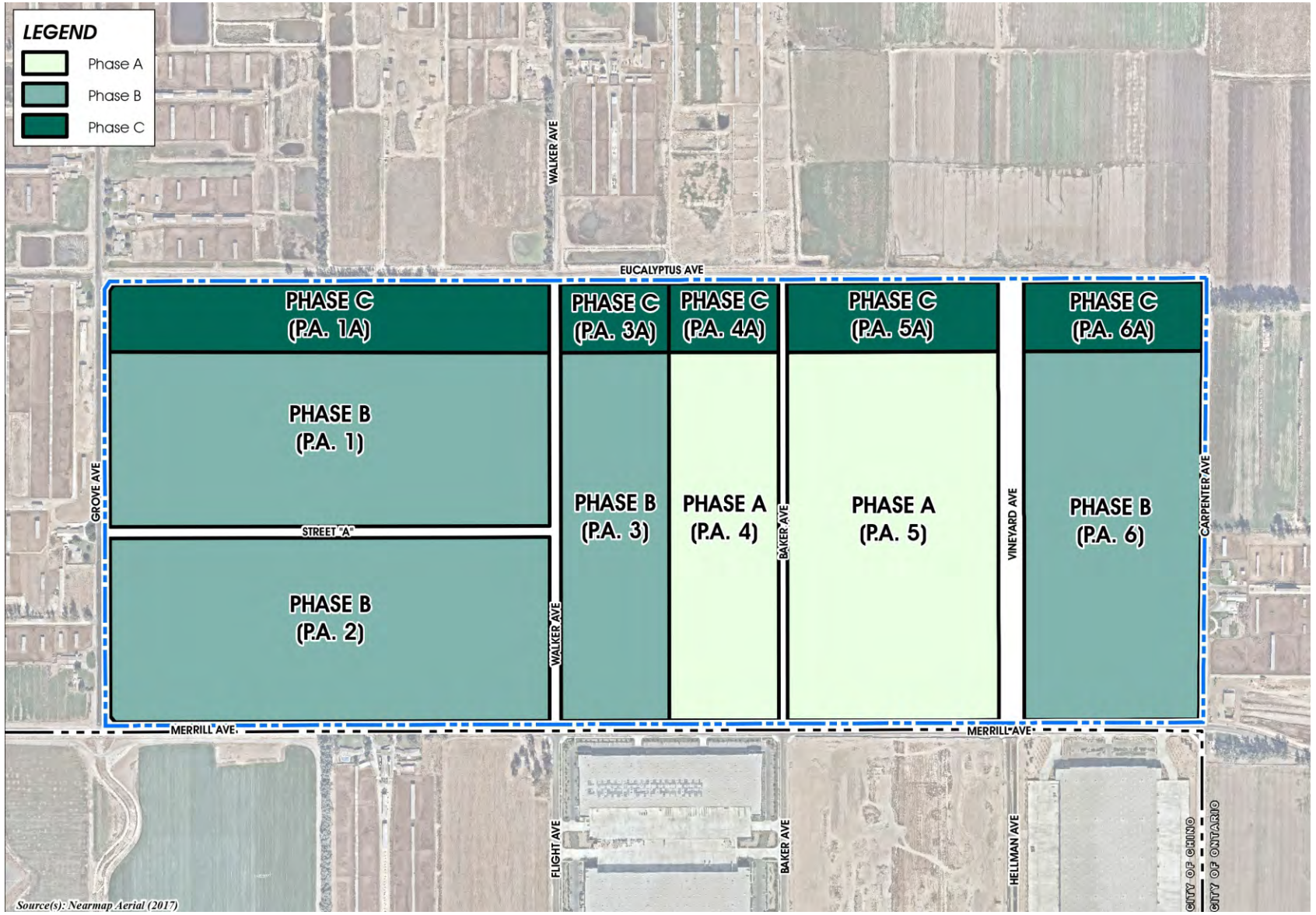
Circulation

Areas designated for "Circulation" would accommodate internal roadways and non-vehicular access.

Phasing

The Specific Plan is anticipated to be implemented in 3 Phases – "A," "B," and "C" as illustrated at Figure 4.1-8, *Phasing Concept*. Phase A is anticipated to be completed by 2022, Phase B by 2025, and Phase C by 2026. Development may occur other than per the expected Phasing sequence, provided that required supporting infrastructure and public services are available at the time of development. Project phasing and development sequencing would ultimately respond to market demands and would be contingent on availability of supporting infrastructure.

Detailed descriptions of circulation system, domestic water service, sanitary sewer service, recycled water service, storm water management system, and dry utilities needed to serve the Project Phases and Planning areas are described at Specific Plan Chapter 4, *Infrastructure Plan*.



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 4.1-8
Phasing Concept

4.1.4 STANDARDS OF SIGNIFICANCE

Appendix G of the California Environmental Quality Act (*CEQA*) Guidelines, as utilized by the City of Ontario, indicates a Project will normally have a potentially significant effect related to land use and planning if it would:

- Physically divide an established community; or

- 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.

4.1.5 POTENTIAL IMPACTS AND MITIGATION MEASURES

4.1.5.1 Introduction

The following discussions focus on those areas where it has been determined that the Project may result in potentially significant land use and planning impacts, based on the previous discussions included within this Section and analysis presented within the EIR Initial Study (EIR Appendix A). As discussed within the Initial Study, the Project would not physically divide an established community. This potential impact is therefore not substantively discussed further within this Section. Please refer also to Initial Study Checklist Item XI. *Land Use and Planning*.

4.1.5.2 Impact Statements

Potential Impact: *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.*

Impact Analysis: Land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating environmental effects are established under the City of Ontario Policy Plan and the SCAG 2016 – 2040 RTP/SCS. Project Consistency with applicable provisions of the City of Ontario Policy Plan and SCAG 2016 – 2040 RTP/SCS are presented below.

City of Ontario Policy Plan

Consistency of the Project with applicable Policy Plan Land Use Element Goals and Policies that directly or indirectly address avoidance or mitigation of environmental effects is presented at Table 4.1-4. Please refer also to other EIR Sections for discussions of Goals/Policies consistency issues concerning topics other than Land Use.

Table 4.1-4
Policy Plan - Land Use Element Goals and Policies Consistency Analysis

Goals/Policies		**Remarks**
LU1 Balance		
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.		
Policies		**Remarks**
LU1-1	*Strategic Growth*. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.	**Policy LU1-1 acts to avoid or reduce environmental impacts by minimizing requirements to construct new infrastructure, and by promoting use of transit, thereby generally reducing vehicle miles traveled (VMT) within the region. This Policy reduces resources consumption, transportation system impacts, air pollutant emissions impacts, and GHG emissions impacts.** ***Consistent:*** The proposed Merrill Commerce Center Specific Plan includes a mixture of Industrial and Business Park uses on an under-utilized property surrounded by developed or developing urban land uses. Development intensities and land use configurations realized under the Specific Plan promote the highest and best use of the subject site. Location of the Project takes advantage of existing access provided by the City's roadway network. The Project would also implement those near-term access and roadway improvements the City considers necessary to support current and future area traffic volumes (please refer to EIR Section 3.0, *Project Description*, 3.4.3.4, *Access and Circulation*). The City would also collect Project Development Impact Fees (DIF) and Fair Share fees that would be assigned to roadway improvements necessary to ensure long-term adequacy of the area transportation system. Further, the Project would utilize and upgrade, as needed, other utility infrastructure systems. Development plans, development standards and design guidelines implemented pursuant to the proposed Merrill Commerce Center Specific Plan would establish a Project identity differentiated from, but compatible with, adjacent land uses. On this basis, the Project is consistent with Policy LU1-1.

Table 4.1-4
Policy Plan - Land Use Element Goals and Policies Consistency Analysis

Goals/Policies		Remarks
LU1-2	*Sustainable Community Strategy.* We integrate state, regional and local Sustainable Community/Smart Growth principles into the development and entitlement process.	**Policy LU1-2 promotes conservation and sustainability, with correlating reductions in: energy consumption and resources consumption generally, VMT, transportation impacts, air pollutant emissions impacts, and GHG emissions impacts.** ***Consistent:*** Sustainability/conservation attributes of the Project are discussed in detail in the *Merrill Commerce Center Specific Plan* (EIR Appendix B) and are summarized below. Pursuant to the Specific Plan, roofs of the Project Industrial buildings would will be structurally designed to support solar panels. Additionally, the Specific Plan Design Guidelines encourage all new construction to utilize design features, fixtures, appliances, and heating and cooling controls to conserve energy and water. Further, the Specific Plan encourages non-motorized circulation by employees and visitors via its provision of an integrated network of sidewalks, bikeways, and trails. Facilitating use of these alternative transportation modes may decrease dependence on personal automobiles with related decreases in energy consumption and vehicular emissions. The plant palette for the Project incorporates water-efficient/drought tolerant species native to Southern California or naturalized to the arid Southern California climate. Use of turf will be minimized throughout the Specific Plan area. In this manner, the Project landscape concept would provide for efficient use of water resources. Further, "purple pipe" landscape irrigation systems would be implemented throughout the Specific Plan area, and only recycled/reclaimed water would be used for landscape irrigation or other non-potable purposes, thereby reducing demands on potable water resources. Additionally, as presented at EIR Section 3.0, *Project Description*, 3.4.3.6, *Project Design Features*, the Project would incorporate the following energy efficiency, energy conservation, and sustainability measures: • All Project buildings will be LEED Certified; • Building and site designs will facilitate and incorporate use of renewable energy sources, including roofs that are structurally designed to support solar photovoltaic (PV) panels; • Building and site designs will incorporate conduit and infrastructure for electric car chargers; • Building and site designs will incorporate conduit and infrastructure for electric truck chargers; • To minimize the potential for on-site truck idling, site plans will be designed to ensure adequate circulation and access for trucks;

Table 4.1-4
Policy Plan - Land Use Element Goals and Policies Consistency Analysis

Goals/Policies		Remarks
		• Truck trailer parking areas will be designed and configured to avoid vehicle stacking at the Project site access point and along adjacent streets; • LED Lighting will be provided throughout the Project (interior and exterior); • Project grading will be balanced, thereby minimizing potential requirements for truck conveyance of soil import/export; • Project warehouse designs will provide 40-foot or higher interior clear heights, allowing for greater storage per square foot of building, reducing building footprints, and generally reducing construction material and energy demands; • Site designs will incorporate pedestrian/bicycle/multi-use paths and supporting amenities; • The Project Construction and Demolition Waste Management Plan will be designed and implemented to yield a minimum of 90 percent recycled/salvaged materials. The Project also supports sustainability and growth attributes reflected in Goals of the 2016 – 2040 SCAG RTP/SCS. Please refer to Table 4.1-6. Based on the preceding, the Project is consistent with Policy LU1-2.
LU1-3	*Adequate Capacity*. We require adequate infrastructure and services for all development.	**Policy LU1-3 reduces utilities/infrastructure and public services impacts.** ***Consistent:*** The Project Applicant would construct, or would otherwise ensure to the satisfaction of the Lead Agency, those infrastructure improvements and service enhancements necessary to meet the demands of the Project. As substantiated in this EIR, infrastructure and service demands of the Project can be satisfied without adverse impacts to existing or anticipated customers within affected service areas. Please refer also to EIR Section 4.12, *Utilities and Service Systems*. On this basis, the Project is consistent with Policy LU1-3.
LU1-4	*Mobility*. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.	**Policy LU1-4 reduces VMT, transportation system impacts; and vehicular-source air pollutant emissions impact, GHG emissions impacts, and noise impacts.** ***Consistent:*** Access is provided to the Project site by local and regional transportation facilities. Intensified development of the Project site in combination with existing and proposed proximate urban development would focus the transit ridership base, thereby supporting existing and future transit opportunities. The Project incorporates bicycle and pedestrian amenities that facilitate non-motorized transportation modes. Based on the preceding, the Project is consistent with Policy LU1-4.

Table 4.1-4
Policy Plan - Land Use Element Goals and Policies Consistency Analysis

Goals/Policies		Remarks
LU1-5	*Jobs-Housing Balance*. We coordinate land use, infrastructure, and transportation planning and analysis with regional, county and other local agencies to further regional and sub-regional goals for jobs-housing balance.	**Policy LU1-5 reduces VMT, transportation system impacts; and vehicular-source air pollutant emissions impact, GHG emissions impacts, and noise impacts.** ***Consistent:*** Via the EIR process, the City has coordinated Project land uses, infrastructure, and transportation planning and analysis with potentially affected regional, county, and local agencies. Employment opportunities created by the Project would improve the City's jobs/housing balance. Project land uses and supporting improvements would not interfere with or obstruct regional and/or sub-regional goals addressing jobs-housing balance. On this basis, the Project is consistent with Policy LU1-5.
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.	**Policy LU1-6 indirectly minimizes potentially adverse environmental impacts by promoting diverse compatible land uses, contributing to a sustainable community.** ***Consistent:*** The Project proposes Industrial and Business Park Land Uses that would expand and diversify available employment opportunities. Please refer also to the *Merrill Commerce Center Specific Plan* (EIR Appendix B). On this basis, the Project is consistent with Policy LU1-6.
LU1-7	*Revenues and Costs*. We require future amendments to our Land Use Plan to be accompanied by analyses of fiscal impacts.	**Policy LU1-7 indirectly minimizes potentially adverse environmental impacts by ensuring fiscally responsible development, acting to minimize the potential for development proposals to cause or contribute to blight conditions.** ***Consistent:*** An Economic/Fiscal Impact Analysis has been prepared for the Project. Please contact the City for further information. On this basis, the Project is consistent with Policy LU1-7.
LU2 Compatibility		
Goal LU2 Compatibility between a wide range of uses.		
Policies		**Remarks**
LU2-1	*Land Use Decisions.* We minimize adverse impacts on adjacent properties when considering land use and zoning requests.	**Policy LU1-5 minimizes potential land use conflicts that could result in potentially adverse environmental impacts.** ***Consistent:*** The Specific Plan configuration and orientation of land uses combined with integral Development Standards and Design Guidelines act to preclude or minimize potential adverse impacts affecting adjacent properties. The Project is therefore consistent with Policy LU2-1.

Table 4.1-4
Policy Plan - Land Use Element Goals and Policies Consistency Analysis

Goals/Policies		Remarks
LU2-2	*Buffers.* We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.	***Consistent:*** Please refer to Remarks at Policy LU2-1.
LU2-3	*Hazardous Uses.* We regulate the development of industrial and similar uses that use, store, produce or transport toxic substances, air emissions, other pollutants or hazardous materials.	**Policy LU2-3 reduces hazards/hazardous materials impacts and hazardous air pollutant emissions impacts.** ***Consistent:*** The Project does not propose or require uses whose primary function is to store, produce, or transport toxic substances or other hazardous materials. Routine use of hazardous or potentially hazardous materials within the Specific Plan area would be subject to extensive local, regional, and federal regulatory requirements, and would not result in or cause potentially significant environmental impacts. Mitigation incorporated in this EIR reduces impacts associated with pre-existing hazards/hazardous materials conditions to levels that would be-less-than-significant. Additionally, development of the Project would eliminate existing hazardous or potentially hazardous conditions affecting the Project site, including the following: • Animal waste from the long-term dairy farm uses have potentially created methane gas, and soil contamination from nitrates and ammonia. • Numerous automotive fluids, including several large above ground storage tanks (ASTs) on or near the on-site maintenance shop. These materials are used for maintaining and repairing farm equipment. • Additional ASTs used for truck and equipment refueling are located on-site. • A scrap metal area containing drums, ASTs, farming equipment, and vehicles is located on the property. • Dairy operations use formaldehyde, iodine, and glycerol to wash the cows. The dairies also use muriatic acid and chlorinated alkaline as a cleaning solution. Pesticides are applied to prevent parasite infestations. Wastewater from these processes is discharged to the pastures for irrigation. • Holding ponds for contaminated runoff from agricultural/dairy farm operations. Discharge from these ponds to surrounding areas; and potential infiltration of contaminated runoff to underlying groundwater. • General debris observed throughout the property, including vehicle equipment staging areas, used tires, concrete rubble piles, compressors, and generators may have the potential to impact on-site surficial soil. • Presence of septic systems. Please refer also to EIR Section 4.6, *Hazards/Hazardous Materials*. Based on the preceding, the Project is consistent with Policy LU2-3.

Table 4.1-4
Policy Plan - Land Use Element Goals and Policies Consistency Analysis

Goals/Policies		Remarks
LU2-4	*Regulation of Nuisances.* We regulate the location, concentration and operations of potential nuisances.	**Policy LU2-4 reduces nuisance environmental impacts. While not considered significant of themselves, nuisance impacts could contribute to already adverse environmental conditions, or could cumulatively result in adverse environmental conditions.** ***Consistent:*** The Project does not propose or require uses or development that would be characterized as "nuisances." Rather, the implemented Project would establish a compatible and beneficial development within a currently underutilized property. The Specific Plan Development Standards and Design Guidelines and the City Development Code articulate measures and policies that would minimize potential nuisance effects of development. The Project would be required to comply with these measures and policies. On this basis, the Project is consistent with Policy LU2-4.
LU2-5	*Regulation of Uses.* We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.	**Policy LU2-5 minimizes potential land use conflicts that could result in potentially adverse environmental impacts.** ***Consistent:*** As substantiated in this EIR, the Project would not adversely affect surrounding land uses. To this end, all development and operations within the Project site would be required to conform to Development Standards and Design Guidelines established under the Specific Plan. The Project would further be required to conform to all City Development Code requirements. In combination, provisions of the Specific Plan and City Development Code act to ensure that the Project would not adversely impact surrounding land uses. On this basis, the Project is consistent with Policy LU2-5.
LU2-6	*Infrastructure Compatibility.* We require infrastructure to be aesthetically pleasing and in context with the community character.	**Policy LU2-6 minimizes potential aesthetic/visual impacts.** ***Consistent:*** The Specific Plan would locate utility connections, utility cabinets, etc. in areas not visible from public vantages where feasible. In instances where utility connections or utility cabinets must be placed in areas visible to the public, the Specific Plan Design Guidelines provide for screening and/or landscaping to minimize views of utility equipment. On this basis, the Project is consistent with Policy LU2-6.
LU2-7	*Inter-jurisdictional Coordination.* We maintain an ongoing liaison with IEUA, LAWA, Caltrans, Public Utilities Commission, the railroads and other agencies to help minimize impacts and improve the operations and aesthetics of their facilities.	**Policy LU2-7 minimizes potential infrastructure systems impacts.** ***Consistent:*** The Project does not propose or require elements or actions that would obstruct or otherwise interfere with the City's Inter-jurisdictional Coordination efforts. On this basis, the Project is consistent with Policy LU2-7.

Table 4.1-4
Policy Plan - Land Use Element Goals and Policies Consistency Analysis

Goals/Policies		Remarks
LU2-8	*Transitional Areas.* We require development in transitional areas to protect the quality of life of current residents.	**Policy LU2-8 minimizes potential land use conflicts that could result in potentially adverse environmental impacts.** ***Consistent:*** The Project site does not lie within a Policy Plan Transitional Area. As substantiated in this EIR, the Project incorporates elements and operational programs that would act to minimize or avoid the Project's potentially significant environmental impacts and thereby protect the quality of life or current residents. On this basis, the Project is consistent with Policy LU2-8.
LU2-9	*Methane Gas Sites.* We require sensitive land uses and new uses on former dairy farms or other methane-producing sites be designed to minimize health risks.	**Policy LU2-9 minimizes potential methane hazards impacts.** ***Consistent:*** This EIR incorporates mitigation that would reduce potential hazards/hazardous material impacts, including methane hazards impacts, to levels that would be less-than-significant. Please refer to EIR Section 4.6, *Hazards/Hazardous Materials*. On this basis, the Project is consistent with Policy LU2-9.
Goal LU3 Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.		
LU3-1	*Development Standards.* We maintain clear development standards which allow flexibility to achieve our Vision.	**Policy LU3-1 minimizes the potential for development proposals to result in unacceptable designs, or development that would otherwise result in land use incompatibilities that would impede attainment of the City's Vision.** ***Consistent:*** The Specific Plan incorporates Development Standards and Design Guidelines allowing for flexible development of the Project site supporting the Policy Plan Vision of "sustained, community-wide prosperity which continuously adds value and yields benefits." Development pursuant to the Specific Plan would establish contemporary Industrial and Business Park uses on a currently underutilized site. Benefits of the Project including, but not limited to, jobs creation, increased property tax and sales tax revenues, would promote community-wide prosperity and add value. On this basis, the Project is consistent with Policy LU3-1.
LU3-2	*Design Incentives.* We offer design incentives to help projects achieve the Vision.	**Policy LU3-2 minimizes the potential for development proposals to result in unacceptable designs, or development that would otherwise result in land use incompatibilities that would impede attainment of the City's Vision.** ***Consistent:*** The Project does not propose elements or aspects that would obstruct or interfere with Design Incentives programs established by the City. The Specific Plan would establish land uses, Development Standards and Design Guidelines that would support the Policy Plan Vision. Please refer also to Remarks at Policy LU3-1.

Table 4.1-4
Policy Plan - Land Use Element Goals and Policies Consistency Analysis

Goals/Policies		Remarks
LU3-3	*Land Use Flexibility.* We consider uses not typically permitted within a land use category if doing so improves livability, reduces vehicular trips, creates community gathering places and activity nodes, and helps create identity.	**Policy LU3-3 promotes sustainable and compatible development that reduces or precludes potentially adverse environmental effects.** ***Consistent:*** Land uses and development concepts proposed by the Specific Plan are not currently reflected in the Policy Plan Land Use Plan. The Applicant has requested amendment of the site's existing Policy Plan Land Use designations to allow for implementation of the Specific Plan. The proposed Specific Plan provides for flexible and compatible development of the subject site. More specifically, the Specific Plan would implement compatible Industrial and Business Park uses on a currently under-utilized property. Development intensities and land use configurations proposed under the Specific Plan promote the highest and best use of the subject site. The Specific Plan Land Use Concept collocates Industrial and Business Park Land Uses in an urban/urbanizing area, thereby reducing home – work and work – home commutes, acting generally to reduce vehicle VMT locally and within the region. Corollary reductions in vehicle energy consumption and vehicular-source air pollutant and GHG emissions are anticipated. The Specific Plan development plans, Development Standards, and Design Guidelines would establish a Project identity differentiated from, but compatible with, adjacent land uses. Please refer also to Remarks at Policies LU1-1 and LU1-2. Based on the preceding, the Project is consistent with Policy LU3-3.
LU4 Phased Growth		
Goal LU4 Development that provides short-term value only when the opportunity to achieve our Vision can be preserved.		
Policies		**Remarks**
LU4-1	*Commitment to Vision.* We are committed to achieving our Vision but realize that it may take time and several interim steps to get there.	**Policy LU4-1 indirectly reduces environmental effects through continued commitment to the City's Vision which in part includes promotion of environmentally superior and sustainable development.** ***Consistent:*** The Project would support The Ontario Plan Vision of "sustained, community-wide prosperity which continuously adds value and yields benefits." Please refer to Remarks at Policies LU3-1, LU3-2. Based on the preceding, the Project is consistent with Policy LU4-1.

Table 4.1-4
Policy Plan - Land Use Element Goals and Policies Consistency Analysis

Goals/Policies		Remarks
LU4-2	*Interim Development.* We allow development in growth areas that is not immediately reflective of our ultimate Vision provided it can be modified or replaced when circumstances are right. We will not allow development that impedes, precludes or compromises our ability to achieve our Vision.	**Policy LU4-2 indirectly reduces environmental effects through rejection of development proposals that impede, preclude, or compromise attainment of the City's Vision.** ***Consistent:*** The Project does not propose interim development. Please refer to Remarks at Policies LU3-1, LU3-2, LU4-1.
LU4-3	*Infrastructure Timing.* We require that the necessary infrastructure and services be in place prior to or concurrently with development.	**Policy LU4-3 reduces infrastructure and services impacts.** ***Consistent:*** Pursuant to provisions of Specific Plan, mitigation measures identified in this EIR, and City Conditions of Approval, the Project would provide and/or otherwise ensure to the satisfaction of the City, that infrastructure and services are timely available to meet Project demands. On this basis, the Project is consistent with Policy LU4-3.
LU5 Airport Planning		
Goal LU5 Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.		
Policies		**Remarks**
LU5-1	*Coordination with Airport Authorities.* We collaborate with FAA, Caltrans Division of Aeronautics, airport owners, neighboring jurisdictions, and other shareholders in the preparation, update and maintenance of airport-related plans.	**Policy LU5-1 reduces adverse impacts associated with airfield/airport operations.** ***Consistent:*** The Applicant and City Staff would coordinate with the airport authority for the Chino Airport in evaluation of Project land uses in the context of the Chino Airport Overlay and Riverside County ALUCP for Chino Airport. Please refer also to related discussions presented at EIR Section 4.6, *Hazards/Hazardous Materials.* The Project does not propose facilities or uses that would interfere with or obstruct City collaboration or coordination with agencies or shareholders participating in or responsible for the preparation, update and maintenance of airport-related plans. On this basis, the Project is consistent with Policy LU5-1.
LU5-2	*Airport Planning Consistency.* We coordinate with airport authorities to ensure The Ontario Plan is consistent with state law, federal regulations, and/or adopted master plans and land use compatibility plans for the ONT and Chino airports.	***Consistent:*** Please refer to remarks at Policy LU5-1.

Table 4.1-4
Policy Plan - Land Use Element Goals and Policies Consistency Analysis

Goals/Policies		Remarks
LU5-3	*Airport Impacts.* We work with agencies to maximize resources to mitigate the impacts and hazards related to airport operations.	***Consistent:*** Please refer to remarks at Policy LU5-1.
LU5-6	*Alternative Process.* We fulfill our responsibilities and comply with state law with regard to the Alternative Process for proper airport land use compatibility planning.	***Consistent:*** Please refer to remarks at Policy LU5-1.
LU5-7	*ALUCP Consistency with Land Use Regulations.* We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.	***Consistent:*** Please refer to Remarks at Policy LU5-1.
LU5-8	*Chino Airport.* We will support the creation and implementation of the Airport Land Use Compatibility Plan for Chino Airport.	***Consistent:*** Please refer to Remarks at Policy LU5-1.

Sources: Goal/Policy statements from: Policy Plan, Land Use Element; Remarks-Applied Planning, Inc.

City of Ontario Development Code/Zoning

Zoning for the subject site would be established by the Specific Plan. The Specific Plan would be consistent with the Policy Plan Land Use Element as amended under the Project.

All development within the Project site would be subject to plans, requirements, standards, and guidelines established under the Specific Plan. In instances where the Specific Plan is silent, development within the Project site would be subject to requirements of the City Development Code. The Project does not propose or require amendment(s) to the City Development Code.

SCAG 2016 – 2040 Regional Transportation Plan/Sustainable Communities Strategy

The Project is also evaluated in the context of the SCAG *2016 – 2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 – 2040 RTP/SCS).* Project consistency with applicable RTP/SCS goals is presented at Table 4.1-5.

Table 4.1-5
Consistency with SCAG RTP/SCS Goals

RTP/SCS Goals	Remarks
Goal 1: Align the plan investments and policies with improving regional economic development and competitiveness.	**Goal 1 indirectly reduces potentially adverse environmental effects by promoting economically sustainable development. Economically sustainable development reduces resources consumption and evidences compatible land uses.** ***Consistent:*** The Project proposes contemporary urban uses, providing an opportunity for development investment on currently underutilized land. The Project fiscal impact analysis substantiates its economic benefit to the City and region. The Project would implement compatible land uses and designs pursuant to requirements of the Specific Plan and City Development Code. On this basis, the Project is consistent with Goal 1.
Goal 2: Maximize mobility and accessibility for all people and goods in the region.	**Goal 2 promotes integrated multimodal transportation systems, reduces regional VMT, reduces transportation system impacts reduces resources consumption, reduces air pollutant and GHG emissions impacts.** ***Consistent:*** The Project's land use concept collocates Industrial and Business Park uses in an urban context, proximate to employees and patrons. In this context, the Project would allow for reduced home – work, and work – work commutes, acting to generally reduce VMT locally and within the region. Corollary reductions in vehicle energy consumption and vehicular-source air pollutant emissions and GHG emissions would likely result. The Project would also incorporate bicycle and pedestrian access and amenities in accordance with the Specific Plan and the City Development Code. On this basis, the Project is consistent with Goal 2.
Goal 3: Ensure travel safety and reliability for all people and goods in the region.	**Goal 3 reduces transportation system impacts generally, and transportation system safety impacts specifically.** **Consistent:** The Project TIA identifies improvements that would promote and facilitate the safe movement of people and goods. All transportation modes within the Project area would be required to comply with incumbent regulatory safety standards. On this basis, the Project is consistent with Goal 3.
Goal 4: Preserve and ensure a sustainable regional transportation system.	**Goal 4 reduces transportation system impacts and resources consumption impacts.**

Table 4.1-5
Consistency with SCAG RTP/SCS Goals

RTP/SCS Goals	Remarks
	Consistent: The Project TIA assesses all potentially affected roadways and identifies required improvements to the existing transportation network. The Project would construct required improvements, and/or would offset its incremental transportation system impacts through payment of requisite transportation/traffic impact fees. Project construction of required improvements and payment of transportation/traffic impact fees preserves and maintains sustainable local and regional transportation systems. Transportation Demand Management (TDM) measures implemented under the Project would act to reduce Project Vehicle Miles Traveled (VMT) impacts. On this basis, the Project is consistent with Goal 4.
Goal 5: Maximize the productivity of our transportation system.	**Goal 5 reduces VMT, transportation system impacts, and vehicular-source air pollutant emissions and GHG emissions impacts.** **Consistent:** Under the Project, local and area-serving transportation systems would be improved and maintained to maximizes their efficiency and productivity. The City oversees the improvement and maintenance of all aspects of the public right-of-way on an as-needed basis. TDM measures implemented under the Project would act to reduce Project VMT impacts. On this basis, the Project is consistent with Goal 5.
Goal 6: Protect the environment and health of our residents by improving air quality and encouraging active transportation (non-motorized transportation, such as bicycling and walking).	**Goal 5 reduces VMT, transportation system impacts, and vehicular-source air pollutant emissions and GHG emissions impacts.** **Consistent:** The Project would accommodate and would not interfere with existing or planned bicycle facilities and bikeway system improvements. The Project would incorporate bicycle and pedestrian amenities consistent with provisions of the Specific Plan and the City Development Code. TDM measures implemented under the Project would act to reduce Project VMT impacts. On this basis, the Project is consistent with Goal 6.
Goal 7: Actively encourage and create incentives for energy efficiency, where possible.	**Goal 7 reduces energy consumption, air pollutant emissions impacts and GHG emissions impacts.** **Consistent:** Energy-saving and sustainable design features and operational programs would be incorporated in the Project consistent with provisions of the Specific Plan and pursuant to California Green Building Standards Code (CALGreen; CCR, Title 24, Part 11) as implemented by the City of Ontario. Additionally, the Project would implement the following conservation/sustainability measures: • All Project buildings will be LEED Certified;

Table 4.1-5
Consistency with SCAG RTP/SCS Goals

RTP/SCS Goals	Remarks
	• Building and site designs will facilitate and incorporate use of renewable energy sources, including roofs that are structurally designed to support solar photovoltaic (PV) panels; • Building and site designs will incorporate conduit and infrastructure for electric car chargers; • Building and site designs will incorporate conduit and infrastructure for electric truck chargers; • To minimize the potential for on-site truck idling, site plans will be designed to ensure adequate circulation and access for trucks; • Truck trailer parking areas will be designed and configured to avoid vehicle stacking at the Project site access point and along adjacent streets; • LED Lighting will be provided throughout the Project (interior and exterior); and • Project grading will be balanced, thereby minimizing potential requirements for truck conveyance of soil import/export. • Project warehouse designs will provide 40-foot or higher interior clear heights, allowing for greater storage per square foot of building, reducing building footprints, and generally reducing construction material and energy demands; • Site designs will incorporate pedestrian/bicycle/multi-use paths and supporting amenities; • The Project Construction and Demolition Waste Management Plan will be designed and implemented to yield a minimum of 90 percent recycled/salvaged materials. On this basis, the Project is consistent with Goal 7.
Goal 8: Encourage land use and growth patterns that facilitate transit and non-motorized transportation.	**Goal 8 reduces VMT, transportation system impacts, and vehicular-source air pollutant emissions and GHG emissions impacts.** **Consistent:** The Project is provided proximate access to local and regional transportation facilities. Intensified development of the Project site in combination with existing and proposed proximate urban development would focus the transit ridership base, thereby supporting existing and future transit opportunities. The Project incorporates bicycle and pedestrian amenities that facilitate non-motorized transportation modes. TDM measures implemented under the Project would act to reduce Project VMT impacts. On this basis, the Project is consistent with Goal 8. Please refer also to Remarks at Goals 4 – 7.
Goal 9: Maximize the security of our transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.	**Goal 9 reduces transportation system safety/hazards impacts.** **Consistent:** The City of Ontario is responsible for monitoring of roadways and transit routes to determine the adequacy and safety of these systems. The City and other local and regional agencies and

Table 4.1-5
Consistency with SCAG RTP/SCS Goals

RTP/SCS Goals	Remarks
	organizations (e.g., RTA, Caltrans, and SCAG) cooperatively manage these systems. Security situations involving roadways and evacuations would be addressed through City emergency response plans. On this basis, the Project is consistent with Goal 9.

Sources: Goal Statements from: 2016–2040 RTP/SCS; Remarks by Applied Planning, Inc.

Summary

As outlined above, the proposed Merrill Commerce Center Specific Plan would establish Land Uses, Development Standards, and Design Guidelines directing the ultimate buildout of the Project site. Land uses and development reflected within the proposed Specific Plan can be feasibly implemented consistent with applicable provisions of the City General Plan (as amended) and the City Development Code. Prior to issuance of development permits, the City would review the final development plans for individual projects within the Specific Plan area to ensure consistency with the Specific Plan document as approved by the City, and where applicable, City Development Code requirements. Further, the Project would be consistent with applicable land use and planning provisions of the Policy Plan, as amended. Project consistency with applicable Policy Plan Land Use and Planning Policies addressing avoidance and mitigation of environmental impacts is summarized at Table 4.1-4.

The Project is also considered to be consistent with, and would support land use and planning goals articulated in the *2016-2040 RTP/SCS.* Project consistency with applicable *2016-2040 RTP/SCS* Land Use and Planning Goals addressing avoidance and mitigation of environmental impacts is summarized at Table 4.1-5.

On the basis of the preceding, the potential for the Project to 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 is less-than-significant.

Level of Significance: Less-Than-Significant.

4.2 TRANSPORTATION

4.2 TRANSPORTATION

Abstract

This discussion of potential transportation impacts is organized under the following headings:

- *Vehicle Miles Traveled Analysis; and*
- *Other Transportation Topics.*

A summary of the analysis and findings under these topical headings is presented below.

The City specifically recognizes that vehicle delay (Level of Service, LOS) deficiencies are no longer environmental impacts under CEQA.[1] *Although not specifically relevant to an analysis of CEQA transportation impacts, for City use and informational purposes, a Project Traffic Impact Analysis (Project TIA, TIA) addressing LOS impacts has been prepared (see:* Merrill Commerce Center Specific Plan, Traffic Impact Analysis, City of Ontario *[Urban Crossroads, Inc.] June 30, 2020; EIR Appendix C). The TIA identifies Study Area LOS deficiencies and recommends improvements to address any identified deficient conditions. Project trip generation estimates developed as part of the Project TIA are employed in the VMT analysis presented in this Section, and the trip generation estimates also employed in related analyses (e.g., vehicular-source emissions air quality impacts, vehicular-source noise impacts) presented elsewhere in this EIR.*

[1] *CEQA Guidelines* Section 15064.3, effective January 1, 2019, "describes specific considerations for evaluating a project's transportation impacts" and provides that, except for roadway capacity projects, "a project's effect on automobile delay (or LOS) shall not constitute a significant environmental impact." (*CEQA Guidelines*, § 15064.3, subd. (a).)

Vehicle Miles Traveled (VMT) Assessment

CEQA Guidelines *Section 15064.3 (statute effective July 1, 2020) requires analysis of the Project's potential vehicle miles traveled (VMT) impacts. Detailed analysis of the Project's potential VMT impacts is presented in* Merrill Commerce Center Specific Plan Vehicle Miles Traveled (VMT) Assessment *(Urban Crossroads, Inc.) January 14, 2020 (Project VMT Assessment). Findings and conclusions of the Project VMT Assessment are summarized in this Section and the Project VMT Assessment in total is presented at EIR Appendix C. The Project VMT Assessment estimates the Project VMT/Service Population (Project VMT/SP) and compares the Project VMT/SP to a calculated City Average Existing VMT/SP. Within this analysis, Project VMT/SP that would exceed 85 percent of the City Average Existing VMT/SP would be considered a potentially significant VMT Impact.*

It is recognized here, that the VMT thresholds employed in this EIR analysis predate the City's formal adoption of VMT thresholds in conformance with SB 743 (see: City of Ontario City Council Resolution No. 2020-071, adopted June 16, 2020).[2] *In this respect, the EIR VMT threshold (85 percent of the City Average Existing VMT/SP) is more restrictive than the City's June 16, 2020 adopted VMT threshold (exceedance of Citywide Average VMT/SP under General Plan Buildout Conditions). More specifically and quantitatively, the EIR VMT/SP thresholds are: 31.96 VMT/SP when considering only Project automobile VMT; and 35.96 VMT/SP when considering Total Project VMT/SP (Project automobile VMT + Project truck VMT/SP). In comparison, City Average VMT/SP under City General Plan Buildout Conditions (year 2040) is estimated at 37.90 VMT/SP when considering only automobile VMT/SP; and 42.80 VMT/SP when considering automobile VMT + truck VMT. The analysis presented here therefore conservatively overestimates rather than underestimates the significance of the Project's potential VMT impacts.*

Potentially significant VMT impacts are mitigated through implementation of Transportation Demand Management (TDM) measures identified in this Section. As substantiated here, even with implementation of proposed TDM measures, Project VMT impacts would be significant and unavoidable.

[2] For reference, City of Ontario City Council Resolution No. 2020-071 and the accompanying Agenda Report are included at EIR Appendix C.

Additionally, within this analysis, significant and unavoidable VMT impacts at the Project level are also determined to be cumulatively significant and unavoidable. This conclusion is consistent with the determination that would be reached employing the City's cumulative analysis threshold wherein a "[cumulatively] significant impact would occur if the project caused total daily VMT within the City to be higher than the no project [no build] alternative under cumulative conditions."

Other Transportation Topics

Other transportation topics evaluated in this Section include the following:

- *Potential to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;*
- *Potential to substantially increase hazards to a geometric design feature; and*
- *Potential to result in inadequate emergency access.*

The analysis presented here substantiates that Project impacts under the preceding "other transportation topics" would be less-than-significant.

4.2.1 VMT ASSESSMENT

4.2.1.1 Background

Transportation impact analyses prepared by the City have historically been based on level of service (LOS) and similar vehicle delay/congestion metrics. The LOS analytic model provides a reasonable assessment of vehicle congestion and driving conditions that may result from a given development project. LOS analyses do not however evaluate the range and magnitude of other environmental effects attributable to development traffic, including fuel consumption, criteria air pollutant emissions, and greenhouse gas emissions. These latter issues have however been historically addressed, and are currently addressed within this EIR's *Air Quality*, *Greenhouse Gas Emissions*, and *Energy* Sections. In response to these latter concerns and to comprehensively evaluate environmental impacts of development traffic, the *CEQA Guidelines* (amended December 2019) include new Section 15064.3 addressing transportation impacts. In summary, *CEQA*

Guidelines Section 15064.3 establishes Vehicle Miles Traveled (VMT) as the appropriate metric for evaluation of project transportation impacts.

Consistent with *CEQA Guidelines* Section 15064.3 requirements, an analysis of the Project's potential VMT impacts is presented below. Please refer also to the *Merrill Commerce Center Specific Plan, Vehicle Miles Traveled (VMT) Assessment* (Urban Crossroads, Inc) January 14, 2020 (Project VMT Assessment) presented at EIR Appendix C.

The Project VMT Assessment substantiates the potential for the Project to conflict with or be inconsistent with *CEQA Guidelines* Section 15064.3, subdivision (b). For ease of reference, *CEQA Guidelines* Section 15064.3, subdivision (b) is presented below.

> § 15064.3. Determining the Significance of Transportation Impacts.
>
> (b) Criteria for Analyzing Transportation Impacts.
>
> (1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.
>
> (2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.

(3) Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

(4) Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

4.2.1.2 Methodology

As provided for under *CEQA Guidelines* Section 15064.3 (b) (4) (above), "[a] lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. Within this analysis, evaluation of the Project VMT impacts is guided by *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory) (Governor's Office of Planning and Research, OPR) December 2018. The Technical Advisory fulfills the state (SB 743) mandate that "OPR [is] to establish specific 'criteria for determining the significance of transportation impacts of projects[.]' (Technical Advisory, p. 7).

As provided for under the Technical Advisory, and to identify potential VMT impacts of the Project, the Project VMT Assessment establishes an Average Existing VMT/Service Population (SP) and compares that with the Project VMT/SP. The Technical Guidance

indicates "that a per capita or per employee VMT that is fifteen percent below that of existing development may be a reasonable threshold" (Technical Advisory, p. 10). In the case of the Project and the analysis presented here, the Service Population comprises employees.

Consistent with the Technical Advisory guidance, Project VMT/SP exceeding 85 percent of the Average Existing VMT/SP would be considered a potentially significant VMT impact. This is a conservative significance threshold that correlates with and supports State GHG emissions reductions targets. The VMT threshold employed in this analysis purposely does not take into account or take credit for emerging technologies or regulatory actions that would act to reduce GHG emissions, translating to less stringent VMT reduction thresholds. As just one example, by 2023, all trucks will have to be compliant with CARB 2010 Truck and Bus Regulation emissions standards. Absent any VMT reductions, the CARB 2010 Truck and Bus Regulation emissions standards would reduce truck emissions (including GHG emissions) when compared to GHG emissions generated by non-2010 fleets.[3]

Mitigation measures are proposed for Project VMT impacts determined to be potentially significant. The Project VMT Assessment and the discussions in this Section incorporate and reflect current VMT information, analysis methodologies, and analysis protocols presented in the following:

- *WRCOG SB 743 Implementation Pathway Document Package* (Fehr + Peers [for WRCOG]) March 2019 [see: http://www.fehrandpeers.com/wp-content/uploads/2019/03/WRCOG-SB743-Document-Package.pdf];

- San Bernardino Countywide Plan Draft Program Environmental Impact Report, State Clearinghouse No. 2017101033 (Placeworks [for San Bernardino County]) June 2019 [see: http://countywideplan.com/eir/];

[3] NOx emissions, an indirect greenhouse gas contributor, would be reduced by approximately 50 percent. Additionally, PM_{10} emissions would be reduced by approximately 31 percent (source EMFAC2017).

- *Quantifying Greenhouse Gas Mitigation Measures* (California Air Pollution Control Officers Association [CAPCOA] August 2010 [see: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf]; and

- The Countywide Comprehensive Transportation Plan, San Bernardino County Transportation Analysis Model (San Bernardino County Transportation Authority [SBCTA]) 2018 [see: http://gosbcta.com/plans-projects/plans-CTP.html].

Further detail regarding the Project VMT Assessment is provided below.

VMT/SP Calculations

City Average VMT

Consistent with City protocols, the San Bernardino County Transportation Analysis Model (SBTAM, Model) was employed to estimate City Average VMT. SBTAM is a sub-regional model that was developed based on the Southern California Association of Governments (SCAG) Regional Planning model. SBTAM is functionally similar to the SCAG model with a focused approach to San Bernardino County, having disaggregated zones within the County area and aggregated zones outside of the county. SBTAM uses socioeconomic data to model travel behavior. The Model responds to changes in land use types, household and employment characteristics, transportation infrastructure, and travel costs. Use of the Model for purposes of estimating VMT is appropriate since the information contained in the Model is specific to the Project region and Project land use types. Furthermore, use of travel demand models generally is a recommended practice supported by the Technical Advisory. More specifically, the Technical Advisory states:

> . . . agencies can use travel demand models or survey data [in this case SBTAM] to estimate existing trip lengths and input those into sketch models such as CalEEMod to achieve more accurate results. Whenever possible, agencies should input localized trip lengths into a sketch model to tailor the analysis to the project location (Technical Advisory, p. 31).

Related discussion regarding selection and use of VMT analysis methodologies is presented at *CEQA Guidelines* Section 15064.3. (b) (4), excerpted in pertinent part below:

> 15064.3. (b) (4) Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

The Project VMT Assessment and use of SBTAM to estimate VMT conforms to, and is supported by, provisions and requirements of the Technical Advisory and *CEQA Guidelines* noted above. The City Average VMT was calculated based on select-zone 2012 and 2040 SBTAM runs for all the Traffic Analysis Zones (TAZs) within the City of Ontario. SBTAM modeling data is provided at Attachment A to the Project VMT Assessment.

City Service Population

For the purposes of the Project VMT Assessment, Service Population (SP) is defined as employees + residents. The City Service Population was calculated based on SBTAM socio-economic data for City of Ontario TAZs for the years 2012 and 2040.

City Average VMT/SP

The Project would generate both automobile and truck traffic. As part of this analysis, Project VMT/SP estimates for automobiles, as well as trucks, have been calculated.

To facilitate direct comparison of Project VMT to the City Average VMT/SP, the City Average VMT/SP has been disaggregated into automobile and truck components.

SBTAM estimates of VMT (automobiles and trucks), population, employment, and resulting VMT/SP for the City of Ontario (2012 and 2040) are summarized at Table 4.2-1.

Table 4.2-1
City of Ontario VMT, Population, Employment, SP, and VMT/SP Estimates: 2012, 2040

	SBTAM 2012	SBTAM 2040
Automobile VMT	8,586,612	14,063,294
Truck VMT	1,062,164	1,810,305
TOTAL VMT	9,648,776	15,873,599
Population	163,356	256,593
Employment	65,602	114,536
SP	228,958	371,129
Auto VMT/SP	37.5	37.9
Total VMT/SP	42.1	42.8

Source: *Merrill Commerce Center Specific Plan, Vehicle Miles Traveled (VMT) Assessment* (Urban Crossroads, Inc) January 14, 2020.

The Baseline (2019) City Average VMT/SP (Automobile VMT and Total VMT) was calculated by linearly interpolating SBTAM data for the years 2012 and 2040. Table 4.2-2 provides a summary of the City Average Automobile VMT/SP and Total VMT/SP for 2012, 2019, and 2040.

Table 4.2-2
City Average VMT/SP Estimates: 2012, 2019, 2040

	2012 VMT/SP	2019 VMT/SP	2040 VMT/SP
Automobiles	37.5	37.6	37.9
Total	42.1	42.3	42.8

Source: *Merrill Commerce Center Specific Plan, Vehicle Miles Traveled (VMT) Assessment* (Urban Crossroads, Inc) January 14, 2020.

Project VMT/SP Calculation

Project VMT

The Project VMT calculation has two components – the total number of vehicle trips generated and the average trip length of each vehicle. Each calculation component is described below. Consistent with guidance provided in the Technical Advisory,

excerpted in pertinent part below, an assessment of Automobile VMT/SP has been provided.

> **Vehicle Types.** Proposed Section 15064.3, subdivision (a), states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project." Here, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks (Technical Advisory, p. 4).

For disclosure and consistency purposes, VMT generated by the Project truck traffic is also identified and is reflected in the Project VMT Assessment and impact determinations are made on the basis of both automobile and truck VMT.

Project Trip Generation

Project average daily trips (ADT) have been calculated based on trip generation rates presented in *ITE Trip Generation Manual*, 10th Edition (2017). Total Project trip generation and trip generation by vehicle category (automobiles/trucks) is summarized at Table 4.2-3. Trips are expressed in terms of actual vehicles (as opposed to PCEs).

Table 4.2-3
Project Trip Generation by Vehicle Category

Vehicle Type	ADT
Automobiles	16,286
Trucks	3,520
Total	**19,806**

Source: *Merrill Commerce Center Specific Plan, Vehicle Miles Traveled (VMT) Assessment* (Urban Crossroads, Inc) January 14, 2020.

Please refer also to the discussion of trip generation presented previously within this Section and the detailed Project trip generation calculations presented in the Project TIA.

Project Average Trip Length

A select-zone SBTAM model run for the Project Traffic Analysis Zone (TAZ) was conducted to establish the Project average automobile trip lengths. Adjustments to the SBTAM data were made to reflect the Project land uses.

The average trip length for trucks was based on the South Coast Air Quality Management District (SCAQMD) documents for the implementation of the Facility-Based Mobile Source Measures (FBMSMs) adopted in the 2016 Air Quality Management Plan (AQMP). SCAQMD's "Preliminary Warehouse Emission Calculations" cites a 39.9 mile trip length for heavy-heavy trucks, and 15.5 mile trip length for light-heavy trucks (see: https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/preliminary-draft-2023-ei_warehouses.xlsx?sfvrsn=60).

Thus, the VMT estimates used for trucks in this EIR are consistent with the assumptions made by SCAQMD and those contained in the Air Quality section of this EIR. As a conservative measure and for the purposes of this analysis, a trip length of 40 miles has been utilized for all trucks. Average trip lengths are summarized at Table 4.2-4.

Table 4.2-4
Project TAZ Average Trip Length

Vehicle Type	Average Trip Length (Miles)
Automobiles	16.5
Trucks	40.0

Source: *Merrill Commerce Center Specific Plan, Vehicle Miles Traveled (VMT) Assessment* (Urban Crossroads, Inc) January 14, 2020.

Project VMT

Reflecting the Project trip generation estimates and average trip lengths presented above, Table 4.2-5 summarizes total Project Daily VMT and Daily VMT by vehicle category.

Table 4.2-5
Project VMT Summary

Vehicle Type	ADT	Average Trip Length (Miles)	Daily VMT
Automobiles	16,286	16.5	268,719
Trucks	3,520	40.0	140,800
Total	19,806	20.68	409,519

Source: *Merrill Commerce Center Specific Plan, Vehicle Miles Traveled (VMT) Assessment* (Urban Crossroads, Inc) January 14, 2020.

Project SP

The Project does not have a residential component – the Project SP therefore comprises employees only. Project tenants are not yet known, and the number of jobs that the Project would generate therefore cannot be precisely determined. For purposes of this analysis, employment estimates were calculated using employment density factors provided in *Ontario General Plan Buildout Methodology*, April 2015 (Methodology) (see: http://www.ontarioplan.org/wp-content/uploads/sites/4/2016/01/Methodology-Revised.pdf).

More specifically, the Methodology assumes that 50 percent of Business Park employment would be "non-office" and 50 percent would be "office." The Methodology also assumes that 90 percent of Industrial [warehouse] employment would be "non-office" and 10 percent would be "office." Per the Methodology, non-office uses generate 0.65 Employees/Thousand Square Feet (TSF); office uses generate 2.86 Employees/TSF. On this basis, the Project 7,014,000 sf of Industrial [Warehouse] uses would generate 4,013 non-office jobs and 2,006 office jobs. The Project 1,441,000 sf of Business Park Uses would generate 468 non-office jobs and 2,061 office jobs. In total, the Project would create an estimated 8,638 new jobs.

Project VMT/SP

Reflecting the estimated Project VMT and estimated Project SP presented above, Table 4.2-6 summarizes Project VMT/SP.

Table 4.2-6
Project VMT/SP

Project SP (Employees)	8,638
Project Automobile VMT	268,719
Project Truck VMT	140,800
Project Total VMT	409,519
Project Automobile VMT/SP	31.11
Project Total VMT/SP	47.41

Source: *Merrill Commerce Center Specific Plan, Vehicle Miles Traveled (VMT) Assessment* (Urban Crossroads, Inc) January 14, 2020.

Other Considerations

Alternative transportation modes and facilities (e.g., bus service, bicycle routes, pedestrian paths) are generally available within the Study Area and could potentially reduce the Project VMT. However, the VMT reducing potentials of alternative travel modes were not considered in the Project VMT Assessment. Project VMT estimates considered in this analysis therefore represent the likely maximum Project VMT impact conditions.

VMT Threshold of Significance

VMT threshold guidance employed herein is provided in the Technical Advisory. In this regard, the Technical Advisory recommends . . . "that a per capita or per employee VMT that is fifteen percent below that of existing development may be a reasonable threshold" (Technical Advisory, p. 10). Consistent with this guidance, a fifteen percent reduction in existing City Average VMT/Service Population (SP) is established as the VMT threshold condition for the Project. For the purposes of this analysis, the City Average VMT/SP and related thresholds are quantified as Automobile VMT/SP, and Total VMT/SP.

Stated otherwise, Project VMT/SP that exceeds 85 percent of the existing City Average VMT/SP condition is considered a potentially significant VMT/transportation impact. The Average Existing Automobile VMT/SP of 37.6 VMT/SP x 0.85 = 31.96 VMT/SP. The Automobile VMT/SP threshold for the Project is therefore 31.96 VMT/SP. The existing City Average Total VMT/SP of 42.3 VMT/SP x 0.85 = 35.96 VMT/SP. The Total VMT/SP threshold for the Project is therefore 35.96 VMT/SP.

It is recognized here, that the VMT thresholds employed in this EIR analysis predate the City's formal adoption of VMT thresholds in conformance with SB 743 (see: City of Ontario City Council Resolution No. 2020-071, adopted June 16, 2020).[4] In this respect, the EIR VMT threshold (85 percent of the City Average Existing VMT/SP) is more restrictive than the City's June 16, 2020 adopted VMT threshold (exceedance of Citywide

[4] For reference, City of Ontario City Council Resolution No. 2020-071 and the accompanying Agenda Report are included at EIR Appendix C.

Average VMT/SP under General Plan Buildout Conditions). More specifically and quantitatively, the EIR VMT/SP thresholds are: 31.96 VMT/SP when considering only Project automobile VMT; and 35.96 VMT/SP when considering Total Project VMT/SP (Project automobile VMT + Project truck VMT/SP). In comparison, City Average VMT/SP under City General Plan Buildout Conditions (year 2040) is estimated at 37.90 VMT/SP when considering only automobile VMT/SP; and 42.80 VMT/SP when considering automobile VMT + truck VMT. The analysis presented here therefore conservatively overestimates rather than underestimates the significance of the Project's potential VMT impacts.

Project VMT Impact

The Project would generate an estimated 31.11 Automobile VMT/SP. This is 0.85 Automobile VMT/SP less than the 31.96 Automobile VMT/SP significance threshold. Automobile VMT/SP impacts would therefore be less-than-significant.

The Project would generate an estimated 47.41 Total VMT/SP. This is 11.45 Total VMT/SP greater than the 35.96 Total VMT/SP significance threshold. Thus, the Project total VMT/SP impacts would be potentially significant.

Level of Significance: *Potentially Significant* (Total VMT/SP). Project Total VMT/SP of 47.41 VMT/SP would exceed the Total VMT/SP threshold of 35.96 VMT/SP. This is a potentially significant impact.

Mitigation Measures: Mitigation of the Project's potentially significant VMT impacts would be achieved through implementation of Transportation Demand Management (TDM) measures. Mitigation proposed here comprises TDM measures identified in *Quantifying Greenhouse Gas Mitigation Measures* (California Air Pollution Control Officers Association [CAPCOA] August 2010 (see: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf).

CAPCOA identifies 41 TDM measures that could potentially reduce VMT. With respect to the Project, the predominance of these measures are actions or programs that would

be challenging for the Lead Agencies to reasonably implement and monitor. Other CAPCOA TDMs would completely change the nature of the Project or include strategies beyond the purview of the Lead Agency and/or Applicant. These TDMs in effect compare types of projects that would be less likely to cause VMT impacts rather than establish feasible development-level VMT mitigation.

Of the 41 TDM measures identified by CAPCOA, 7 have potential relevance to the Project considered here. These TDM measures are identified below, and their potential application in the context of the Project is discussed.

- *TDM Measure 1: Increase Diversity of Land Uses.* Having different types of land uses near one another can decrease VMT since trips between land use types are shorter and may be accommodated by non-auto modes of transport. For example, when residential areas are in the same neighborhood as retail and office buildings, a resident does not need to travel outside of the neighborhood to meet his/her trip needs.

  Remarks: The Project proposes the construction of up to 7,014,000 square feet of high-cube fulfillment center uses and up to 1,441,000 square feet of business park uses. In order for the above measure to apply, at least three of the following need to be located on-site, or off-site within ¼ mile of the Project: Residential Development, Retail Development, Park, Open Space, or Office. There may be office space located on-site and off-site within ¼ mile of the Project; and potential future residential development may occur off-site within ¼ mile of the Project. However, there are no existing or proposed retail developments within a ¼ mile of the Project, nor is there existing or proposed designated Open Space. This measure is therefore not evaluated further as means of providing a substantial reduction in Project VMT.

  It is however recognized that the Project would introduce additional employment opportunities, acting to generally improve the City and region jobs/housing balance. The resulting improved jobs/housing balance could reduce area-wide commute VMT. This analysis however conservatively assumes no such VMT reduction.

- *TDM Measure 2: Provide Pedestrian Network Improvements.* Providing a pedestrian access network to link areas of the Project site encourages people to walk instead of drive. This mode shift results in people driving less and thus a reduction in VMT.

  Remarks: There are existing sidewalks off-site along portions of Merrill Avenue, Flight Avenue, and Van Vliet Avenue. However, field observations indicate there is nominal pedestrian activity in the Study Area (Project TIA, p. 39). This is likely due to the current lack of diversity of land uses.

  Additionally, in the vicinity of the Project site, a multipurpose trail is planned along Grove Avenue (N – S); a multipurpose trail is planned alone Vineyard Avenue (N – S); a multipurpose trail and Class II Bike Route (striped separate bike lanes) are planned along Walker Avenue (N – S); a multipurpose trail and Class II Bike Route are planned along Eucalyptus Avenue; and a multipurpose trail and Class II Bike Route are planned along Merrill Avenue. These improvements would globally improve pedestrian and bicycle access within and through the Study Area. Additionally, consistent with City requirements and provisions of the Merrill Commerce Center Specific Plan, the Project would implement on-site pedestrian/bicycle/multi-purpose paths and supporting amenities that would encourage use of alternative transportation modes. These Project design features in combination with City master-planned facilities would act to generally reduce VMT within the Study Area. At this concept stage of development, quantification of resulting VMT reductions is uncertain, and this analysis conservatively takes no credit for such reductions. This measure is therefore not evaluated further as means of providing a substantial reduction in Project VMT.

- *TDM Measure 3: Provide Traffic Calming Measures.* Providing traffic calming measures encourages people to walk or bike instead of using a vehicle. This mode shift will result in a decrease in VMT. Traffic calming features may include: marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others.

Remarks: As noted in the preceding discussions, the industrial nature of the Project and similar characteristics of surrounding uses tend to constrain pedestrian and bicycle activity as alternative transportation modes that would reduce Project VMT. This measure is therefore not evaluated further as means of providing a substantial reduction in Project VMT.

The Project would nonetheless provide on-site pedestrian and bicycle amenities as required by the City of Ontario Development Code, CALGreen, and pursuant to applicable provisions of the Merrill Commerce Center Specific Plan.

- *TDM Measure 4: Implement Car-Sharing Program.* Implementing a car-sharing program would allow individuals to have on-demand access to a shared fleet of vehicles on an as-needed basis. User costs are typically determined through mileage or hourly rates, with deposits and/or annual membership fees.

  Remarks: It is possible that employers within the Project site could implement car-sharing programs. This may provide car access for employees on an as-needed basis, and thereby alleviate some of the costs and responsibilities of individual car ownership. However, this would not necessarily result in a reduction of VMT but would rather transfer the VMT source from individually-owned autos to employee-subsidized autos. Moreover, CAPCOA indicates that this measure would at most result in 0.4 to 0.7% reduction in VMT (*Quantifying Greenhouse Gas Mitigation Measures,* p. 245*).* This measure is therefore not evaluated further as means of providing a substantial reduction in Project VMT.

- *TDM Measure 5: Increase Transit Service Frequency and Speed.* This measure serves to reduce transit-passenger travel time through reduced headways and increased speed and reliability. This makes transit service more attractive and may result in a mode shift from auto to transit which reduces VMT.

  Remarks: The Study Area is currently served by Omnitrans and RTA. No bus routes currently provide proximate service (within one-quarter mile) of the Project site.

Transit service is periodically reviewed and updated by Omnitrans and RTA to address ridership demand and community needs. Changes in land use can affect these periodic adjustments which may lead to correlating revisions to transit services. It is recommended that the Applicant, Lead Agency, Omnitrans, and RTA coordinate transit services and amenities available to the Project area. Implementation of this measure would require agency planning, oversight, and authorization beyond control of the Applicant. It is therefore not evaluated further as means of providing a substantial reduction in Project VMT.

- *TDM Measure 6: Encourage Telecommuting and Alternative Work Schedule.* Encouraging telecommuting and alternative work schedules reduces the number of commute trips and employee VMT. Alternative work schedules could take the form of staggered starting times, flexible schedules, or compressed work weeks.

  Remarks: The effectiveness of this measure is dependent on the ultimate building tenant(s), which are unknown at this time. This measure could provide for a potential reduction in Project VMT. CAPCOA notes that implementation of this measure could reduce commute VMT by 0.07 – 5.50 % (*Quantifying Greenhouse Gas Mitigation Measures,* p. 236*).*

- *TDM Measure 7: Provide Ride-Sharing Programs.* Increasing the vehicle occupancy by ride sharing will result in fewer cars driving the same trip, and thus a decrease in VMT. This measure would provide for a ride-sharing program as well as a permanent transportation management association membership and a funding requirement. Funding may be provided by Community Facilities, District, or County Service Area, or other non-revocable funding mechanism. Ride-sharing programs could be facilitated through:

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

Remarks: The effectiveness of this measure is dependent on the ultimate building designs and tenant(s), which are unknown at this time. This measure could provide for a potential reduction in Project VMT. CAPCOA notes that implementation of this measure could reduce commute VMT by 1.0 – 15.0% (*Quantifying Greenhouse Gas Mitigation Measures,* p. 227*).*

As indicated above, of the seven TDM measures with potential application to the Project, only two (*TDM Measure 6: Encourage Telecommuting and Alternative Work Schedule;* and *TDM Measure 7: Provide Ride-Sharing Programs)* could provide for any potentially meaningful reduction in Project VMT. These TDM measures are restated as EIR Mitigation Measures, below:

4.2.1 The following language or similar shall be incorporated in all Project contract, construction, and property sale/lease documents: "Owners/tenants shall, to the extent practical, allow for and encourage Telecommuting and Alternative Work Schedules."

4.2.2 The following language or similar shall be incorporated in all Project contract, construction, and property sale/lease documents: "Owners/tenants shall, to the extent practical, allow for and encourage ride-sharing programs."

4.2.3 The Applicant shall record a covenant for the Project requiring implementation and administration of a Transportation Demand Management (TDM) program for each Project building/occupancy with 250 or more employees. The form of the covenant shall be approved by the City Attorney's Office. The covenant shall be recorded prior to issuance of a Certificate of Occupancy for the subject building(s).

4.2.4 Prior to issuance of a Certificate of Occupancy for each building/occupancy providing for 250 or more employees, each owner/tenant shall develop a use/occupant-specific TDM program. The TDM program shall submitted to the City Planning Department and City Building Department as part of tenant improvements plan(s) documentation. At a minimum, the TDM program shall:

- *Identify physical improvements (if any) to be implemented as part of the TDM program. The City Planning/Building Department shall verify completion of physical TDM improvements as part of the Certificate of Occupancy process.*

- *Identify TDM program operational strategies to be implemented. These TDM strategies may include but would not be limited to the following:*

    - *On-site services such as food, retail, and other services to be provided.*

    - *Ridesharing. Develop a commuter listing of all employee members for the purpose of providing a "matching" of employees with other employees who live in the same geographic areas and who could rideshare.*

    - *Vanpooling. Develop a commuter listing of all employees for the purpose of matching numbers of employees who live in geographic proximity to one another and could comprise a vanpool or participate in the existing vanpool programs.*

    - *Guaranteed Ride Home Program. Develop and implement a program to provide employees who rideshare, or use transit or other means of commuting to work, with a prearranged ride home in a taxi, rental car, shuttle, or other vehicle, in the event of emergencies during the work shift.*

    - *Target Reduction of Longest Commute Trip. Provide incentives for ridesharing and other alternative transportation modes to put highest priority on reduction of longest employee commute trips.*

    - *Implement staggered work shifts to the extent practical.*

    - *Implement telecommute programs to the extent practical.*

- *Establish a TDM coordinator position. The position of TDM coordinator may be fulfilled by the building owner/lessee, an employee, or third-party provider. The TDM coordinator shall:*

- *Identify proposed TDM measures to be implemented and provide a list of implemented measures to the City Planning Department;*

- *Inform employees of commute options and shall, as applicable, arrange rideshare or vanpool programs;*

- *Develop and implement a TDM monitoring program. The TDM monitoring program shall identify trip generation, trip origin(s), average vehicle ridership, and provide an estimate of VMT/employee. The results of the survey shall be submitted annually to the City Planning Department;*

- *Based on the results of the TDM monitoring program, provide TDM modification recommendations to the City and affected owners/tenants. Additional/alternative VMT reduction measures that would act to reduce Project VMT levels and that are mutually agreed to by the City and owners/tenants shall be implemented.*

Level of Significance With Mitigation: *Significant and Unavoidable.* Implementation of Mitigation Measures 4.2.1 through 4.2.4 have the potential to reduce Project VMT. The effectiveness of these measures would be dependent in part on final Project designs and occupancies, which are unknown at this time. Beyond Project design and tenancy considerations, land use context is a major factor relevant to the potential application and effectiveness of TDM measures. More specifically, the land use context of the Project is characteristically suburban. Of itself, the Project's suburban context acts to reduce the range of feasible TDM measures and moderates their potential effectiveness. Relevant discussion in this regard is presented in *WRCOG SB 743 Implementation Pathway Document Package* (Fehr + Peers [for WRCOG]) March 2019, excerpted in pertinent part below:

> The [OPR] Technical Advisory relies on the *Quantifying Greenhouse Gas Mitigation Measures*, (CAPCOA) 2010 resource document to help justify the 15 percent reduction in VMT threshold stating, "…fifteen percent reduction in VMT are achievable at the project level in a variety of place types…". A more accurate reading of the CAPCOA document is that a fifteen percent is the maximum reduction when combining multiple mitigation strategies for

> the *suburban center*[5] place type. For *suburban*[6] place types, 10 percent is the maximum and requires a project to contain a diverse land use mix, workforce housing, and project-specific transit. It is also important to note that the maximum percent reductions were not based on data or research comparing the actual performance of VMT reduction strategies in these place types. Instead, the percentages were derived from a limited comparison of aggregate citywide VMT performance for Sebastopol, San Rafael, and San Mateo where VMT performance ranged from 0 to 17 percent below the statewide VMT/capita average based on data collected prior to 2002. Little evidence exists about the long-term performance of similar TDM strategies in different land use contexts. As such, VMT reductions from TDM strategies cannot be guaranteed in most cases (*WRCOG SB 743 Implementation Pathway Document Package*, pp. 65 – 66).

As indicated in the preceding discussion, even under the most favorable circumstances, projects located within a suburban context, such as the Project evaluated here, could realize a maximum 10 percent reduction in VMT through implementation of feasible TDM measures. For the Project, this could reduce the Project Automobile VMT/SP from to 31.11 VMT/SP to 28.00 VMT/SP which would not exceed the applicable Automobile VMT/SP of 31.96 Automobile VMT/SP. A 10 percent reduction in Project Total VMT (47.41 Total VMT/SP) would yield 42.67 Total VMT/SP, which would still exceed the threshold condition of 35.96 Total VMT/SP.

It is also recognized that as the Project area and City develop as envisioned under the Policy Plan, new residential, commercial/retail, and industrial development would be implemented. These actions could collectively alter transportation patterns, improve the City's jobs/housing ratio, diminish VMT/SP, and support implementation of new or

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[5] ***Suburban Center:*** A project typically involving a cluster of multi-use development within dispersed, low-density, automobile dependent land use patterns (a suburb). The center may be an historic downtown of a smaller community that has become surrounded by its region's suburban growth pattern in the latter half of the 20th Century. The suburban center serves the population of the suburb with office, retail and housing which is denser than the surrounding suburb (*Quantifying Greenhouse Gas Mitigation Measures,* p. 60).

[6] ***Suburban:*** A project characterized by dispersed, low-density, single-use, automobile dependent land use patterns, usually outside of the central city . . . (*Quantifying Greenhouse Gas Mitigation Measures,* p. 60).

alternative TDM measures. There is no means however to quantify any VMT reductions that could result. Additionally, the effectiveness of the TDM strategies that have potential to reduce the Project VMT/SP are dependent on a as yet unknown final Project designs building tenant(s); and as noted above, "VMT reductions from TDM strategies cannot be guaranteed in most cases."

In summary, unmitigated Project Automobile VMT/SP would not exceed applicable thresholds. However, unmitigated Project Total VMT/SP would exceed applicable thresholds. The Project would implement TDM measures that could potentially further reduce already less-than-significant Automobile VMT/SP impacts. However, even with implementation of TDM measures, Total VMT/SP impacts could not be reduced to levels that would be less-than-significant. In any case, the efficacy of TDM measures and reduction of VMT impacts below thresholds cannot be assured at this concept stage of Project development. ***The Project VMT impact is therefore considered significant and unavoidable.***

Cumulative VMT Impacts

As summarized in *WRCOG SB 743 Implementation Pathway Document Package . . .* "VMT thresholds based on an efficiency form of the metric such as VMT per capita, can address project and cumulative impacts in a similar manner that some air districts do for criteria pollutants and GHGs (*WRCOG SB 743 Implementation Pathway Document Package, p. 67).* In this respect, significant and unavoidable VMT impacts at the Project level would also be considered cumulatively significant. This conclusion is consistent with the determination that would be reached employing the City's cumulative analysis threshold wherein a "[cumulatively] significant impact would occur if the project caused total daily VMT within the City to be higher than the no project [no build] alternative under cumulative conditions."

Induced VMT Assessment

Use of VMT as an environmental impact metric for transportation projects is discretionary under Section 15064.3 (b) (2) of the *CEQA Guidelines*:

> *(2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.*

The Technical Advisory states that building new roadways, adding roadway capacity in congested areas, or adding roadway capacity to areas where congestion is expected in the future, typically induces additional vehicle travel. OPR identifies addition of through lanes on existing or new highways, including general purpose lanes, HOV lanes, peak period lanes, auxiliary lanes, or lanes through grade-separated interchanges as project types that would likely lead to a measurable and substantial increase in induced vehicle travel. Further, the Technical Advisory acknowledges that addition of capacity on local or collector streets, provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit would not likely lead to a substantial or measurable increase in vehicle travel, and therefore generally should not require an induced travel analysis (Technical Advisory, pp. 20, 21).

The Project would construct site adjacent local streets, collectors, and arterials, including sidewalk and bicycle lanes consistent with the City of Ontario Policy Plan Mobility Element. The construction of these local facilities consistent with the Policy Plan Mobility Element is not likely to significantly alter regional or interregional travel.

Project job creation would not exceed employment projections developed under the Policy Plan. Growth resulting from Project job creation is anticipated under the Policy Plan, and such growth would not result in environmental impacts not already considered and addressed in the Policy Plan EIR. Growth resulting from or facilitated by Project infrastructure improvements is anticipated under the Policy Plan, and environmental impacts attributable to such growth, including but not limited to VMT effects, is considered and addressed in the Policy Plan EIR.

Additionally, the Policy Plan EIR notes that while the City of Ontario is jobs-rich, the subregion as a whole is housing-rich. The Policy Plan EIR concludes that buildout of the Ontario Plan would act to improve the job/housing balance within the sub-region. Creation of additional jobs as the result of the Project would tend to collocate employment and housing opportunities and would act to reduce sub-regional employment-based VMT.

It is further noted that the Project would generate approximately one-half of the total daily trips that would result from development of the subject site under the site's current Policy Plan Land Use designations (see Table 4.2-7). A comparable reduction in total VMT could be expected.

Table 4.2-7
Trip Generation Comparison-Existing Policy Plan Land Uses vs. Project

Existing Policy Plan Land Uses			Project	
Policy Plan Land Use Designation	**ITE Land Use Metric**	**ADT (PCE)**	**Policy Plan Land Use Designation**	**ADT (PCE)**
Business Park: 314.7 acres; 8,225,000 sf	ITE Land Use 130 3.37 Trips/TSF	27,718	Business Park: 55.1 acres; 1,441,000 sf	5,842
Office Commercial: 43.3 acres; 1,414,600 sf	ITE Land Use 710 9.74 Trips/TSF	13,778	N/A	---
General Commercial: 18.3 acres; 318,900 sf	ITE Land Use 820 33.37 Trips/TSF	10,642	N/A	---
N/A	---	---	Industrial: 292.8 acres; 7,014,000 sf	19,356
N/A	---	---	Circulation: 28.4 Acres	---
Total ADT	**---**	**52,138**	**Total ADT**	**25,198**

Sources: Policy Plan Land Use Element; ITE Trip Generation Manual, 10th Edition (2017); Merrill Commerce Center Specific Plan.
Notes:
1. Maximum building square footage calculated by multiplying the total acreage of each land use by the anticipated floor area ratio (FAR) for the respective land use designation per Policy Plan Table LU-02 Land Use Designations Summary Table – Industrial FAR = 0.55; Business Park FAR = 0.60; General Commercial FAR = 0.040; Office Commercial FAR = 0.75.
2. No Project Alternative Land Use Trip Generation Metrics from ITE Trip Generation Manual, 10th Edition (2017). ITE Land Use Codes: 130-Industrial Park; 710 General Office, 820 Shopping Center.
3. Project Trip Generation from *Merrill Commerce Center Specific Plan, Traffic Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) June 30, 2020.
4. ADT = Average Daily Trips, TSF = Thousand Square Feet

Environmental impacts of VMT generated under the current Policy Plan Land Uses are reflected in related Policy Plan EIR Traffic, Air Quality, Greenhouse Gas/Global Climate Change, and Vehicular-source Noise analyses. The Project would result in a comparative reduction in total ADT and VMT when compared to ADT and VMT generated by the site's current Policy Plan Land Uses. Additionally, roadway improvements proposed by

the Project are consistent with and would not provide capacity beyond that reflected in the Policy Plan Mobility Element.

While roadway improvements associated with the Project may facilitate vehicular travel within the City and surrounding areas, total VMT and environmental impacts of such travel would be comparatively reduced when compared with VMT and VMT-related impacts already considered and addressed in the Policy Plan EIR.

4.2.2 OTHER TRANSPORTATION TOPICS

Potential Impact: *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities***.**

City of Ontario Policy Plan

City of Ontario programs, plans, and policies addressing the circulation system are established under the City of Ontario Policy Plan. Project consistency with applicable provisions of the Policy Plan is summarized at Table 4.2-8. As provided for under CEQA, the analysis presented here considers program, plan, and policy inconsistencies that could result in potentially significant environmental impacts. As a matter of law, the Project would be required to comply with City ordinances addressing the Study Area circulation system.

Table 4.2-8
City of Ontario Policy Plan Consistency Analysis

MOBILITY ELEMENT		
M1 roadway		
Goal M1 A system of roadways that meets the mobility needs of a dynamic and prosperous Ontario.		
Policies		**Remarks**
M1-1	*Roadway Design and Maintenance.* We require our roadways to: • Comply with federal, state and local design and safety standards. • Meet the needs of multiple transportation modes and users. • Handle the capacity envisioned in the Functional roadway Classification Plan. • Maintain a peak hour Level of Service (LOS) E or better at all intersections.	**Consistent.** Project roadway designs and all proposed improvements would conform with the City's *Master Plan of Streets and Highways,* City design standards and applicable federal/state design and safety standards. City design review processes would ensure compliance with all applicable standards. LOS Policies: LOS deficiencies are no longer impacts under CEQA. For informational purposes and use by the City, a TIA addressing potential LOS deficiencies has been prepared and is included at EIR Appendix C.

Table 4.2-8
City of Ontario Policy Plan Consistency Analysis

MOBILITY ELEMENT		
	• Be compatible with the streetscape and surrounding land uses. • Be maintained in accordance with best practices and our Right-of-Way Management Plan.	Streetscape design concepts implemented pursuant to the *Merrill Commerce Center Specific Plan* establish compatible continuation of existing perimeter streetscapes. All public roadways would be maintained in accordance with City requirements to include implementation of City Best Management Practices and City Right-of-Way Management Plan. On this basis, the Project is considered consistent with Policy M1-1.
M1-2	*Mitigation of Impacts.* We require development to mitigate its traffic impacts.	**Consistent.** Potentially significant VMT impacts are addressed via the mitigation measures presented in this Section. LOS deficiencies are no longer impacts under CEQA. Improvements addressing LOS deficiencies are identified in the Project TIA. On this basis, the Project is considered consistent with Policy M1-2.
M1-3	*Roadway Improvements.* We work with Caltrans, SANBAG and others to identify, fund and implement needed improvements to roadways identified in the Functional roadway Classification Plan.	**Consistent.** Please refer to remarks at Policies M1-1, M1-2.
M1-4	*Adjacent Jurisdictions.* We work with neighboring jurisdictions to meet our level of service standards at the City limits.	**Consistent.** Potentially significant VMT impacts are addressed via the mitigation measures presented in this Section. LOS deficiencies are no longer impacts under CEQA. Improvements addressing LOS deficiencies are identified in the Project TIA. On this basis, the Project is considered consistent with Policy M1-4.
M2 Bicycle and Pedestrians		
Goal M2 A system of trails and corridors that facilitate and encourage bicycling and walking.		
Policies		**Remarks**
M2-1	*Bikeway Plan.* We maintain our *Multipurpose Trails & Bikeway Corridor Plan* to create a comprehensive system of on- and off-street bikeways that connect residential areas, businesses, schools, parks, and other key destination points.	**Consistent.** Bikeway improvements would be implemented consistent with the *City of Ontario Multipurpose Trails & Bikeway Corridor Plan* and provisions of the *Merrill Commerce Center Specific Plan.* On this basis, the Project is considered consistent with Policy M2-1.
M2-3	*Pedestrian Walkways*. We require walkways that promote safe and convenient travel between residential areas, businesses, schools, parks, recreation areas, and other key destination points.	**Consistent.** Pedestrian paths would be provided within the Project site and along the Project perimeter consistent with City standards and provisions of the Merrill Commerce Center Specific Plan. On this basis, the Project is considered consistent with Policy M2-3.
M3 Public Transit		
Goal M3 A public transit system that is a viable alternative to automobile travel and meets basic transportation needs of the transit dependent.		
Policies		**Remarks**
M3-2	*Transit Facilities at New Development*. We require new development to provide transit facilities, such as bus shelters, transit bays and turnouts, as necessary.	**Consistent.** Developers of the Project would coordinate transit service options and provision of transit facilities with the local mass transit provider (Omnitrans). Adequate area for any bus turnouts and bus amenities would be provided consistent with City and Omnitrans requirements.

Table 4.2-8
City of Ontario Policy Plan Consistency Analysis

MOBILITY ELEMENT		
		On this basis, the Project is considered consistent with Policy M3-2.
M4 Goods Movement		
Goal M4 An efficient flow of goods through the City that maximizes economic benefits and minimizes negative impacts.		
Policies		**Remarks**
M4-1	*Truck Routes*. We designate and maintain a network of City truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses, as shown in the Truck Routes Plan.	**Consistent.** Trucks accessing the Project site would utilize the City's designated truck routes. Vehicular-source noise and air quality impacts are evaluated within this EIR, and mitigation is proposed for those impacts determined to be potentially significant, thereby minimizing negative impacts on local circulation and noise-sensitive land uses. On this basis, the Project is considered consistent with Policy M4-1.
M4-2	*Regional Participation*. We work with regional and sub-regional transportation agencies to plan and implement goods movement strategies, including those that improve mobility, deliver goods efficiently and minimize negative environmental impacts.	**Consistent.** The Project land uses take advantage of proximate available regional transportation systems acting to facilitate mobility, goods movement, and goods delivery on a local, sub-regional and regional basis. The Project would not interfere with or otherwise obstruct City efforts and actions to coordinate regional and sub-regional plans and strategies facilitating mobility, goods movement, and goods delivery. On this basis, the Project is considered consistent with Policy M4-2.
M4-4	*Environmental Considerations.* We support efforts to reduce/eliminate the negative environmental impacts of goods movement.	**Consistent.** The Merrill Commerce Center Specific Plan Design Guidelines and Development Standards globally act to minimize potential environmental impacts of goods movement associated with the Project. Mitigation proposed in this further reduces potentially adverse impacts resulting from Project goods movement activities. Please refer also to remarks at Policies M4-1, M4-2.
LU5 Airport Planning		
Goal LU5 Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.		
Policies		**Remarks**
LU5-3	*Airport Impacts.* We work with agencies to maximize resources to mitigate the impacts and hazards related to airport operations.	***Consistent:*** The Project does not propose or require amendment to the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP). Nor would the Project otherwise interfere or obstruct the City's administration and maintenance of the ONT ALUCP. The City fulfills its state Airport Land Compatibility requirements pursuant to the "Alternative Process." Under the Alternative Process, affected agencies are responsible for conducting their own consistency evaluations for new development and/or major land use actions within their portions of the ONT Airport Influence Area (AIA). In this regard, the City of Ontario is responsible for ALUCP consistency evaluations/determinations for the Project. Land uses and development that would be realized pursuant to the Project would conform to all applicable provisions and restrictions of the ONT ALUCP as determined by the City. In this latter regard, all future development within the Specific Plan area would be required to comply with development standards and design guidelines established under, as well as the applicable requirements of the City

Table 4.2-8
City of Ontario Policy Plan Consistency Analysis

MOBILITY ELEMENT		
		of Ontario Development Code (please refer to City of Ontario Municipal Code Title 9, Development Code, Chapter 1 Zoning and Land Use Requirements, Sec. 9-1.2980. Airport safety zones. In combination, compliance with provisions of the Meredith SPA and the City Development Code would preclude any potential inconsistencies with the ONT ALUCP. Discussion of Project consistency with the Chino Airport Land Use Compatibility Plan (ALUCP) is presented at EIR Section 4.6 *Hazards/Hazardous Materials*. Pursuant to EIR Mitigation Measure 4.6.9, the Project Applicant would be required to document compliance with applicable provisions of the Riverside County ALUC and Riverside County ALUCP Policy Document, including the findings of any FAA airspace review. On this basis, the Project is considered consistent with Policy LU5-3.
LU5-5	*Airport Compatibility Planning for ONT.* We create and maintain the Airport Land Use Compatibility Plan for ONT.	***Consistent:*** Please refer to remarks at Policy LU5-3.
LU5-7	*ALUCP Consistency with Land Use Regulations.* We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.	***Consistent:*** Please refer to remarks at Policy LU5-3.

Sources: Goal and Policy statements from the City of Ontario Policy Plan; remarks by Applied Planning, Inc.

Prior to the issuance of Building Permits, the City would review the final Project designs to ensure consistency with City Policy Plan circulation system programs, plans and policies. Consistency with applicable City ordinance requirements is required as a matter of law.

The Project does not propose facilities or activities that would otherwise potentially conflict with City circulation system programs, plans, policies and ordinances.

SCAG Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) Consistency

Table 4.2-9 summarizes the Project's consistency with the goals of the 2016 – 2040 SCAG Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS).

Table 4.2-9
Consistency with SCAG RTP/SCS Goals

RTP/SCS Goals	Remarks
Goal 1: Align the plan investments and policies with improving regional economic development and competitiveness.	**Consistent**: The Project proposes contemporary urban uses, providing an opportunity for development investment on currently underutilized land.
Goal 2: Maximize mobility and accessibility for all people and goods in the region.	**Consistent**: The transportation network in the Project area has been developed and maintained to meet local and regional transportation demands, and to ensure efficient mobility. Local and regional transportation, traffic, and transit are discussed in this Section.
Goal 3: Ensure travel safety and reliability for all people and goods in the region.	**Consistent:** The Project TIA identifies improvements that would promote and facilitate the safe movement of people and goods. All transportation modes within the Project area would be required to comply with incumbent regulatory safety standards.
Goal 4: Preserve and ensure a sustainable regional transportation system.	**Consistent:** The Project TIA assesses all roadways and identifies required improvements to the existing transportation network. The Project would offset its incremental LOS impacts by construction of required improvements and through payment of requisite transportation/traffic impact fees. In combination, these measures preserve and ensure sustainable local and regional transportation systems. VMT impacts would be reduced to the extent feasible through implementation of Transportation Demand Management (TDM) measures.
Goal 5: Maximize the productivity of our transportation system.	**Consistent:** Local and regional transportation systems would be improved and maintained to encourage their efficiency and productivity. The City oversees the improvement and maintenance of all aspects of the public right-of-way on an as-needed basis.
Goal 6: Protect the environment and health of our residents by improving air quality and encouraging active transportation (non-motorized transportation, such as bicycling and walking).	**Consistent:** The Project would accommodate and would not interfere with existing or planned bicycle facilities and improvements. The Project would provide a pedestrian access network that internally links on-site uses to the existing and proposed off-site pedestrian facilities.
Goal 7: Actively encourage and create incentives for energy efficiency, where possible.	**Consistent:** The Project would comply with or surpass incumbent performance standards established under the Building Energy Efficiency Standards contained in the California Code of Regulations (CCR), Title 24, Part 6 (Title 24, Title 24 Energy Efficiency Standards). Additional energy efficiency/conservation measures would be implemented pursuant to the Merrill Commerce Center Specific Plan.
Goal 8: Encourage land use and growth patterns that facilitate transit and non-motorized transportation.	**Consistent:** The Project proposes development with proximate access to local and regional transportation facilities. Intensified development of the Project site in combination with existing proximate development acts to focus transit ridership base, thereby supporting existing and future transit opportunities.

Table 4.2-9
Consistency with SCAG RTP/SCS Goals

RTP/SCS Goals	Remarks
Goal 9: Maximize the security of our transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.	**Consistent:** The City of Ontario is responsible for monitoring of roadways and transit routes to determine the adequacy and safety of these systems. The City and other local and regional agencies and organizations (e.g., Omnitrans, Caltrans, and SCAG) cooperatively manage these systems. Security situations involving roadways and evacuations would be addressed through City emergency response plans.

Sources: Goal Statements from: 2016–2040 RTP/SCS; Remarks by Applied Planning, Inc.

Level of Significance: Less-Than-Significant.

Potential Impact: *Substantially increase hazards to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) or result in inadequate emergency access?*

Impact Analysis: To ensure appropriate design and implementation of all Project circulation improvements, the final design of the Project site plan, to include locations and design of proposed driveways, shall be reviewed and approved by the City Traffic Engineer. In addition, representatives of the City's Police and Fire Departments will review the Project's plans in regard to emergency access. Efficient and safe operations of the Project would be provided by on-site and localized circulation and intersection improvements to be developed as the Project individual site and building designs are finalized. The City would ensure that all on-site and localized circulation and intersection improvements would be designed and constructed consistent with applicable provisions of the Merrill Commerce Center Specific Plan and pursuant to City site plan and Building Permit review processes and requirements.

Traffic signing and striping would be implemented in conjunction with detailed Project construction plans. Sight distance at each project access point would be reviewed with respect to standard Caltrans and City of Ontario sight distance standards at the time of preparation of final grading, landscape and street improvement plans.

It is also recognized that temporary and short-term traffic detours and traffic disruption could result during Project construction activities. These interim and transient impacts are considered potentially significant for the duration of Project construction activities. Management and control of construction traffic would be addressed through the preparation and submittal of a construction area traffic management plan, to be reviewed and approved by City prior to or concurrent with Project building plan review(s). The Project Construction Area Traffic Management Plan (Plan), also summarized within the EIR Project Description, would identify traffic controls for any street closures, detours, or other potential disruptions to traffic circulation during Project construction. The Plan would also be required to identify construction vehicle access routes, and hours of construction traffic.

The Project would generate passenger car trips and truck trips typical of business park and light industrial uses. As part of established site and Building Permit review processes, the City would require implementation of on-site truck and passenger car travel paths, signing, and traffic controls to ensure that conflicts between trucks and passenger cars are minimized or avoided. Trucks accessing the Project site would use designated truck routes, thereby avoiding or minimizing off-site passenger car/truck traffic conflicts. Land uses proximate to the Project site are planned for, or are being developed with urban uses similar to those proposed by the Project. These uses would generate urban traffic types similar to traffic generated by the Project and would generate traffic that would be incompatible with the Project traffic types.

As supported by the preceding discussions, the potential for the Project to substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access is considered less-than-significant.

Level of Significance: Less-Than-Significant.

4.3 AIR QUALITY

4.3 AIR QUALITY

Abstract

This Section identifies and addresses potential air quality impacts that may result from construction and operations of the Project. More specifically, the air quality analysis evaluates the potential for the Project to result in the following impacts:

- *Conflict with or obstruct implementation of the applicable air quality plan;*
- *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; or*
- *Expose sensitive receptors to substantial pollutant concentrations.*

As discussed in the EIR Initial Study (EIR Appendix A), the Project's potential impacts under the following topic were previously determined to be less-than-significant, and are not further substantively discussed here:

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

On the basis of the analysis presented herein, even after the application of mitigation measures, the Project would cause or result in the following significant and unavoidable air quality impacts:

- *The South Coast Air Basin (SCAB, Basin) encompassing the Project site is designated as non-attainment for ozone, PM_{10}, and $PM_{2.5}$ (VOC and NO_X are both ozone precursors; NO_X is a precursor to $PM_{10}/PM_{2.5}$). Project operational-source VOC, NO_X, PM_{10}, and $PM_{2.5}$ emissions regional threshold exceedances would result in a cumulatively considerable net increase in criteria pollutants (ozone and $PM_{10}/PM_{2.5}$) for which the Project region is non-attainment. These are cumulatively significant and unavoidable air quality impacts.*

- *Because a change in land use is proposed under the Project, it is assumed that the emissions generated by the Project's proposed land uses are not reflected in the 2016 AQMP air quality standards, interim emissions reductions targets, and emissions inventories. Consequently, development of the subject site as proposed by the Project is conservatively assumed to conflict with the 2016 AQMP. This is a significant and unavoidable impact.*

4.3.1 INTRODUCTION

This Section presents existing air quality conditions and identifies potential air quality impacts resulting from construction and operation of the Project. The information presented in this Section is summarized from: *Merrill Commerce Center Specific Plan, Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020 (Project AQIA); *Merrill Commerce Center Specific Plan, Mobile Source Diesel Health Risk Assessment, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020 (Project HRA); and *Merrill Commerce Center Specific Plan, Construction Health Risk Assessment Memorandum* (Urban Crossroads, Inc.) January 12, 2020 (Project Construction HRA). The Project AQIA, Project HRA, Project Construction HRA and all supporting information, are presented in their entirety at EIR Appendix D.

4.3.2 AIR QUALITY FUNDAMENTALS

Air pollution comprises many substances generated from a variety of sources, both man-made and natural. Industrialization occurring in the twentieth century, and especially activities relying on the burning of fossil fuels, creates air pollution. Most air pollutant contaminants are wasted energy in the form of unburned fuels or by-products of the combustion process. Motor vehicles are by far the most significant source of air pollutants

in urban areas, emitting photochemically reactive hydrocarbons (unburned fuel), carbon monoxide, and oxides of nitrogen. These primary pollutants chemically react in the atmosphere with sunlight and the passage of time to form secondary pollutants such as ozone.

Air pollutants are generally classified as either primary or secondary pollutants. Primary pollutants are generated daily and emitted directly from the source, whereas secondary pollutants are created over time and occur within the atmosphere as chemical and photochemical reactions take place. Examples of primary pollutants include carbon monoxide (CO), oxides of nitrogen (NO_2 and NO), sulfur dioxide (SO_2), particulate matter (PM_{10} and $PM_{2.5}$), and various hydrocarbons or reactive organic gases (ROG). Examples of secondary pollutants include ozone (O_3), which is a product of the reaction between NO_X and ROG in the presence of sunlight. Other secondary pollutants include photochemical aerosols.

To aid in the review of discussions presented subsequently in this Section, recurring terms, abbreviations, and acronyms are defined as follows: PPM - Parts per Million; $\mu g/m^3$ - Micrograms Per Cubic Meter; PM_{10} - Particulate Matter Less Than 10 Microns In Diameter; $PM_{2.5}$ - Particulate Matter Less Than 2.5 Microns In Diameter.

4.3.2.1 Criteria Air Pollutants

Criteria air pollutants are those air contaminants for which air quality standards currently exist. Currently, state and federal air quality standards exist for ozone, nitrogen dioxide (NO_2), sulfur dioxide (SO_2), carbon monoxide (CO), suspended particulate matter (PM_{10} and $PM_{2.5}$), and lead. California has also set standards for visibility, sulfates, hydrogen sulfide, and vinyl chloride. Evaluated criteria air contaminants, or their precursors, typically also include reactive organic gases (ROG), oxides of nitrogen (NO_X), sulfur oxides (SO_x), and respirable particulate matter (PM_{10}, $PM_{2.5}$). Pollutant characteristics, mechanisms of pollutant origination and potential health effects of air pollutants are described below.

Carbon Monoxide

Properties and Sources

Carbon monoxide (CO) is a colorless, odorless, toxic gas formed by incomplete combustion of fossil fuels. CO levels tend to be highest during the winter mornings, when little to no wind and surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, motor vehicles operating at slow speeds are the primary source of CO in the Basin. The highest CO concentrations are generally found near congested transportation corridors and intersections. Other sources include aircraft, off-road vehicles, stationary equipment (e.g., fuel-fired furnaces, gas water heaters, fireplaces, gas stoves, gas dryers, charcoal grills), and landscape maintenance equipment such as lawnmowers and leaf blowers.

Human Health Effects

A consistent association between increased ambient CO levels and higher-than-average rates of hospital admissions for heart diseases (such as congestive heart failure) has been observed. Carbon monoxide can cause decreased exercise capacity, and adversely affects conditions with an increased demand for oxygen supply (fetal development, chronic hypoxemia, anemia, and diseases involving the heart and blood vessels). Exposure to CO can cause impairment of time interval estimation and visual function.

Ozone

Properties and Sources

Ozone (O_3) is a highly reactive and unstable gas that is formed when volatile organic compounds (VOC) and oxides of nitrogen (NO_x), which are both byproducts of internal combustion engine exhaust, undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of the pollutant.

Human Health Effects

Short-term exposure to ozone can cause a decline in pulmonary function in healthy individuals including breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue and immunological changes. Additionally, an increase in the frequency of asthma attacks, cough, chest discomfort and headache can result.

A correlation has been reported between elevated ambient ozone levels and increases in daily hospital admission rates and mortality because of long-term ozone exposure. A risk to public health implied by altered connective tissue metabolism and host defense in animals has also been reported.

Oxides of Nitrogen

Properties and Sources

Oxides of nitrogen (NO_X) are integral to the process of photochemical smog production. During combustion, oxygen reacts with nitrogen to produce NO_X. Two major forms of NO_X are nitric oxide (NO) and nitrogen dioxide (NO_2). Natural causal sources or originators of NO_X include lightning, soils, wildfires, stratospheric intrusion, and the oceans. Natural sources accounted for approximately seven percent of 1990 emissions of NO_X for the United States (EPA 1997). Atmospheric deposition of NO_X occurs when atmospheric or airborne nitrogen is transferred to water, vegetation, soil, or other materials. Acid deposition involves the deposition of nitrogen and/or sulfur acidic compounds that can harm natural resources and materials. The major source of NO_X in the Basin is on-road vehicles. Stationary commercial and service source fuel combustion are other contributors.

Human Health Effects

Exposure to NO_X may alter sensory responses or impair pulmonary function and may increase incidence of acute respiratory disease including infections and respiratory symptoms in children. Difficulty in breathing in healthy individuals as well as bronchitic groups may also occur. NO_X is also a precursor to ozone and PM_{10}/$PM_{2.5}$. As noted above,

health effects of ground-level ozone include: aggravated asthma; reduced lung capacity; increased respiratory illness susceptibility; increased respiratory and cardiovascular hospitalizations; and premature deaths.

Sulfur Dioxide

Properties and Sources

Sulfur dioxide (SO_2) is a colorless, pungent gas. At levels greater than 0.5 ppm, SO_2 has a strong odor. Sulfuric acid is formed from sulfur dioxide, which is an aerosol particle component that affects acid deposition. Anthropogenic, or human-caused, sources include fossil-fuel combustion, mineral ore processing, and chemical manufacturing. Volcanic emissions are a natural source of sulfur dioxide. SO_2 is a precursor to sulfates and PM_{10}.

Human Health Effects

Health effects of SO_2 include higher frequencies of acute respiratory symptoms (including airway constriction in some asthmatics and reduction in breathing capacity leading to severe difficulties) and diminished ventilatory function in children. Extreme exposure can cause lung edema (fluid accumulation), lung tissue damage, and damage to lining the respiratory tract.

Particulate Matter

Properties and Sources

Particulate matter is a generic term that defines a broad group of chemically and physically different particles (either liquid droplets or solids) that can exist over a wide range of sizes. Examples of atmospheric particles include those produced from combustion (diesel soot or fly ash), light (urban haze), sea spray (salt particles), and soil-like particles from re-suspended dust. Fugitive dust is defined as any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly because of human activities (Rule 403, Fugitive Dust, SCAQMD).

Within air quality analyses, particulate matter is categorized by diameter: PM_{10} and $PM_{2.5}$. PM_{10} refers to particulate matter that is 10 microns or less in diameter (1 micron is one millionth of a meter, or one micrometer [μm]). $PM_{2.5}$ refers to particulate matter that is 2.5 microns or less in diameter. The size of particles can determine the residence time of the material in the atmosphere. $PM_{2.5}$ has a longer atmospheric lifetime than PM_{10} and, therefore, can be transported over longer distances.

Particulate matter originates from a variety of stationary and mobile sources. Stationary sources that generate particulate matter include: fuel combustion for electric utilities, residential space heating, and industrial processes; construction and demolition; metals, minerals, and petrochemicals; wood products processing; mills and elevators used in agriculture; erosion from tilled lands; waste disposal and recycling. Mobile or transportation-related sources that generate particulate matter include highway vehicles, non-road vehicles and fugitive dust from paved and unpaved roads.

Human Health Effects

A consistent correlation between elevated ambient PM_{10} levels and an increase in mortality rates, respiratory infections, number and severity of asthma attacks and the number of hospital admissions has been observed.[1]

Diesel Particulate Matter (DPM), a subcategory of particulate matter, is a mixture of many exhaust particles and gases that is produced when an engine burns diesel fuel. Many compounds found in diesel exhaust are carcinogenic, including sixteen compounds that are classified as possibly carcinogenic by the International Agency for Research on Cancer. DPM includes the particle-phase constituents in diesel exhaust. Some short-term (acute) effects of diesel exhaust include eye, nose, throat and lung irritation, as well as coughs, headaches, light-headedness and nausea. Diesel exhaust is a major source of ambient particulate matter pollution, and numerous studies have linked elevated particle levels in the air to increased hospital admission, emergency room visits, asthma attacks,

[1] www.aqmd.gov/docs/default-source/planning/air-quality-guidance/appendix-c.pdf

and premature deaths among those suffering from respiratory problems. DPM in the Basin poses the greatest cancer risk of all identified toxic air pollutants.

Reactive Organic Gases

Properties and Sources

Reactive Organic Gases (ROGs) (also termed Volatile Organic Compounds [VOCs]) are defined as any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. It should be noted that there is no state or national ambient air quality standard for ROGs because they are not classified as criteria pollutants. They are regulated, however, because a reduction in ROG emissions reduces certain chemical reactions that contribute to the formulation of ozone. ROGs are also transformed into organic aerosols in the atmosphere, which contribute to higher PM_{10} and lower visibility. The major sources of ROGs in the Basin are on-road motor vehicles and solvent evaporation. ROGs are also an ozone and $PM_{10}/PM_{2.5}$ precursor.

Human Health Effects

As described previously, health effects of ground-level ozone include: aggravated asthma; reduced lung capacity; increased respiratory illness susceptibility; increased respiratory and cardiovascular hospitalizations; and premature deaths.

Benzene is a reactive organic compound and a known carcinogen Typical sources of benzene emissions include: gasoline service stations (fuel evaporation), motor vehicle exhaust, tobacco smoke, and oil and coal incineration. Benzene is also sometimes employed as a solvent for paints, inks, oils, waxes, plastic, and rubber. It is used in the extraction of oils from seeds and nuts. It is also used in the manufacture of detergents, explosives, dyestuffs, and pharmaceuticals. Short-term (acute) exposure to high doses from inhalation of benzene may cause dizziness, drowsiness, headaches, eye irritation, skin irritation, and respiratory tract irritation, and at higher levels, unconsciousness can occur. Long-term (chronic) occupational exposure to high doses by inhalation has caused blood disorders, including aplastic anemia and lower levels of red blood cells.

4.3.3 SETTING

4.3.3.1 Local and Regional Climate

The Project site is located in the South Coast Air Basin (SCAB, Basin) within the jurisdiction of SCAQMD. The SCAQMD was created by the 1977 Lewis-Presley Air Quality Management Act, which merged four county air pollution control bodies into one regional district. Under the Act, the SCAQMD is responsible for bringing air quality in areas under its jurisdiction into conformity with federal and state air quality standards. The SCAQMD has jurisdiction over an area of approximately 10,743 square miles, consisting of the four-county Basin (Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino Counties), and the Riverside County portions of the Salton Sea Air Basin and Mojave Desert Air Basin.

The 6,745-square-mile SCAB is bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The Los Angeles County portion of the Mojave Desert Air Basin is bounded by the San Gabriel Mountains to the south and west, the Los Angeles/Kern County border to the north, and the Los Angeles/San Bernardino County border to the east. The Riverside County portion of the Salton Sea Air Basin is bounded by the San Jacinto Mountains in the west and spans eastward up to the Palo Verde Valley.

Regional climate and variations in temperature, wind, humidity, precipitation, and amount of sunshine influence air quality within the SCAB. The annual average temperatures throughout the Basin vary from the low to middle 60s (degrees Fahrenheit). Due to a decreased marine influence, the eastern portion of the SCAB experiences greater variability in average annual minimum and maximum temperatures. January is the coldest month throughout the SCAB, with average minimum temperatures of 47°F in downtown Los Angeles and 36°F in San Bernardino. All portions of the SCAB have recorded maximum temperatures above 100°F.

Although the climate of the SCAB can be characterized as semi-arid, the air near the land surface is quite moist on most days because of the presence of a marine layer. This

shallow layer of sea air is an important modifier of SCAB climate. Humidity restricts visibility in the SCAB, and the conversion of sulfur dioxide to sulfates is heightened in air with high relative humidity. The marine layer provides an environment for that conversion process, especially during the spring and summer months. The annual average relative humidity within the SCAB is 71 percent along the coast and 59 percent inland. Since the ocean effect is dominant, periods of heavy early morning fog are frequent and low stratus clouds are a characteristic feature. It should be noted that these effects decrease with distance from the coast.

More than 90 percent of the SCAB's rainfall occurs from November through April. The annual average rainfall varies from approximately nine inches in Riverside to fourteen inches in downtown Los Angeles. Monthly and yearly rainfall totals are extremely variable. Summer rainfall usually consists of widely scattered thunderstorms near the coast and slightly heavier shower activity in the eastern portion of the SCAB, with frequency being higher near the coast.

Due to its generally clear weather, about three-quarters of available sunshine is received in the SCAB. The remaining one-quarter is absorbed by clouds. The ultraviolet portion of this abundant radiation is a key factor in photochemical reactions. On the shortest day of the year there are approximately 10 hours of possible sunshine, and on the longest day of the year there are approximately 14-½ hours of possible sunshine.

The importance of wind to air pollution is considerable. Wind speed and direction determines the horizontal dispersion and transport of the air pollutants. During the late autumn to early spring rainy season, the SCAB is subjected to wind flows associated with the traveling storms moving through the region from the northwest. This period also brings five to ten periods of strong, dry offshore winds, locally termed "Santa Anas," each year. During the dry season, which coincides with the months of maximum photochemical smog concentrations, the wind flow is bimodal, typified by a daytime onshore sea breeze and a nighttime offshore drainage wind.

Summer wind flows are created by the pressure differences between the relatively cold ocean and the unevenly heated and cooled land surfaces that modify the general northwesterly wind circulation over southern California. Nighttime drainage begins with the radiational cooling of the mountain slopes. Heavy, cool air descends the slopes and flows through the mountain passes and canyons as it follows the lowering terrain toward the ocean. Another characteristic wind regime in the SCAB is the "Catalina Eddy," a low level cyclonic (counterclockwise) flow centered over Santa Catalina Island which results in an offshore flow to the southwest. On most spring and summer days, some indication of an eddy is apparent in coastal areas.

In the SCAB, there are two distinct temperature inversion structures that control vertical mixing of air pollution. During the summer, warm high-pressure descending (subsiding) air is undercut by a shallow layer of cool marine air. The boundary between these two layers of air is a persistent marine subsidence/inversion. This boundary prevents vertical mixing which effectively acts as an impervious lid to pollutants over the entire SCAB. The mixing height for the inversion structure is normally situated 1,000 to 1,500 feet above mean sea level.

A second inversion-type forms in conjunction with the drainage of cool air off the surrounding mountains at night followed by the seaward drift of this pool of cool air. The top of this layer forms a sharp boundary with the warmer air aloft and creates nocturnal radiation inversions. These inversions occur primarily in the winter, when nights are longer and onshore flow is weakest. They are typically only a few hundred feet above mean sea level. These inversions effectively trap pollutants, such as NO_x and CO from vehicles, as the pool of cool air drifts seaward. Winter is therefore a period of high levels of primary pollutants along the coastline.

4.3.3.2 Existing Air Quality

Existing air quality is monitored and evaluated in the context of National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). These Standards are the levels of air quality that are considered safe, with an adequate margin of safety, to protect the public health and welfare. For further information regarding NAAQS and CAAQS currently in effect, please refer to the Project Air Quality

Impact Analysis, Table 2-2, *Ambient Air Quality Standards*. NAAQS and CAAQS can also be accessed at: http://www.arb.ca.gov/research/aaqs/aaqs.htm. Determination of whether a region's air quality is healthful or unhealthful is established by comparing sampled air contaminant levels to the state and federal standards.

Regional Air Quality

The SCAQMD monitors levels of various criteria pollutants at 30 monitoring stations throughout the Basin. Attainment status for Basin air pollutants is based on monitored conformance with applicable CAAQS and/or NAAQS. SCAB attainment status reflecting current (2013) criteria pollutant monitoring data is summarized at Table 4.3-1.

Table 4.3-1
SCAB Criteria Pollutant Attainment Status

Criteria Pollutant	State Designation	Federal Designation
O_3 – 1-hour standard	Nonattainment	--
O_3 – 8-hour standard	Nonattainment	Nonattainment
PM_{10}	Nonattainment	Attainment
$PM_{2.5}$	Nonattainment	Nonattainment
CO	Attainment	Unclassifiable/Attainment
NO_2	Attainment	Unclassifiable/Attainment
SO_2	Unclassifiable/Attainment	Unclassifiable/Attainment
Pb*	Attainment	Unclassifiable/Attainment

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.
Notes: *The Federal nonattainment designation for lead is only applicable towards the Los Angeles County portion of the SCAB.

Local Air Quality

Proximate monitoring stations providing local ambient air quality data for this analysis are listed below.

- SCAQMD CA-60 Near Road monitoring station (approximately 2.86 miles northerly of the Project site) is the nearest monitoring station providing data for NO_2 and $PM_{2.5}$.

- SCAQMD I-10 Near Road monitoring station (approximately 7.39 miles northeasterly of the Project site) is the nearest monitoring station providing data for CO.

- SCAQMD Pomona/Walnut Valley (SRA 10) monitoring station (approximately 8.64 miles northwesterly of the Project site) is the nearest monitoring station providing data for O_3.

- SCAQMD Corona/Norco Area monitoring station (approximately 4.92 miles southeasterly of the Project site) is the nearest monitoring station providing data for PM_{10}.

The most recent three years of available air quality monitoring data is presented at Table 4.3-2. Data for SO_2 has been omitted from Table 4.3-2 as attainment is regularly met in the South Coast Air Basin and few monitoring stations record SO_2 concentrations.

Table 4.3-2
Area Air Quality Monitoring Summary 2016-2018

Pollutant Standards		Year		
		2016	2017	2018
O_3				
Maximum Federal 1-Hour Concentration (ppm)		0.127	0.147	0.112
Maximum Federal 8-Hour Concentration (ppm)		0.092	0.114	0.092
Number of Days Exceeding State 1-Hour Standard	> 0.09 ppm	20	18	7
Number of Days Exceeding State/Federal 8-Hour Standard	> 0.070 ppm	29	38	10
CO				
Maximum Federal 1-Hour Concentration	> 35 ppm	1.7	4.2	1.6
Maximum Federal 8-Hour Concentration	> 20 ppm	1.3	1.3	1.3
NO_2				
Maximum Federal 1-Hour Concentration	> 0.100 ppm	0.089	0.093	0.079
Annual Average		31.0	32.1	30.4

Table 4.3-2
Area Air Quality Monitoring Summary 2016-2018

Pollutant Standards		Year		
		2016	2017	2018
PM_{10}				
Maximum Federal 24-Hour Concentration (μg/m³)	> 150 μg/m³	62.0	85.1	100
Annual Federal Arithmetic Mean (μg/m³)		31.7	31.2	30.2
Number of Days Exceeding Federal 24-Hour Standard	> 150 μg/m³	0	0	0
Number of Days Exceeding State 24-Hour Standard	> 50 μg/m³	7	7	3
$PM_{2.5}$				
Maximum Federal 24-Hour Concentration (μg/m³)	> 35 μg/m³	55.9	67.8	47.90
Annual Federal Arithmetic Mean (μg/m³)	> 12 μg/m³	14.8	14.6	14.31
Number of Days Exceeding Federal 24-Hour Standard	> 35 μg/m³	7	9	5

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.

4.3.3.3 Air Quality Improvement Trends

Discussions below have been excerpted and summarized from the Project AQIA. Please refer also to Project AQIA Section 2.9 *Regional Air Quality Improvement*.

The Project lies within the jurisdiction of the SCAQMD. In 1976, California adopted the Lewis Air Quality Management Act which created SCAQMD from a voluntary association of air pollution control districts in Los Angeles, Orange, Riverside, and San Bernardino counties. SCAQMD develops comprehensive plans and regulatory programs for the South Coast Air Basin (SCAB) that will attain federal air quality standards by dates specified by law. SCAQMD is also responsible for meeting State air quality standards by the earliest date achievable.

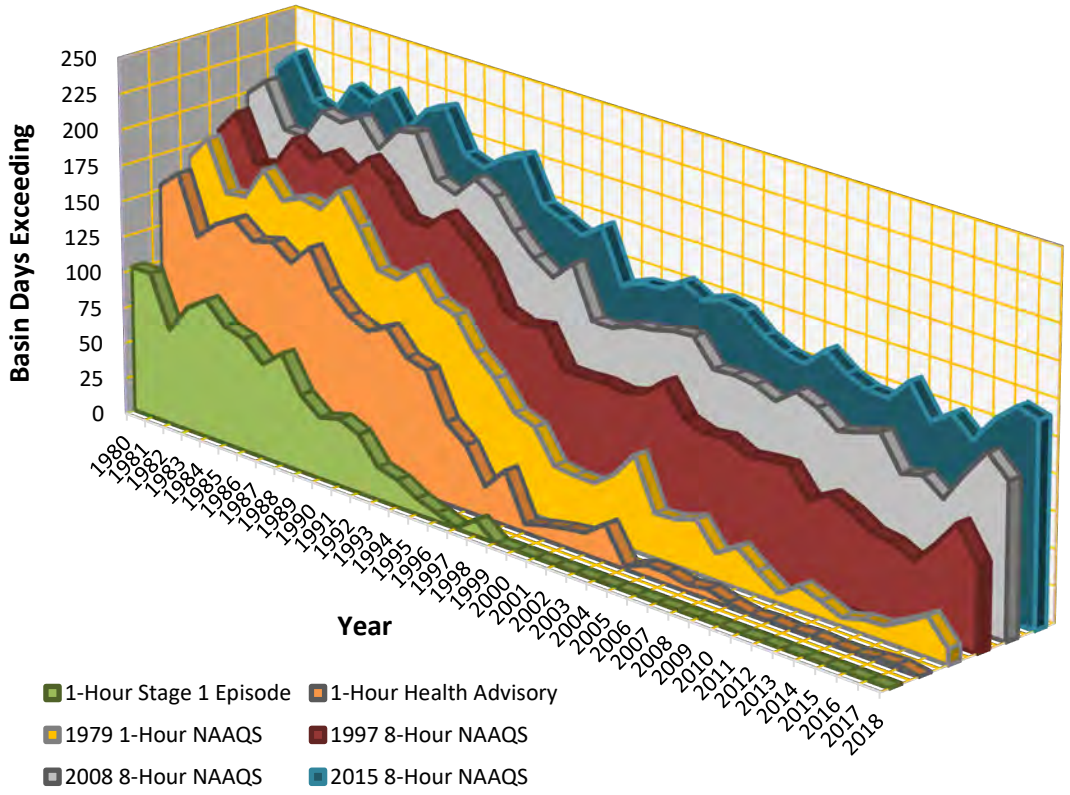
SCAQMD rule development through the 1970s and 1980s resulted in dramatic improvement in SCAB air quality. Nearly all control programs developed through the early 1990s relied on (i) the development and application of cleaner technology; (ii) add-on emission controls, and (iii) uniform CEQA review throughout the SCAB. Industrial emission sources have been significantly reduced by this approach and vehicular emissions have been reduced by technologies implemented at the state level by CARB.

SCAQMD has implemented Air Quality Management Plans (AQMPs) providing a regional blueprint for achieving healthful air within the SCAB. The 2012 AQMP attributes the historical improvement in air quality since the 1970's as the direct result of Southern California's comprehensive, multi-year strategy of reducing air pollution from all sources as outlined in its AQMPs.

Emissions of O_3, NO_X, VOC, and CO have been decreasing in the SCAB since 1975 and are projected to continue to decrease through 2020. These decreases result primarily from motor vehicle controls and reductions in evaporative emissions. Although vehicle miles traveled (VMT) in the SCAB continue to increase, NO_X and VOC levels are decreasing because of the mandated controls on motor vehicles and the replacement of older polluting vehicles with lower-emitting vehicles. NO_X emissions from electric utilities have also decreased due to use of cleaner fuels and renewable energy. O_3 contour maps show that the number of days exceeding the 8-hour NAAQS has decreased between 1997 and 2007. In the 2007 period, there was an overall decrease in exceedance days compared with the 1997 period. However, as shown on Figure 4.3-1, O_3 levels have increased in the past two years due to higher temperatures and stagnant weather conditions. Notwithstanding, O_3 levels in the SCAB have decreased substantially over the last 30 years with the current maximum measured concentrations being approximately one-third of concentrations within the late 70's.

Ambient PM_{10} and $PM_{2.5}$ levels in the SCAB have also trended downward and show an overall improvement since 1975. Direct emissions of PM_{10} have remained somewhat constant in the SCAB and direct emissions of $PM_{2.5}$ have decreased slightly since 1975. Area wide sources (fugitive dust from roads, dust from construction and demolition, and other sources) contribute the greatest amount of particulate matter emissions.

Figure 4.3-1
SCAB O_3 Trend

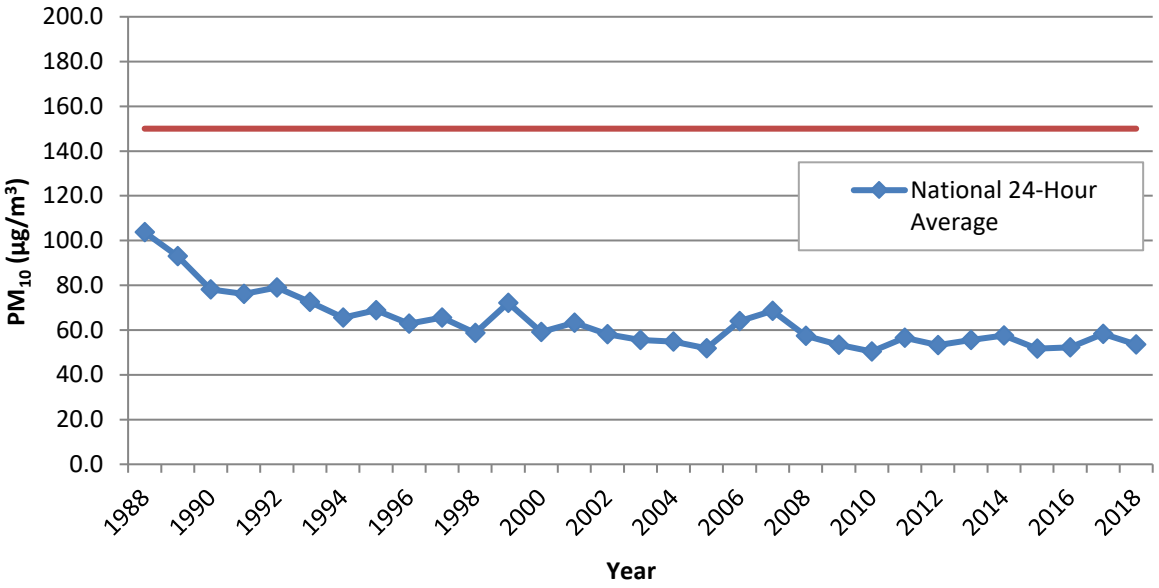


Source: SCAQMD

PM_{10} improvements in the context of federal and state standards are illustrated at Figures 4.3-2, 4.3-3. During the period for which data are available, the 24-hour annual average concentration for PM_{10} decreased by approximately 48 percent, from 103.7 μg/m³ in 1988 to 53.5 μg/m³ in 2018. Although the values are below the federal standard, it should be noted that there are days within the year where the concentrations continue to exceed the threshold. The annual average for emissions for PM_{10}, have decreased by approximately 53 percent since 1988. Although data in the late 1990's show some variability, this is probably due to the advances in meteorological science rather than a change in emissions. The number of days above the 24-hour PM_{10} standards has also shown an overall drop.

Figure 4.3-2

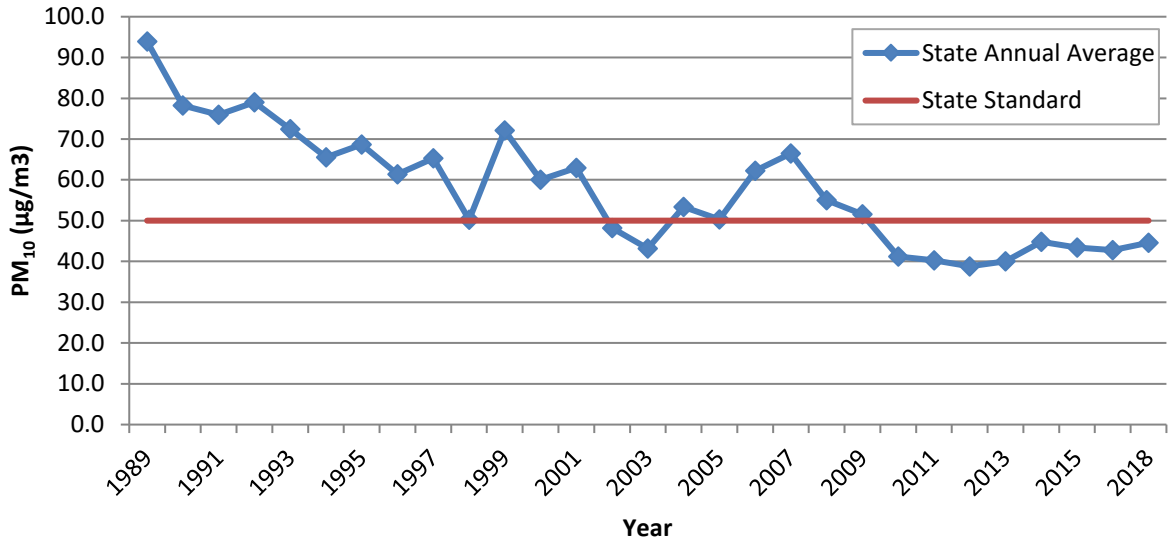
SCAB 24-Hour Average Concentration PM_{10} Trend vs. Federal Standard



Source: CARB

Figure 4.3-3

SCAB Annual Average Concentration PM_{10} Trend vs. State Standard



Source: CARB

Figures 4.3-4, 4.3-5 present 24-hour and annual average $PM_{2.5}$ concentrations in the SCAB for the period 1999 – 2018. In the context of federal and state standards, $PM_{2.5}$ concentrations have decreased by almost 52 percent and 33 percent respectively. The SCAB is currently designated as nonattainment for the state and federal $PM_{2.5}$ standards.

Figure 4.3-4
SCAB 24-Hour Average Concentration $PM_{2.5}$ Trend vs. Federal Standard

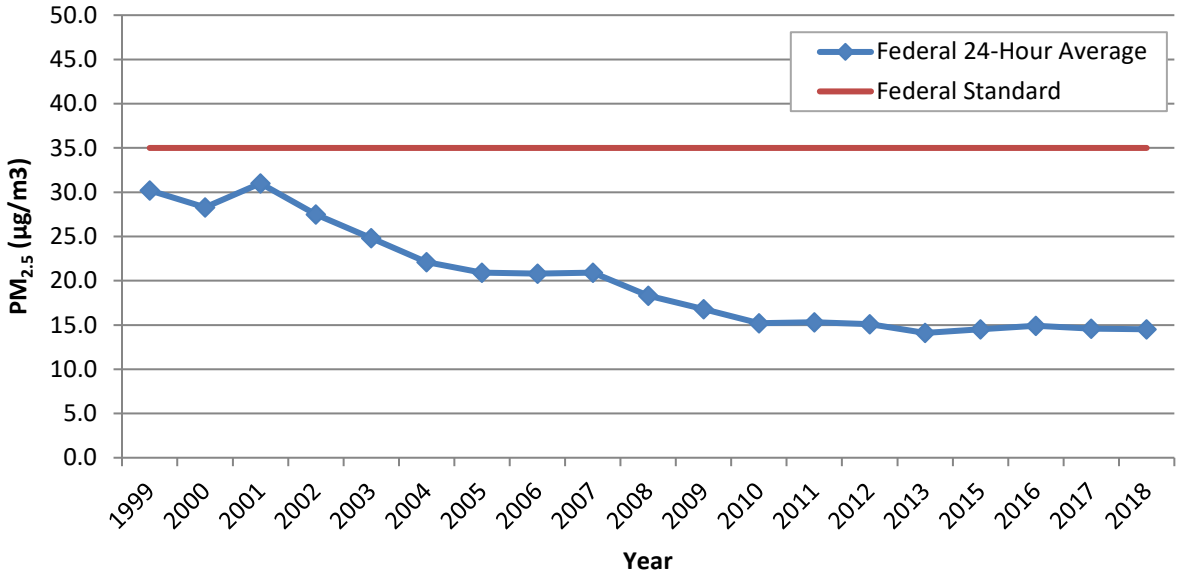
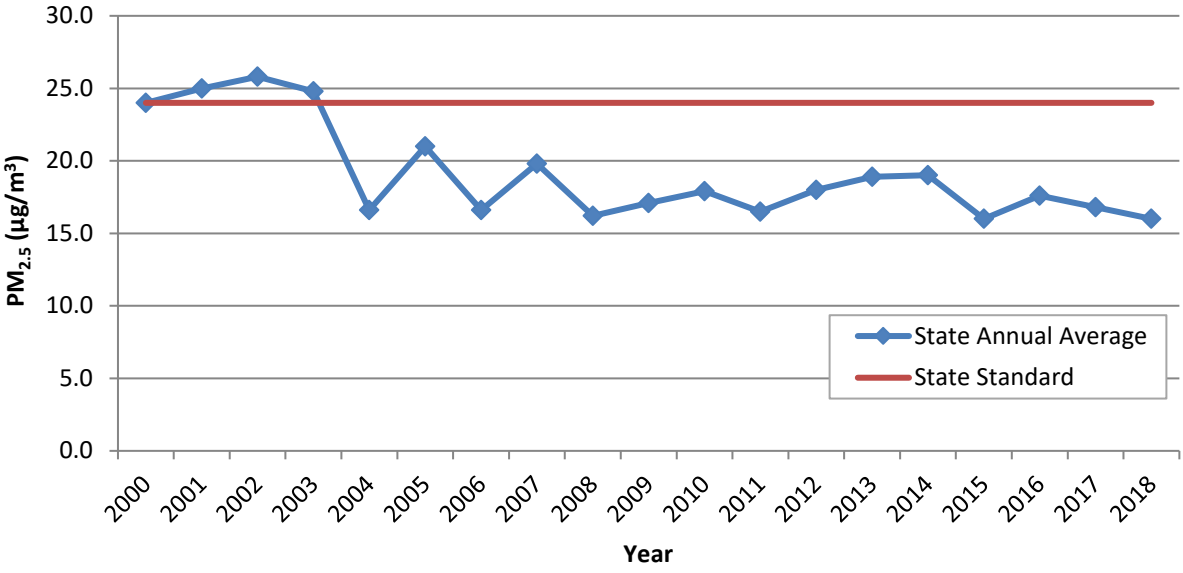


Figure 4.3-5
SCAB 24-Hour Average Concentration $PM_{2.5}$ Trend vs. State Standard



Source: CARB

While the 2012 AQMP PM_{10} attainment demonstration and the 2015 associated supplemental State Implementation Plan (SIP) submission indicated that attainment of the 24-hour standard was predicted to occur by the end of 2015, it could not anticipate the effect of the ongoing drought on the measured $PM_{2.5}$.

The 2006 – 2010 base period used for the 2012 attainment demonstration had near-normal rainfall. While the trend of $PM_{2.5}$-equivalent emission reductions continued through 2015, the severe drought conditions contributed to the $PM_{2.5}$ increases observed after 2012. As a result of the disrupted progress toward attainment of the federal 24-hour $PM_{2.5}$ standard, SCAQMD submitted a request and the EPA approved, in January 2016, a "bump up" to the nonattainment classification from "moderate" to "serious," with a new attainment deadline as soon as practicable, but not beyond December 31, 2019.

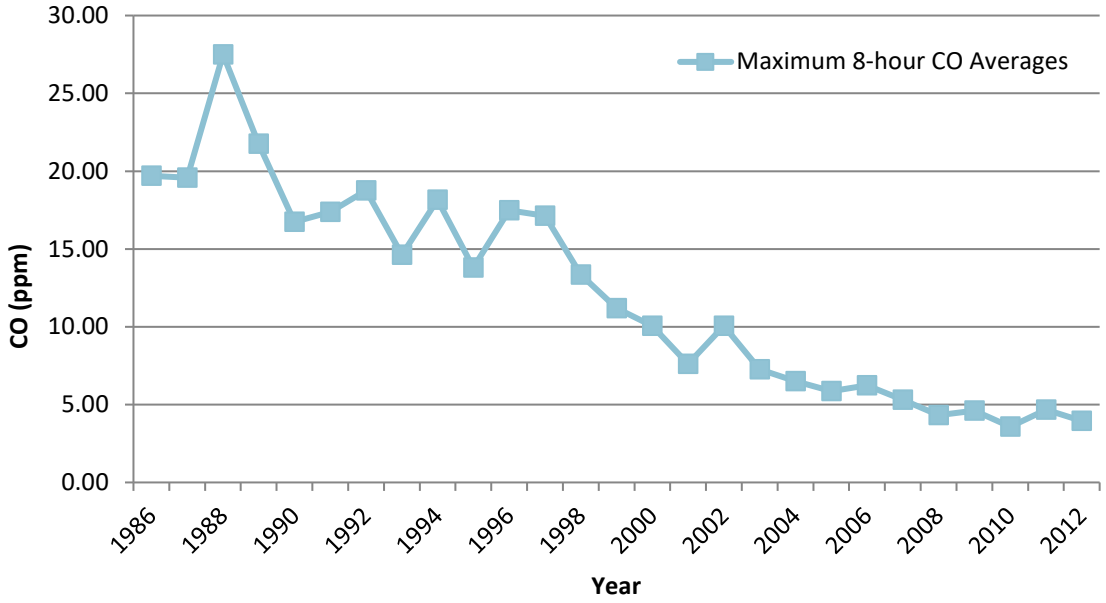
In March 2017, the AQMD released the Final 2016 AQMP. The 2016 AQMP continues to evaluate current integrated strategies and control measures to meet the NAAQS, as well as, explore new and innovative methods to reach its goals. Some of these approaches include utilizing incentive programs, recognizing existing co-benefit programs from other sectors, and developing a strategy with fair-share reductions at the federal, state, and local levels. Similar to the 2012 AQMP, the 2016 AQMP incorporates scientific and technological information and planning assumptions, including the 2016 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS) and updated emission inventory methodologies for various source categories.

CO concentrations in the SCAB are presented at Figure 4.3-6. CO concentrations in the SCAB have decreased markedly — a total decrease of more about 80 percent in the peak 8-hour concentration since 1986. The number of CO exceedance days has also declined. The entire SCAB is now designated as attainment for both the state and national CO standards. Ongoing reductions from motor vehicle control programs should continue the downward trend in ambient CO concentrations.

Part of the control process of the SCAQMD's duty to greatly improve the air quality in the SCAB is the uniform CEQA review procedures required by SCAQMD's CEQA

Handbook. The single threshold of significance used to assess Project direct and cumulative impacts has in fact "worked" as evidenced by the track record of the air quality in the SCAB dramatically improving over the course of the past decades. As stated by the SCAQMD, the District's thresholds of significance are based on factual and scientific data and are therefore appropriate thresholds of significance to use for this Project.

Figure 4.3-6
SCAB 24-Hour Average Concentration CO Trend



Source: CARB

NO_2 data for the SCAB is presented at Figures 4.3-7, 4.3-8. Over the last 50 years, NO2 values have decreased significantly; the peak 1-hour national and state averages for 2018 is approximately 82 percent lower than what it was during 1963. The SCAB attained the State 1-hour NO_2 standard in 1994, bringing the entire state into attainment. A new State annual average standard of 0.030 parts per million was adopted by the ARB in February 2007. The new standard is just barely exceeded in the SCAQMD. NO_2 is formed from NO_X emissions, which also contribute to O_3. As a result, the majority of the future emission control measures will be implemented as part of the overall ozone control strategy. Many of these control measures will target mobile sources, which account for more than three-

quarters of California's NOx emissions. These measures are expected to bring the SCAQMD into attainment of the state NOx annual average standard.

Figure 4.3-7
SCAB 1-Hour Average Concentration NO_2 Trend vs. Federal Standard

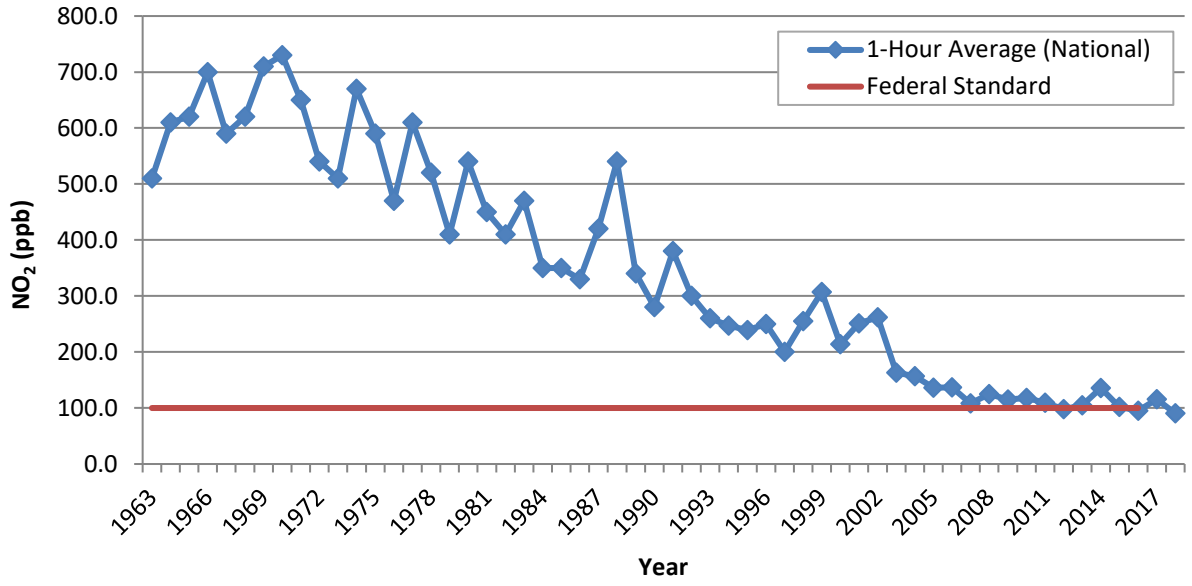
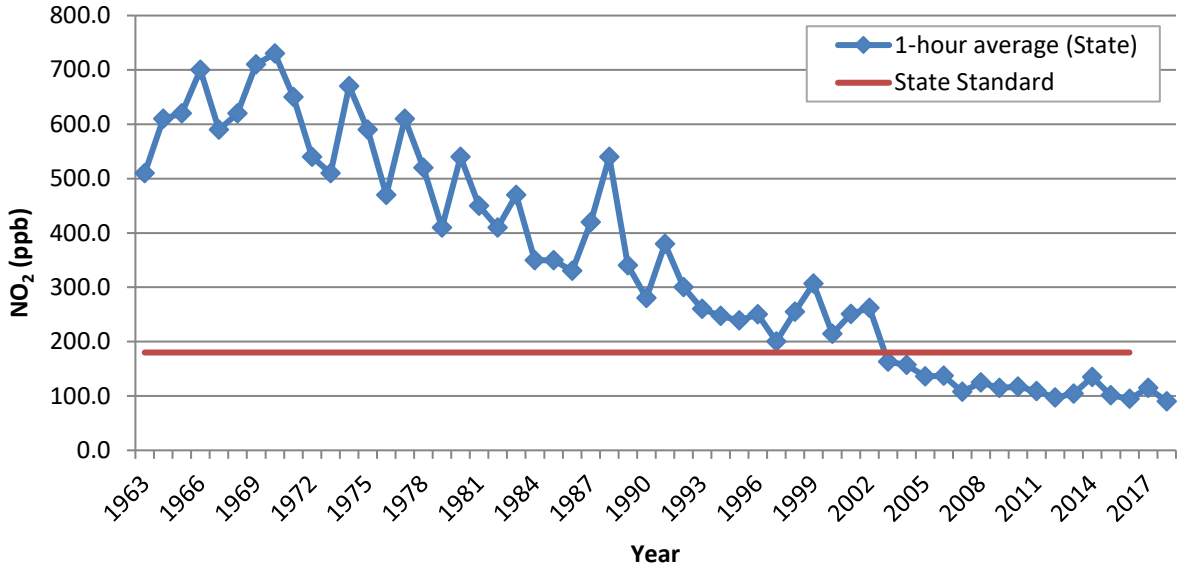


Figure 4.3-8
SCAB 1-Hour Average Concentration NO_2 Trend vs. State Standard



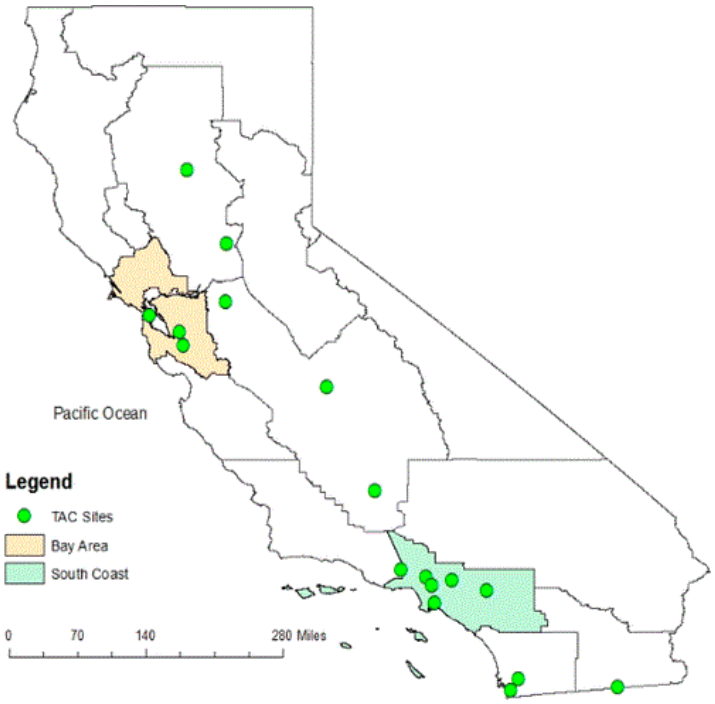
Source: CARB

Toxic Air Contaminants (TACs) Trends

In 1984, as a result of public concern for exposure to airborne carcinogens, CARB adopted regulations to reduce the amount of air toxic contaminant emissions resulting from mobile and area sources, such as cars, trucks, stationary products, and consumer products. *Ambient and Emission Trends of Toxic Air Contaminants in California* (CARB) 2015, indicates that for the period 1990 – 2012, ambient concentration and emission trends for the seven TACs responsible for most of the known cancer risk associated with airborne exposure in California have declined significantly. The seven TACs studied include those that are derived from mobile sources: diesel particulate matter (DPM), benzene, and 1,3-butadiene; those that are derived from stationary sources: perchloroethylene and hexavalent chromium; and those derived from photochemical reactions of emitted VOCs: formaldehyde and acetaldehyde[2]. TACs data was gathered at monitoring sites from both the Bay Area and SCAB indicated at Figure 4.3-9. The decline in ambient concentration and emission trends of these TACs are a result of various regulations CARB has implemented to address cancer risk.

[2] Ambient DPM concentrations are not measured directly. Rather, a surrogate method using the coefficient of haze (COH) and elemental carbon (EC) is used to estimate DPM concentrations.

Figure 4.3-9
California Toxic Air Contaminant Data Sites



Source: CARB

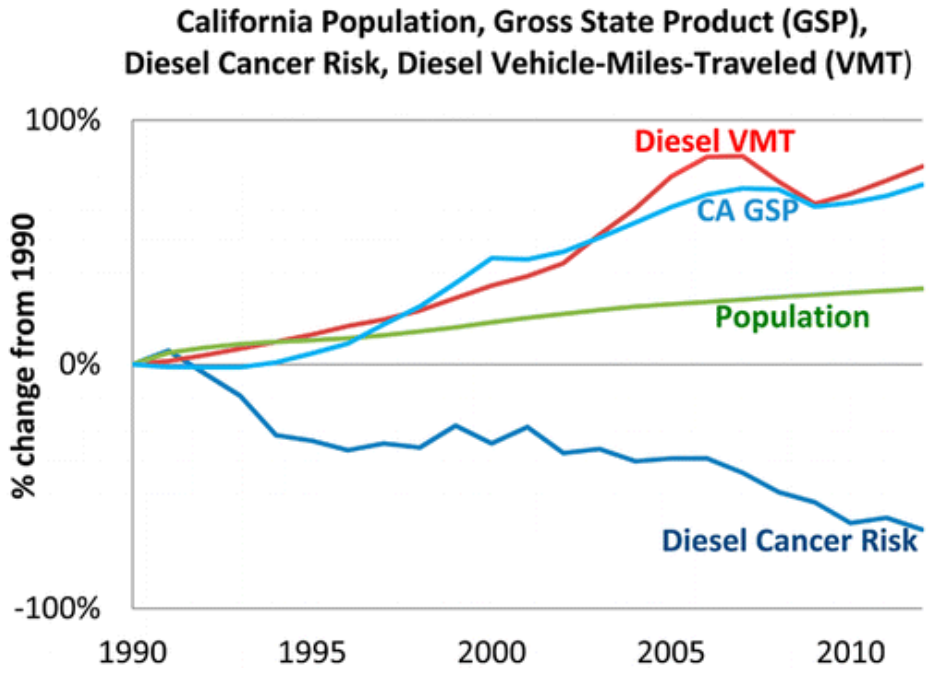
Mobile-Source TACs

CARB introduced two programs that aimed at reducing mobile emissions for light and medium duty vehicles through vehicle emissions controls and cleaner fuel. In California, light-duty vehicles sold after 1996 are equipped with California's second-generation On-Board Diagnostic (OBD-II) system. The OBD-II system monitors virtually every component that can affect the emission performance of the vehicle to ensure that the vehicle remains as clean as possible over its entire life and assists repair technicians in diagnosing and fixing problems with the computerized engine controls. If a problem is detected, the OBD-II system illuminates a warning lamp on the vehicle instrument panel to alert the driver. This warning lamp typically contains the phrase Check Engine or Service Engine Soon. The OBD-II system also stores important information about the detected malfunction so that a repair technician can accurately find and fix the problem. CARB has recently developed similar OBD requirements for heavy-duty vehicles over 14,000 lbs. CARB's phase II Reformulated Gasoline Regulation (RFG-2), adopted in 1996,

also led to a reduction of mobile source emissions. Through such regulations, benzene levels declined 88% from 1990-2012. 1,3-Butadiene concentrations also declined 85% from 1990-2012 as a result of the use of reformulated gasoline and motor vehicle regulations.

In 2000, CARB's Diesel Risk Reduction Plan (DRRP) recommended the replacement and retrofit of diesel-fueled engines and the use of ultra-low-sulfur (<15ppm) diesel fuel. As a result of these measures, DPM concentrations have declined 68% since 2000, even though the state's population increased 31% and the amount of diesel vehicles miles traveled increased 81%. Please refer to Figure 4.3-10. With the implementation of these diesel-related control regulations, CARB expects a DPM decline of 71% for the period 2000 – 2020.

Figure 4.3-10
Diesel Particulate Matter and Diesel Vehicle Miles Trends



Source: CARB

Diesel Regulations

CARB, the Port of Los Angeles (POLA), and the Port of Long Beach (POLB) have adopted several iterations of regulations for diesel trucks that are aimed at reducing DPM. More specifically, CARB Drayage Truck Regulation, CARB statewide On-road Truck and Bus Regulation, and POLA and POLB Clean Truck Programs (CTPs) require accelerated implementation of "clean trucks" into the statewide truck fleet. Under these regulations and programs, older more polluting trucks will be replaced with newer, cleaner trucks – with resulting reductions in DPM generated per mile traveled and average statewide DPM emissions for Heavy Duty Trucks. Diesel emissions identified in this analysis overstate future DPM emissions since not all the regulatory requirements are reflected in the analysis modeling.

Cancer Risk Trends

The SCAQMD has initiated a comprehensive urban toxic air pollution study, *Multiple Air Toxics Exposure Study* (MATES) that provides estimated TAC-source cancer risks within the SCAB. The first Multiple Air Toxics Exposure Study was conducted in 1986 – 87 and the findings published in June 1987. In 1997, MATES II quantified the then current magnitude of population exposure risk from existing sources of selected air toxic contaminants. In 1998 CARB identified particulate matter from diesel-fueled engines as a toxic air contaminant.

In 2008, the SCAQMD prepared an update to the MATES II study: MATES III. MATES III estimated that the average excess cancer risk level from exposure to TACs declined by approximately 17% in comparison to the MATES II study.

MATES IV (SCAQMD) 2015, substantiates a further decline in TACs and TAC-source cancer risks when compared to MATES III. MATES IV indicates that diesel particulate is the major contributor to air toxics risk in the SCAB, accounting on average for about 68% of the total. The most dramatic reduction identified in MATES IV is in the level of diesel particulate, which showed 70% reduction in average level measured at the 10 monitoring sites compared to MATES III. The carcinogenic risk from air toxics in the Basin, based on

the average concentrations at the 10 monitoring sites, is 65% lower than the monitored average in MATES III (MATES IV, p. ES-2).

In January 2018, as part of the overall effort to further reduce air toxics exposure in the SCAB, SCAQMD initiated the MATES V Program. MATES V field measurements will be conducted over a one-year period at ten fixed sites (the same sites selected for MATES III and IV) to assess trends in air toxics levels. MATES V will also include measurements of ultrafine particles (UFP) and black carbon (BC) concentrations, which can be compared to the UFP levels measured in MATES IV. SCAQMD has not yet identified completion or publication dates for MATES V.

4.3.4 REGULATORY BACKGROUND

4.3.4.1 Federal Regulations

The U.S. Environmental Protection Agency (EPA) is responsible for setting and enforcing the NAAQS for O_3, CO, NO_X, SO_2, PM_{10}, and lead. The U.S. EPA has jurisdiction over emissions sources that are under the authority of the federal government including aircraft, locomotives, and emissions sources outside state waters (Outer Continental Shelf). The U.S. EPA also establishes emission standards for vehicles sold in states other than California. Automobiles sold in California must meet the stricter emission requirements of the California Air Resource Board (CARB).

The Federal Clean Air Act (CAA) was first enacted in 1955 and has been amended numerous times in subsequent years. The CAA establishes the NAAQS and specifies future dates for achieving compliance. The CAA also mandates that states submit and implement State Implementation Plans (SIPs) for local areas not meeting these standards. These plans must include pollution control measures that demonstrate how the standards would be met.

The 1990 amendments to the CAA that identify specific emission reduction goals for areas not meeting the NAAQS require a demonstration of reasonable further progress toward

attainment and incorporate additional sanctions for failure to attain or to meet interim milestones. The sections of the CAA most directly applicable to the development of the Project site include Title I (Non-Attainment Provisions) and Title II (Mobile Source Provisions).

Title I provisions were established with the goal of attaining the NAAQS for the following criteria pollutants O_3, NO_2, SO_2, PM_{10}, CO, $PM_{2.5}$, and lead. The NAAQS were amended in July 1997 to include an additional standard for O_3 and to adopt a NAAQS for $PM_{2.5}$. Table 4.3-1 (previously presented) provides the NAAQS within the Basin.

Mobile source emissions are regulated in accordance with Title II provisions. These provisions require the use of cleaner burning gasoline and other cleaner burning fuels such as methanol and natural gas. Automobile manufacturers are also required to reduce tailpipe emissions of hydrocarbons and nitrogen oxides (NO_X). NO_X is a collective term that includes all forms of nitrogen oxides (NO, NO_2, NO_3) which are emitted as byproducts of the combustion process.

4.3.4.2 California Regulations

The CARB, which became part of the California EPA in 1991, is responsible for ensuring implementation of the California Clean Air Act (AB 2595), responding to the federal CAA, and for regulating emissions from consumer products and motor vehicles. The California CAA mandates achievement of the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to attain the state ambient air quality standards by the earliest practical date. The CARB established the CAAQS for all pollutants for which the federal government has NAAQS and, in addition, establishes standards for sulfates, visibility, hydrogen sulfide, and vinyl chloride. However, at this time, hydrogen sulfide and vinyl chloride are not measured at any monitoring stations in the SCAB because they are not considered to be a regional air quality problem. Generally, the CAAQS are more stringent than the NAAQS.

Local air quality management districts, such as the SCAQMD, regulate air emissions from commercial and light industrial facilities. All air pollution control districts have been formally designated as attainment or non-attainment for each CAAQS.

Serious non-attainment areas are required to prepare air quality management plans that include specified emission reduction strategies in an effort to meet clean air goals. These plans are required to include:

- Application of Best Available Retrofit Control Technology to existing sources;
- Developing control programs for area sources (e.g., architectural coatings and solvents) and indirect sources (e.g., motor vehicle use generated by residential and commercial development);
- A District-permitting system designed to allow no net increase in emissions from any new or modified permitted sources of emissions;
- Implementing reasonably available transportation control measures and assuring a substantial reduction in growth rate of vehicle trips and miles traveled;
- Significant use of low emissions vehicles by fleet operators;
- Sufficient control strategies to achieve a five percent or more annual reduction in emissions or 15 percent or more in a period of three years for VOCs, NO_X, CO and PM_{10}. However, air basins may use alternative emission reduction strategies that achieve a reduction of less than five percent per year under certain circumstances.

Title 24 Building Energy Efficiency Standards

California Code of Regulations (CCR) Title 24 Part 6: *Building Energy Efficiency Standards for Residential and Nonresidential Buildings* was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The Title 24 standards

are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases greenhouse gas (GHG) emissions. The 2019 update to Title 24 has been adopted by the California Energy Commission (CEC) and became effective on January 1, 2020. The analysis herein reflects compliance with the 2019 Title 24 Standards. The 2019 California Energy Code can be accessed at: https://codes.iccsafe.org/content/CAEC2019/cover.

Title 24 California Green Building Standards Code

CCR, Title 24, Part 11: *California Green Building Standards Code* (CALGreen) is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect on January 1, 2011. CALGreen is updated on a regular basis. The most recent (2019) update to the CALGreen standards became effective January 1, 2020. Local jurisdictions are permitted to adopt more stringent requirements. The analysis herein reflects compliance with the 2019 CALGreen Standards. The 2019 California Green Building Standards Code can be accessed at: https://codes.iccsafe.org/content/CAGBSC2019/cover.

4.3.4.3 Regional

Currently, the NAAQS and CAAQS are exceeded in most parts of the SCAB. In response, the SCAQMD has adopted regional Air Quality Management Plans (AQMPs) to meet the state and federal ambient air quality standards. AQMPs are updated regularly in order to more effectively reduce emissions, accommodate growth, and to minimize any negative fiscal impacts of air pollution control on the economy. Project consistency with the current (2016) AQMP is provided subsequently within this Section. The 2016 AQMP can be accessed at: https://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp.

Complementing provisions of the AQMP, SCAQMD Rules control and regulate area-source air pollutants within the SCAB. SCAQMD Rules can be accessed at: http://www.aqmd.gov/home/rules-compliance/rules.

4.3.5 STANDARDS OF SIGNIFICANCE

Pursuant to the *CEQA Guidelines* as implemented by the City, air quality impacts would be considered potentially significant if the Project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- 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;
- Expose sensitive receptors to substantial pollutant concentrations; or
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

4.3.5.1 SCAQMD Thresholds

To determine if a given project would cause a significant effect on air quality, the impact of the project must be determined by examining the types and levels of emissions generated and their impacts on factors that affect air quality. To accomplish this determination of significance, the SCAQMD has established air pollution thresholds against which a proposed project can be evaluated and assist lead agencies in determining if the impacts of a project are significant. If the project's air pollutant emissions exceed applicable SCAQMD thresholds, then the impact should be considered significant. While the final determination of significance thresholds is within the purview of the lead agency, the SCAQMD recommends that its regional and local air quality thresholds for regulated pollutants (summarized below) be employed by lead agencies in determining whether criteria air pollutant emissions impacts generated by construction or operations of a given project are significant.

Regional Thresholds

SCAQMD regional significance thresholds for maximum daily emissions of regulated pollutants are listed at Table 4.3-3. Project emissions exceeding these thresholds would be considered potentially significant.

Table 4.3-3
Maximum Daily Emissions-Regional Thresholds

Pollutant	Construction-source	Operational-source
NOx	100 lbs./day	55 lbs./day
VOC	75 lbs./day	55 lbs./day
PM_{10}	150 lbs./day	150 lbs./day
$PM_{2.5}$	55 lbs./day	55 lbs./day
SO_x	150 lbs./day	150 lbs./day
CO	550 lbs./day	550 lbs./day
Lead	3 lbs./day	3 lbs./day

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.

Carbon Monoxide Concentrations (CO "hot spots") Thresholds

CO "hot spots" are areas of carbon monoxide concentrations exceeding national or state air quality standards. CO hotspots typically occur because of excessive vehicular idling, often associated with traffic backups at underperforming intersections or congested roadway links. SCAQMD also recommends an evaluation of potential localized CO "hot spot" impacts for projects that may adversely affect, or substantially contribute to, level of service impacts along area roadway segments or at area intersections. Based on the SCAQMD's *CEQA Air Quality Handbook* (1993), a project's localized CO emissions impacts would be significant if they exceed the following California standards for localized CO concentrations:

- 1-hour CO standard of 20.0 parts per million (ppm);
- 8-hour CO standard of 9.0 ppm.

Localized Significance Thresholds (LSTs)

LSTs represent the maximum localized emissions concentrations that would not cause or contribute to an exceedance of the most stringent applicable national or state ambient air quality standard (NAAQS or CAAQS) at the nearest residence or sensitive receptor. LSTs apply to carbon monoxide (CO), nitrogen dioxide (NO_2), particulate matter less than 10 microns (PM_{10}), and particulate matter less than 2.5 microns ($PM_{2.5}$). The SCAQMD states that the Lead Agency may, at the Agency's discretion, employ LSTs as another indicator of significance in air quality impact analyses.

Health Risk Assessment (HRA) Thresholds

Carcinogenic Risks

Pursuant to SCAQMD thresholds, impacts of Toxic Air Contaminants (TACs) are considered potentially significant if a Health Risk Assessment (HRA) shows an increased carcinogenic risk of greater than 10 incidents per million population.

Noncarcinogenic Risks

Noncarcinogenic risks are numerically expressed as a Hazard Index (HI), with a threshold HI of 1.0. Pursuant to SCAQMD thresholds, noncarcinogenic Hazard Indices calculated to be greater than 1.0 are considered potentially significant.

4.3.6 POTENTIAL IMPACTS AND MITIGATION MEASURES

4.3.6.1 Introduction

The following discussions focus on areas where it has been determined that the Project may result in potentially significant air quality impacts, pursuant to comments received through the NOP process, and based on the analysis presented within this Section and included within the EIR Initial Study. As discussed within the Initial Study (EIR Appendix A), the potential for the Project to result in other emissions (such as those leading to odors) adversely affecting a substantial number of people was determined to

be less-than-significant, and is not discussed further within this Section. Please also refer to Initial Study Checklist Item III., *Air Quality*.

4.3.6.2 Impact Statements

Following is an analysis of potential air quality impacts that are expected to occur as a result of the Project. Potential emissions are considered for Project construction and operation. For each topical discussion, potential impacts are evaluated under applicable criteria established above at Section 4.3.5, *Standards of Significance*.

Potential Impact: *Conflict with or obstruct implementation of the applicable air quality plan.*

Impact Analysis: SCAQMD has adopted a series of Air Quality Management Plans (AQMPs) to achieve applicable air quality standards. AQMPs are updated regularly to effectively reduce emissions, accommodate growth, and minimize negative fiscal impacts of air pollution control. The current Final 2016 AQMP (2016 AQMP, AQMP) was adopted by the SCAQMD in March 2017.

AQMP Consistency

Criteria for determining consistency with the AQMP are identified at Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD *CEQA Air Quality Handbook* (1993), as listed below. Project consistency with, and support of these criteria is presented subsequently.

- Criterion No. 1: The project under consideration will not result in an increase in the frequency or severity of existing NAAQS/CAAQS air quality violations or cause or contribute to new NAAQS/CAAQS violations; or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.

- Criterion No. 2: The project under consideration will not exceed the assumptions in the AQMP in 2011 or increments based on the years of Project build-out phase.

Criterion No. 1

The CAAQS and NAAQS cited at Criterion No. 1 comprise SCAQMD Localized Significance Thresholds (LSTs). The Project LST analysis presented subsequently in this Section substantiates that Project construction-source and operational-source emissions would not exceed applicable LSTs. Further, the Project would implement applicable best available control measures (BACMs), and would comply with applicable SCAQMD rules, acting to further reduce potential LST impacts. On this basis, the Project would not result in an increase in the frequency or severity of existing CAAQS/NAAQS air quality violations, or cause or contribute to new violations.

With regard to timely attainment of AQMP air quality standards and AQMP interim emissions reductions, the Project could potentially result in emissions not a reflected and addressed in the AQMP. That is, to allow for development of the Project business park/industrial uses, the Project site Policy Plan [General Plan] Land Use designations would be amended from "Business Park," "Office Commercial," and "General Commercial" to "Business Park" and "Industrial." This change in Land Use designations is not reflected the AQMP. The resulting development could generate emissions not accounted for in the AQMP emissions inventory and could thereby interfere with or obstruct attainment of AQMP air quality standards and AQMP interim emissions reductions. However, as discussed below, the resulting comparative reduction in trip generation resulting from the proposed change in Land Use designations provides an indication that development under the Project Land Uses would likely not result in exceedance of AQMP inventory emissions assumptions.

Trip generation (traffic) is a general proxy that broadly represents relative air quality impacts of development proposals. As indicated at Table 4.3-4, trip generation under the Project Land Uses would likely be reduced when compared to trip generation resulting from development of the site allowed under the site's current Policy Plan Land Uses. On this basis, it is likely that air quality impacts resulting from the Project would not exceed assumptions reflected in the 2016 AQMP.

Table 4.3-4
Trip Generation Comparison-Existing Policy Plan Land Uses vs. Project

Existing Policy Plan Land Uses			Project	
Policy Plan Land Use Designation	**ITE Metric**	**ADT (PCE)**	**Policy Plan Land Use Designation**	**ADT (PCE)**
Business Park: 314.7 acres; 8,225,000 sf	ITE Land Use 130 3.37 Trips/TSF	27,718	Business Park: 55.1 acres; 1,441,000 sf	5,842
Office Commercial: 43.3 acres; 1,414,600 sf	ITE Land Use 710 9.74 Trips/TSF	13,778	N/A	---
General Commercial: 18.3 acres; 318,900 sf	ITE Land Use 820 33.37 Trips/TSF	10,642	N/A	---
N/A	---	---	Industrial: 292.8 acres; 7,014,000 sf	19,356
N/A	---	---	Circulation: 28.4 Acres	---
Total ADT	**---**	**52,138**	**Total ADT**	**25,198**

Sources: Policy Plan Land Use Element; ITE Trip Generation Manual, 10th Edition (2017); Merrill Commerce Center Specific Plan.
Notes:
1. Maximum building square footage calculated by multiplying the total acreage of each land use by the anticipated floor area ratio (FAR) for the respective land use designation per Policy Plan Table LU-02 Land Use Designations Summary Table – Industrial FAR = 0.55; Business Park FAR = 0.60; General Commercial FAR = 0.040; Office Commercial FAR = 0.75.
2. No Project Alternative Land Use Trip Generation Metrics from ITE Trip Generation Manual, 10th Edition (2017). ITE Land Use Codes: 130-Industrial Park; 710 General Office, 820 Shopping Center.
3. Project Trip Generation from *Merrill Commerce Center Specific Plan, Traffic Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) March 30, 2020.
4. ADT = Average Daily Trips, TSF = Thousand Square Feet

Because a change in land use is proposed under the Project, it is conservatively assumed that the emissions generated by the Project's proposed land uses are not reflected in the 2016 AQMP air quality standards and interim emissions reductions targets. The Project could therefore delay the timely attainment of air quality standards and/or interim emissions reductions specified in the 2016 AQMP.

In conclusion, the Project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations. However, because the General Plan Land Use designations reflected in the 2016 AQMP differ from the Land Use designations proposed under the Project, it is assumed that the Project could delay the timely attainment of air quality standards and/or interim emissions reductions specified in the AQMP. Conservatively, and for the purposes of this analysis, the Project is considered to be inconsistent with Criterion No.1.

Criterion No. 2

Criterion No. 2 addresses consistency (or inconsistency) of a given project with approved local and regional land use plans and associated potential AQMP implications. That is, AQMP emissions models and emissions control strategies are based in part on land use data provided by local general plan documentation; and regional plans, which reflect and incorporate local general plan information. Projects that propose general plan amendments may increase the intensity of use and/or result in higher traffic volumes, thereby resulting in increased stationary area source emissions and/or vehicle source emissions when compared to the AQMP assumptions. However, if a given project is consistent with and does not otherwise exceed the growth projections in the applicable local general plan, then that project would be considered consistent with the growth assumptions in the AQMP and would not affect the AQMP's regional emissions inventory for the Basin.

As noted above, the current General Plan Land use designations for the Project site would be amended to allow for the various Project uses. Accordingly, the 2016 AQMP does not reflect the proposed land use designation for the Project site. For this reason, there is the potential for the Project to exceed air quality impact assumptions in the AQMP or increments based on the years of Project build-out phase. Consequently, development of the subject site as proposed by the Project is conservatively assumed to generate emissions not reflected within the current 2016 AQMP regional emissions inventory for the SCAB. On this basis, the Project is considered to be inconsistent with AQMP Consistency Criterion No. 2.

In summary, the Project would be inconsistent with AQMP Criterion No's. 1 and 2, resulting in a determination that impacts in this regard would be considered potentially significant.

Level of Significance*:* Potentially Significant.

Mitigation Measures: The Project would implement development-specific air quality mitigation measures identified in this analysis, acting to generally reduce the Project's construction-source and operational-source air pollutant emissions. Additionally, the Project Design Features identified at EIR Section 3.4.3.6 which reflect contemporary energy-efficient technologies and operational programs, CALGreen design and performance standards implemented under the Project, and Project compliance with SCAQMD emissions reductions and control requirements act to reduce Project air pollutant emissions generally.

In combination, the Project air quality mitigation measures and Project Design Features identified at EIR Section 3.4.3.6 are consistent with and support overarching AQMP air pollution reduction strategies. Project support of these strategies would globally promote timely attainment of AQMP air quality standards and would bring the Project into conformance with the AQMP to the extent feasible. Further, as discussed herein, trip generation under the Project Land Uses would likely be reduced when compared to trip generation resulting from development of the site allowed under the site's current Policy Plan Land Uses. On this basis, it is likely that air quality impacts resulting from the Project would not exceed assumptions reflected in the 2016 AQMP.

Notwithstanding, because a change in land use is proposed under the Project, it is assumed that the emissions generated by the Project's proposed land uses are not reflected in the 2016 AQMP air quality standards, interim emissions reductions targets, and emissions inventories. Consequently, development of the subject site as proposed by the Project is conservatively assumed to conflict with the 2016 AQMP. ***This is a significant and unavoidable impact.***

Level of Significance After Mitigation: ***Significant and Unavoidable.***

Potential Impact: *Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal [national] or state ambient air quality standard.*

Impact Analysis:

Overview

The Project area is designated as a non-attainment area for ozone, a non-attainment area for PM_{10}, and a non-attainment area for $PM_{2.5}$. Germane to these regional non-attainment conditions, the Project-specific evaluation of emissions presented herein indicates that even after application of mitigation Project operational-source VOC, NO_X, PM_{10}, and $PM_{2.5}$ emissions would exceed applicable SCAQMD regional thresholds. The fact that the Project operational-source emissions of VOC, NO_X, PM_{10}, and $PM_{2.5}$ would exceed applicable SCAQMD thresholds indicates that the Project impacts in these regards are significant on an individual basis, and under SCAQMD significance criteria, would therefore also be cumulatively considerable. Project operational-source emissions of the ozone precursors VOC and NO_X; as well as PM_{10} and $PM_{2.5}$ particulate emissions in exceedance of applicable SCAQMD regional thresholds would result in a cumulatively considerable net increase of in criteria pollutants within the encompassing ozone and PM_{10}/$PM_{2.5}$ non-attainment areas.

The latest SCAQMD/California Air Pollution Control Officers Association (CAPCOA)-approved version of the California Emissions Estimator Model (CalEEMod, v2016.3.2) was utilized to estimate Project-related air pollutant emissions levels. Project emissions levels were then compared to applicable SCAQMD thresholds in order to determine if air quality standards would be violated; or if Project emissions would contribute substantially to existing or projected air quality violations. Unless otherwise noted, CalEEMod default values and assumptions are applied throughout.

Detailed information regarding land uses and development that would be allowed within the Project site is presented within the *Merrill Commerce Center Specific Plan* (T&B Planning, Inc.) September 29, 2020, EIR Appendix B (Specific Plan). The Specific Plan

document in total is incorporated in this EIR by reference. Under the Project Development Concept evaluated in this EIR, the Specific Plan Area would be developed with the following uses:

- **Industrial:** Approximately 6,312,600 square feet of high-cube fulfillment center warehouse use; and approximately 701,400 square feet of high-cube cold storage warehouse use;
- **Business Park:** Approximately 1,441,000 square feet of mixed uses including merchant wholesale, professional services, professional office, warehouse/storage, and research and development.

Total Development: 8,455,000 square feet

The Project would also implement off-site master plan infrastructure (roads, potable water, recycled water, sanitary sewer, storm drains, and fiber optic lines) in support of the Project. Predominantly, off-site areas that would be affected by construction of infrastructure improvements comprise already-disturbed/developed rights-of-way and easements. Should future development proposals proposed within the Specific Plan area, or supporting infrastructure proposed as part of the Project differ substantially from the development concepts analyzed herein, the Lead Agency would comply with CEQA in consideration of those proposals. This EIR in all instances evaluates likely maximum impact scenarios.

Please refer also to EIR Section 3.0, *Project Description* for additional detail regarding Project facilities and operations.

As envisioned under the Specific Plan, the Project would be implemented in 3 Phases – "A," "B," and "C" (see EIR Section 3.0, *Project Description*, Figure 3.4-4, *Phasing Concept*). Phase A is anticipated to be completed by 2022, Phase B by 2025, and Phase C by 2026. Phase A includes Planning Areas 4 and 5; Phase B includes Planning Areas 1, 2, 3, and 6; and Phase C includes Planning Areas 1A, 3A, 4A, 5A, and 6A. These Phases may be

developed as subphases and may occur either sequentially or concurrently. Project development sequencing would ultimately respond to market demands and would be contingent on availability of supporting infrastructure. For the purposes of the Project AQIA, Project development is assumed to occur as summarized at Table 4.3-5.

Table 4.3-5
Project Development Summary by Phase

Land Use	Quantity	Units
Phase A (2022) – Planning Areas 4 & 5		
PA4: High-Cube Fulfillment Center Warehouse	642.477	TSF
PA5: High-Cube Fulfillment Center Warehouse	1,237.523	TSF
PA4/PA5: High-Cube Cold Storage Warehouse	300.000	TSF
Phase A Total	**2,180.000**	**TSF**
Phase B (2025) – Planning Areas 1, 2, 3, & 6		
PA1: High-Cube Fulfillment Center Warehouse	1,293.835	TSF
PA2: High-Cube Fulfillment Center Warehouse	1,364.441	TSF
PA3: High-Cube Fulfillment Center Warehouse	673.968	TSF
PA6: High-Cube Fulfillment Center Warehouse	1,100.356	TSF
PA1-3/PA6: High-Cube Cold Storage Warehouse	401.400	
Phase B Total	**4,834.000**	**TSF**
Phase C (2026) – Planning Areas 1A, 3A, 4A, 5A, & 6A		
PA1A: Business Park	598.000	TSF
PA3A: Business Park	150.000	TSF
PA4A: Business Park	152.000	TSF
PA5A: Business Park	293.000	TSF
PA6A: Business Park	248.000	TSF
Phase C Total	**1,441.000**	**TSF**
Off-Site Infrastructure Construction		
Off-Site Infrastructure	113.300	AC
Off-Site Infrastructure (Total)	**113.300**	**AC**

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis* (Urban Crossroads, Inc.) January 12, 2020.
Notes: Building area assumptions for each Planning Area are based on maximum planned development as defined by the Specific Plan.

REGIONAL IMPACTS

Construction-Source Air Pollutant Emissions

Project construction activities (listed below) would generate emissions of CO, VOC, NO_x, SO_x, PM_{10}, and $PM_{2.5}$. The Project construction schedule by Phase is summarized at Table 4.3-6.

- Demolition
- Site Preparation
- Grading
- Building Construction
- Paving
- Architectural Coating
- Off-Site Infrastructure

Table 4.3-6
Project Construction Schedule by Phase

Phase A (2022)	
Activity	**Duration (Days)**
Demolition	60
Site Preparation	60
Grading	100
Building Construction	450
Paving	110
Architectural Coating	110
Phase B (2025)	
Demolition	80
Site Preparation	80
Grading	140
Building Construction	485
Paving	330
Architectural Coating	330
Phase C (2026)	
Demolition	30

Table 4.3-6
Project Construction Schedule by Phase

Site Preparation	30
Grading	50
Building Construction	150
Paving	75
Architectural Coating	75
Off-Site Infrastructure Construction	
Off-Site Infrastructure Construction	365

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.

Modeled construction-source emissions reflect all construction activities and also account for associated construction worker commutes and vendor deliveries. Maximum daily Project construction-source emissions are summarized at Table 4.3-6. Please refer also to the Project AQIA, Section 3.4 *Construction Emissions* for further details regarding modeling and analysis of Project construction-source emissions.

Table 4.3-7
Maximum Daily Construction-Source Emissions—Unmitigated (lbs./day)

Phase	Pollutant					
	VOC	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**$PM_{2.5}$**
Summer						
Phase A	108.38	125.44	134.29	0.41	24.02	9.80
Phase B	90.06	148.27	182.75	0.68	44.10	14.85
Phase C	101.21	93.34	104.99	0.31	17.56	8.60
Winter						
Phase A	108.47	125.19	126.44	0.39	24.02	9.80
Phase B	90.28	147.76	167.56	0.64	44.11	14.86
Phase C	101.29	93.18	100.90	0.30	17.56	8.60
Maximum Daily Emissions	**108.47**	**148.27**	**182.75**	**0.68**	**44.11**	**14.86**
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	**YES**	**YES**	No	No	No	No

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.
Notes: Timing and sequencing of off-site infrastructure construction is as yet-undefined. Conservatively, off-site infrastructure construction-source emissions has been modeled and added to the maximum construction-source emissions for each Project Phase.

As indicated at Table 4.3-7, unmitigated Project construction-source air pollutant emissions would exceed applicable SCAQMD regional thresholds for VOC and NO_X.

Project construction-source emissions exceedances of the ozone precursors VOC and NO_X could result in a cumulatively considerable net increase of the criteria pollutants ozone, PM_{10} and $PM_{2.5}$ (NO_X is a precursor to $PM_{10}/PM_{2.5}$) within the encompassing ozone and $PM_{10}/PM_{2.5}$ non-attainment areas. These are potentially significant impacts.

Level of Significance: ***Potentially Significant.*** (VOC and NO_X emissions)

Mitigation Measures:

4.3.1 The Project shall utilize "Super-Compliant" low VOC paints which have been reformulated to exceed the regulatory VOC limits put forth by SCAQMD's Rule 1113. Super-Compliant low VOC paints shall be no more than 10g/L of VOC. Alternatively, the applicant may utilize tilt-up concrete buildings that do not require the use of architectural coatings.

4.3.2 Construction contractors shall ensure that large off-road diesel fueled construction equipment, including but not limited to excavators, graders, rubber-tired dozers, and similar large pieces of equipment be equipped with CARB Tier 4 Compliant engines. If the operator lacks Tier 4 equipment, and Tier 4 equipment is not available for lease or short-term rental within 50 miles of the project site, Tier 3 Compliant or cleaner off-road construction equipment may be utilized.

Level of Significance After Mitigation: Less-Than-Significant**.** Table 4.3-8 summarizes Project construction-source emissions after the implementation of Mitigation Measures 4.3.1, 4.3.2. As indicated at Table 4.3-8, with the application of mitigation, maximum daily Project construction-source emissions (including VOC and NO_X emissions) would not exceed applicable SCAQMD regional thresholds and would therefore be less-than-significant. Per SCAQMD criteria, Project-level impacts that are less-than-significant are

not cumulatively considerable. As mitigated, the potential for Project construction-source emissions to result in a cumulatively considerable net increase in criteria pollutants within the encompassing non-attainment areas would be less-than-significant.

Table 4.3-8
Maximum Daily Construction-Source Emissions-Mitigated (lbs./day)

Phase	Pollutant					
	VOC	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**$PM_{2.5}$**
Summer						
Phase A	27.82	51.69	153.06	0.41	20.51	6.39
Phase B	29.29	81.46	202.02	0.68	40.99	11.96
Phase C	23.78	30.67	124.67	0.31	14.66	5.78
Winter						
Phase A	27.91	51.45	145.21	0.39	20.51	6.39
Phase B	29.52	80.94	186.83	0.64	40.99	11.96
Phase C	23.86	30.49	120.59	0.30	14.66	5.78
Maximum Daily Emissions	**29.52**	**81.46**	**202.02**	**0.68**	**40.99**	**11.96**
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.
Notes: Timing and sequencing of off-site infrastructure construction is as yet-undefined. Conservatively, off-site infrastructure construction-source emissions has been modeled and added to the maximum construction-source emissions for each Project Phase.

Operational-Source Air Pollutant Emissions

Project operational activities associated with the Project would result in emissions of VOC, NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$. Project operational emissions would be generated by the mobile and stationary/area sources listed below:

- Area Sources (Architectural Coatings, Consumer Products, Landscape/Facilities Maintenance Equipment)
- Building Energy Consumption
- Mobile Sources (Project Traffic)
- On-Site Cargo Handling Equipment (Utility Tractors)
- Transport Refrigeration Units (TRUs)

Please refer also to the Project AQIA, Section 3.5 *Operational Emissions* for further details regarding modeling and analysis of Project operational-source emissions.

Operational Emissions Summary

Maximum daily Project operational-source air pollutant emissions are summarized at Table 4.3-9. Applicable SCAQMD regional significance thresholds are also identified.

Table 4.3-9
Peak Operational-Source Emissions Summary
Maximum Daily Summer/Winter – Unmitigated (lbs./day)

	Pollutant					
	VOC	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**$PM_{2.5}$**
Summer Scenario						
Phase A						
Area Source	48.86	2.04e-03	0.22	2.00e-05	8.00e-04	8.00e-04
Energy Source	0.53	4.81	4.04	0.03	0.37	0.37
Mobile Source (Passenger Cars)	10.63	8.71	150.84	0.44	46.96	12.59
Mobile Source (Trucks)	5.83	230.27	51.36	0.93	34.86	11.31
On-Site Equipment Source	0.98	10.14	6.07	0.03	0.35	0.32
TRUs	1.58	12.68	19.40	0.003	0.20	0.18
Total Maximum Daily Emissions (Phase A)	**68.41**	**266.62**	**231.94**	**1.43**	**82.74**	**24.78**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**YES**	**YES**	No	No	No	No
Phase B						
Area Source	108.34	4.48e-03	0.49	4.00e-05	1.76e-03	1.76e-03
Energy Source	0.79	7.18	6.03	0.04	0.55	0.55
Mobile Source (Passenger Cars)	18.98	13.29	272.74	0.88	105.69	28.30
Mobile Source (Trucks)	6.99	399.55	90.82	1.86	72.90	22.79
On-Site Equipment Source	1.71	13.69	12.71	0.05	0.52	0.48
TRUs	2.09	16.82	25.74	0.004	0.27	0.24
Maximum Daily Emissions (Phase B only)	**138.90**	**450.54**	**408.54**	**2.84**	**179.93**	**52.37**
Total Maximum Daily Emissions (Phase A + Phase B)	**207.31**	**717.16**	**640.48**	**4.27**	**262.67**	**77.14**

Table 4.3-9
Peak Operational-Source Emissions Summary
Maximum Daily Summer/Winter – Unmitigated (lbs./day)

	Pollutant					
	VOC	**NOx**	**CO**	**SOx**	**PM10**	**PM2.5**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**YES**	**YES**	**YES**	No	**YES**	**YES**
Phase C						
Area Source	32.29	1.33e-03	0.15	1.00e-05	5.20e-04	5.20e-04
Energy Source	0.10	0.94	0.79	5.64e-03	0.07	0.07
Mobile Source (Passenger Cars)	9.01	6.06	130.57	0.43	53.69	14.37
Mobile Source (Trucks)	2.12	117.13	26.75	0.57	23.83	7.42
On-Site Equipment Source	0.50	4.03	3.74	0.02	0.15	0.14
Maximum Daily Emissions (Phase C Only)	44.03	128.16	162.00	1.02	77.75	22.00
Total Maximum Daily Emissions (Phase A + Phase B + Phase C)	**251.34**	**845.31**	**802.48**	**5.29**	**340.42**	**99.15**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**YES**	**YES**	**YES**	No	**YES**	**YES**
Winter Scenario						
Phase A						
Area Source	48.86	2.04e-03	0.22	2.00e-05	8.00e-04	8.00e-04
Energy Source	0.53	4.81	4.04	0.03	0.37	0.37
Mobile Source (Passenger Cars)	9.69	9.13	123.70	0.40	49.96	12.59
Mobile Source (Trucks)	5.48	237.56	42.78	0.94	34.80	11.28
On-Site Equipment Source	0.98	10.14	6.07	0.03	0.35	0.32
TRUs	1.58	12.68	19.40	0.003	0.20	0.18
Total Maximum Daily Emissions (Phase A)	**67.11**	**274.33**	**196.21**	**1.39**	**82.68**	**24.75**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**YES**	**YES**	No	No	No	No
Phase B						
Area Source	108.34	4.48e-03	0.49	4.00e-05	1.76e-03	1.76e-03
Energy Source	0.79	7.18	6.03	0.04	0.55	0.55
Mobile Source (Passenger Cars)	18.98	13.29	272.74	0.88	105.69	28.30
Mobile Source (Trucks)	6.99	399.55	90.82	1.86	72.90	22.79

Table 4.3-9
Peak Operational-Source Emissions Summary
Maximum Daily Summer/Winter – Unmitigated (lbs./day)

	Pollutant					
	VOC	**NO_x**	**CO**	**SO_x**	**PM_{10}**	**$PM_{2.5}$**
On-Site Equipment Source	1.71	13.69	12.71	0.05	0.52	0.48
TRUs	2.09	16.82	25.74	0.004	0.27	0.24
Maximum Daily Emissions (Phase B Only)	136.59	464.07	341.35	2.76	179.78	52.31
Total Maximum Daily Emissions (Phase A + Phase B)	**203.70**	**738.40**	**537.56**	**4.15**	**262.46**	**77.06**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**YES**	**YES**	No	No	**YES**	**YES**
Phase C						
Area Source	32.29	1.33e-03	0.15	1.00e-05	5.20e-04	5.20e-04
Energy Source	0.10	0.94	0.79	5.64e-03	0.07	0.07
Mobile Source (Passenger Cars)	8.24	6.34	107.53	0.39	53.69	14.37
Mobile Source (Trucks)	1.95	121.06	21.71	0.57	23.79	7.40
On-Site Equipment Source	0.50	4.03	3.74	0.02	0.15	0.14
Maximum Daily Emissions (Phase C Only)	**43.08**	**132.37**	**133.92**	**0.98**	**77.71**	**21.99**
Total Maximum Daily Emissions (Phase A + Phase B + Phase C)	**246.78**	**870.76**	**671.47**	**5.13**	**340.17**	**99.05**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**YES**	**YES**	**YES**	No	**YES**	**YES**

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.

Level of Significance: ***Potentially Significant.*** (VOC, NO_x, CO, PM_{10}, and $PM_{2.5}$ emissions)

As indicated at Table 4.3-9, operational-source emissions generated by Project Phase A would exceed SCAQMD regional thresholds for VOC and NO_x. Project Phase A + Phase B operational-source emissions would exceed SCAQMD regional thresholds for VOC, NO_x, CO, PM_{10}, and $PM_{2.5}$. Project Phase A + Phase B + Phase C operational-source emissions would exceed SCAQMD regional thresholds for VOC, NO_x, CO, PM_{10}, and $PM_{2.5}$. Project operational-source emissions thresholds exceedances of the ozone

precursors VOC and NO_x, and emissions thresholds exceedances of PM_{10}, and $PM_{2.5}$ could result in cumulatively considerable net increases of the criteria pollutants ozone, PM_{10}, and $PM_{2.5}$ within the encompassing ozone, PM_{10}, and $PM_{2.5}$ non-attainment areas. These are potentially significant impacts.

Operational-source emissions are reduced in part through the Project's conservation/sustainability design features and attributes described at EIR Section, 3.4.3.6 *Project Design Features,* and restated below:

> Design features incorporated in the Project would promote efficient use of energy and other resources, further City conservation and sustainability goals and strategies, and act to generally diminish the Project's potential environmental effects. In consultation with the Lead Agency, final designs of Project buildings, site plans, and improvements would incorporate the following features:
>
> - All Project buildings will be LEED Certified;
> - Building and site designs will facilitate and incorporate use of renewable energy sources, including roofs structurally designed to support solar photovoltaic (PV) panels;
> - Building and site designs will incorporate conduit and infrastructure for electric car chargers;
> - Building and site designs will incorporate conduit and infrastructure for electric truck chargers;
> - To minimize the potential for on-site truck idling, site plans will be designed to ensure adequate circulation and access for trucks;
> - Truck trailer parking areas will be designed and configured to avoid vehicle stacking at the Project site access point and along adjacent streets;
> - LED Lighting will be provided throughout the Project (interior and exterior);
> - Project grading will be balanced, thereby minimizing potential requirements for truck conveyance of soil import/export;

- Project warehouse designs will provide 40-foot or higher interior clear heights, allowing for greater storage per square foot of building, reducing building footprints, and generally reducing construction material and energy demands;
- Site designs will incorporate pedestrian/bicycle/multi-use paths and supporting amenities;
- The Project Construction and Demolition Waste Management Plan will be designed and implemented to yield a minimum of 90% recycled/salvaged materials.

Project operational-source emissions are further reduced through application of the following mitigation measures.

Mitigation Measures:

4.3.3 *Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than five (5) minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and the CARB to report violations. Prior to the issuance of an occupancy permit, the City shall conduct a site inspection to ensure that the signs are in place.*

4.3.4 *Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the City demonstrating that occupants/tenants of the Project site have been provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than-required engines and equipment.*

4.3.5 *The minimum number of automobile electric vehicle (EV) charging stations required by the California Code of Regulations (CCR) Title 24 shall be provided. As agreed to by the*

Applicant and Lead Agency, final designs of Project buildings shall include electrical infrastructure sufficiently sized to accommodate the potential installation of additional auto and truck EV charging stations.

4.3.6 *As agreed to by the Applicant and Lead Agency, final Project designs shall provide for installation of conduit in tractor trailer parking areas for the purpose of accommodating potential installation of EV truck charging stations.*

4.3.7 *Where transport refrigeration units (TRUs) are in use, electrical hookups shall be installed in order to allow TRUs to use electric standby capabilities.*

4.3.8 *All diesel trucks accessing the Project shall be compliant with the CARB Truck and Bus Regulation 2010 engine emissions standards.*

Level of Significance After Mitigation: ***Significant and Unavoidable.*** Mitigation Measures 4.3.3 through 4.3.8 would act to globally reduce Project operational-source emissions. However, there is no way to quantify these reductions in the California Emissions Estimator Model (CalEEMod). This analysis therefore conservatively assumes that mitigated and unmitigated Project operational-source emissions are substantively equal.

In addition to emissions reduction achieved via Measures 4.3.3 through 4.3.8, Transportation Demand Management (TDM) measures implemented as mitigation for transportation VMT impacts would act to generally reduce vehicle-source emissions. The efficacy of TDMs and any resulting emissions reductions would be dependent on as yet-unknown building tenants and final site plan designs. Accordingly, potential emissions reductions resulting from implementation of TDMs are not quantified within this analysis.

Further, the Project operational-source emissions derive predominantly from vehicular sources (96% for NO_X and CO, 99% for PM_{10} and $PM_{2.5}$). Neither the Project Applicant nor

the City has any regulatory control over these emissions. Rather, vehicle tail pipe source emissions are regulated by CARB and USEPA.

The Project would implement design features acting to reduce operational-source emissions. Mitigation measures identified in this EIR and compliance with all applicable SCAQMD Rules would further reduce Project operational-source emissions. However, even after these implementation of these measures, Project operational-source emissions would still exceed applicable SCAQMD regional thresholds for VOCs, NO_X, CO, PM_{10}, and $PM_{2.5}$. These are significant and unavoidable impacts. Per SCAQMD criteria, Project-level impacts that are significant and unavoidable are also cumulatively significant and unavoidable.

Based on the preceding, Project operational-source emissions thresholds exceedances of the ozone precursors VOC and NO_X, and emissions thresholds exceedances of PM_{10}, and $PM_{2.5}$ would result in cumulatively considerable net increases of the criteria pollutants ozone, PM_{10}, and $PM_{2.5}$ within the encompassing ozone, and PM_{10}/$PM_{2.5}$ non-attainment areas. ***These are cumulatively significant and unavoidable impacts.***

Construction/Operation Emissions Overlap

Per the SCAQMD CEQA Air Quality Handbook (CEQA Handbook), the recommended approach to calculate criteria pollutant emissions generated by development projects is discrete quantification of construction-source and operational-source emissions. Construction-source and operational-source emissions are then each compared to applicable construction and operational thresholds of significance (CEQA Handbook, Chapters 6 and 9). To the City's knowledge, SCAQMD has not formally developed or published combined construction and operational emission significance thresholds (with the exception of its December 5, 2008 adoption of a GHG Significance Threshold for certain projects where SCAQMD is the lead agency). There, the construction emissions are amortized over 30 years and added to the operational emissions. Additionally, SCAQMD did not request assessment of combined construction-source and operational-source emissions in its comments on the Project NOP. Notwithstanding, SCAQMD has recently commented on other CEQA documents, requesting analysis of combined

construction and operational emissions, and comparison of these emissions to applicable operational thresholds[3].

Table 4.3-10 summarizes maximum daily emissions for each scenario where Project construction and operation activities have the potential to overlap. Total combined emissions under the overlapping conditions are compared to applicable operational thresholds. It is important to note that overlapping activities and overlapping emissions summarized at Table 4.3-10 would be temporary, and would cease upon completion of each subsequent phase of construction.

Similar to the findings presented above at *Operational Emissions Summary*, the maximum combined overlapping construction and operational emissions would exceed applicable SCAQMD thresholds of significance for emissions of VOC, NO_X, CO, PM_{10}, and $PM_{2.5}$. However, the combined overlapping totals would *not* exceed the total emissions for peak operational emissions already disclosed at Table 4.3-9, *Peak Operational-Source Emissions Summary*. As such, no new impacts would occur beyond those that have already been identified and no additional mitigation is required.

Table 4.3-10
Construction-Source/Operational-Source Emissions Overlap

Overlap Scenario 1 (Phase A Operations & Phase B Construction)						
Summer						
	VOC	**NO_X**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Phase A Operations	68.41	266.62	231.94	1.43	82.74	24.78
Phase B Construction	29.29	81.46	202.02	0.68	40.99	11.96
Maximum Daily Combined Emissions	**97.70**	**348.08**	**433.96**	**2.11**	**123.73**	**36.74**

[3] "To conservatively analyze a worst-case impact scenario, South Coast AQMD staff recommends that the Lead Agency use its best efforts to identify the overlapping years, combine construction emissions (including emissions from demolition) with operational emissions, and compare the combined emissions to South Coast AQMD's air quality CEQA *operational* thresholds of significance to determine the level of significance . . ." See SCAQMD Comments on Draft Environmental Impact Report (Draft EIR) for the Proposed Nakase Nursery/Toll Brothers Project (SCH No. 2018071035) dated October 3, 2019 (Attachment, Comment #2). http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/october/ORC190820-03.pdf?sfvrsn=8

Table 4.3-10
Construction-Source/Operational-Source Emissions Overlap

SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**YES**	**YES**	No	No	No	No
Winter						
Phase A Operations	67.11	274.33	196.21	1.39	82.68	24.75
Phase B Construction	29.52	80.94	186.83	0.64	40.99	11.96
Maximum Daily Combined Emissions	**96.63**	**355.27**	**383.04**	**2.03**	**123.67**	**36.72**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**YES**	**YES**	No	No	No	No
Overlap Scenario 2 (Phase B Operations & Phase C Construction)						
Summer						
	VOC	**NO_x**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Phase B Operations	207.31	717.16	640.48	4.27	262.67	77.14
Phase C Construction	23.78	30.66	124.67	0.31	14.66	5.78
Maximum Daily Combined Emissions	**231.09**	**747.82**	**765.15**	**4.58**	**277.33**	**82.92**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**YES**	**YES**	**YES**	No	**YES**	**YES**
Winter						
Phase B Operations	203.70	738.40	537.56	4.15	262.46	77.06
Phase C Construction	23.86	30.49	120.59	0.30	14.66	5.78
Maximum Daily Combined Emissions	**227.56**	**768.89**	**658.14**	**4.45**	**277.12**	**82.84**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**YES**	**YES**	**YES**	No	**YES**	**YES**

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.

Potential Impact: *Expose sensitive receptors to substantial pollutant concentrations.*

Impact Analysis: Sensitive receptors can include uses such as long-term health care facilities, rehabilitation centers, and retirement homes. Residences, schools, playgrounds, childcare centers, and athletic facilities can also be considered as sensitive receptors. As concluded in the following discussion of Localized Air Quality Impacts, the sensitive receptors nearest the Project site would not be subject to emissions exceeding SCAQMD LSTs. Nor would the Project create or result in localized CO hot spots. The Project HRA

and Project construction HRA, summarized herein, substantiate that the Project would not generate or result in localized concentrations of TACs that would create or result in potentially significant health risks. On this basis, the potential for the Project to expose sensitive receptors to substantial pollutant concentrations is considered less-than-significant.

LOCALIZED IMPACTS

Localized Significance Threshold (LST) Analysis

The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the national and/or state ambient air quality standards (NAAQS/CAAQS). Collectively, the NAAQS/CAAQS establish LSTs.

LSTs were developed in response to the SCAQMD Governing Board's Environmental Justice Initiative I-4. More specifically, to address potential Environmental Justice implications of localized air pollutant impacts, the SCAQMD adopted LSTs indicating whether a project would cause or contribute to localized air quality impacts and thereby cause or contribute to potential localized adverse health effects. LSTs apply to carbon monoxide (CO), nitrogen dioxide (NO_2), particulate matter less than 10 microns (PM_{10}), and particulate matter less than 2.5 microns ($PM_{2.5}$). LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable national or state ambient air quality standard at the nearest residence or sensitive receptor. Though not required, lead agencies may employ LSTs as another indicator of significance in its air quality impact analyses.

The significance of localized emissions impacts depends on whether ambient levels in the vicinity of the project are above or below state standards. In the case of CO and NO_2, if ambient levels are below the standards, a project is considered to have a significant impact if project emissions result in an exceedance of one or more of these standards. For the nonattainment pollutants PM_{10} and $PM_{2.5}$, background ambient concentrations

already exceed state and/or national standards. LSTs for PM_{10} and $PM_{2.5}$ are therefore based on SCAQMD Rules 403/1303 (construction-source/operational-source emissions respectively) and are established as an allowable change in concentration. Background concentrations are irrelevant.

Emissions Considered/Methodology

LSTs apply to carbon monoxide (CO), nitrogen dioxide (NO_2), particulate matter less than 10 microns (PM_{10}), and particulate matter less than 2.5 microns ($PM_{2.5}$). The Project LST analysis incorporates, and is consistent with, protocols and methodologies established in *Final Localized Significance Threshold Methodology* (Methodology) (SCAQMD, revised July 2008). The Methodology clearly states that "off-site mobile emissions from the Project should NOT be included in the emissions compared to LSTs." Accordingly, the Project LST analysis considers only "on-site" emissions sources.

Maximum Daily Disturbed-Acreage

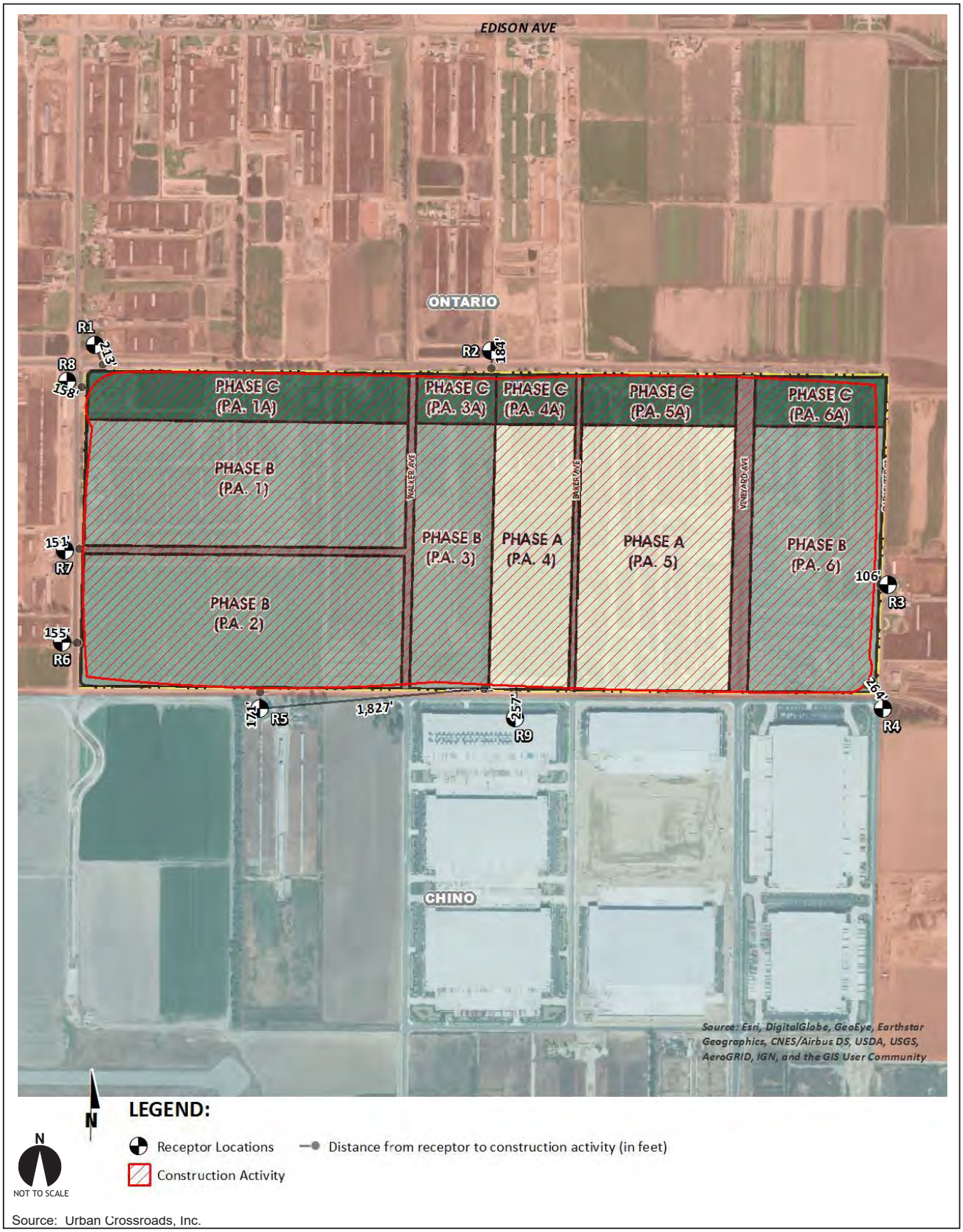
The SCAQMD has issued guidance on applying CalEEMod to LST analyses. In this regard, CalEEMod calculates construction emissions (off-road exhaust and fugitive dust) based on the number of equipment hours and the maximum daily site disturbance activity possible for each piece of equipment. It should be noted that the disturbed area per day is representative of a piece of equipment making multiple passes over the same land area. Project on-site construction activities would actively disturb approximately 1.0 acre per day during demolition, 3.5 acres per day during site preparation, and 4.0 acre per day during grading activities. During off-site infrastructure construction, it is estimated that 1.0 acre per day will be disturbed (Project AQIA, p. 56).

Receptors

Localized air quality impacts were evaluated at proximate receptor land uses. Receptors in the Project study area are described below and identified at Figure 4.3-11.

- R1: Located approximately 185 feet north of the Project site, R1 represents an existing residential home at the Gordon Hay Inc. Dairy.
- R2: Location R2 represents vacant unoccupied agricultural land located approximately 151 feet north of the Project site.
- R3: Located approximately 94 feet east of the Project site across Carpenter Avenue, R3 represents existing residential homes at the Tiva Dairy.
- R4: Location R4 represents the existing residential home at 9131 Merrill Avenue, approximately 129 feet southeast of the Project site.
- R5: Located approximately 135 feet south of the Project site (Phase B, Planning Area 2) R5 represents existing residential homes at the J&D Star Dairy.[4]
- R6: Located approximately 142 feet west of the Project site, R6 represents the existing residential home at 14848 Grove Avenue.
- R7: Location R7 represents the existing residential home located approximately 127 feet west of the Project site, across Grove Avenue.
- R8: Located approximately 114 feet west of the Project site, R8 represents the existing residential home at 14544 Grove Avenue.
- R9: Located approximately 257 feet south of the Project site, R9 represents a wholesale use located at 8601 Merrill Avenue.
- A minimum source-receptor distance of 25 meters is assumed when evaluating LST impacts resulting from construction of off-site infrastructure.[5]

[4] Minimum source – receptor separation under Phase A construction conditions is approximately 1,827 feet.
[5] The Methodology recognizes that . . . "it is possible that a project may have receptors closer than 25 meters . . ." In these instances, the Methodology notes that LSTs for receptors located at 25 meters should be used.



Source: Urban Crossroads, Inc.

Figure 4.3-11
Proximate Receptor Locations

Localized Thresholds

The basis for the Localized Emissions Thresholds employed in this analysis is discussed below. Localized emissions thresholds, by Phase and Planning Area (PA) are summarized at Table 4.3-11.

Construction-Source Emissions LSTs

The SCAQMD Screening "Look-Up" Tables were utilized in evaluating construction-source LST impacts. The Look-Up tables identify thresholds at only 1-acre, 2-acre, and 5-acre, increments. Linear regression has been utilized to determine localized significance thresholds for acreages disturbed by Project construction activities (1.0 acre per day during demolition, 3.5 acres per day during site preparation, and 4.0 acres per day during grading activities). Thresholds were then determined by cross-referencing the maximum disturbed acreage with the distance to the nearest potentially affected receptor.

Operational-Source Emissions LSTs

The Project site comprises approximately 376.3 acres. The LST Methodology provides Look-Up tables for sites with an area with daily disturbance of 5 acres or less. For projects that exceed 5 acres, the 5-acre LST Look-Up tables can be used as a screening tool to determine if additional detailed analysis is required. This approach is conservative as it assumes that operational source emissions would be concentrated within a 5-acre area. This screening method would therefore tend to over-estimate rather than under-estimate potential localized impacts. LSTs for a 5-acre site have been used as a screening tool to determine if further detailed analysis of localized Project operational-source emissions is required. Thresholds were determined by cross-referencing the 5-acre operational-source emissions area with the distance to the nearest potentially affected receptor.

Table 4.3-11
Localized Thresholds Summary

Pollutant	Construction	Operations
Phase A		
NO_X	183 lbs/day (Demolition)	345 lbs/day
	290 lbs/day (Site Preparation)	
	308 lbs/day (Grading)	
CO	1,941 lbs/day (Demolition)	4,216 lbs/day
	3,422 lbs/day (Site Preparation)	
	3,686 lbs/day (Grading)	
PM_{10}	280 lbs/day (Demolition)	78 lbs/day
	241 lbs/day (Site Preparation)	
	268 lbs/day (Grading)	
$PM_{2.5}$	141 lbs/day (Demolition)	41 lbs/day
	160 lbs/day (Site Preparation)	
	163 lbs/day (Grading)	
Phase B (P.A. 1, 2, 3)		
NO_X	134 lbs/day (Demolition)	287 lbs/day
	236 lbs/day (Site Preparation)	
	253 lbs/day (Grading)	
CO	1,105 lbs/day (Demolition)	2,601 lbs/day
	2,084 lbs/day (Site Preparation)	
	2,257 lbs/day (Grading)	
PM_{10}	10 lbs/day (Demolition)	8 lbs/day
	23 lbs/day (Site Preparation)	
	27 lbs/day (Grading)	
$PM_{2.5}$	5 lbs/day (Demolition)	3 lbs/day
	9 lbs/day (Site Preparation)	
	9 lbs/day (Grading)	
Phase B (P.A. 6)		
NO_X	122 lbs/day (Demolition)	274 lbs/day
	224 lbs/day (Site Preparation)	
	241 lbs/day (Grading)	
CO	919 lbs/day (Demolition)	2,287 lbs/day

Table 4.3-11
Localized Thresholds Summary

Pollutant	Construction	Operations
	1,798 lbs/day (Site Preparation)	
	1,961 lbs/day (Grading)	
PM_{10}	6 lbs/day (Demolition)	5 lbs/day
	14 lbs/day (Site Preparation)	
	16 lbs/day (Grading)	
$PM_{2.5}$	4 lbs/day (Demolition)	2 lbs/day
	7 lbs/day (Site Preparation)	
	8 lbs/day (Grading)	
Phase C		
NO_X	129 lbs/day (Demolition)	282 lbs/day
	231 lbs/day (Site Preparation)	
	248 lbs/day (Grading)	
CO	1,030 lbs/day (Demolition)	2,476 lbs/day
	1,970 lbs/day (Site Preparation)	
	2,138 lbs/day (Grading)	
PM_{10}	8 lbs/day (Demolition)	7 lbs/day
	19 lbs/day (Site Preparation)	
	22 lbs/day (Grading)	
$PM_{2.5}$	5 lbs/day (Demolition)	2 lbs/day
	8 lbs/day (Site Preparation)	
	9 lbs/day (Grading)	
Off-Site Infrastructure		
NO_X	118 lbs/day (Off-Site Infrastructure)	N/A
CO	863 lbs/day (Off-Site Infrastructure)	N/A
PM_{10}	5 lbs/day (Off-Site Infrastructure)	N/A
$PM_{2.5}$	4 lbs/day (Off-Site Infrastructure)	N/A

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.

Construction-Source Emissions LST Impacts Summary

Based on the area of disturbance, distance to receptors, and applicable thresholds, maximum daily localized construction-source emissions impacts were identified. Construction-source emissions LST Impacts are summarized at Table 4.3-12.

Table 4.3-12
Localized Construction-Source Emissions Impacts Summary

On-Site Demolition Emissions	Emissions (lbs./day)			
	NO_X	**CO**	**PM_{10}**	**$PM_{2.5}$**
Phase A				
Maximum Daily Emissions	**33.20**	**21.75**	**1.69**	**1.55**
SCAQMD Localized Threshold	156	1,459	255	125
Threshold Exceeded?	No	No	No	No
Phase B (PA's 1, 2, 3)				
Maximum Daily Emissions	**19.29**	**15.45**	**0.99**	**0.88**
SCAQMD Localized Threshold	134	1,105	10	5
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**
Phase B (PA 6)				
Maximum Daily Emissions	**6.43**	**5.15**	**0.33**	**0.29**
SCAQMD Localized Threshold	122	919	6	4
Threshold Exceeded?	No	No	No	No
Phase C				
Maximum Daily Emissions	**19.20**	**19.42**	**1.50**	**0.89**
SCAQMD Localized Threshold	129	1,030	8	5
Threshold Exceeded?	No	No	No	No
On-Site Site Preparation Emissions	**Emissions (lbs./day)**			
	NO_X	**CO**	**PM_{10}**	**$PM_{2.5}$**
Phase A				
Maximum Daily Emissions	**63.79**	**22.39**	**11.28**	**6.59**
SCAQMD Localized Threshold	260	2,641	221	143
Threshold Exceeded?	No	No	No	No
Phase B (PA's 1, 2, 3)				
Maximum Daily Emissions	**31.41**	**13.72**	**7.69**	**4.23**
SCAQMD Localized Threshold	236	2,084	23	9
Threshold Exceeded?	No	No	No	No

Table 4.3-12
Localized Construction-Source Emissions Impacts Summary

On-Site Demolition Emissions	Emissions (lbs./day)			
	NOx	CO	PM10	PM2.5
Phase B (PA 6)				
Maximum Daily Emissions	**10.47**	**4.57**	**2.56**	**1.41**
SCAQMD Localized Threshold	224	1,798	14	7
Threshold Exceeded?	No	No	No	No
Phase C				
Maximum Daily Emissions	**35.72**	**17.41**	**9.98**	**5.40**
SCAQMD Localized Threshold	231	1,970	19	8
Threshold Exceeded?	No	No	No	No
On-Site Grading Emissions	**Emissions (lbs./day)**			
	NOx	**CO**	**PM10**	**PM2.5**
Phase A				
Maximum Daily Emissions	**60.88**	**32.40**	**6.47**	**3.74**
SCAQMD Localized Threshold	277	2,841	246	146
Threshold Exceeded?	No	No	No	No
Phase B (PA's 1, 2, 3)				
Maximum Daily Emissions	**31.27**	**21.06**	**4.25**	**2.25**
SCAQMD Localized Threshold	253	2,257	27	9
Threshold Exceeded?	No	No	No	No
Phase B (PA 6)				
Maximum Daily Emissions	**10.42**	**7.02**	**1.42**	**0.75**
SCAQMD Localized Threshold	241	1,961	16	8
Threshold Exceeded?	No	No	No	No
Phase C				
Maximum Daily Emissions	**33.19**	**26.08**	**5.33**	**2.69**
SCAQMD Localized Threshold	248	2,138	22	9
Threshold Exceeded?	No	No	No	No
Off-Site Infrastructure Emissions	**Emissions (lbs./day)**			
	NOx	**CO**	**PM10**	**PM2.5**
Maximum Daily Emissions	**41.47**	**42.78**	**4.57**	**3.03**
SCAQMD Localized Threshold	118	863	5	4
Threshold Exceeded?	No	No	No	No

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.

As indicated at Table 4.3-12, localized Project construction-source emissions would not exceed applicable LSTs and would therefore be less-than-significant.

Level of Significance: Less-Than-Significant.

Operational-Source Emissions LST Impacts Summary

Maximum daily localized operational-source emissions impacts are summarized at Table 4.3-12. The operational-source LST analysis includes on-site sources only; however, CalEEMod outputs do not separate on-site and off-site emissions from mobile sources. In an effort to establish a likely maximum potential impact scenario, the emissions estimates presented at Table 4.3-13 represent all on-site Project-related stationary (area) sources and Project-related mobile sources. It is assumed that the maximum distance a passenger car and/or truck would make through Phase A of the Project site is 0.40 miles, 0.65 miles for Phase B (western portion), 0.40 miles for Phase B (eastern portion), and 1.20 miles for Phase C. An on-site travel distance of approximately 0.40 mile/2,112 feet for Phase A, 0.65 mile/3,432 feet for Phase B (western portion), 0.40 mile/2,112 feet for Phase B (eastern portion), and 1.20 miles/6,336 feet for each passenger car and truck trips respectively. Modeling based on these assumptions demonstrates that even within broad encompassing parameters, Project operational-source emissions would not exceed applicable LSTs.

Table 4.3-13
Localized Operational-Source Emissions Impacts Summary

	Emissions (lbs./day)			
	NO_x	**CO**	**PM_{10}**	**$PM_{2.5}$**
Phase A				
Maximum Daily Emissions	**17.55**	**14.51**	**2.20**	**1.11**
SCAQMD Localized Threshold	345	4,216	78	41
Threshold Exceeded?	No	No	No	No
Phase B (PA's 1, 2, 3)				
Maximum Daily Emissions	**26.45**	**31.08**	**6.12**	**2.41**
SCAQMD Localized Threshold	287	2,601	8	3

Table 4.3-13
Localized Operational-Source Emissions Impacts Summary

	Emissions (lbs./day)			
	NO_x	**CO**	**PM_{10}**	**$PM_{2.5}$**
Threshold Exceeded?	No	No	No	No
Phase B (PA 6)				
Maximum Daily Emissions	**6.33**	**6.69**	**1.09**	**0.48**
SCAQMD Localized Threshold	274	2,287	5	2
Threshold Exceeded?	No	No	No	No
Phase C				
Maximum Daily Emissions	**9.06**	**14.97**	**4.84**	**1.48**
SCAQMD Localized Threshold	282	2,476	7	2
Threshold Exceeded?	No	No	No	No

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.

As indicated at Table 4.3-13, localized Project operational-source emissions would not exceed applicable LSTs and would therefore be less-than-significant.

Level of Significance: Less-Than-Significant.

CO "Hot Spot" Analysis

Potentially adverse localized CO concentrations ("hot spots") are caused by vehicular emissions, primarily when idling at congested intersections. With the turnover of older vehicles, introduction of cleaner fuels, and implementation of increasingly sophisticated and efficient emissions control technologies, CO concentrations within the Basin have declined over time. Currently, the allowable CO emissions standard in California is a maximum of 3.4 grams/mile for passenger cars (there are requirements for certain vehicles that are more stringent).

To establish a more accurate record of baseline CO concentrations affecting the Basin, a CO "hot spot" analysis was conducted in 2003 for four busy intersections in Los Angeles at the peak morning and afternoon traffic periods. Peak hour traffic volumes reflected in

the 2003 Los Angeles CO hot spot analysis are presented at Table 4.3-14. The 2003 Los Angeles CO Hot Spot Analysis (2003 Hot Spot Analysis) did not predict any violation of CO standards (please refer to Table 4.3-15). It can, therefore, be reasonably concluded that projects (such as the proposed Project) that are not subject to the extremes in vehicle volumes and vehicle congestion that was evidenced in the 2003 Hot Spot Analysis would similarly not result in CO hot spots.

Table 4.3-14
2003 Hot Spot Analysis Intersection Traffic Volumes

Intersection Location	Peak Traffic Volumes (vph)				
	Eastbound (AM/PM)	Westbound (AM/PM)	Southbound (AM/PM)	Northbound (AM/PM)	Total (AM/PM)
Wilshire/Veteran	4,954/2,069	1,830/3,317	721/1,400	560/933	8,062/7,719
Sunset/Highland	1,417/1,764	1,342/1,540	2,304/1,832	1,551/2,238	6,614/5,374
La Cienega/Century	2,540/2,243	1,890/2,728	1,384/2,029	821/1,674	6,634/8,674
Long Beach/Imperial	1,217/2,020	1,760/1,400	479/944	756/1,150	4,212/5,514

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.

Table 4.3-15
2003 Hot Spot Analysis CO Modeling Results

Intersection Location	CO Concentrations (ppm)		
	Morning 1-hour	Afternoon 1-hour	8-hour*
Wilshire/Veteran	4.6	3.5	3.7
Sunset/Highland	4	4.5	3.5
La Cienega/Century	3.7	3.1	5.2
Long Beach/Imperial	3	3.1	8.4

Source: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.
Notes: * Reported carbon monoxide concentrations were a result of unusual meteorological and topographical conditions and not a result of traffic volumes and congestion at a particular intersection. As evidence of this, for example the 8-hr CO concentration measured at the Long Beach Blvd. and Imperial Hwy. intersection (highest CO generating intersection within the 2003 Hot Spot Analysis, only 0.7 ppm was attributable to the traffic volumes and congestion at this intersection; the balance of the reported CO concentration (approximately 7.7 ppm) was due to the ambient conditions at the time the 2003 Hot Spot Analysis prepared. In contrast, the current ambient 8-hr CO concentration within the Project Study Area is estimated at 1.3 ppm (please refer to AQIA Table 2-4).

The busiest intersection evaluated in the 2003 Hot Spot Analysis was Wilshire Boulevard at Veteran Avenue which reported a daily traffic volume of approximately 100,000 vehicles per day, and AM/PM traffic volumes of 8,062 vehicles per hour and 7,719

vehicles per hour respectively. The 2003 AQMP estimated that the maximum 1-hour concentration for this intersection was 4.6 ppm. This indicates that, should the daily traffic volume increase by as much as four times to 400,000 vehicles per day, CO concentrations (4.6 ppm x 4 = 18.4 ppm) would still not likely exceed the most stringent 1-hour CO standard (20.0 ppm).

Similar considerations are also employed by other Air Districts when evaluating potential CO concentration impacts. More specifically, the Bay Area Air Quality Management District (BAAQMD) CO Hot Spot screening criteria provides that under existing and future vehicle emission rates, a given project would have to increase traffic volumes at a single intersection to more than 44,000 vehicles per hour—or to more 24,000 vehicles per hour where vertical and/or horizontal air does not mix (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway)—in order to generate a significant CO impact (BAAQMD CEQA Air Quality Guidelines, p. 3-4).

Under 2026 conditions with the Project, the greatest traffic volumes experienced on a segment of road would be approximately 51,800 daily trips on Euclid Avenue south of Pine Avenue (please refer to Project TIA Exhibit 8-3). This is approximately 51.8 percent of the estimated 100,000 vehicles per day traffic volumes for Wilshire Boulevard and Veteran Avenue reflected in the 2003 Hot Spot Analysis.

Additionally, under 2026 Conditions with the Project, the greatest intersection AM/PM peak hour volumes would be 4,660/6,271 vehicles per hour at the intersection of Roswell Avenue/SR-71 Northbound Ramps & Grand Avenue/Edison Avenue (please refer to Project TIA Exhibit 8-4). This is approximately 53.7 – 72.4 percent of the 8,674-vehicle peak-hour traffic volume reported at La Cienega and Century Boulevard as part of the 2003 Hot Spot Analysis.

As indicated above, the Project would not produce the volume of traffic required to generate a CO "hot spot" either in the context of the 2003 Hot Spot Analysis or based on representative Bay Area Air Quality Management District (BAAQMD) CO Hot Spot screening criteria. Therefore, CO "hot spots" are not an environmental impact of concern

for the proposed Project. Localized air quality impacts related to CO hot spots would therefore be less-than-significant.

It is further noted that as the result of the SCAQMD Air Quality Management Plan strategies and requirements, levels of all criteria pollutant (including CO) within the Basin have steadily improved and are expected to continue to do so, further reducing the potential for occurrence of CO hot spots.

Level of Significance: Less-Than-Significant.

Toxic Air Contaminants Health Risk Analysis

Toxic Air Contaminants (TACs) of primary concern for the Project would be Diesel Particulate Matter (DPM) emissions generated by heavy duty trucks accessing the Project site. Heavy equipment operations during Project construction activities would also generate DPM emissions. Project DPM sources are discussed below. Potential health risks of Project-related DPM emissions are described and evaluated subsequently.

The Project would generate truck traffic, a portion of which may be diesel-powered. DPM emissions are known carcinogens and could increase area health risks. Accordingly, an analysis of potential long-term diesel exposure health risks is provided. To this end, *Merrill Commerce Center Specific Plan, Mobile Source Health Risk Assessment, County of Riverside* (Urban Crossroads, Inc.) January 12, 2020 (Project HRA, EIR Appendix D) characterizes and quantifies potential diesel emissions generated by, and health risk exposure resulting from, Project operations.

Truck trip generation characteristics presented in the Project TIA were utilized in the developing the Project HRA. It should be noted that the Project TIA presents truck trips in terms of Passenger Car Equivalents (PCEs) in an effort to recognize and acknowledge the effects of larger/longer truck vehicles at Study Area intersections. For purposes of the HRA, however, the actual number and types of vehicles accessing the Project site (not PCEs) establishes the basis of the emissions quantification and analysis, and truck PCEs

were not used. Rather, to more accurately estimate and model vehicular-source emissions, the actual number of vehicles, by vehicle classification [e.g., passenger cars (including light trucks) and heavy trucks] were used in the analysis. This is consistent with SCAQMD modeling protocols.

The Project is required to comply with CARB's on-site truck idling limit of 5 minutes. SCAQMD staff recommends that HRA's assume a minimum of 15 minutes of on-site truck idling, which would take into account potential protracted on-site idling which could occur at loading/unloading areas, or other areas or instances where on-site truck traffic movements may be impeded or delayed. Consistent with SCAQMD recommendations, the Project HRA analysis assumed on-site truck idling for a period of 15 minutes.

To account for the possibility of refrigerated uses being accommodated at PA1, PA2, PA3, PA4, PA5, and PA6, trucks accessing these PAs are assumed to accommodate TRUs. In addition to on-site truck idling, the analysis assumes that each TRU accessing the site would idle for 15 minutes, even though as noted above, CARB anti-idling rules mandate a 5-minute idling time. Mitigation Measure 4.2.7, presented previously in this Section, requires that electrical hookups be installed in order to allow TRUs to use electric standby capabilities in lieu of idling. TRUs are also accounted for during on-site and off-site travel. Please refer also to the Project HRA at Section 2.3.2, *Transport Refrigeration Units (TRUs)* for further details regarding TRU emissions modeling assumptions and protocols.

Carcinogenic and Noncarcinogenic Risks

Carcinogenic Risks

The SCAQMD *CEQA Air Quality Handbook* (1993) states that emissions of Toxic Air Contaminants (TACs) are considered significant if a Health Risk Assessment shows an increased carcinogenic risk of greater than 10 incidents per million population. Consistent with the stated SCAQMD *Handbook* cancer risk threshold, for the purposes of this analysis, an increase in cancer risk of 10 incidents per million population is considered

significant. Also relevant to the Project HRA, specific guidance in determining health risks from diesel emissions is provided in *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD) 2003.

Health risks associated with exposure to carcinogenic compounds are defined in terms of the probability of developing cancer as a result of exposure to a chemical at a given concentration. The cancer risk probability is determined by multiplying the chemical's annual concentration by its unit risk factor (URF). The Project HRA employs the CARB-adopted diesel exhaust URF of 300 in one million per μg/m3 is based upon the upper 95 percentile of estimated risk for each of the epidemiological studies utilized to develop the URF. Using the 95th percentile, URF represents a very conservative (health-protective) risk posed by DPM.

Consistent with CARB and Office of Environmental Health Hazard (OEHHA) guidance, and SCAQMD HRA protocols, Project-related DPM-source cancer risks were evaluated for three exposure scenarios: "Residential," "Worker," and "School Child." Exposure parameters and assumptions for each scenario are summarized at Tables 4.3-16, 4.3-17, and 4.3-18 respectively.

Table 4.3-16
Residential Exposure Parameters and Assumptions

Age	Daily Breathing Rate (L/kg-day)	Age Specific Factor	Exposure Duration (years)	Fraction of Time at Home	Exposure Frequency (days/year)	Exposure Time (hours/day)
-0.25 to 0	361	10	0.25	0.85	350	24
0 to 2	1090	10	2	0.85	350	24
2 to 16	572	3	14	0.72	350	24
16 to 30	261	1	14	0.73	350	24

Source: *Merrill Commerce Center Specific Plan, Mobile Source Health Risk Assessment, County of Riverside* (Urban Crossroads, Inc.) January 12, 2020.

Table 4.3-17
Worker Exposure Parameters and Assumptions

Age	Daily Breathing Rate (L/kg-day)	Age Specific Factor	Exposure Duration (years)	Exposure Frequency (days/year)	Exposure Time (hours/day)
16 to 41	230	1	25	250	12

Source: *Merrill Commerce Center Specific Plan, Mobile Source Health Risk Assessment, County of Riverside* (Urban Crossroads, Inc.) January 12, 2020.

Table 4.3-18
School Child Exposure Parameters and Assumptions

Age	**Daily Breathing Rate (L/kg-day)**	**Age Specific Factor**	**Exposure Duration (years)**	**Exposure Frequency (days/year)**	**Exposure Time (hours/day)**
9-year duration	572	3	9	180	12

Source: *Merrill Commerce Center Specific Plan, Mobile Source Health Risk Assessment, County of Riverside* (Urban Crossroads, Inc.) January 12, 2020.

Noncarcinogenic Risks

An evaluation of the potential noncarcinogenic effects of chronic exposures was also conducted. Noncarcinogenic adverse health effects are evaluated by comparing a compound's annual concentration with its toxicity factor or Reference Exposure Level (REL). The REL for diesel particulates was obtained from OEHHA for this analysis. The REL for DPM established by OEHHA is 5 μg/m3 (OEHHA Toxicity Criteria Database, http://www.oehha.org/risk/chemicaldb/index.asp).

The SCAQMD has established non-carcinogenic risk parameters for use in HRAs. Non-carcinogenic risks are quantified by calculating a Hazard Index, expressed as the ratio between the ambient pollutant concentration and its toxicity or Reference Exposure Level (REL). An REL is a concentration at or below which health effects are not likely to occur. A Hazard Index less of than one (1.0) means that adverse health effects are not expected. Within this analysis, non-carcinogenic exposures not exceeding the SCAQMD Hazard Index of 1.0 are considered less-than-significant.

Risk Exposure: Quantification Results

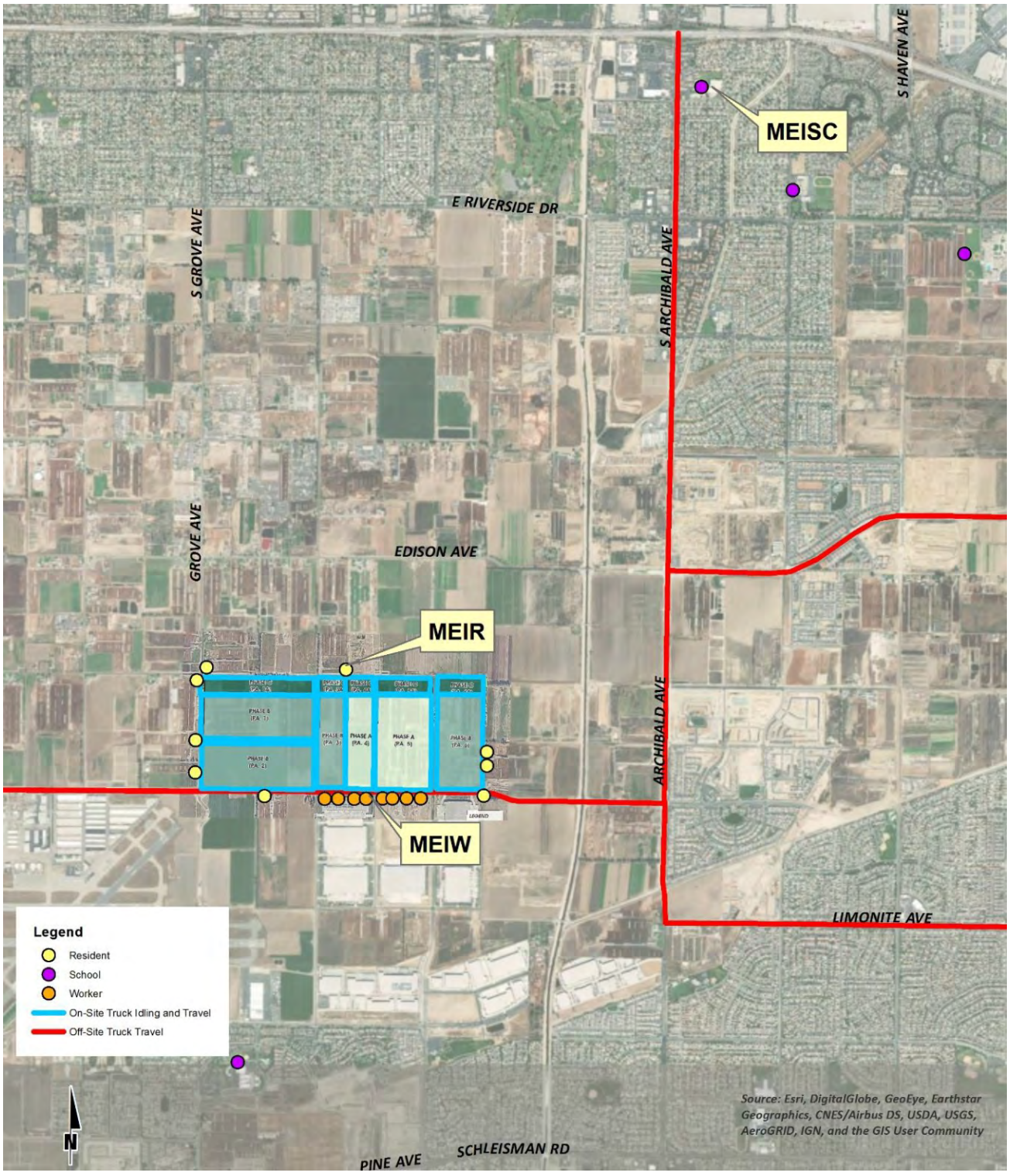
Operational-Source DPM Emissions

The Project HRA results for residential (maximally exposed individual receptor, MEIR), worker (maximally exposed individual worker, MEIW), and school child (maximally exposed individual school child, MEISC) carcinogenic and noncarcinogenic risk exposures are summarized below. Locations of the modeled MEIR, MEIW, and MEISC sites relative to the Project site are presented at Figure 4.3-12. Please refer also to the Project HRA (EIR Appendix D) for detailed exposure modeling inputs and results.

Residential Exposure Scenario

For the Residential Exposure Scenario, the Project HRA substantiates that DPM emissions generated by Project operations would in less-than-significant health risks at the maximally impacted residential land use (MEIR). More specifically, at the MEIR, the maximum carcinogenic risk is estimated at 9.34 in one million, which does not exceed the SCAQMD cancer risk threshold of 10 in one million. At this same location, the noncarcinogenic Hazard Index is estimated at 0.002, which would not exceed the applicable Hazard Index threshold of 1.0. As such, Project operations would not cause or result in potentially significant cancer risks or noncarcinogenic risks at the MEIR.

All other potentially affected residential receptors are located at greater distances from the Project site than the MEIR and would be exposed to fewer emissions and therefore less risk than would occur at the evaluated MEIR. The cancer and noncarcinogenic risks at these more distant residential receptors would also be less-than-significant.



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NOT TO SCALE

Source: Urban Crossroads, Inc.

Figure 4.3-12
Modeled MEIR, MEIW, MEISC Locations

Worker Exposure Scenario

For the Worker Exposure Scenario, the Project HRA substantiates that DPM emissions generated by Project operations would have a less-than-significant health risk at the maximally impacted worker location. More specifically, for the maximally exposed individual worker (MEIW), the maximum cancer risk is estimated at 1.15 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million. At this same location, the noncarcinogenic Hazard Index is estimated at 0.004, which would not exceed the applicable Hazard Index threshold of 1.0. As such, Project operations would not cause or result in potentially significant cancer risks or noncarcinogenic risks at the MEIW.

All other potentially affected worker receptors are located at greater distances from the Project site than the MEIW and would be exposed to fewer emissions and therefore less risk than would occur at the evaluated MEIW. The cancer and noncarcinogenic risks at these more distant worker receptors would also be less-than-significant.

School Child Exposure Scenario

For the School Child Exposure Scenario, the Project HRA substantiates that DPM emissions generated by Project operations would have a less-than-significant health risk at the maximally impacted worker location. More specifically, for the maximally exposed individual school child (MEISC), the maximum cancer risk is estimated at 0.08 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million. At this same location, the noncarcinogenic Hazard Index is estimated at 0.0002, which would not exceed the applicable Hazard Index threshold of 1.0. As such, Project operations would not cause or result in potentially significant cancer risks or noncarcinogenic risks at the MEISC.

All other potentially affected school receptors are located at greater distances from the Project site than the MEISC and would be exposed to fewer emissions and therefore less risk than would occur at the evaluated MEISC. The cancer and noncarcinogenic risks at these more distant school child receptors would also be less-than-significant.

Construction-Source DPM Emissions

CARB requests that projects that involve construction activity longer than two months include a construction health risk assessment (HRA). The Project construction HRA[6] evaluated potential health risks that could result from construction equipment and haul truck DPM emissions. Construction equipment and haul truck emissions were modeled employing CalEEMod v2016.3.2.

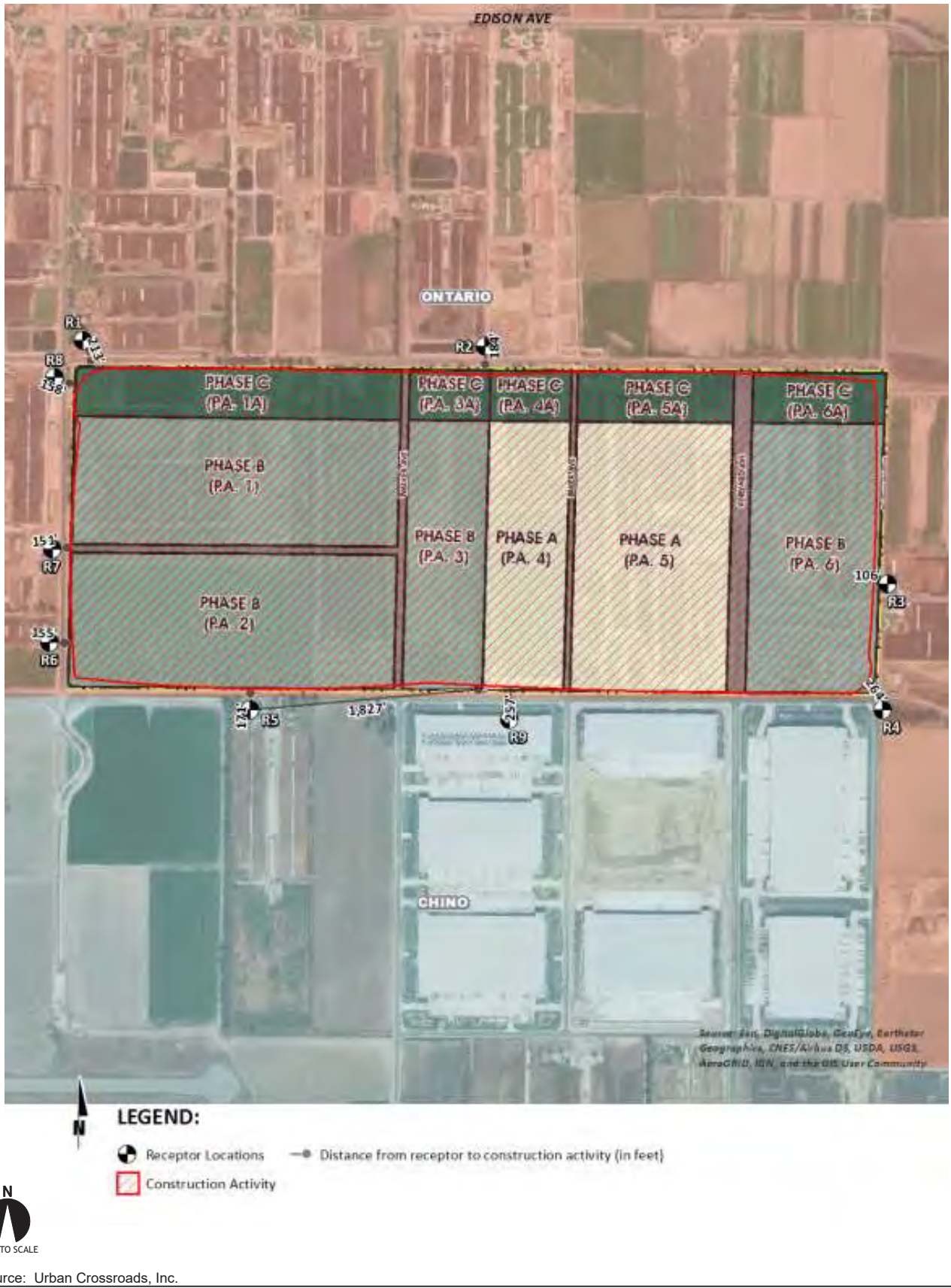
The Project construction HRA exposure quantification methodology and protocol comply with applicable provisions of *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD) 2003. SCAQMD recommends using the Environmental Protection Agency's (U.S. EPA's) AERMOD model. For purposes of this analysis, the Lakes AERMOD View (Version 9.7.0) was used to calculate annual average particulate concentrations.

For the Project construction HRA, on-site construction activity was modeled as an area source encompassing the construction area. Construction equipment haul routes were modeled as volume sources. Modeled sensitive receptors were placed at residential and non-residential locations identified at Figure 4.3-13.

Residential Exposure Scenario

For the Residential Exposure Scenario, the residential land use with the greatest potential exposure to construction-source DPM emissions (the MEIR) is located approximately 106 feet easterly of the Project site (Figure 4.3-13, Location R3.) At the MEIR, the maximum incremental cancer risk attributable to construction-source DPM emissions is estimated at 2.92 in one million, which is less than the SCAQMD cancer threshold of 10 in one million. At this same location, noncarcinogenic Hazard Index is estimated at 0.001, which would not exceed the applicable Hazard Index threshold of 1.0. As such, Project construction activities would not cause or result in potentially significant cancer risks or noncarcinogenic risks at the MEIR.

[6] *Merrill Commerce Center Specific Plan, Construction Health Risk Assessment Memorandum* (Urban Crossroads, Inc.) January 12, 2020, EIR Appendix D.



Source: Urban Crossroads, Inc.

Figure 4.3-13
Construction-Source Sensitive Receptor Locations

All other potentially affected residential receptors are located at greater distances from the Project site than the MEIR and would be exposed to fewer emissions and therefore less risk than would occur at the evaluated MEIR. The cancer and noncarcinogenic risks at these more distant residential receptors would also be less-than-significant.

Worker Exposure Scenario

For the Worker Exposure Scenario, the worker receptor land use with the greatest potential exposure to construction-source DPM emissions (the MEIW) is located approximately 257 feet southerly of the Project site (Figure 4.3-13, location R9). At the MEIW, the maximum incremental cancer risk attributable to construction-source DPM emissions is estimated at 0.28 in one million, which is less than the SCAQMD cancer threshold of 10 in one million. At this same location, the noncarcinogenic Hazard Index is estimated at 0.001, which would not exceed the applicable Hazard Index threshold of 1.0. As such, Project construction activities would not cause or result in potentially significant cancer risks or noncarcinogenic risks at the MEIW.

All other potentially affected worker receptors are located at greater distances from the Project site than the MEIW and would be exposed to fewer emissions and therefore less risk than would occur at the evaluated MEIW. The cancer and noncarcinogenic risks at these more distant worker receptors would also be less-than-significant.

Localized Air Quality Impact Summary

- Project construction-source criteria pollutant emissions would not exceed applicable LSTs. Project construction-source LST impacts would be less-than-significant. Project construction-source DPM emissions would not exceed applicable cancer or noncarcinogenic risk thresholds. Project construction-source DPM emissions health risk impacts would be less-than-significant.

- Project operational-source criteria pollutant emissions would not exceed applicable LSTs. Project operational-source LST impacts would be less-than-

significant. Project operational-source DPM emissions would not exceed applicable cancer or noncarcinogenic risk thresholds. Project operational-source DPM emissions health risk impacts would be less-than-significant.

- The Project would not result in localized significant CO Hot Spots.

Level of Significance: Less-Than-Significant.

OTHER CONSIDERATIONS - *Sierra Club v. County of Fresno (Friant Ranch)*

A recent Supreme Court of California decision, *Sierra Club v. County of Fresno (Friant Ranch)*, found an EIR inadequate and states that:

> *The EIR should be revised to relate the expected adverse air quality impacts to likely health consequences or explain in meaningful detail why it is not feasible at the time of drafting to provide such an analysis, so that the public may make informed decisions regarding the costs and benefits of the Project*[7].

Given that the AQIA for this Project identifies a significant and unavoidable Project level and cumulative impact with regard to VOCs and NO_X emissions, the following assessment serves to provide an analysis in conformance with the cited *Friant Ranch* decision. The discussion presented here further clarifies, amplifies, and augments the air quality analysis already undertaken for the Project.

As summarized in the Project AQIA, the Project's operational-source VOC, NO_X, CO, PM_{10} and $PM_{2.5}$ emissions would exceed applicable SCAQMD regional mass daily

[7] It should be noted that the EIR for Friant Ranch did not include a health risk assessment report. In contrast, the Merrill Commerce Center Project CEQA documentation includes a detailed mobile source health risk assessment which evaluates the Project's potential health impacts to sensitive land uses as a result of diesel exhaust generated by the Project's construction and on-going operations. The Project CEQA documentation also includes an analysis of potential localized impacts attributable to CO, NOx, PM_{10}, and $PM_{2.5}$ emissions that correlate to potential health impacts on a local level.

thresholds. Per SCAQMD significance guidance, these impacts at the Project level are also considered cumulatively significant and would persist over the life of the Project. VOCs and NO_X are ozone precursors and as such Project emissions of VOCs and NO_X have the potential to contribute to existing ozone non-attainment conditions within the Basin. NO_X is also a precursor to $PM_{10}/PM_{2.5}$. Project emissions of NO_X have the potential to contribute to existing $PM_{10}/PM_{2.5}$ non-attainment conditions within the Basin. Project emissions of $PM_{10}/PM_{2.5}$ have the potential to contribute to existing $PM_{10}/PM_{2.5}$ non-attainment conditions within the Basin. These are cumulatively significant impacts persisting over the life of the Project.

SCAQMD Analysis in its Brief

As noted in the Brief of Amicus Curiae by the SCAQMD in the Friant Ranch case (April 6, 2015, Appendix 3.16) (SCAQMD Brief), SCAQMD has among the most sophisticated air quality modeling and health impact evaluation capability of any of the air districts in the State, and thus it is uniquely situated to express an opinion on how lead agencies should correlate air quality impacts with specific health outcomes.

The SCAQMD discusses that it may be infeasible to quantify health risks caused by developments similar to the Project, due to many factors. It is necessary to have data regarding the sources and types of air toxic contaminants, location of emission points, velocity of emissions, the meteorology and topography of the area, and the location of receptors (worker and residence). (SCAQMD Brief, p. 9-10). The SCAQMD Brief states that it may not be feasible to perform a health risk assessment for airborne toxics that will be emitted by a generic industrial building that was built on "speculation" (i.e., without knowing the future tenant(s))[8](SCAQMD Brief, p. 10). Even where a health risk assessment can be prepared, however, the resulting maximum health risk value is only a calculation of risk--it does not necessarily mean anyone will contract cancer as a result of the Project. The SCAQMD Brief also cites the author of the CARB methodology, which

[8] The actual occurrence of specific health conditions is based on numerous other factors that are infeasible to quantify, such as an individual's genetic predisposition, diet, exercise regiment, stress, and other behavioral characteristics.

reported that a $PM_{2.5}$ methodology is not suited for small projects and may yield unreliable results (SCAQMD Brief, p. 14). Similarly, SCAQMD staff does not currently know of a way to accurately quantify ozone-related health impacts caused by NO_X or VOC emissions from relatively small projects due to photochemistry and regional model limitations (SCAQMD Brief, p. 12). The SCAQMD Brief concludes, with respect to the Friant Ranch EIR, that although it may have been technically possible to plug the data into a methodology, the results would not have been reliable or meaningful (SCAQMD Brief, p. 15).

On the other hand, for large regional projects (unlike the Project), the SCAQMD states that it has been able to correlate potential health outcomes for very large emissions sources – as part of their rulemaking activity, specifically 6,620 lbs./day of NO_X and 89,180 lbs./day of VOC were expected to result in approximately 20 premature deaths per year and 89,947 school absences due to ozone (SCAQMD Brief, p. 12).

Application of SCAQMD Analysis to the Project

The Brief makes it clear that SCAQMD does not believe that there must be a quantification of a project's health risks in all CEQA documents prepared for individual projects. Any attempt to quantify the Project's health risks would be considered unreliable and misleading. The Project is much less intense than the Friant Ranch project and has dramatically fewer air quality emissions, and the SCAQMD determined that an attempt to quantify the Friant Ranch health risks would be unreliable and misleading, due to the aforementioned factors.

The Project does not generate anywhere near 6,620 lbs./day of NO_X or 89,190 lbs./day of VOC emissions, which SCAQMD stated was a large enough emission to quantify ozone-related health impacts (SCAQMD Brief, pp. 12-14). The Project would generate a maximum of 81.46 lbs./day of NO_X during construction and a maximum of 870.76 lbs./day of NO_X during operations (1.23 percent and 13.15 percent of 6,620 lbs./day, respectively). The Project would also generate a maximum 29.52 lbs./day of VOC emissions during construction and a maximum 246.78 lbs./day of VOC emissions during operations (0.03

percent and 0.28 percent of 89,190 lbs./day, respectively). Therefore, the Project's emissions are not sufficient to use a regional modeling program to correlate health effects on a basin-wide level.

While the Project is expected to exceed the SCAQMD's regional mass daily thresholds for VOC, NO_X, CO, PM_{10}, and $PM_{2.5}$, this does not in itself constitute a significant health impact to the population adjacent to the Project and within the SCAB.

The Project AQIA does evaluate localized impacts that correlate to potential health impacts on a local level to immediately adjacent land uses. To these ends, the Project LST analysis compares Project on-site emissions of CO, NO_X, PM_{10}, and $PM_{2.5}$ to applicable SCAQMD LST thresholds. As evaluated in the Project AQIA, the Project would not result in emissions that would exceed applicable SCAQMD LSTs. Therefore, the Project would not be expected to exceed the most stringent applicable NAAQS and CAAQS for emissions of CO, NO_X, PM_{10}, and $PM_{2.5}$.

Further Discussion of the Proposed Project's Health Risks

Although it may be misleading and unreliable to attempt to specifically and numerically quantify the proposed Project's health risks, the Project AQIA provides extensive information concerning the Project's potential health risks. While the Project is expected to exceed the SCAQMD's numeric regional mass daily thresholds for VOCs, NOx, CO, PM_{10} and $PM_{2.5}$ this does not in itself constitute a significant health impact to the population adjacent to the Project and within the air basin.

The SCAQMD regional thresholds are based in part on Section 180 (e) of the federal Clean Air Act (CAA) – it should be noted that the regional mass daily thresholds have not changed since their adoption as part of the *CEQA Air Quality Handbook* published by SCAQMD in 1993 (over 20 years ago). The regional mass daily thresholds are also intended to provide a means of consistency in significance determination within the environmental review process. Notwithstanding, simply exceeding the SCAQMD's regional mass daily thresholds does not constitute a particular health impact to an

individual receptor. The reason for this is that the mass daily thresholds are in pounds per day emitted into the air whereas health effects are determined based on the concentration of emissions in the air at a particular receptor (e.g., parts per million by volume of air, or micrograms per cubic meter of air). State and federal ambient air quality standards were developed to protect the most susceptible population groups from adverse health effects and were established in terms of parts per million or micrograms per cubic meter for the applicable emissions.

For this reason, the SCAQMD developed a methodology to assist lead agencies in analyzing localized air quality impacts from a proposed project as they relate to CO, NO_X, $PM_{2.5}$ and PM_{10}. This methodology employs Localized Significance Thresholds (LSTs). LSTs differ from the regional mass daily thresholds since the LSTs are based on the amount of emissions generated from a given project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard. LSTs and the localized air quality impact analysis specifically account for ambient pollutant concentrations and the relative distance to the nearest sensitive receptor (the SCAQMD LST methodology and protocol incorporates air dispersion modeling that quantifies distance-based emissions concentrations).

The Project AQIA evaluated the Project's localized CO, NO_X, PM_{10}, and $PM_{2.5}$ air quality impacts by comparing the Project's on-site emissions to applicable LST thresholds. As substantiated in the Project AQIA, the Project would not generate emissions exceeding applicable SCAQMD LSTs. Therefore, the Project would not be expected to exceed the most stringent applicable federal or state ambient air quality standards for emissions of CO, NO_X, PM_{10}, and PM_{10}. It should be noted that the ambient air quality standards are developed and represent levels at which the most susceptible persons (children and the elderly) are protected from health-based impacts. In other words, the ambient air quality standards are purposefully set low to protect children, elderly, and those with existing respiratory problems.

Furthermore, as summarized herein at Section 4.3.3.3, *Air Quality Improvement Trends*, air quality trends for emissions of NO_X, VOCs, Ozone, PM_{10} and $PM_{2.5}$ have been trending downward within the Basin even as development has increased over the last several years. Therefore, although the Project emissions would exceed the SCAQMD's thresholds for NO_X, VOCs, PM_{10} and $PM_{2.5}$ this does not in itself constitute a basin-wide increase in potential health effects related to these pollutants.

Unfortunately, current scientific, technological, and modeling limitations prevent the relation of expected CEQA-defined adverse air quality impacts to likely health consequences. The preceding discussion explains in meaningful detail why it is not feasible to provide such a causal relationship analysis, but why health-based impacts are nonetheless anticipated to be less-than-significant.

4.4 GREENHOUSE GAS EMISSIONS

4.4 GREENHOUSE GAS EMISSIONS

Abstract

This Section identifies and addresses potential greenhouse gas (GHG) emissions impacts that may result from construction and implementation of the Project. More specifically, the GHG emissions impacts analysis evaluates the potential for the Project to cause or result in the following impacts:

- *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or*

- *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

As summarized herein, even after application of mitigation, the Project could directly or indirectly generate GHG emissions that may have a significant impact on the environment. Further, the Project could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. These are significant and unavoidable impacts.

4.4.1 INTRODUCTION

Global Climate Change (GCC) is defined as the change in average meteorological conditions on the earth with respect to temperature, precipitation, and storms. GCC is currently one of the most controversial environmental issues in the United States, and much debate exists within the scientific community about whether or not GCC is occurring naturally or as a result of human activity. Some data suggests that GCC has occurred in the past over the course of thousands or millions of years. These historical changes to the earth's climate have occurred naturally without human influence, as in the case of an ice age. However, many scientists believe that the climate shift taking place

since the industrial revolution (1900) is occurring at a quicker rate and magnitude than in the past. Scientific evidence suggests that GCC is the result of increased concentrations of greenhouse gases in the earth's atmosphere, including carbon dioxide, methane, nitrous oxide, and fluorinated gases. Many scientists believe that this increased rate of climate change is the result of greenhouse gases resulting from human activity and industrialization over the past 200 years.

An individual development proposal, such as the Project considered herein, cannot generate enough greenhouse gas emissions to effect a discernible change in the global climate. However, the Project may contribute to GCC through its increment of greenhouse gases (GHG) in combination with the cumulative increase in GHG from all other sources, which when taken together constitute potential influences on GCC. This Section summarizes the potential for the Project to have a significant effect upon the environment as a result of its potential contribution to GCC. Detailed analysis of the Project's potential GHG/GCC impacts is presented in *Merrill Commerce Center Specific Plan, Greenhouse Gas Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020 (Project GHGA); EIR Appendix E.

4.4.2 BACKGROUND

4.4.2.1 Global Climate Change

GCC refers to the change in average meteorological conditions with respect to temperature, wind patterns, precipitation and storms. Global temperatures are regulated by naturally occurring atmospheric gases such as water vapor, CO_2 (Carbon Dioxide), N_2O (Nitrous Oxide), CH_4 (Methane), hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These particular gases are important due to their residence time (duration) in the atmosphere, which ranges from 10 years to more than 100 years. These gases allow solar radiation into the atmosphere, but prevent heat from escaping, thus warming the atmosphere. GCC can occur naturally, as it has in the past with the previous ice ages.

4.4.2.2 Greenhouse Gases

Gases that trap heat in the atmosphere are often referred to as GHGs. GHGs are released into the atmosphere by both natural and anthropogenic (human) activity. Without the natural greenhouse gas effect, the average temperature would be approximately 61° Fahrenheit (F) cooler than it is currently. The accumulation of these gases in the atmosphere is considered to be the cause for the observed increase in the earth's temperature.

GHGs have varying global warming potential (GWP) values; GWP values represent the potential of a gas to trap heat in the atmosphere. Carbon dioxide is used as the reference gas for GWP, and thus has a GWP of 1. GWP and atmospheric lifetimes of typical GHGs are summarized in Table 4.4-1.

Table 4.4-1
GHG Global Warming Potentials and Atmospheric Lifetimes

Gas	Atmospheric Lifetime (years)	Global Warming Potential (100-year time horizon)	
		2nd Assessment Report	5th Assessment Report
CO_2	*	1	1
CH_4	12 .4	21	28
N_2O	121	310	265
HFC-23	222	11,700	12,400
HFC-134a	13.4	1,300	1,300
HFC-152a	1.5	140	138
SF_6	3,200	23,900	23,500

Source: *Merrill Commerce Center Specific Plan, Greenhouse Gas Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.
Notes: * Per IPCC 5th Assessment Report (Appendix 8.A), no single atmospheric lifetime.

The following discussions summarize and describe commonly occurring GHGs, their sources, and general characteristics.

Water Vapor

Water vapor (H_2O) is the most abundant, important, and variable GHG in the atmosphere. Water vapor is not considered a pollutant; in the atmosphere, it maintains a climate necessary for life. Changes in its concentration are primarily considered to be a result of climate feedbacks related to the warming of the atmosphere rather than a direct result of industrialization. Climate feedback is an indirect, or secondary, change, either positive or negative, that occurs within the climate system in response to a forcing mechanism. The feedback loop in which water is involved is critically important to projecting future climate change.

As the temperature of the atmosphere rises, more water is evaporated from ground storage (rivers, oceans, reservoirs, soil). Because the air is warmer, the relative humidity can be higher (in essence, the air is able to 'hold' more water when it is warmer), leading to more water vapor in the atmosphere. As a GHG, the higher concentration of water vapor is then able to absorb more thermal indirect energy radiated from the earth, thus further warming the atmosphere. The warmer atmosphere can then hold more water vapor and so on and so on. This is referred to as a "positive feedback loop." The extent to which this positive feedback loop will continue is unknown as there are also dynamics that hold the positive feedback loop in check. For example, increased atmospheric water vapor translates to increased cloud cover and increased reflection of incoming solar radiation (thus diminishing potential radiant heating of the earth's surface).

There are no human health effects from water vapor itself; however, when some pollutants come in contact with water vapor, they can dissolve and the water vapor can then act as a pollutant-carrying agent. The main source of water vapor is evaporation from the oceans (approximately 85 percent). Other sources include evaporation from other water bodies, sublimation (change from solid to gas) from sea ice and snow, and transpiration from plant leaves.

Carbon Dioxide

Carbon dioxide (CO_2) is an odorless and colorless GHG. Outdoor levels of carbon dioxide are not high enough to result in negative health effects. Carbon dioxide is emitted from natural and manmade sources. Natural sources include: the decomposition of dead organic matter; respiration of bacteria, plants, animals and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources include: the burning of coal, oil, natural gas, and wood. Carbon dioxide is naturally removed from the air by photosynthesis, dissolution into ocean water, transfer to soils and ice caps, and chemical weathering of carbonate rocks.

Since the industrial revolution began in the mid-1700s, the sort of human activity that increases GHG emissions has increased dramatically in scale and distribution. Data from the past 50 years suggests a corollary increase in levels and concentrations. As an example, prior to the industrial revolution, CO_2 concentrations were fairly stable at 280 parts per million (ppm). Today, they are around 370 ppm, an increase of more than 30 percent. Left unchecked, the concentration of carbon dioxide in the atmosphere is projected to increase to a minimum of 540 ppm by 2100 as a direct result of anthropogenic sources.

Methane

Methane (CH_4) is an extremely effective absorber of radiation, though its atmospheric concentration is less than carbon dioxide and its lifetime in the atmosphere is brief (10-12 years), compared to other GHGs. No health effects are known to occur from exposure to methane.

Methane has both natural and anthropogenic sources. It is released as part of the biological processes in low oxygen environments, such as in swamplands or in rice production (at the roots of the plants). Over the last 50 years, human activities such as growing rice, raising cattle, using natural gas, and mining coal have added to the atmospheric concentration of methane. Other anthropogenic sources include fossil-fuel combustion and biomass burning.

Nitrous Oxide

Nitrous oxide (N_2O), also known as laughing gas, is a colorless GHG. Nitrous oxide can cause dizziness, euphoria, and sometimes slight hallucinations. In small doses, it is considered harmless. However, in some cases, heavy and extended use can cause Olney's Lesions (brain damage).

Concentrations of nitrous oxide also began to rise at the beginning of the industrial revolution. In 1998, the global concentration was 314 parts per billion (ppb). Nitrous oxide is produced by microbial processes in soil and water, including those reactions which occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. It is used as an aerosol spray propellant (i.e., in whipped cream bottles). It is also used in potato chip bags to keep chips fresh. It is used in rocket engines and in race cars. Nitrous oxide can be transported into the stratosphere, be deposited on the earth's surface, and be converted to other compounds by chemical reaction.

Chlorofluorocarbons

Chlorofluorocarbons (CFCs) are gases formed synthetically by replacing all hydrogen atoms in methane or ethane (C_2H_6) with chlorine and/or fluorine atoms. CFCs are nontoxic, nonflammable, insoluble and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs are no longer being used; therefore, it is not likely that health effects would be experienced. Nonetheless, in confined indoor locations, working with CFC-113 or other CFCs is thought to result in death by cardiac arrhythmia (heart frequency too high or too low) or asphyxiation.

CFCs have no natural source but were first synthesized in 1928. They were used for refrigerants, aerosol propellants and cleaning solvents. Due to the discovery that they are able to destroy stratospheric ozone, a global effort to halt their production was undertaken and was extremely successful, so much so that levels of the major CFCs are now remaining steady or declining. However, their long atmospheric lifetimes mean that some of the CFCs will remain in the atmosphere for over 100 years.

Hydrofluorocarbons

Hydrofluorocarbons (HFCs) are synthetic, man-made chemicals that are used as a substitute for CFCs. Among the constituents classified as GHGs, they are one of three groups with the highest GWP. The HFCs with the greatest measured atmospheric abundances are (in order), HFC-23 (CHF_3), HFC-134a (CF_3CH_2F), and HFC-152a (CH_3CHF_2). Prior to 1990, the only significant emissions were of HFC-23. HFC-134a emissions are increasing due to its use as a refrigerant. The U.S. EPA estimates that concentrations of HFC-23 and HFC-134a are now about 10 parts per trillion (ppt) each; and that concentrations of HFC-152a are about 1 ppt. No health effects are known to result from exposure to HFCs, which are manmade for applications such as automobile air conditioners and refrigerants.

Perfluorocarbons

Perfluorocarbons (PFCs) have stable molecular structures and do not break down through chemical processes in the lower atmosphere. High-energy ultraviolet rays, which occur about 60 kilometers above Earth's surface, are able to destroy the compounds. Because of this, PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane (CF_4) and hexafluoroethane (C_2F_6). The U.S. EPA estimates that concentrations of CF_4 in the atmosphere are over 70 ppt.

No health effects are known to result from exposure to PFCs. The two main sources of PFCs are primary aluminum production and semiconductor manufacture.

Sulfur Hexafluoride

Sulfur hexafluoride (SF_6) is an inorganic, odorless, colorless, nontoxic, nonflammable gas. It also has the highest GWP of any gas evaluated (22,800). The U.S. EPA indicates that concentrations in the 1990s were about 4 ppt. In high concentrations in confined areas, the gas presents the hazard of suffocation because it displaces the oxygen needed for breathing.

Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

4.4.2.3 Existing Greenhouse Gases Emissions Inventories

Global

Worldwide anthropogenic GHG emissions are tracked by the Intergovernmental Panel on Climate Change for industrialized nations (referred to as Annex I) and developing nations (referred to as Non-Annex I). This GHG emission data through 2017 is available for Annex I nations. Global GHG emissions are summarized at Table 4.4-2 and are representative of currently available inventory data.

United States

As identified in Table 4.4-2, the United States, as a single country, was the number two producer of GHG emissions in 2017. Carbon dioxide from fossil fuel combustion is the largest source of GHG emissions in the United States.

Table 4.4-2
Global GHG Emissions by Source Countries and the EU (2017)

Sources	GHG Emissions (Gigagram CO_2e)
China	11,911,710
United States	6,456,718
European Union (28-member countries)	4,323,163
India	3,079,810
Russian Federation	2,155,470
Japan	1,289,630
Total	**29,216,501**

Source: *Merrill Commerce Center Specific Plan, Greenhouse Gas Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.

State of California

California has significantly slowed the rate of growth of GHG emissions through implementation of energy efficiency programs and adoption and implementation of strict emission controls, nonetheless California is still a substantial contributor to the U.S. emissions inventory total.

The California Air Resource Board (CARB) compiles GHG inventories for the State of California. Per CARB GHG inventory data for the 2000-2017 GHG emissions period, California emitted an average 424.1 million metric tons of CO_2e ($MMTCO_2e$) per year.

City of Ontario

The City community-wide 2008 GHG emissions totaled an estimated 2,503,816 metric tons of CO_2e (MTCO2e). The City's 2020 Business as Usual (BAU) GHG emissions inventory is estimated at 3,127,987 MTCO2e community-wide. [1]

Project Site

The Project site is currently occupied with a dairy farm, cattle stockades, support equipment for cattle and dairy farming, bio-retention basins at the southern boundary, a trucking operation on the eastern portion, and residences at various locations within the Project site. These uses generate GHG emissions that would be eliminated should the Project be approved. GHG emissions from the primary site sources (cattle and dairy farming operations) is estimated at 8,858.50 MTCO2e/year.[2] As a conservative measure, within this analysis no "credit" or offset against the Project GHG emissions has been taken for GHG emissions generated by existing site uses.

[1] City of Ontario Community Climate Action Plan (City of Ontario) December 16, 2014, p. ES-5.

[2] Previous analysis for a 70-acre site accommodating dairy farm operations indicates these uses would generate approximately 1,835.70 MTCO2e/year (see: *Kimball Business Park EIR* (SCH No. 2015071025). This would equate to a factor of approximately 26.224 MTCO2e/year/acre. Approximately 337.8 acres of the Project site are currently employed for various dairy farming uses. Estimated Project site baseline GHG emissions = 337.8 acres x 26.224 MTCO2e/year/acre = 8,858.50 MTCO2e/year.

4.4.2.4 Effects of Climate Change in California

Public Health

Higher temperatures may increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone formation could increase from 25 to 35 percent under the lower warming range to 75 to 85 percent under the medium warming range. In addition, if global background ozone levels increase as predicted in some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by increases in wildfires, which emit fine particulate matter that can travel long distances, depending on wind conditions. The Climate Scenarios Report indicates that large wildfires could become up to 55 percent more frequent if GHG emissions are not significantly reduced.

In addition, under the higher warming range scenario, there could be up to 100 more days per year with temperatures above 90°F in Los Angeles and 95°F in Sacramento by 2100. This is a large increase over historical patterns and approximately twice the increase projected if temperatures remain within or below the lower warming range. Rising temperatures could increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat.

Water Resources

A vast network of man-made reservoirs and aqueducts captures and transports water throughout the State from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snowpack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snowpack, increasing the risk of summer water shortages.

If temperatures continue to increase, more precipitation could fall as rain instead of snow, and the snow that does fall could melt earlier, reducing the Sierra Nevada spring snowpack by as much as 70 to 90 percent. Under the lower warming range scenario, snowpack losses could be only half as large as those possible if temperatures were to rise

to the higher warming range. How much snowpack could be lost depends in part on future precipitation patterns, the projections for which remain uncertain. However, even under the wetter climate projections, the loss of snowpack could pose challenges to water managers and hamper hydropower generation. It could also adversely affect winter tourism. Under the lower warming range, the ski season at lower elevations could be reduced by as much as a month. If temperatures reach the higher warming range and precipitation declines, there may be years with insufficient snow for skiing and snowboarding.

State water supplies are also at risk from rising sea levels. An influx of saltwater could degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water within the southern edge of the Sacramento/San Joaquin River Delta – a major fresh water supply.

Agriculture

Increased temperatures could cause widespread changes to the agriculture industry reducing the quantity and quality of agricultural products statewide. First, California farmers could possibly lose as much as 25 percent of its water supply. Although higher CO_2 levels can stimulate plant production and increase plant water-use efficiency, California's farmers could face greater water demand for crops and a less reliable water supply as temperatures rise. Crop growth and development could change, as could the intensity and frequency of pest and disease outbreaks. Rising temperatures could aggravate O_3 pollution, which makes plants more susceptible to disease and pests and interferes with plant growth.

Plant growth tends to be slow at low temperatures, increasing with rising temperatures up to a threshold. However, faster growth can result in less-than-optimal development for many crops, so rising temperatures could worsen the quantity and quality of yield for a number of California's agricultural products. Products likely to be most affected include wine grapes, fruits, and nuts.

In addition, continued GCC could shift the ranges of existing invasive plants and weeds and alter competition patterns with native plants. Range expansion could occur in many species while range contractions may be less likely in rapidly evolving species with significant populations already established. Should range contractions occur, new or different weed species could fill the emerging gaps. Continued GCC could alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates.

Forests and Landscapes

GCC has the potential to intensify the current threat to forests and landscapes by increasing the risk of wildfire and altering the distribution and character of natural vegetation. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55 percent, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including: precipitation, winds, temperature, terrain, and vegetation, future risks would likely not be uniform throughout the State. For example, wildfires in northern California could increase by up to 90 percent due to decreased precipitation.

Moreover, continued GCC has the potential to alter natural ecosystems and biological diversity within the State. For example, alpine and subalpine ecosystems could decline by as much as 60 to 80 percent by the end of the century as a result of increasing temperatures. The productivity of the State's forests has the potential to decrease as a result of GCC.

Rising Sea Levels

Rising sea levels, more intense coastal storms, and warmer water temperatures could increasingly threaten the State's coastal regions. Under the higher warming range scenario, sea level is anticipated to rise 22 to 35 inches by 2100. Increased sea level elevations of this magnitude would inundate low-lying coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt

wetlands and natural habitats. Under the lower warming range scenario, sea level could rise 12 to 14 inches.

4.4.2.5 Health Effects of Greenhouse Gases

Water Vapor

There are no known direct health effects related to water vapor at this time. However, water vapor can be a transport mechanism for other pollutants to enter the human body.

Carbon Dioxide

According to the National Institute for Occupational Safety and Health (NIOSH), high concentrations of carbon dioxide can result in health effects such as: headaches, dizziness, restlessness, difficulty breathing, sweating, increased heart rate, increased cardiac output, increased blood pressure, coma, asphyxia, and/or convulsions. It should be noted that current concentrations of carbon dioxide in the earth's atmosphere are estimated to be approximately 370 ppm, while the actual reference exposure level (level at which adverse health effects typically occur) is at exposure levels of 5,000 ppm averaged over 10 hours in a 40-hour workweek and short-term reference exposure levels of 30,000 ppm averaged over a 15-minute period.

Methane

Methane (CH_4) is extremely reactive with oxidizers, halogens, and other halogen-containing compounds, may displace oxygen in an enclosed space and act as an asphyxiant.

Nitrous Oxide

Nitrous Oxide (N_2O) is often referred to as laughing gas; it is a colorless GHG. Health effects associated with exposure to elevated concentrations of nitrous oxide include dizziness, euphoria, slight hallucinations. In extreme cases of elevated concentrations, nitrous oxide can also cause brain damage.

Chlorofluorocarbons (CFCs)

In confined indoor locations, working with CFCs may result in death by cardiac arrhythmia (heart frequency too high or too low) or asphyxiation.

Hydrofluorocarbons (HFCs)

No health effects are known to result from exposure to HFCs.

Perfluorinated Carbons (PFCs)

No health effects are known to result from exposure to PFCs.

Sulfur Hexafluoride (SF_6)

In high concentrations in confined areas, SF_6 may result in suffocation because it displaces the oxygen.

Nitrogen Trifluoride (NF_3)

Long-term or repeated exposure to NF_3 may adversely affect the liver and kidneys and may cause fluorosis.

4.4.3 GCC REGULATORY SETTING

The current GHG regulatory setting is extensive and constantly evolving. The GHG regulatory setting is discussed in detail within the Project GHG Analysis (Project GHGA Section 2.7). GHG regulatory setting of relevance to the Project is summarized below.

4.4.3.1 State of California

Overview

The State of California legislature has enacted a series of bills and associated actions, described below, that collectively act to reduce GHG emissions. Certain State legislation, such as Assembly Bill (AB 32) *California Global Warming Solutions Act of 2006*, was specifically enacted to address GHG emissions. Other State legislation, such as Title 24 and Title 20 energy standards, originally adopted for other purposes (energy and water conservation), also facilitate GHG emissions reductions. Additionally, California's

Executive Branch has taken several actions to reduce GHGs through the use of Executive Orders. Although not regulatory, Executive Orders set the tone for the State and guide the actions of State agencies.

AB 32. The California State Legislature enacted AB 32, which requires that GHGs emitted in California be reduced to 1990 levels by the year 2020. GHGs, as defined under AB 32, include carbon dioxide, methane, N_2O, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Since AB 32 was enacted, a seventh chemical, nitrogen trifluoride, has also been added to the list of GHGs. The California Air Resources Board (CARB) is the State agency charged with monitoring and regulating sources of GHGs.

The State has made steady progress in implementing AB 32 and achieving targets included in Executive Order S-3-05. The progress is shown in updated emission inventories prepared by CARB for 2000 through 2012. The State has achieved the Executive Order S-3-05 target for 2010 of reducing GHG emissions to 2000 levels. Substantial progress has also been made in achieving the State goal of reducing GHG emissions to 1990 levels by 2020.

CARB Scoping Plan. The CARB Climate Change Scoping Plan (Scoping Plan) contains measures designed to reduce the State's emissions to 1990 levels by the year 2020 and thereby comply with AB 32 GHG emissions reductions targets. The Scoping Plan identifies recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target—each sector has a different emission reduction target. Most of the measures target the transportation and electricity sectors.

The CARB approved the First Update to the Scoping Plan (Update) on May 22, 2014. The Update identifies progress made to meet the near-term objectives of AB 32 and defines California's climate change priorities and strategies. The Update does not set new targets for the State, but rather describes a path that would achieve the State's 2050 goal to achieve GHG emissions levels that are 80 percent below 1990 baseline levels.

As part of CEQA compliance for the Scoping Plan, CARB prepared a Supplemental Functional Equivalent Document (FED) in 2011. The FED included an updated 2020 BAU emissions inventory projection based on current economic forecasts (i.e., as influenced by the 2008 economic downturn) and emission reduction measures already in place, replacing its prior 2020 BAU emissions inventory. The updated BAU estimate of 507 $MMTCO_2e$ by 2020 requires a reduction of 80 $MMTCO_2e$, or a 16 percent reduction below the estimated BAU levels to return to 1990 levels (i.e., 427 $MMTCO_2e$) by 2020.

To establish a BAU reduction scenario that is consistent with threshold definitions used in thresholds adopted by lead agencies for CEQA purposes and many climate action plans, the updated inventory without regulations was also included in the Supplemental FED. The updated CARB 2020 BAU projection in the Supplemental FED is 545 $MMTCO_2e$. Considering the updated BAU estimate of 545 $MMTCO_2e$ by 2020, CARB estimates a 21.7 percent reduction below the estimated statewide BAU levels is necessary to return to 1990 emission levels.

2017 Climate Change Scoping Plan Update. In November 2017, CARB released the final 2017 Scoping Plan Update, which identifies the State's post-2020 reduction strategy. The 2017 Scoping Plan Update reflects the 2030 target of a 40 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by Senate Bill 32 (SB 32). Key programs that the proposed Second Update builds upon include the Cap-and-Trade Regulation, the Low Carbon Fuel Standard, and much cleaner cars, trucks and freight movement, utilizing cleaner, renewable energy, and strategies to reduce methane emissions from agricultural and other wastes.

The 2017 Scoping Plan establishes a new emissions limit of 260 $MMTCO_2e$ for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030.

Major elements of the 2017 Scoping Plan framework include:

- Implementing and/or increasing the standards of the Mobile Source Strategy, which include increasing ZEV buses and trucks.

- Low Carbon Fuel Standard (LCFS), with an increased stringency (18 percent by 2030).
- Implementing SB 350, which expands the Renewables Portfolio Standard (RPS) to 50 percent RPS and doubles energy efficiency savings by 2030.
- California Sustainable Freight Action Plan, which improves freight system efficiency, utilizes near-zero emissions technology, and deployment of ZEV trucks.
- Implementing the proposed Short-Lived Climate Pollutant Strategy (SLPS), which focuses on reducing methane and hydrofluorocarbon emissions by 40 percent and anthropogenic black carbon emissions by 50 percent by year 2030.
- Continued implementation of SB 375.
- Post-2020 Cap-and-Trade Program that includes declining caps.
- 20 percent reduction in GHG emissions from refineries by 2030.
- Development of a Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

In addition to the statewide strategies listed above, the 2017 Scoping Plan also recognizes local governments as essential partners in achieving the State's long-term GHG reduction goals and identifies local actions to reduce GHG emissions. As part of the recommended actions, CARB advocates local government attainment of a community-wide goal of 6 $MMTCO_2e$ or less per capita by 2030, and 2 $MMTCO_2e$ or less per capita by 2050. For CEQA projects, CARB states that lead agencies may develop evidenced-based bright-line numeric thresholds—consistent with the Scoping Plan and the State's long-term GHG goals—and projects with emissions over that amount may be required to incorporate on-site design features and mitigation measures that avoid or minimize project emissions to the extent feasible. Alternatively, a lead agency may employ performance-based metric using a climate action plan or other plan to reduce GHG emissions. Note, however, that the 2017 Scoping Plan specifically acknowledges that:

> . . . [a]chieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate its GHG

> emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA (2017 Scoping Plan, p. 102).

Senate Bill 32. On September 8, 2016, Governor Jerry Brown signed the Senate Bill (SB) 32 and its companion bill, Assembly Bill (AB) 197. SB 32 requires the State to reduce statewide greenhouse gas emissions to 40 percent below 1990 levels by 2030, a reduction target that was first introduced in Executive Order B-30-15.

Cap-and-Trade Program. The Scoping Plan identifies a Cap-and-Trade Program as one of the key strategies for California to reduce GHG emissions. According to CARB, a cap-and-trade program will help put California on the path to meet its goal of reducing GHG emissions to 1990 levels by the year 2020 and ultimately achieving an 80 percent reduction from 1990 levels by 2050. Under cap-and-trade, an overall limit on GHG emissions from capped sectors is established, and facilities subject to the cap will be able to trade permits to emit GHGs within the overall limit.

CARB adopted a California Cap-and-Trade Program consistent with authority established under AB 32. The Cap-and-Trade Program is designed to reduce GHG emissions from major sources (deemed "covered entities") by setting a firm cap on statewide GHG emissions and employing market mechanisms to achieve AB 32's emission-reduction mandate of returning to 1990 levels of emissions by 2020. The statewide cap for GHG emissions from the capped sectors (e.g., electricity generation, petroleum refining, and cement production) commenced in 2013 and will decline over time, achieving GHG emission reductions throughout the program's duration.

The Cap-and-Trade Program works with other direct regulatory measures and provides an economic incentive to reduce GHG emissions. If California's direct regulatory measures reduce GHG emissions more than expected, then the Cap-and-Trade Program will be responsible for relatively fewer emissions reductions. If California's direct regulatory measures reduce GHG emissions less than expected, then the Cap-and-Trade Program will be responsible for relatively more emissions reductions. In this manner, the

Cap-and-Trade Program assures that California will meet its 2020 GHG emissions reduction mandate.

As of January 1, 2015, the Cap-and-Trade Program covered approximately 85 percent of California's GHG emissions. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-State or imported. Accordingly, GHG emissions associated with a CEQA projects' electricity usage are covered by the Cap-and-Trade Program.

The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the Program's first compliance period. While the Cap-and-Trade Program technically covered fuel suppliers as early as 2012, they did not have a compliance obligation (i.e., they were not fully regulated) until 2015. The Cap-and-Trade Program covers the GHG emissions associated with the combustion of transportation fuels in California, whether refined in-State or imported. The point of regulation for transportation fuels is when they are "supplied" (i.e., delivered into commerce). Accordingly, as with stationary source GHG emissions and GHG emissions attributable to electricity use, virtually all, if not all, of GHG emissions from CEQA projects associated with vehicle-miles traveled (VMT) are covered by the Cap-and-Trade Program.

In addition, the Scoping Plan differentiates between "capped" and "uncapped" strategies. "Capped" strategies are subject to the proposed cap-and-trade program. The Scoping Plan states that the inclusion of these emissions within the Program will help ensure that the year 2020 emission targets are met despite some degree of uncertainty in the emission reduction estimates for any individual measure. Implementation of the capped strategies is calculated to achieve sufficient GHG emissions reductions by 2020 to achieve the emission target contained in AB 32. "Uncapped" strategies that will not be subject to the cap-and-trade emissions caps and requirements are provided as a margin of safety by accounting for additional GHG emission reductions.

SB 375 - the Sustainable Communities and Climate Protection Act of 2008. The Sustainable Communities and Climate Protection Act of 2008 (SB 375) implements the following measures: (1) requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, (2) aligns planning for transportation and housing, and (3) creates specified incentives for the implementation of the strategies.

Concerning CEQA, SB 375 as codified in Public Resources Code Section 21159.28, states that CEQA findings for certain projects are not required to reference, describe, or discuss (1) growth inducing impacts, or (2) any project-specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network, if the project:

1. Is in an area with an approved sustainable communities strategy or an alternative planning strategy that CARB accepts as achieving the GHG emission reduction targets.

2. Is consistent with that strategy (in designation, density, building intensity, and applicable policies).

3. Incorporates the mitigation measures required by an applicable prior environmental document.

AB 1493 Pavley Regulations and Fuel Efficiency Standards/Advanced Clean Cars Program. California AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Initial CARB regulations and standards for 2009 – 2012 vehicles provided for an approximate 22 percent reduction in GHG emissions compared with the 2002 fleet GHG emissions. Initial CARB regulations and standards for 2013 – 2016 vehicles provided for an approximate 30 percent reduction in GHG emissions compared with the 2002 fleet GHG emissions.

The second phase of the Pavley bill, CARB Advanced Clean Cars Program, combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for model years 2017 through 2025. By the year 2025, the Advanced Clean Cars Program will reduce GHGs from new cars by 34 percent from 2016 levels.

SB 350 - Clean Energy and Pollution Reduction Act of 2015. SB 350 reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the RPS, higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Specifically, SB 350 requires the following to reduce statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.

- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utility Commission (CPUC), the California Energy Commission (CEC), and local publicly-owned utilities.

- Reorganize the Independent System Operator (ISO) to develop more regional electricity transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

Executive Order B-55-18 and SB 100. Executive Order B-55-18 establishes a carbon neutrality goal for the State of California by 2045; and sets a goal to maintain net negative emissions thereafter. The Executive Order directs the California Natural Resources Agency (CNRA), California Environmental Protection Agency (CalEPA), the Department of Food and Agriculture (CDFA), and CARB to include sequestration targets in the Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal.

SB 100 raises California's RPS requirement to 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030.

Executive Order S-3-05. Executive Order S-3-05 established the following reduction targets for GHG emissions:

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

Executive Order S-01-07 – Low Carbon Fuel Standard. The California Low Carbon Fuel Standard (LCFS) contributes to State GHG emission reduction goals established under AB 32. THE LCFS program incentivizes adoption of low-carbon transportation fuels based on the fuel's lifecycle carbon intensity (CI). The current LCFS regulation became effective on January 1, 2016. In September 2018, CARB adopted regulatory amendments to extend the LCFS for an additional ten years with a target of 20% CI reduction from 2010 levels by 2030.

Executive Order S-13-08. The 2009 California Climate Adaptation Strategy (California Natural Resources Agency 2009) was adopted pursuant to Executive Order S-13-08. The Strategy is ". . . first statewide, multi-sector, region-specific, and information-based climate change adaptation strategy in the United States." Objectives include analyzing

risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Executive Order B-30-15. Executive Order B-30-15 aligns California's GHG reduction targets with those of leading international governments. The Executive Order sets a new interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 in order to ensure California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050 and directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of CO_2 equivalent ($MMCO_2e$). The Executive Order also requires the State's climate adaptation plan to be updated every three years, and for the State to continue its climate change research program, among other provisions.

Title 20 Appliance Efficiency Standards. California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4, Sections 1601-1608: Appliance Efficiency Regulations regulates the sale of appliances in California. The Appliance Efficiency Regulations include standards for both federally regulated appliances and non-federally regulated appliances. Twenty-three categories of appliances are included in the scope of these regulations. The standards within these regulations apply to appliances that are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the State and those designed and sold exclusively for use in recreational vehicles or other mobile equipment.

Title 24 Energy Efficiency Standards and California Green Building Standards. California Code of Regulations Title 24 Part 6: *California's Energy Efficiency Standards for Residential and Nonresidential Buildings*, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Buildings permitted on or after January 1, 2020, must comply with the 2019 Energy Efficiency Standards.

California Code of Regulations, Title 24, Part 11: California Green Building Standards Code (CALGreen). CALGreen is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect on January 1, 2011. CALGreen is updated on a regular basis, with the most recent update consisting of the 2019 California Green Building Code Standards. Under State law, local jurisdictions are permitted to adopt more stringent requirements. CALGreen requirements applicable to the Project would include those listed below. CALGreen Section citations are presented parenthetically.

- Short-term bicycle parking. If the new project or an additional alteration is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5 percent of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack (5.106.4.1.1).

- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking for 5 percent of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility (5.106.4.1.2).

- Designated parking. In new projects or additions to alterations that add 10 or more vehicular parking spaces, provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Table 5.106.5.2 (5.106.5.2).

- Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1. 5.405.1.2, or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent (5.408.1).

- Excavated soil and land clearing debris. 100 percent of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused

or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed (5.408.3).

- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive (5.410.1).

- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:

  - Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush (5.303.3.1)
  - Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gallons per flush (5.303.3.2.1). The effective flush volume of floor-mounted or other urinals shall not exceed 0.5 gallons per flush (5.303.3.2.2).
  - Showerheads. Single showerheads shall have a minimum flow rate of not more than 1.8 gallons per minute and 80 psi (5.303.3.3.1). When a shower is served by more than one showerhead, the combine flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi (5.303.3.3.2).
  - Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of note more than 0.5 gallons per minute at 60 psi (5.303.3.4.1). Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi (5.303.3.4.2). Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute (5.303.3.4.3). Metering faucets shall not deliver more than 0.20 gallons per cycle (5.303.3.4.4). Metering faucets for wash fountains shall have a maximum flow rate not more than 0.20 gallons per cycle (5.303.3.4.5).

- Outdoor potable water use in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California

Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent (5.304.1).

- Water meters. Separate submeters or metering devices shall be installed for new buildings or additions in excess of 50,000 sf or for excess consumption where any tenant within a new building or within an addition that is project to consume more than 1,000 gal/day (5.303.1.1 and 5.303.1.2).

- Outdoor water use in rehabilitated landscape projects equal or greater than 2,500 sf. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 sf requiring a building or landscape permit (5.304.3).

- Commissioning. For new buildings 10,000 sf and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (5.410.2).

CARB Refrigerant Management Program. CARB adopted a regulation in 2009 to reduce refrigerant GHG emissions from stationary sources through refrigerant leak detection and monitoring, leak repair, system retirement and retrofitting, reporting and recordkeeping, and proper refrigerant cylinder use, sale, and disposal. The regulation is set forth in sections 95380 to 95398 of Title 17, California Code of Regulations.

The rules implementing the regulation establish a limit on statewide GHG emissions from stationary facilities with refrigeration systems with more than 50 pounds of a high GWP refrigerant. The refrigerant management program is designed to (1) reduce emissions of high-GWP GHG refrigerants from leaky stationary, non-residential refrigeration equipment; (2) reduce emissions from the installation and servicing of refrigeration and air-conditioning appliances using high-GWP refrigerants; and (3) verify GHG emission reductions.

Tractor-Trailer GHG Regulation. Tractors and trailers subject to this regulation must either use EPA SmartWay certified tractors and trailers, or retrofit their existing fleet with SmartWay verified technologies. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. These owners are responsible for replacing or retrofitting their affected vehicles with compliant aerodynamic technologies and low rolling resistance tires. Sleeper cab tractors model year 2011 and later must be SmartWay certified. All other tractors must use SmartWay verified low rolling resistance tires. There are also requirements for trailers to have low rolling resistance tires and aerodynamic devices.

Phase 1 and 2 Heavy-Duty Vehicle GHG Standards. CARB has adopted a new regulation for greenhouse gas (GHG) emissions from heavy-duty trucks and engines sold in California. It establishes GHG emission limits on truck and engine manufacturers and harmonizes with the U.S. EPA rule for new trucks and engines nationally. Existing heavy-duty vehicle regulations in California include engine criteria emission standards, tractor-trailer GHG requirements to implement SmartWay strategies (i.e., the Heavy Duty Tractor-Trailer Greenhouse Gas Regulation), and in-use fleet retrofit requirements such as the Truck and Bus Regulation.

CARB staff has worked jointly with the U.S. Environmental Protection Agency (U.S. EPA) and the National Highway Traffic Safety Administration (NHTSA) on the next phase of federal greenhouse gas (GHG) emission standards for medium- and heavy-duty vehicles, called federal Phase 2. The federal Phase 2 standards were built on the improvements in engine and vehicle efficiency required by the Phase 1 emission standards and represent a significant opportunity to achieve further GHG reductions for 2018 and later model year heavy-duty vehicles, including trailers.

SB 97 and the CEQA Guidelines Update. Passed in August 2007, SB 97 added Section 21083.05 to the Public Resources Code. The code states "(a) On or before July 1, 2009, the Office of Planning and Research shall prepare, develop, and transmit to the Resources Agency guidelines for the mitigation of GHG emissions or the effects of GHG emissions

as required by this division, including, but not limited to, effects associated with transportation or energy consumption. (b) On or before January 1, 2010, the Resources Agency shall certify and adopt guidelines prepared and developed by the Office of Planning and Research pursuant to subdivision (a)." Section 21097 was also added to the Public Resources Code.

Implementing SB 97, *CEQA Guidelines* Section 15064.4, was added to assist agencies in determining the significance of GHG emissions. Section 15064.4 allows agencies the discretion to determine whether a quantitative or qualitative analysis is best for a particular project. *CEQA Guidelines* Section 15064.4 has been subsequently updated and clarified under the 2019 *CEQA Guidelines.*

4.4.3.2 South Coast Air Quality Management District

The Project lies within the South Coast Air Basin, which is under the jurisdiction of the SCAQMD. Relevant SCAQMD GHG policies and regulations are summarized below.

The SCAQMD *Draft Guidance Document – Interim CEQA GHG Significance Threshold Guidance Document* provides substantial evidence supporting the approaches to significance of GHG emissions that can be considered by the lead agency in adopting its own threshold. The current interim thresholds consist of the following tiered approach:

- Tier 1 consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA.

- Tier 2 consists of determining whether the project is consistent with a GHG reduction plan. If a project is consistent with a qualifying local GHG reduction plan, it does not have significant GHG emissions.

- Tier 3 consists of screening values, which the lead agency can choose, but must be consistent with all projects within its jurisdiction. A project's construction emissions are averaged over 30 years and are added to the project's operational

emissions. If a project's emissions are below one of the following screening thresholds, then the project is less than significant:

- Residential and Commercial land use: 3,000 $MTCO_2e$ per year.
- Industrial land use: 10,000 $MTCO_2e$ per year.
- Based on land use type: residential: 3,500 $MTCO_2e$ per year; commercial: 1,400 $MTCO_2e$ per year; or mixed use: 3,000 $MTCO_2e$ per year.

- Tier 4 has the following options:
  - Option 1: Reduce BAU emissions by a certain percentage; this percentage is currently undefined.
  - Option 2: Early implementation of applicable AB 32 Scoping Plan measures.
  - Option 3, 2020 target for service populations (SP), which includes residents and employees: 4.8 $MTCO_2e$/SP/year for projects and 6.6 $MTCO_2e$/SP/year for plans.
  - Option 3, 2035 target: 3.0 $MTCO_2e$/SP/year for projects and 4.1 $MTCO_2e$/SP/year for plans.

- Tier 5 involves mitigation offsets to achieve target significance threshold.

SCAQMD only has authority over GHG emissions from development projects that include air quality permits. Projects requiring stationary permits are subject to applicable SCAQMD regulations. SCAQMD Regulation XXVII, adopted in 2009 includes the following Rules addressing GHG emissions:

- Rule 2700 defines terms and post global warming potentials.

- Rule 2701, SoCal Climate Solutions Exchange, establishes a voluntary program to encourage, quantify, and certify voluntary, high quality certified GHG emission reductions in the SCAQMD.

- Rule 2702, GHG Reduction Program created a program to produce GHG emission reductions within the SCAQMD. The SCAQMD will fund projects through contracts in response to requests for proposals or purchase reductions from other parties.

4.4.3.3 City of Ontario

Community Climate Action Plan (CAP)

The City of Ontario Community Climate Action Plan (CAP) was adopted December 16, 2014. The CAP provides guidance addressing CEQA analysis of GHG emissions and determination of GHG impact significance. The CAP provides City-specific GHG information and City-specific GHG reduction measures. To address the State's requirement to reduce GHG emissions, the City CAP establishes the goal of reducing GHG emissions within the City by 15% below 2008 levels by the year 2020. The CAP GHG emissions reduction target is consistent with the AB 32 target and ensures that the City of Ontario achieves GHG reductions locally that complement and are consistent with State efforts to reduce GHG emissions.

As part of the CAP, the City of Ontario published a guidance document titled "Greenhouse Gas Emissions, CEQA Thresholds and Screening Tables" (December 2014) (Screening Tables). As part of this guidance, the City determined that if GHG emissions of a given project exceeds 3,000 $MTCO_2e$/yr., then project emissions would need to be reduced by 25 percent when compared to year 2008 emissions levels. Alternatively, the project would need to achieve a minimum of 100 points pursuant to measures identified in the Screening Tables.

The CAP also includes an update commitment beginning in 2018. The updated CAP will include a specific target for GHG reductions for 2030, 2040, and 2050. The targets will be consistent with broader State and federal reduction targets and will reflect contemporary scientific understanding of GHG reductions required by 2050. At the time of the Project GHG analysis, the City's CAP update is underway. The City is updating the Community Climate Action Plan as part of the Ontario Plan Update, anticipated to be completed in

2021. The City is in the process of developing an interim Development Screening Table and anticipate a draft of the Screening Tables will be available by summer/fall 2020. The City Community Climate Action Plan has been developed to be consistent with and support the SB 32 target of reducing GHG emissions by 40% below 1990 levels by 2030.

4.4.4 SOURCES OF PROJECT GHG EMISSIONS

4.4.4.1 Construction-Source GHG Emissions

Project construction activities would generate emissions of CO_2, CH_4. Project construction-source emissions are quantified and amortized over the life of the Project. To amortize the emissions over the life of the Project, the SCAQMD recommends calculating the total greenhouse gas emissions for the construction activities, dividing it by a 30-year project life, then adding that number to the annual operational GHG emissions. Accordingly, Project construction-source GHG emissions were amortized over a 30-year period and added to the annual operational-source GHG emissions of the Project.

4.4.4.2 Operational-Source GHG Emissions

Project operations would result in emissions of CO_2, CH_4, and N_2O from the primary sources listed below, and subsequently described.

- Area Sources;
- Building Energy Consumption (combustion emissions associated with natural gas and electricity);
- Mobile Sources;
- On-site Equipment (yard trucks) Operations;
- Transportation Refrigeration Units (TRUs);
- Water Supply, Treatment and Distribution; and
- Solid Waste Management.

Area Sources

Area sources would include landscape and site maintenance equipment. Landscape and site maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, shedders/grinders, blowers, trimmers, chain saws, and hedge trimmers.

Building Energy Consumption

CO_2 and other GHGs are emitted by building energy consumption. Natural gas or other fuels consumed at/within each Project building site would be direct sources of Project GHGs. GHGs are also emitted by off-site fuel consumption for production of electricity; these are considered to be indirect GHG emissions.

Mobile Sources

Project traffic (mobile sources) would also generate GHGs (CO_2, CH_4, and N_2O). Trip characteristics and vehicle miles traveled (VMT) estimates available from the Project TIA and Project VMT Assessment[3] were utilized in estimating and modeling mobile source GHG emissions.

On-site Equipment Operations

Industrial warehouse buildings such as those proposed by the Project require cargo handling equipment to move empty containers and empty chassis to and from the various pieces of cargo handling equipment that receive and distribute containers. The most common type of cargo handling equipment is the yard truck which is designed for moving cargo containers. Yard trucks and similar equipment are potential sources of GHGs.

[3] *Merrill Commerce Center Specific Plan, Traffic Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) March 30, 2020 (Project TIA); *Merrill Commerce Center Specific Plan, Vehicle Miles Traveled (VMT) Assessment* (Urban Crossroads, Inc.) January 14, 2020 (Project VMT Assessment). The Project TIA and Project VMT Assessment are provided at EIR Appendix C.

Transport Refrigeration Units (TRUs)

To account for the possibility of refrigerated uses being accommodated in PA1, PA2, PA3, PA4, PA5, and PA6, trucks accessing these PAs are assumed to also have transport refrigeration units (TRUs). The Project GHGA accounts for GHG emissions that would be generated by TRUs accessing the Project.

Water Supply, Treatment and Distribution Emissions

Indirect GHG emissions result from the production of electricity used to convey, treat and distribute water and wastewater. The amount of electricity required to convey, treat and distribute water depends on the volume of water as well as the sources of the water.

Solid Waste Management

The Project land uses will result in the generation and disposal of solid waste. A large percentage of solid waste generated by the Project would be diverted and recycled consistent with requirements of AB 39. The remainder of the waste not diverted will be disposed of at a landfill. GHG emissions from landfills are associated with the anaerobic breakdown of material.

4.4.5 PROJECT GHG EMISSIONS IMPACTS

4.4.5.1 California Emissions Estimator Model™ Employed to Estimate GHG Emissions

The latest version of the California Emissions Estimator Model (CalEEMod) v2016.3.2 has been used to estimate Project construction-source and operational-source criteria pollutant (VOCs, NOx, SOx, CO, PM_{10}, and $PM_{2.5}$) and GHG emissions. CalEEMod calculates emissions from direct and indirect sources; and quantifies emissions reductions achieved from mitigation measures. Unless otherwise noted, CalEEMod default parameters have been employed in the quantification of GHG emissions.

4.4.5.2 Impact Statements

Potential Impact: *The Project could generate direct or indirect GHG emissions that would result in a significant impact on the environment***.**

Impact Analysis: An individual project cannot generate GHG emissions sufficient to influence global climate change. A project participates in potential global climate change impacts through its incremental contribution, combined with the cumulative increase of all other sources of GHGs. Taken together, these effects may have a potentially significant impact on global climate change. Project GHG emissions from construction and operations are summarized at Table 4.4-3.

As indicated at Table 4.4-3, the Project would generate approximately 121,345.81 $MTCO_2e$ per year. Of this total, approximately 36,053.35 $MTCO_2e$ per year would be generated by construction activities, area sources, building energy consumption, on-site equipment, solid waste management and water supply. An additional 85,292.46 $MTCO_2e$ per year would be generated by Project mobile sources.

Table 4.4-3
Annual Project GHG Emissions

Emission Source	Emissions (metric tons per year)			
	CO_2	CH_4	N_2O	Total CO_2E
Annual construction-related emissions amortized over 30 years	777.42	0.10	0.00	779.84
Area Sources	0.21	0.00	0.00	0.22
Building Energy Consumption	18,532.15	0.71	0.18	18,604.53
Mobile Sources (Passenger Cars)	20,520.14	0.54	0.00	26,633.74
Mobile Sources (Trucks)	58,606.26	2.09	0.00	58,658.72
On-site Equipment	1,524.89	0.49	0.00	1,537.22
TRUs	115.08	0.00	0.00	115.08
Solid Waste Management	871.06	100.53	0.00	4,214.31
Water Supply	8,732.05	64.05	1.57	10,802.14
Total CO_2E (All Sources)	**121,345.81**			

Source: *Merrill Commerce Center Specific Plan, Greenhouse Gas Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.
Note: Quantities may not sum to totals due to rounding.

Significance Determination

The CAP provides guidance addressing analysis of GHG emissions and CEQA significance determination of GHG emissions impacts. To address State requirements to reduce GHG emissions, the CAP establishes a City-wide GHG emissions reduction target of 15% below baseline (2008) GHG emissions levels by the year 2020. The CAP GHG emissions reduction target is consistent with the AB 32 target and ensures that the City will be providing GHG reductions locally that will complement State efforts to reduce GHG emissions. Because the City's CAP addresses GHG emissions reductions and is consistent with the requirements of AB 32 and international efforts to reduce GHG emissions, compliance with the CAP fulfills the description of mitigation found in the *CEQA Guidelines*.

CAP Appendix B *Greenhouse Gas Emissions CEQA Thresholds and Screening Tables* (CAP Screening Tables) establishes a point system that assigns values for each GHG emissions mitigation design element or operational program (feature) incorporated into a given development project. The Screening Tables point values correspond to the minimum GHG emissions reduction expected from each feature. Projects with features that yield at least 100 Screening Table points are considered consistent with the reduction quantities anticipated in the City's CAP. Such projects would be determined to have a less than significant individual and cumulative GHG emissions impact.

The CAP also includes an update commitment beginning in 2018. At the time of this analysis, the City's CAP update is underway. However, potential timeframes for approval and adoption of the City CAP update are unknown. The updated CAP will establish GHG emissions reduction targets for 2030, 2040, and 2050 scenarios. The established targets will be consistent with broader State and federal GHG emissions reduction targets and will reflect current scientific understanding of GHG emissions reduction strategies.

As discussed within the CAP, projects that generate less than 3,000 $MTCO_2e$/yr. would have a less-than-significant GHG emissions impact. Conversely, projects that generate more than 3,000 $MTCO_2e$/yr. are presumed to have a potentially significant GHG

emissions impact. Project GHG emissions would total approximately 121,345.81 $MTCO_2e$/yr., exceeding the CAP 3,000 $MTCO_2e$/yr. significance threshold. Per the CAP, this is a potentially significant impact.

Level of Significance: Potentially Significant.

Mitigation Measures:

4.4.1 *Project development proposals with building permit applications on file with the City prior to approval and adoption of updates to the December 16, 2014 CAP shall implement Screening Table Measures that achieve at least 100 points per the Screening Tables. The City shall verify that Screening Table Measures achieving the 100-point performance standard are incorporated in development plans prior to the issuance of building permit(s) and/or site plans (as applicable). The City shall verify implementation of the selected Screening Table Measures prior to the issuance of Certificate(s) of Occupancy. At the discretion of the City, measures that provide GHG reductions equivalent to GHG emissions reductions achieved via the Screening Table Measures may be implemented. Multiple development proposals may, at the discretion of the City, be allowed to collectively demonstrate achievement of at least 100 points per the Screening Tables.*

4.4.2 *Project development proposals with building permit applications on file with the City subsequent to approval and adoption of updates to the December 16, 2014 CAP shall comply with performance standards and GHG emissions reduction targets of the incumbent CAP. The City shall verify incorporation of measures that would achieve performance standards and GHG emissions reduction targets of the incumbent CAP prior to the issuance of building permit(s) and/or site plans (as applicable). The City shall verify implementation of applicable CAP provisions prior to the issuance of Certificate(s) of Occupancy. Multiple development proposals may, at the discretion of the City, be allowed to collectively demonstrate consistency with applicable provisions of the incumbent CAP.*

Level of Significance After Mitigation: ***Significant and Unavoidable***. Mitigation measures identified in this analysis would act to ensure that to the extent feasible, the Project would not result in GHG emissions that would represent a significant impact on the environment. More specifically:

- Pursuant to Mitigation Measure 4.4.1, development proposals within the Project site with building permit applications on file with the City prior to approval and adoption of updates to the December 16, 2014 CAP shall implement Screening Table Measures that achieve at least 100 points per the CAP Screening Tables. Per the current CAP, projects that achieve at least 100 Screening Table points are determined to have a less-than-significant GHG emissions impact. However, the CAP as updated may implement performance standards and GHG emissions reduction targets differing from the current CAP. There is the potential for Project development proposals to conflict with as-yet-unknown performance standards and GHG emissions reduction targets implemented under the anticipated CAP updates, and thereby result in GHG emissions that would be considered to represent a significant impact on the environment. This analysis conservatively recognizes this as a significant and unavoidable impact.

- Pursuant to Mitigation Measure 4.4.2, development proposals within the Project site submitting building permit applications subsequent to approval and adoption of updates to the December 16, 2014 CAP shall comply with performance standards and GHG emissions reduction targets of the incumbent CAP. It is anticipated that demonstrated compliance with the CAP as updated would result in a determination of less-than-significant GHG emissions impacts. However, because the ultimate criteria for determination of GHG impact significance under the updated CAP are unknown at this time, this conclusion cannot be assured. On this basis, Project development proposals with building permit applications submitted subsequent to updates to the December 16, 2014 CAP could generate greenhouse gas emissions that would be considered to represent a significant impact on the environment. This analysis conservatively recognizes this as a significant and unavoidable impact.

Based on the preceding, there is the potential for the Project to generate GHG emissions that would result in significant impacts on the environment. ***Pending adoption of the City CAP update; a determination that the City CAP as updated is consistent with applicable State and regional GHG emissions reduction plans; and a determination that Project development proposals are consistent with the CAP as updated, the potential for Project GHG emissions to result in a significant impact on the environment is considered to be a significant and unavoidable impact.***

Potential Impact: *The Project could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

Impact Analysis: GHG emissions reduction plans, policies and regulations applicable to the Project include: AB 32, SB 32, (including related 2008/2017 ARB Scoping Plan Elements), and the City of Ontario CAP. Project consistency with AB 32, SB 32, (including related 2008/2017 ARB Scoping Plan Elements), and the City of Ontario CAP is summarized in the following discussions.

2008 Scoping Plan Consistency

The CARB Scoping Plan identifies strategies to reduce California's greenhouse gas emissions in support of AB 32. Many of the strategies identified in the Scoping Plan are not applicable at the project level, such as long-term technological improvements to reduce emissions from vehicles. Certain measures are applicable to and supported by the Project, such as energy conservation and energy efficiency measures. Other measures, while not directly applicable, would not be obstructed by impeded by Project implementation. Table 4.4-4 summarizes the Project's consistency with the State Scoping Plan measures. As indicated, the Project would not conflict with any of the provisions of the Scoping Plan and supports the Scoping Plan through energy efficiency, water conservation, recycling, and landscaping.

Table 4.4-4
2008 Scoping Plan Consistency

Action Category	Supporting Measures	Remarks
Cap-and-Trade Program	--	**Consistent.** These programs involve capping emissions from electricity generation and similar operations. The Project would not interfere with or obstruct cap-and-trade program measures or initiatives.
Light-Duty Vehicle Standards	T-1	**Consistent.** Vehicles accessing the Project would be required to comply with these standards as implemented. Electric Vehicle (EV) charging stations would be installed on site per 2019 Title 24 standards.
Energy Efficiency	E-1	**Consistent.** The Project would achieve building, water, and solid waste management efficiencies consistent with the incumbent CALGreen requirements.
	E-2	
	CR-1	
	CR-2	
Renewables Portfolio Standard (RPS)	E-3	**Consistent.** Establishes the minimum statewide renewable energy mix. The Project would not interfere with or obstruct RPS program measures or initiatives.
Low Carbon Fuel Standard	T-2	**Consistent.** Establishes reduced carbon intensity (CI) of transportation fuels. The Project would not interfere with or obstruct transportation fuel CI program measures or initiatives.
Regional Transportation-Related GHG Targets	T-3	**Consistent**. Establishes regional GHG transportation-source GHG emissions targets. The Project would not interfere with or obstruct transportation-related GHG target measures or initiatives.
Vehicle Efficiency Measures	T-4	**Consistent.** Vehicles accessing the Project would be required to comply with these measures as implemented. The Project would not interfere with or obstruct vehicle efficiency measures or initiatives.
Goods Movement	T-5	**Consistent.** Goods movement associated with the Project would be required to comply with these measures as implemented. The Project would not interfere with or obstruct goods movement measures or initiatives.
	T-6	
Million Solar Roofs (MSR) Program	E-4	**Consistent.** The MSR program sets a goal for use of solar systems throughout the State as a whole. The Project building designs would incorporate PV solar panels or would be designed to accept future installation of PV solar panels.
Medium- & Heavy-Duty Vehicles	T-7	**Consistent.** Medium- & heavy-duty vehicles accessing the Project would be required to comply with these measures as implemented. The Project would not interfere with or obstruct medium- & heavy-duty vehicle measures or initiatives.
	T-8	

Table 4.4-4
2008 Scoping Plan Consistency

Action Category	Supporting Measures	Remarks
Industrial Emissions	I-1	**Consistent.** These measures are applicable to large industrial facilities (> 500,000 $MTCO_2e$/yr.) and other intensive uses such as refineries. The Project would not interfere with or obstruct industrial emissions measures or initiatives.
	I-2	
	I-3	
	I-4	
	I-5	
High Speed Rail	T-9	**Consistent.** Supports increased mobility choice via provision of high-speed rail. The Project would not interfere with or obstruct high speed rail measures or initiatives.
Green Building Strategy	GB-1	**Consistent.** The Project would implement building, water, and solid waste management efficiencies consistent with incumbent CALGreen requirements.
High Global Warming Potential (GWP) Gases	H-1	**Consistent.** The Project is not a substantial source of high GWP emissions. The Project would not interfere with or obstruct high GWP emissions measures or initiatives.
	H-2	
	H-3	
	H-4	
	H-5	
	H-6	
	H-7	
Recycling and Waste	RW-1	**Consistent.** The Project would comply with mandated State and City recycling and waste management measures. Beyond these mandates, the Project demolition plan will be designed and implemented to yield a minimum of 90% recycled materials.
	RW-2	
	RW-3	
Sustainable Forests	F-1	**Consistent.** The Project would promote carbon sequestration through provision of Project on-site landscaping.
Water	W-1	**Consistent.** The Project would provide low-flow fixtures and water-efficient landscaping per City and State requirements.
	W-2	
	W-3	
	W-4	
	W-5	
	W-6	
Agriculture	A-1	**Consistent.** The Project is not an agricultural use. The Project would not interfere with or obstruct Scoping Plan agricultural measures or initiatives.

Source: *Merrill Commerce Center Specific Plan, Greenhouse Gas Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.

SB 32/2017 Scoping Plan Consistency

The 2017 Scoping Plan Update reflects the 2030 target of a 40 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. As summarized, at Table 4.4-5, the Project would support and would not conflict with SB 32/2017 Scoping Plan provisions.

Table 4.4-5
2017 Scoping Plan Consistency

Action	Responsibility	Remarks
Implement SB 350 by 2030		
Increase the Renewables Portfolio Standard to 50 percent of retail sales by 2030 and ensure grid reliability.	CPUC, CEC, CARB	**Consistent.** The Project would use energy from Southern California Edison (SCE). SCE has committed to diversify its portfolio of energy sources by increasing energy from wind and solar sources. The Project would not interfere with or obstruct SCE energy source diversification efforts.
Establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas end uses by 2030.		**Consistent.** The Project would be designed and constructed to implement the energy efficiency measures for new commercial developments and would include several measures designed to reduce energy consumption. The Project would not interfere with or obstruct policies or strategies to establish annual targets for statewide energy efficiency savings and demand reduction.
Reduce GHG emissions in the electricity sector through the implementation of the above measures and other actions as modeled in Integrated Resource Planning (IRP) to meet GHG emissions reductions planning targets in the IRP process. Load-serving entities and publicly- owned utilities meet GHG emissions reductions planning targets through a combination of measures as described in IRPs.		**Consistent.** The Project would be designed and constructed to implement energy efficiency measures acting to reduce electricity consumption. The Project includes energy efficient lighting and fixtures that meet the current Title 24 Standards. Further, the Project proposes contemporary industrial facilities that would incorporate energy efficient boilers, heaters, and air conditioning systems.
Implement Mobile Source Strategy (Cleaner Technology and Fuels)		
At least 1.5 million zero emission and plug-in hybrid light-duty electric vehicles by 2025.	CARB, California State Transportation	**Consistent.** This is a CARB Mobile Source Strategy. The Project would not obstruct or interfere with CARB zero emission and plug-

Table 4.4-5
2017 Scoping Plan Consistency

Action	Responsibility	Remarks
	Agency (CalSTA), Strategic Growth Council (SGC), California Department of Transportation (Caltrans), CEC, OPR, Local Agencies	in hybrid light-duty electric vehicle 2025 targets.
At least 4.2 million zero emission and plug-in hybrid light-duty electric vehicles by 2030.		**Consistent.** This is a CARB Mobile Source Strategy. The Project would not obstruct or interfere with CARB zero emission and plug-in hybrid light-duty electric vehicle 2030 targets.
Further increase GHG stringency on all light-duty vehicles beyond existing Advanced Clean cars regulations.		**Consistent.** This is a CARB Mobile Source Strategy. The Project would not obstruct or interfere with CARB efforts to further increase GHG stringency on all light-duty vehicles beyond existing Advanced Clean cars regulations.
Medium- and Heavy-Duty GHG Phase 2.		**Consistent.** This is a CARB Mobile Source Strategy. The Project would not obstruct or interfere with CARB efforts to implement Medium- and Heavy-Duty GHG Phase 2 standards.
Innovative Clean Transit: Transition to a suite of to-be-determined innovative clean transit options. Assumed 20 percent of new urban buses purchased beginning in 2018 will be zero emission buses with the penetration of zero-emission technology ramped up to 100 percent of new sales in 2030. Also, new natural gas buses, starting in 2018, and diesel buses, starting in 2020, meet the optional heavy-duty low-NO_X standard.		**Consistent.** This is a CARB Mobile Source Strategy. The Project would not obstruct or interfere with CARB efforts to improve transit-source emissions.
Last Mile Delivery: New regulation that would result in the use of low NO_X or cleaner engines and the deployment of increasing numbers of zero-emission trucks primarily for class 3-7 last mile delivery trucks in California. This measure assumes ZEVs comprise 2.5 percent of new Class 3–7 truck sales in local fleets starting in 2020, increasing to 10 percent in 2025 and remaining flat through 2030.		**Consistent**. This is a CARB Mobile Source Strategy. The Project would not obstruct or interfere with CARB efforts to improve last mile delivery emissions.

Table 4.4-5
2017 Scoping Plan Consistency

Action	Responsibility	Remarks
Further reduce VMT through continued implementation of SB 375 and regional Sustainable Communities Strategies; forthcoming statewide implementation of SB 743; and potential additional VMT reduction strategies not specified in the Mobile Source Strategy but included in the document "Potential VMT Reduction Strategies for Discussion."		**Consistent.** The Project implements Transportation Demand Measures (TDMs) that would act to reduce VMT. Please refer to the Project VMT Assessment and EIR Section 4.2, *Transportation.*
Increase stringency of SB 375 Sustainable Communities Strategy (2035 targets).	CARB	**Consistent.** This is a CARB Mobile Source Strategy. The Project would not obstruct or interfere with CARB efforts to increase stringency of SB 375 Sustainable Communities Strategy (2035 targets).
By 2019, adjust performance measures used to select and design transportation facilities		
Harmonize project performance with emissions reductions and increase competitiveness of transit and active transportation modes (e.g., via guideline documents, funding programs, project selection, etc.).	CalSTA, SGC, OPR, CARB, Governor's Office of Business and Economic Development (GO-Biz), California Infrastructure and Economic Development Bank (IBank), Department of Finance (DOF), California Transportation Commission (CTC), Caltrans	**Consistent.** The Project would not obstruct or interfere with agency efforts to harmonize transportation facility project performance with emissions reductions and increase competitiveness of transit and active transportation modes.

Table 4.4-5
2017 Scoping Plan Consistency

Action	Responsibility	Remarks
By 2019, develop pricing policies to support low-GHG transportation (e.g. low-emission vehicle zones for heavy duty, road user, parking pricing, transit discounts).	CalSTA, Caltrans, CTC, OPR, SGC, CARB	**Consistent.** The Project would not obstruct or interfere with agency efforts to develop pricing policies to support low-GHG transportation.
Implement California Sustainable Freight Action Plan		
Improve freight system efficiency.	CalSTA, CalEPA, CNRA, CARB, Caltrans, CEC, GO-Biz	**Consistent.** This measure would apply to all trucks accessing the Project site, this may include existing trucks or new trucks that are part of the statewide goods movement sector. The Project would not obstruct or interfere with agency efforts to improve freight system efficiency.
Deploy over 100,000 freight vehicles and equipment capable of zero emission operation and maximize both zero and near-zero emission freight vehicles and equipment powered by renewable energy by 2030.		**Consistent.** The Project would not obstruct or interfere with agency efforts to deploy over 100,000 freight vehicles and equipment capable of zero emission operation and maximize both zero and near-zero emission freight vehicles and equipment powered by renewable energy by 2030.
Adopt a Low Carbon Fuel Standard with a Carbon Intensity reduction of 18 percent.	CARB	**Consistent.** When adopted, this measure would apply to all fuel purchased and used by the Project in the State. The Project would not obstruct or interfere with agency efforts to adopt a Low Carbon Fuel Standard with a Carbon Intensity reduction of 18 percent.
Implement the Short-Lived Climate Pollutant Strategy (SLPS) by 2030		
40 percent reduction in methane and hydrofluorocarbon emissions below 2013 levels.	CARB, CalRecycle, CDFA, SWRCB, Local Air Districts	**Consistent.** The Project would be required to comply with this measure and reduce any Project-source SLPS emissions accordingly. The Project would not obstruct or interfere with agency efforts to reduce SLPS emissions.
50 percent reduction in black carbon emissions below 2013 levels.		
By 2019, develop regulations and programs to support organic waste landfill reduction goals in the SLPS and SB 1383.	CARB, CalRecycle, CDFA SWRCB, Local Air Districts	**Consistent.** The Project would implement waste reduction and recycling measures consistent with State and City requirements. The Project would not obstruct or interfere with agency efforts to support organic waste landfill reduction goals in the SLPS and SB 1383.

Table 4.4-5
2017 Scoping Plan Consistency

Action	Responsibility	Remarks
Implement the post-2020 Cap-and-Trade Program with declining annual caps.	CARB	**Consistent.** The Project would be required to comply with any applicable Cap-and-Trade Program provisions. The Project would not obstruct or interfere with agency efforts to implement the post-2020 Cap-and-Trade Program.
By 2018, develop Integrated Natural and Working Lands Implementation Plan to secure California's land base as a net carbon sink		
Protect land from conversion through conservation easements and other incentives.	CNRA, Departments Within CDFA, CalEPA, CARB	**Consistent.** The Project site is designated for industrial uses. The Project does not propose land conversion. The Project would not obstruct or interfere with agency efforts to protect land from conversion through conservation easements and other incentives.
Increase the long-term resilience of carbon storage in the land base and enhance sequestration capacity.		**Consistent.** The Project site is vacant disturbed property and does not comprise an area that would effectively provide for carbon sequestration. The Project would not obstruct or interfere with agency efforts to increase the long-term resilience of carbon storage in the land base and enhance sequestration capacity.
Utilize wood and agricultural products to increase the amount of carbon stored in the natural and built environments.		**Consistent.** Where appropriate, Project designs will incorporate wood or wood products. The Project would not obstruct or interfere with agency efforts to encourage use of wood and agricultural products to increase the amount of carbon stored in the natural and built environments.
Establish scenario projections to serve as the foundation for the Implementation Plan.		**Consistent.** The Project would not obstruct or interfere with agency efforts to establish scenario projections to serve as the foundation for the Implementation Plan.
Establish a carbon accounting framework for natural and working lands as described in SB 859 by 2018.	CARB	**Consistent.** The Project would not obstruct or interfere with agency efforts to establish a carbon accounting framework for natural and working lands as described in SB 859 by 2018.
Implement Forest Carbon Plan	CNRA, California Department of Forestry and Fire Protection (CAL FIRE),	**Consistent.** The Project would not obstruct or interfere with agency efforts to implement the Forest Carbon Plan.

Table 4.4-5
2017 Scoping Plan Consistency

Action	Responsibility	Remarks
	CalEPA and Departments	
Identify and expand funding and financing mechanisms to support GHG reductions across all sectors.	State Agencies & Local Agencies	**Consistent.** The Project would not obstruct or interfere with agency efforts to identify and expand funding and financing mechanisms to support GHG reductions across all sectors.

Source: *Merrill Commerce Center Specific Plan, Greenhouse Gas Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020.

City of Ontario Climate Action Plan Consistency

Per the City CAP, development projects that yield at least 100 Screening Table points (equivalent to an approximate 15% reduction in GHG emissions) are determined to be consistent with the reduction targets established in the City's GHG Technical Report, and consequently would be consistent with the CAP. Pursuant to Mitigation Measure 4.4.1, development proposals within the Project site would be required to achieve a minimum of 100 Screening Table points. On this basis, the Project would be consistent with the CAP in effect at the time this EIR was prepared.

It is however recognized that the City is currently updating the CAP. The CAP as updated may implement performance standards and GHG emissions reduction targets differing from the current CAP. There is the potential for Project development proposals to conflict with as-yet-unknown performance standards and GHG emissions reduction targets implemented under the CAP update(s). Moreover, it cannot be assured that the CAP as updated by the City would be determined to be consistent with applicable State and regional plans adopted for the for the purpose of reducing the emissions of greenhouse gases. These are potentially significant impacts.

Level of Significance: Potentially Significant.

Mitigation Measures: Please refer to Mitigation Measures 4.4.1, 4.4.2.

Level of Significance After Mitigation: ***Significant and Unavoidable***. Mitigation measures identified in this analysis would act to ensure that to the extent feasible, the Project would be consistent with known and anticipated plans, policies, and regulation adopted for the purpose of reducing the emissions of greenhouse gases. More specifically:

- Pursuant to Mitigation Measure 4.4.1, development proposals within the Project site with building permit applications on file with the City prior to approval and adoption of updates to the December 16, 2014 CAP shall implement Screening Table Measures that achieve at least 100 points per the CAP Screening Tables. Projects that achieve 100 Screening Table points are considered consistent with the current CAP. The current CAP point system may not however satisfy or comply with GHG emissions reduction targets and methodologies established under the CAP update. This analysis conservatively recognizes this as a significant and unavoidable impact.

- Pursuant to Mitigation Measure 4.4.2, development proposals within the Project site submitting building permit applications subsequent to approval and adoption of updates to the December 16, 2014 CAP shall comply with performance standards and GHG emissions reduction targets of the incumbent CAP. By definition, these projects would be consistent with the incumbent CAP. However, the CAP as updated may not consistent with applicable State and regional plans adopted for the purpose of reducing the emissions of greenhouse gases. This analysis conservatively recognizes this as a significant and unavoidable impact.

Based on the preceding, there is the potential for the Project to conflict with applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of greenhouse gases. ***Pending adoption of the City CAP update; a determination that the City CAP as updated is consistent with applicable State and regional GHG emissions reduction plans; and a determination that Project development proposals are consistent with the CAP as updated, the potential for the Project to conflict plans, policies, and regulations adopted for the purpose of reducing GHGs is considered a significant and unavoidable impact.***

4.5 NOISE

4.5 NOISE

Abstract

This Section assesses whether the Project would substantially increase ambient noise levels, or expose land uses to noise, groundborne noise, or groundborne vibration levels exceeding established standards. In this regard, potential impacts considered within this Section include:

- *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;*

- *Generation of excessive groundborne vibration or groundborne noise; or*

- *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.*

As discussed within this Section, noise impacts associated with the construction of offsite infrastructure improvements would remain significant and unavoidable even with the application of mitigation. All other potential noise impacts of the Project are determined to be less-than-significant or can be mitigated to levels that are less-than-significant.

4.5.1 INTRODUCTION

This Section presents the noise setting, methodology, standards of significance, and potential noise impacts associated with the Project. Where impacts are determined to be potentially significant, mitigation measures are proposed to avoid or reduce the severity of impacts. The information presented herein has been summarized from the *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020 (Noise Impact Analysis). The Noise Impact Analysis in its entirety is presented at EIR Appendix F.

4.5.2 SETTING

Following are discussions of noise fundamentals applicable to the Project, together with assessments of existing ambient noise levels and noise sources in the Project vicinity.

4.5.2.1 Fundamentals of Noise

Noise levels are measured on a logarithmic scale in decibels which are then weighted and added over a 24-hour period to reflect not only the magnitude of the sound, but also its duration, frequency, and time of occurrence. In this manner, various acoustical scales and units of measurement have been developed including equivalent sound levels (Leq), day-night average sound levels (Ldn) and community noise equivalent levels (CNEL).

"A-weighted" decibels (dBA) approximate the subjective response of the human ear to a broad frequency noise source by discriminating against the very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies which are audible to the human ear. The decibel scale has a value of 0.0 dBA at the threshold of hearing and 120 dBA at the threshold of pain. Each interval of 10 decibels indicates a sound energy ten times greater than before, which is perceived by the human ear as being roughly twice as loud. Thus, a 1.0 decibel increase is just audible, whereas a 10-decibel increase means the sound is perceived as being twice as loud as before. Examples of the decibel level of various noise sources are provided in the following Figure 4.5-1.

COMMON OUTDOOR ACTIVITIES	COMMON INDOOR ACTIVITIES	A - WEIGHTED SOUND LEVEL dBA	SUBJECTIVE LOUDNESS	EFFECTS OF NOISE
THRESHOLD OF PAIN		140	INTOLERABLE OR DEAFENING	HEARING LOSS
NEAR JET ENGINE		130		
		120		
JET FLY-OVER AT 300m (1000 ft)	ROCK BAND	110		
LOUD AUTO HORN		100	VERY NOISY	
GAS LAWN MOWER AT 1m (3 ft)		90		
DIESEL TRUCK AT 15m (50 ft), at 80 km/hr (50 mph)	FOOD BLENDER AT 1m (3 ft)	80		SPEECH INTERFERENCE
NOISY URBAN AREA, DAYTIME	VACUUM CLEANER AT 3m (10 ft)	70	LOUD	
HEAVY TRAFFIC AT 90m (300 ft)	NORMAL SPEECH AT 1m (3 ft)	60		
QUIET URBAN DAYTIME	LARGE BUSINESS OFFICE	50	MODERATE	SLEEP DISTURBANCE
QUIET URBAN NIGHTTIME	THEATER, LARGE CONFERENCE ROOM (BACKGROUND)	40		
QUIET SUBURBAN NIGHTTIME	LIBRARY	30	FAINT	NO EFFECT
QUIET RURAL NIGHTTIME	BEDROOM AT NIGHT, CONCERT HALL (BACKGROUND)	20		
	BROADCAST/RECORDING STUDIO	10	VERY FAINT	
LOWEST THRESHOLD OF HUMAN HEARING	LOWEST THRESHOLD OF HUMAN HEARING	0		

Source: Urban Crossroads, Inc.

Figure 4.5-1
Typical Noise Levels

Noise Rating Schemes

Equivalent sound levels are not measured directly but rather are calculated from sound pressure levels typically measured in dBA. The equivalent sound level (Leq) is the constant level that, over a given time period, transmits the same amount of acoustic energy as the actual time-varying sound. Equivalent sound levels are the basis for both the Ldn and CNEL scales.

Day-night average sound levels (Ldn) are a measure of the cumulative noise exposure of the community. The Ldn value results from a summation of hourly Leqs over a 24-hour time period with an increased weighting factor applied to the nighttime period between 10:00 p.m. and 7:00 a.m. This noise rating scheme takes into account those subjectively more annoying noise events which occur during normal sleep hours.

Community noise equivalent levels (CNEL) also carry a weighting penalty for noise that occurs during the nighttime hours. In addition, CNEL levels include a penalty for noise events that occur during the evening hours between 10:00 p.m. and 7:00 a.m. Because of the weighting factors applied, CNEL values at a given location will always be larger than Ldn values, which in turn will exceed Leq values. However, CNEL values are typically within one decibel of the Ldn value.

Sound Propagation

For a "line source" of noise such as a heavily traveled roadway, the noise level drops off by a nominal value of 3.0 decibels for each doubling of distance between the noise source and the noise receiver. The nominal value of 3.0 dBA with doubling applies to sound propagation from a line source: (1) over the top of a barrier greater than 3 meters in height; or (2) where there is a clear unobstructed view of the highway, the ground is hard, no intervening structures exist and the line-of-sight between the noise source and receiver averages more than three meters above the ground.

Notwithstanding, environmental factors such as wind conditions, temperature gradients, characteristics of the ground (hard or soft) and the air (relative humidity), and the presence of vegetation combine to typically increase the attenuation achieved outside

laboratory conditions to approximately 4.5 decibels per doubling of distance. The increase in noise attenuation in exterior environments is particularly true: (1) for freeways with an elevated or depressed profile or exhibiting expanses of intervening buildings or topography; (2) where the view of a roadway is interrupted by isolated buildings, clumps of bushes, scattered trees; (3) when the intervening ground is soft or covered with vegetation; or (4) where the source or receiver is located more than three meters above the ground.

In an area which is relatively flat and free of barriers, the sound level resulting from a single "point source" of noise drops by six decibels for each doubling of distance or 20 decibels for each factor of ten in distance. This applies to fixed noise sources and mobile noise sources which are temporarily stationary, such as an idling truck or other heavy-duty equipment operating within a confined area (such as industrial processes or construction).

Noise Barrier Attenuation

Effective noise barriers can reduce noise levels by 10 to 15 dBA, cutting the loudness of traffic noise in half. A noise barrier is most effective when placed close to the noise source or receptor. Noise barriers, however, do have limitations. For a noise barrier to work, it must be high enough and long enough to block the view of the noise source.

4.5.2.2 Factors Affecting Motor Vehicle Noise

According to the Highway Traffic Noise Analysis and Abatement Policy and Guidance, provided by the Federal Highway Administration (FHWA), the level of traffic noise depends on three primary factors: (1) the volume of the traffic, (2) the speed of the traffic, and (3) the vehicle mix within the flow of traffic. Generally, the loudness of traffic noise is increased by heavier traffic volumes, higher speeds, and a greater number of trucks. A doubling of the traffic volume, assuming that the speed and vehicle mix do not change, results in a noise level increase of 3 dBA. The vehicle mixes on a given roadway may also have an effect on community noise levels. As the number of medium and heavy trucks increases and becomes a larger percentage of the vehicle mix, adjacent noise level impacts

will increase. Vehicle noise is a combination of the noise produced by the engine, exhaust, and tires on the roadway.

Ground-effect noise attenuation is reflected in the Project Noise Study. For acoustically absorptive conditions (e.g., where the source – receptor intervening surface comprises soft dirt, grass, scattered bushes and trees or similar), a ground attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the noise cylindrical spreading characteristics, the excess ground attenuation results in an overall attenuation rate of 4.5 dB per doubling of distance from a line noise source.[1] Per FHWA guidance, use of soft site conditions is appropriate for the application of the FHWA traffic noise prediction model used in this analysis.[2]

4.5.2.3 Community Responses to Noise

Approximately 10 percent of the population has a very low tolerance for noise and will object to any noise not of their making. Consequently, even in the quietest environment, some complaints will occur. Another 25 percent of the population will not complain even in very severe noise environments. Thus, a variety of reactions can be expected from people exposed to any given noise environment.

Despite this variability in behavior on an individual level, the population as a whole can be expected to exhibit the following responses to changes in noise levels. An increase or decrease of 1.0 dBA cannot be perceived except in carefully controlled laboratory experiments. A 3.0 dBA increase may be perceptible outside of the laboratory. An increase of 5.0 dBA is often necessary before any noticeable change in community response (i.e., complaints) would be expected.

[1] FHWA. "Highway Traffic Noise: Analysis and Abatement Guidance." *Federal Highway Administration*, www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf. p. 10. Accessed 25 Nov. 2019.

[2] *Highway Traffic Noise Analysis and Abatement Policy and Guidance* (FHWA) June 1995, p. 4.

Community responses to noise may range from registering a complaint by telephone or letter, to initiating court action, depending upon each individual's susceptibility to noise and personal attitudes about noise. Several factors are related to the level of community annoyance including:

- Fear associated with noise-producing activities;
- Noise receptor's perception that they are being unfairly treated;
- Attitudes regarding the usefulness of the noise-producing activity;
- Receptor's belief that the noise source can be controlled.

Recent studies have shown that changes in long-term noise levels are noticeable and are responded to by people. For example, about 10 percent of the people exposed to traffic noise of 60 Ldn will report being highly annoyed with the noise, and each increase of one Ldn is associated with approximately two percent more people being highly annoyed. When traffic noise exceeds 60 Ldn or aircraft noise exceeds 55 Ldn, people begin complaining. Group or legal actions to stop the noise should be expected to begin at traffic noise levels near 70 Ldn and aircraft noise levels near 65 Ldn.

4.5.2.4 Land Use Compatibility with Noise

Some land uses are more tolerant of noise than others. For example, schools, hospitals, churches and residences are more sensitive to noise intrusion than are commercial or industrial activities. As ambient noise levels affect the perceived amenity or liveability of a development, so too can the mismanagement of noise impacts impair the economic health and growth potential of a community by reducing the area's desirability as a place to live, shop and work. For this reason, land use compatibility with the noise environment is an important consideration in the planning and design process.

4.5.2.5 Current Noise Exposure

To assess the existing noise level environment, ten long-term noise level measurements were taken at receiver locations in the Project study area. The noise level measurement locations were selected to describe and document the existing noise environment within the Project study area. Figure 4.5-2 illustrates the locations of the measurement locations.



N

NOT TO SCALE

Source: Urban Crossroads, Inc.

Figure 4.5-2
Noise Measurement Locations

The long-term noise level measurements were positioned at the nearest noise sensitive receiver locations to assess the existing ambient hourly noise levels surrounding the Project site. The selected receivers represent a location of noise sensitive areas, and also represent noise modeling locations used to estimate the future noise level impacts. Collecting reference ambient noise level measurements at the nearby sensitive receiver locations allows for a comparison of the before and after Project noise levels. The results of the long-term noise level measurements are presented at Table 4.5-1.

Table 4.5-1
Ambient Noise Level Measurements

Location	Description	Energy Average Noise Level (dBA Leq)		Average Median Noise Level (dBA Leq)		CNEL
		Daytime	Nighttime	Daytime	Nighttime	
L1	Located on Edison Avenue, northwest of the Project site, near existing vacant rural-residential homes and agricultural land use.	71.4	69.1	61.1	53.3	76.1
L2	Located on Edison Avenue, north of the Project site, near existing rural-residential homes and agricultural land use.	69.8	66.7	62.7	52.1	73.9
L3	Located on Walker Avenue, north of the Project site, near existing rural-residential homes and agricultural land use.	60.9	55.3	51.3	45.4	63.2
L4	Located on Eucalyptus Avenue, near the northwestern boundary of the Project site, adjacent to existing rural-residential homes and agricultural land use.	70.6	66.9	55.7	47.7	74.2
L5	Located on Eucalyptus Avenue, near the northern boundary of the Project site, adjacent to existing rural-residential homes and agricultural land use.	67.5	64.7	57.1	54.9	71.8
L6	Located on Eucalyptus Avenue, near the northeastern boundary of the Project site, adjacent to existing rural-residential homes and agricultural land use.	61.5	58.2	49.3	43.4	65.5

Table 4.5-1
Ambient Noise Level Measurements

Location	Description	Energy Average Noise Level (dBA Leq)		Average Median Noise Level (dBA Leq)		CNEL
		Daytime	Nighttime	Daytime	Nighttime	
L7	Located on Eucalyptus Avenue, near the northeastern boundary of the Project site, adjacent to existing rural-residential homes and agricultural land use.	58.2	56.1	48.5	42.0	63.0
L8	Located on Grove Avenue, west of the Project site, adjacent to existing rural-residential homes and agricultural land use.	71.5	69.6	61.9	52.4	76.5
L9	Located on Grove Avenue, near the southwestern boundary of the Project site, adjacent to existing rural-residential homes and agricultural land use.	75.3	72.3	65.3	59.6	79.5
L10	Located on Merrill Avenue, near the southern boundary of the Project site, adjacent to existing rural-residential homes and agricultural land use.	67.1	62.7	58.9	48.9	70.3

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

Sensitive Receptors

Land uses classified as noise-sensitive by the State of California include: schools, hospitals, rest homes, long-term care centers, and mental care facilities. Some jurisdictions also consider day care centers, single-family dwellings, mobile home parks, churches, libraries, and recreation areas to be noise-sensitive. Moderately noise-sensitive land uses typically include: multi-family dwellings, hotels, motels, dormitories, out-patient clinics, cemeteries, golf courses, country clubs, athletic/tennis clubs, and equestrian clubs.

Land uses which are considered relatively insensitive to noise include business, commercial, and professional developments. Land uses that are typically not affected by noise include: industrial, manufacturing, utilities, agriculture, natural open space,

undeveloped land, parking lots, warehousing, liquid and solid waste facilities, salvage yards, and transit terminals.

4.5.2.6 Vibration

According to the Federal Transit Administration (FTA) Transit Noise Impact and Vibration Assessment, vibration is the periodic oscillation of a medium or object. The rumbling sound caused by the vibration of room surfaces is called structure borne noise. Sources of groundborne vibrations include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, groundborne vibrations may be described by amplitude and frequency. Vibration is often described in units of velocity (inches per second), and discussed in decibel (dB) units in order to compress the range of numbers required to describe vibration. Vibration impacts are generally associated with activities such as train operations, construction and heavy truck movements.

The background vibration-velocity level in residential areas is generally 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

4.5.3 EXISTING POLICIES AND REGULATIONS

To limit population exposure to physically and/or psychologically damaging as well as intrusive noise levels, the federal government, the State of California, various county governments, and most municipalities in the State have established standards and ordinances to control noise. In most areas, automobile and truck traffic is the major source

of environmental noise. Traffic activity generally produces an average sound level that remains fairly constant with time. Air and rail traffic, and commercial and industrial activities are also major sources of noise in some areas. Federal, state, and local agencies regulate different aspects of environmental noise. Federal and state agencies generally set noise standards for mobile sources such as aircraft and motor vehicles, while regulation of stationary sources is left to local agencies.

4.5.3.1 State of California

General Plan Noise Element Requirement

The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards and provides guidance for local land use compatibility. State law requires that each county and city adopt a General Plan that includes a Noise Element which is to be prepared according to guidelines adopted by the Governor's Office of Planning and Research. The purpose of the Noise Element is to "limit the exposure of the community to excessive noise levels." In addition, the California Environmental Quality Act (CEQA) requires that all known environmental effects of a project be analyzed, including environmental noise impacts.

California Building Code

The State of California's noise insulation standards are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 2, and the California Building Code. These noise standards are applied to new construction in California for the purpose of controlling interior noise levels resulting from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 60 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45 dBA CNEL.

4.5.3.2 City of Ontario

The City of Ontario General Plan (Policy Plan) identifies several policies to minimize the impacts of excessive noise levels throughout the community. Policy Plan Section S4, *Noise Hazards*, establishes a goal of maintaining an environment where noise does not adversely affect the public's health, safety, and welfare. To satisfy this goal, the Policy Plan identifies six policies related to: noise mitigation; coordination with transportation authorities; airport noise mitigation; truck traffic; roadway design; and airport noise compatibility. The Policy Plan provides guidelines to evaluate land use compatibility within various noise environments, as illustrated at Figure 4.5-3.

The Project land uses are considered clearly acceptable within exterior noise level environments approaching 70 dBA CNEL and normally acceptable within noise level environments up to 80 dBA CNEL. For noise level environments greater than 80 dBA CNEL, the Project land uses would be considered normally unacceptable and new construction is discouraged.

4.5.3.3 City of Chino

The City of Chino has adopted a Noise Element of the General Plan to control and abate environmental noise, and to protect the citizens of Chino from excessive exposure to noise. In addition, the Noise Element identifies noise polices designed to protect, create, and maintain an environment free from noise that may jeopardize the health or welfare of sensitive receptors, or degrade quality of life.

To protect Chino residents from excessive noise, the Noise Element establishes the following objectives:

N-1.1 Ensure appropriate exterior and interior noise levels for existing and new land uses.
N-1.2 Reduce noise impacts from transportation.
N-1.3 Control sources of construction noise.

LAND USE CATEGORIES		COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)						
Category	Land Use	55	60	65	70	75	80	
Residential/ Lodging	Single Family / Duplex							
	Multi-Family							
	Mobile Homes							
	Hotel/Motels							
Public/Institutional	Schools/Hospitals							
	Churches/ Libraries							
	Auditoriums/Concert Halls							
Commercial	Offices							
	Retail							
Industrial	Manufacturing							
	Warehousing							
Recreational/ Open Space	Parks/Playgrounds							
	Golf Courses/ Riding Stables							
	Outdoor Spectator Sports							
	Outdoor Music Shells/ Amphitheaters							
	Livestock/Wildlife Preserves							
	Crop Agriculture							

LEGEND

Clearly Acceptable:	No special noise insulation required, assuming buildings of normal conventional construction.
Normally Acceptable:	Acoustical reports will be required for major new residential construction. Conventional construction with closed windows and fresh air supply systems of air conditioning will normally suffice.
Normally Unacceptable:	New construction should be discouraged. Noise/aviation easements required for all new construction. If new construction does proceed, a detailed analysis of noise reduction requirements must be made and necessary noise insulation features included.
Clearly Unacceptable:	No new construction should be permitted.

Source: Urban Crossroads, Inc.; City of Ontario General Plan

Figure 4.5-3
Land Use Compatibility Guidelines

The noise policies specified in the City of Chino Noise Element provide guidelines necessary to satisfy these objectives. The Noise Element also establishes policies to reduce noise impacts from transportation sources (e.g., vehicular noise emanating from surface roads and freeways, aircraft/airport noise, railroad noise sources). These policies include the use of street and right-of-way design, roadway alignment, noise barriers, and pavement surface treatments.

4.5.4 STANDARDS OF SIGNIFICANCE

Based on the noise criteria presented above, and direction provided within the *CEQA Guidelines* as implemented by the Ontario, Project noise impacts would be considered potentially significant if the Project is determined to result in or cause the following conditions:

- 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.

- Generation of excessive groundborne vibration or groundborne noise.

- 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.

Construction-Source Noise Significance Criteria

Noise Ordinance Standards

Project construction-source noise that would exceed noise standards established by ordinance would be considered potentially significant. Project construction-source noise could affect properties in the City of Ontario and the City of Chino. The City of Ontario does not identify specific construction-source noise level limits. The City of Chino Municipal Code does however establish construction-source noise criteria. These criteria

are considered relevant to the analysis presented here and are employed in evaluating potential construction-source noise impacts.

The City of Chino Noise Ordinance Section 9.40.060(D) provides that . . . "[n]oise sources associated with or vibration created by construction, repair, remodeling or grading of any real property or during authorized seismic surveys, provided said activities do not take place outside the hours for construction as defined in Section 15.44.030 of this code, and provided the noise standard of sixty-five dBA plus the limits specified in Section 9.40.040(B) as measured on residential property . . ." For the purposes of this analysis, Project construction-source noise exceeding 65 dBA at receiving noise-sensitive land uses would be considered potentially significant.

Contributions to Ambient Conditions

The City of Ontario and City of Chino do not define what would comprise a substantial noise contribution to ambient conditions. Within this analysis, consideration is given to the magnitude of noise level increases, ambient noise levels, and the location of noise-sensitive receivers to determine if a noise increase represents a potentially significant adverse environmental impact. This approach recognizes that there is no single noise increase that renders the noise impact significant.[3] There is however, no completely satisfactory way to measure the subjective effects of noise or of the corresponding human reactions of annoyance and dissatisfaction. This is primarily because of the wide variation in individual thresholds of annoyance and differing individual experiences with noise. An important way of determining a person's subjective reaction to noise is by measuring incremental effects of additional or new noise sources within the existing or *ambient* noise environment.

For the purposes of this analysis, when considering temporary construction-source noise contributions to ambient conditions, relevant State-level guidance was reviewed. More specifically, Caltrans' May 2011 Traffic Noise Analysis Protocol identifies a relative noise

[3] *Gray v. County of Madera, F053661.* 167 Cal.App.4th 1099; - Cal.Rptr.3d, October 2008.

increase of 12 dBA Leq as substantial. While the Caltrans 12 dBA Leq threshold was not created specifically to address construction-source noise, it is applied in this analysis as a reasonable threshold to assess temporary noise level increases during Project construction.

Operational-Source Noise Significance Criteria

Noise Ordinance Standards (Area Sources)

Project operational-source noise that would exceed noise standards established by ordinance would be considered potentially significant. Project operational-source noise could affect properties in the City of Ontario and/or City of Chino. Relevant City of Ontario and City of Chino Noise Ordinance criteria is presented at Table 4.5-2.

Table 4.5-2
City of Ontario and City of Chino
Noise Ordinance Standards (Operations)

City	Land Use	Time Period	Exterior Noise Levels (dBA L_{eq})[3]					
			Leq (E. Avg.)	L_{50} (30 mins)	L_{25} (15 mins)	L_8 (5 mins)	L_2 (1 min)	L_{max} (Anytime)
Ontario[1]	Residential	Daytime	65	-	65	-	-	85
		Nighttime	45	-	45	-	-	65
Chino[2]	Residential	Daytime	-	55	60	65	70	75
		Nighttime	-	50	55	60	65	70

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.
Notes:
[1] Section 5-29.04 of the City of Ontario Municipal Code.
[2] Section9.40.040 of the City of Chino Municipal Code.
[3] dBA L_{eq} represents a steady state sound level containing the same total energy as a time varying signal over a given sample period. The percent noise level is the level exceeded "n" percent of the time during the measurement period. L_{25} is the noise level exceeded 25% of the time. "Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.; "E. Avg." = logarithmic (energy) average

Contributions to Ambient Conditions (Area Sources and Traffic)

For the purposes of evaluating long-term operational noise increases, Federal Interagency Committee on Noise (FICON) guidance has been employed in this analysis. FICON guidance is based on studies that relate aircraft noise levels to the percentage of persons highly annoyed by aircraft noise. Although the FICON guidance was specifically developed to assess aircraft noise impacts, this guidance is often used in environmental

noise impact assessments involving the use of cumulative noise exposure metrics, such as the average-daily noise level (CNEL) and equivalent continuous noise level (L_{eq}). FICON guidance is employed in this analysis when considering the significance of incremental noise increases in the context of ambient conditions, as summarized at Table 4.5-3.

Table 4.5-3
Incremental Noise Contribution Significance Criteria

Analysis	Significance Criteria	
Operational Noise-Traffic	Contributions to Ambient Conditions	
	if ambient is < 60 dBA CNEL	≥ 5 dBA CNEL Project increase
	if ambient is 60 - 65 dBA CNEL	≥ 3 dBA CNEL Project increase
	if ambient is > 65 dBA CNEL	≥ 1.5 dBA CNEL Project increase
	if ambient is < 70 dBA CNEL (non-sensitive land uses only)	≥ 5 dBA CNEL Project increase
	if ambient is > 70 dBA CNEL (non-sensitive land uses only)	≥ 3 dBA CNEL Project increase
Operational Noise-Area Sources	Contributions to Ambient Conditions	
	if ambient is < 60 dBA L_{eq}	≥ 5 dBA L_{eq} Project increase
	if ambient is 60 - 65 dBA L_{eq}	≥ 3 dBA L_{eq} Project increase
	if ambient is > 65 dBA L_{eq}	≥ 1.5 dBA L_{eq} Project increase

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

Vibration Criteria

The City of Ontario does not identify specific vibration level limits. The City of Chino Municipal Code does however establish vibration standards. These standards (identified below) are considered relevant to the analysis presented here and are employed in evaluating potential vibration impacts.

Construction-Source Vibration Criteria

The City of Chino Noise Ordinance Section 9.40.060(D) provides that vibration created by construction activities is exempt from provisions of the Ordinance, if any construction-source vibration does not endanger the public health, welfare, and safety. As a conservative measure, this analysis employs the City of Chino's more restrictive operational-source vibration standard (0.05 inches RMS vertical velocity) when evaluating construction-source noise impacts. Under this criteria, perceptible vibration would be considered potentially significant. Please refer to related discussion below.

Operational-Source Vibration Criteria

City of Chino Noise Ordinance Section 9.40.110 - *Vibration*, states in pertinent part:

> It is unlawful for any person to create, maintain or cause any ground vibration which is perceptible without instruments at any point on any affected property adjoining the property on which the vibration source is located. For the purpose of this chapter, the perception threshold shall be presumed to be more than 0.05 inches per second (root mean square–RMS) vertical velocity.

For the purposes of this analysis, received operational-source vibration exceeding 0.05 inches per second RMS would be considered potentially significant.

Summary

Significance criteria employed in this analysis are summarized at Table 4.5-4. These criteria reflect applicable City of Ontario and City of Chino noise/vibration standards, state and federal noise impact analysis protocols, and significance/threshold guidance provided at *CEQA Guidelines* Appendix G. Please refer also to related discussions presented at Project Noise Study Section 4.3, *Significance Criteria Summary*.

Table 4.5-4
Significance Criteria Summary

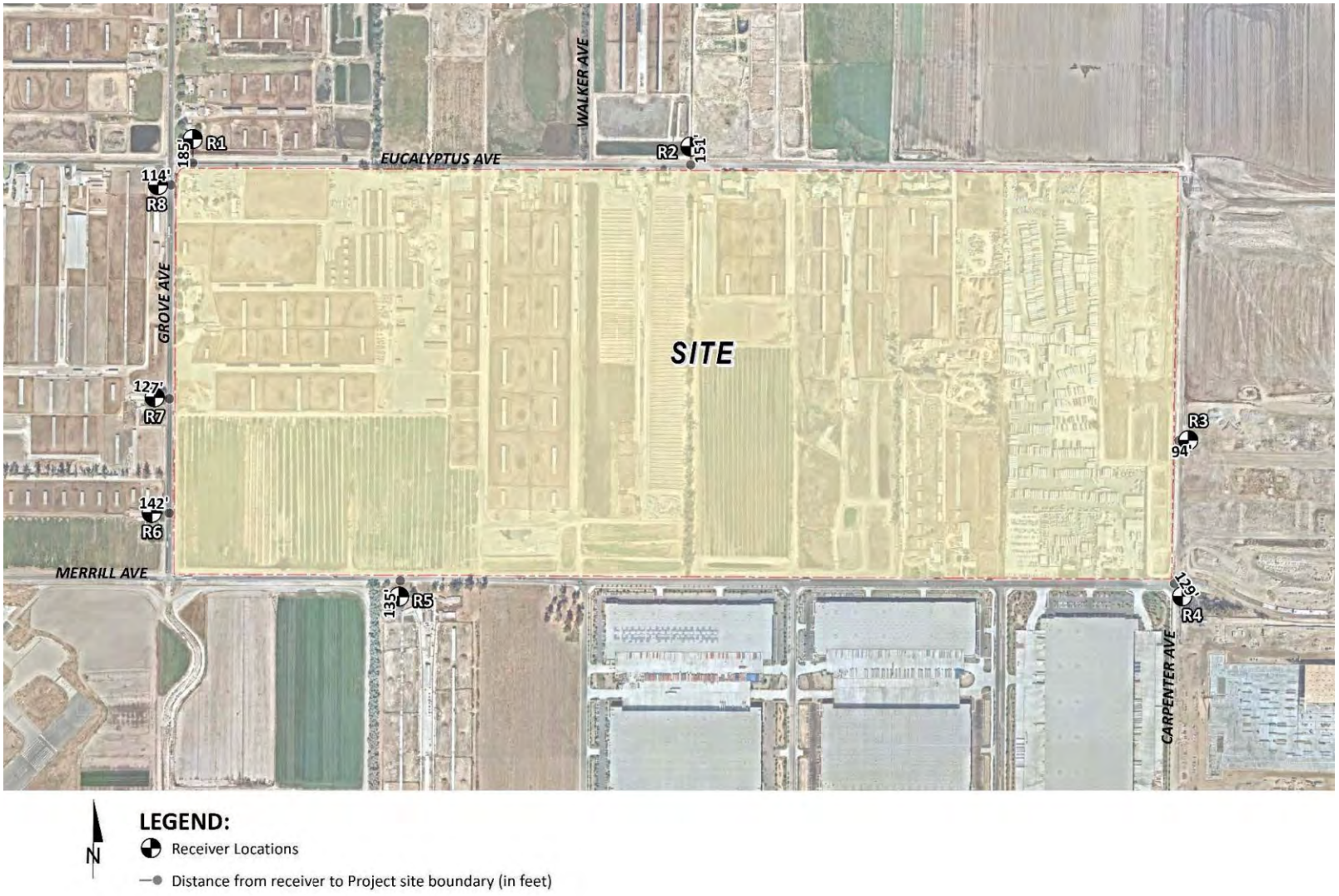
Analysis	Jurisdiction	Significance Criteria	
Operational Noise-Traffic	All	Contributions to Ambient Conditions	
		if ambient is < 60 dBA CNEL	≥ 5 dBA CNEL Project increase
		if ambient is 60 - 65 dBA CNEL	≥ 3 dBA CNEL Project increase
		if ambient is > 65 dBA CNEL	≥ 1.5 dBA CNEL Project increase
		if ambient is < 70 dBA CNEL (non-sensitive land uses only)	≥ 5 dBA CNEL Project increase
		if ambient is > 70 dBA CNEL (non-sensitive land uses only)	≥ 3 dBA CNEL Project increase
Operational Noise-Area Sources	All	Contributions to Ambient Conditions	
		if ambient is < 60 dBA L_{eq}	≥ 5 dBA L_{eq} Project increase
		if ambient is 60 - 65 dBA L_{eq}	≥ 3 dBA L_{eq} Project increase
		if ambient is > 65 dBA L_{eq}	≥ 1.5 dBA L_{eq} Project increase
Construction Noise	All	Ordinance Standards	> 65 dBA Leq
		Contributions to Ambient Conditions	> 12 dBA L_{eq}
Vibration	All	Ordinance Standards (City of Chino)	> 0.05 in/sec RMS

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

4.5.5 POTENTIAL IMPACTS AND MITIGATION MEASURES

4.5.5.1 Introduction

Potential noise impacts of the Project are assessed in the following discussions. Potential impacts are evaluated under applicable criteria established at previous Section 4.5.4, *Standards of Significance*. Potential impacts of on-site construction-source and operational-source noise were evaluated at the receivers described below and identified at Figure 4.5-4.



Source: Urban Crossroads, Inc.

Figure 4.5-4
Receiver Locations

R1: Located approximately 185 feet north of the Project site, R1 represents an existing residential home serving the Gordon Hay Inc. Dairy in the City of Ontario. A 24-hour noise level measurement was taken near this location, L4, to describe the existing ambient noise environment.

R2: Location R2 represents vacant unoccupied agricultural land located approximately 151 feet north of the Project site in the City of Ontario. A 24-hour noise level measurement was taken near this location, L5, to describe the existing ambient noise environment.

R3: Located approximately 94 feet east of the Project site across Carpenter Avenue, R3 represents existing residential homes serving the Tiva Dairy in the City of Ontario. L7 represents the nearest 24-hour noise level measurement taken near this location to describe the existing ambient noise environment.

R4: Location R4 represents the existing residential home located at 9131 Merrill Avenue located approximately 129 feet southeast of the Project site. The 24-hour noise level measurement location L7 is used to describe the existing ambient noise environment.

R5: Located approximately 135 feet south of the Project, R5 represents a couple of existing residential homes serving the J&D Star Dairy. A 24-hour noise level measurement was taken near this location, L10, to describe the existing ambient noise environment.

R6: Located approximately 142 feet west of the Project site, R6 represents an existing residential home located at 14848 Grove Avenue. A 24-hour noise level measurement was taken near this location, L9, to describe the existing ambient noise environment.

R7: Location R7 represents the existing residential home located roughly 127 feet west of the Project site across Grove Avenue. A 24-hour noise level measurement was taken near this location, L8, to describe the existing ambient noise environment.

R8: Located approximately 114 feet west of the Project site, R8 represents an existing residential home located at 14544 Grove Avenue. A 24-hour noise level measurement was taken near this location, L8, to describe the existing ambient noise environment.

4.5.5.2 Impact Statements

Potential Impact: *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.*

Impact Analysis: The following discussions of potential noise impacts are organized to reflect categories or types of noise sources, including Construction-Source Noise, Operational/Area-Source Noise, and Vehicular-Source Noise.

Construction-Source Noise

On-site Project Construction Activities – Noise Standards Compliance

Reference noise level measurements were used to describe the typical construction activity noise levels for each Project construction stage. The construction reference noise level measurements represent a list of typical construction activity noise levels and can be found at Table 10-1 of the Project Noise Study. Project construction would include the following activities:

- Demolition
- Site Preparation
- Grading
- Building Construction

- Paving
- Architectural Coating

Using the reference construction equipment noise levels, Project construction-source noise levels (by activity) received at potentially affected receiver locations were estimated, as summarized at Table 4.5-5.

Table 4.5-5
Received Construction-Source Noise Levels by Activity (Unmitigated)

Receiver Location	Construction Noise Levels by Activity (dBA Leq)						
	Demolition	Site Preparation	Grading	Building Construction	Paving	Architectural Coating	Highest Construction Noise Level
R1	60.5	52.8	62.1	56.8	60.2	56.1	62.1
R2	62.3	54.6	63.9	58.6	62.0	57.9	63.9
R3	66.4	58.7	68.0	62.7	66.1	62.0	68.0
R4	63.7	56.0	65.3	60.0	63.4	59.3	65.3
R5	63.3	55.6	64.9	59.6	63.0	58.9	64.9
R6	62.8	55.1	64.4	59.1	62.5	58.4	64.4
R7	63.8	56.1	65.4	60.1	63.5	59.4	65.4
R8	64.7	57.0	66.3	61.0	64.4	60.3	66.3

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

As shown above, received unmitigated construction-source noise levels are expected to range from 62.1 to 68.0 dBA Leq. Table 4.5-6 summarizes the Project construction-source noise level ordinance compliance at potentially affected receivers.

Table 4.5-6
Received Construction-Source Noise Levels:
On-site Construction Activities (Unmitigated)

Receiver Location	Land Use	Maximum Received Construction-Source Noise Levels (dBA L_{eq})	Threshold (dBA L_{eq})	Threshold Exceeded?
R1	Residential	62.1	65	No
R2	Agricultural	63.9	n/a	No
R3	Residential	68.0	65	Yes
R4	Residential	65.3	65	Yes

Table 4.5-6
Received Construction-Source Noise Levels:
On-site Construction Activities (Unmitigated)

Receiver Location	Land Use	Maximum Received Construction-Source Noise Levels (dBA L_{eq})	Threshold (dBA L_{eq})	Threshold Exceeded?
R5	Residential	64.9	65	No
R6	Residential	64.4	65	No
R7	Residential	65.4	65	Yes
R8	Residential	66.3	65	Yes

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

Noise generated by on-site Project construction activities would exceed the applicable 65 dba Leq construction noise standard at receiver locations R3, R4, R7, and R8. On this basis, construction-source noise impacts at receiver locations R3, R4, R7, and R8 would be potentially significant.

Level of Significance: Potentially Significant.

Mitigation Measures:

4.5.1 *Provide a minimum 150-foot buffer distance between large construction equipment (e.g. dozers, graders, scrapers, etc.) and receiver locations R3, R4, R7 and R8, if residences at these locations are occupied and actively used at the time Project demolition and/or grading activities occur.*

4.5.2 *If a 150-foot buffer is not achievable, install temporary noise control barriers that provide a minimum noise level attenuation of 10.0 dBA when Project demolition or grading activities occur within 150 feet of existing residential structures, or other off-site sensitive land uses that are occupied and actively utilized. General noise control barrier design parameters are presented below, though any solution(s) providing the required 5.0 dBA noise attenuation is/are acceptable.*

- *The noise control barrier should present a generally solid face from top to bottom. Unnecessary openings should not be made.*

- *The noise control barrier shall be maintained and any damage in the barrier or openings between the barrier and the ground shall be promptly repaired.*
- *The noise control barrier(s) and associated elements shall be removed and affected portion(s) of the site restored at the conclusion of grading/demolition activities.*

4.5.3 Alternatively, the Applicant may employ construction equipment and construction techniques that would demonstrably ensure that noise levels at potentially affected sensitive receptors would not exceed 65 dBA. A combination of noise-receptor separation, noise barriers and use of noise reducing construction equipment and construction techniques may be employed provided that noise levels at potentially affected receptors does not exceed 65 dBA.

Level of Significance After Mitigation: Less-Than-Significant. Received noise levels at potentially affected locations reflecting a minimum 150-foot source-receptor buffer per Mitigation Measure 4.5.1 are presented at Table 4.5-7. Alternative Mitigation Measures 4.5.2, 4.5.3 would provide similar or superior mitigated conditions.

Table 4.5-7
Received Construction-Source Noise Levels:
On-site Construction Activities (Mitigated)

Receiver Location	Maximum Received Unmitigated Noise Level **(dBA L_{eq})**	**150 Foot Buffer Noise Attenuation (dBA L_{eq})**	Maximum Received Mitigated Noise Level **(dBA L_{eq})**	Threshold **(dBA L_{eq})**	Threshold Exceeded
R3	68.0	-4.0	64.0	65	No
R4	65.3	-1.3	64.0	65	No
R7	65.4	-1.4	64.0	65	No
R8	66.3	-2.3	64.0	65	No

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

Offsite Infrastructure Construction-Source Noise-Noise Standards Compliance

The Project would construct off-site infrastructure conveyance and distribution improvements for water, sewer, recycled water, storm drainage and fiber optics. The concept plans for the necessary infrastructure improvements are generally limited to the right-of-way of existing roadway segments. The installation of each of these services has

the potential to generate off-site construction noise level impacts to neighboring noise sensitive land uses. Using reference construction equipment noise levels, the noise levels associated with the off-site infrastructure improvements are presented at Table 4.5-8.

Table 4.5-8
Received Construction-Source Noise Levels:
Off-site Infrastructure Construction Activities

Roadway	Classification (# of lanes)	Distance to Adjacent Land Use	Received Noise Level
Archibald Ave.	Eastvale-Major Arterial (Expressway) (6)	110'	68.5
Archibald Ave.	Ontario-Principal Arterial (6)	60'	73.7
Eucalyptus Ave.	Ontario-Collector (4)	44'	76.4
Euclid Ave.	Chino-Major Arterial (Expressway) (8)	84'	70.8
Euclid Ave.	Ontario-Principal Arterial (8)	84'	70.8
Grove Ave.	Ontario-Principal Arterial (4)	50'	75.3
Grove Ave.	Ontario-Principal Arterial (6)	60'	73.7
Merrill Ave.	Ontario-Collector (4)	44'	76.4
Walker Ave.	Ontario-Collector (2)	44'	76.4

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

Maximum received infrastructure construction noise levels are estimated at 75.3 dBA Leq 50 feet from the source. A review of the off-site study area roadway segments indicates that the centerline distance to adjacent land uses range from 44 to 110 feet. As shown at Table 4.5-8, this translates into unmitigated infrastructure construction noise levels ranging from 68.5 to 76.4 dBA Leq at the adjacent land uses nearest the planned infrastructure routes. These received noise levels exceed the acceptable construction noise standard of 65 dBA Leq. The potential for off-site infrastructure construction activities to generate noise exceeding applicable standards would therefore be potentially significant.

Level of Significance Before Mitigation: Potentially Significant.

Mitigation Measures:

4.5.4 Off-site infrastructure improvement plans and construction documents shall include a note indicating that noise-generating Project construction activities shall only occur between the hours of 7:00 a.m. to 6:00 p.m. any weekday, or on Saturday or Sunday from 9:00 a.m. to 6:00 p.m. (City of Ontario Municipal Code, Section 5-29.09).

4.5.5 Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. Construction contractors shall place all stationary construction equipment so that emitted noise is directed away from the nearest noise sensitive receivers.

4.5.6 Construction contractors shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers.

4.5.7 Construction contractors shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 6:00 p.m. any weekday, or on Saturday or Sunday from 9:00 a.m. to 6:00 p.m.). Contractors shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.

Level of Significance After Mitigation: ***Significant and Unavoidable.*** Implementation of the above measures would reduce off-site construction-source noise levels at potentially affected receptors. However, the degree of reduction cannot be assured, and is subject to varied source-receptor distances, numbers and types of equipment used, variable terrain and weather conditions and other factors beyond control of the Applicant. For the purposes of this analysis, even with the application of mitigation, noise generated by construction of off-site infrastructure is assumed to exceed the applicable 65 dBA Leq noise standard, and would be significant and unavoidable.

Construction-Source Noise – Contributions to Ambient Conditions

To describe the temporary Project construction noise level contributions to the existing ambient noise environment, the Project construction noise levels were combined with the existing ambient noise levels measurements at the off-site receiver locations. The difference between the combined Project-construction and ambient noise levels are used to describe the construction noise level contributions. Temporary noise level increases that would be experienced at sensitive receiver locations when Project construction-source noise is added to the ambient daytime conditions are presented at Table 4.5-9.

Table 4.5-9
Construction-Source Noise Contributions to Ambient Conditions (Unmitigated)

Receiver Location	Project Construction Noise Level	Measurement Location	Reference Ambient Noise Levels	Combined Project and Ambient	Temporary Worst-Case Project Contribution	Threshold Exceeded?
R1	62.1	L4	70.6	71.2	0.6	No
R2	63.9	L6	61.5	65.9	4.4	No
R3	68.0	L7	58.2	68.4	10.2	No
R4	65.3	L7	58.2	66.1	7.9	No
R5	64.9	L10	71.4	72.3	0.9	No
R6	64.4	L9	75.3	75.6	0.3	No
R7	65.4	L8	71.5	72.5	1.0	No
R8	66.3	L8	71.5	72.6	1.1	No

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

As indicated at Table 4.5-9, the Project would contribute unmitigated construction-source noise levels ranging from 0.6 to 10.2 dBA Leq. The maximum contribution to ambient conditions (10.2 dBA Leq) would not exceed the 12 dBA Leq contribution significance threshold. Project construction-source noise contributions to ambient conditions would therefore not be substantial and the impact would be less-than-significant.

Level of Significance: Less-Than-Significant.

Operational-Source Noise

Area-Source Noise – Noise Standards Compliance

To estimate the Project operational noise impacts, reference noise level measurements were collected from similar types of activities to represent the noise levels expected with the development of the proposed Project, including cold storage loading dock activities, distribution/warehouse activities, roof-top air conditioning units, and parking lot vehicle movements. Based upon the reference noise levels (presented at Table 9-1 of the Noise Impact Analysis), it is possible to estimate the Project operational stationary-source noise levels at each of the sensitive receiver locations. Table 4.5-10 presents the Project area-source noise levels at nearby receivers in the context of applicable noise standards.

Table 4.5-10
Noise Threshold and Received Area-Source Noise Levels (Unmitigated)

	City	Noise Standards						
		L_{eq} (Hourly)	L_{50} (30 mins)	L_{25} (15 mins)	L_8 (5 mins)	L_2 (1 min)	L_{max} (<1 min)	
Daytime	**Ontario**	**65**	**-**	**65**	**-**	**-**	**85**	
Nighttime		**45**	**-**	**45**	**-**	**-**	**65**	
Daytime	**Chino**	**-**	**55**	**60**	**65**	**70**	**75**	
Nighttime		**-**	**50**	**55**	**60**	**65**	**70**	
Receiver Location	**City**	**Noise Level at Receiver Locations (dBA)**						**Threshold Exceeded?**
		L_{eq} (Hourly)	L_{50} (30 mins)	L_{25} (15 mins)	L_8 (5 mins)	L_2 (1 min)	L_{max} (<1 min)	
R1	Ontario	48.2	-	48.0	-	-	60.5	Yes
R2	Ontario	49.2	-	48.9	-	-	61.4	Yes
R3	Ontario	53.1	-	53.7	-	-	63.5	Yes
R4	Ontario	47.7	-	47.4	-	-	60.0	Yes
R5	Chino	-	50.7	52.0	53.1	54.9	61.8	Yes
R6	Ontario	51.1	-	51.7	-	-	61.5	Yes
R7	Ontario	50.7	-	51.3	-	-	61.2	Yes
R8	Ontario	49.4	-	49.2	-	-	61.7	Yes

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

Table 4.5-10 shows that Project area-source noise levels at potentially affected receivers would exceed applicable noise standards. Unmitigated Project operational area-source noise would therefore be potentially significant.

Level of Significance Before Mitigation: Potentially Significant.

Mitigation Measures:

4.5.8 *Cold storage loading dock activities and distribution/warehouse facilities shall be designed so that truck bays and loading docks are a minimum of 300 feet away from the property line of sensitive receivers, measured from the dock building door. This distance may be reduced if the site design includes berms or other similar features to appropriately shield and buffer the sensitive receivers from the active truck operations areas.*

4.5.9 *Cold storage loading dock activities and distribution/warehouse facilities shall be designed to provide adequate on-site parking for commercial trucks and passenger vehicles and on-site queuing for trucks that is away from sensitive receivers. The general queuing and spill-over of trucks onto surrounding public streets shall be prevented. Commercial trucks shall not be parked in the public road right-of-way or nearby residential areas.*

4.5.10 *All Project PA systems shall be oriented to direct sound away from sensitive receivers. PA volumes shall be set such that received noise levels not readily audible past the property line.*

4.5.11 *Individual development proposals within the Project site shall demonstrate to the satisfaction of the Lead Agency that noise impacts generated by such proposals would not exceed or be substantially different than noise impacts considered and addressed in the Project Noise Impact Analysis.*

Level of Significance After Mitigation: Less-Than-Significant. As indicated at Table 4.5-11, with the incorporation of Mitigation Measures 4.5.8 through 4.5.11, Project area-source noise at potentially affected receivers would comply with applicable standards.

As mitigated, Project operational area-source would not exceed applicable standards and would be less-than-significant.

Table 4.5-11
Noise Thresholds and Received Area-Source Noise Levels (Mitigated)

		Noise Standards						
	City	L_{eq} (Hourly)	L_{50} (30 mins)	L_{25} (15 mins)	L_8 (5 mins)	L_2 (1 min)	L_{max} (<1 min)	
Daytime	**Ontario**	**65**	**-**	**65**	**-**	**-**	**85**	
Nighttime		**45**	**-**	**45**	**-**	**-**	**65**	
Daytime	**Chino**	**-**	**55**	**60**	**65**	**70**	**75**	
Nighttime		**-**	**50**	**55**	**60**	**65**	**70**	
Receiver Location	**City**	**Noise Level at Receiver Locations (dBA)**						**Threshold Exceeded?**
		L_{eq} (Hourly)	L_{50} (30 mins)	L_{25} (15 mins)	L_8 (5 mins)	L_2 (1 min)	L_{max} (<1 min)	
R1	Ontario	37.3	-	37.2	-	-	50.5	No
R2	Ontario	37.9	-	37.8	-	-	51.3	No
R3	Ontario	38.5	-	38.2	-	-	52.5	No
R4	Ontario	37.7	-	37.6	-	-	51.0	No
R5	Chino	38.0	35.0	37.8	42.3	46.2	51.7	No
R6	Ontario	37.8	-	37.7	-	-	51.1	No
R7	Ontario	38.0	-	37.8	-	-	51.8	No
R8	Ontario	37.9	-	37.7	-	-	51.4	No

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

Area-Source Noise – Contributions to Ambient Conditions

To describe the Project operational area-source noise level contributions, the Project operational noise levels were combined with the ambient noise levels measurements at potentially affected receiver locations. Noise levels that would be experienced at receiver locations when Project-source noise is added to the daytime and nighttime ambient conditions are presented at Tables 4.5-12 and 4.5-13, respectively.

Table 4.5-12
Project Daytime Operational Area-Source Noise Contributions

Receiver Location	Total Project Operational Noise Level (dBA L_{eq})	Measurement Location	Reference Ambient Noise Levels (dBA L_{eq})	Combined Project and Ambient (dBA L_{eq})	Project Increase (dBA L_{eq})	Threshold (dBA L_{eq})	Threshold Exceeded?
R1	48.2	L4	70.6	70.6	0.0	1.5	No
R2	49.2	L6	61.5	61.7	0.2	3.0	No
R3	53.1	L7	58.2	59.4	1.2	5.0	No
R4	47.7	L7	58.2	58.6	0.4	5.0	No
R5	51.4	L10	67.1	67.2	0.1	1.5	No
R6	51.1	L9	75.3	75.3	0.0	1.5	No
R7	50.7	L8	71.5	71.5	0.0	1.5	No
R8	49.4	L8	71.5	71.5	0.0	1.5	No

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

Table 4.5-13
Project Nighttime Operational Area-Source Noise Contributions

Receiver Location	Total Project Operational Noise Level (dBA L_{eq})	Measurement Location	Reference Ambient Noise Levels (dBA L_{eq})	Combined Project and Ambient (dBA L_{eq})	Project Increase (dBA L_{eq})	Threshold (dBA L_{eq})	Threshold Exceeded?
R1	48.2	L4	66.9	67.0	0.1	1.5	No
R2	49.2	L6	58.2	58.7	0.5	5.0	No
R3	53.1	L7	56.1	57.9	1.8	5.0	No
R4	47.7	L7	56.1	56.7	0.6	5.0	No
R5	51.4	L10	62.7	63.0	0.3	3.0	No
R6	51.1	L9	72.3	72.3	0.0	1.5	No
R7	50.7	L8	69.6	69.7	0.1	1.5	No
R8	49.4	L8	69.6	69.6	0.0	1.5	No

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

As indicated at Tables 4.5-12, 4.5-13, the Project would generate an unmitigated daytime operational noise level increase of up to 1.2 dBA Leq, and an unmitigated nighttime operational noise level increase of up to 1.8 dBA Leq at the nearby receiver locations. These operational noise level contributions would not exceed the operational noise level increase significance criteria, and impacts would therefore be less-than-significant.

Level of Significance: Less-Than-Significant.

Vehicular-Source Noise

To assess vehicular-source noise impacts associated with development of the Project, noise contours were developed based on information presented in the *Merrill Commerce Center Specific Plan Traffic Impact Analysis*. As discussed at Section 3.4.3, *Development Concept*, and illustrated at Figure 3.4-4, *Phasing Concept*, the Project is anticipated to be implemented in 3 Phases – "A," "B," and "C". As such, noise contours were developed for the following traffic conditions:

- Existing (2019)
- Existing plus Project (E+P), with analysis broken down for:
  - Phase A: Planning Areas 4 and 5
  - Phase A + Phase B: where Phase B is Planning Areas 1, 2, 3, and 6
  - Phase A + Phase B + Phase C: where Phase C is Planning Areas 1A, 3A, 4A, 5A, and 6A
- Opening Year Cumulative (2022) Without Project
- Opening Year Cumulative (2022) With Project (Phase A)
- Opening Year Cumulative (2025) Without Project
- Opening Year Cumulative (2025) With Project (Phase A + Phase B)
- Opening Year Cumulative (2026) Without Project
- Opening Year Cumulative (2026) With Project (Project Buildout – All 3 Phases)
- Horizon Year (2040) Without Project
- Horizon Year (2040) With Project (Project Buildout – All 3 Phases)

Noise contours were used to assess the Project's incremental traffic-related noise impacts at land uses adjacent to roadways conveying Project traffic. Project noise contours are presented at Table 7-1 through 7-12 of the Project Noise Impact Analysis. Based on the noise contours, the following paragraphs summarize the vehicular-source noise impacts of the Project. Please also refer to Tables 7-13 through 7-19 of the Noise Impact Analysis.

Existing (2019) Phase A Traffic Noise Level Contributions

An analysis of existing traffic noise levels plus traffic noise generated by the proposed Project Phase A has been included for informational purposes only. The analysis of existing traffic noise levels plus traffic noise generated by the proposed Project scenario will not actually occur since the Project would not be fully constructed and operational until Year 2026. Existing without Project exterior noise levels are expected to range from 66.2 to 83.6 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. Existing with Project Phase A conditions will range from to 83.7 dBA CNEL. Project Phase A conditions will generate a noise level increase of up to 1.0 dBA CNEL on the study area roadway segments.

Existing (2019) Phase A+B Traffic Noise Level Contributions

An analysis of existing traffic noise levels plus traffic noise generated by the proposed Project Phase A+B has been included for informational purposes only. The analysis of existing traffic noise levels plus traffic noise generated by the proposed Project scenario will not actually occur since the Project would not be fully constructed and operational until Year 2026. Existing with Project Phase A+B conditions will range from 66.2 to 84.0 dBA CNEL. Project Phase A+B will generate a noise level increase of up to 2.5 dBA CNEL on the study area roadway segments.

Existing (2019) Phase A+B+C Traffic Noise Level Contributions

An analysis of existing traffic noise levels plus traffic noise generated by the proposed Project Phase A+B+C has been included for informational purposes only. The analysis of existing traffic noise levels plus traffic noise generated by the proposed Project scenario will not actually occur since the Project would not be fully constructed and operational until Year 2026. Existing with Project Phase A+B+C conditions will range from 66.9 to 84.1 dBA CNEL. Project Phase A+B+C will generate a noise level increase of up to 3.0 dBA CNEL on the study area roadway segments.

Opening Year 2022 Phase A Traffic Noise Level Contributions

Opening Year 2022 without Project conditions CNEL noise levels are expected to range from 67.1 to 84.1 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. Opening Year 2022 with Project Phase A conditions will range from 67.1 to 84.2 dBA CNEL. Project Phase A will generate a noise level increase of up to 0.9 dBA CNEL on the study area roadway segments. The maximum received noise levels would affect non-sensitive land uses. This Project-related noise level increase would not exceed applicable Project incremental increase threshold (≥ 3.0 dBA CNEL received at non-sensitive land uses) identified at Table 4.5-3. Project vehicular-source noise impacts would therefore be less-than-significant under Opening Year 2022 with Project Phase A Conditions. Please refer also to Project Noise Impact Analysis Table 7-16.

Opening Year 2025 Phase A+B Traffic Noise Level Contributions

Opening Year 2025 without Project conditions CNEL noise levels are expected to range from 67.8 to 84.5 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. Opening Year 2025 with Project Phase A+B conditions will range from 67.8 to 84.8 dBA CNEL. Project Phase A+B will generate a noise level increase of up to 2.0 dBA CNEL on the study area roadway segments. The maximum received noise levels would affect non-sensitive land uses. This Project-related noise level increase would not exceed applicable Project incremental increase threshold (≥ 3.0 dBA CNEL received at non-sensitive land uses) identified at Table 4.5-3. Project vehicular-source noise impacts would therefore be less-than-significant under Opening Year 2025 with Project Phase A+B Conditions. Please refer also to Project Noise Impact Analysis Table 7-17.

Opening Year 2026 Phase A+B+C Traffic Noise Level Contributions

Opening Year 2026 without Project conditions CNEL noise levels are expected to range from 68.0 to 84.5 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. Opening Year 2026 with Project Phase A+B+C conditions will range from 68.4 to 85.0 dBA CNEL. Project Phase A+B+C will generate a noise level increase of up to 2.3 dBA CNEL on the study area roadway segments. The maximum received noise levels would affect non-sensitive land uses. This Project-related noise level increase would not exceed applicable Project incremental increase threshold (≥ 3.0 dBA

CNEL received at non-sensitive land uses) identified at Table 4.5-3. Project vehicular-source noise impacts would therefore be less-than-significant under Opening Year 2026 with Project Phase A+B+C Conditions. Please refer also to Project Noise Impact Analysis Table 7-18.

Horizon Year 2040 Phase A+B+C Traffic Noise Level Contributions

Horizon Year 2040 without Project conditions CNEL noise levels are expected to range from 68.2 to 85.1 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. Horizon Year 2040 with Project Phase A+B+C conditions will range from 69.4 to 85.4 dBA CNEL. Project Phase A+B+C will generate a noise level increase of up to 2.2 dBA CNEL on the study area roadway segments. The maximum received noise levels would affect non-sensitive land uses. This Project-related noise level would not exceed applicable Project incremental increase threshold (≥ 3.0 dBA CNEL received at non-sensitive land uses) identified at Table 4.5-3. Project vehicular-source noise impacts would therefore be less-than-significant under Horizon Year 2040 with Project Phase A+B+C Conditions. Please refer also to Project Noise Impact Analysis Table 7-19.

Level of Significance: Less-Than-Significant.

Potential Impact: *Generation of excessive groundborne vibration or groundborne noise.*

Impact Analysis:

Construction-Source Vibration

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. It is expected that groundborne vibration from Project construction activities would cause only intermittent, localized intrusion. The vibration analysis shows the highest construction vibration levels in root-mean-square (RMS) velocity are expected to approach 0.009 in/sec RMS at the nearby receiver locations. Since the City of Ontario does not identify specific vibration level thresholds, the vibration level threshold used in this analysis is based on the City of Chino 0.05 in/sec RMS standard. The construction

vibration analysis shows that the Project construction activities will satisfy the vibration standard of 0.05 in/sec RMS at all receiver locations during Project construction.

Further, the Project-related construction vibration levels do not represent levels capable of causing building damage to nearby residential homes. The FTA identifies construction vibration levels capable of building damage ranging from 0.12 to 0.5 in/sec PPV. The peak Project-construction vibration levels, approaching 0.012 in/sec PPV, will not exceed the FTA vibration levels for building damage at the residential uses near the Project site.

Further, the impacts at the site of the closest sensitive receivers are unlikely to be sustained during the entire construction period but will occur rather only during the times that heavy construction equipment is operating adjacent to the Project site perimeter. Construction at the Project site will be restricted to daytime hours consistent with City requirements thereby eliminating potential vibration impact during the sensitive nighttime hours.

Operational-Source Vibration

Project operations would include heavy trucks moving onsite to and from the loading dock areas. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. Typical vibration levels for the Merrill Commerce Center Specific Plan heavy truck activity at normal traffic speeds will approach 0.012 in/sec root-mean-square (RMS) velocity at 25 feet based on the Federal Transit Administration (FTA) Transit Noise Impact and Vibration Assessment. Trucks transiting on-site will be travelling at very low speeds. Delivery truck vibration impacts at nearby homes would therefore not exceed the City of Chino 0.05 in/sec RMS vibration level standard.

Level of Significance: Less-Than-Significant.

Potential Impact: *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.*

Impact Analysis: The Project site is located roughly 1,000 feet northeast of Chino Airport Runway 3-21. The Los Angeles/Ontario International Airport (LA/ONT) is located approximately 4.3 miles northerly of the Project site.

The City of Ontario is currently developing a Compatibility Plan for Chino Airport (Compatibility Plan) that relies on procedures and requirements outlined in *California Airport Land Use Planning Handbook* (State of California Department of Transportation, Division of Aeronautics) October 2011 (*Handbook*). As provided for in the *Handbook* "alternative process" the City functions as the Designated Agency in formulating airport land use compatibility plans for City properties. The Compatibility Plan is based on the Handbook *Generic Safety Zones for General Aviation Airports*.
See also: https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf

For compatibility planning purposes, the noise contours reflecting the County's aircraft activity forecast of 209,400 annual operations for 2025 is considered to be representative of the likely maximum number of aircraft operations that could be realized over the requisite 20-year forecast period (2039) (Compatibility Plan, n.p.).

Only the 55 dB CNEL contour affects lands within the City of Ontario. Since the affected area [including the Project site] is planned for future industrial uses, no significant impacts are anticipated (Compatibility Plan, n.p.). Further, conventional construction methods employed in construction of development proposals within the Project site would eliminate potentially adverse noise intrusion upon indoor spaces. In this regard, standard building construction practices required under the State of California Green Building Standards Code (CALGreen) typically provide up to 25 dBA CNEL of attenuation. With respect to noise generated by Chino Airport facilities and activities, application of standard CALGreen construction practices would yield acceptable Project interior noise levels approximating 35 dBA CNEL.

The Project site is also within the airport influence area of LA/ONT. Based on the LA/Ontario International Airport Land Use Compatibility Plan, industrial land uses located outside of the 60 dBA CNEL noise level contours of LA/ONT (such as the Project) are considered a normally compatible land use and must reduce interior noise levels to 50 dBA CNEL. With respect to noise generated by LA/ONT facilities and activities, application of standard CALGreen construction practices would yield acceptable Project interior noise levels approximating 35 dBA CNEL. The Project does not propose facilities or operations that would exacerbate any adverse airport-source noise conditions.

Based on the preceding, the potential for the Project to result in or cause expose people residing or working in the Project area to excessive airport-source noise levels would be less-than-significant.

Level of Significance: Less-Than-Significant.

4.6 HAZARDS/HAZARDOUS MATERIALS

4.6 HAZARDS/HAZARDOUS MATERIALS

Abstract

This Section identifies and addresses potential hazards and hazardous materials impacts that may result from the implementation and operations of the Project. More specifically, the hazards and hazardous materials analysis presented here examines whether the Project would:

- *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;*

- *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment;*

- *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;*

- *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;*

- *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 the people residing or working in the project area; or*

- *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.*

Additionally, as discussed in the EIR Initial Study (EIR Appendix A), the Project's potential impacts under the following topic were previously determined to be less-than-significant, and are not further substantively discussed here:

- *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.*

As supported by the analysis presented in this Section, with the application of mitigation, and the Project's mandated compliance with existing rules and regulations, potential hazards and hazardous materials impacts of the Project are less-than-significant.

4.6.1 INTRODUCTION

The analysis presented in this Section addresses the potential impacts of hazards and/or hazardous materials associated with the construction and operation of the proposed Merrill Commerce Center Specific Plan Project. The analysis considers potential hazards/hazardous conditions affecting the Project site; and also considers potential hazards resulting from the Project, including potential effects at off-site land uses.

The Specific Plan area is comprised of five properties, referred to herein as the Borba, Liberty, Minaberry, Lanting, and Alewyn properties. Figure 4.6-1 illustrates the location of each of these properties within the Project site.

Information presented in this Section is summarized in part from the following documents:

- *Phase I Environmental Site Assessment, Borba Land Phase II (189 acres), 14545 South Grove Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) May 2, 2017;

- *Limited Phase II Subsurface Investigation and Limited Methane Investigation Report, Borba Land Phase II (189 acres) 14545 South Grove Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) June 26, 2017;



Source: Google Earth; Applied Planning, Inc.

Figure 4.6-1
On-site Properties

- *Phase I Environmental Site Assessment, GH Dairy Farm, 8643 Eucalyptus Avenue, Ontario, San Bernardino County, California* (AECOM) April 13, 2017;

- *Limited Phase II Environmental Site Assessment, GH Dairy, 8643 Eucalyptus Avenue, Ontario, San Bernardino County, CA* (AECOM) June 12, 2017;

- *Phase I Environmental Site Assessment Report, Minaberry Land, 8731 Eucalyptus Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) February 28, 2017;

- *Limited Methane Investigation Report, 8731 Eucalyptus Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) May 31, 2017;

- *Phase I Environmental Site Assessment Report, Lanting Land, 9032 Merrill Avenue and 8911 Eucalyptus Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) August 24, 2018;

- *Limited Phase II Subsurface Investigation and Limited Methane Investigation Report, Lanting Land, 9032 Merrill Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) August 31, 2018;

- *Phase I Environmental Site Assessment Report, Alewyn Land, 9031 Eucalyptus Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) August 2, 2018; and

- *Limited Methane Investigation Report, Alewyn Land, 9031 Eucalyptus Avenue, Ontario, California 91762* (Partner Engineering and Science, Inc.) August 31, 2018;

These documents are presented in their entirety as EIR Appendix G.

4.6.2 SETTING

The physical setting of the Project provided here serves as context for potential hazards associated with, or resulting from, the Project.

4.6.2.1 Project Site Land Use

The Project site currently contains a variety of land uses including a dairy farm, cattle stockades, and trucking operations on the eastern side of the Project site. The site also includes ancillary support equipment for cattle and dairy farming, bio-retention basins located at the southern boundary, and appurtenant residences at various locations throughout the Project site.

4.6.2.2 Project Site History

Based on historical research conducted as part of the Phase I ESAs, the Project site was historically used for agricultural uses beginning in the late 1930s. By the late 1960s, the site had transitioned to dairy uses.

4.6.2.3 Vicinity Land Uses

The Project site is bound by Eucalyptus Avenue and agricultural land uses to the north; Merrill Avenue, agricultural land uses, logistics warehouses, the Chino Airport, and vacant land to the south; Grove Avenue and agricultural land uses to the west; and Carpenter Avenue and a dairy operation to the east.

4.6.3 EXISTING HAZARDS/HAZARDOUS CONDITIONS

Existing hazardous conditions affecting the Project site and surrounding areas have been identified within the previously-referenced environmental documents. Results and findings of those documents are summarized below.

4.6.3.1 Potential Project Site Hazards

Potential on-site hazards discussed below are categorized by property, based on the studies listed previously at Section 4.6.1. All of the properties described below lie within Merrill Commerce Center Specific Plan area.

Borba Property

The Phase I ESA prepared for this portion of the Project site (*Phase I Environmental Site Assessment, Borba Land Phase II (189 acres), 14545 South Grove Avenue, Ontario, California 91762* [Partner Engineering and Science, Inc.] May 2, 2017) identified the following concerns:

- Animal waste from the long-term dairy farm uses have potentially created methane gas, and soil contamination from nitrates and ammonia.

- Numerous automotive fluids, including several large above ground storage tanks (ASTs) on or near the on-site maintenance shop. These materials are used for maintaining and repairing farm equipment.

- Additional ASTs used for truck and equipment refueling are located on-site.

- A scrap metal area containing drums, ASTs, farming equipment, and vehicles is located on the property.

- The property is located within the South Archibald Tricholroethyleme (TCE) Plume. The 2,000-acre TCE Plume contains contaminated groundwater that underlies the Project site.

- Dairy operations use formaldehyde, iodine, and glycerol to wash the cows. The dairies also use muriatic acid and chlorinated alkaline as a cleaning solution. Pesticides are applied to prevent parasite infestations. Wastewater from these processes is discharged to the pastures for irrigation.

- General debris observed throughout the property, including vehicle equipment staging areas, used tires, concrete rubble piles, compressors, and generators may have the potential to impact on-site surficial soil.

- The majority of on-site structures were constructed prior to 1988, when the United States passed the Lead Contamination Control Act. As such, asbestos containing materials (ACMs) and lead-based paint (LBP), both of which were widely used in the past but are now known to pose human health risks, may be present.

- Septic systems are located within the property.

To address the possible soil contamination and presence of methane identified by the Phase I ESA for the Borba property, a subsurface and methane investigation was conducted (*Limited Phase II Subsurface Investigation and Limited Methane Investigation Report, Borba Land Phase II (189 acres) 14545 South Grove Avenue, Ontario, California 91762* [Partner Engineering and Science, Inc.] June 26, 2017). No evidence of contamination was detected at the maintenance or refueling area. One gasoline-related VOC was detected at the scrap metal area at a concentration well below applicable criteria. Methane was detected at a concentration of 16,100 parts per million per volume (ppmV) at one sample taken from the site. Methane is not toxic; however, it is combustible and potentially explosive at concentrations higher than 53,000 ppm in the presence of oxygen. A subsurface methane concentration of approximately 5,000 ppm is generally accepted as an "action level."

The concerns identified above, and their potential to affect the Project, are discussed further at Section 4.6.6.2, *Impact Statements*.

Liberty Property

The Phase I ESA prepared for this portion of the Project site (*Phase I Environmental Site Assessment, GH Dairy Farm, 8643 Eucalyptus Avenue, Ontario, San Bernardino County, California* [AECOM] April 13, 2017) identified the following concerns:

- Animal waste from the long-term dairy farm uses on-site have potentially created methane gas, and soil contamination from nitrates and ammonia.

- Pesticides, herbicides, and arsenic could be present in on-site soils due to the property's previous agricultural use.

- Dairy operations use formaldehyde, iodine, and glycerol to wash the cows. Pesticides are applied to prevent parasite infestations. The dairies also use muriatic acid and chlorinated alkaline as a cleaning solution. Wastewater from these processes is discharged to the pastures for irrigation.

- The property is located within the South Archibald TCE Plume.

- Drains, pits, various buckets, cans, and drums, compressors, and ASTs were observed throughout the property. This general debris may have the potential to impact on-site surficial soil.

- ACMs and LBP may be present within the on-site structures.

- Water supply wells are known to exist at the property.

- Septic systems are located within the property.

To address the possible soil contamination identified by the Phase I ESA for the Liberty property, soil sampling was conducted (*Limited Phase II Environmental Site Assessment, GH Dairy, 8643 Eucalyptus Avenue, Ontario, San Bernardino County, CA* [AECOM] June 12, 2017). Although pesticides and herbicides were detected as part of the soil analysis, the samples tested were below their respective California Human Health Screening Levels Residential Scenario Soil Screening Number. Arsenic was detected at concentrations above the California Human Health Screening Levels Residential Scenario and Commercial/Industrial Scenario. However, the Phase II determined that the concentrations of arsenic observed in the collected soil samples lie within the range of naturally occurring background arsenic concentrations in southern California. These concentrations do not warrant further investigation, and no construction-related special handling is required.

The concerns identified above, and their potential to affect the Project, are discussed further at Section 4.6.6.2, *Impact Statements*.

Minaberry Property

The Phase I ESA prepared for this portion of the Project site (*Phase I Environmental Site Assessment Report, Minaberry Land, 8731 Eucalyptus Avenue, Ontario, California 91762* [Partner Engineering and Science, Inc.] February 28, 2017) identified the following concerns:

- The long-term dairy farm uses on-site have created the potential for methane, nitrates, and ammonia in the soil from animal waste.

- Pesticides, herbicides, and arsenic could be present in on-site soils due to the property's previous agricultural use.

- The property is located within the South Archibald TCE Plume.

- An approximately 500-gallon AST used to store diesel for farm equipment refueling is located on-site.

- Dairy operations use formaldehyde, iodine, and glycerol to wash the cows. Pesticides are applied to prevent parasite infestations. The dairies also use muriatic acid and chlorinated alkaline as a cleaning solution. Wastewater from these processes is discharged to the pastures for irrigation.

- ACMs and LBP may be present within the on-site structures.

- Abandoned vehicles, silos, empty ASTs, tires, and farm equipment no longer in use were observed throughout the property. This general debris may have the potential to impact on-site surficial soil.

- Water supply wells are known to exist at the property.

- Septic systems are located within the property.

Based on the methane concerns identified as part of the Phase I ESA for the Minaberry property, a Methane Investigation was conducted (*Limited Methane Investigation Report, 8731 Eucalyptus Avenue, Ontario, California 91762* [Partner Engineering and Science, Inc.] May 31, 2017). Of the 18 samples collected, four detected methane (at concentrations of 4,000 ppmV, 45,000 ppmV, 15,000 ppmV, and 10,000 ppmV).

The concerns identified above, and their potential to affect the Project, are discussed further at Section 4.6.6.2, *Impact Statements*.

Lanting Property

The Phase I ESA prepared for this portion of the Project site (*Phase I Environmental Site Assessment Report, Lanting Land, 9032 Merrill Avenue and 8911 Eucalyptus Avenue, Ontario, California 91762* [Partner Engineering and Science, Inc.] August 24, 2018) identified the following concerns:

- The long-term dairy farm uses on-site have created the potential for methane, nitrates, and ammonia in the soil from animal waste.

- Pesticides, herbicides, and arsenic could be present in on-site soils due to the property's previous agricultural use.

- The property is located within the South Archibald TCE Plume.

- Various hazardous substances are used on-site in connection with the trucking operation. These substances are typical of service and fueling operations, and include diesel, diesel exhaust fluid, motor oil, antifreeze, transmission fluid, gear oil, a non-VOC-based parts washing solution, paints, and aerosols. Wastes generated on-site include waste oil, waste antifreeze, and used oil filters.

- A portion of the site was previously occupied by a construction company. The exact types of operations and substances associated with the construction company are unclear.

- A total of 0.175 tons of "contaminated soils from site clean-up" were reported as waste generation by the DTSC in 2009. No other regulatory records were found. Due to the limited quantity involved, and the fact that no follow up records exist, it can be assumed that the cleanup was related to a minor spill that was abated without regulatory oversight and the waste was categorized as hazardous and transferred off-site for disposal.

- ACMs and LBP may be present within the on-site structures.

- Water supply wells are known to exist at the property.

- Septic systems are located within the property.

Based on the recommendations of the Phase I ESA, further testing was conducted at this property as part of the Phase II Subsurface and Methane Investigation Report *(Limited Phase II Subsurface Investigation and Limited Methane Investigation Report, Lanting Land, 9032 Merrill Avenue, Ontario, California 91762* [Partner Engineering and Science, Inc.] August 31, 2018).

Methane was not detected above State and local regulatory screening levels on the Lanting property. Additionally, no evidence of a significant release was detected in the truck maintenance area. Although VOCs were detected, the concentrations are well below applicable regulatory criteria.

The concerns identified above, and their potential to affect the Project, are discussed further at Section 4.6.6.2, *Impact Statements*.

Alewyn Property

The Phase I ESA prepared for this portion of the Project site (*Phase I Environmental Site Assessment Report, Alewyn Land, 9031 Eucalyptus Avenue, Ontario, California 91762* [Partner Engineering and Science, Inc.] August 2, 2018) identified the following concerns:

- The long-term dairy farm uses on-site have created the potential for methane, nitrates, and ammonia in the soil from animal waste.
- Pesticides, herbicides, and arsenic could be present in on-site soils due to the property's previous agricultural use.
- The property is located within the South Archibald TCE Plume.
- Formaldehyde, iodine, and glycerol are used to wash the cows associated with the dairy operation. Pesticides are applied to prevent parasite infestations. Additionally, muriatic acid and chlorinated alkaline cleaning solution is used for cleaning. Wastewater from these processes is discharged to the pastures for irrigation.
- ACMs and LBP may be present within the on-site structures.
- Water supply wells are known to exist at the property.
- Septic systems are located within the property.

Based on the methane concerns identified as part of the Phase I ESA for the Alewyn property, a Methane Investigation was conducted (*Limited Methane Investigation Report, Alewyn Land, 9031 Eucalyptus Avenue, Ontario, California 91762* [Partner Engineering and Science, Inc.] August 31, 2018). Of the nine samples collected, only one detected methane. The concentration detected, 1,200 ppmV, is below local regulatory screening levels.

The concerns identified above, and their potential to affect the Project, are discussed further at Section 4.6.6.2, *Impact Statements*.

4.6.3.2 Potential Vicinity Hazards

Database Search

An environmental database search was performed as part of the Phase I ESAs, including federal, state, local, and databases, to evaluate whether properties within the vicinity of the site have been reported as having experienced significant events with potentially adverse environmental effects. Various vicinity properties were identified within the database search. Based on the information provided for these properties and/or the type of database on which the properties were listed, it was unlikely that any of these listed sites would result in, or cause, environmental concerns that would affect the Project site. Please refer also to Section 4.2.1, *Regulatory Database Summary*, of the Phase I ESAs.

Chino Airport

The Project site is located adjacent to Chino Airport, a municipal airport owned by San Bernardino County. Chino Airport encompasses approximately 1,150 acres bounded by Euclid Avenue, Merrill Avenue, Walker Avenue and Kimball Avenue. The airfield is classified as a General Utility (GU) airport and is operated by the San Bernardino County Department of Airports. Operation of Chino Airport creates potential hazard/safety impacts affecting nearby land uses.

4.6.4 HAZARDS/HAZARDOUS MATERIALS POLICIES AND REGULATIONS

A number of federal, state, and local laws have been enacted to regulate and manage hazardous materials. Implementation of these laws and the associated management of hazardous materials are regulated independently of the CEQA process, through programs administered by various agencies at the federal, state, and local levels. An overview of regulatory agencies and certain key hazardous materials laws and regulations applicable to the Project, and to which the Project must conform, is provided below.

4.6.4.1 Federal

Several federal agencies regulate hazardous materials. These include the United States Environmental Protection Agency (USEPA), the United States Occupational Safety and Health Administration (USOSHA), and the United States Department of Transportation (USDOT). Applicable Federal Regulations are contained primarily in Titles 10, 29, 40, and 49 of the Code of Federal Regulations (CFR). In particular, Title 49 of the CFR governs the manufacture of packaging and transport containers; packing and repacking; labeling and the marking of hazardous material transport. Some of the major federal laws and issue areas include the following statutes and implementing regulations:

- Resources Conservation and Recovery Act (RCRA) - hazardous waste management;
- Hazardous and Solid Waste Amendments Act (HSWA) - hazardous waste management;
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) - cleanup of contamination;
- Superfund Amendments and Reauthorization Act (SARA) - cleanup of contamination; and
- Emergency Planning and Community Right-to-Know (SARA Title III) - business inventories and emergency response planning.

The USEPA is the primary federal agency responsible for the implementation and enforcement of hazardous materials regulations. In most cases, enforcement of environmental laws and regulations established at the federal level is delegated to state and local environmental regulatory agencies.

In addition, with respect to emergency planning, the Federal Emergency Management Agency (FEMA) is responsible for ensuring the establishment and development of policies and programs for emergency management at the federal, state, and local levels. This includes the development of a national capability to mitigate against, prepare for, respond to, and recover from a full range of emergencies.

Hazardous Waste Handling

The USEPA has authorized the California Department of Toxic Substance Control (DTSC) to enforce hazardous waste laws and regulations in California. Requirements place "cradle-to-grave" responsibility for hazardous waste disposal on the shoulders of hazardous waste generators. Waste generators must ensure that their wastes are disposed of properly, and legal requirements dictate the disposal requirements for many waste streams (e.g., a ban on many types of hazardous wastes from landfills).

Hazardous Materials Transport

The USDOT Office of Hazardous Materials Safety has developed regulations pertaining to the transport of hazardous materials and hazardous wastes by all modes of transportation, as outlined in Title 49 of the CFR. The U.S. Postal Service has developed additional regulations for the transport of hazardous materials by mail. USDOT regulations specify packaging requirements for different types of materials. USEPA has also promulgated regulations for the transport of hazardous wastes. These more stringent requirements include tracking shipments with manifests to ensure that wastes are delivered to their intended destinations.

4.6.4.2 State

The primary state agencies with jurisdiction over hazardous chemical materials management are the DTSC and the State Water Quality Control Board (SWQCB). Other state agencies involved in hazardous materials management are the Department of Industrial Relations, California OSHA (Cal OSHA) implementation, Office of Emergency Services (OES - California Accidental Release Prevention Implementation), Air Resources Board (ARB), California Department of Transportation (Caltrans), State Office of Environmental Health Hazard Assessment (OEHHA - Proposition 65 implementation) and CalRecycle (formerly the California Integrated Waste Management Board, CIWMB). The enforcement agencies for hazardous materials transportation regulations are the California Highway Patrol (CHP) and Caltrans. Hazardous materials and waste transporters are responsible for complying with all applicable packaging, labeling, and shipping regulations.

Relevant hazardous materials management laws in California include, but are not limited to, the following statutes and implementation regulations:

- Hazardous Materials Management Act - business plan reporting;
- Hazardous Waste Control Act - hazardous waste management;
- Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) - release of and exposure to carcinogenic chemicals;
- Hazardous Substance Act - cleanup of contamination; and
- Hazardous Materials Storage and Emergency Response.

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) has broad jurisdiction over hazardous materials management in the state. Within CalEPA, the DTSC has primary regulatory responsibility for hazardous waste management and cleanup. Enforcement of regulations has been delegated to local jurisdictions that enter into agreements with DTSC for the generation, transport, and disposal of hazardous materials under the authority of the Hazardous Waste Control Law.

Along with the DTSC, the SWQCB is responsible for implementing regulations pertaining to management of soil and groundwater investigation and cleanup. SWQCB regulations are contained in Title 27 of the California Code of Regulations (CCR). Additional state regulations applicable to hazardous materials are contained in Title 22 of the CCR. Title 26 of the CCR is a compilation of those sections or titles of the CCR that are applicable to hazardous materials.

Department of Toxic Substances Control

The Resource Conservation and Recovery Act (RCRA) of 1976 is the principal federal law that regulates the generation, management, and transportation of hazardous materials and other wastes. The DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA, and the California Health and Safety Code. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. In

addition, DTSC reviews and monitors legislation to ensure that the position reflects the DTSC's goals. From these laws, DTSC's major program areas develop regulations and consistent program policies and procedures. The regulations spell out what hazardous waste handlers must do to comply with the laws.

California law provides the general framework for regulation of hazardous wastes by the Hazardous Waste Control Law (HWCL) passed in 1972. DTSC is the State's lead agency in implementing the HWCL. The HWCL provides for state regulation of existing hazardous waste facilities, which include "any structure, other appurtenances, and improvements on the land, used for treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous wastes," and requires permits for, and inspections of, facilities involved in generation and/or treatment, storage and disposal of hazardous wastes.

California Accidental Release Prevention Program (CalARP)

The CalARP program (CCR Title 19, Division 2, Chapter 4.6) covers certain businesses that store or handle more than a certain volume of specific regulated substances at their facilities. The list of regulated substances is found in Article 8, Section 2770.5 of the CalARP program regulations. The businesses that use a regulated substance above the noted threshold quantity must implement an accidental release prevention program, and some may be required to complete a Risk Management Plan (RMP). An RMP is a detailed engineering analysis of the potential accident factors present at a business and the mitigation measures that can be implemented to reduce this accident potential. The purpose of an RMP is to decrease the risk of an off-site release of a regulated substance that might harm the surrounding environment and community. An RMP includes the following components: safety information, hazard review, operating procedures, training, maintenance, compliance audits, and incident investigation. The RMP must consider the proximity to sensitive populations located in schools, residential areas, general acute care hospitals, long-term health care facilities, and child day-care facilities, and must also consider external events such as seismic activity.

Hazardous Materials Transportation

In California, the CHP has the primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies. Specifically, Section 31303 of the California Vehicle Code requires that when hazardous materials are transported on state or interstate highways, the highway(s) that offer the shortest overall transit time possible shall be used. Transportation of hazardous materials along any city or state roadways is subject to all hazardous materials transportation regulations established by the CHP and Caltrans. Transporters of hazardous materials and waste are responsible for complying with all applicable packaging, labeling, and shipping regulations.

Investigation and Cleanup of Contaminated Sites

The oversight of hazardous materials release sites often involves several different agencies that may have overlapping authority and jurisdiction. The DTSC and SWQCB are the two (2) primary state agencies responsible for issues pertaining to hazardous materials release sites. Air quality issues related to remediation and construction at contaminated sites are also subject to federal and state laws and regulations that are administered at the local level.

Investigation and remediation activities that would involve potential disturbance or release of hazardous materials must comply with applicable federal, state, and local hazardous materials laws and regulations. The DTSC has developed standards for the investigation of sites where hazardous materials contamination has been identified or could exist based on current or past uses. The standards identify approaches to determine if a release of hazardous wastes/substances exists at a site and delineate the general extent of contamination; estimate the potential threat to public health and/or the environment from the release and provide an indicator of relative risk; determine if an expedited response action is required to reduce an existing or potential threat; and complete preliminary project scoping activities to determine data gaps and identify possible remedial action strategies to form the basis for development of a site strategy.

Caltrans Division of Aeronautics

The Caltrans Division of Aeronautics (Division) is, in large part, responsible for administration of the California State Aeronautics Act (SAA), Public Utilities Code (PUC), Section 21001 et seq. The purpose of the SAA "is to protect the public interest in aeronautics and aeronautical progress."[1] The SAA is the implementing statute requiring the formation of a county Airport Land Use Commission or comparable designated airport regulatory commission. The SAA at Section 21675. (a) (excerpted in pertinent part below) assigns the ALUC or other designated airport regulatory commission with the responsibility to prepare and adopt an Airport Land Use Compatibility Plan (ALUCP):

> 21675. (a) Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission's airport land use compatibility plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, that reflects the anticipated growth of the airport during at least the next 20 years. In formulating an airport land use compatibility plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the airport influence area. The airport land use compatibility plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.

[1] *California Airport Land Use Planning Handbook* (Caltrans Division of Aeronautics) October 2011, p. vii.

4.6.4.3 Regional

Southern California Association of Governments (SCAG)

SCAG is the regional agency for coordination between various local agencies within the six-county region covering Los Angeles, Orange, San Bernardino, Riverside, Ventura and Imperial counties. The region covers more than 38,000 square miles and is home to more than 18 million people. SCAG is the designated Regional Transportation Planning Agency, and is responsible for preparing plans and developing goals, policies, and programs to ensure regional cooperation. One such program is the Southern California Compass Blueprint Growth Vision. SCAG works with local governments and other entities in the region to implement the program's four (4) principles: Mobility, Livability, Prosperity, and Sustainability. SCAG is also responsible for preparing the Regional Comprehensive Plan and Guide (RCPG), an advisory plan to achieve a sustainable balance between environmental, economic, and social interests throughout the SCAG region.

South Coast Air Quality Management District (SCAQMD)

The SCAQMD establishes Rules that regulate or control various air pollutant emissions and emissions sources within the South Coast Air Basin (Basin). The SCAQMD coordinates its actions with local, state, and federal government agencies, the business community, and private citizens to achieve and maintain healthy air quality for San Bernardino County, including the City of Ontario.

4.6.4.4 Local

San Bernardino County Fire Department, Hazardous Materials Division

Under the California Unified Hazardous Waste and Hazardous Material Management Regulatory Program, (Chapter 6.11, Division 20, Section 25404 of the Health and Safety Code), hazards/hazardous materials management is addressed locally through the Certified Unified Program Agency (CUPA). The primary CUPA for the City of Ontario is the San Bernardino County Fire Department.

As a CUPA, San Bernardino County Fire Department manages the following six hazardous material and hazardous waste programs:

- Hazardous Materials Release Response Plans and Inventory (Business Plan);
- California Accidental Release Program (CalARP);
- Underground Storage Tanks (UST);
- Aboveground Petroleum Storage Act (APSA)/Spill Prevention, Control, and Countermeasure Plan (SPCC Plan);
- Hazardous Waste Generation and On-site Treatment; and
- Hazardous Materials Management Plans and Inventory Statements under Uniform Fire Code Article 80.

Chino Basin Watermaster

In compliance with the Chino Basin Watermaster's Well Procedure for Developers, a well use/destruction plan and schedule for all existing private/agricultural wells is required to be submitted to the City of Ontario for approval prior to the issuance of permits for any construction activity. The location of the existing private/agricultural wells within the Project site is illustrated at Figure 4.6-2. If a private well is actively used for water supply, the Developer is required to submit a plan to abandon such well and connect users to the City's water system when available. Wells are required to be destroyed/abandoned per the California Water Resource Guidelines and require permitting from the San Bernardino County Health Department. A copy of such permit and Form DWR 188 Well Completion Form is required to be provided to the City of Ontario's Development Engineering Department and the Utilities Engineering Department prior to issuance of grading and/or building permits. If the Developer proposes temporary use of an existing agricultural well for purposes other than agriculture, such as grading, dust control, etc., the Developer is required to make a formal request to the City of Ontario for such use prior to issuance of permits for any construction activity.



NOT TO SCALE

Source: T & B Planning

Figure 4.6-2
Existing Well Locations

City of Ontario

The Ontario Plan includes Goals and Policies which act to reduce potential hazards within the City. Additionally, the City of Ontario has published Methane Design Guidelines for projects located within the New Model Colony. These guidelines are applicable to any building development on farm properties (including dairy farms) and is independent of the planned building use (i.e., residential or commercial/industrial).

In summary, a Methane Site Assessment is required for any parcels used as animal farms or composting/fertilizer farms, and the survey must be completed within "all lots in potential methane areas." The Methane Site Assessment must be completed within 30 days after building footprints have been put in place.

The City further presents Design Guidelines to be implemented within affected properties. Building permits will be issued when the test report is approved by the City Building Department, and any required mitigation measures are shown on building plans.

Chino Airport Overlay

The City of Ontario is currently developing a Compatibility Plan for Chino Airport (Compatibility Plan) that relies on procedures and requirements outlined in California Airport Land Use Planning Handbook (State of California Department of Transportation, Division of Aeronautics) October 2011 (Handbook). As provided for in the Handbook "alternative process" the City functions as the Designated Agency in formulating airport land use compatibility plans for City properties. The Compatibility Plan is based on the Handbook Generic Safety Zones for General Aviation Airports.
See also: https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf).

The City anticipates adoption of a Draft Chino Airport Compatibility Plan in late 2020 – early 2021. Final site plans and development plans within the Project site would be

subject to, and would be required to comply with, applicable standards and requirements of the Compatibility Plan as adopted by the City.

4.6.4.5 Waste Handling Procedures

As presented above, the identification, characterization, handling, transportation and disposal of wastes are primarily regulated under 40 CFR, part 261.24 (Federal) and Title 22 of the California Code of Regulations (State) and other applicable DOT, CA DTSC, and OSHA laws and regulations. The following discussions detail how these regulations are applied to the specific hazardous materials most likely to be encountered as part of the demolition and site preparation phase of the Project.

Manifesting and Transportation

Waste must be hauled under proper shipping manifests as follows:

1) Non-hazardous: A uniform non-hazardous manifest;
2) Cal-haz/Non-RCRA (State system): A uniform hazardous manifest, identifying the waste as non-RCRA, using an appropriate EPA number;
3) RCRA-hazardous (Federal system): A uniform hazardous manifest, identifying the waste as RCRA, using an appropriate EPA number.

The transporter must have the required and appropriate hauling permits and licenses in order to be able to haul the waste.

Disposal

Landfills are classified based on the type of waste accepted; hazardous waste must be disposed of at a Class I landfill, "designated waste"[2] at a Class II, non-hazardous solid waste at a Class III, and inert waste is disposed of at an unclassified disposal site. All

[2] "Designated waste" is defined as hazardous waste that has been granted a variance from hazardous waste management requirements; or non-hazardous waste that could be released in concentrations exceeding applicable water quality objectives or that could reasonably be expected to affect beneficial uses of waters of the State.

designated landfills must have the proper local, State and Federal operating permits. Waste, as classified, is disposed of as follows:

1) Non-hazardous: At a non-hazardous Class III landfill or at a Treatment and Recycling facility.
2) Cal-haz/Non-RCRA: At a hazardous Class I landfill or at an out of State non-hazardous landfill.
3) RCRA-hazardous: At a hazardous Class I landfill.

While non-hazardous waste from the Project site could be transported to a number of Class III landfills, non-hazardous waste generated at the site and vicinity is currently sent to the West Valley Materials Recovery Facility (MRF) in Fontana for processing, recycling, or landfilling. Most refuse is transported from the MRF to the El Sobrante Landfill, located in the City of Corona. Any hazardous waste encountered as part of site preparation activities will be disposed of at a Class I landfill. There are currently three (3) Class I landfills located in California. These sites are located in Imperial, Kings, and Kern Counties. The precise location will be determined by the contractor in charge of demolition and site preparation.

Pesticides

There are State and Federal thresholds dictating the characterization of pesticide contaminated soils. Specifically, the United States Environmental Protection Agency (U.S. EPA) and California EPA monitor a number of pesticides that were once widely used, but are currently banned or heavily regulated in the United States due to concerns regarding their environmental impact and/or human health risks. Risk-based soil screening levels have been calculated and published by the U.S. EPA, as well as the California EPA Office of Environmental Health Hazard Assessment (OEHHA) for guidance purposes. Both agencies have developed screening levels for both residential and industrial/commercial settings, as seen below in Table 4.6-1.

Table 4.6-1
Pesticide Screening Level Thresholds (µg/kg)

Agency	Pesticide			
	DDT	**DDE**	**DDD**	**Dieldrin**
U.S. EPA				
Residential	1700	1400	2000	30
Commercial/Industrial	7000	5100	7200	100
Cal EPA				
Residential	1600	1600	2300	35
Commercial/Industrial	6300	6300	9000	130

Source: GeoKinetics, August 1, 2013.

Based on testing results, contaminated soils can be treated on-site (by blending/diluting with clean soil) or disposed of off-site, as follows:

1) Non-hazardous: The soil must pass the State and Federal regulatory thresholds. In that case, the soil may be disposed of as non-hazardous at a Class III landfill or, as discussed above, a treatment or recycling facility.

2) Cal-haz/Non-RCRA: In this case, the soil fails the State regulatory thresholds but passes the Federal requirements. Therefore, the soil may be disposed of as non-RCRA at a Class I hazardous landfill or at an out-of-state non-hazardous landfill.

3) RCRA-hazardous: In this case, the soil fails both the State and Federal regulatory thresholds. Therefore, the soil will have to be disposed of as Federal, RCRA-hazardous at a Class I landfill.

Asbestos Containing Materials (ACMs)

Prior to demolition of structures, testing for ACMs is performed by a licensed contractor and any ACMs are disposed of based on the testing results. In California, if asbestos is friable and contains more than 1% asbestos, it is considered hazardous. ACMs are disposed of as follows:

1) Non-friable: This ACM waste may be disposed of at a Class III local landfill subject to their acceptance criteria.
2) Friable: This ACM waste may be disposed of at a Class I hazardous landfill or at an out-of-state landfill, depending on the level of contamination.

Depending on whether or not the ACMs are friable or non-friable, they will need to be handled, contained, and wrapped accordingly based on the applicable State regulations and the landfill requirements for transportation and disposal purposes.

Lead-Based Paint

Prior to demolition, testing for LBP is performed by a licensed contractor and any LBP is disposed of based on the testing results. LBP waste is disposed of as follows:

1) Non-hazardous: If the lead content is less than 50 ppm (presumes it passes the State Soluble Threshold Limit Concentrations (STLC) and the Federal Toxicity Characteristic Leaching Procedure (TCLP) levels of 5.0 mg/l), the waste can be disposed of at a Class III non-hazardous landfill.
2) Cal-haz/Non-RCRA: If the waste contains 1,000 ppm lead and it fails the State STLC of 5 mg/l, it is considered cal-hazardous and may be disposed of at an out-of-state landfill as non-RCRA waste.
3) RCRA-hazardous: If the waste fails the Federal TCLP of 5 mg/l, it will then have to be disposed of at a hazardous Class I landfill.

4.6.5 STANDARDS OF SIGNIFICANCE

Pursuant to the *CEQA Guidelines* as adopted and implemented by the City of Ontario, and for purposes of this EIR, implementation of the Project may result in or cause potentially significant hazards/hazardous materials impacts if it would:

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

- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment;

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;

- 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;

- 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 the people residing or working in the project area;

- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

4.6.6 POTENTIAL IMPACTS AND MITIGATION MEASURES

4.6.6.1 Introduction

The following discussions focus on areas where it has been determined that the Project may result in potentially significant hazards and hazardous materials impacts, pursuant to comments received through the NOP process, and based on the analysis presented within this Section and included within the Initial Study.

As discussed within the Initial Study (EIR Appendix A), the potential for the Project to expose people or structures, either directly or indirectly, to a significant risk of loss,

injury or death involving wildland fires was determined to be less than significant, and is not discussed further within this Section. Please refer also to Initial Study Checklist Item IX. *Hazards and Hazardous Materials.*

4.6.6.2 Impact Statements

Potential Impact: *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.*

Impact Analysis: The following discussions summarize the findings of the technical studies prepared for the site regarding existing on-site hazards, as well as potential hazards associated with operations of facilities proposed under the Project.

Existing On-site Hazards

Existing hazards are the result of past activities within the Project site. The following Table 4.6-2 addresses each of the concerns presented at previous Section 4.6.3.1.

Construction Hazards

In addition to on-site improvements, the Project would also implement off-site infrastructure (roads, potable water, recycled water, sanitary sewer, storm drains, and fiber optic lines) necessary to support the Project. The majority of off-site areas that would be affected by construction of infrastructure improvements comprise already-disturbed/developed rights-of-way and easements.

To date, no known hazardous materials have been encountered within these dedicated rights-of-way. Notwithstanding, Mitigation Measure 4.6.8 was designed to address the unlikely possibility that hazardous materials are encountered during the construction of the proposed off-site improvements.

Table 4.6-2
Existing Potential Hazards

Environmental Concern	Property				
	Borba	**Liberty**	**Minaberry**	**Lanting**	**Alewyn**
Dairy Uses: Methane	The Phase II Investigation detected an elevated level of methane in the central-eastern area of the property. This is considered a potentially significant impact; please refer to Mitigation Measure 4.6.1.	Although methane was not identified as a concern within the Phase I ESA, the City may require further testing once building pads are created pursuant to the Methane Assessment for Projects in the New Model Colony.	The Phase II Investigation detected elevated levels of methane in the central-eastern area of the property. This is considered a potentially significant impact; please refer to Mitigation Measure 4.6.1.	Methane was not detected at levels exceeding regulatory screening levels at this property. It is noted, however, that the City may require further testing once building pads are created pursuant to the Methane Assessment for Projects in the New Model Colony.	Methane was not detected at levels exceeding regulatory screening levels at this property. It is noted, however, that the City may require further testing once building pads are created pursuant to the Methane Assessment for Projects in the New Model Colony.
Dairy Uses: Other Contaminants	The Phase I ESA documents recommended subsurface sampling be conducted and a Soil Management Plan be developed to address any contaminated soils. This is considered a potentially significant impact; please refer to Mitigation Measures 4.6.2 through 4.6.4.	Soil sampling was done as part of the Phase II Investigation for this property. All contaminants detected were at levels below the applicable screening levels, with the exception of arsenic. However, the investigation concluded that arsenic observed in the collected soil samples lies within the range of naturally occurring background arsenic concentrations	The Phase I ESA documents recommended subsurface sampling be conducted and a Soil Management Plan be developed to address any contaminated soils. This is considered a potentially significant impact; please refer to Mitigation Measures 4.6.2 through 4.6.4.	The Phase I ESA documents recommended subsurface sampling be conducted and a Soil Management Plan be developed to address any contaminated soils. This is considered a potentially significant impact; please refer to Mitigation Measures 4.6.2 through 4.6.4.	The Phase I ESA documents recommended subsurface sampling be conducted and a Soil Management Plan be developed to address any contaminated soils. This is considered a potentially significant impact; please refer to Mitigation Measures 4.6.2 through 4.6.4.

Table 4.6-2
Existing Potential Hazards

Environmental Concern	Property				
	Borba	**Liberty**	**Minaberry**	**Lanting**	**Alewyn**
		in southern California. These concentrations do not warrant further investigation, and no special handling is required.			
Maintenance Area	The Phase II Investigation found no evidence of contamination in these areas. Impacts in this regard are considered less-than-significant.	n/a	The Phase II Investigation found no evidence of contamination in these areas. Impacts in this regard are considered less-than-significant.	The Phase II Investigation found no evidence of contamination in these areas. Impacts in this regard are considered less-than-significant.	The Phase II Investigation found no evidence of contamination in these areas. Impacts in this regard are considered less-than-significant.
Refueling Area		n/a	n/a	n/a	n/a
Scrap Metal Area	Although one gasoline-related VOC was detected at this location, the concentration was well below applicable criteria. Impacts in this regard are considered less-than-significant.	n/a	n/a	n/a	n/a
Trucking Operation	n/a	n/a	n/a	Although VOCs were detected, the concentrations are well below applicable regulatory criteria. The	n/a

Table 4.6-2
Existing Potential Hazards

Environmental Concern	Property				
	Borba	**Liberty**	**Minaberry**	**Lanting**	**Alewyn**
				Phase II Investigation found no evidence of significant contaminants associated with this use. Regardless, the Phase II Investigation recommended that a Soil Management Plan be prepared to provide procedures for the proper handling of any contaminated soil encountered during redevelopment activities. Please refer to Mitigation Measures 4.6.2 through 4.6.4.	
Previous Construction Company Uses	n/a	n/a	n/a	The Phase I ESA found no evidence that the previous occupation of the property by a construction company would pose a current environmental concern. Impacts in this regard are considered less-than-significant.	n/a

Table 4.6-2
Existing Potential Hazards

Environmental Concern	Property				
	Borba	**Liberty**	**Minaberry**	**Lanting**	**Alewyn**
Pesticides	n/a	The Phase II Investigation concluded that, although pesticides and herbicides were detected, the samples tested were below their respective Screening Levels. These concentrations do not warrant further investigation, and no special handling is required.	Subsurface sampling shall be conducted to investigate pesticides that may be present on-site due to past agricultural uses. This is considered a potentially significant impact; please refer to Mitigation Measures 4.6.2 through 4.6.4.		
TCE Plume	Since the proposed uses would be connected to the municipal water system, this area of contaminated groundwater does not pose a threat to on-site uses. On-site wells will be capped and abandoned as part of the site preparation process. Impacts in this regard are considered less-than-significant.				
General Debris	The Phase I ESA determined that areas of general debris on this property were "*de minimis*" in nature. Impacts in this regard are considered less-than-significant.	The Phase I ESA determined that areas of general debris on this property were "*de minimis*" in nature. Impacts in this regard are considered less-than-significant.	The Phase I ESA recommended reassessment of areas containing general debris following their removal from the site. This is considered a potentially significant impact; please refer to Mitigation Measure 4.6.5.	n/a	n/a
Previous Soils Cleanup	n/a	n/a	n/a	The Phase I ESA determined that the past cleanup of on-site	n/a

Table 4.6-2
Existing Potential Hazards

Environmental Concern	Property				
	Borba	**Liberty**	**Minaberry**	**Lanting**	**Alewyn**
				soils does not pose a current environmental concern. Impacts in this regard are considered less-than-significant.	
ACMs	All structures will need to be appropriately surveyed and evaluated prior to demolition, and a site-specific determination made as to the potential ACM content of all structures to be demolished. Any identified ACM will need to be removed and disposed of, consistent with regulatory agency requirements. Please refer to Mitigation Measures 4.6.6 and 4.6.7.				
LBP	All structures will need to be appropriately surveyed and evaluated prior to demolition, and a site-specific determination made as to the potential LBP content of all structures to be demolished. Any identified LBP will need to be removed and disposed of, consistent with regulatory agency requirements. Please refer to Mitigation Measures 4.6.6 and 4.6.7.				
Water Wells	All wells will be abandoned and capped as part of the site preparation process, consistent with applicable regulations of the State of California Department of Water Resources (as reflected in Bulletins 74-81 and 74-90); the San Bernardino County Department of Environmental Health; and the Santa Ana Regional Water Quality Control Board. Impacts in this regard are considered less-than-significant.				
Septic Systems	All septic systems will be properly abandoned prior to Project grading and construction, in compliance with the regulations of the Santa Ana Regional Water Quality Control Board; San Bernardino County Department of Environmental Health; the California Uniform Plumbing Code; and Manual of Septic Tank Practice as published by the U.S. Department of Health, Education and Welfare; and the rules, standards and regulations of the City. Impacts in this regard are considered less-than-significant.				

Operational Hazards

Operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations. On this basis, potential operational hazardous materials impacts are considered less-than-significant.

Level of Significance: Potentially Significant (Existing On-site Hazards and Construction Hazards).

Mitigation Measures:

4.6.1 *Soil Management Plan(s) Required. Prior to commencement of site disturbance activities, the Applicant shall retain a qualified professional to prepare a Soil Management Plan. The Soil Management Plan shall address the Specific Plan Area proper as well as areas potentially affected by construction of off-site infrastructure. The Soil Management Plan shall include a Health and Safety Plan (HASP), soil excavation monitoring protocols, and measures to monitor and control vapors and dust. The Applicant shall submit the Soil Management Plan to the California Department of Toxic Substances (DTSC) for review and approval. The City shall not authorize any activity at the Project site that has the potential to disturb soil until DTSC has approved the Soil Management Plan and all necessary permits have been obtained. Should contaminated soils be encountered as part of Project development, the protocols identified within the Soil Management Plan(s) shall be followed in regard to monitoring, handling, disposal, and reporting of management activities to the California Department of Toxic Substance Control, Regional Water Quality Control Board, and/or South Coast Air Quality Management District (including copies of all daily field logs containing SCAQMD Rule 1166 monitoring results), as required. Copies of all submitted reports and responses from responsible agencies shall be provided to the City of Ontario.*

4.6.2 On-Site Environmental Manager Required. The Applicant shall retain a qualified Environmental Manager who shall be on-site during all site disturbance activities. The Environmental Manager shall ensure implementation of the Soil Management Plan required under Mitigation Measure 4.6.1. The Environmental Manager shall also be responsible for monitoring of site disturbance activities to include identification of potentially contaminated media. The Environmental Manager shall have the responsibility and authority to halt on-site activities should any contaminated media or potentially contaminated media be encountered during site disturbing activities. Any contaminated media or potentially contaminated media identified by the Environmental Manager shall be excavated, handled, inventoried, stockpiled, and disposed of in accordance with the approved Soil Management Plan and consistent with all applicable provisions of local, state, and federal laws and regulations.

4.6.3 Consistent with the City of Ontario requirements, prior to the issuance of building permits, all lots in potential methane areas shall be tested for the presence of methane and its concentration 30 days after building pads are graded and created. Measures set forth by the Ontario Methane Design Guidelines shall be implemented to the satisfaction of the City Building Department.

4.6.4 Prior to the issuance of grading permits, a subsurface investigation shall be completed to assess the presence or absence of soil contaminants due to the sites past agricultural use, and current dairy farming uses.

4.6.5 Prior to the issuance of grading permits, the Project Applicant shall demonstrate to the satisfaction of the City that Soil Management Plan(s) have been developed for the site and areas potentially affected by construction of off-site infrastructure. Grading plans shall include a copy of the Soil Management Plan(s).

4.6.6 Prior to the issuance of grading permits, any existing debris shall be removed. All debris, including soils that evidence surficial staining, shall be disposed of off-site, consistent with the protocols of the Soil Management Plan(s).

4.6.7 Prior to any relocation, demolition, or destructive renovation activities involving the on-site structures, the Applicant shall submit documentation to the City that ACMs and LBP issues are not applicable to Project. Negative ACM/LBP findings shall be documented in Site/Structure Survey Report (Report) prepared by the Environmental Manager or qualified assignee. The Report shall be submitted to and approved by the City prior to the issuance of applicable relocation, demolition, renovation and/or site disturbing permit(s). If results of the Report indicate presence of ACMs and/or LBP, an action plan shall be implemented in accordance with all appropriate regulatory agency guidelines to abate any issues. Please refer to Mitigation Measure 4.6.8.

4.6.8 Any confirmed and suspected ACMs or LBP shall be handled and disposed of by licensed contractors in accordance with all appropriate regulatory agency guidelines. Abatement, containment and disposal of any ACMs encountered shall comply with SCAQMD Rule 1403. The removal and disposal of lead-based paint material shall be implemented in accordance with California Code of Regulations, Title 8 Section 1532.1, the Code of Federal Regulations (Title 40, Part 745, and Title 29, Part 1926), the EPA's Lead Renovation, Repair and Painting Program Rules and Residential Lead-Based Paint Disclosure Program, and sections 402/404 and 403, and Title IV of the Toxic Substances Control Act (TSCA).

4.6.9 For the duration of off-site Project ground-disturbing activities:

- *Stained or odorous soil encountered during ground-disturbing activities shall be removed, stockpiled, and transported for disposal in accordance with local, state, and federal regulations. Soil samples shall be collected from the resulting excavation(s) to verify complete removal of any impacted soil.*
- *During soils/debris removal operations, a Project Environmental Professional (Environmental Professional) shall be retained and shall be available to identify and address other issues that may arise in the course Project development. As determined necessary by the Environmental Professional, additional measures shall be employed to minimize effects of any encountered hazards. Documentation of the measures employed*

and resulting conditions after their application shall be documented and submitted to the Lead Agency.

- *Contractors and the Environmental Professional shall maintain ongoing observation and assessment of areas of possible contamination. Such areas would include but not be limited to: the presence of unexpected underground facilities, buried debris, stained soil or odorous soils. Should such materials be encountered, the Environmental Professional in consultation with the Lead Agency shall determine the scope of investigation, analysis, and remediation warranted.*

Level of Significant After Mitigation: Less-Than-Significant. Incorporation of Mitigation Measures 4.6.1 through 4.6.9 requires appropriate remediation of pre-existing hazardous conditions, and ensures that subsequent development within the Specific Plan area would not create or result in potentially significant hazardous conditions. Based on the preceding, the potential for the Project to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is considered less-than-significant as mitigated.

Potential Impact: *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.*

Impact Analysis: The Project site is not located within one-quarter mile of an existing or proposed school. This concern is therefore not applicable to the Project.

Level of Significance: No Impact.

Potential Impact: *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.*

Impact Analysis: The Project site is listed in several environmental databases. These listings are indicative of the historic and current use of the site for dairy operations, and do not necessarily represent current on-site Recognized Environmental Concerns (RECs). No locations within the site are under investigation for violation by the California Department of Toxic Substance Control (DTSC), U.S. Environmental Protection Agency (U.S. EPA), or any other state or federal agency. Nor is there any information in the hazardous sites search to suggest any current spills, releases, or violations. On this basis, none of the aforementioned agency-listed hazardous materials sites are considered to pose an immediate threat to human or environmental health. Further, the Project site is subject to mandated remediation of current environmental concerns accomplished pursuant to the Mitigation Measures presented herein, and would therefore not cause or result in conditions that would create a significant hazard to the public or the environment. Please refer to Section 4.2, *Mapped Database Records Search*, of the Project Phase I ESAs for greater detail regarding current environmental database listings for the Project site.

On this basis, the potential for the Project to create a significant hazard to the public or the environment predicated on identification of the Project site on a list compiled pursuant to [California Government Code] Section 65962.5 is considered less-than-significant.

Level of Significance: Less-Than-Significant.

Potential Impact: *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 the people residing or working in the project area.*

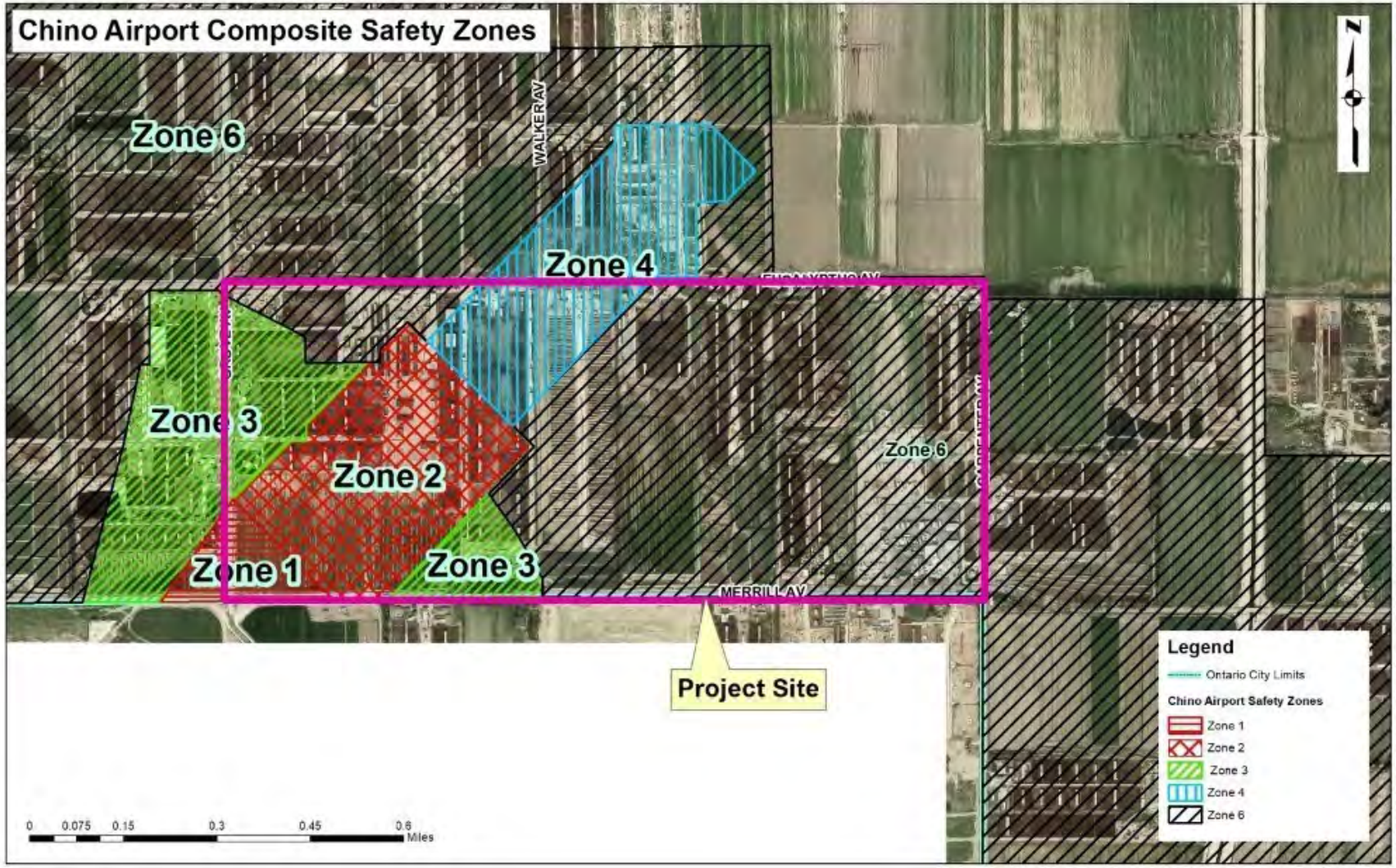
Impact Analysis: For planning and environmental review purposes, the City of Ontario has implemented a Compatibility Plan for Chino Airport (Compatibility Plan) that relies on procedures and requirements outlined in *California Airport Land Use Planning Handbook* (State of California Department of Transportation, Division of Aeronautics) October 2011 (*Handbook*). As provided for in the *Handbook* "alternative process" the City

functions as the Designated Agency in formulating airport land use compatibility plans for City properties. The Compatibility Plan is based on the Handbook *Generic Safety Zones for General Aviation Airports*.
See also: https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf).

Compatibility Plan Safety Zones
Location of the Project site within the Compatibility Plan Generic Safety Zones is presented at Figure 4.6-3.

As indicated at Figure 4.6-3, the Project site is located within Safety Zones 1, 2, 3, 4, and 6. Standards and requirements for land uses and development proposals within these Zones as outlined in the Compatibility Plan are summarized below:

- Zone 1 - Runway Protection Zone – No Build Zone (Sitewide Average – 0 People, Single Acre – 0 People);
- Zone 2 - Inner approach/departure zone: At least 25% of the zone should remain as open land (Sitewide Average – 60 People, Single Acre – 120 People);
- Zone 3 - Inner Turning Zone: Maintain approximately 15% open land within the overall zone (Sitewide Average – 100 People, Single Acre – 300 People);
- Zone 4 - Outer approach/departure zone: Maintain approximately 15% open land within the overall zone (Sitewide Average – 150 People, Single Acre – 450 People);
- Zone 6 - Traffic pattern zone: Approximately 10% of usable open land or an open area approximately every 1⁄4 to 1⁄2 mile should be provided (Sitewide Average – 300 People, Single Acre – 1200 People).



NOT TO SCALE

Source: Caltrans Division of Aeronautics

applied planning inc

Figure 4.6-3
Chino Airport Safety Zones

The Compatibility Plan also:

- Establishes criteria and guidance for establishment of open lands providing for emergency land sites;
- Incorporates Federal Aviation Administration Runway Protection Zone (RPZ) requirements; and
- Establishes Criteria Addressing Hazardous Wildlife Attractants Near Airports.

The City anticipates adoption of a Draft Chino Airport Compatibility Plan in late 2020 – early 2021. All Project Final Plans (e.g., site plans, building plans, landscape plans, utility plans, roadway plans) would be subject to, and would be required to comply with, applicable standards and requirements of the Compatibility Plan as adopted by the City. Mitigation Measure 4.6.10 is included to ensure compliance with, and monitored implementation of, applicable Compatibility Plan provisions.

Level of Significance: Potentially Significant.

4.6.10 *Prior to Final Project Plan approvals (including but not limited to: Site Plans, Building Plans, Landscape Plans, Utility Plans, and Roadway Plans), the Project Applicant shall document compliance with applicable provisions of the City of Ontario Chino Airport Compatibility Plan and correlating provisions of the Merrill Commerce Center Specific Plan. Overflight Deed Notices shall be provided for any properties identified in the Compatibility Plan as subject routine aircraft overflight(s).*

Level of Significance After Mitigation: Less-Than-Significant. With the incorporation of Mitigation Measure 4.6.10, the potential for the Project to result in an airport-related safety hazard for the people residing or working in the Project area is considered less-than-significant.

Potential Impact: *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.*

Impact Analysis: Access to the Specific Plan area would be provided via surrounding roadways, including Merrill Avenue, Grove Avenue, Vineyard Avenue, and Eucalyptus Avenue. The Project would also implement off-site infrastructure (roads, potable water, recycled water, sanitary sewer, storm drains, and fiber optic lines) necessary to support the Project. The majority of off-site areas that would be affected by construction of infrastructure improvements comprise already-disturbed/developed rights-of-way and easements. The Project would not cause permanent alteration to vehicle circulation routes.

To avoid or minimize temporary construction-related traffic impacts, the Project Applicant would be required to prepare and implement a City-approved construction traffic management plan. Additionally, in accordance with existing City policies, coordination with the local fire and police departments during pre-construction review of the Project's plans will ensure that potential interference with emergency response and evacuation efforts are avoided.

Based on the preceding discussion, the potential for the Project to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan is considered less-than-significant.

Level of Significance: Less-Than-Significant.

4.7 HYDROLOGY/WATER QUALITY

4.7 HYDROLOGY/WATER QUALITY

Abstract

This Section addresses potential impacts of the Project related to hydrology and water quality. The analysis presented focuses on the potential for the Project to:

- *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;*

- *Substantially alter the existing drainage pattern of the site or area in a manner that would substantially increase the rate or amount of runoff that would result in flooding on- or offsite;*

- *Substantially alter the existing drainage pattern of the site or area in a manner which would 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;*

- *Substantially alter the existing drainage pattern of the site or area in a manner which would impede or redirect flood flows;*

- *Under a flood, tsunami, or seiche event, release pollutants due to project inundation; or*

- *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.*

Additionally, as discussed in the EIR Initial Study (EIR Appendix A), the Project's potential impacts under the following topics were previously determined to be less-than-significant, and are not further substantively discussed here:

- *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.*[1]

- *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 result in substantial erosion or siltation on- or off-site.*[2]

As supported by the analysis in this Section, potential hydrology/water quality impacts would be less-than-significant.

4.7.1 INTRODUCTION

This Section evaluates potential impacts of the Project on hydrology and water quality. Information contained and referenced in this Section was obtained from: *Technical Memorandum Borba II Project* [Merrill Commerce Center Specific Plan Project] *Hydrology & Hydraulic Assessment* (JLC Engineering & Consulting, Inc.) September 19, 2019 (Project Hydrology Report); *Preliminary Water Quality Management Plan (PWQMP) for Merrill Commerce Center Specific Plan Project* (JLC Engineering & Consulting, Inc.) September 17, 2019 (Project WQMP). The Project Hydrology Report and WQMP are provided at EIR Appendix H. Additional background information and context are provided by *Merrill Commerce Center Specific Plan* (T & B Planning, Inc.) September 29, 2020; *The Ontario Plan, Draft Environmental Impact Report* (The Planning Center) April 2009; *Initial Study and Mitigated Negative Declaration, City of Ontario Infrastructure Master Plans* (City of Ontario) July 2012; and the City of Ontario Policy Plan.

[1] Please refer also to related discussions addressing existing groundwater wells within the Project site presented at EIR Section 4.6, *Hazards/Hazardous Materials*, and discussions on Project water demands and available water supplies presented at EIR Section 4.12, *Utilities and Services Systems*.

[2] Please refer also to related discussions presented at EIR Section 4.9, *Geology and Soils*.

4.7.2 EXISTING CONDITIONS

Please refer to EIR Section 3.0, *Project Description*, for a general discussion of the Project's regional and vicinity setting. The hydrologic setting described below establishes the baseline against which the Project's potential hydrology/water quality impacts were evaluated. The Ontario Plan Draft Environmental Impact Report (Section 5.9) describes area hydrologic and water quality characteristics, as summarized and paraphrased in the following discussions.

4.7.2.1 Regional

Drainage

The Santa Ana River Watershed encompasses approximately 2,800 square miles, and includes portions of San Bernardino, Orange, and Riverside Counties. The Santa Ana River is the main surface drainage course in the region, and the largest river in the Chino Basin. The river originates in the San Bernardino Mountains, travels southwest, and ends at the Pacific Ocean near the Huntington Beach/Newport Beach city boundary. Water flow in the river is regulated by the Prado Dam, the Seven Oaks Dam, and other flood-control facilities along the river and its tributaries. The City of Ontario is nearest to Reach 3 of the Santa Ana River.

Surface Water

The City of Ontario lies within the Chino Watershed, which consists of most of the Upper Santa Ana River Valley and portions of the San Gabriel Mountains and Puente and Chino Hills. The Santa Ana River forms the southern boundary of the Watershed. The primary direction of drainage flow is from the San Gabriel Mountains southward to the Santa Ana River, then southwest in the river.

Within the City, streams in the watershed include the West Cucamonga, Deer Creek, Day Creek, and Etiwanda Creek Channels, and the Cucamonga Creek Flood Control Channel. West Cucamonga Channel and Deer Creek Channel discharge into the Cucamonga Creek Flood Control Channel, which discharges into the Santa Ana River. Within the City, some

stormwater runoff is diverted for recharge in flood retention and spreading basins, including the Eighth Street, Ely, Turner, Chris, Cucamonga, and Wineville Basins.

The USEPA denotes four surface water bodies within the Chino Watershed on its list of Water Quality Limited Segments under Section 303(d) of the Clean Water Act (USEPA 2007). One of these water bodies passes through the City of Ontario—The Valley Reach of Cucamonga Creek is included on the Section 303(d) list for coliform bacteria from an unknown nonpoint source.

Groundwater

The Chino Basin is one of the largest groundwater basins in southern California, covering approximately 235 square miles of the Upper Santa Ana River Valley. The basin is bounded by the Rialto-Colton Fault on the northeast, the Jurupa Mountains and La Sierra Hills to the southeast, the Central Avenue Fault to the southwest, and the San Jose Fault and Red Hill Fault to the northwest. Groundwater is produced from the basin by cities, other water supply entities, and by agricultural users overlying the basin. Before 1978, the basin was in overdraft. Since 1978, the basin has been managed via ongoing court adjudication in the 1978 judgment Chino Basin Municipal Water District vs. City of Chino et al.

The City of Ontario draws all of its groundwater supply from the Chino Basin. Groundwater flows through the Chino Basin in a north/south alignment, and groundwater quality is better in the northern portion of the basin, where significant recharge occurs. Salinity, measured as total dissolved solids (TDS), and nitrate concentrations increase in the southern portion of Chino Basin. TDS and nitrate generally originate from nonpoint sources such as land application of wastes and fertilizer from previous and current agricultural activities. In addition, there are several point sources of contamination in the basin that affect groundwater quality in localized areas. The primary water quality concerns for the City's groundwater wells are nitrate and perchlorate levels. Other contaminants of concern are volatile organic compounds (VOC) and TDS.

Flood Hazards

While significant hydrologic improvements have been made within the City, including channelization of many of the City's watercourses, flooding associated with peak 100-year and 500-year floods and dam inundation remains a potential hazard.

Types of Floods

Flash floods are short but have high peak volumes and velocities. The local mountains are very steep and consist of rock types fairly impervious to water. Little precipitation infiltrates the ground. Instead, rainwater flows across the surface as runoff, collecting in major drainages that pass through the City. When a major storm event moves in, water collects rapidly and runs off quickly. Because of the steep terrain and scarcity of vegetation in the mountains, flood flows often carry large amounts of mud, sand, and rock. Sheet flow occurs when the capacity of the existing channels, either natural or man-made, are exceeded and water flows over and into the adjacent areas.

Recent Historical Floods

In the winter of 1969, flood flows were greater than the estimated 100-year flood, and exceeded the capacity of levees, storm drains, and flood-control channels. About 1,000 people were reportedly evacuated from the Cucamonga area. In Ontario, most of the floodwaters were contained in improved channels and basins; however, overbank flow from Deer and Etiwanda Creeks flooded portions of the City.

In 1998, the area received more than double its average annual rainfall, and this, combined with a lack of storm drains in south Ontario, resulted in significant flooding of the dairy preserve. The flooding caused significant property damage, the deaths of about 16,000 dairy cows, with losses to farmers in the millions of dollars. The winter storms of 2004/2005 dropped record rainfall on southern California. Ontario experienced localized flooding and sedimentation, mainly due to inadequacies in the local storm drain system, but the damage was considerably less than the 1998 losses.

Designated Flood Zones

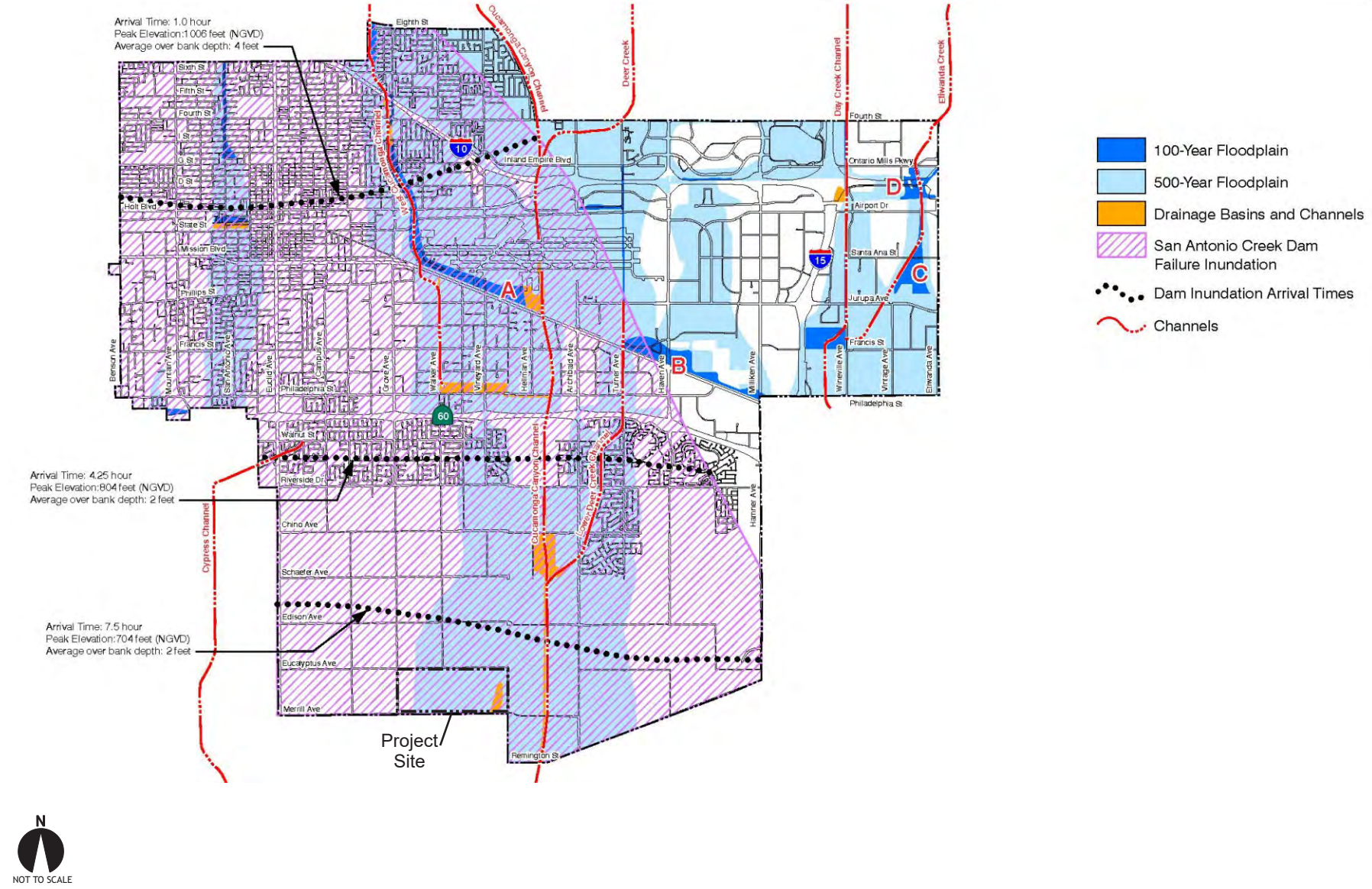
The 100-year flood in Ontario is generally confined to the major watercourses, channels, and basins that traverse the City. Please refer to Figure 4.7-1. The majority of the City watercourses are channelized to prevent flood hazards. However, in the event of a peak 100-year or 500-year storm event, flood waters can flow over their banks and inundate adjacent areas. Large portions of the City would be affected by shallow and/or infrequent flooding, primarily by sheet flow as storm drains and channels become overwhelmed. This flooding is also exacerbated by graded embankments along the rail lines and east/west roadway embankments within the City that cause ponding. The Project site is located outside of the 100-year floodplain, but within the 500-year floodplain.

4.7.2.2 City of Ontario Master Drainage Plan (MDP)

The Project site lies within the "New Model Colony West" (NMC-West) portion of the *Master Plan of Drainage, City of Ontario* (Hunsaker and Associates) March 2012 (MDP). The NMC-West is apportioned into 5 watershed Zones (Zone XI, XII, XIII, XIV, and XV). Location of the Project site within the MDP area is presented at Figure 4.7-2.

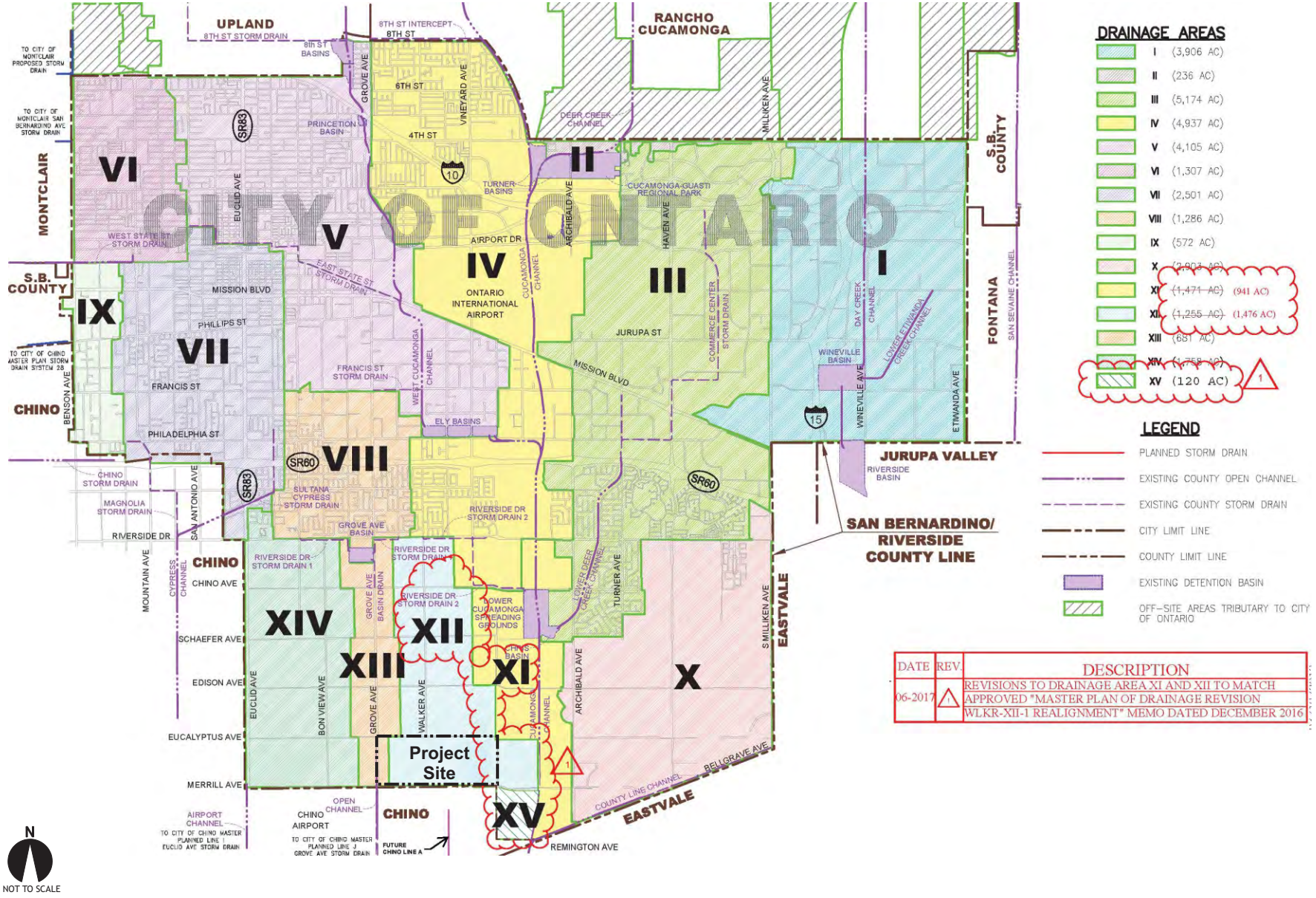
The MDP has been planned and designed to accept and convey stormwater discharges that would result from City Buildout conditions, including buildout of the Project site and surrounding areas of Ontario Ranch. Volume II of the City of Ontario MDP includes the hydrology analyses performed for the overall MDP drainage area.

The MDP hydrological assumption for the Project site is 90% impervious surfaces and 10% pervious surfaces. This assumption establishes a conservative likely maximum stormwater discharge condition. The Project would implement business park/warehouse uses that would result in site development consistent with the MDP hydrological assumptions. Stormwater discharges from the Project site would not exceed the MDP hydrological assumptions and would therefore not exceed planned capacity of the serving MDP storm drain system (Project Hydrology Study, p. 2). Please refer also to detailed hydraulic calculations at Project Hydrology Study Appendices A and B.



Source: The Ontario Plan Draft EIR

Figure 4.7-1
Flood Hazard Areas



Source: City of Ontario Master Drainage Plan

Figure 4.7-2
Project Location within MDP Area

4.7.2.3 Project Site

The Project site currently evidences dairy farm/cattle operations, cattle stockades, cattle and dairy farming support equipment, bio-retention basins associated with dairy farms, and residences appurtenant to dairy farm/cattle operations. The easterly portion of the Project site accommodates trucking operations and is developed with light industrial/commercial buildings and paved truck trailer parking/storage areas. Current uses and operations within the Project site listed below indirectly or directly contribute to potential adverse water quality conditions affecting the Project site and surrounding areas.

- Animal waste from the long-term dairy farm uses have potentially created methane gas, and soil contamination from nitrates and ammonia.

- Numerous automotive fluids, including several large above ground storage tanks (ASTs).

- Additional ASTs used for truck and equipment refueling.

- Scrap metal area containing drums, ASTs, farming equipment, and vehicles.

- The property is located within the South Archibald Tricholroethyleme (TCE) Plume. The 2,000-acre TCE Plume contains contaminated groundwater that underlies the Project site.

- Dairy operations use formaldehyde, iodine, and glycerol to wash the cows. The dairies also use muriatic acid and chlorinated alkaline as a cleaning solution. Pesticides are applied to prevent parasite infestations. Wastewater from these processes is discharged to pastures for irrigation.

- Holding ponds for contaminated runoff from agricultural/dairy farm operations.

- General debris observed throughout the property, including vehicle equipment staging areas, used tires, concrete rubble piles, compressors, and generators may have the potential to impact on-site surficial soil.

- Presence of private septic systems.

- Presence of private groundwater wells.

Implementation of the Project would remove or otherwise eliminate all of the above, and thereby act to avoid or substantially diminish existing adverse water quality conditions affecting the Project site and surrounding areas.

Except for regional drainage channels, the existing storm drain system serving Ontario Ranch and the Project site is largely unimproved and consists primarily of open earthen swales along roadways or curbed roadway surfaces. Historically, periods of heavy rain have resulted in catastrophic flooding events affecting unsewered dairy farms.[3] Existing Project site gradients and drainage patterns trend generally south/southwesterly. Master plan and on-site stormwater management systems implemented by the Project would preclude potentially adverse impacts of Project contributions to the City storm drain system, and would avoid or substantially diminish the potential for flooding that has historically affected surrounding unimproved properties.

4.7.2.4 Project Stormwater Management System Improvements

MDP/Regional Stormwater Management System Improvements

MDP/Regional Stormwater Management System Improvements that would be constructed by the Project are presented at Figure 4.7-3. The Storm Water Management Plan Concept responds to and incorporates City of Ontario Master Plan of Drainage standards. Storm drain improvements listed below would be installed to service the Specific Plan area. Line diameter sizes and other storm drain facility sizes noted herein

[3] *Initial Study and Mitigated Negative Declaration, City of Ontario Infrastructure Master Plans* (City of Ontario) July 2012, p. 2-3.

may be subject to modification by the City of Ontario and/or the San Bernardino Flood Control District as part of the Project final designs and engineering. Where required by the City, storm drains shall be equipped with a hydrodynamic separator(s) to satisfy the statewide trash mandate. Each device will be approved by and listed on the Certified Full Capture System List of Trash Treatment Control Devices of the State Water Resources Control Board (SWRCB).

- An 8-foot by 13-foot Reinforced Concrete Box (RCB) would be constructed in the segment of Eucalyptus Avenue located between Walker Avenue and Vineyard Avenue;

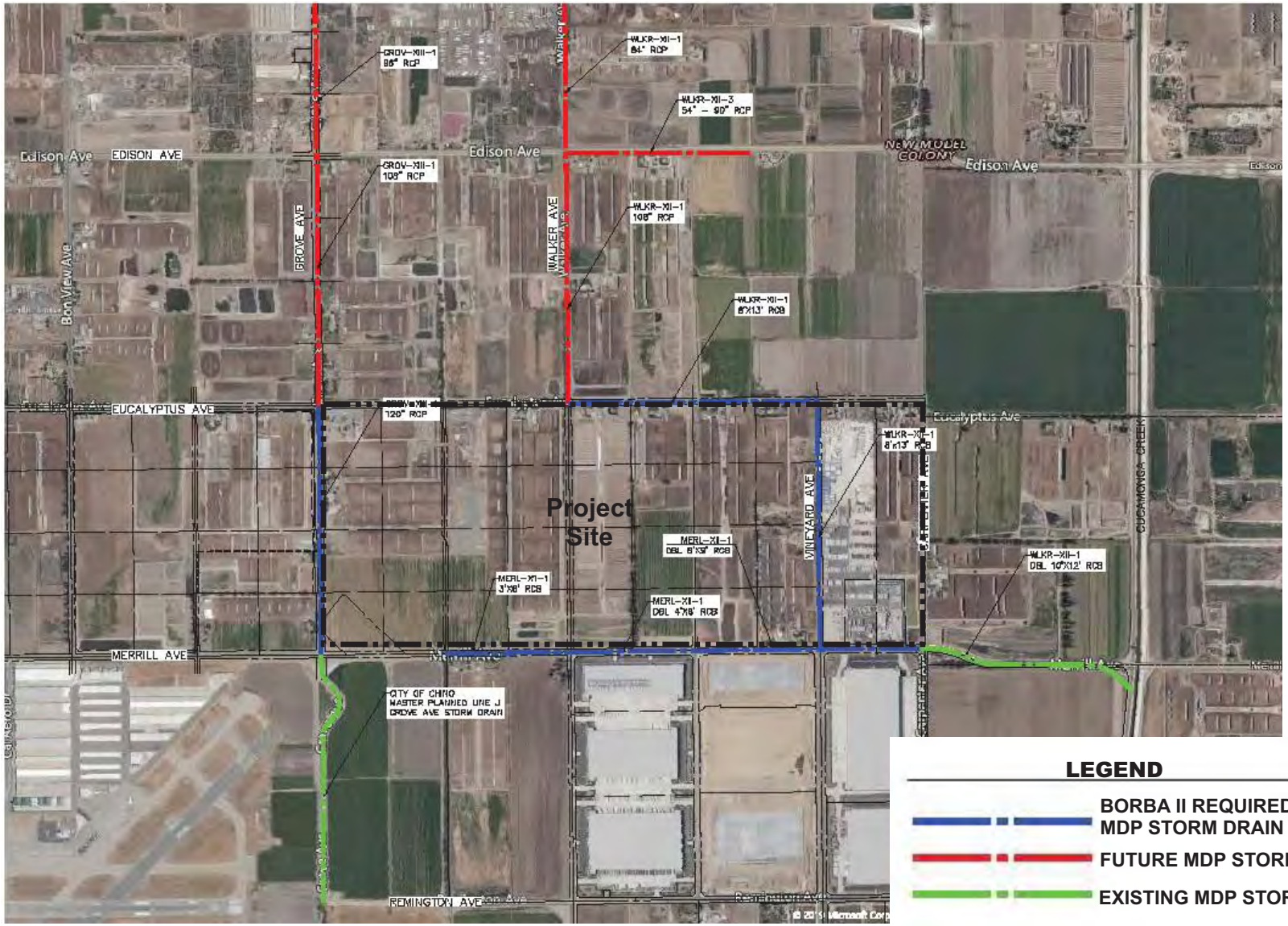
- A 3-foot by 6-foot RCB, a double 4-foot by 8-foot RCB, a double 8-foot by 9-foot RCB, and a double 12-foot by 10-foot RCB would be constructed in various segments of Merrill Avenue between the midpoint of the southerly boundary of Planning Area 2 and Carpenter Avenue;

- A 24-inch storm drain line would be constructed in the segment of Walker Avenue located between the southerly boundary of Planning Area 1A and Merrill Avenue;

- A 120-inch storm drain line would be constructed in the segment of Grove Avenue located between Eucalyptus Avenue and Merrill Avenue (with a point of connection to the existing open flood channel located south of the intersection of Merrill Avenue and Grove Avenue); and

- An 8-foot by 13-foot RCB would be constructed in the segment of Vineyard Avenue located between Merrill Avenue and Eucalyptus Avenue.

- Additionally, the developer(s) of the Project may be conditioned to improve the existing open flood channel located south of the intersection of Merrill Avenue and Grove Avenue. Improvements may consist of either lowering the elevation of the existing earthen channel or installing a double 10-foot by 6-foot RCB within the existing earthen channel to connect to an existing RCB located at the southerly terminus of the existing earthen flood channel. The ultimate solution will be determined during the final Project design and engineering process.



Source: City of Ontario Master Drainage Plan

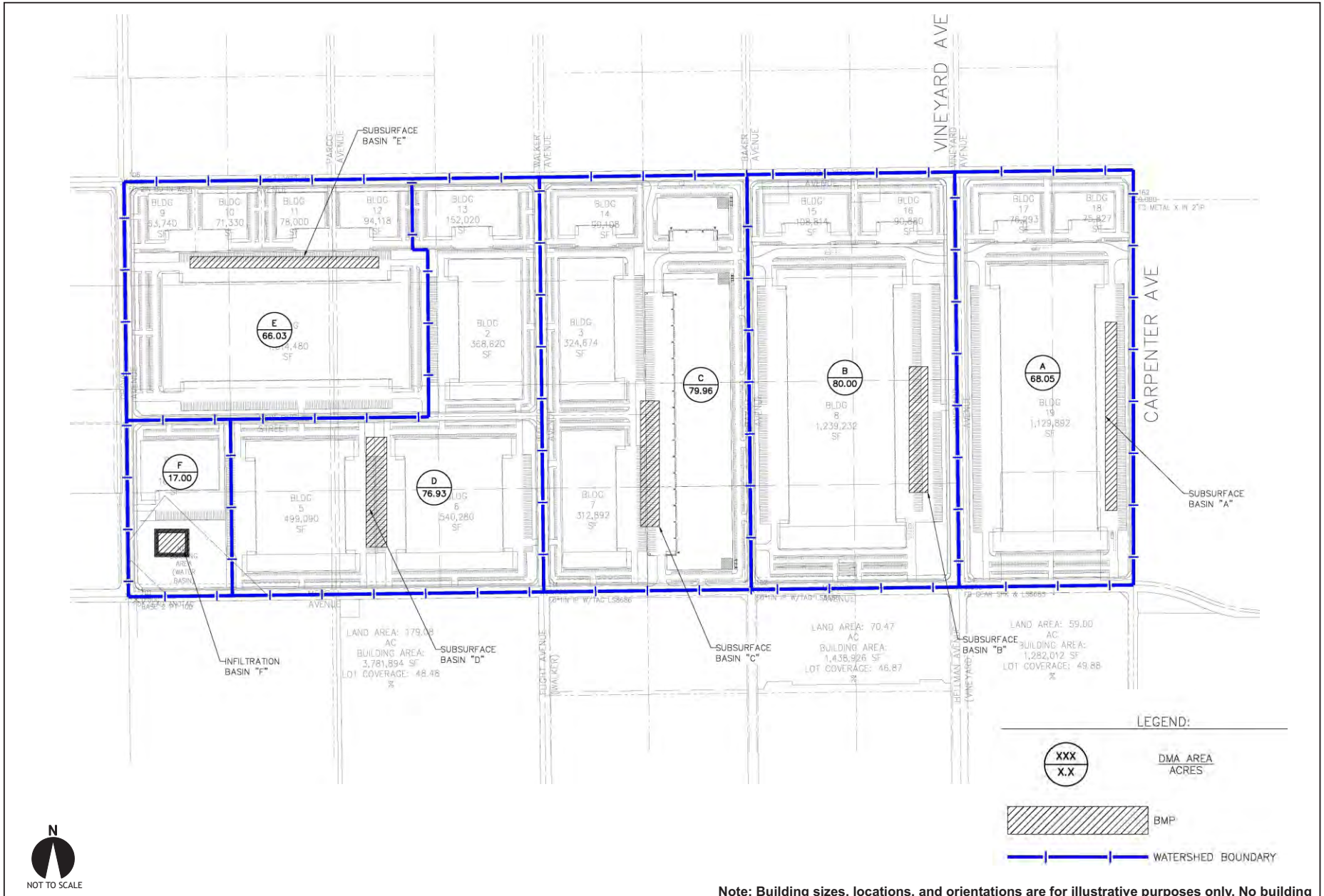
Figure 4.7-3
MDP/Regional Stormwater Management System Improvements

On-Site Stormwater Management System Concept

The Project stormwater management system concept is outlined below. Please refer also to Figure 4.7-4, *On-Site Stormwater Management System Concept*.

The Design Capture Volume (DCV) from the Project site uses would be collected and directed on-site via sheet flow and subsurface storm drains. Stormwaters would then discharge to subsurface basins, or to proposed infiltration basin(s). The DCV would then be treated via infiltration either within the subsurface basins or the infiltration basin(s). The subsurface basins and infiltration basin(s) would be designed to preclude discharges below the depth of the DCV.

The on-site storm drain improvements would be designed so all flows would be conveyed to the subsurface basins or infiltration basin(s). Flows in excess of the DCV would be conveyed via outlet pipes from on-site stormwater management BMPs to MDP facilities in adjacent roadways. The on-site stormwater management BMPs have been sized to accommodate the DCV, while allowing bypass of flows exceeding the DCV. Consistent with City and County requirements and programs outlined below, Low Impact Development (LID) design elements and other stormwater management BMPs would be incorporated in the final designs of individual development proposals within the Project site.



Source: JLC Engineering & Consulting, Inc.

Note: Building sizes, locations, and orientations are for illustrative purposes only. No building footprints would be entitled under the EIR Project or as part of the Specific Plan approval.

Figure 4.7-4
On-Site Stormwater Management System Concept

San Bernardino County

The County MS4 Permit requires that a preliminary project-specific WQMP be prepared for review early in the project development process and that a Final WQMP be submitted prior to the start of construction. LID design elements and other stormwater management BMPs to be incorporated in the Project include:

- Develop site design measures using Low Impact Development (LID) principles;
- Establish project-specific design capture volume (DCV) and applicable Hydrologic Conditions of Concern (HCOC) requirements;
- Evaluate feasibility of on-site LID Best Management Practices (BMPs);
- Maximum hydrologic source control, infiltration, and biotreatment BMPs;
- Select applicable source control BMPs; and
- Address post-construction BMP maintenance requirements.

The Project preliminary WQMP is provided at EIR Appendix H. Consistent with City and County requirements, Final WQMPs will be prepared subsequent to development proposals within the Project site.

City of Ontario

Additional requirements established by the City of Ontario Standard Conditions of Approval (below) act to avoid or minimize potential water quality impacts. Development proposals within the Project site would be required to comply with the following Conditions:

- Standard Condition (SC) 3.66: A hydrology study and drainage analysis, prepared in accordance with the San Bernardino County Hydrology Manual and the City of Ontario's Standards and Guidelines, and signed by a Civil Engineer registered in the State of California, shall be submitted to the Engineering Department prior to Grading Plan approval. Additional drainage facilities may be required as a result of the findings of the study.

- SC 3.68: Prior to Grading Plan approval and the issuance of a grading permit, an Erosion and Sediment Control Plan shall be submitted to, and approved by, the Engineering Department. The Erosion and Sediment Control Plan shall identify the Best Management Practices (BMPs) that will be implemented by the Project during construction in order to reduce the discharge of sediment and other pollutants into the City's storm drain system.

- SC 3.69: Prior to Grading Plan approval and the issuance of a grading permit, a completed Water Quality Management Plan (WQMP) shall be submitted to, and approved by, the Engineering Department. The WQMP shall be submitted using the San Bernardino County Stormwater Program's model template and shall identify all Post Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs), that will be incorporated into the Project, in order to minimize any potential adverse impacts to receiving waters. [4]

The measures and requirements outlined above would collectively act to avoid or minimize potential water quality impacts. Moreover, these measures and requirements as implemented under the Project would improve stormwater quality discharges when compared to untreated and/or contaminated discharges originating from by the site's various dairy farm and trucking uses, and uncontrolled/untreated discharges originating from the site generally.

4.7.3 HYDROLOGY/WATER QUALITY POLICIES AND REGULATIONS

Applicable federal, state, and local policies and regulations that act to reduce potential hydrologic impacts and/or act to protect and preserve water quality are summarized below.

[4] City of Ontario. "Standard Conditions of Approval for New Development, Applicable to 'Ontario Ranch'" pp. 13, 14. *City of Ontario, California.* www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/Documents/20170418-standard_conditions_for_new_development.pdf. Accessed 13 Nov. 2019.

4.7.3.1 Federal Water Pollution Control Act, Federal Clean Water Act (CWA)

The principal law governing pollution of the nation's surface waters is the Federal Water Pollution Control Act, or Clean Water Act (CWA), which was substantially revised by amendments in 1972 that created the bulk of the current statutory scheme. The CWA requires states to adopt water quality standards. To achieve its objectives, the CWA is based on the concept that all discharges into the nation's waters are unlawful, unless specifically authorized by a permit. The CWA states that discharge of pollutants into waters of the United States from any point source is unlawful unless the discharge complies with the National Pollution Discharge Elimination System (NPDES) permit.

The NPDES is a national program under Section 402 of the CWA. The CWA establishes the framework for regulating municipal and industrial (point sources) storm water discharges under the NPDES program. In California, the NPDES program is administered through the nine Regional Water Quality Control Boards, including the Santa Ana Regional Water Quality Control Board (SARWQCB). Locally, the SARWQCB determines the City of Ontario's compliance with the water quality requirements of the CWA. The Board has adopted a Water Quality Control Plan for the Santa Ana Region (Basin Plan), which is discussed in greater detail subsequently within this Section.

Non-point pollution sources are also regulated by the SARWQCB through the General Construction Activity Storm Water NPDES permits, which are issued for storm water discharges. Construction activities subject to this general permit include clearing, grading, and disturbances to the ground such as stockpiling or excavation that result in soil disturbances. Storm water pollution prevention plans (SWPPPs) are required as part of the construction NPDES permitting process. SWPPPs typically include both structural and non-structural Best Management Practices (BMPs) to reduce water quality impacts.

4.7.3.2 State of California and San Bernardino County

At the federal level, the Clean Water Act allows the Environmental Protection Agency (EPA) to delegate its NPDES system permitting authority to states with an approved regulatory program. The Clean Water Act authorizes discharge of pollutants into waters of the State by issuance of NPDES permits. An NPDES permit has been issued by the

California Regional Water Quality Control Board to San Bernardino County and local agencies. The City of Ontario is one of many cities included as a "co-permittee" in the NPDES permit issued to the County. The regulated entities must obtain coverage under an NPDES storm water permit and implement construction storm water pollution prevention plans (SWPPPs), and operational Water Quality Management Plans (WQMPs), both using best management practices (BMPs) that effectively reduce or prevent the discharge of pollutants into receiving waters.

The NPDES permit imposes various requirements of the discharger. Provided the discharger complies with such requirements, the discharger is considered compliant with the CWA and the Permit. Most requirements imposed by the Permit comprise BMPs, which are construction and operational discharge control practices and mechanisms deemed to comply with the CWA requirements.

Storm Water Pollution Prevention Plan (SWPPP) Required

In September 2009, the State Water Resources Control Board (SWRCB) issued an NPDES General Permit for the discharge of storm water associated with Construction Activities. Federal regulations promulgated by USEPA (40 CFR Parts, 9, 122, 123, and 124) expanded the NPDES storm water program to include storm water discharges from municipal separate storm sewer systems (MS4s) and construction sites that were smaller than those previously included in the program. The SWRCB issued a NPDES General Permit for the discharge of storm water associated with construction activities. The existing state NPDES Permit (Order No. 2009-0009-DWQ, General Permit No. CAS000002, Permit) addresses storm water discharges associated with construction activities. The Permit applies to all of California, which is inclusive of the City of Ontario and the Project site.

Requirements of this Permit include a mandate that all construction projects that disturb one acre or more of land area, shall obtain coverage under the statewide General Construction permit, obtain a Waste Discharger Identification Number (WDID#) and develop and implement a SWPPP. Under NPDES General Permit Section XIV, the SWPPP shall address these objectives: all pollutant sources shall be identified; BMPs shall be implemented to reduce or eliminate pollutants in storm water discharges and authorized non-storm water discharges from the construction site during construction; and a

maintenance schedule for BMPs installed during construction shall be implemented. BMPs shall be described for control of discharges from waste handling and disposal areas and methods of on-site storage and disposal of construction materials and construction waste.

An effective combination of erosion and sediment control on all disturbed areas during the rainy season must be implemented. The SWPPP shall describe the erosion control practices. The SWPPP shall describe the BMPs to reduce pollutants in storm water discharges after Project construction. The beneficial uses of the receiving waters are protected through implementation of these BMPs.

Water Quality Management Plan (WQMP) Required

Consistent with provisions of the County's Urban Runoff (NPDES) Permit, the Project is also required to develop and implement a post-construction Water Quality Management Plan (WQMP) addressing potential operational storm water pollutant discharges over the life of the Project.

The WQMP requirements are articulated in the County's Urban Runoff (NPDES) Permit, and include such Low Impact Development (LID) measures as retention/infiltration basins, infiltration trenches/swales, pervious pavement, vegetated swales, drywells, underground storage, biotreatment and biofiltration, roof runoff controls, recessed grading in all landscaped areas, education programs, and maintenance practices. The NPDES permitting program also includes measures to reduce the release of pollutants such as sediment, construction materials, or accidental spillage of polluting materials during construction. Consistent with provisions of the County's NPDES Permit, the City of Ontario requires implementation of development-specific SWPPPs and incorporation of BMPs that reduce storm water and urban runoff pollutant discharges to the waters of Southern California.

SWPPP Components

Typical SWPPP elements include:

- Introduction and Purpose
- Compliance Requirements and Certifications
- Facility Information/Pollution Prevention Team Members
- Site Map
- List of Significant Materials
- Potential Storm Water Pollutants and Sources
- Best Management Practices
- Summary of Pollutants, Sources, and BMPs
- Annual Comprehensive Site Evaluation
- Definitions
- State Notice of Intent Form and Instructions

SWPPP BMPs incorporated in the Project would likely include, but not be limited to:

Construction BMPs

- Silt Fences
- Check Dams
- Gravel Bag Berms and Checkdams in concentrated flow lines
- Street Sweeping and Vacuuming
- Storm Drain Inlet Protection
- Wind Erosion Control
- Stabilized Construction Entrance/Exit
- Entrance/Outlet Tire Wash
- Scheduling construction work around inclement weather
- Preservation of Existing Vegetation (wherever possible)
- Application of Soil Binders and Hydromulches, before forecasted storms
- Construction of Earth Berms and Dikes

Contingent on final designs of proposed uses within the Project site, the range of WQMP incorporated BMPs would likely include, but not be limited to:

Non-Structural BMPs

- Tenant Education
- Activity Restrictions
- Common Area Landscape Management
- Catch Basin Inspection
- Common Area Litter Control
- Private Street/Lot Sweeping
- Housekeeping of Loading Docks
- Employee Training
- BMP Maintenance

Structural BMPs

- Infiltration and Biofiltration Basins, Trenches, Swales
- Pervious Pavement
- Underground retention/infiltration storage facilities
- Control of Impervious Runoff
- Common Area Efficient Irrigation
- Common Area Runoff-Minimizing Landscape
- Wash Water Controls for Food Preparation Areas
- Covered Trash Container Areas
- Self-contained Areas for Washing/Steam Cleaning/Repair/Material Processing
- Outdoor Storage
- Energy Dissipators
- Catch Basin Stenciling
- Inlet Trash Racks

The Project would implement and comply with State of California and San Bernardino County water quality protection policies and mandates.

4.7.3.3 Porter-Cologne Water Quality Act

Section 303 of the federal Clean Water Act and the State Porter-Cologne Water Quality Act establish water quality objectives for ground and surface waters in the State. Protection and maintenance of surface water quality is the combined responsibility of the Regional Water Quality Control Board (RWQCB), water supply and wastewater management agencies, and City and County governments.

The RWQCB has purview over point and non-point sources of pollution. Point source water pollutants consist of controlled wastewater releases commonly generated by activities that use water to collect pollutants and transport them from the processing facility. When such wastewater discharges are proposed, the applicant must obtain a set of Waste Discharge Requirements from the RWQCB that control water pollution to a non-significant level from such point sources.

Non-point sources of water pollution consist of surface runoff from a site or area during or following a storm where the source of pollution cannot be traced to a specific location. Typical non-point water pollution sources consist of agricultural fields with sediment and fertilizers, construction sites with sediment and debris, and roads with oil, tire particles, and debris common to roads.

4.7.3.4 Santa Ana Regional Water Quality Control Board

Water Quality Control Plan (Basin Plan) for the Santa Ana Region

The Basin Plan describes existing water quality of conditions and establishes water quality goals and policies. The Basin Plan is also the basis for the Regional Board's regulatory programs. The Basin Plan establishes water quality standards for all the ground and surface waters of the region. The term "water quality standards," as used in the federal Clean Water Act, includes both the beneficial uses of specific water bodies and the levels of quality which must be met and maintained to protect those uses. The Basin Plan includes an implementation plan describing the actions by the Regional Board and others that are necessary to achieve and maintain target water quality standards.

The primary goal of the Santa Ana Basin Plan is to protect the public health and welfare, while maintaining or enhancing water quality potential beneficial uses of the water. The Basin Plan reflects amendments approved by the State Water Resources Control Board, the California Office of Administrative Law, and/or the U.S. Environmental Protection Agency through 2005. The Basin Plan in its entirety can be reviewed at: http://www.waterboards.ca.gov/rwqcb8/water_issues/programs/basin_plan/index.shtml. The Project would be required to implement and comply with SARWQCB water quality protection policies and mandates.

4.7.3.5 City of Ontario

General Plan Goals and Policies

The Environmental Resources and Safety Elements of the City Policy Plan establish Goals and Policies addressing hydrologic and water quality issues and concerns. Goals and policies implemented by the City support avoidance of flood hazards, protection against potential flooding impacts, establishment and maintenance of safe and efficient storm water management systems, and protection and maintenance of water quality.

City Municipal Code

The City of Ontario Flood Damage Prevention Program (FDPP) is included as Title 8, Chapter 13 of the City's Municipal Code. The FDPP applies to all areas of special flood hazards, areas of flood-related erosion hazards and areas of mudflow hazards within the City. The FDPP includes standards for construction, for utilities, subdivisions, manufactured homes, and floodways. Construction standards include requirements for anchoring, floodproofing, and minimum elevations of floors.

4.7.4 STANDARDS OF SIGNIFICANCE

Consistent with the standards of significance outlined in the *CEQA Guidelines*, hydrology/water quality impacts would be considered potentially significant if the Project would:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

- 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:

    - result in substantial erosion or siltation on- or off-site;

    - substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

    - 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

    - impede or redirect flood flows.

- Result in release of pollutants due to project inundation.

- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

4.7.5 POTENTIAL IMPACTS AND MITIGATION MEASURES

4.7.5.1 Introduction

The following discussions focus on topical areas and issues where it has been determined, pursuant to the EIR Initial Study/NOP processes, that the Project may result in or cause potentially significant hydrology/water quality impacts. Of the CEQA threshold considerations identified above at Section 4.7.4, and as substantiated in the Initial Study (EIR Appendix A), the Project's potential impacts under the following topics are determined to be less-than-significant, and are not further substantively discussed here:

- Potential to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

- Potential to 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 result in substantial erosion or siltation on- or off-site.

All other CEQA topics concerning the Project's potential impacts to hydrology/water quality are discussed below. Please also refer to Initial Study Checklist Item X., *Hydrology and Water Quality*.

4.7.5.2 Impact Statements

Potential Impact: *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.*

Impact Analysis:

Project SWPPPs and Compliance with Regulatory Requirements Address Construction-Source Water Quality Impacts

During site preparation activities prior to construction, existing groundcover will be removed from the site, exposing the Project area to increased wind and water erosion potentials. Further, construction site runoff may carry increased loads of sediment, heavy metals and petroleum hydrocarbons (from machinery) which could degrade water quality. In accordance with NPDES requirements, the Project Development Contractors (Contractors) would be required to prepare a construction activities erosion control plan to alleviate potential sedimentation and storm water discharge contamination impacts of the Project.

Contractors shall also be responsible for compliance with the General Construction NPDES permit from the SARWQCB by filing a Notice of Intent to Commence Construction Activities. Under the General Construction Permit, discharge of materials other than storm water is prohibited. Contractors shall prepare, retain at the construction site, and implement Storm Water Pollution Prevention Plans (SWPPPs) that identify the sources of sediments and other pollutants that affect the quality of storm water discharge, and implement practices to reduce sediment and other pollutants to storm water discharge. The SWPPPs also identify both construction and post-construction BMPs to reduce sediments and other pollutants. BMPs mandated by the requisite NPDES permit typically include installation of filter fabric fences, sandbars and checkdams. Construction BMPs for developments within the Project site would likely include, but not be limited to:

- Silt Fences;
- Check Dams;
- Gravel Bag Berms;
- Street Sweeping and Vacuuming;
- Sandbag Barriers;
- Storm Drain Inlet Protection;
- Wind Erosion Control;

- Stabilized Construction Entrance/Exit; and
- Entrance/Outlet Tire Wash.

Implementation of the SWPPPs and compliance with applicable NPDES and SARWQCB requirements will reduce potential construction-source water quality impacts to levels that would be less-than-significant.

Project WQMPs and Compliance with Regulatory Requirements Address Operational-Source Water Quality Impacts

Over the life of the Project uses, contaminants such as oil, fuel and grease that are spilled or left behind by vehicular traffic, collect and concentrate on paved surfaces. During storm events, these contaminants are washed into the storm drain system and may potentially degrade receiving water quality. Storm water runoff from paved surfaces within the developed Project site could carry a variety of urban wastes, including greases and oils and small amounts of metals which are common by-products of vehicular travel. In addition, storm runoff will likely contain residual amounts of fertilizers and plant additives washed off from landscaped areas within the Project site.

Recognizing the potential hazards of such urban runoff, the EPA has issued regulations which required municipalities to participate in the NPDES. As part of this program, San Bernardino County has received an NPDES permit for urban runoff. Compliance with the provisions specified in the NPDES permit ensures proper management and disposal of urban runoff from the Project.

Contractors shall be responsible for obtaining a General Permit for storm water discharge from the SARWQCB, in accordance with the Notice of Intent instructions. Under the General Permit, discharge of materials other than storm water is prohibited. In support of the above requirements, Contractors shall also develop and implement a development-specific Water Quality Management Plans (WQMPs) addressing all post-construction pollutant discharges. To the extent feasible, individual development proposals implemented within the Project site would employ permeable materials and landscaped areas to enhance on-site capture and absorption of stormflows. The Project would also provide for elimination/reduction of pollutant discharges, including capture

and treatment of dry weather and first flush runoff in a manner consistent with City and SARWQCB policies and requirements. BMPs to be implemented under the WQMPs would likely include, but not be limited to the following:

Source Control/Non-Structural BMPs

- Education of Property Owners;
- Spill Contingency Plan;
- Employee Training/Education Program;
- Street Sweeping of Private Streets and Parking Lots;
- Common Areas Catch Basin Inspection;
- Landscape Planning;
- Hillside Landscaping;
- Roof Runoff Controls;
- Efficient Irrigation;
- Protection of Slopes and Channels;
- Storm Drain Signage;
- Inlet Trash Racks;
- Energy Dissipaters;
- Trash Storage Areas and Litter Control;
- Maintenance Bays and Docks Drainage Controls; and
- Outdoor Material Storage Area Drainage Controls.

Site Design/Structural BMPs

- Infiltration and Biofiltration Basins;
- Maximize Permeable Areas;
- Minimize Street, Sidewalk, and Parking Lot Aisle Widths;
- Minimize Impervious Hardscape Features;
- Maintain Natural Drainage Patterns;
- Incorporate Drought-Tolerant Landscaping;
- Perforated Pipes and Gravel Filtration Areas;
- On-site Vegetated Swales;

- Convey Runoff to Landscaping/Permeable Areas Prior to Discharge to Storm Drains;
- Drain Sidewalks and Walkways to Adjacent Landscape Areas; and
- Integration of Landscaping and Drainage Designs.

The Project shall comply with all requirements of the MS4 Permit, as well as the Trash Mandate adopted by the SARWQCB. All storm water discharges from the developed Project site shall comply with applicable provisions of the County's National Pollutant Discharge Elimination System (NPDES) permit. Consistent with SARWQCB and City requirements, waste materials will not be discharged to drainage areas, streambeds, or streams. Nor will spoil sites be located in areas that could result in spoil materials being washed into a water body.

Implementation of the WQMPs and compliance with applicable NPDES and SARWQCB requirements will reduce potential operational-source water quality impacts to levels that would be less-than-significant.

Project Improvements Would Eliminate or Reduce Existing Water Pollutant Sources

The Project would connect to the existing sanitary sewer system serving the Project area and does not propose or require septic systems or other alternative treatment of wastewater. Existing private septic systems within the Project site would be properly abandoned prior to Project grading and construction, in compliance with the regulations of the Santa Ana Regional Water Quality Control Board; San Bernardino County Department of Environmental Health; the California Uniform Plumbing Code; and Manual of Septic Tank Practice as published by the U.S. Department of Health, Education and Welfare; and the rules, standards and regulations of the City. Elimination of the existing septic systems would act to generally reduce the potential for groundwater contamination that can arise from such systems. Also, existing private wells within the Project site would be abandoned and capped as part of the site preparation process, consistent with applicable regulations of the State of California Department of Water Resources (as reflected in Bulletins 74-81 and 74-90); the San Bernardino County Department of Environmental Health; and the Santa Ana Regional Water Quality

Control Board. Abandonment and capping of these wells would eliminate direct withdrawals of groundwater; and would protect groundwater quality by reducing locations where polluted surface waters could be directly introduced to the groundwater table.

The Project's plans for construction of and connection to sanitary sewer infrastructure facilities are subject to review and approval by the City. The Project Applicant would also be required to apply for service and pay a mandated Connection Fee and ongoing Service Fees. Fees paid by the Project would be applied toward maintenance and expansion of serving wastewater conveyance and treatment facilities. Wastewater generated by the Project is typical of urban generators and wastewater resulting for the Project uses will not require treatment beyond that provided by existing facilities.

As supported by the preceding discussions, the potential for the Project to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality is determined to be less-than-significant.

Level of Significance: Less-Than-Significant.

Potential Impacts: *Substantially alter the existing drainage pattern of the site or area in a manner that would substantially increase the rate or amount of runoff that would result in flooding on- or offsite; Substantially alter the existing drainage pattern of the site or area in a manner that would 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.*

Impact Analysis: The Project overall drainage concept maintains the site's north – south/northeast – southwest trending drainage patterns. The Project Hydrology Study does not indicate any potentially adverse impacts that could result from post-development drainage patterns.

Under the MDP, stormwater discharges from the Project site would be directed to Zones XII and XIII. Stormwaters from approximately 350 acres of the Project site would discharge to MDP Zone XII storm drain systems; stormwaters from the remaining 40 acres of the Project site would discharge to Zone XIII storm drain systems. The MDP hydrological assumption for the Project site is 90% impervious surfaces and 10% pervious surfaces. This assumption establishes a conservative likely maximum stormwater discharge condition. The Project would implement business park/warehouse uses that would result in site development consistent with the MDP hydrological assumptions. Stormwater discharges from the Project site would not exceed the MDP hydrological assumptions and would therefore not exceed planned capacity of the serving MDP storm drain system (Project Hydrology Study, p. 2). Please refer also to detailed hydraulic calculations at Project Hydrology Study Appendices A and B.

The Project would construct MDP facilities consistent with City requirements. The MDP facilities have been designed to accept stormwater runoff from the Project site under full buildout conditions. The MDP has been planned and designed to accept and convey stormwater discharges that would result from City Buildout conditions, including buildout of the Project site and surrounding areas of Ontario Ranch. The Project would implement business park/warehouse uses that would result in site development consistent with the MDP hydrological assumptions. Stormwater discharges from the Project site would not exceed the MDP hydrological assumptions and would therefore not result in stormwater discharges that would exceed the capacity of existing or planned MDP stormwater drainage systems or result in runoff that would result in on-site or off-site flooding.

All Project stormwater management system improvements would be required to be developed and operated in compliance with City/SARWQCB regulations and water quality standards.

Within the Project site, individual development proposals would be required incorporate all necessary drainage and stormwater management systems, and comply with all stormwater system design, construction, and operational requirements mandated through the City's established development review processes. In these regards, the

Project would be required to comply with City Standard Conditions of Approval addressing hydrology and water quality concerns. These Conditions of Approval include:

- Standard Condition (SC) 3.66: A hydrology study and drainage analysis, prepared in accordance with the San Bernardino County Hydrology Manual and the City of Ontario's Standards and Guidelines, and signed by a Civil Engineer registered in the State of California, shall be submitted to the Engineering Department prior to Grading Plan approval. Additional drainage facilities may be required as a result of the findings of the study.

- SC 3.68: Prior to Grading Plan approval and the issuance of a grading permit, an Erosion and Sediment Control Plan shall be submitted to, and approved by, the Engineering Department. The Erosion and Sediment Control Plan shall identify the Best Management Practices (BMPs) that will be implemented by the Project during construction in order to reduce the discharge of sediment and other pollutants into the City's storm drain system.

- SC 3.69: Prior to Grading Plan approval and the issuance of a grading permit, a completed Water Quality Management Plan (WQMP) shall be submitted to, and approved by, the Engineering Department. The WQMP shall be submitted using the San Bernardino County Stormwater Program's model template and shall identify all Post Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs), that will be incorporated into the Project, in order to minimize any potential adverse impacts to receiving waters. [5]

[5] City of Ontario. "Standard Conditions of Approval for New Development, Applicable to 'Ontario Ranch'" pp. 13, 14. *City of Ontario, California.* www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/Documents/20170418-standard_conditions_for_new_development.pdf. Accessed 13 Nov. 2019.

In combination, the Project MDP facility improvements, on-site stormwater management components, and mandated compliance with regulatory requirements act to preclude potentially adverse drainage and stormwater runoff impacts.

As discussed previously in this Section, the Project would not result in substantial additional sources of polluted runoff or otherwise adversely affect water quality.

Based on the preceding, the potential for the Project to: substantially alter the existing drainage pattern of the site or area in a manner that would substantially increase the rate or amount of runoff that would result in flooding on- or offsite; or substantially alter the existing drainage pattern of the site or area in a manner that would 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 is determined to be less-than-significant.

Level of Significance: Less-Than-Significant.

Potential Impact: *Impede or redirect flood flows.*

Impact Analysis: As shown at Policy Plan Figure S-2, *Flood Hazards*, the Project site is located within a 500-year flood plain and is within the San Antonio Creek Dam Failure Inundation Area. The Project site does not, however, lie within a designated 100-year floodplain or other areas known to be subject to moving or high-velocity floodwaters. The Project does not propose or require facilities or operations that would otherwise impede or redirect flood flows. On this basis, the potential for the Project to impede or redirect flood flows is determined to be less-than-significant.

Level of Significance: Less-Than-Significant.

Potential Impact: *Under a flood, tsunami, or seiche event, release pollutants due to project inundation.*

Impact Analysis: The Project site is not located within an area subject to tsunami, or seiche events. There is no potential for the Project to be adversely affected in these regards.

The Project site does, however, lie within a 500-year floodplain and is within the San Antonio Creek Dam Failure Inundation Area. There is therefore the potential for the Project generally to be subject to inundation under 500-year flood conditions or in the event of the San Antonio Creek Dam failure. Either of these are relatively low probability events. Catastrophic failure of the San Antonio Dam when it is at or near capacity could spread water two to four feet deep over the western and central parts of the City. However, the City has never experienced such an event.

The Ontario Plan EIR concluded that the probability of catastrophic failure is very low. Furthermore, the City of Ontario Fire Department maintains a list of emergency procedures to be followed in the event of a dam failure (Ontario Plan EIR, p. 5.9-23). Because the likelihood of catastrophic failure of the San Antonio Dam is very low and the City is prepared in the event of such failure, impacts related to potential release of pollutants under dam failure conditions are considered less-than-significant.

Potential for release of pollutants under 500-year flood conditions or in the event of dam failure is minimized through the location, orientation, and construction of Project facilities consistent with City Building Code requirements and implementation of the Project stormwater management system improvements described in this Section. Additionally, the Project uses would be required to develop and implement Hazardous Materials Release Response Plans and Inventory (Business Plans) that specifically address storage and use of hazardous materials so as to minimize their potential release, containment of hazardous materials and related pollutants that may be released under emergency conditions, and measures to reduce potential effects of hazardous materials and related pollutants if released.

Based on the preceding, the potential for release of pollutants due to project inundation under a flood, tsunami, or seiche event is determined to be less-than-significant.

Level of Significance: Less-Than-Significant.

Potential Impact: *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.*

Impact Analysis: As discussed within this Section, the Project would implement water quality control measures consistent with City and SARWQCB requirements. The Project would there not result in potentially adverse water quality impacts and would not conflict with or obstruct implementation of a water quality control plan, in this instance, the Water Quality Control Plan for the Santa Ana Region.

The City of Ontario draws all of its groundwater supply from the Chino Basin. Since 1978, the basin has been managed via ongoing court adjudication in the 1978 judgment Chino Basin Municipal Water District vs. City of Chino et al. The Project does not propose or require direct withdrawal of groundwater. Neither would the Project adversely affect designated groundwater recharge areas or groundwater recharge facilities. To the extent practical, individual development proposals within the Project site would implement LID measures facilitating infiltration of treated stormwaters to the groundwater table. Further, the Project would eliminate existing private groundwater wells within the Project site. Abandonment and capping of these wells would eliminate direct withdrawals of groundwater; and would protect groundwater quality by reducing locations where polluted surface waters could be directly introduced to the groundwater table.

Based on the preceding, the potential for the Project to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan is determined to be less-than-significant.

Level of Significance: Less-Than-Significant.

4.8 BIOLOGICAL RESOURCES

4.8 BIOLOGICAL RESOURCES

Abstract

This Section identifies and addresses potential impacts to biological resources resulting from the Project. More specifically, the analysis presented here examines whether the Project would:

- *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;*

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

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

- *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 wildlife nursery sites;*

- *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or*

- *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

As supported by the analysis presented in this Section, with application of proposed mitigation measures, the Project's potential impacts to biological resources are determined to be less-than-significant.

4.8.1 INTRODUCTION

Following are discussions of existing biological resources characteristic of the Project area, with focused consideration on species of special interest known to occur, or that could potentially occur on the Project site. Potential impacts to biological resources are identified, and mitigation of potentially significant impacts is proposed.

Information presented in this Section is summarized and excerpted from: *Biological Technical Report for Merrill Commerce Center Specific Plan, Located in the City of Ontario, San Bernardino County, California with Off-Site Improvements Located in the Cities of Ontario and Chino, San Bernardino County, California* (Glenn Lukos Associates, Inc.) September 19, 2019 (Project Biological Resources Report). Primary elements of the Project Biological Resources Report include:

- Delineation of aquatic resources (including wetlands and riparian habitat) subject to the jurisdiction of the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), and CDFW;
- Performance of vegetation mapping; and
- Performance of habitat assessments, and site-specific biological surveys, to evaluate the presence/absence of special-status species in accordance with the requirements of CEQA.

Surveys and assessments conducted as part of the Project Biological Resources Report are summarized at Table 4.8-1.

Table 4.8-1
Summary of Project Biological Surveys/Assessments

Survey/Assessment	Survey/Assessment Dates
General Biological Survey	4/4/18, 4/5/18, 4/11/18
Focused Burrowing Owl Surveys	4/4/18, 4/5/18, 4/11/18, 4/14/18, 5/11/18, 5/18/18, 5/22/18, 4/9/2019, 5/23/19, 6/19/19, 7/11/19
Focused Special-status Plant Surveys	4/4/18, 4/5/18, 4/19/18, 5/18/18, 5/22/18, 7/13/18, 4/9/19, 5/23/19, 6/19/19
Delhi Sands Flower-Loving Fly Focused Habitat Assessment	September 2018, February 2019
Jurisdictional Delineation	9/12/18

Source: *Biological Technical Report for Merrill Commerce Center Specific Plan, Located in the City of Ontario, San Bernardino County, California with Off-Site Improvements Located in the Cities of Ontario and Chino, San Bernardino County, California* (Glenn Lukos Associates, Inc.) September 19, 2019.

Graphic representations of survey areas, and detailed survey mapping results are appended to the Project Biological Resources Report (Appendices 1–3). Analysis of potential impacts of the proposed waterline segment along Chino Avenue between Grove Avenue and the Cucamonga Channel was prepared based on information from the *General Biological Assessment for Ontario Ranch Business Center* (Hernandez Environmental Services) September 2018.

Both of these Biological Reports are presented in their entirety at EIR Appendix I.

4.8.2 SETTING

The entirety of the Study Area is subject to decades-long human disturbance, such as farming, trucking operations, public roadways, and flood control facilities. The Project site currently evidences a dairy farm with interior unpaved roads, cattle stockades, support equipment for cattle and dairy farming, bio-retention basins located at the southern boundary, a trucking operation on the eastern portion, and appurtenant residences at various locations within the Project site.

The Project site is extensively disturbed and evidences environmental degradation due to historic and on-going agricultural and trucking uses. Such degradation includes, but is not limited to:

- Animal waste from the long-term dairy farm uses have potentially created methane gas, and soil contamination from nitrates and ammonia.

- Numerous automotive fluids, including several large above ground storage tanks (ASTs) on or near the on-site maintenance shop. These materials are used for maintaining and repairing farm equipment.

- Additional ASTs used for truck and equipment refueling are located on-site.

- A scrap metal area containing drums, ASTs, farming equipment, and vehicles is located on the property.

- Dairy operations use formaldehyde, iodine, and glycerol to wash the cows. The dairies also use muriatic acid and chlorinated alkaline as a cleaning solution. Pesticides are applied to prevent parasite infestations. Wastewater from these processes is discharged to the pastures for irrigation.

- Holding ponds for contaminated runoff from agricultural/dairy farm operations. Discharge from these ponds to surrounding areas; and potential infiltration of contaminated runoff to underlying groundwater.

- General debris observed throughout the property, including vehicle equipment staging areas, used tires, concrete rubble piles, compressors, and generators may have the potential to impact on-site surficial soil.

- Presence of septic systems.

Please refer also to EIR Section 3.0, *Project Description*, 3.2, *Existing Land Uses*.

The Project site topography evidences little internal difference, with a general northeast to southwest downward trending slope. Elevations within the Project site range from approximately 686 feet above mean sea level (amsl) at the northeast corner of the Project site, to approximately 651 feet amsl at the southwest corner of the Project site.

4.8.2.1 Vegetation Communities/Habitat Types

Two different land cover types have been identified within the Study Area, "agriculture" and "disturbed/developed," as illustrated at Figure 4.8-1 and discussed below.

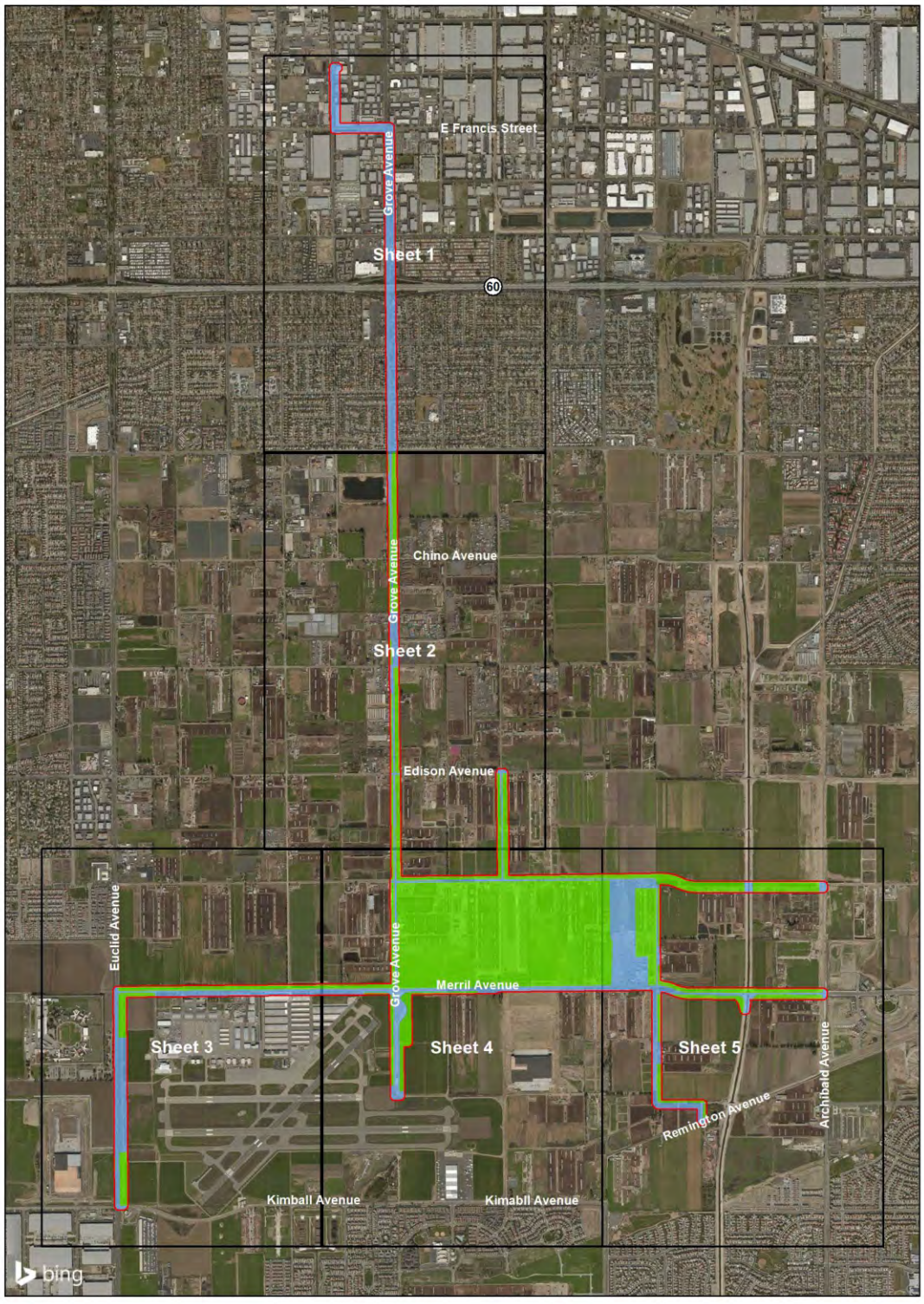
Agriculture

Agricultural areas within the Study Area consist of active dairy operations and row crops. Areas associated with the dairy operations include corrals, pastures, and treatment basins designed to retain all runoff from the associated facilities. Row crops include active production fields, such as corn. Current and historic agricultural/dairy farming uses have contributed to site degradation and adverse environmental conditions affecting the Project site. These conditions include:

- Contamination from animal waste;
- Creation of methane gas, a potentially hazardous material and GHG contributor;
- Storage, use, and spillage/leakage of chemicals associated with dairy operations;
- Above ground and underground storage, use, and spillage/leakage of petroleum products associated with agricultural machinery and farm equipment;
- Presence of general debris, scrap metal, concrete rubble, and used tires;
- Various compressors and generators located throughout the site, and surrounding areas of potentially contaminated soils; and
- Use of private septic systems.

Disturbed/Developed

Disturbed/developed areas within the Study Area consist of residential and commercial development, agricultural processing facilities, public road facilities, and flood control facilities. These areas have been subject to decades-long maintenance, ongoing human disturbance, and environmental concerns such as those noted above.



N

NOT TO SCALE

Project Study Area

Agriculture

Disturbed/Developed

Source: Glenn Lukos Associates, Inc.

Figure 4.8-1
Vegetation Communities

4.8.2.2 Special-Status Plant Species

Based on research including mapping and previous biological investigations, the following 11 special-status habitats have been identified as occurring within the vicinity of the Study Area: California walnut woodland, Riversidean alluvial fan sage scrub, Southern California arroyo chub/Santa Ana sucker stream, southern coast live oak riparian forest, southern cottonwood willow riparian forest, southern interior cypress forest, southern riparian forest, southern riparian scrub, southern sycamore alder riparian woodland, southern willow scrub, and walnut forest. Table 4-2 of the Biological Technical Report provides a complete inventory of all special-status plants evaluated through general biological surveys, habitat assessments, and focused surveys. As shown, no special-status plants were detected within the Study Area.

4.8.2.3 Wildlife Overview

Wildlife species detected consist of those typically expected in an urbanized agricultural setting, and include: western fence lizard (*Sceloporus occidentalis*), rock pigeon (*Columba livia*), Eurasian collared-dove (*Streptopelia decaocto*), house finch (*Carpodacus mexicanus*), lesser goldfinch (*Psaltriparus minimus*), white-crowned sparrow (*Zonotrichia leucophrys*), savannah sparrow (*Passerculus sandwichensis*), Anna's hummingbird (*Calypte anna*), Bewick's wren (*Thryomanes bewickii*), red-tailed hawk (*Buteo jamaicensis*), Cooper's hawk (*Accipiter cooperii*), American kestrel (*Falco sparverius*), turkey vulture (*Cathartes aura*), black phoebe (*Sayornis nigricans*), western kingbird (*Tyrannus verticalis*), Cassin's kingbird (*Tyrannus vociferus*), European starling (*Sturnus vulgaris*), Brewer's blackbird (*Euphagus cyanocephalus*), brown-headed cowbird (*Molothrus ater*), yellow-rumped warbler (*Setophaga coronata*), killdeer (*Charadrius vociferus*), northern mockingbird (*Mimus polyglottos*), common raven (*Corvus corax*), American crow (*Corvus brachyrhynchos*), Botta's pocket gopher (*Thomomys bottae*), desert cottontail (*Sylvilagus audubonii*), California ground squirrel (*Otospermophilus beecheyi*), domestic cat (*Felis silvestris*), and domestic dog (*Canis familiaris*).

4.8.2.4 Special-Status Wildlife Species

Table 4-3 of the Biological Technical Report provides a complete list of all special-status species evaluated for the Study Area through general biological surveys, habitat

assessments, and focused surveys. Of the species evaluated, those with the potential to occur within the Study Area are listed at Table 4.8-2.

Table 4.8-2
Special-Status Wildlife Species with Potential to Occur Onsite

Species	Status	Occurrence
American peregrine falcon (nesting) *Falco peregrinus anatum*	Federal: Delisted State: Delisted, FP	Potential for foraging only.
Bald eagle (nesting & wintering) *Haliaeetus leucocephalus*	Federal: Delisted State: SE, FP	Potential for foraging only.
Burrowing owl (burrow sites & some wintering sites) *Athene cunicularia*	Federal: None State: SSC	Present-single owl observed.
Golden eagle (nesting & wintering) *Aquila chrysaetos*	Federal: None State: FP	Potential for foraging only.
Swainson's hawk (nesting) *Buteo swainsoni*	Federal: None State: ST	Potential for foraging only.
White-tailed kite (nesting) *Elanus leucurus*	Federal: None State: FP	Moderate potential to occur.
Yellow-headed Blackbird (nesting) Xanthocephalus xanthocephalus	Federal: None State: SSC	Present-foraging.
Yellow warbler (nesting) *Setophaga petechia*	Federal: None State: SSC	Present-foraging.
Big free-tailed bat *Nyctinomops macrotis*	Federal: None State: SSC	Potential for foraging only.
Pallid bat *Antrozous pallidus*	Federal: None State: SSC	Potential for foraging only.
Western mastiff bat *Eumops perotis californicus*	Federal: None State: SSC	Potential for foraging only.
Western red bat *Lasiurus blossevillii*	Federal: None State: SSC	Potential to occur.
Western yellow bat *Lasiurus xanthinus*	Federal: None State: SSC	Potential to occur.

Source: *Biological Technical Report for Merrill Commerce Center Specific Plan, Located in the City of Ontario, San Bernardino County, California with Off-Site Improvements Located in the Cities of Ontario and Chino, San Bernardino County, California* (Glenn Lukos Associates, Inc.) September 19, 2019.
Notes:
FP – California Fully-Protected Species
SE – State Endangered
SSC – Species of Special Concern
ST – State Threatened

4.8.2.5 Jurisdictional Areas

Jurisdictional areas within the Study Area include Cucamonga Channel, Grove Channel, and two ephemeral drainages. Areas within the Study Area subject to the jurisdiction of the Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife are depicted at Figures 4.8-2 and 4.8-3.

These drainages are flood control facilities, and are subject to ongoing maintenance. They do not support jurisdictional wetlands or riparian vegetation communities. No jurisdictional wetlands or riparian habitat exists within the Study Area.

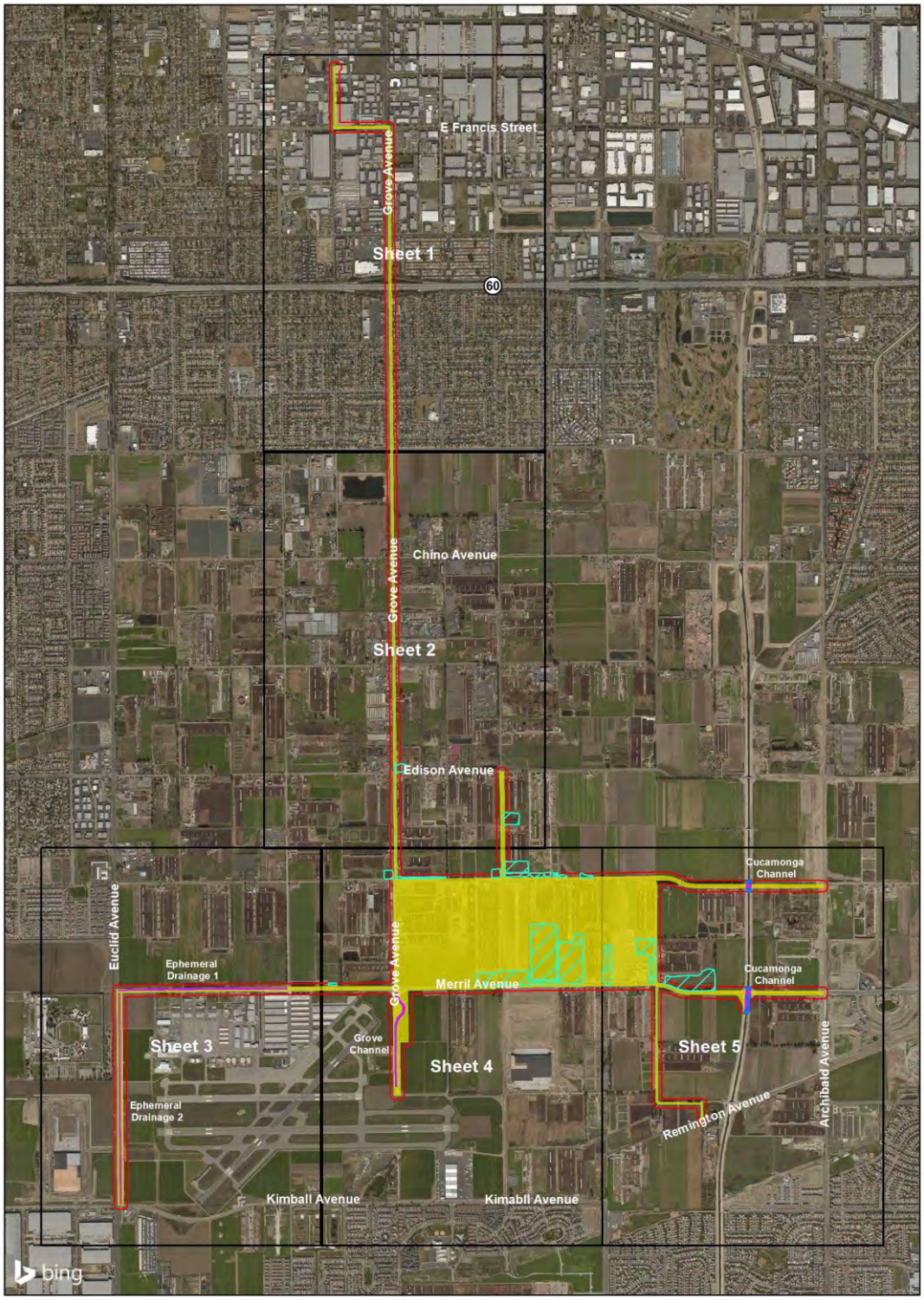
4.8.2.6 Nesting Birds

The Study Area contains trees, shrubs, and ground cover that provide suitable habitat for nesting migratory birds. Impacts to nesting birds are prohibited under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code.

4.8.2.7 Wildlife Movement Corridors and/or Nurseries

The Study Area lacks migratory wildlife corridors, as it does not contain the structural topography and vegetative cover that facilitate regional wildlife movement. Additionally, the Study Area is subject to a high level of ongoing human disturbance, and much of the Study Area is fenced or consists of active public roadways, which act as barriers to wildlife movement. Additionally, environmental concerns noted previously (see Section 4.8.2, *Setting*) discourage use of the Project site as a potential migratory corridor.

The large ornamental trees within the Study Area may potentially represent a nursery site for the western red bat, western yellow bat, or other non-special-status lasiurine bat species (or nesting birds, as discussed above).



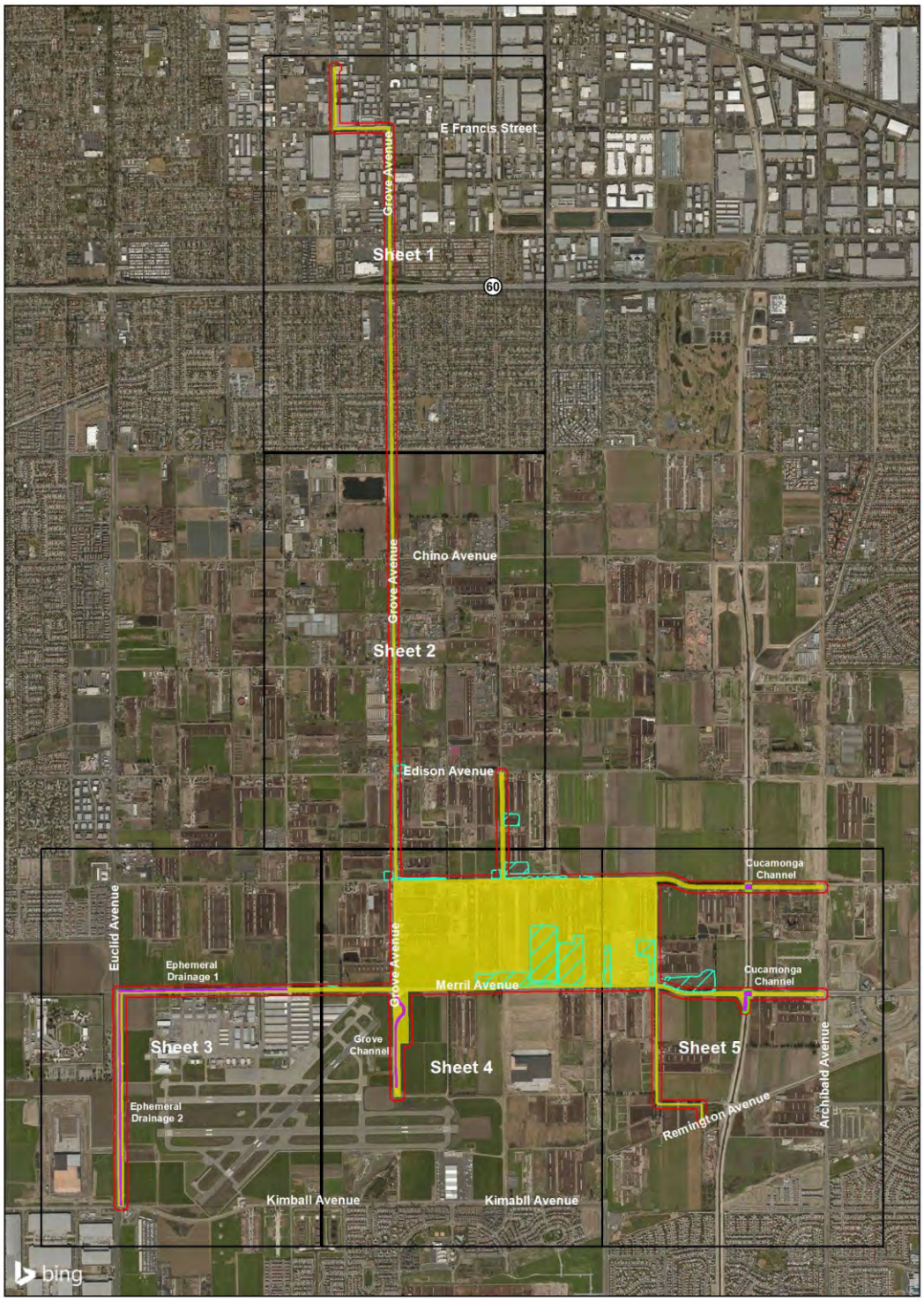
N

NOT TO SCALE

Project Study Area
Project Footprint
Corps/RWQCB Non-Wetland Waters
Impacted Corps/RWQCB Non-Wetland Waters
Non-jurisdictional Waste Treatment Basin

Source: Glenn Lukos Associates, Inc.

Figure 4.8-2
Corps/RWQCB Jurisdictional Areas



N

NOT TO SCALE

Source: Glenn Lukos Associates, Inc.

- Project Study Area
- Project Footprint
- CDFW Non-Riparian Stream
- Impacted CDFW Non-Riparian Stream
- Non-jurisdictional Waste Treatment Basin

Figure 4.8-3
CDFW Jurisdictional Areas

4.8.3 EXISTING POLICIES AND REGULATIONS

4.8.3.1 Federal Endangered Species Act/California Endangered Species Act

The United States Congress passed the federal Endangered Species Act (ESA) in 1973 to protect those species that are endangered or threatened with extinction. The State of California enacted a similar law, the California Endangered Species Act (CESA) in 1984. The state and federal Endangered Species Acts are intended to operate in conjunction with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend. The United States Fish and Wildlife Service (USFWS) is responsible for implementation of ESA, while the CDFW implements CESA. During Project review, each agency is given the opportunity to comment on the potential of the Project to affect listed plants and animals.

4.8.3.2 State of California, Department of Fish and Wildlife

The CDFW has jurisdiction under Section 1600 *et seq.* of the California Fish and Game Code over fish and wildlife resources of the State. Under Section 1602, a private party must notify the CDFW if a project will "substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds, except when the department has been notified pursuant to Section 1601." If an existing fish or wildlife resource may be substantially adversely affected by the activity, the CDFW may propose reasonable measures that will allow protection of those resources. If these measures are agreeable to the initiating party, they may enter into an agreement with the CDFW identifying the approved activities and associated mitigation measures.

4.8.3.3 Army Corps of Engineers

Pursuant to Section 404 of the Clean Water Act, the Army Corps of Engineers (Corps) regulates the discharge of dredged and/or fill material into waters of the United States.

4.8.3.4 Regional Water Quality Control Board

Section 401 of the Clean Water Act requires any applicant for a Section 404 permit to obtain certification from the State that the discharge (and the operation of the facility being constructed) will comply with the applicable effluent limitation and water quality standards. In California, this 401 certification is obtained from one of the State's nine Regional Water Quality Control Boards. The Corps cannot issue a Section 404 permit until a 401 certification is issued or waived.

4.8.3.5 City of Chino, The Preserve Resource Management Plan

Off-site flood control improvements, which are necessary to accommodate development of the Merrill Commerce Center Specific Plan, extend outside of the corporate boundaries of the City of Ontario and are located within the boundary of the City of Chino's "The Preserve Specific Plan." A Resources Management Plan (RMP) was adopted to comprehensively address biological impacts of implementing the Specific Plan.

Germane to the Merrill Commerce Center Specific Plan, the RMP addresses mitigation requirements for impacts to burrowing owls. The RMP states that the 1995 CDFG Staff Report on Burrowing Owl Mitigation (as supplemented by the RMP) shall be followed when burrowing owls are detected on properties. If avoidance of occupied habitat is infeasible, provisions shall be made to passively relocate owls from sites in accordance with the 2012 CDFG Staff Report.

According to the Preserve EIR and RMP, burrowing owls to be relocated from properties within the City's Subarea 2 are intended to be accommodated within a "300-acre conservation area" and/or additional Candidate Relocation Areas as described on Page 4-16 and 4-21 of the RMP. One such contingency conservation area is identified in the RMP as "Drainage Area B."

Drainage Area B consists of a series of Natural Treatment System (NTS) facilities that were constructed south of Kimball Avenue and west of Mill Creek Road. When the NTS facilities were constructed, approximately 50 artificial owl burrows were installed within the basins to accommodate relocated owls and additional owls dispersing to the site. This

location was given top priority as an owl relocation site by the RMP due to its proximity to areas that have been and will be converted to urban development.

4.8.3.6 Other Statutes, Codes, and Policies

In addition to formal listing under ESA and CESA, plant and wildlife species receive additional consideration during the CEQA process as discussed below.

Species of Special Concern

Species that may be considered for focused review are included on CDFW's list of "Species of Special Concern." Species of Special Concern are generally defined as those California species whose numbers, reproductive success, or habitat may be threatened.

CNPS-Listed Plants

The California Native Plant Society (CNPS) maintains a list of plant species native to California that have low numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review.

Raptors and Migratory Birds

Raptors (birds of prey), migratory birds, and other avian species are protected by state and federal laws. The federal Migratory Bird Treaty Act (MBTA) prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of Interior. Section 3503.5 of the California Fish and Game Code states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto."

4.8.4 STANDARDS OF SIGNIFICANCE

CEQA has identified the following significance thresholds relative to biological resources. If the Project would result in any one of the following, its impacts to biological resources would be considered significant.

- 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;

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

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

- 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 wildlife nursery sites;

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.8.4.1 Introduction

The following discussions focus on those areas where it has been determined that the Project may result in potentially significant biological resources impacts, based on the analysis presented within this Section and included within the EIR Initial Study (EIR

Appendix A), and responses received pursuant to the EIR Notice of Preparation. Please refer also to Initial Study Checklist Item IV. *Biological Resources*.

4.8.4.2 Impact Statements

Potential Impact: *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.*

Impact Analysis:

Special-Status Plant Species

The Study Area is not located within a sensitive biological area, or a designated conservation or habitat area. According to The Ontario Plan Draft Environmental Impact Report (p. 5.4-14), no sensitive plant species have been observed in the City of Ontario since 1992. Additionally, as previously presented at Section 4.8.2.2, the Biological Technical Report determined that the Study Area does not support any special-status plants or habitats.

Special-Status Wildlife Species

The following discussions summarize potential impacts to the special-status species identified in previous Table 4.8-2.

Bald Eagle, Golden Eagle, Swainson's Hawk, and American Peregrine Falcon

The bald eagle, golden eagle, Swainson's hawk, and American peregrine falcon have the potential to forage within the Study Area. However, these species are not expected to nest within the Study Area, as it is located outside of the known nesting range and/or does not contain suitable nesting habitat. With regard to potential foraging impacts, based on the level of ongoing human disturbance within the Project study area, and the regional availability of foraging habitat in the vicinity of the Project site, such as the Prado Basin, Chino Hills State Park, and the Santa Ana Mountains, the loss of low-quality

potential foraging habitat resulting from development of the Project is considered less-than-significant (Project Biological Resources Report, p. 38, et al.).

Burrowing Owl

A single burrowing owl was detected within the Study Area. This owl was observed approximately 1,000 feet southerly of the Specific Plan area, along the western bank of the Grove Channel within the Chino Airport property. This single burrowing owl was likely breeding based upon its presence only during the breeding season. This owl could be adversely affected by construction of Project off-site infrastructure improvements. Impacts to this species are considered potentially significant; please refer to Mitigation Measures 4.8.1 and 4.8.2, presented subsequently.

White-Tailed Kite

There is moderate potential for the white-tailed kite to nest within large ornamental trees and forage throughout the Study Area. No take of this species is permissible under the California Fish and Game Code. With regard to potential foraging impacts, based on the level of ongoing human disturbance within the Project study area, and the regional availability of foraging habitat in the vicinity of the Project site, such as the Prado Basin, Chino Hills State Park, and the Santa Ana Mountains, the loss of low-quality potential foraging habitat resulting from development of the Project is considered less-than-significant (Project Biological Resources Report, p. 38, et al.). Direct take or any impact to this species under a nesting role is considered a potentially significant impact. Active nests are protected under Mitigation Measure 4.8.3, presented subsequently.

Yellow Warbler and Yellow-Headed Blackbird

Yellow warbler and yellow-headed blackbird were observed foraging within ornamental plantings within the Study Area. Nesting habitat for these species is not present within the Study Area. As these species' special status is limited to a nesting role, development of the Project would not result in significant impacts to these species. Additionally, as these species are habitat generalists during migration and foraging, the loss of foraging habitat from development of the Project would be less than significant (Project Biological Resources Report, p. 37).

Bat Species

As presented previously in Table 4.8-2 of this section, development of the Merrill Commerce Center Specific Plan area would remove potential foraging habitat (agriculture) for five special-status bat species. However, based on the level of ongoing human disturbance within the Project study area, and the regional availability of foraging habitat in the vicinity of the Project site, such as the Prado Basin, Chino Hills State Park, and the Santa Ana Mountains, the loss of low-quality potential bat foraging habitat is not judged to be significant under CEQA (Project Biological Resources Report, p. 37).

Roosting and breeding by western red bat, western yellow bat, and other non-special-status lasiurine bats may occur within large ornamental tress located within and adjacent to the Study Area, with the highest likelihood occurring within large Eucalyptus trees and unmanicured palm trees. The removal of potential roosting/breeding bat habitats is considered a potentially significant impact; please refer to Mitigation Measure 4.8.4, presented below.

Jurisdictional Areas

Corps/Regional Board Jurisdiction

As previously discussed at Section 4.8.2.5, the drainages that would be affected by implementation of the Merrill Commerce Center Specific Plan are heavily impacted flood control facilities that are subject to ongoing maintenance. Although the drainages proposed for impacts are heavily denuded flood control facilities that are subject to ongoing maintenance and do not support jurisdictional wetlands or riparian vegetation communities, impacts to 2.14 acres of waters is potentially significant under CEQA due to the potential for this quantity of loss of surface waters to affect the hydrology supporting downstream wetland and/or riparian resources (Project Biological Resources Report, p. 39). CWA Section 404 authorization from the Corps and a CWA Section 401 Water Quality Certification and authorization for discharges under Porter-Cologne from the Regional Board would be required; please refer to Mitigation Measure 4.8.5, presented subsequently.

CDFW Jurisdiction

As with impacts to Corps and Regional Board jurisdiction, affected drainages are heavily impacted flood control facilities. Although the drainages proposed for impacts are heavily denuded flood control facilities that are subject to ongoing maintenance and do not support jurisdictional wetlands or riparian vegetation communities, impacts to 4.15 acres of streambed is potentially significant under CEQA due to the potential for this quantity of loss of surface streambeds to affect the hydrology supporting downstream wetland and/or riparian resources (Project Biological Resources Report, p. 39). As such, a CDFW Section 1602 Streambed Alteration Agreement would be required; please refer to Mitigation Measure 4.8.5, presented subsequently.

Nesting Birds

The Study Area contains trees, shrubs, and ground cover that provide suitable habitat for nesting migratory birds. These trees, shrubs, and ground cover would be removed as part of the Project. Impacts to nesting birds are prohibited under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. This is a potentially significant impact of the Project; please refer to Mitigation Measure 4.8.3, presented subsequently.

Level of Significance Before Mitigation: Potentially Significant.

Mitigation Measures:

4.8.1 *A qualified biologist shall conduct a pre-construction presence/absence survey for burrowing owls within 14 days prior to site disturbance. If the species is absent, no additional mitigation is required. If burrowing owl(s) is (are) detected within the Project's disturbance footprint located within the City of Chino Preserve Resource Management Plan (RMP) boundary, the owl(s) are required to be handled as indicated by the RMP:*

Prior to disturbance of occupied burrows (if any), suitable and unoccupied replacement burrows shall be provided at a ratio of 2:1 within the City of Chino designated relocation area (e.g., the NTS basins). A qualified biologist through coordination with the City shall confirm that the artificial burrows are currently unoccupied and suitable for use by owls.

Until suitable replacement burrows have been provided/confirmed within the designated relocation area (e.g., the NTS basins), no disturbance shall occur within 50 meters (approximately 160 feet) of occupied burrows during the nonbreeding season (September 1 through January 31) or within 75 meters (approximately 250 feet) during the breeding season (February 1 through August 31).

Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

If burrowing owls are present at the time that the occupied burrows are to be disturbed, then the owls shall be excluded from the site following the 2012 CDFG Staff Report and Table 4-6 of the RMP.

Pursuant to mitigation measure B-3(8) of The Preserve EIR, and as noted on Page 4-39 of the RMP, the Project shall pay the required mitigation fee prior to initiation of ground disturbing activities.

4.8.2 If burrowing owl(s) is (are) detected within the Project's proposed disturbance footprint outside of the RMP boundary:

Prior to disturbance of the occupied burrows, suitable and unoccupied replacement burrows shall be provided at a ratio of 2:1 within designated off-site conserved lands to be identified through coordination with CDFW and the City in which the burrowing owl(s) is(are) detected (either the City of Ontario or the City of Chino). A qualified biologist shall confirm that the artificial burrows are currently unoccupied and suitable for use by owls.

Until suitable replacement burrows have been provided/confirmed within the off-site conserved lands to be identified through coordination with CDFW and the City of Ontario or the City of Chino, no disturbance shall occur within 50 meters (approximately 160 feet)

of occupied burrows during the nonbreeding season (September 1 through January 31) or within 75 meters (approximately 250 feet) during the breeding season (February 1 through August 31).

Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

If burrowing owls are present at the time that the occupied burrows are to be disturbed, then the owls shall be relocated from the site following the 2012 [CDFW] Staff Report.

4.8.3 *Vegetation clearing should be conducted outside of the nesting season (February 1 through August 31) to avoid impacts to nesting birds, including raptors. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests (generally a minimum of 200 feet up to 500 feet for raptors and a minimum of 50 feet up to 300 feet for passerine species, with specific buffer widths to be determined by a qualified biologist), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.*

4.8.4 *For large ornamental trees suitable for bat roosting/nursery, exit counts and acoustic surveys shall be performed prior to initial ground disturbance and vegetation removal to determine whether the Project footprint and a 300-foot buffer supports a nursery or roost, and by which species. This survey work shall occur between late-spring and late summer and/or in the fall (generally mid-March through late October).*

If the results of the bat survey finds a single roosting individual of a special-status bat species or a total of a 25 or more individuals of non-special-status bat species with potential to be present in the Study area (i.e., western Mastiff bat, big free-tailed bat, pallid bat,

western red bat, and western yellow bat), a Bat Management Plan (Plan) shall be developed to ensure mortality to bats does not occur. For each location confirmed to be occupied by bats, the Plan shall provide details both in text and graphically where exclusion devices and/or staged tree removal will need to occur, the timing for exclusion work, and the timeline and methodology needed to exclude the bats. Preliminary Plan components and performance standards are outlined below:

To avoid the direct loss of bats that could result from removal of trees that may provide maternity roost habitat (e.g., in cavities or under loose bark), the following steps should be taken:

1) If trees and/or structures must be removed or disturbed as part of Project activities, a qualified bat specialist should conduct surveys to identify use of habitat by any bat species. Focused surveys using electronic detection should be used to identify general bat use and any special status bat species using any habitat proposed for removal or disturbance;

2) Maternity season lasts from March 1 to September 30. Trees and/or structures should not be removed until the end of the maternity season;

3) If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree should be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and should remain in place overnight and until it is inspected by a bat specialist. Trees that are suspected to be bat roosts should not be sawed up or mulched immediately. A period of at least 24 hours, and preferably 48 hours, should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by placing one way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building;

4) The bat specialist should document all demolition monitoring activities, and prepare a summary report to the Lead Agency upon completion of tree disturbance and/or building demolition activities. CDFW requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition);

5) If confirmed occupied or formerly occupied bat roosting and foraging habitat is destroyed, habitat of comparable size and quality should be preserved and maintained at a nearby suitable undisturbed area. The bat habitat mitigation shall be determined by the bat specialist in consultation with CDFW;

6) A monitoring plan should be prepared and submitted to the Lead Agency. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats; and,

7) Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to Lead Agency and CDFW for five years following relocation or until performance standards are met, whichever period is longer.

The Plan shall be reviewed and approved by CDFW prior to disturbance of any roost(s).

4.8.5 Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Project Applicant shall purchase credits from an approved mitigation bank/in-lieu fee program at a minimum of a 1:1 ratio, for a minimum of 4.15 acres (inclusive of the 2.14 acres of non-wetland Waters of the US) of mitigation credits, or a number of mitigation credits equal to Project impacts based on final Project design during aquatic permitting.

If an approved mitigation bank/in-lieu fee program cannot be identified to mitigate the loss of Corps, Regional Board, and CDFW jurisdiction, the Project Applicant shall enhance, re-establish, or establish Corps, Regional Board, and CDFW jurisdictional areas on off-site conserved lands at a minimum of a 1:1 ratio, for a minimum of 4.15 acres (inclusive of the

2.14 acres of non-wetland Waters of the US) of enhancement, re-establishment, or establishment, or a number acres equal to Project impacts based on final Project design during aquatic permitting. Conservation and compensation shall conform to Conservation and Mitigation Banking Guidelines (CDFW) July 2019, *to include applicable interagency (e.g., Corps, Regional Board, and USFWS) measures. See also: https://wildlife.ca.gov/Conservation/Planning/Banking/Guidelines.*

Compensatory mitigation shall be coordinated with CWA 401 and 404 permitting and CDFW 1602 Streambed Alteration Agreement acquisition to ensure efficiency and efficacy of the mitigation effort.

Level of Significance after Mitigation: Less-Than-Significant. With the incorporation of Mitigation Measures 4.8.1 through 4.8.5, the potential for the Project to have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species is considered less-than-significant.

Potential Impact: *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, polices, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) though direct removal, filling, hydrological interruption, or other means.*

Impact Analysis: The Biological Technical Report found no riparian habitat, wetlands, or other sensitive natural community within the Study Area. As such, the potential for the Project to have a substantial adverse effect on any riparian habitat, federally protected wetlands, or other sensitive natural community is considered less-than-significant.

Level of Significance: Less-Than-Significant.

Potential Impact: *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 wildlife nursery sites.*

Impact Analysis: As discussed previously at Section 4.8.2.7, the Biological Technical Report concluded that the Study Area lacks migratory wildlife corridors, as it does not contain the structural topography and vegetative cover that facilitate regional wildlife movement and is subject to a high level of ongoing human disturbance. Much of the Study Area is fenced or consists of active public roadways, which inhibits wildlife movement.

Impacts to nesting birds and bat species that could potentially use the area as a nursery site are addressed above via Mitigation Measures 4.8.3 and 4.8.4. With the incorporation of these measures, the potential for the Project to 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 wildlife nursery sites is considered less-than-significant.

Level of Significance: Less-Than-Significant.

Potential Impact: *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

Impact Analysis: As discussed at previous Section 4.8.3.5, certain off-site flood control improvements proposed by the Merrill Commerce Center Specific Plan are located within the boundary of the City of Chino Preserve Resource Management Plan (RMP).

The applicable requirements of the RMP have been carried forward within this document as Mitigation Measure 4.8.1. No other local policies or ordinances, or habitat conservation plans are applicable to the Study Area.

On this basis, the potential for the Project to conflict with any local policies or ordinances protecting biological resources, an adopted Habitat Conservation Plan, Natural

Community Conservation Plan, or other approved local, regional, or state habitat conservation plan is considered less-than-significant.

Level of Significance: Less-Than-Significant.

4.9 GEOLOGY AND SOILS

4.9 GEOLOGY AND SOILS

Abstract

This Section addresses the potential for the Project to result in substantial geology or soils-related impacts. More specifically, this analysis presented here focuses on whether the Project would:

- *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking;*

- *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction;*

- *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;*

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

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

Additionally, as discussed in the EIR Initial Study (EIR Appendix A), under certain geology and soils topics, the Project would have no impact, or impacts would be less-than-significant. On this basis, the following topics are not further discussed here:

- *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault;*

- *Directly or indirectly cause potential substantial adverse effects, including the risk of loss,*

injury or death involving landslides;

- *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.*

As supported by the analysis presented in this Section, potential geology and soils impacts of the Project are determined to be less-than-significant with incorporation of proposed mitigation.

4.9.1 INTRODUCTION

This Section examines geologic characteristics and surface and subsurface soil conditions and evaluates potential related geology/soils impacts that would directly or indirectly result from the Project.

Geologic, soils, and geotechnical conditions affecting the subject site and Project are described and evaluated in: *Geotechnical Feasibility Study, Proposed Commercial/Industrial Development, NWC Vineyard Avenue and Merrill Avenue, Ontario, California* (Southern California Geotechnical) November 21, 2017; *Geotechnical Feasibility Study, Proposed Commercial/Industrial Development, NEC Grove Avenue and Merrill Avenue, Ontario, California* (Southern California Geotechnical) November 21, 2017; and *Geotechnical Investigation, Proposed Commercial/Industrial Development, NWC Merrill Avenue and Carpenter Avenue, Ontario, California* (Southern California Geotechnical) August 21, 2018; and *Geotechnical Investigation, Proposed Commercial/Industrial Development, 8643 Eucalyptus Avenue, Ontario, California* (Southern California Geotechnical) May 18, 2017. Within this Section, these reports are referred to collectively as the Project Geotechnical Studies.

The Project Geotechnical Studies conclude that the subject site is suitable for development of the Project, provided that recommendations of the Studies are implemented during Project design and construction. The Project Geotechnical Studies' conclusions and recommendations in total are incorporated by reference.

The discussions in this Section are summarized from The Policy Plan (General Plan) component of The Ontario Plan (TOP) and the Project Geotechnical Studies. The Project

Geotechnical Studies are provided at EIR Appendix J. As noted in the Project Geotechnical Studies, the Studies provide only analyses of geotechnical feasibility, and are not design level investigations. Prior to issuance of development permits, subsequent site - and development - specific studies would be required to refine the preliminary design parameters presented in the Project Geotechnical Studies.

4.9.2 SETTING

Following are summary discussions of the Project's geologic setting, prevalent site soils, geotechnical considerations, and seismic design considerations. Please refer also to the detailed discussions presented in the Project Geotechnical Studies.

4.9.2.1 Geologic and Seismic Setting

The Ontario Plan Draft EIR provides the following description of the City's geologic context:

> "The City of Ontario is in the Upper Santa Ana River Valley, consisting of a series of coalescing alluvial fans formed by streams flowing out of the San Gabriel Mountains to the north. The Upper Valley has a gentle southerly slope of approximately 1 percent grade, such that elevations within the City of Ontario range from approximately 1,150 feet in the north to 640 feet in the south. The junction of the Upper Valley and the San Gabriel Mountains marks the boundary between two geomorphic provinces. The valley, including the City of Ontario, lies within the Peninsular Ranges geomorphic province, characterized by northwest-trending mountains and valleys and extending south into Mexico. The San Gabriel Mountains are part of the Transverse Ranges province, a set of east–west-trending mountain ranges extending from Santa Barbara County on the west to San Bernardino and Riverside Counties on the east. The San Gabriel Mountains north of Ontario rise as high as 10,064 feet at Mount San Antonio."[1]

[1] The Ontario Plan Draft EIR, p. 5.7-1.

The City of Ontario (City) is located within a seismically active portion of Southern California. The Ontario Plan EIR at Figure 5.7-2 (reproduced here as Figure 4.9-1) identifies active and/or potentially active fault zones in the region. No active or potentially active faults are located in the City.

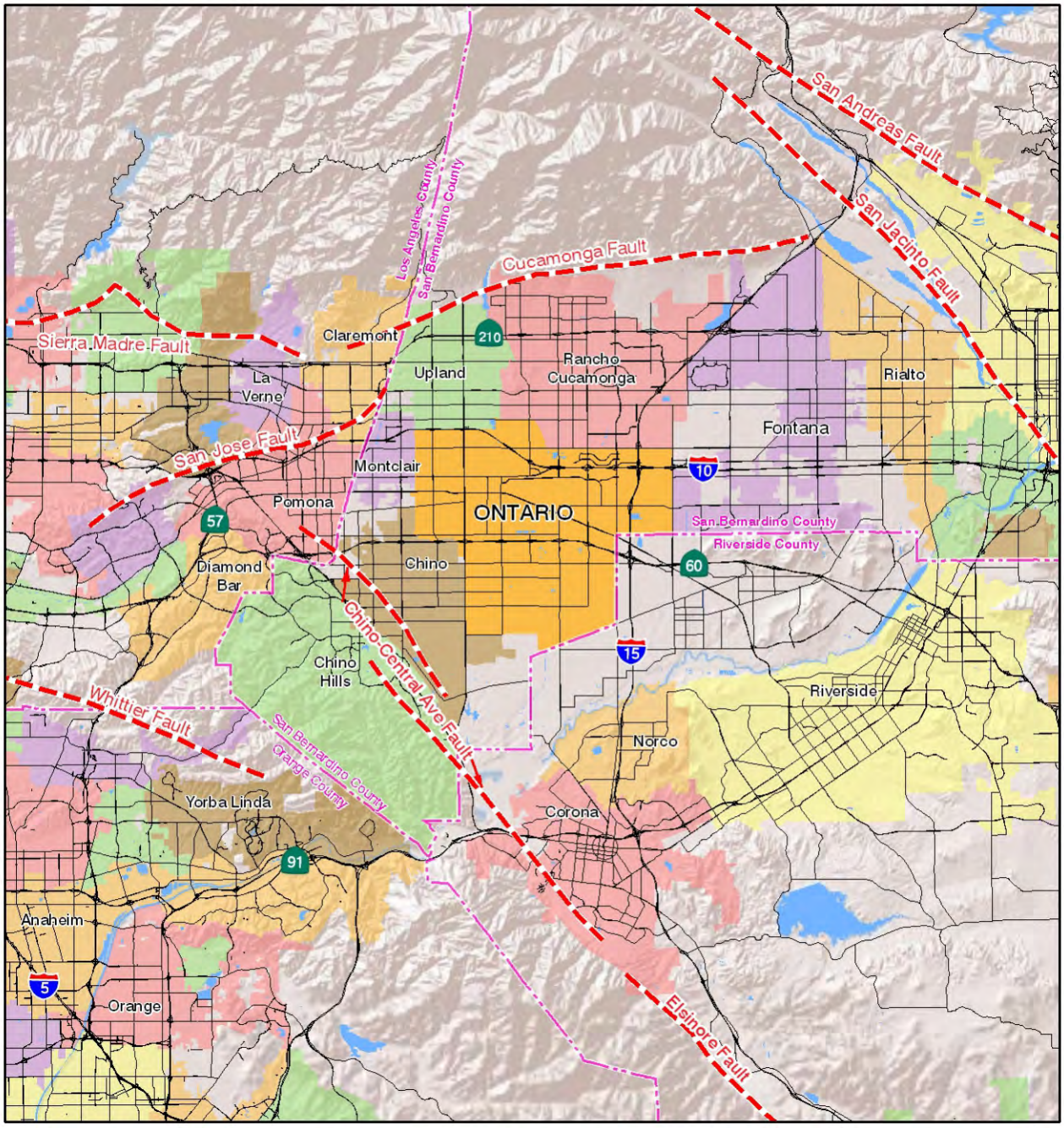
4.9.2.2 Existing Site Conditions

Topography

The Project site topography evidences little internal difference, with a general northeast to southwest downward trending slope. Elevations within the Project site range from approximately 686 feet above mean sea level (amsl) at the northeast corner of the Project site, to approximately 651 feet amsl at the southwest corner of the Project site – an elevation difference of approximately 35 feet over approximately 1.3 miles with average internal slopes ranging between +2.3 % to -2.6% (Google Earth Imagery 2018).

Subsurface Conditions

Subsurface conditions generally affecting the Project site are summarized below. The conditions described here are summarized from information provided in the various Project Geotechnical Studies under the Studies' heading *Subsurface Exploration*. Information provided is representative of conditions encountered throughout the Project site, though site- and parcel-specific subsurface conditions may evidence certain variations from the conditions noted.



N

NOT TO SCALE

Source: The Ontario Plan Draft EIR (The Planning Center)

Figure 4.9-1
Regional Faults

Pavement and Surface Improvements

Pavements and surface improvements are evident in the easterly portion of the Project site, adjacent to Carpenter Avenue. This portion of the Project site currently accommodates trucking operations. Observed surface improvements included asphaltic concrete pavements of 3± inches and underling aggregate base ranging from 3 to 7± inches.

Manure

Manure is present in various areas of the Project site at thicknesses ranging from of 3± inches to 3± feet below ground surface (bgs).

Alluvium

Native alluvial soils were encountered during subsurface explorations and extended to depths of up to 30± feet bgs. The near surface alluvium generally comprises loose to very dense silty fine sands, loose to medium dense fine sands, fine sandy silts, fine to coarse sands, and silty fine sands. Encountered alluvium also evidenced stiff to very stiff clayey silts to silty clays and fine sandy clays.

Artificial Fill

Artificial fill soils were also encountered during subsurface explorations, and extended to depths of up to 30± feet bgs. Artificial fill soils composition varied throughout the Project site and comprised loose to medium dense silty fine sands, fine sandy silts, silty clay nodules, medium sand, fine gravel, dense fine sand, silty sands to sandy silts, clayey fine to medium sands, and very stiff silty clay. Artificial fill soils also contained minor debris, such as plastic, glass, and brick fragments.

Groundwater

Free groundwater was not encountered during site subsurface explorations. Based on this, and the nominal moisture content of recovered soil samples, static groundwater (if present) is assumed to exist at depths in excess of 30± feet bgs. As confirmation of this assumption, available regional groundwater depth data was reviewed as part of the Project Geotechnical Studies. Data obtained from proximate monitoring wells, located

within a one-mile radius of the Project site, indicate a high groundwater levels of ranging from 62 to 131 ± feet bgs.

4.9.3 Seismic Design Considerations

The Project site and Southern California generally are subject to strong ground motions due to earthquakes with resulting damage to structures. However, it is not generally considered reasonable or feasible to design a structure that is entirely resistant to earthquake damage. Therefore, significant damage to structures may be unavoidable during large earthquakes. Proposed structures should, however, be designed to resist structural collapse and thereby provide reasonable protection from serious injury, catastrophic property damage and loss of life. The conditions described are summarized from information provided in the various Project Geotechnical Studies under the Studies' heading *Seismic Design Considerations*.

4.9.3.1 Faulting and Seismicity

Research of available maps indicates that the subject site is not located within an Alquist-Priolo Earthquake Fault Zone. Furthermore, no evidence of faulting was identified during the geotechnical investigation. Therefore, the possibility of significant fault rupture on the site is considered to be low. The potential for other geologic hazards such as seismically induced settlement, lateral spreading, tsunamis, inundation, seiches, flooding, and subsidence affecting the site is considered low.

4.9.3.2 Seismic Design Parameters

The California Building Code (CBC) provides earthquake design criteria and seismic design coefficients (CBC Seismic Design Parameters) that would be applicable to all development within the Project site. Preliminary Seismic CBC Seismic Design Parameters are presented in the Project Geotechnical Studies.

The CBC Seismic Design Parameters are based on area soils profiles and proximity of known faults. Within the context of the CBC Seismic Design Parameters, seismic design(s) for the Project structures need to consider on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height. As part of the

Project building design processes, it will be the purview of the Project geotechnical engineer and design team to identify appropriate CBC Seismic Design Parameters to be employed within the Project site.

4.9.3.3 Liquefaction

Liquefaction is the loss of strength in generally cohesionless, saturated soils when the pore-water pressure induced in the soil by a seismic event becomes equal to or exceeds the overburden pressure. Factors influencing the potential for liquefaction include groundwater table elevation, soil type and plasticity characteristics, relative soil density, initial confining pressure, and intensity and duration of ground shaking. Generally, liquefaction occurring at depths of up to 50 feet bgs may impact surface improvements. Liquefaction potential is greater in saturated, loose, or poorly graded fine sands. Non-sensitive clayey (cohesive) soils are generally not considered to be susceptible to liquefaction, nor are those soils which are above the historic static groundwater table. The Ontario Plan EIR notes that "[f]ine sand and silty sand, the types of sediments most often associated with liquefaction, occur mainly in the New Model Colony in the southernmost portion of the City (Ontario Plan EIR, p. 5.7-10). The Project site lies in this area.

The California Geological Survey (CGS) has not yet conducted detailed seismic hazards mapping in the area of the Project site. The general liquefaction susceptibility of the Project site was attempted to be determined by research of the San Bernardino County Land Use Plan, General Plan, Geologic Hazard Overlay. No geologic hazard overlay was available for the Corona North Quadrangle (the Project site location) at the time of preparation of the Project Geotechnical Studies. The San Bernardino County Land Use Services states however that "if a particular community is not listed, there are no geologic hazards in the area."[2] On this basis, the subject site is not considered to lie within a geologic hazard zone, including a potential liquefaction zone. Furthermore, available groundwater data within a two-mile radius from the site indicates a high groundwater levels of 62 to 131 ± feet bgs. Based on the subsurface conditions encountered during site

[2] County of San Bernardino > Home. Accessed March 13, 2019. http://cms.sbcounty.gov/lus/Planning/ZoningOverlayMaps.aspx.

exploratory activities, and the lack of groundwater within 50± feet of the ground surface, liquefaction is not considered to be a design concern for the Project.

4.9.4 Geotechnical Design Considerations

The Project site is generally underlain by alluvium and surficial fill soils, extending to depths of up to 30± feet. Fill soils are undocumented and vary widely in strength and composition, and most samples include varying amounts of debris including plastic and metal. Surface and near-surface soils also exhibit manure and organic content at various concentrations and depths. The existing undocumented fill and near-surface soils possess variable strengths and variable consolidation characteristics.

4.9.5 GEOLOGY/SOILS/SEISMIC POLICIES AND REGULATIONS

Following are summary descriptions of geology/soils/seismic policies and regulations applicable to the Project. In many instances, compliance with existing policies and regulations eliminates, or substantially reduces, potential environmental effects.

4.9.5.1 City of Ontario Policy Plan (Policy Plan)

The Policy Plan, Safety Element Section S1, *Seismic and Geologic Hazards* establishes City-wide Goals and Policies that act to minimize potential structural damage and injury or loss of life due to earthquakes, other seismic, or adverse geologic/soils/slopes conditions.

4.9.5.2 City of Ontario Geotechnical/Seismic Design Review Processes

The City Planning, Building and Safety, and Engineering Departments implement General Plan Goals and Policies addressing geology, soils, and seismic conditions through established development permit review processes. To these ends, City staff ensures that site and development-specific geotechnical investigations are completed where appropriate, and that requirements and recommendations of these investigations are incorporated in construction plans, are followed through during construction processes, and are functionally complete before buildings are occupied and/or infrastructure systems or other improvements are accepted. In all instances, the City ensures that, at a minimum, applicable provisions of the California Building Code (CBC) are incorporated throughout development design and implementation.

4.9.6 STANDARDS OF SIGNIFICANCE

Appendix G of the California Environmental Quality Act (CEQA) Guidelines indicates a Project will have a potentially significant geology and soils impact if it would:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving: rupture of a known earthquake fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides;

- Result in substantial soil erosion or the loss of topsoil;

- 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;

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

- 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.

4.9.7 POTENTIAL IMPACTS AND MITIGATION MEASURES

4.9.7.1 Introduction

The following discussions focus on topical areas and issues where it has been determined pursuant to the EIR Initial Study/NOP processes, that the Project may result in or cause potentially significant geology or soils impacts. As substantiated in the Initial Study (EIR Appendix A), under the following topics, the Project was determined to have no impact or impacts would be less-than-significant. On this basis, the following topics are not further discussed here:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault;

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides; or

- 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.

All other CEQA topics concerning the Project's potential agricultural resources impacts are discussed below. Please refer also to Initial Study Checklist Item VII. *Geology and Soils*.

4.9.7.2 Impact Statements

Potential Impact: *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking; directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction; or 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?*

Impact Analysis: The Project does not propose uses or activities that would indirectly contribute to or cause seismic or geotechnical hazards. Impacts in these regards would be less-than-significant. Based on field explorations, laboratory testing, and geotechnical analysis, the Project Geotechnical Studies conclude that the Project development concept is considered feasible from a geotechnical standpoint. However, certain potentially adverse geotechnical/soils conditions currently affect the Project site. These conditions are summarized below.

Settlement

The Project site contains undocumented fill and alluvium that could be subject to settlement. Remedial grading will remove the existing undocumented fill soils as well as a portion of the near-surface native alluvium, and replace these materials as compacted structural fill. The native soils that will remain in place below the recommended depth of over-excavation will not be subject to significant load increases from the foundations of the new structures. Provided that the recommended remedial grading is completed, the post-construction static settlements of the proposed structures are expected to be within tolerable limits.

Soluble Sulfates

The Project Geotechnical Studies substantiate that soluble sulfate concentrations of soils within the Project site are negligible. Specialized sulfate protection concrete mix designs are therefore not considered to be necessary. To verify the soluble sulfate concentrations of the soils which are present at the proposed building pad grades, it is however recommended that additional soluble sulfate testing be conducted during the design-level geotechnical investigations and at the completion of rough grading.

Expansion

Laboratory testing of near-surface soils indicates that these materials have a very low expansion potential. Based on these test results, no design considerations related to expansive soils are considered warranted for this site. It is however recommended that additional expansion index testing be conducted during design-level geotechnical investigation and at the completion of rough grading to verify the expansion potential of the as-graded building pads.

Organic Content

Portions of the Project site evidence surface and near-surface manure. It is recommended that all manure and any organic topsoil be removed during site stripping. Any additional organic materials may be encountered in buried fills. These buried materials should also be removed and segregated during grading. Any necessary excavation and export of organic material would be accomplished as part of general site preparation activities.

It is feasible to use some of the surface and near-surface soils, absent manure and organic topsoil, provided that these soils are cleaned of all apparent vegetation or highly organic material and thoroughly blended with inorganic soils from greater depths at the Project site. Based on similar development proposals in the vicinity of the Project site, a final mixture containing less than 3 percent organic content would be acceptable. It is recommended that additional organic testing be conducted during design-level geotechnical investigations and at the completion of rough grading of the building pads in order to verify that the organic contents of the blended on-site soils are within the acceptable limits.

Shrinkage/Subsidence

Removal and re-compaction of the near-surface native fill soils would result in soil shrinkage. Minor ground subsidence is expected to occur in the soils below the zone of removal, due to settlement and machinery working. Soil shrinkage and soil settlement factors would be variable and be dependent on the soils encountered, types of machinery used, repetitions of use, and dynamic effects, all of which are difficult to assess until such time as precise plans and construction methodologies are identified.

Corrosion Potential

Certain portions of the Project site have historically or are currently used for dairy farming activities. These portions of the Project site evidence soils with potentially corrosive chloride and nitrate concentrations that could affect common building materials. Some of the soils also possess very low electrical resistivity, which also indicates potential for the on-site soils to be corrosive to metallic improvements. The Soil Corrosion Study Report (Appendix F to *Geotechnical Investigation, Proposed Commercial/Industrial Development, 8643 Eucalyptus Avenue, Ontario, California*) contains a more detailed interpretation of the test results along with recommendations for the protection of new improvements that could be exposed to potentially corrosive conditions.

Project implementation within the context of the above conditions could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or

death involving strong seismic ground shaking; directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction; or 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. These are potentially significant impacts.

Level of Significance: Potentially Significant.

Mitigation Measures: As means of addressing potentially adverse geotechnical and soils conditions affecting the Project site, the Project Geotechnical Studies provide a range of *Site Preparation Recommendations*, *Foundation Design Recommendations*, *Floor Slab Design Recommendations*, and *Pavement Design Recommendations* (collectively, "Design Recommendations" – please refer to the Project Geotechnical Studies' Section 1.0, *Executive Summary*). The Project Geotechnical Studies also provide *Grading Guide Specifications* to be followed during grading operations (please refer to the Project Geotechnical Studies' Appendix D). Grading Guide Specifications applicable to all properties are presented subsequently. Recommendations for each of the subject properties evaluated in the various Project geotechnical studies are presented below.

Minaberry Property Design Recommendations

- Demolition of the existing structures, including the residence, milking barn, sheds, ponds, canopy shelters, and the existing pavements will be required in order to facilitate construction of the new buildings. Demolition of these structures should include all foundations, floor slabs, utilities, septic systems, and any other subsurface improvements that will not remain in place for use with the new development. Debris resultant from demolition should be disposed of offsite. Alternatively, concrete and asphalt debris may be pulverized to a maximum 2 inch particle size, well mixed with the on-site soils, and incorporated into new structural fills or it may be crushed and made into crushed miscellaneous base (CMB).

- Site stripping of any existing vegetated areas should include all vegetation, organic soils, and root masses. These materials should be disposed of offsite. Site stripping should also include removal of all manure and any topsoil. These materials should also be disposed of off-site.
- Remedial grading will be necessary in order to support the proposed structures on conventional shallow foundation systems.
- Remedial grading is recommended within the proposed building areas, to remove the existing manure, organic topsoil, as well as the upper portion of the alluvial soils, and replace them as structural compacted fill.
- Overexcavation is recommended within the building areas to extend to a depth of at least 3 to 4 feet below existing and proposed building pad subgrade elevations. The overexcavation should also extend to a depth of at least 2 to 3 feet below bearing grade within the influence zones of any new foundations.
- Parking area subgrade soils should be scarified to a depth of 12± inches, thoroughly moisture conditioned to within 0 to 4 percent above the optimum moisture content, and recompacted to at least 90 percent of the ASTM D-1557 maximum dry density.

Preliminary Foundation Design Recommendations

- Conventional shallow foundations, supported in newly placed compacted fill.
- 2,500 to 3,000 lbs/ft^2 maximum allowable soil bearing pressure.
- The design of the foundations will depend in large part on the results of the future design-level geotechnical study(ies). Minimum reinforcement consisting of two (2) to four (4) No. 5 rebars in strip footings is recommended. Additional reinforcement may be necessary for structural considerations.

Preliminary Floor Slab Design Recommendations

- Conventional slab-on-grade, minimum 6 to 7 inches thick.
- The design of the floor slabs will depend in large part on the results of the future design-level geotechnical study(ies). The actual thickness and reinforcement of the floor slabs should be determined by the structural engineer.

Preliminary Pavement Design Recommendations

Asphalt Pavements (R = 40)					
Materials	**Thickness (inches)**				
	Auto Parking and Auto Drive Lanes (TI = 4.0 to 5.0)	Truck Traffic			
		TI = 6.0	TI = 7.0	TI = 8.0	TI = 9.0
Asphalt Concrete	3	3½	4	5	5½
Aggregate Base	4	6	7	8	10
Compacted Subgrade	12	12	12	12	12

Portland Cement Concrete Pavements				
Materials	**Thickness (inches)**			
	Autos and Light Truck Traffic (TI = 6.0)	Truck Traffic		
		TI = 7.0	TI = 8.0	TI = 9.0
PCC	5	5½	6½	8
Compacted Subgrade (95% minimum compaction)	12	12	12	12

Lanting-Alewyn Property Design Recommendations

- Demolition of the existing structures, including the residences, milking barn, sheds, canopy shelters, and the existing pavements will be required in order to facilitate construction of the new buildings. Demolition of these structures should include all foundations, floor slabs, utilities, septic systems, and any other subsurface improvements that will not remain in place for use with the new development. Debris resultant from demolition should be disposed of offsite. Alternatively, concrete and asphalt debris may be pulverized to a maximum 2-inch particle size, well mixed with the on-site soils, and incorporated into new structural fills or it may be processed into crushed miscellaneous base (CMB).
- Site stripping should include all vegetation, organic soils, and root masses. These materials should be disposed of offsite. Site stripping should also include removal of all manure and any significant topsoil. These materials should also be disposed of off-site.
- Remedial grading is recommended to remove a portion of the near-surface alluvium from the proposed building pad areas. Any artificial fill soils and any

soils disturbed during the demolition of the dairy farm structures should be removed from the building areas in their entirety.

- Remedial grading should be performed within the proposed building areas to remove a portion of the near-surface alluvium, any artificial fill, and any disturbed soils. The near surface soils should be overexcavated to a depth of at least 3 feet below existing site grades and to a depth of at least 3 feet below the proposed building pad subgrade elevations. Within the influence zones of new foundations, the overexcavation should extend to a depth of at least 3 feet below the proposed foundation bearing grade.
- After the overexcavation has been completed, the resulting subgrade soils should be evaluated by the geotechnical engineer to identify any additional soils that should be removed. Resulting subgrade should then be scarified to a depth of at least 12 inches and moisture conditioned to 0 to 4 percent above optimum. The previously excavated soils may then be replaced as compacted structural fill. All structural fill soils should be compacted to at least 90 percent of the ASTM D-1557 maximum dry density.
- The new pavement subgrade soils are recommended to be scarified to a depth of 12± inches, thoroughly moisture conditioned and recompacted to at least 90 percent of the ASTM D-1557 maximum dry density.

Foundation Design Recommendations

- Conventional shallow foundations, supported in newly placed compacted fill.
- Maximum, net allowable soil bearing pressure: 2,500 lbs/ft^2.
- Reinforcement consisting of four (4) No. 5 rebars in strip footings. Additional reinforcement may be necessary for structural considerations.

Floor Slab Design Recommendations

- Conventional Slabs-on-Grade, minimum 6 inches thick.
- Modulus of Subgrade Reaction: k = 125 psi/in.
- Slab reinforcement is not required based on geotechnical conditions. The actual thickness and reinforcement of the floor slabs should be determined by the structural engineer based on the imposed loading.

Pavement Design Recommendations

Asphalt Pavements (R = 40)					
Materials	**Thickness (inches)**				
	Auto Parking and Auto Drive Lanes (TI = 4.0 to 5.0)	Truck Traffic			
		TI = 6.0	TI = 7.0	TI = 8.0	TI = 9.0
Asphalt Concrete	3	3½	4	5	5½
Aggregate Base	4	6	7	8	10
Compacted Subgrade	12	12	12	12	12

Portland Cement Concrete Pavements				
Materials	**Thickness (inches)**			
	Autos and Light Truck Traffic (TI = 6.0)	Truck Traffic		
		TI = 7.0	TI = 8.0	TI = 9.0
PCC	5	6½	8	9
Compacted Subgrade (95% minimum compaction)	12	12	12	12

Liberty Property Design Recommendations

- Demolition of the existing structures, including the residence, milking barn, sheds, canopy shelters, and the existing pavements will be required in order to facilitate construction of the new buildings. Demolition of these structures should include all foundations, floor slabs, utilities, septic systems, and any other subsurface improvements that will not remain in place for use with the new development. Debris resultant from demolition should be disposed of offsite. Alternatively, concrete and asphalt debris may be pulverized to a maximum 2 inch particle size, well mixed with the on-site soils, and incorporated into new structural fills or it may be crushed and made into crushed miscellaneous base (CMB).
- Site stripping should include all vegetation, organic soils, and root masses. These materials should be disposed of offsite. Site stripping should also include removal of all manure and any significant topsoil. These materials should also be disposed of off-site.

- Remedial grading is recommended to remove a portion of the near surface alluvium from the proposed building pad area. Any artificial fill soils and any soils disturbed during the demolition of the dairy farm structures should be removed from the building areas in their entirety.
- Remedial grading should be performed within the proposed building areas to remove a portion of the near surface alluvium, any artificial fill, and any disturbed soils. The near surface soils should be overexcavated to a depth of at least 3 feet below existing site grades and to a depth of at least 3 feet below the proposed building pad subgrade elevations. Within the influence zones of new foundations, the overexcavation should extend to a depth of at least 2 feet below the proposed foundation bearing grade.
- After the overexcavation has been completed, the resulting subgrade soils should be evaluated by the geotechnical engineer to identify any additional soils that should be removed. Resulting subgrade should then be scarified to a depth of at least 12 inches and moisture conditioned to 2 to 4 percent above optimum. The previously excavated soils may then be replaced as compacted structural fill. All structural fill soils should be compacted to at least 90 percent of the ASTM D-1557 maximum dry density.
- The new pavement subgrade soils should be scarified to a depth of 12± inches, thoroughly moisture conditioned and recompacted to at least 90 percent of the ASTM D-1557 maximum dry density.

Foundation Design Recommendations

- Conventional shallow foundations, supported in newly placed compacted fill.
- Maximum, net allowable soil bearing pressure: 2,500 lbs/ft^2.
- Reinforcement consisting of four (4) No. 5 rebars in strip footings. Additional reinforcement may be necessary for structural considerations.

Floor Slab Design Recommendations

- Conventional Slabs-on-Grade, minimum 6 inches thick.
- Modulus of Subgrade Reaction: k = 125 psi/in.

- Slab reinforcement is not required based on geotechnical conditions. The actual thickness and reinforcement of the floor slabs should be determined by the structural engineer based on the imposed loading.

Pavement Design Recommendations

Asphalt Pavements (R = 40)					
Materials	**Thickness (inches)**				
	Auto Parking and Auto Drive Lanes (TI = 4.0 to 5.0)	Truck Traffic			
		TI = 6.0	TI = 7.0	TI = 8.0	TI = 9.0
Asphalt Concrete	3	3½	4	5	5½
Aggregate Base	4	6	7	8	10
Compacted Subgrade	12	12	12	12	12

Portland Cement Concrete Pavements				
Materials	**Thickness (inches)**			
	Autos and Light Truck Traffic (TI = 6.0)	Truck Traffic		
		TI = 7.0	TI = 8.0	TI = 9.0
PCC	5	6½	8	9
Compacted Subgrade (95% minimum compaction)	12	12	12	12

Borba Property Design Recommendations

- Demolition of the existing structures, including the residence, milking barn, sheds, ponds, canopy shelters, and the existing pavements will be required in order to facilitate construction of the new buildings. Demolition of these structures should include all foundations, floor slabs, utilities, septic systems, and any other subsurface improvements that will not remain in place for use with the new development. Debris resultant from demolition should be disposed of offsite. Alternatively, concrete and asphalt debris may be pulverized to a maximum 2 inch particle size, well mixed with the on-site soils, and incorporated into new structural fills or it may be crushed and made into crushed miscellaneous base (CMB).

- Site stripping of any existing vegetated areas should include all vegetation, organic soils, and root masses. These materials should be disposed of offsite. Site stripping should also include removal of all manure and any topsoil. These materials should also be disposed of off-site.
- Existing undocumented fill soils were encountered at one of our boring locations and three of our trench locations, extending to depths of up to 2½± feet.
- The proposed development is considered to be feasible with respect to the geotechnical conditions encountered at the boring and trench locations at the site. However, remedial grading will be necessary in order to support the proposed structures on conventional shallow foundation systems. Preliminary remedial grading and foundation design recommendations have been provided herein, based on the preliminary site plan, assumed site grading, and assumed foundation loads.
- Based on these preliminary assumptions and the results of our subsurface exploration, laboratory testing, and engineering analysis, remedial grading should be performed within the proposed building areas, to remove the existing manure, organic topsoil, undocumented fill soils, as well as the upper portion of the alluvial soils, and replace them as structural compacted fill.
- Preliminarily, the overexcavation within the building area is also recommended to extend to a depth of at least 4 to 5 feet below existing and proposed building pad subgrade elevations. The overexcavation should also extend to a depth of at least 2 to 3 feet below bearing grade within the influence zones of any new foundations. These recommendations are subject to review and may be revised based on the results of the design-level geotechnical investigation.
- Preliminarily, the new parking area subgrade soils are recommended to be scarified to a depth of 12± inches, thoroughly moisture conditioned to within 0 to 4 percent above the optimum moisture content and recompacted to at least 90 percent of the ASTM D-1557 maximum dry density.

Preliminary Foundation Design Recommendations

- Conventional shallow foundations, supported in newly placed compacted fill.
- 2,500 to 3,000 lbs/ft^2 maximum allowable soil bearing pressure.

- The design of the foundations will depend in large part on the results of the future design- level geotechnical study. Minimum reinforcement consisting of two (2) to four (4) No. 5 rebars in strip footings. Additional reinforcement may be necessary for structural considerations.

Preliminary Floor Slab Design Recommendations

- Conventional slab-on-grade, minimum 6 to 7 inches thick.
- The design of the floor slabs will depend in large part on the results of the future design-level geotechnical study. The actual thickness and reinforcement of the floor slabs should be determined by the structural engineer.

Pavement Design Recommendations

Asphalt Pavements (R = 40)					
Materials	**Thickness (inches)**				
	Auto Parking and Auto Drive Lanes (TI = 4.0 to 5.0)	Truck Traffic			
		TI = 6.0	TI = 7.0	TI = 8.0	TI = 9.0
Asphalt Concrete	3	3½	4	5	5½
Aggregate Base	4	6	7	8	10
Compacted Subgrade	12	12	12	12	12

Portland Cement Concrete Pavements				
Materials	**Thickness (inches)**			
	Autos and Light Truck Traffic (TI = 6.0)	Truck Traffic		
		TI = 7.0	TI = 8.0	TI = 9.0
PCC	5	5½	6½	8
Compacted Subgrade (95% minimum compaction)	12	12	12	12

Grading Guide Specifications (All Properties)

These grading guide specifications are intended to provide typical procedures for grading operations. They are intended to supplement the recommendations contained in the Project Geotechnical Studies. Should the recommendations in the geotechnical

investigation report conflict with the grading guide specifications, the more site-specific recommendations in the geotechnical investigation report will govern.

General

- The Earthwork Contractor is responsible for the satisfactory completion of all earthwork in accordance with the plans and geotechnical reports, and in accordance with city, county, and applicable building codes.

- The Geotechnical Engineer is the representative of the Owner/Builder for the purpose of implementing the report recommendations and guidelines. These duties are not intended to relieve the Earthwork Contractor of any responsibility to perform in a workman-like manner, nor is the Geotechnical Engineer to direct the grading equipment or personnel employed by the Contractor.

- The Earthwork Contractor is required to notify the Geotechnical Engineer of the anticipated work and schedule so that testing and inspections can be provided. If necessary, work may be stopped and redone if personnel have not been scheduled in advance.

- The Earthwork Contractor is required to have suitable and sufficient equipment on the job- site to process, moisture condition, mix and compact the amount of fill being placed to the approved compaction. In addition, suitable support equipment should be available to conform with recommendations and guidelines in this report.

- Canyon cleanouts, overexcavation areas, processed ground to receive fill, key excavations, subdrains and benches should be observed by the Geotechnical Engineer prior to placement of any fill. It is the Earthwork Contractor's responsibility to notify the Geotechnical Engineer of areas that are ready for inspection.

- Excavation, filling, and subgrade preparation should be performed in a manner and sequence that will provide drainage at all times and proper control of erosion. Precipitation, springs, and seepage water encountered shall be pumped or drained to provide a suitable working surface. The Geotechnical Engineer must be informed of springs or water seepage encountered during grading or foundation construction for possible revision to the recommended construction procedures and/or installation of subdrains.

Site Preparation

- The Earthwork Contractor is responsible for all clearing, grubbing, stripping and site preparation for the project in accordance with the recommendations of the Geotechnical Engineer.

- If any materials or areas are encountered by the Earthwork Contractor which are suspected of having toxic or environmentally sensitive contamination, the Geotechnical Engineer and Owner/Builder should be notified immediately.

- Major vegetation should be stripped and disposed of off-site. This includes trees, brush, heavy grasses and any materials considered unsuitable by the Geotechnical Engineer.

- Underground structures such as basements, cesspools or septic disposal systems, mining shafts, tunnels, wells and pipelines should be removed under the inspection of the Geotechnical Engineer and recommendations provided by the Geotechnical Engineer and/or city, county or state agencies. If such structures are known or found, the Geotechnical Engineer should be notified as soon as possible so that recommendations can be formulated.

- Any topsoil, slopewash, colluvium, alluvium and rock materials which are considered unsuitable by the Geotechnical Engineer should be removed prior to fill placement.

- Remaining voids created during site clearing caused by removal of trees, foundations basements, irrigation facilities, etc., should be excavated and filled with compacted fill.

- Subsequent to clearing and removals, areas to receive fill should be scarified to a depth of 10 to 12 inches, moisture conditioned and compacted.

- The moisture condition of the processed ground should be at or slightly above the optimum moisture content as determined by the Geotechnical Engineer. Depending upon field conditions, this may require air drying or watering together with mixing and/or discing.

Compacted Fills

- Soil materials imported to or excavated on the property may be utilized in the fill, provided each material has been determined to be suitable in the opinion of the Geotechnical Engineer. Unless otherwise approved by the Geotechnical Engineer, all fill materials shall be free of deleterious, organic, or frozen matter, shall contain no chemicals that may result in the material being classified as "contaminated," and shall be very low to non-expansive with a maximum expansion index (EI) of 50. The top 12 inches of the compacted fill should have a maximum particle size of 3 inches, and all underlying compacted fill material a maximum 6-inch particle size, except as noted below.

- All soils should be evaluated and tested by the Geotechnical Engineer. Materials with high expansion potential, low strength, poor gradation or containing organic materials may require removal from the site or selective placement and/or mixing to the satisfaction of the Geotechnical Engineer.

- Rock fragments or rocks less than 6 inches in their largest dimensions, or as otherwise determined by the Geotechnical Engineer, may be used in compacted fill, provided the distribution and placement is satisfactory in the opinion of the Geotechnical Engineer.

- Rock fragments or rocks greater than 12 inches should be taken off-site or placed in accordance with recommendations and in areas designated as suitable by the Geotechnical Engineer. These materials should be placed in accordance with Plate D-8 of these Grading Guide Specifications and in accordance with the following recommendations:

- Rocks 12 inches or more in diameter should be placed in rows at least 15 feet apart, 15 feet from the edge of the fill, and 10 feet or more below subgrade. Spaces should be left between each rock fragment to provide for placement and compaction of soil around the fragments.

- Fill materials consisting of soil meeting the minimum moisture content requirements and free of oversize material should be placed between and over the rows of rock or concrete. Ample water and compactive effort should be applied to the fill materials as they are placed in order that all of the voids between each of the fragments are filled and compacted to the specified density.

- Subsequent rows of rocks should be placed such that they are not directly above a row placed in the previous lift of fill. A minimum 5-foot offset between rows is recommended.

- To facilitate future trenching, oversized material should not be placed within the range of foundation excavations, future utilities or other underground construction unless specifically approved by the soil engineer and the developer/owner representative.

- Fill materials approved by the Geotechnical Engineer should be placed in areas previously prepared to receive fill and in evenly placed, near horizontal layers at about 6 to 8 inches in loose thickness, or as otherwise determined by the Geotechnical Engineer for the project.

- Each layer should be moisture conditioned to optimum moisture content, or slightly above, as directed by the Geotechnical Engineer. After proper mixing and/or drying, to evenly distribute the moisture, the layers should be compacted to at least 90 percent of the maximum dry density in compliance with ASTM D-1557-78 unless otherwise indicated.

- Density and moisture content testing should be performed by the Geotechnical Engineer at random intervals and locations as determined by the Geotechnical Engineer. These tests are intended as an aid to the Earthwork Contractor, so he can evaluate his workmanship, equipment effectiveness and site conditions. The Earthwork Contractor is responsible for compaction as required by the Geotechnical Report(s) and governmental agencies.

- Fill areas unused for a period of time may require moisture conditioning, processing and recompaction prior to the start of additional filling. The Earthwork Contractor should notify the Geotechnical Engineer of his intent so that an evaluation can be made.

- Fill placed on ground sloping at a 5-to-1 inclination (horizontal-to-vertical) or steeper should be benched into bedrock or other suitable materials, as directed by the Geotechnical Engineer. Typical details of benching are illustrated on Plates D-2, D-4, and D-5.

- Cut/fill transition lots should have the cut portion overexcavated to a depth of at least 3 feet and rebuilt with fill (see Plate D-1), as determined by the Geotechnical Engineer.

- All cut lots should be inspected by the Geotechnical Engineer for fracturing and other bedrock conditions. If necessary, the pads should be overexcavated to a depth of 3 feet and rebuilt with a uniform, more cohesive soil type to impede moisture penetration.

- Cut portions of pad areas above buttresses or stabilizations should be overexcavated to a depth of 3 feet and rebuilt with uniform, more cohesive compacted fill to impede moisture penetration.

- Non-structural fill adjacent to structural fill should typically be placed in unison to provide lateral support. Backfill along walls must be placed and compacted with care to ensure that excessive unbalanced lateral pressures do not develop. The type of fill material placed adjacent to below grade walls must be properly tested and approved by the Geotechnical Engineer with consideration of the lateral earth pressure used in the design.

Foundations

- The foundation influence zone is defined as extending one foot horizontally from the outside edge of a footing, and proceeding downward at a ½ horizontal to 1 vertical (0.5:1) inclination.

- Where overexcavation beneath a footing subgrade is necessary, it should be conducted so as to encompass the entire foundation influence zone, as described above.

- Compacted fill adjacent to exterior footings should extend at least 12 inches above foundation bearing grade. Compacted fill within the interior of structures should extend to the floor subgrade elevation.

Fill Slopes

- The placement and compaction of fill described above applies to all fill slopes. Slope compaction should be accomplished by overfilling the slope, adequately compacting the fill in even layers, including the overfilled zone and cutting the slope back to expose the compacted core.

- Slope compaction may also be achieved by backrolling the slope adequately every 2 to 4 vertical feet during the filling process as well as requiring the earth moving

and compaction equipment to work close to the top of the slope. Upon completion of slope construction, the slope face should be compacted with a sheepsfoot connected to a sideboom and then grid rolled. This method of slope compaction should only be used if approved by the Geotechnical Engineer.

- Sandy soils lacking in adequate cohesion may be unstable for a finished slope condition and therefore should not be placed within 15 horizontal feet of the slope face.

- All fill slopes should be keyed into bedrock or other suitable material. Fill keys should be at least 15 feet wide and inclined at 2 percent into the slope. For slopes higher than 30 feet, the fill key width should be equal to one-half the height of the slope (see Plate D-5).

- All fill keys should be cleared of loose slough material prior to geotechnical inspection and should be approved by the Geotechnical Engineer and governmental agencies prior to filling.

- The cut portion of fill over cut slopes should be made first and inspected by the Geotechnical Engineer for possible stabilization requirements. The fill portion should be adequately keyed through all surficial soils and into bedrock or suitable material. Soils should be removed from the transition zone between the cut and fill portions (see Plate D- 2).

Cut Slopes

- All cut slopes should be inspected by the Geotechnical Engineer to determine the need for stabilization. The Earthwork Contractor should notify the Geotechnical Engineer when slope cutting is in progress at intervals of 10 vertical feet. Failure to notify may result in a delay in recommendations.

- Cut slopes exposing loose, cohesionless sands should be reported to the Geotechnical Engineer for possible stabilization recommendations.

- All stabilization excavations should be cleared of loose slough material prior to geotechnical inspection. Stakes should be provided by the Civil Engineer to verify the location and dimensions of the key. A typical stabilization fill detail is shown on Plate D-5.

- Stabilization key excavations should be provided with subdrains. Typical subdrain details are shown on Plates D-6.

Subdrains

- Subdrains may be required in canyons and swales where fill placement is proposed. Typical subdrain details for canyons are shown on Plate D-3. Subdrains should be installed after approval of removals and before filling, as determined by the Soils Engineer.

- Plastic pipe may be used for subdrains provided it is Schedule 40 or SDR 35 or equivalent. Pipe should be protected against breakage, typically by placement in a square-cut (backhoe) trench or as recommended by the manufacturer.

- Filter material for subdrains should conform to CALTRANS Specification 68-1.025 or as approved by the Geotechnical Engineer for the specific site conditions. Clean ¾-inch crushed rock may be used provided it is wrapped in an acceptable filter cloth and approved by the Geotechnical Engineer. Pipe diameters should be 6 inches for runs up to 500 feet and 8 inches for the downstream continuations of longer runs. Four-inch diameter pipe may be used in buttress and stabilization fills.

Corrosion Protection/Prevention

Steel Pipe

Implement *all* the following measures:

1. Underground steel pipe with rubber gasketed, mechanical, grooved end, or other nonconductive type joints should be bonded for electrical continuity. Electrical continuity is necessary for corrosion monitoring and cathodic protection.

2. Install corrosion monitoring test stations to facilitate corrosion monitoring and the application of cathodic protection:
   a. At each end of the pipeline.
   b. At each end of all casings.
   c. Other locations as necessary so the interval between test stations does not exceed 1,200 feet.

3. To prevent dissimilar metal corrosion cells and to facilitate the application of cathodic protection, electrically isolate each buried steel pipeline per NACE SP0286 from:
   a. Dissimilar metals.
   b. Dissimilarly coated piping (cement-mortar vs. dielectric).
   c. Above ground steel pipe.
   d. All existing piping.

4. Implement the following:
   a. Apply a suitable dielectric coating intended for underground use such as:
      i. Polyurethane per AWWA C222 or
      ii. Extruded polyethylene per AWWA C215 or
      iii. A tape coating system per AWWA C214 or
      iv. Hot applied coal tar enamel per AWWA C203 or
      v. Fusion bonded epoxy per AWWA C213.
   b. Apply cathodic protection to steel piping as per NACE SP0169.

Iron Pipe

Implement *all* the following measures:

1. To prevent dissimilar metal corrosion cells and to facilitate the application of cathodic protection, electrically insulate underground iron pipe from dissimilar metals and from above ground iron pipe with insulating joints per NACE SP0286.

2. Bond all nonconductive type joints for electrical continuity. Electrical continuity is necessary for corrosion monitoring and cathodic protection.

3. Install corrosion monitoring test stations to facilitate corrosion monitoring and the application of cathodic protection:
   a. At each end of the pipeline.
   b. At each end of any casings.
   c. Other locations as necessary so the interval between test stations does not exceed 1,200 feet.

4. Implement the following:
   a. Apply a suitable coating intended for underground use such as:
      i. Polyethylene encasement per AWWA C105; or
      ii. Epoxy coating; or
      iii. Polyurethane; or
      iv. Wax tape.
   b. Apply cathodic protection to cast and ductile iron piping as per NACE SP0169.

Copper Tubing

Implement *all* the following measures:

1. Electrically insulate underground copper pipe from dissimilar metals and from above ground copper pipe with insulating devices per NACE SP0286.
2. Electrically insulate cold water piping from hot water piping systems.
3. Protect buried copper tubing by one of the following measures:

a. Prevention of soil contact. Soil contact may be prevented by placing the tubing above ground or encasing the tubing using PVC pipe with solvent- welded joints.
b. Installation of a factory-coated copper pipe with a minimum 25-mil thickness such as Kamco's Aqua Shield™, Mueller's Streamline Protec™, or equal. The coating must be continuous with no cuts or defects.
c. Installation of 12-mil polyethylene pipe wrapping tape with butyl rubber mastic over a suitable primer. Protect wrapped copper tubing by applying cathodic protection per NACE SP0169.

Plastic and Vitrified Clay Pipe

1. No special precautions are required for plastic and vitrified clay piping placed underground from a corrosion viewpoint.

2. Protect all metallic fittings and valves with wax tape per AWWA C217 or epoxy.

All Pipe

1. On all pipes, appurtenances, and fittings not protected by cathodic protection, coat bare metal such as valves, bolts, flange joints, joint harnesses, and flexible couplings with wax tape per AWWA C217 after assembly.

2. Where metallic pipelines penetrate concrete structures such as building floors, vault walls, and thrust blocks use plastic sleeves, rubber seals, or other dielectric material to prevent pipe contact with the concrete and reinforcing steel.

Concrete Structures and Pipe

1. From a corrosion standpoint, any type of ASTM C150 cement may be used for concrete structures and pipe because the sulfate concentration is negligible, from 0 to 0.10 percent.

2. Chloride concentrations were measured at levels7 where additional protective measures are required for concrete. Protect steel and iron embedded in concrete

structures and pipe from chloride attack. This applies to such items as reinforcing steel and anchor bolts but not post-tensioning strands and anchors, which have separate requirements. The protection could be one or a combination of the following:

a. Protective Concrete - A concrete mix designed to protect embedded steel and iron should be based on the following parameters: 1) a chloride content of 1,000 ppm in the soil; 2) the desired service life; the design 3) concrete cover; and 4) the applicable building code. A protective concrete mix may include a corrosion inhibitor admixture and/or supplementary cementitious materials.
b. Waterproof Concrete - Waterproofing for concrete could be a gravel capillary break under the concrete, a waterproof membrane such as Grace PrePrufe products, and/or a liquid applied waterproof barrier coating. Visqueen, similar rolled barriers, or bentonite-based membranes are not viable waterproofing systems, from a corrosion standpoint.
c. Coat Embedded Metal - A coating for embedded steel and iron could be an epoxy coating applied to the metal. Purple fusion bonded epoxy (FBE) (ASTM A934) intended for prefabricated reinforcing steel reinforcing steel is suitable. Any damage to the coating must be repaired in accordance with the manufacturer's specifications prior to installation. The green flexible FBE (ASTM A775) is not recommended.
d. Cathodic Protection - Cathodic protection is most practical for pipelines and must be designed for each application. The amount of cathodic protection current needed can be minimized by coating the steel or iron.

Grading and Foundation Plan Review

The Recommendations and Grading Specifications of the Project Geotechnical Studies as summarized above are incorporated here as Mitigation Measure 4.9.1.

4.9.1 Design and development of the Project shall comply with recommendations, specifications and performance standards identified within the Project Geotechnical Studies, to include preparation of and conformance with design-level geotechnical studies for individual

development proposals within the Project site. Where the Project Geotechnical Studies and design-level geotechnical studies are silent, requirements of the California Building Code as adopted and implemented by the City shall prevail.

Level of Significance After Mitigation: Less-Than-Significant. The Project Geotechnical Studies conclude that the Project site is acceptable for the proposed development, contingent on compliance with Recommendations and Grading Specifications as identified in the Studies.

Through established Site Plan, Building Permit, and Certificate of Occupancy requirements, the City would verify that required design and construction measures are incorporated throughout Project development and are implemented in the completed structures and facilities. Accordingly, it is anticipated that any site-specific constraints which may be encountered during the course of Project implementation can be successfully addressed within the context of the findings and recommendations of the Project Geotechnical Studies, subsequent design-level geotechnical studies, and existing City/CBC seismic design regulations, standards, and policies.

As supported by the preceding discussions, with incorporation of mitigation, the potential for the Project to: directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking; directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction; or 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 is considered less-than-significant.

Potential Impact: *Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), thereby creating substantial direct or indirect risks to life or property?*

Impact Analysis: The CBC provides methodologies and guidelines for identification of expansive soils and establishes design standards which act to avoid potentially adverse effects of expansive soils on facilities. Section 1802.3 of the 2010 California Building Code directs expansive soil tendency be graded by its Expansion Index. A soil's Expansion Index is defined by its potential to swell when wet or saturated. The CBC mandates that "special [foundation] design consideration" be employed if the Expansion Index is 20, or greater.

Unmitigated effects of expansive or otherwise unstable soils may adversely affect roadway subgrades, concrete slabs-on-grade, and building foundations. In the event of a severe earthquake in the vicinity of the Project, structural foundations and floors may be damaged if constructed in, or over, expansive or unstable soils.

As discussed in the Project Geotechnical Studies, excluding undocumented fill and organic materials (all of which would be removed during required remedial grading), and near-surface soils within the Project site possess very low expansion potentials. The Project does not propose uses or activities that would indirectly contribute to or cause soil expansion hazards.

It is also noted that design-level geotechnical studies would be required to verify all findings and conclusions of the Project Geotechnical Studies. The Project would be required to comply with all recommendations, specifications, and performance standards presented within the design-level geotechnical studies.

As supported by the preceding discussion, the potential for the Project to be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), thereby creating substantial direct or indirect risks to life or property is considered less-than-significant.

Level of Significance: Less-Than-Significant.

Potential Impact: *Would the Project result in substantial soil erosion or the loss of topsoil?*

Impact Analysis: Under existing conditions, the Project site comprises agricultural uses and various developed or partially improved properties that are susceptible to erosion and soil loss. Project construction activities would temporarily expose underlying soils, thereby increasing their susceptibility to erosion. Potential erosion impacts incurred during construction activities are mitigated below the level of significance through the Project's mandated compliance with a City-approved Storm Water Pollution Prevention Plan (SWPPP), as well as compliance with SCAQMD Rules that prohibit grading activities and site disturbance during high wind events. At Project completion, potential soil erosion impacts in the area will be resolved, as pavement, roads, buildings, and landscaping are established, overcovering previously exposed soils.

Under the developed state, the Project surface improvements, landscaping, and stormwater management systems that would collectively act to minimize or avoid soil erosion. The Project does not propose to significantly alter existing topography in a manner that would result in substantial soil erosion or the loss of topsoil. All Project development plans would be subject to review and approval by the City. As part of this review, the City would ensure that permanent slopes and slope protection would conform to City requirements, thereby minimizing the potential for soil erosion over the life of the Project. City review and approval of development plans would also ensure that stormwater management systems are incorporated that would minimize potential erosion from stormwater runoff, both on-site and off-site.

As means of reducing or avoiding water quality impacts, including but not limited to impacts attributable to soil erosion or the loss of topsoil, the City requires development and implementation a Water Quality Management Plan (WQMP) for new development proposals. A Preliminary WQMP (PWQMP) has been prepared for the Specific Plan Area (please refer to EIR Appendix H). The City has reviewed and approved the PQWMP, and has determined it adequate at the current Specific Plan concept level of detail.

Additional requirements established by the City of Ontario Standard Conditions of Approval (below) act to avoid or minimize potential water quality impacts, including potential soil erosion impacts. In this regard, development proposals within the Specific Plan Area would be required to comply with the following Conditions:

- Standard Condition (SC) 3.66: A hydrology study and drainage analysis, prepared in accordance with the San Bernardino County Hydrology Manual and the City of Ontario's Standards and Guidelines, and signed by a Civil Engineer registered in the State of California, shall be submitted to the Engineering Department prior to Grading Plan approval. Additional drainage facilities may be required as a result of the findings of the study.

- SC 3.68: Prior to Grading Plan approval and the issuance of a grading permit, an Erosion and Sediment Control Plan shall be submitted to, and approved by, the Engineering Department. The Erosion and Sediment Control Plan shall identify the Best Management Practices (BMPs) that will be implemented by the Project during construction in order to reduce the discharge of sediment and other pollutants into the City's storm drain system.

- SC 3.69: Prior to Grading Plan approval and the issuance of a grading permit, a completed Water Quality Management Plan (WQMP) shall be submitted to, and approved by, the Engineering Department. The WQMP shall be submitted using the San Bernardino County Stormwater Program's model template and shall identify all Post Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs), that will be incorporated into the Project, in order to minimize any potential adverse impacts to receiving waters. [3]

[3] City of Ontario. "Standard Conditions of Approval for New Development, Applicable to 'Ontario Ranch'" pp. 13, 14. *City of Ontario, California*. www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/Documents/20170418-standard_conditions_for_new_development.pdf. Accessed 13 Nov. 2019.

The measures and requirements outlined above would collectively act to avoid or minimize potential water quality impacts, including soil erosion impacts. Moreover, these measures and requirements as implemented under the Project would improve stormwater quality discharges when compared to untreated and/or contaminated discharges originating from by the site's various dairy farm and trucking uses, and uncontrolled/untreated discharges originating from the site generally.

Level of Significance: Less-Than-Significant.

4.10 CULTURAL/TRIBAL RESOURCES

4.10 CULTURAL/TRIBAL RESOURCES

Abstract

This Section examines the potential for implementation of the Project to impact cultural and tribal resources in the Project area. Of primary concern are the protection of potential historic cultural resources, and conservation of known or currently unknown (buried or undiscovered) archaeological resources that may be present within the Project site. Specifically, this analysis seeks to determine whether the Project would result in any of the following:

- *Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5;*

- *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5;*

- *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) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

    (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in

subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

- *Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.*

Additionally, as discussed in the EIR Initial Study (EIR Appendix A), the Project's potential impacts under the following topic were previously determined to be less-than-significant, and are not further substantively discussed here:

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

Information contained within this section is summarized from: Cultural Resources Study for the Merrill Commerce Center Specific Plan Project, City of Ontario, San Bernardino County, California *(Brian F. Smith and Associates, Inc.) August 27, 2019 (Project Cultural Resources Study);* Proposed Merrill Commerce Center Specific Plan – Revised Historical Resource Survey *(Urbana Preservation & Planning, LLC) April 28, 2020 (Project HRS). Analysis of the potential impacts of the proposed waterline along Chino Avenue between Grove Avenue and the Cucamonga Channel is based on information from:* Cultural and Paleontological Resources Assessment, Ontario Ranch Commerce Center, City of Ontario, San Bernardino County, California *(Material Culture Consulting) September 2018. Paleontological resources impacts are evaluated in:* Paleontological Resource Assessment for the Proposed Merrill Commerce Center Specific Plan Project, City of Ontario, Southern San Bernardino County, California *(Brian F. Smith and Associates, Inc.) April 1, 2020. All of these studies are included at EIR Appendix K.*

Certain locally significant historical residences and dairy structures would be demolished as part of the Project. Even with application of mitigation, impacts to these resources is considered significant and unavoidable. With application of mitigation, potential impacts to other cultural resources, tribal resources, and paleontological resources would be less-than-significant as mitigated.

4.10.1 INTRODUCTION

Cultural resources can be of scientific, aesthetic, educational, archaeological, architectural, or historical significance to the community. The following section identifies and classifies the significance of cultural resources which may exist on the subject site, and assesses the Project's potential to impact such resources.

4.10.2 SETTING

The Project area is located on the 7.5-minute USGS Ontario, Prado Dam, and Corona North, California topographic quadrangles in the Santa Ana Del Chino Land Grant (Township 1 and 2 South, Range 7 West, projected. The following setting information has been summarized from the Project Cultural Resources Study.

Environmental Setting

The Merrill Commerce Center Specific Plan Project (Specific Plan, Project) is located in the Chino Basin. The Chino Basin and is located south of the San Gabriel Mountains, north of the Jurupa Mountains, and west of the San Bernardino Mountains. The Chino Basin is situated within the upper Santa Ana Valley and is a relatively flat alluvial plain formed from sediments deposited by the Santa Ana River and its tributaries, such as Chino Creek and Cucamonga Creek, within the Peninsular Ranges Geomorphic Province of southern California. The Peninsular Ranges are a series of northwest- to southeast-trending mountain ranges separated by similarly trending valleys, which make up the southernmost segment of a chain of North American Mesozoic batholiths that extend from Alaska to the southern tip of Baja California. Elevations within the Project site range between approximately 590 and 900 feet above mean sea level.

Geologically, the Project site is located on the distal margins of the broad alluvial floodplain of the ancestral Santa Ana River. The entire Project site is underlain by late Quaternary (middle Holocene) young sandy alluvial fan deposits, which overlie at shallow depths middle to late Quaternary (middle to late Pleistocene) very old sandy alluvial fan deposits. Late Pleistocene to early Holocene young sandy axial channel deposits also occur in nearby channels in the southernmost areas of the Project site and

late Pleistocene to early Holocene young alluvial fan deposits occur east of the northern off-site alignments.

During the prehistoric period, vegetation near the Project site provided sufficient food resources to support prehistoric human occupants. Animals that inhabited the area during prehistoric times included mammals such as rabbits, squirrels, gophers, mice, rats, deer, and coyotes, in addition to a variety of reptiles and amphibians. The natural setting of the area during the prehistoric occupation offered a rich nutritional resource base. Fresh water was likely obtainable from the Chino Creek, Cucamonga Creek, and the Santa Ana River. Historically, the property likely contained the same plant and animal species that are present today.

The Project site currently evidences dairy farm uses with interior unpaved roads, cattle stockades, support equipment for cattle and dairy farming, bio-retention basins located at the southern boundary, a trucking operation on the eastern portion, and appurtenant residences at various locations within the Project site. The site is extensively disturbed and evidences environmental degradation due to historic and on-going agricultural and trucking uses. Such degradation includes, but is not limited to:

- Animal waste from the long-term dairy farm uses have potentially created methane gas, and soil contamination from nitrates and ammonia.

- Numerous automotive fluids, including several large above ground storage tanks (ASTs) on or near the on-site maintenance shop. These materials are used for maintaining and repairing farm equipment.

- Additional ASTs used for truck and equipment refueling are located on-site.

- A scrap metal area containing drums, ASTs, farming equipment, and vehicles is located on the property.

- The property is located within the South Archibald Tricholroethyleme (TCE) Plume. The 2,000-acre TCE Plume contains contaminated groundwater that underlies the Project site.

- Dairy operations use formaldehyde, iodine, and glycerol to wash the cows. The dairies also use muriatic acid and chlorinated alkaline as a cleaning solution. Pesticides are applied to prevent parasite infestations. Wastewater from these processes is discharged to the pastures for irrigation.

- Holding ponds for contaminated runoff from agricultural/dairy farm operations. Discharge from these ponds to surrounding areas; and potential infiltration of contaminated runoff to underlying groundwater.

- General debris observed throughout the property, including vehicle equipment staging areas, used tires, concrete rubble piles, compressors, and generators may have the potential to impact on-site surficial soil.

- Presence of septic systems.

Cultural Setting

Paleo Indian, Archaic Period Milling Stone Horizon, and the Late Prehistoric Shoshonean groups are the three general cultural periods represented in San Bernardino County, as summarized below.

Paleo Indian Period (Late Pleistocene: 11,500 to circa 9,000 years before the present [YBP])

The Paleo Indian Period is associated with the terminus of the late Pleistocene (12,000 to 10,000 YBP). The environment during the late Pleistocene was cool and moist, which allowed for glaciation in the mountains and the formation of deep, pluvial lakes in the deserts and basin lands. However, by the end of the late Pleistocene, the climate became warmer. This resulted in glacial melting, sea level rise, coastal erosion, lake to recedence and evaporation, extinction of Pleistocene megafauna, and major vegetation changes.

Paleo Indians were likely attracted to multiple habitat types, including mountains, marshlands, estuaries, and lakeshores. These people likely subsisted using a more generalized hunting, gathering, and collecting adaptation, utilizing a variety of resources including birds, mollusks, and both large and small mammals.

Archaic Period (Early and Middle Holocene: circa 9,000 to 1,300 YBP)

The Archaic Period of prehistory began with the onset of the Holocene around 9,000 YBP. The transition from the Pleistocene to the Holocene was a period of major environmental change throughout North America. The general warming trend caused sea levels to rise, lakes to evaporate, and drainage patterns to change. In southern California, the general climate at the beginning of the early Holocene was marked by cool/moist periods and an increase in warm/dry periods and sea levels.

Rising sea levels during the early Holocene created rocky shorelines and bays along the coast by flooding valley floors and eroding the coastline. Shorelines were primarily rocky with small littoral cells, as sediments were deposited at bay edges but rarely discharged into the ocean. These bays eventually evolved into lagoons and estuaries, which provided a rich habitat for mollusks and fish. The warming trend and rising sea levels generally continued until the late Holocene.

At the beginning of the late Holocene, sea levels stabilized, rocky shores declined, lagoons filled with sediment, and sandy beaches became established. Many former lagoons became saltwater marshes surrounded by coastal sage scrub by the late Holocene. The sedimentation of the lagoons was significant in that it had profound effects on the types of resources available to prehistoric peoples.

The changing lagoon habitats resulted in the decline of larger shellfish, the loss of drinking water, and the loss of Torrey Pine nuts, causing a major depopulation of the coast as people shifted inland to reliable freshwater sources and intensified their exploitation of terrestrial small game and plants, including acorns.

The Archaic Period in southern California is associated with a number of different cultures, complexes, traditions, horizons, and periods, including San Dieguito, La Jolla, Encinitas, Milling Stone, Pauma, and Intermediate.

Late Prehistoric Period (Late Holocene: 1,300 YBP to 1790)

Approximately 1,350 YBP, a Shoshonean-speaking group from the Great Basin region moved into San Bernardino County, marking the transition to the Late Prehistoric Period. This period has been characterized by higher population densities and elaborations in social, political, and technological systems. Economic systems diversified and intensified during this period, with the continued elaboration of trade networks, the use of shell-bead currency, and the appearance of more labor-intensive, yet effective, technological innovations. Technological developments during this period included the introduction of the bow and arrow between A.D. 400 and 600 and the introduction of ceramics. Atlatl darts were replaced by smaller arrow darts, including the Cottonwood series points. Other hallmarks of the Late Prehistoric Period include extensive trade networks as far reaching as the Colorado River Basin and cremation of the dead.

Protohistoric Period (Late Holocene: 1790 to Present)

Gabrielino

The territory of the Gabrielino at the time of Spanish contact covers much of present-day Los Angeles and Orange counties. The southern extent of this culture area is bounded by Aliso Creek, the eastern extent is located east of present-day San Bernardino along the Santa Ana River, the northern extent includes the San Fernando Valley, and the western extent includes portions of the Santa Monica Mountains. The Gabrielino also occupied several Channel Islands including Santa Barbara Island, Santa Catalina Island, San Nicholas Island, and San Clemente Island.

Because of their access to certain resources, including a steatite source from Santa Catalina Island, this group was among the wealthiest and most populous aboriginal groups in all of southern California. Trade of materials and resources controlled by the

Gabrielino extended as far north as the San Joaquin Valley, as far east as the Colorado River, and as far south as Baja California.

The Gabrielino lived in permanent villages and smaller resource gathering camps occupied at various times of the year depending upon the seasonality of the resource. Larger villages were comprised of several families or clans, while smaller seasonal camps typically housed smaller family units. The coastal area between San Pedro and Topanga Canyon was the location of primary subsistence villages, while secondary sites were located near inland sage stands, oak groves, and pine forests. Permanent villages were located along rivers and streams, as well as in sheltered areas along the coast. As previously mentioned, the Channel Islands were also the locations of relatively large settlements.

Resources procured along the coast and on the islands were primarily marine in nature and included tuna, swordfish, ray, shark, California sea lion, Stellar sea lion, harbor seal, northern elephant seal, sea otter, dolphin, porpoise, various waterfowl species, numerous fish species, purple sea urchin, and mollusks such as rock scallop, California mussel, and limpet. Inland resources included oak acorn, pine nut, Mohave yucca, cacti, sage, grass nut, deer, rabbit, hare, rodent, quail, duck, and a variety of reptiles such as western pond turtle and snakes.

There appears to have been at least three social classes: 1) the elite, which included the rich, chiefs, and their immediate family; 2) a middle class, which included people of relatively high economic status or long-established lineages; and 3) a class of people that included most other individuals in the society. Villages were politically autonomous units comprised of several lineages. During times of the year when certain seasonal resources were available, the village would divide into lineage groups and move out to exploit them, returning to the village between forays.

Each lineage had its own leader, with the village chief coming from the dominant lineage. Several villages might be allied under a paramount chief. Chiefly positions were of an ascribed status, most often passed to the eldest son. Chiefly duties included providing village cohesion, leading warfare and peace negotiations with other groups,

collecting tribute from the village(s) under his jurisdiction, and arbitrating disputes within the village(s). The status of the chief was legitimized by his safekeeping of the sacred bundle, which was a representation of the link between the material and spiritual realms and the embodiment of power.

Shamans were leaders in the spirit realm. The duties of the shaman included conducting healing and curing ceremonies, guarding the sacred bundle, locating lost items, identifying and collecting poisons for arrows, and making rain. Marriages were made between individuals of equal social status and, in the case of powerful lineages, marriages were arranged to establish political ties between the lineages.

Men conducted the majority of the heavy labor, hunting, fishing, and trading with other groups. Women's duties included gathering and preparing plant and animal resources, and making baskets, pots, and clothing.

Gabrielino houses were domed, circular structures made of thatched vegetation. Houses varied in size and could house from one to several families. Sweathouses (semicircular, earth-covered buildings) were public structures used in male social ceremonies. Other structures included menstrual huts and a ceremonial structure called a yuvar, an open-air structure built near the chief's house.

Clothing was minimal. Men and children most often went naked, while women wore deerskin or bark aprons. In cold weather, deerskin, rabbit fur, or bird skin (with feathers intact) cloaks were worn. Island and coastal groups used sea otter fur for cloaks. In areas of rough terrain, yucca fiber sandals were worn. Women often used red ochre on their faces and skin for adornment or protection from the sun. Adornment items included feathers, fur, shells, and beads.

Hunting implements included wood clubs, sinew-backed bows, slings, and throwing clubs. Maritime implements included rafts, harpoons, spears, hook and line, and nets. A variety of other tools included deer scapulae saws, bone and shell needles, bone awls, scrapers, bone or shell flakers, wedges, stone knives and drills, metates, mullers, manos, shell spoons, bark platters, and wood paddles and bowls. Baskets were made from rush,

deer grass, and skunkbush. Baskets were fashioned for hoppers, plates, trays, and winnowers for leaching, straining, and gathering. Baskets were also used for storing, preparing, and serving food, and for keeping personal and ceremonial items.

The Gabrielino had exclusive access to soapstone, or steatite, procured from Santa Catalina Island quarries. This highly prized material was used for making pipes, animal carvings, ritual objects, ornaments, and cooking utensils. The Gabrielino profited well from trading steatite since it was valued so much by groups throughout southern California.

Serrano

Aboriginally, the Serrano occupied an area east of present-day Los Angeles. However, researchers place the Serrano in the San Bernardino Mountains east of Cajon Pass and at the base of and north of the mountains near Victorville, east to Twentynine Palms, and south to the Yucaipa Valley. Serrano has been used broadly for languages in the Takic family including Serrano, Kitanemuk, Vanyume, and Tataviam.

The Serrano were part of "exogamous clans, which in turn were affiliated with one of two exogamous moieties, tukwutam (Wildcat) and wahiʔiam (Coyote)". Details such as number, structure, and function of the clans are unknown. Clans were not political, but were rather structured based upon economic, marital, or ceremonial reciprocity, a pattern common throughout Southern California. The Serrano formed alliances amongst their own clans and with Cahuilla, Chemehuevi, Gabrielino, and Cupeño clans. Clans were large, autonomous, political and landholding units formed patrilineally, with all males descending from a common male ancestor, including all wives and descendants of the males. However, even after marriage, women would still keep their original lineage, and would still participate in those ceremonies.

The Serrano had a shaman, a person who acquired their powers through dreams, which were induced through ingestion of the hallucinogen datura. The shaman was mostly a curer/healer, using herbal remedies and "sucking out the disease-causing agents."

Serrano village locations were typically located near water sources. Individual family dwellings were likely circular, domed structures. Daily household activities would either take place outside of the house out in the open, or under a ramada constructed of a thatched willow pole roof held up by four or more poles inserted into the ground. Families could consist of a husband, wife/wives, unmarried female children, married male children, the husband's parents, and/or widowed aunts and uncles. Rarely, an individual would occupy his own house, typically in the mountains. Serrano villages also included a large ceremonial house where the lineage leader would live, which served as the religious center for lineages or lineage-sets, granaries, and sweathouses.

The Serrano were primarily hunters and gatherers. Vegetal staples varied with locality. Acorns and piñon nuts were found in the foothills, and mesquite, yucca roots, cacti fruits, and piñon nuts were found in or near the desert regions. Diets were supplemented with other roots, bulbs, shoots, and seeds. Deer, mountain sheep, antelopes, rabbits, and other small rodents were among the principal food packages. Various game birds, especially quail, were also hunted. The bow and arrow was used for large game, while smaller game and birds were killed with curved throwing sticks, traps, and snares. Occasionally, game was hunted communally, often during mourning ceremonies. Earth ovens were used to cook meat, bones were boiled to extract marrow, and blood was either drunk cold or cooked to a thicker consistency and then eaten. Some meat and vegetables were sun-dried and stored. Food acquisition and processing required the manufacture of additional items such as knives, stone or bone scrapers, pottery trays and bowls, bone or horn spoons, and stirrers. Mortars, made of either stone or wood, and metates were also manufactured.

In general, manufactured goods included baskets, some pottery, rabbit-skin blankets, awls, arrow straighteners, sinew backed bows, arrows, fire drills, stone pipes, musical instruments (rattles, rasps, whistles, bullroarers, and flutes), feathered costumes, mats for floor and wall coverings, bags, storage pouches, cordage (usually comprised of yucca fiber), and nets.

Historic Period

The historic background of the area began with the Spanish colonization of Alta California. The first Spanish colonizing expedition reached southern California in 1769 with the intention of converting and civilizing the indigenous populations, as well as expanding access to new resources in the region. In the late eighteenth century, the San Gabriel (Los Angeles County), San Juan Capistrano (Orange County), and San Luis Rey (San Diego County) missions began colonizing southern California, and gradually expanded their use of the interior valley (presently western Riverside County) for raising grain and cattle to support the missions. The San Gabriel Mission claimed lands in what is presently Jurupa, Riverside, San Jacinto, and the San Gorgonio Pass, while the San Luis Rey Mission claimed land in what is presently Lake Elsinore, Temecula, and Murrieta. The indigenous groups who occupied these lands were recruited by missionaries, converted, and put to work in the missions. Throughout this period, the Native American populations were decimated by introduced diseases, a drastic shift in diet resulting in poor nutrition, and social conflicts due to the introduction of an entirely new social order.

In the mid to late 1770s, Juan Bautista de Anza passed through much of what is now Riverside County while searching for an overland route from Sonora, Mexico to San Gabriel and Los Angeles, describing fertile valleys, lakes, and sub-desert areas. Spanish missionaries formed Mission San Gabriel in the San Bernardino Valley in the early nineteenth century. The mission established Rancho San Bernardino in 1819, which included the present-day areas of San Bernardino, Fontana, Rialto, Redlands, and Colton. Since there was no reliable water source in the area, from 1819 to 1820, the missionaries developed a zanja through the use of Native American labor from the Guachama Rancheria. The creation of the zanja was implemented to divert waters from Mill Creek all the way through the City of Redlands, ending near the mission to assist with agricultural enterprises. The new water source allowed nearby ranching districts to develop during the nineteenth century.

Mexico gained independence in 1822 and desecularized the missions in 1832, signifying the end of the Mission Period. By this time, the missions owned some of the best and most fertile land in southern California. In order for California to develop, the land

would have to be made productive enough to turn a profit. The new government began distributing the vast mission holdings to wealthy and politically connected Mexican citizens. The "grants" were called "ranchos," and many of these ranchos have lent their names to modern-day locales.

The treatment of Native Americans grew worse during the Rancho Period. Most of the Native Americans were forced off of their land or put to work on the now privately-owned ranchos, most often as slave labor.

Native American culture had been disrupted to the point where they could no longer rely upon prehistoric subsistence and social patterns. Not only does this illustrate how dependent the Native Americans had become upon the missionaries, but it also indicates a marked contrast in the way the Spanish treated the Native Americans compared to the Mexican and United States ranchers. Spanish colonialism (missions) is based upon utilizing human resources while integrating them into their society. The Mexican and American ranchers did not accept Native Americans into their social order and used them specifically for the extraction of labor, resources, and profit. Rather than being incorporated, they were either subjugated or exterminated.

In 1846, war erupted between Mexico and the United States. In 1848, with the signing of the Treaty of Guadalupe Hidalgo, the region was annexed as a territory of the United States, and California became a state in 1850. These events generated a steady flow of settlers into the area, including gold miners, entrepreneurs, health-seekers, speculators, politicians, adventurers, seekers of religious freedom, and individuals desiring to create utopian colonies.

By the late 1880s and early 1890s, there was growing discontent between San Bernardino and Riverside, its neighbor 10 miles to the south, due to differences in opinion concerning religion, morality, the Civil War, politics, and fierce competition to attract settlers. After a series of instances in which charges were claimed about unfair use of tax monies to the benefit of only San Bernardino, several people from Riverside decided to investigate the possibility of a new county.

In May 1893, voters living within portions of San Bernardino County (to the north) and San Diego County (to the south) approved the formation of Riverside County. Early business opportunities were linked to the agriculture industry but commerce, construction, manufacturing, transportation, and tourism also provided a healthy local economy.

General History of the Ontario Area

In late 1881, Canadian brothers George and William Chaffey purchased 6,218 acres of land in the Cucamonga Desert known as the "San Antonio lands." The Chaffey brothers soon expanded to the Southern Pacific Railroad tracks on the south and into the San Antonio Canyon to the north. The Chaffey brothers intended to establish a "model colony" for migrants coming to the region and named the area "Ontario" after their hometown. Before the land could be used, however, water had to be found and brought into the town; because of this, George Chaffey laid miles of cement pipe leading from the San Antonio Canyon, which was later tapped into by the San Antonio Water Company. The need for electric power to lift the water from the deep wells in the San Antonio Canyon led to the establishment of the first commercially successful hydroelectric plant in the country, the Ontario Power Company.

During the late nineteenth century, anyone purchasing land within the Ontario Colony automatically received shares in the water company, which ensured that water would be pumped to their property. This development aided in establishing agricultural properties, primarily citrus groves, within Ontario. The Ontario Colony was officially incorporated as a City in 1891 and continued to grow throughout the twentieth century. The City became known for air flight with the establishment of Latimer Field in 1923. Urban growth pushed the airfield further and further east until it reached its present location, which currently functions as the Ontario International Airport. During World War II, the airport served as a busy training center for fighter jet pilots.

The dairy industry flourished in the area from the 1950s through the 1980s. Concerned with what many viewed as a decline in suitable agricultural land, the County of San Bernardino Board of Supervisors designated 14,000 acres of agricultural land south and west of the City of Ontario as an "agricultural preserve." With the dairy-friendly zoning

in the southwest corner of San Bernardino County, many Dutch, Basque, and Portuguese families relocated to the region and became the cornerstone of the dairy industry. By the 1980s, the area was recognized as having more cows per acre and higher milk yields than anywhere else in the world. Starting in the late twentieth century, much of the preserve began to be annexed by neighboring cities due to a housing boom and increased operating costs for dairies. In 1999, 8,200 acres were annexed by the City of Ontario with the remaining land annexed by the either the City of Chino or Chino Hills. The portion annexed by the City of Ontario was labeled the "New Model Colony," creating a connection with the Chaffey brothers' original "Model Colony of Ontario."

Paleontological Resources, Unique Geological Features

The possibility of finding paleontological resources within City boundaries is considered moderate to high. Geologic maps indicate that the City is situated on surface exposures of recent alluvium. These sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. However, these recent sediments overlie sediments of older Pleistocene sediments with high potential to contain paleontological resources. Older Pleistocene alluvial sediments have yielded significant fossils of extinct plants and animals elsewhere in the Inland Empire. These older sediments, often found at depths of 10 feet or more below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Significant vertebrate fossils from this age include Ice Age mammals such as camels, mammoths, mastodons, and ground sloths (Ontario Plan EIR, p. 5.5-14).

There are no known paleontological resources or unique geological features within the Project site. No paleontological resources or unique geological features were encountered in the course of subsurface explorations conducted as part of the Project paleontological study.

4.10.3 EXISTING POLICIES AND REGULATIONS

4.10.3.1 Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) requires federal agencies to consider the effects of their undertakings on historic properties. Historic properties are cultural resources (e.g., archeological sites, historic built environment features, or Native American sites) that are listed, or determined to be eligible for listing, on the National Register of Historic Places. The implementing regulations of this mandate, found in the Code of Federal Regulations (36 CFR 800), outline an involved consultative process known as the Section 106 process. The Section 106 process requires a project lead federal agency to consult with the State Historic Preservation Officer.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act, passed in 1978, serves to protect and preserve the traditional religious rights of American Indians, Eskimos, Aleuts, and Native Hawaiians. Before the Act was passed, certain federal laws interfered with the traditional religious practices of many American Indians.

Native American Graves Protection and Repatriation Act of 1990

The Native American Graves Protection and Repatriation Act establishes a federal policy of respect for, and protection of, Native American religious practices. It also has provisions for allowing limited access to Native American religious sites. The Act provides for the repatriation of certain items from the federal government and certain museums to the native groups to which they once belonged. The Act defines "cultural items," "sacred objects," and "objects of cultural patrimony" and establishes a means for determining ownership of these items. However, the provisions for repatriation only apply to items found on federal lands.

Executive Order 13007 and Executive Order 13084

Executive Order 13007 requires federal agencies with land management responsibilities to allow access to and use of Indian sacred sites on public lands, and to avoid adversely affecting these sites. Executive Order 13084 reaffirms the government-to-government relationship between the federal government and recognized Indian tribes, and requires federal agencies to establish procedures for consultation with tribes. These executive orders only apply to projects that include federal undertakings.

4.10.3.2 State

CEQA and the California Register of Historical Resources

Historical resources are recognized as part of the environment under the California Environmental Quality Act (CEQA). The California Register of Historical Resources (California Register) is the authoritative guide for the State's historical resources, and properties included in the California Register are considered significant for the purposes of CEQA. The California Register includes resources listed, or formally determined eligible for listing, on the National Register of Historic Places, and some California State Landmarks and Points of Historical Interest. Properties of local significance designated under a local preservation ordinance (local landmarks or landmark districts), or that have been identified in a local historical resources inventory, may be eligible for listing in the California Register and are presumed to be significant resources for the purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC § 5024.1, 14 CCR § 4850).

An archaeological site may be considered a historical resource if it is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California (PRC § 5020.1(j)), or if it meets the criteria for listing on the California Register (14 CCR § 4850).

The *CEQA Guidelines* direct lead agencies to evaluate an archaeological site to determine if it meets the criteria for listing in the California Register. If it does, potential adverse impacts must be considered. If an archaeological site is not a historical resource, but

meets the definition of a "unique archaeological resource" as defined in PRC §21583.2, then it should be treated in accordance with the provisions of that section.

Substantial adverse change includes demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired (PRC § 5020.1(q)). While demolition and destruction would constitute significant impacts, it is sometimes more difficult to assess when change, alteration, or relocation results in a substantial adverse change. The *CEQA Guidelines* provide that a project that alters those physical characteristics of a historical resources that convey its significance (i.e., its character-defining features), can be considered to materially impair the resource's significance.

California Native American Graves Protection and Repatriation Act (2001)

The California Health and Safety Code, Division 7, Part 2, Chapter 5 (Sections 8010-8030) contains broad provisions for the protection of Native American cultural resources. The California Native American Graves Protection and Repatriation Act establishes policy to ensure that California Native American human remains and cultural items are treated with respect and dignity. The Act also provides the mechanism for disclosure and return of these items held by publicly funded agencies and museums in California. Additionally, the Act outlines the mechanism by which California Native American tribes not recognized by the federal government may file claims for human remains and cultural items held in agencies or museums.

California Public Resources Code

The California Public Resources Code contains several sections applicable to the preservation of cultural resources and human remains. These sections detail procedures to be followed whenever Native American remains are found, and delineate the unauthorized disturbance or removal of archaeological, historical, paleontological resources, or human remains as an act punishable by law (Sections 5020, 5097.5, 5097.9-5097.996, 7050.5, 7051). As matter of law, the Project would comply with applicable provisions of the California Public Resources Code addressing preservation and protection of cultural resources and human remains.

California Code of Regulations

Under Title 14, Division 3, Section 4308, no person shall remove, injure, disfigure, deface, or destroy any object of archeological or historical interest or value.

Senate Bill 18 and Tribal Consultation Guidelines

Senate Bill 18 (SB 18) requires local agencies to consult with California Native American tribes regarding the preservation of, or mitigation of impacts to, Native American places, features, or objects.

SB 18 applies to all federally recognized and non-federally recognized tribes in California and extends to projects on both private and public lands. Lead agencies must follow a ten-step process to ensure consultation with affected tribes. Lead agencies must follow this process when making certain planning decisions, such as adopting or amending General Plans or Specific Plan-level projects. SB 18 does not apply to other discretionary level projects, such as tentative maps, use permits, or other local discretionary projects.

Assembly Bill 52 (AB 52) Tribal Cultural Resources

As of July 1, 2015, AB 52 established a new category of resources under CEQA called "tribal cultural resources" that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigations. AB 52 was built on the concept that California Native American tribes have the expertise "with regard to tribal history and practices" to identify significant cultural resources. To this end, AB 52 requires early consultation in the CEQA process to ensure that local and Tribal governments, public agencies, and Project proponents have information available, early in the CEQA environmental review process, for the purpose of identifying and addressing potential adverse impacts to tribal cultural resources.

AB 52 requires that the lead agency contact (in writing) all culturally affiliated tribes that could be affected by a Project, within 14 days of deeming a development application complete. The notice commences a 30-day period for the tribe to request consultation. Upon receipt of a request consultation, the lead agency has an additional

30 days to begin the consultation process. AB 52 states that the consultation concludes when either "1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal resource, or 2) a party, acting on good faith and after a reasonable effort, concludes that mutual agreement cannot be reached." AB 52 notes that the consultation can be ongoing throughout the CEQA process.

4.10.4 STANDARDS OF SIGNIFICANCE

Consistent with the standards of significance outlined in the *CEQA Guidelines*, Project-related impacts to cultural resources would be considered potentially significant if they cause or result in any of the following:

- Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5;

- Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5;

- Disturb any human remains, including those interred outside of formal cemeteries.

- 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) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

  (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1,

the lead agency shall consider the significance of the resource to a California Native American tribe.

- Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.

4.10.5 POTENTIAL IMPACTS AND MITIGATION MEASURES

4.10.5.1 Introduction

The following analysis is focused on areas where it has been determined that the Project may result in potentially significant impacts, based on the analysis included within the Initial Study. As substantiated in the Initial Study, the Project's potential to disturb any human remains, including those interred outside of formal cemeteries was previously determined to be less-than-significant. Please refer to Initial Study Checklist Items V., *Cultural Resources,* VII., *Geology And Soils* (item f.)**,** and XVIII., *Tribal Cultural Resources*. All other potential cultural resources impacts of the Project are discussed below.

4.10.5.2 Impact Statements

Potential Impact: *Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

Impact Analysis: A preliminary assessment of potential historical resources within the Project site is presented in the Project Cultural Resources Study (August 27, 2019). The subsequent Project HRS (April 28, 2020) presents detailed evaluation and documentation of potential historical resources of at least 45 years old. Results of the Project HRS are summarized at Table 4.10-1.

Table 4.10-1
Project HRS Summary

Property Owner	Address	Year Built	APN	CHR Status Code
Joseph & Doleen Borba	14525 S Grove Avenue	1958	105412101 105412102	6Z
	8551 Eucalyptus Avenue / 8521 Eucalyptus Avenue	1960 / 1965	105416101 105415101 105420101 105435101	6Z
	14651 Grove Avenue / 14545 Grove Avenue	1965 / 1965	105411101 105411102 105422101 105422102 105433101 105433102	6Z
	8321 Eucalyptus Avenue	1970	105413101 105414101 105421101 105434101	6Z
	8477 Eucalyptus Avenue	1980	105413102 105414102 105421102 105434102	6Z
GH Dairy	8643 Eucalyptus Avenue	1965	105416103 105415102 105420102 105435102	6Z
Henri Laurent Minaberry	8810 Merrill Avenue / 8816 Merrill Avenue / 8920 Merrill Avenue	c. 1967	105436102 105419102	6Z
	8731 Eucalyptus Avenue	1968	105417101 105417102 105418101 105419101 105436101 105416102	6Z
	8831 Eucalyptus Avenue	1969	105417103	6Z

Table 4.10-1
Project HRS Summary

Property Owner	Address	Year Built	APN	CHR Status Code
	8888 Eucalyptus Avenue	1969	105417104 105418102	6Z
9052 Merrill Ave LLC	8911 Eucalyptus Avenue	1969	21826135	6Z
	9032 Merrill Avenue / 8966 Merrill Avenue	1956 / 1954	021826137 021826129	6Z
Prologis LP	9031 Eucalyptus Ave	- - -	021826134 021826127 021826128	6Z

Source: Historical Resource Survey (Urbana Preservation & Planning, LLC) April 28, 2020.
Notes: APN = Assessor Parcel Number; CHR = California Historical Resources.

Based on the Project HRS findings, all buildings and structures within the Project site were found to be ineligible for listing on the National Register, California Register, or Local designation (California Historical Resources Status Code 6Z). However, the HRS concluded that five of the buildings or structures listed at Table 4.10-1 appear to qualify as contributing elements to the New Model Colony / Chino Valley Dairy Historic District (California Historical Resources Status Code 5D3) identified within the City of Ontario New Model Colony Area Historic Context Statement (HRS, p. 2). The five potential contributors (Contributors) to the New Model Colony / Chino Valley Dairy Historic District (District) are:

- 8731 Eucalyptus Avenue - Related buildings and structures on the Minaberry Property (significant under the Post-1950 Scientific, Large Capacity Dairy and 1960s-1980s Ranch Style Houses themes);
- 8831 Eucalyptus Avenue - Single Family Residence only on the Minaberry Property (significant under the1960s-1980s Ranch Style Residence theme);
- 8888 Eucalyptus Avenue - Single Family Residence only on the Minaberry Property (significant under the1960s-1980s Ranch Style Residence theme);

- 14651 S. Grove Avenue - Related buildings and structures on the Borba Family Property (significant under the Post-1950 Scientific, Large Capacity Dairy / 1960s-1980s Ranch Style Residence themes); and
- 8643 Eucalyptus Avenue - Related buildings and structures on the GH Dairy Property (significant under the Post-1950 Scientific, Large Capacity Dairy / 1960s-1980s Ranch Style Residence themes).

Consistent with direction provided by the City, and for the purposes of this analysis, the above Contributors are recognized as likely eligible for listing on the local inventory. As proposed, these Contributors would be demolished to allow for implementation of the Project. This is a potentially significant impact.

Level of Significance: Potentially Significant (impacts to residences and/or dairy properties at: 8731 Eucalyptus Avenue; 8831 Eucalyptus Avenue; 8888 Eucalyptus Avenue; 14651 S. Grove Avenue; and 8643 Eucalyptus Avenue).

Mitigation Measures:

4.10.1 Mitigation shall be provided consistent with City requirements, to include:

- *Payment of mitigation fees,*[1]
- *Provisions of as-built drawings and HABS photo documentation;*[2] *and*

[1] Mitigation fees will be established by using the City's mitigation fee structure which has been in place since 2003. Fee structure is based on the ICC Building Valuation Data. Fees are 10-30% of the sf cost to construct the building that is being demolished. Depending on the type of structure (wood framed one family home, utility, and industrial, cost per sf is determined. The percentage (or fee amount) applied to the cost per sf is determined by the level of integrity assigned in the HSR. 10% of building costs will be assessed for moderate level integrity and 20% will be for high level integrity. Once the HSR is updated with integrity levels and sf, fee amounts for each property and building will be provided. Fees shall be paid prior to issuance of demolition permits.
2020 ICC BVD:
R-3 Residential, one- and two-family, $122 per sf
F-2 Factory and industrial, low hazard (milk barn), $70 per sf
U Utility, miscellaneous (garages and storage barn), $48 per sf

- *Development of Historic Context Reports for significant persons in the dairy farm industry, such as the Borba family.*[3]

Application of mitigation, per City requirements, would diminish impacts to the noted potential Contributors (8731 Eucalyptus Avenue; 8831 Eucalyptus Avenue; 8888 Eucalyptus Avenue; 14651 S. Grove Avenue; and 8643 Eucalyptus Avenue). However, because these potential Contributors would be demolished as part of the Project, this impact could not be reduced to levels that would be less-than-significant. On this basis, impacts to residences and/or dairy properties at: 8731 Eucalyptus Avenue; 8831 Eucalyptus Avenue; 8888 Eucalyptus Avenue; 14651 S. Grove Avenue; and 8643 Eucalyptus Avenue would be significant and unavoidable.

Further, there remains the potential for current and future demolition of Contributors or potential Contributors to occur within the District, which combined with demolition of the potential Contributors within the Project site would result in cumulatively significant impacts to the District. This is particularly relevant when considered in the context of historic districts generally, which rely on the collective significance of Contributors to be able to convey a given district's historic significance. On this basis, demolition of potential Contributors within the Project site is considered cumulatively significant and unavoidable within the context of the District.

Level of Significance With Mitigation: ***Significant and Unavoidable.***

In addition to the requirements identified at Mitigation Measure 4.10.1, various alternatives to demolition that were considered but were ultimately determined to be infeasible are summarized below:

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[2] As built drawings shall be limited to a site plan for each property (may have multiple parcels) and floor plans for all houses and garages, milk barns and attached pole structures, and barns that contribute to the significance of the property, photo documentation shall be prepared in accord with the National Park Service Guidelines for recording Historic American Building Survey (HABS). MM to be completed prior to issuance of any City approval or building permit such as grading or demolition that would result in a change to the historic setting and resource.

[3] This shall be completed prior to issuance of first building occupancy.

- **In Situ Retention:** In situ of these contributors would be incompatible with, and would conflict with the proposed Specific Plan Land Use Plan, Development Standards, and Design Guidelines and would not allow for implementation of the Project. In situ retention of these contributors is therefore not considered feasible.

- **Retention and Adaptive Reuse:** Similarly, retention and adaptive reuse of these contributors would be incompatible with, and would conflict with the proposed Specific Plan Land Use Plan, Development Standards, and Design Guidelines and would not allow for implementation of the Project. Retention of and adaptive use of these contributors is therefore not considered feasible.

- **Relocation:** Relocation of the contributors may be possible, pending identification of a recipient site that is within the New Model Colony [Ontario Plan] boundaries and that maintains similar setting and location, and historic associations. Additionally, each relocated building should retain original materials and design features that give evidence of original workmanship and feeling / aesthetic such that the resource, upon relocation, maintains the ability to convey its identified significance. There are no designated recipient sites that meet the relocation criteria noted. Moreover, buildout of the City as envisioned under The Ontario Plan would ultimately result in urbanization of the area and would not allow for relocation at a recipient site that maintains similar setting, and location, and historic associations for the affected contributors. Relocation of the contributors is therefore considered infeasible.

Please refer also to related discussions presented at EIR Section 5.2, *Alternatives*.

Potential Impact: *Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

Impact Analysis: Under existing law, environmental documents must not include information about the location of an archeological site or sacred lands or any other

information that is exempt from public disclosure pursuant to the Public Records Act. (Cal. Code Regs. § 15120(d)). Consistent with these requirements, detailed documentation of archaeological resources occurring or potentially occurring within the Project site is excluded here. This information is presented in the confidential Cultural Resources Appendix provided to the City. Mitigation measures below address potential impacts to known or potential archaeological resources that may be encountered in the course of Project development.

4.10.2 *Archaeological, Historical, and Tribal Cultural Resources: Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City of Ontario Building Department, or designee, from a qualified professional archeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archeologist has been retained to provide on-call services in the event archeological resources are discovered. The archeologist shall be present at the pre-grading conference to establish procedures for archeological resource surveillance. In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the City shall be immediately notified. The archeologist shall be contacted to flag the area in the field and determine if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)), unique archaeological resource (Public Resources Code 21083.2(g)), or Tribal Cultural Resource (Public Resources Code 21074 (a)). If the find is considered a "resource" the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. A qualified archaeologist and a Native American Monitor of Gabrieleño Ancestry shall evaluate all archaeological resources unearthed by Project construction activities. If the resources are Native American in origin, they shall have the opportunity to consult with the City and/or Project developer on appropriate treatment and curation of these resources. If unique archaeological resources, or Tribal Cultural Resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the applicant's expense. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. All recovered and salvaged resources shall be prepared*

to the point of identification and permanent preservation by the archaeologist. Resources shall be identified and curated into an established accredited professional repository. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. Excavation as a treatment option will be restricted to those parts of the unique archaeological resource, or Tribal Cultural Resource that would be damaged or destroyed by the Project.

4.10.3 Native American Monitoring. Prior to commencement of any excavation activities, the Project developer shall retain a Native American Monitor of Gabrieleño Ancestry to:

- *Conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Tribal Cultural Resources/Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of Gabrieleño Ancestry, and the general steps the Monitor would follow in conducting a salvage investigation.*

- *Monitor all project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, and grubbing) of previously undisturbed native soils to a maximum depth of 30 feet below ground surface. At their discretion and expense, a Native American Monitor of Gabrieleño Ancestry can be present during the removal of dairy manure to native soil.*

4.10.4 Native American Human Remains. Prior to the start of ground disturbing activities, the project developer shall designate a location within the footprint of the Project site for the respectful reburial of Native American human remains and/or ceremonial objects. All human skeletal material discoveries shall be reported immediately to the County Coroner. The Native American Monitor shall immediately divert work a minimum of 50 feet from the discovery site and place an exclusion zone around the burial. The Native American Monitor shall notify the construction manager who shall contact the San Bernardino County Coroner. Pursuant to California Health and Safety Code, Section 7050.5, all construction activity shall be diverted while the San Bernardino County Coroner

determines if the remains are Native American. If the San Bernardino County Coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the San Bernardino County Coroner. Reburial will be in an appropriate setting. If the San Bernardino County Coroner determines the remains to be modern, the San Bernardino County Coroner shall take custody of the remains.

If Native American, the San Bernardino County Coroner shall notify the Native American Heritage Commission (NAHC) as mandated by state law who will then appoint a Most Likely Descendent. The discovery shall be confidential and secure to prevent further disturbance. In the case where discovered human remains cannot be documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside working hours. The Native American Tribe of Gabrieleño Ancestry shall make every effort to recommend diverting the Project and keep the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials will be removed. If data recovery is approved by the Tribe, documentation shall be taken, which includes at a minimum, detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. No scientific study or the utilization of any invasive diagnostics shall be allowed to any Native American human remains. Cremations will either be removed in bulk or means necessary to ensure complete recovery of all material. If the discovery of human remains includes four (4) or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The Project developer shall consult with the Tribe regarding avoidance of all cemetery sites. Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container onsite if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Project site, but at a location agreed upon between the Tribe and the developer and protected in perpetuity. There shall

be no publicity regarding any cultural materials recovered. Once complete, a final report of all activities shall be submitted to the NAHC.

Level of Significance After Mitigation: Less-Than-Significant. Implementation of mitigation measures ensures that archaeological resources of potential significance would be avoided, or would be appropriately collected, documented, and curated. On this basis, as mitigated, the potential for the Project to cause a substantial adverse change in the significance of archaeological resources pursuant to §15064.5 would be less-than-significant.

Potential Impact: *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:*

(iii) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

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

Impact Analysis: As part of the Project Cultural Resources Study, a sacred lands search request was sent to the Native American Heritage Commission (NAHC). The Sacred Lands File search conducted by the NAHC had negative results.

The City has contacted tribes on its most current AB 52 Consultation list. A request to initiate formal consultation regarding the Project site was subsequently received from the Gabrieleño Band of Mission Indians – Kizh Nation. Mitigation presented previously in this Section reflects Gabrieleño Band of Mission Indians – Kizh Nation requirements

identified through the consultation process. These measures establish monitoring protocols, and provisions for avoidance, protection, or curation of Tribal Cultural Resources (TCRs).

Level of Significance: Potentially Significant.

Mitigation Measures: Please refer to previous Mitigation Measures 4.10.2, 4.10.3, and 4.10.4.

Level of Significance After Mitigation: Implementation of Mitigation Measures 4.10.2, 4.10.3, and 4.10.4 ensures that TCRs would be avoided, or would be appropriately collected, documented, and curated. On this basis, with application of mitigation, the potential for the Project to cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code section 21074 would be less-than-significant.

Potential Impact: *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?*

Paleontological Resources

The Project site is relatively flat and does not contain any unique geological features. No evidence of paleontological resources was identified during the survey and none is expected in the younger alluvial deposits. It is nonetheless possible that as yet unknown paleontological resources of potential significance could be encountered during grading and excavation activities. These resources would occur (if at all) at depths >10 feet bgs. That is, the Ontario Plan EIR indicates that there is a moderate to high potential to encounter paleontological resources at depths of 10 feet or greater bgs. On this basis, there is the potential for the Project excavations at depths of greater than 10 feet bgs to destroy paleontological resources. This is a potentially significant impact. The Project does not propose uses or activities that would indirectly contribute to or result in potentially adverse impacts to paleontological resources.

Level of Significance [impacts to paleontological resources]: Potentially Significant.

Mitigation Measures:

4.10.5 Paleontological monitoring shall be conducted during all grading and trenching operations. Monitoring shall be conducted intermittently during initial cuts until the Quaternary deposits are encountered. Once Quaternary deposits are identified, paleontological monitoring shall be conducted on a full-time basis.

4.10.6 Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if they are present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.

4.10.7 Recovered specimens shall be prepared of to a point of identification and permanent preservation, including screen-washing sediments to recover small invertebrates and vertebrates if indicated by the results of test sampling.

4.10.8 All recovered fossils shall be deposited in an accredited institution (university or museum) that maintains collections of paleontological materials. All costs of the paleontological monitoring and mitigation program, including any one-time charges by the receiving institution, shall be the responsibility of the developer(s).

4.10.9 At the conclusion of monitoring activities at a given location, the paleontological monitor shall prepare a Final Mitigation and Monitoring Report (Final Report). The Report shall identify findings and significance of findings, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). A letter documenting receipt and acceptance of all fossil collections by the receiving institution

shall be included in the Final Report. The Final Report, when submitted to and accepted by the Lead Agency (City of Ontario), shall signify satisfactory completion of mitigation of potential impacts to paleontological resources.

With the incorporation of Mitigation Measures 4.10.5 – 4.10.9, the potential for the Project to directly or indirectly destroy a unique paleontological resource is considered less-than-significant.

Level of Significance After Mitigation: Less-Than-Significant.

Geological Features

With regard to unique geological features, the City has not established criteria for determining what comprises a unique geological feature. Other relevant agency criteria however indicates that a geological feature could be generally considered unique if it:

- Is the best example of its kind locally or regionally;
- Embodies the distinctive characteristics of a geologic principle that is exclusive locally or regionally;
- Provides a key piece of geologic information important in geology or geologic history;
- Is a "type locality" of a geological feature;
- Is a geologic formation that is exclusive locally or regionally;
- Contains a mineral that is not known to occur elsewhere in the County; or
- Is used repeatedly as a teaching tool.[4]

As summarized herein, the Project site is generally underlain by alluvium and surficial fill soils, extending to depths of up to 30± feet. Fill soils are undocumented and vary widely in strength and composition. Most samples include varying amounts of debris including plastic and metal. Surface and near-surface soils also exhibit manure and organic content at various concentrations and depths. These soil types are common

[4] *County of San Diego Guidelines for Determining Significance Unique Geology* (County of San Diego, Department of Planning and Land Use Department of Public Works) June 30, 2007, p. 1.

within the City and Southern California, and do not comprise unique geological features as described above. The Project does not propose uses or activities that would indirectly contribute to or result in potentially adverse impacts to a unique geological feature.

Based on the preceding, the potential for the Project to directly or indirectly destroy a unique geological feature is considered less-than-significant.

Level of Significance [impacts to geological features]: Less-Than-Significant.

4.11 AGRICULTURAL RESOURCES

4.11 AGRICULTURAL RESOURCES

Abstract

This Section addresses potential impacts to agricultural resources that may result from the Project. Specifically, the analysis presented here evaluates whether the Project would:

- *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; or*

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

As substantiated in this Section, the Project would result in conversion of on-site Farmland to urban uses. Additional conversion of off-site agricultural lands to non-agricultural purposes could also occur as a result of construction of master plan infrastructure improvements supporting the Project. ***These are considered to be significant and unavoidable impacts.*** *However, the Project would not cause or result in significant and unavoidable agricultural resources impacts and loss of Farmland impacts beyond those already considered and addressed in the Ontario Sphere of Influence (New Model Colony [Ontario Ranch]) General Plan Amendment EIR. The Ontario Plan EIR, and the [City of Ontario] Infrastructure Master Plans MND. The Project would not result in new significant and unavoidable agricultural resources impacts and loss of Farmland not otherwise occurring pursuant to the Policy Plan Land Use Plan.*

As also discussed in this Section, the Project's potential to conflict with existing zoning for agricultural use, or a Williamson Act contract would be less-than-significant.

Additionally, as discussed in the EIR Initial Study (EIR Appendix A), the Project's potential impacts under certain agricultural resources topics were previously determined to have no impact. On this basis, the following topics are not further discussed here:

- *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));*

- *Result in the loss of forest land or conversion of forest land to non-forest use; or*

- *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.*

4.11.1 INTRODUCTION

This Section describes existing agricultural resources and the potential effects of Project implementation on area agricultural resources. Descriptions and analysis within this Section are based on information provided by the Project Applicant, information presented in The Ontario Plan EIR, and relevant agricultural resources information obtained from the California Department of Conservation (CDC), San Bernardino County and the Southern California Association of Governments (SCAG).

4.11.2 SETTING

4.11.2.1 Background

Historically, agriculture, dairy farming, and cattle raising have been important components of the Inland Empire regional economy. However, due to area population growth and economic pressures, these uses are in decline throughout the Inland Empire, including within the City of Ontario.

Locally and regionally, dairy, cattle raising, and other agricultural uses are also experiencing increased competition from dairies and farms in the California's Central Valley. As a result, dairy/agricultural uses within the City have either been converted to nonagricultural uses or have migrated from the City to the Central Valley (The Ontario Plan EIR, p. 5.2-5).

The Ontario Plan envisions that under buildout conditions, agricultural uses within the City would be largely displaced by urban uses. Within the Ontario Ranch area encompassing the Project site, current agricultural uses are planned to transition to residential, commercial, industrial, open space, or public lands.

The Ontario Plan EIR evaluated the impacts related to the City-wide conversion of agricultural uses to urban uses, and found that buildout of the City as envisioned under The Ontario Plan would result in the following significant and unavoidable impacts:

- Buildout of The Ontario Plan would convert the existing 3,269.3 acres of California Resource Agency–designated Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (Farmland) to residential, commercial, mixed-use, and industrial land uses;

- Buildout of The Ontario Plan would conflict with existing Williamson Act contract lands; and

- Buildout of The Ontario Plan would impact adjacent agricultural land uses in neighboring communities and cities.

[The Ontario Plan EIR, pp. 5.2-9 – 5.2-11]

As discussed in this Section, the Project would not result in any significant impacts to agricultural resources not already identified within The Ontario Plan EIR.

4.11.2.2 Existing Conditions

State

Statewide, agricultural lands have experienced a general, though fluctuating decline as a component of the state's land use composition. Urbanization is an important component of agricultural land conversion. However, land use conversions are also affected by and respond to economic and resource-related factors. For example, for the period 2010 - 2012, land use conversions were affected by the recession and persistent drought conditions. An overview of statewide agricultural land use conversions and contributing factors is described in the California Department of Conservation *California Farmland Conversion Report 2015 (*the latest Report of record):

> California's agricultural landscape continues to evolve in conjunction with economic and resource-related factors. Between 2010 and 2012, urban development impacted 29,342 acres, 34 percent fewer than the 44,504 acres urbanized between 2008 and 2010. This was the lowest urbanization amount in a biennial mapping cycle since the [California Department of Conservation Farmland Mapping and Monitoring Program] FMMP began in 1984. Approximately 21 percent of urban conversions were derived from irrigated farmland, and 29 percent from dryland farming and grazing land.
>
> A total of 58,587 acres were removed from irrigated land uses during the 2012 update; a 65 percent decrease compared with the 168,039 acre irrigated land loss posted in 2010. These totals include the impact of all factors—urbanization, land idling, habitat conversion, and low density rural development. As was the case during the past two update cycles, conversions from irrigated land to Grazing Land and Farmland of Local Importance exceeded urban land conversions by a wide margin. Land

> idling in some locations was partially offset by development of new irrigated lands . . . [1]

Effects of urbanization on agricultural land within the Southern California region are noted within the 2015 Farmland Conversion Report, as excerpted below:

> Southern California, San Joaquin Valley, and Sacramento area counties comprised much of the top ten urbanizing list during the 2012 Important Farmland update. The top ten counties hosted 70 percent of statewide urban growth during the period, similar to the proportion they claimed during the 2010 update. . . . San Bernardino County was also among the top ten this update.[2]

San Bernardino County

The CDC regularly reviews and reports on the status of Farmland by county jurisdiction. Table 4.11-1 presents information from the 2015 California Farmland Conversion Report summarizing farmland conversion within San Bernardino County.

Table 4.11-1
San Bernardino County
2010 – 2012 Land Use Conversion

Land Use Category	Total Acreage Inventoried		2010 – 2012 Acreage Changes			
	2010	2012	Acres Lost	Acres Gained	Total Acreage Changed	Net Acreage Changed
Prime Farmland	12,848	12,482	730	364	1,094	-366
Farmland of Statewide Importance	6,242	5,860	492	110	602	-382
Unique Farmland	2,511	2,623	13	125	138	112
Farmland of Local Importance	1,160	956	205	1	206	-204
Important Farmland Subtotal	**22,761**	**21,921**	**1,440**	**600**	**2,040**	**-840**

[1] California Department of Conservation. (2015). *California Farmland Conversion Report 2015*. p. 13. Retrieved from https://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/pubs/2010-2012/FCR/FCR%202015_complete.pdf
[2] Ibid., p. 14.

Table 4.11-1
San Bernardino County
2010 – 2012 Land Use Conversion

Land Use Category	Total Acreage Inventoried		2010 – 2012 Acreage Changes			
	2010	2012	Acres Lost	Acres Gained	Total Acreage Changed	Net Acreage Changed
Grazing Land	902,588	902,869	920	1,201	2,121	281
Agricultural Land Subtotal	**925,349**	**924,790**	**2,360**	**1,801**	**4,161**	**-559**
Urban and Built-up Land	277,874	278,910	212	1,248	1,460	1,036
Other Land	245,813	245,336	876	399	1,275	-477
Water Area	510	510	0	0	0	0
Total Area Inventoried	**1,449,546**	**1,449,546**	**3,448**	**3,448**	**6,896**	**0**

Source: California Farmland Conversion Report 2015 (California Department of Conservation Division of Land Resources Protection). Table A-28.

Additionally, the San Bernardino County Department of Agriculture (SBCDA) provides an overview of agricultural production in the County. Table 4.11-2 presents information from the SBCDA 2017 Crop Report summarizing primary sources of County agricultural production, by dollar value.

Table 4.11-2
San Bernardino County
Top Ten Agricultural Products (by dollar value)

2017 Rank	Product	Value	% of Total	2016 Rank
1	Milk	$ 161,462,000	34.7%	1
2	Cattle & Calves (Meat)	$ 102,871,000	22.1%	2
3	Eggs	$ 35,942,000	7.7%	4
4	Replacement Heifers	$ 35,318,000	7.6%	3
5	Trees & Shrubs	$ 20,516,000	4.4%	7
6	Indoor Decoratives	$ 16,568,000	3.6%	6
7	Alfalfa (All types)	$ 13,389,000	2.9%	5
8	Oriental Vegetables	$ 12,807,000	2.8%	9
9	Citrus Fruit	$ 8,332,000	1.8%	8
10	Groundcover/Bedding Plants	$ 7,774,000	1.7%	10
TOTAL TOP TEN		***$ 414,979, 000***	***89.3%***	---

Source: *Annual Crop Report 2017* (San Bernardino County, Agriculture/Weights & Measures) 2017, p.1.
Notes: Valuations are estimated gross average returns received by growers and producers.

Countywide, the gross valuation of agricultural production increased by approximately 1.8 percent for the period 2016 – 2017, due primarily to a higher value received for milk, an increase in the sales of Nursery Stock and an increase in both the price and the number of eggs produced in the County. Acreage for vegetable and fruit tree crops continues to decline as producers sell the land for other uses. Citrus acreage in specific has been shrinking as producers have been removing minimally producing or non-productive groves in an effort to combat citrus tree diseases. The ongoing drought continues to reduce the overall production and total value of many of the field crops in the High Desert areas.[3]

The City of Ontario lies in the SBCDA "Central" and "West End North" portions of the County. These areas of the County are responsible for approximately 4.15 percent (by dollar value) of the County's total agricultural production.[4]

Project Site

Agricultural Land Uses

The Project site has historically been utilized for various agricultural and dairy farming purposes since the late 1930s. The Project site currently evidences a dairy farm with interior unpaved roads, cattle stockades, support equipment for cattle and dairy farming, bio-retention basins located at the southern boundary, a trucking operation on the eastern portion, and appurtenant residences at various locations within the Project site. Current uses within the Project site are indicated at Figure 4.11-1.

The Project site is extensively disturbed and evidences environmental degradation due to historic and on-going agricultural and trucking uses. Such degradation includes, but is not limited to:

[3] San Bernardino County. (2017). *Annual Crop Report 2017*. p. 9. Retrieved from http://cms.sbcounty.gov/Portals/13/CropReports/2017CropReport.pdf?ver=2018-12-11-094949-193
[4] Ibid., n.p.

- Animal waste from the long-term dairy farm uses have potentially created methane gas, and soil contamination from nitrates and ammonia.

- Numerous automotive fluids, including several large above ground storage tanks (ASTs) on or near the on-site maintenance shop. These materials are used for maintaining and repairing farm equipment.

- Additional ASTs used for truck and equipment refueling are located on-site.

- A scrap metal area containing drums, ASTs, farming equipment, and vehicles is located on the property.

- Dairy operations use formaldehyde, iodine, and glycerol to wash the cows. The dairies also use muriatic acid and chlorinated alkaline as a cleaning solution. Pesticides are applied to prevent parasite infestations. Wastewater from these processes is discharged to the pastures for irrigation.

- Holding ponds for contaminated runoff from agricultural/dairy farm operations. Discharge from these ponds to surrounding areas; and potential infiltration of contaminated runoff to underlying groundwater.

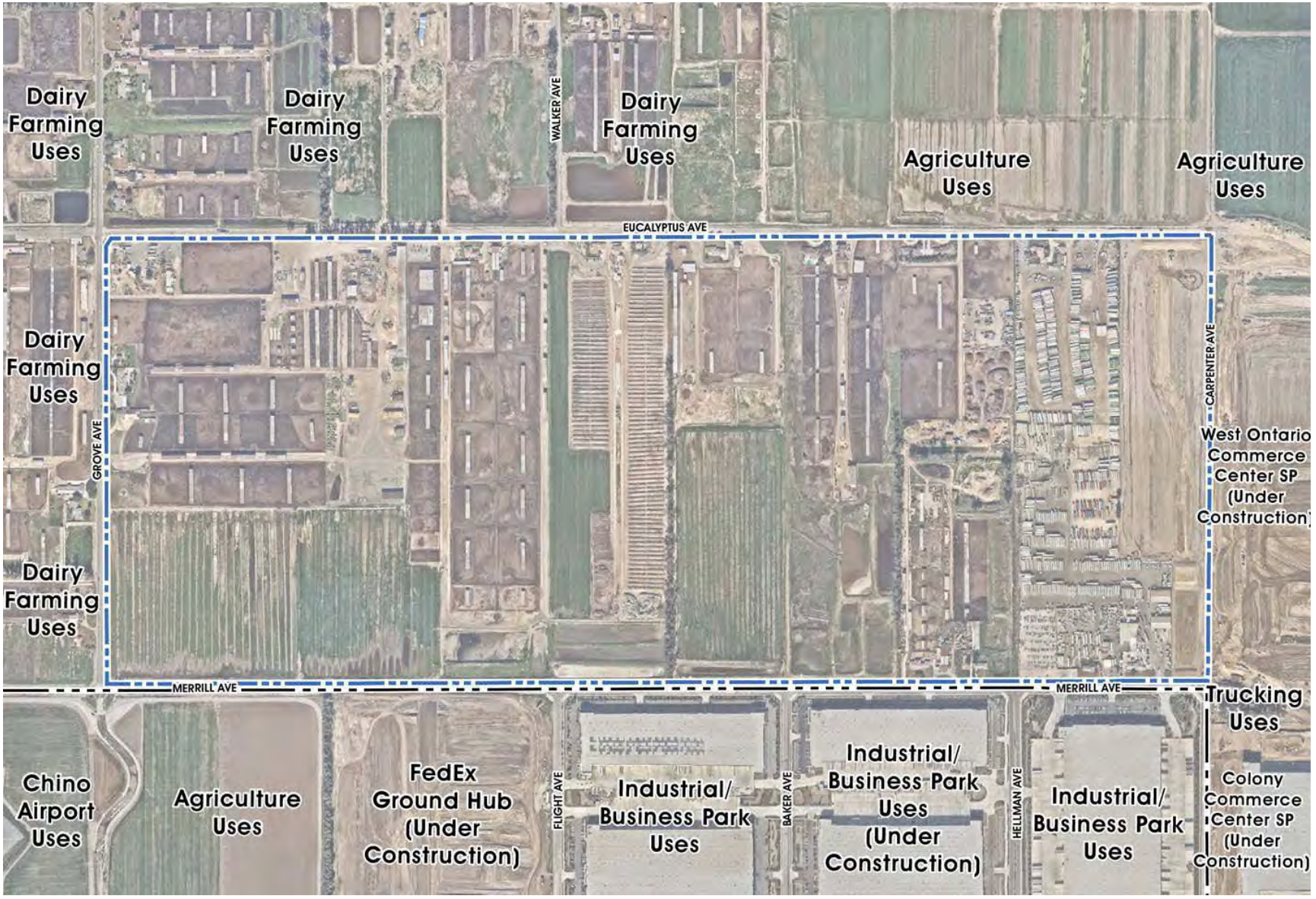
- General debris observed throughout the property, including vehicle equipment staging areas, used tires, concrete rubble piles, compressors, and generators may have the potential to impact on-site surficial soil.

- Presence of septic systems.

Agricultural Zoning

The existing Zoning designation of the Project site is "Specific Plan" (SP) with an "AG" (Agricultural) Overlay. City of Ontario Development Code (Development Code) descriptions of the Specific Plan Zoning District and AG Overlay are presented below:

> SP (Specific Plan) Zoning District. The SP zoning district is hereby established to accommodate the adoption of Specific Plans pursuant to this Development Code. The SP zoning district is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan (Development Code, p. 5.01-6).
>
> AG (Agriculture) Overlay District. The AG Overlay District is hereby established to accommodate the continuation of agricultural uses within the City, on an interim basis, until such time that development is slated to occur consistent with the Policy Plan component of The Ontario Plan and the underlying zoning district. Furthermore, it is the intent of this Overlay District to permit continued agricultural use of properties or to establish general agricultural uses, including dairies, which are appropriate for areas of concentrated agricultural uses. The AG Overlay District is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan (Development Code, p. 5.01-6).



NOT TO SCALE

Source: T&B Planning, Inc.

applied planning inc

Figure 4.11-1
Existing Land Uses

Farmland

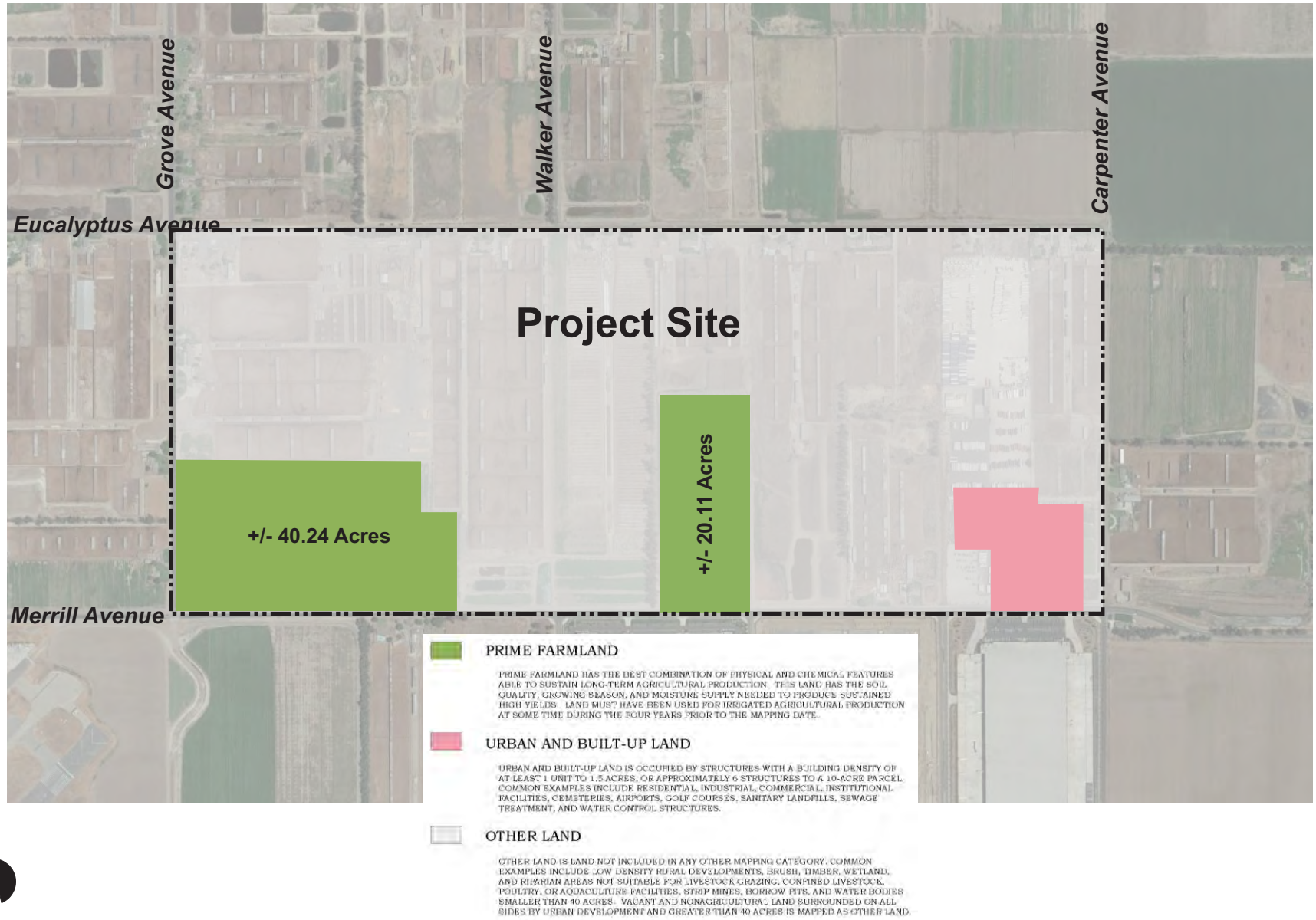
Approximately 60.35 acres within the Project site is categorized as "Prime Farmland" under the CDC Farmland Mapping and Monitoring Program (FMMP). The remainder of the Project site is categorized as "Other Land" and "Urban Built-Up Land." Please refer also to Figure 4.11-2, *Project Site Farmland Mapping Designations*. FMMP Farmland Categories are described further at subsequent Section 4.11.3.1.

Williamson Act Contract Properties

The California Land Conservation Act of 1965 (the Williamson Act, Government Code Sections 51200 through 51297.4) encourages the preservation of agricultural lands through tax incentives due to the increasing trend toward the conversion of agricultural lands to urban uses. The act enables counties and cities to designate agricultural preserves (Williamson Act lands) and within these preserves offer preferential taxation to agricultural landowners based on the agricultural income-producing value of the property.

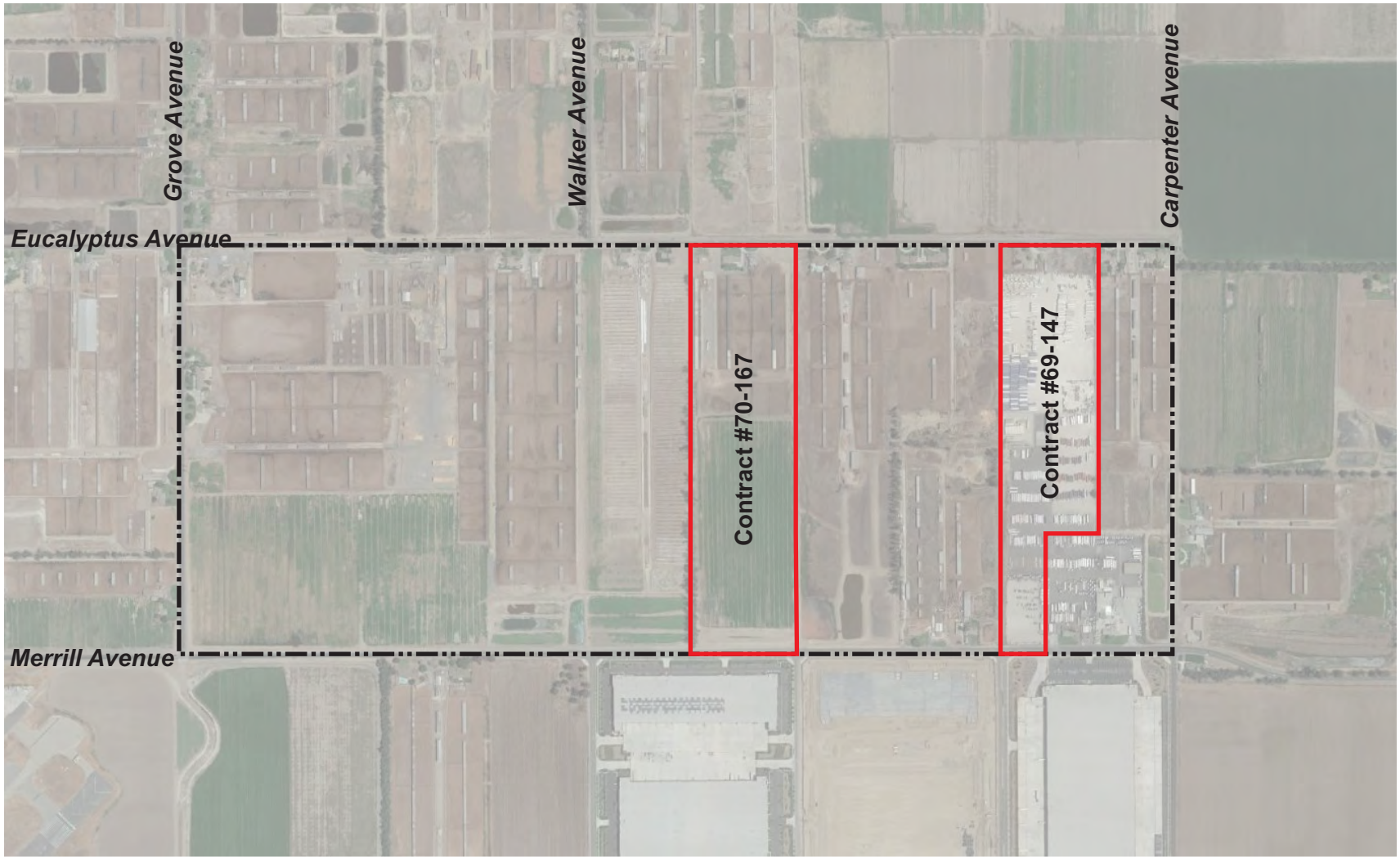
The City indicates that there is an active Williamson Act Contract (Contract #69-147, initiated in 1973) on APN 0218-261-35, a 29.05-acre property. Location of this property is identified at Figure 4.11-3. This property is currently developed as a commercial trucking operation, and is not used for agricultural purposes.

Another Williamson Act Contract (Contract #70-167, initiated in 1970) appears on title for APNs 1054-151-02, 1054-161-02, 1054-161-03, 1054-201-02 and 1054-351-02. However, a notice of non-renewal was recorded in 2017, starting the process to terminate this Contract. The subject properties are partially developed with farmland, as discussed herein. Locations of these properties are identified at Figure 4.11-3.



Source: CA Department of Conservation; Applied Planning, Inc.

Figure 4.11-2
Project Site Farmland Mapping Designations



NOT TO SCALE

Source: Google Earth; Applied Planning, Inc.

Figure 4.11-3
Williamson Act Properties

4.11.3 REGULATORY SETTING

4.11.3.1 California Department of Conservation Farmland Mapping and Monitoring Program

The California Department of Conservation established the Farmland Mapping and Monitoring Program (FMMP) in 1982. The FMMP is a non-regulatory program that is intended to provide an impartial analysis of agriculture land use and land use changes throughout California. The FMMP produces maps and statistical data used for analyzing impacts on California's agricultural resources. The maps are updated every two years with the use of aerial photographs, a computer mapping system, public review, and field reconnaissance. The program rates agricultural lands according to physical characteristics and other factors such as irrigation status. FMMP Farmland Categories are described at Table 4.11-3.

Table 4.11-3
Farmland Categories

Classification	Description
Prime Farmland	Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
Farmland of Statewide Importance	Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
Unique Farmland	Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
Farmland of Local Importance	Farmland of Local Importance is land of importance to the local economy, as defined by each county's local advisory committee and adopted by its Board of Supervisors. Farmland of Local Importance is either currently producing, or has the capability of production; but does not meet the criteria of Prime, Statewide or Unique Farmland. Authority to adopt or to recommend changes to the category of Farmland of Local Importance rests with the Board of Supervisors in each county. Within San Bernardino County, Farmlands of Local Importance include areas of soils that meet all the characteristics of Prime, Statewide, or Unique and which are not irrigated. Farmlands of Local Importance also include

Table 4.11-3
Farmland Categories

Classification	Description
	farmlands not covered by above categories but are of high economic importance to the community. These farmlands include dryland grains of wheat, barley, oats, and dryland pasture.
Grazing Land	Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities.
Urban and Built-up Land	Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
Other Land	Other Land is defined as land not included in any other mapping category. Common examples include low density rural developments, brush, timber, wetland and riparian areas not suitable for livestock grazing, confined livestock, poultry or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than forty acres is mapped as Other Land.

Source: California Department of Conservation, Farmland Mapping and Monitoring Program, https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx

As summarized by the CDC, "[f]or environmental review purposes under CEQA, the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land constitute 'agricultural land' (Public Resources Code Section 21060.1). The remaining categories are used for reporting changes in land use as required for FMMP's biennial farmland conversion report."[5]

4.11.3.2 California Land Conversion Act of 1965 (Williamson Act)

The California Land Conservation Act of 1965 (the Williamson Act, Government Code Sections 51200 through 51297.4) encourages the preservation of agricultural lands through tax incentives due to the increasing trend toward the conversion of agricultural lands to urban uses. The act enables counties and cities to designate agricultural preserves

[5] California Department of Conservation. "Important Farmland Categories." Accessed September 4, 2019. https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx.

(Williamson Act lands) and within these preserves offer preferential taxation to agricultural landowners based on the agricultural income producing value of the property.

This approach ties real estate tax rates to the agricultural value of the land rather than the market rate, which can escalate rapidly as areas around a farm or dairy convert to urban uses. In return for the preferential tax rate, the landowner is required to sign a contract with the county or city agreeing not to develop the land with non-agricultural uses for a minimum of ten years. On the anniversary date of the contract, the contract is renewed automatically unless a notice of non-renewal or petition for cancellation is filed.

Under limited circumstances and conditions, Williamson Act contracts may be cancelled, as set forth at Government Code (GC) §51280 et seq. In such cases, landowners may petition the City for Williamson Act contract cancellation. The City may grant tentative cancellation only if it makes required statutory findings (GC §51282(a)). If the required findings are met, the landowner is required to pay a cancellation fee, normally equal to 12.5 percent of the cancellation valuation (unrestricted fair market value) of the property (GC §51283(b)). The City's Williamson Act contract non-renewal/cancellation application and summary description of the City's non-renewal/cancellation process can be accessed at: www.ontarioca.gov/government-departments-development-planning/applications-and-documents.

4.11.3.3 Policy Plan, Environmental Resources Element

The Policy Plan, Environmental Resources Element establishes the following Policies that act to support existing agricultural operations as transitional land uses within the City.

> **ER5-3** *Right to Farm.* We support the right of existing farms to continue their operations within the New Model Colony.

> **ER5-4** *Transition of Farms.* We protect both existing farms and sensitive uses around them as agricultural areas transition to urban uses.[6]

The cited Policies also promote land use compatibility as the City continues to urbanize pursuant to The Ontario Plan Land Use Plan (Land Use Plan).

4.11.3.4 City of Ontario Development Code: Agricultural Overlay Zone in the Ontario Ranch [New Model Colony] Area

The City has adopted an Agricultural (AG) Overlay Zone or Right to Farm ordinance for the Ontario Ranch area. As described in the City of Ontario Development Code:

> The AG Overlay District is hereby established to accommodate the continuation of agricultural uses within the City, on an interim basis, until such time that development is slated to occur consistent with the Policy Plan component of The Ontario Plan and the underlying zoning district. Furthermore, it is the intent of this Overlay District to permit continued agricultural use of properties or to establish general agricultural uses, including dairies, which are appropriate for areas of concentrated agricultural uses. The AG Overlay District is consistent with, and implements, all land use designation of the Policy Plan component of The Ontario Plan (Development Code, Division 5.01 – Zoning Districts and Boundaries, F. Overlay Districts, 1. *AG [Agricultural] Overall District*).

Under the provisions of the AG Overlay District, existing agricultural uses and agricultural support uses are allowed to continue. It is the intent of the City not to prohibit or discourage continued agricultural uses until a Specific Plan for urban development is approved and development occurs. Each Specific Plan is required to address the appropriate transition of the area from agricultural uses to urban uses and include

[6] City of Ontario. (n.d.). Ontario Plan » ER5 Biological, Mineral & Agricultural Resources. Retrieved March 26, 2019, from http://www.ontarioplan.org/policy-plan/environmental-resources-element/er5-biological-mineral-agricultural-resources/

provisions for buffering between such use as needed to protect agricultural uses as well as the new urban uses.[7]

4.11.4 STANDARDS OF SIGNIFICANCE

Appendix G of the *CEQA Guidelines* indicates a project will have a potentially significant impact on agricultural resources if it would:

- 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; [8]

- Conflict with existing zoning for agricultural use, or a Williamson Act contract;

- 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));

- Result in the loss of forest land or conversion of forest land to non-forest use; or

- 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.

[7] City of Ontario. (2019). *FAQs*. Retrieved from https://www.ontarioca.gov/planning/ontario-ranch/faqs

[8] The *CEQA Guidelines* do not specifically consider impacts to Farmlands of Local Importance. This farmland classification is however recognized here. There are no designated Farmlands of Local Importance within the Project site. The Project would not otherwise adversely affect any designated Farmlands of Local Importance.

4.11.5 POTENTIAL IMPACTS AND MITIGATION MEASURES

4.11.5.1 Introduction

The following discussions focus on topical areas and issues where it has been determined pursuant to the EIR Initial Study/NOP processes, that the Project may result in or cause potentially significant agricultural resources impacts. As substantiated in the Initial Study (EIR Appendix A), under the following topics, the Project was determined to have no impact. On this basis, the following topics are not further discussed here:

- 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));

- Result in the loss of forest land or conversion of forest land to non-forest use; or

- 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.

All other CEQA topics concerning the Project's potential agricultural resources impacts are discussed below. Please also refer to Initial Study Checklist Item II., *Agriculture and Forest Resources*.

4.11.5.2 Impact Statements

Potential Impact: *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.*[9]

[9] Ibid.

Impact Analysis: The California Department of Conservation's farmland mapping system indicates that approximately 60.35 acres within the Project site are designated by the CDC as "Prime Farmland." The majority of the Project site is CDC-designated "Other Lands." At the southeasterly corner of the Project site, properties are CDC-designated "Urban and Built-Up Land." Please refer to Figure 4.11-2, *Project Site Farmland Mapping Designations*. See also: https://www.conservation.ca.gov/dlrp/fmmp.

The City of Ontario does not prohibit transition of agricultural land to urban uses. While existing agricultural uses are allowed to persist and are accommodated as transitional uses under the City's Agricultural Overlay District, the Land Use Plan does not formally designate or allocate any areas of the City as "Agricultural" land uses.[10]

The City of Ontario has previously acknowledged the planned transition of existing agricultural uses to urbanized uses pursuant to the Land Use Plan. In this regard, The Ontario Plan EIR notes that the City determined via the *Ontario Sphere of Influence (New Model Colony* [Ontario Ranch]*) General Plan Amendment EIR* (SCH No. 1997061035) that implementation of the Ontario Ranch land uses would result in conversion of agricultural lands to non-agricultural purposes; and that this conversion was a significant and unavoidable agricultural resources impact (The Ontario Plan EIR, p. 5.2-9).

The Ontario Plan EIR notes further that implementation of the Land Use Plan would potentially convert all 3,269.3 acres of the City's Important Farmlands to non-farmland uses (The Ontario Plan EIR, p. 5.2-9). The Ontario Plan EIR concluded that agricultural resources impacts and conversion of the City's Important Farmlands to non-farmland uses resulting from implementation of The Ontario Plan would be a significant and unavoidable impact (The Ontario Plan EIR, p. 5.2-14). In certifying the *Ontario Sphere of Influence (New Model Colony* [Ontario Ranch]*) General Plan Amendment* EIR, and The Ontario Plan EIR, the Ontario City Council adopted Statements of Overriding Considerations acknowledging significant and unavoidable impacts to agricultural

[10] The Ontario Plan Land Use Plan does however accommodate agricultural lands comprising the 200-acre Southern California Land Foundation (SoCALF) Preserve, owned by the County of San Bernardino.

resources including loss of Farmland that would result from implementation of The Ontario Plan and Ontario Ranch land uses.

The Project considered herein would result in loss of Farmland and conversion of agricultural lands to non-agricultural uses. However, loss of on-site Farmland and conversion of on-site agricultural lands resulting from the Project have already been considered and addressed in the *Ontario Sphere of Influence (New Model Colony* [Ontario Ranch]*) General Plan Amendment* EIR, and The Ontario Plan EIR. The Project would not result in impacts to on-site agricultural uses and Farmland not already considered and addressed in the *Ontario Sphere of Influence (New Model Colony* [Ontario Ranch]*) General Plan Amendment* EIR, and The Ontario Plan EIR.

Additionally, potential agricultural resources impacts resulting from construction of off-site master plan infrastructure improvements supporting the Project have been previously considered and addressed in *Initial Study and Mitigated Negative Declaration City of Ontario Infrastructure Master Plans* (City of Ontario) July 2012 (Infrastructure Master Plans MND). As discussed in the Infrastructure Master Plans MND, potential agricultural resources impacts resulting from the construction of master plan infrastructure improvements would be limited, as the improvements would be constructed within existing improved streets or otherwise disturbed properties. Further, the Infrastructure Master Plans MND concluded that construction of master plan infrastructure improvements would not result in impacts to agricultural resources not already considered and addressed in The Ontario Plan EIR (Infrastructure Master Plans MND, p. 3-3). Master plan infrastructure improvements constructed in support of the Project would not result in impacts to agricultural uses not already considered and addressed in the Infrastructure Master Plans MND.

Moreover, the Project would implement provisions of the Merrill Commerce Center Specific Plan document and City Development Code that require buffering of, and separation between, agricultural and urban uses. These requirements support the City's planned orderly transition of existing agricultural uses to urban uses. Requirements include, but are not limited to:

- Appropriate buffering and separation of potentially incompatible uses through setbacks and screening, as discussed at Specific Plan Chapter 6 *Design Guidelines* and Specific Plan Appendix A *Policy Plan Consistency*.

- City of Ontario Development Code requirements including a minimum 100 foot separation between "a new residential, commercial or industrial development or structure used for public assembly and an existing animal feed trough, corral/pen or an existing dairy/feed lot including manure stockpiles and related wastewater detention basins" (Development Code Chapter 6 *Development and Subdivision Regulations*, p. 6.01-63).

Level of Significance: ***Potentially Significant.*** Implementation of the Project would result in the conversion of approximately 60.35 acres of on-site Prime Farmland to urban uses. Conversion of the Project site to urban uses would also generally diminish agricultural production within the region.

Consistent with the findings of the *Ontario Sphere of Influence (New Model Colony* [Ontario Ranch]*) General Plan Amendment* EIR, The Ontario Plan EIR, this is considered a significant and unavoidable impact. Additional conversion of off-site agricultural lands to non-agricultural purposes could also occur as a result of construction of master plan infrastructure improvements supporting the Project. As discussed in the Infrastructure Master Plans MND, construction of master plan infrastructure improvements would not result in impacts to agricultural resources not already considered and addressed in The Ontario Plan EIR.

Mitigation Measures: ***No Feasible Mitigation Measures.*** The Ontario Plan envisions the City buildout condition comprising urban mixed-use, commercial, industrial, and residential land uses. The Ontario Plan vision does not support the continuation of existing agricultural uses. In this latter regard, existing agricultural uses within the City are becoming economically unsustainable and represent land uses that are increasingly incongruous with continuing urbanization of the City.

Transition of existing agricultural uses and Farmland to non-agricultural uses is an unavoidable effect of implementing The Ontario Plan. The Ontario Plan EIR considered various mitigation measures that could reduce impacts to agricultural resources and Farmland resulting from implementation of The Ontario Plan, but concluded that there are no feasible measures that would reduce these impacts to levels that would be less-than-significant.

As discussed below, the Ontario Plan EIR measures as they would apply to the Project would not reduce the Project's impacts to agricultural uses and Farmland to levels that would be less-than-significant. Project impacts to agricultural uses and Farmland would, as with impacts resulting from The Ontario Plan in total, be significant and unavoidable.

Ontario Plan EIR Mitigation Measure: *Retention of On-Site Agricultural Uses*
Retention of agricultural uses within the City of Ontario would create or maintain islands of agricultural uses within an urbanized setting, exacerbating potential land use conflicts and land use incompatibilities. Moreover, The Ontario Plan does not envision long-term use of City properties for agricultural purposes.[11] This is evidenced in the adopted Land Use Plan, which does not establish or maintain any "Agricultural" Land Use designations within the City. Preservation of agricultural land uses would therefore conflict with the adopted Land Use Plan. The "Retention of On-Site Agricultural Uses" mitigation strategy would require comprehensive amendment of the Policy Plan.

Additionally, economic viability of agricultural uses in the City has declined as a result of losing many of the necessary support services. Increasing urbanization, rising land values, and relatively high operational costs have also put City agricultural and dairy farming uses at a competitive disadvantage in regional markets. Ultimately, the long-term viability of agriculture within the City is limited due to the increasing land values, increased water costs, higher labor costs, higher property taxes, competition from other

[11] County of San Bernardino SoCALF Preserve properties would however be maintained.

parts of the state, and the growing urbanization of the area. Based on the preceding, retention of on-site agricultural uses is considered infeasible.[12]

Ontario Plan EIR Mitigation Measure: *Replacement of Agricultural Resources Off-Site*
Replacement of agricultural resources at an off-site location would require the Applicant to purchase off-site replacement acreage not designated as Farmland, and improve or restore it to Farmland status. Creation of additional Farmland in the City is contrary to the Land Use Plan policies and vision as summarized previously, and would require comprehensive amendment of the Policy Plan.

Further, creation of new Farmland-status properties outside the City is beyond the Lead Agency and Applicant control. The Farmland status at any site would be assigned through the California Department of Conservation Farmland Mapping and Monitoring Program *Important Farmland Series* mapping protocol. Moreover, creation of new Farmland-status properties at extra-jurisdictional locations could result in land use conflicts at the interface of agricultural uses and urban uses similar to those the City has experienced, and seeks to avoid through implementation of the Land Use Plan.

Additionally, the "Replacement of Agricultural Resources Off-Site" mitigation strategy would likely result in potentially adverse environmental impacts including, but not limited to, impacts to biological resources, hydrology/water quality, air quality, greenhouse gas emissions, and land use and planning. Specifically considering potential relocation/replacement of the site's existing dairy farm uses, adverse effects accompanying these uses typically includes animal waste and associated creation methane gas, as well as soil contamination from nitrates and ammonia. Additionally, dairy operations use formaldehyde, iodine, and glycerol to wash the cows. Dairies also use muriatic acid and chlorinated alkaline as a cleaning solution. Pesticides are applied to prevent parasite infestations. Wastewater from these processes is discharged to pastures for irrigation. Potential soil contamination and infiltration of contaminated water to underlying groundwaters may result. As indicated, the mitigation strategy

[12] City of Ontario General Plan EIR, Section 5.2, *Agricultural Resources*, p. 5.2-12.

would likely result in increased, rather than diminished environmental impacts. Based on the preceding, replacement of agricultural resources at off-site locations is considered infeasible.

Ontario Plan EIR Mitigation Measure: *Relocation of Farmland Topsoil*
Relocation of Farmland topsoil would entail removal of the top 12 to 18 inches of topsoil from Farmland properties and the placement of this soil at sites that have lesser quality soil. This would promote creation of new or additional Farmland status properties in the City, rather than provide for their transition to urban uses. This would be contrary to the Land Use Plan policies and vision as summarized previously, and would require comprehensive amendment of the Policy Plan.

Further, creation of new Farmland-status by means of imported Farmland topsoil is beyond the Lead Agency and Applicant control. The Farmland status at any site would be assigned through the California Department of Conservation Farmland Mapping and Monitoring Program *Important Farmland Series* mapping protocol. Moreover, creation of new Farmland-status properties at extra-jurisdictional locations could result in land use conflicts at the interface of agricultural uses and urban uses similar to those the City has experienced, and seeks to avoid through implementation of the Land Use Plan.

Additionally, excavation and relocation of topsoil would likely result in potentially adverse environmental impacts affecting biological resources, hydrology/water quality, air quality, greenhouse gas emissions, and land use and planning. Based on the preceding, relocation of Farmland topsoil is considered infeasible.

Ontario Plan EIR Mitigation Measure: *Establishment of Conservation Easement or Preserves*
Establishment of new conservation easements or preserves within the City conflicts with the City General Plan Land Use Element. This measure would promote creation of new or additional Farmland status properties in the City, rather than provide for their transition to urban uses. Such new or additional easements or preserves within the City would locate agricultural uses amid the urbanizing City and could result in a new potentially significant land use conflicts and adverse impacts at the easement or

preserve/urban interfaces. Such adverse impacts would include noise and odor generated by agricultural uses that are typically incompatible with urban uses. In this regard, the General Plan EIR specifically notes that "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" (General Plan EIR, p.5.2-10); and "[t]he current agricultural uses in Ontario include dairy and noncommercial poultry establishments and alfalfa, barley, strawberry, and other row crop farming. Dairy and poultry would have high impacts on surrounding land uses because of the high noise and odor levels associated with these types of agriculture" (General Plan EIR, p.5.2-13). It can be reasonably concluded that mitigation comprising new or additional conservation easement or preserves within the City would itself likely result in new and additional adverse environmental effects.

Further, the General Plan EIR notes that previous conservation easements have not been viable in Ontario, as shown by the SoCALF preserves, and it is unlikely that they would be successful in the future (General Plan EIR, p. 5.2-13). Lastly, the 1999 Certified EIR for the NMC [Ontario Ranch] established the policy of the City of Ontario to convert agricultural lands into nonagricultural uses.

The *Conservation Easement or Preserves* mitigation strategy would require comprehensive amendment to the Policy Plan. The City has not indicated that such amendment is warranted or desired, and has initiated no such action. At the Project site, establishment of agricultural conservation easements or preserves would negate the Project, resulting in a No-Build condition. Based on the preceding, the "Establishment of Conservation Easement or Preserves" mitigation strategy is considered infeasible.

Ontario Plan EIR Mitigation Measure: *Transfer of Development Rights*

The Southern California Association of Governments (SCAG) provides the following summary of description and application of Transfer of Development Rights (TDR) programs:

> Transfer of development rights (TDR) "is a device by which the development potential of a site is severed from its title and made available for transfer to another location. The owner of a site within a transfer area retains property ownership, but not approval to develop. The owner of a site within a receiving area may purchase transferable development rights, allowing a receptor site to be developed at a greater density."
>
> TDR is most commonly used to preserve agricultural lands but it can also be used for preserving natural, open space. TDR programs can vary depending on the need of the local jurisdiction but in general there are a few common factors that contribute to the success of a TDR program. These include having a donor site with development constraints, appropriate zoning regulations, and infrastructure requirements."[13]

The Project site is not currently entitled for development absent an adopted Specific Plan, and it is unclear what if any development rights would be transferred under a TDR program. Further, there is no designated or contemplated receiving area to accept these [undefined] development rights. Moreover, a TDR program would preserve agricultural uses at the Project site rather than further planned transition of agricultural uses to non-agricultural uses as envisioned under the Policy Plan. This would be contrary to the Land Use Plan policies and vision as summarized previously.

The City of Ontario has not implemented a TDR Program. Implementation of a TDR program would require amending the City Development Code and comprehensive amendment of the Policy Plan. Neither the City nor Applicant has indicated that such amendments are warranted or desired, and neither has initiated such actions. Based on the preceding, implementation of a "Transfer of Development Rights Program" mitigation strategy is considered infeasible.

[13] Details - Transfer of Development Rights (TDR). (n.d.). Retrieved from http://sustain.scag.ca.gov/Lists/Details/DispForm.aspx?ID=50

As summarized above, there are no feasible mitigation measures that would reduce the Project's significant impacts to agricultural uses and Farmland to levels that would be less-than-significant. Further, conversion of agricultural lands and loss of Farmland resulting from the Project have already been considered and addressed in the *Ontario Sphere of Influence (New Model Colony* [Ontario Ranch]*) General Plan Amendment* EIR, The Ontario Plan EIR, and the Infrastructure Master Plans MND. The Project would not result in significant impacts to agricultural resources or loss of Farmland not already considered and addressed in those documents.

Level of Significance After Mitigation: ***Significant and Unavoidable.*** As presented above, the Project would result in conversion of on-site Farmland to urban uses. Additional conversion of off-site agricultural lands to non-agricultural purposes could also occur as a result of construction of master plan infrastructure improvements supporting the Project. These are considered to be significant and unavoidable impacts. However, the Project would not cause or result in significant and unavoidable agricultural resources impacts and loss of Farmland impacts beyond those already considered and addressed in the *Ontario Sphere of Influence (New Model Colony* [Ontario Ranch]*) General Plan Amendment* EIR, The Ontario Plan EIR, and the Infrastructure Master Plans MND. Nor would the Project otherwise result in new significant and unavoidable agricultural resources impacts and loss of Farmland that would not otherwise occur pursuant to the Land Use Plan.

Potential Impact: ***Conflict with existing zoning for agricultural use, or a Williamson Act contract.***

Zoning for Agricultural Uses

The Project site is Zoned Specific Plan, with an Agricultural Overlay Zoning District. The site's current Agricultural Overlay District designation is intended to accommodate the interim continuation of agricultural uses within the City until such time that development is proposed consistent with the Policy Plan and the underlying Specific Plan zoning district. As discussed in The Ontario Plan EIR, development pursuant to the Land Use

Plan would have no impact on agricultural zoning designations (The Ontario Plan EIR, p. 5.2-10).

Because the Project would implement a Specific Plan development that would be consistent with the Policy Plan as amended under the Project, the Project similarly would have no impact on agricultural zoning designations. If the proposed Specific Plan is approved by the City, the site's current Agricultural Overlay designation would no longer be appropriate and would be removed.

Off-site master plan infrastructure improvements supporting the Project would not require any amendment to the Land Use Plan or area Zoning designations. These master plan improvements would therefore have no impact on agricultural zoning designations. This is consistent with analysis presented in the Infrastructure Master Plans MND (Infrastructure Master Plans MND, p. 3-3).

Based on the preceding, Project impacts related to a conflict with agricultural zoning would be less-than-significant.

Williamson Act Contracts

There is an active Williamson Act Contract (Contract #69-147, initiated in 1973) on APN 0218-261-35, a 29.05-acre property, and on APNs 1054-151-02, 1054-161-02, 1054-161-03, 1054-201-02 and 1054-351-02, which collectively make up a 37.35-acre property. Location of these properties is identified at previous Figure 4.11-3. As one of the Project requested discretionary actions, these existing Williamson Act Contracts will be cancelled.

APN 0218-261-35 is currently developed as a commercial trucking operation, and is not used for agricultural purposes, nor is the subject property designated as Farmlands. Cancellation of this Contract would have no effect on farmlands and would not result in conversion of agricultural uses to urban uses.

While a portion of APNs 1054-151-02, 1054-161-02, 1054-161-03, 1054-201-02 and 1054-351-02 comprise farmlands, the impact of conversion of these properties is fully disclosed,

discussed, and analyzed above. The cancellation of the Contract itself is not a significant impact, particularity in light of the previously-filed notice of nonrenewal. Rather, the proposed cancellation is consistent with the Policy Plan vision for the subject site and uses that would result from the Project, and any impact has been previously analyzed in The Ontario Plan EIR.

For all the above properties, cancellation(s) would comply with provisions and requirements identified at Government Code (GC) §51280 et seq. The City would be required to make the required statutory findings (GC §51282(a)). The landowner(s) would be required to pay the requisite cancellation fee(s). Cancellation of these active Contracts would preclude the potential for the Project to conflict with a Williamson Act Contract, and Project impacts in this regard would be less-than-significant.

Based on the preceding, the potential for the Project to conflict with existing zoning for agricultural use, or a Williamson Act contract would be less-than-significant.

Level of Significance: Less-Than-Significant.

4.12 UTILITIES AND SERVICE SYSTEMS

4.12 UTILITIES & SERVICE SYSTEMS

Abstract

This Section of the EIR addresses the Project's potential impacts to utilities and service systems. Specifically, the utilities and service systems analysis examines whether the Project would:

- *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;*

- *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;*

- *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;*

- *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; or*

- *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.*

This EIR evaluates likely maximum impacts associated with all Project actions and operations, including but not limited to construction and operation of utilities and service systems distribution and conveyance lines. Construction and operation of the Project utilities and service

systems distribution and conveyance lines described in this Section would not result in conditions or environmental impacts not already considered and addressed elsewhere in this EIR. At properties adjacent to master plan infrastructure improvements implemented by the Project, construction-source noise impacts are recognized as significant and unavoidable (see: EIR Section 4.5, Noise*). Additionally, conversion of off-site agricultural lands to non-agricultural purposes could result from construction of master plan infrastructure improvements supporting the Project. These impacts are recognized as significant and unavoidable (see: EIR Section 4.11,* Agricultural Resources*). Mitigation proposed in this EIR under other environmental topics would also address potential impacts associated with construction and operation of utilities and service systems. Other impacts associated with or resulting from construction of Project infrastructure improvements would be less-than-significant or less-than-significant as mitigated.*

4.12.1 INTRODUCTION

For each of the utilities and service systems discussed, existing conditions are described, any improvements required to accommodate the Project are identified, and any resulting or associated impacts and required mitigation are discussed. The analysis is based on physical and operational attributes presented at EIR Section 3.0 *Project Description*; information presented in the City of Ontario Policy Plan (Policy Plan) and related environmental analyses; information provided by or available through the City of Ontario and County of San Bernardino; information presented in *Water Supply Assessment Merrill Commerce Center Specific Plan* (Placeworks) July 2019 (Project WSA); and provisions of the *Merrill Commerce Center Specific Plan* (T&B Planning, Inc.) September 29, 2020 (Specific Plan).

City of Ontario Policy Plan Policy LU4-3 *Infrastructure Timing* requires that necessary infrastructure and services be in place prior to or concurrent with new development. Similarly, the Merrill Commerce Center Specific Plan includes a development phasing plan and infrastructure phasing plan that require infrastructure supporting buildout of the Specific Plan be adequately phased concurrent with development (see: Specific Plan, p. A-6).

4.12.2 EXISTING CONDITIONS

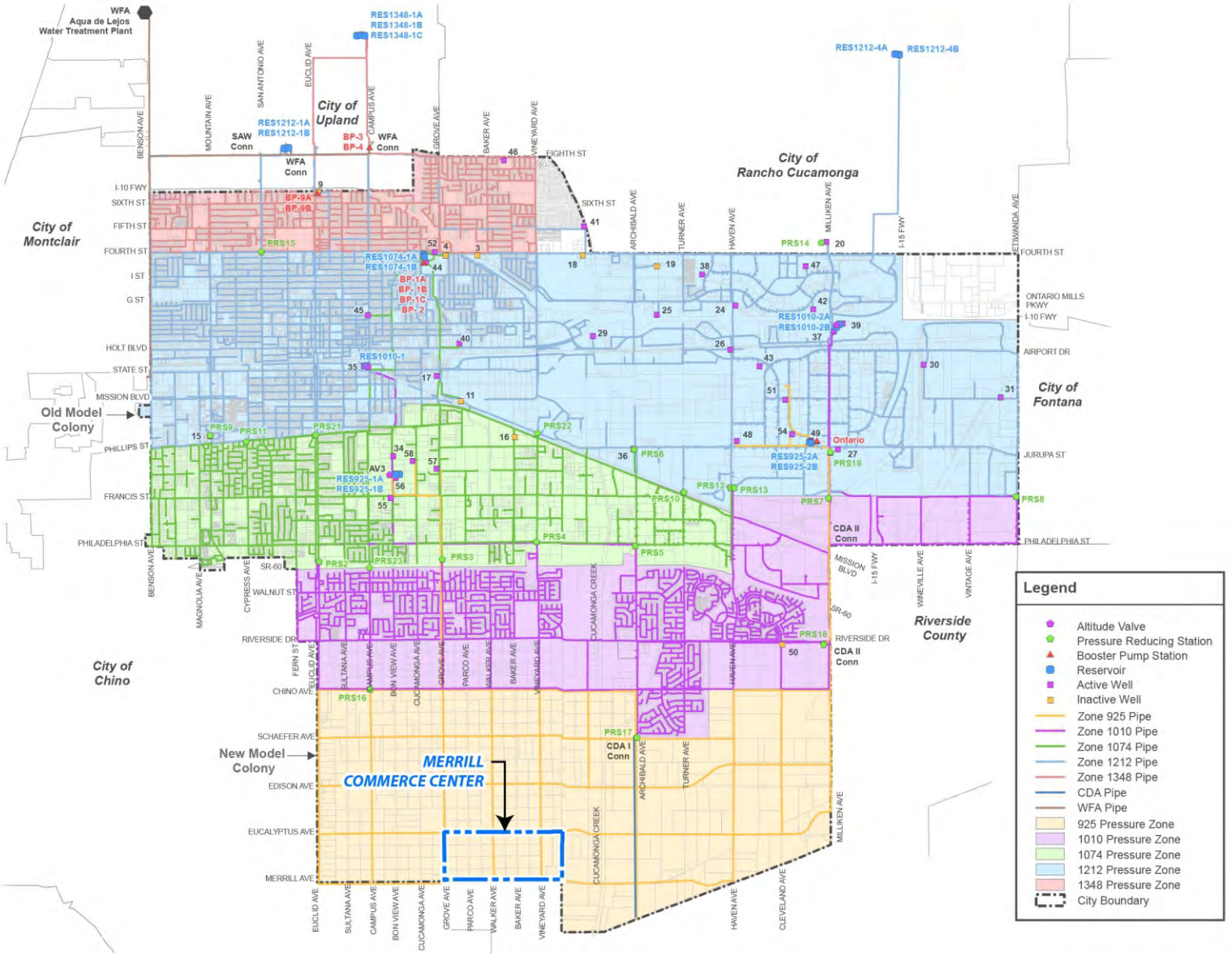
4.12.2.1 Water Supply and Water Service

Water demands in the Project area are currently satisfied by private wells. Water distribution systems adequate to serve the Project are not currently available.

On a City-wide basis, the Ontario Municipal Utilities Company (OMUC) provides water service to residents, businesses, and other users in the City of Ontario. OMUC would provide domestic water service to the Project area as part of its masterplan for service to the 925 Pressure Zone.[1] Water distribution system improvements for the City and context of the Project within the City system are reflected in the City of Ontario Ultimate Water System (Figure 4.12-1). The City water master plan improvements have been designed to meet water service demands of the City under City General Plan Buildout Conditions (Buildout Conditions), including water service demands of the Project. Please refer also to related discussions presented in this Section under the discussion of potential water supply impacts. Water supply to the City of Ontario is derived from a combination of local and imported water, obtained primarily from four sources:

- Ontario wells and treatment in the Chino Groundwater Basin (Basin). The Basin is the primary source of water for the City, which currently receives approximately 70 to 80 percent of its water supply from this source;
- Chino Desalter Authority (CDA) wells and treatment in the Chino Groundwater Basin;
- Treated State Water Project from the Water Facilities Authority (WFA); and
- Recycled water from the Inland Empire Utilities Agency (IEUA), a member agency of the Metropolitan Water District of Southern California (MWD).

[1] The 925 Pressure Zone encompasses the majority of Ontario Ranch, including the Project site.



Source: T & B Planning

Figure 4.12-1
City of Ontario Water Master Plan

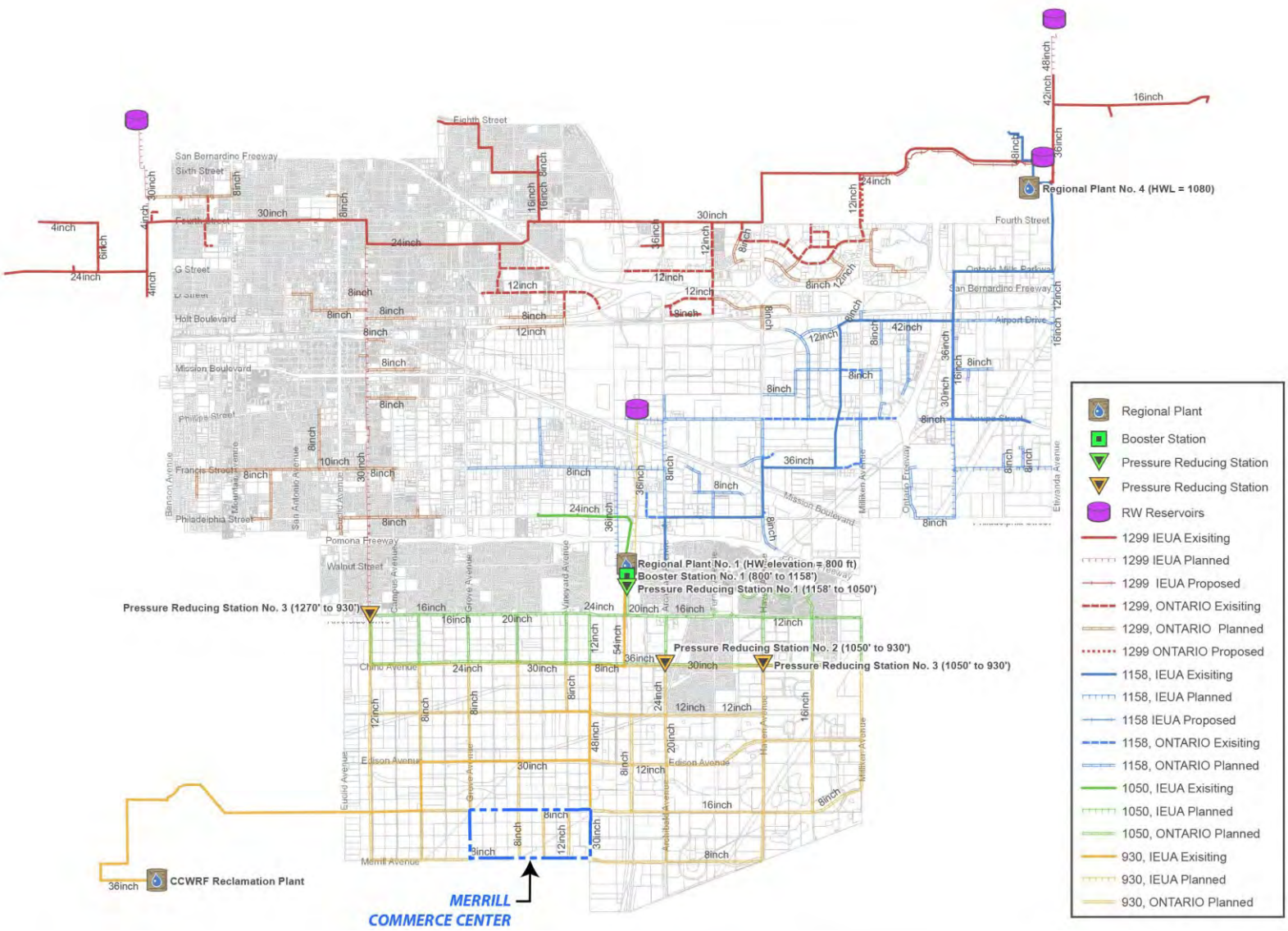
The City of Ontario 2015 Urban Water Management Plan (2015 UWMP) substantiates water supply adequacy to support the City under Buildout Conditions, including development proposed by the Project. The 2016 UWMP can be accessed at: https://www.ontarioca.gov/sites/default/files/Ontario-Files/Municipal-Utilities-Company/2015_urban_water_management_plan_0.pdf.

In the vicinity of the Project, recycled water infrastructure is located in Carpenter Avenue, Eucalyptus Avenue, and Merrill Avenue. Recycled water supplied to the Project would be provided by OMUC. OMUC recycled water supplies are produced by IEUA from IEUA's four wastewater reclamation plants. The Project site and surrounding properties lie within the City's Master Plan 930 Pressure Zone. Context of the Project within the City of Ontario Future Recycled Water System is presented at Figure 4.12-1A.

4.12.2.2 Wastewater Collection and Wastewater Treatment

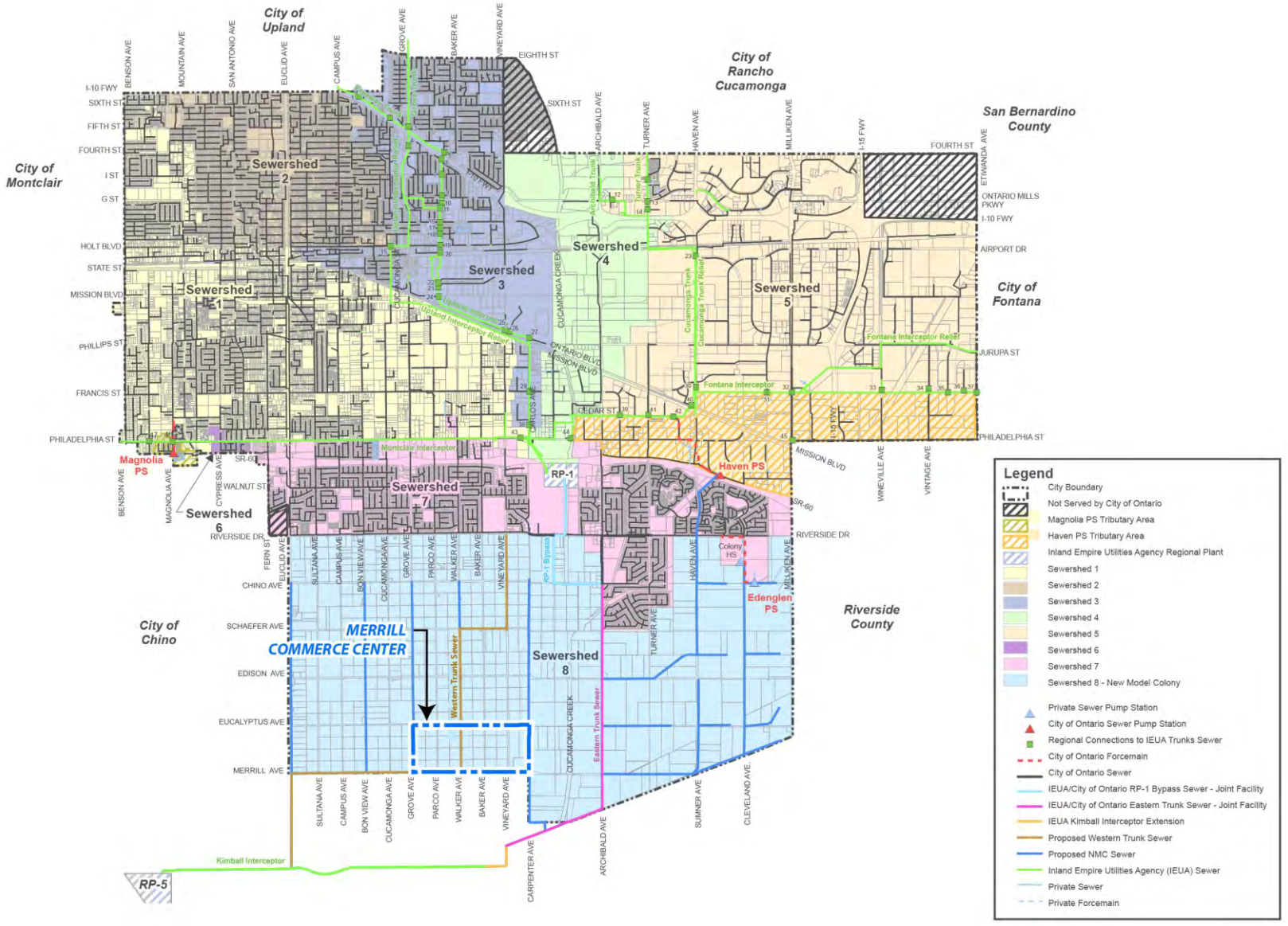
The Project area is not currently served municipal sewers or municipal wastewater treatment systems. Wastewater disposal and treatment is currently accomplished via private sewage disposal fields (septic tanks and subsurface disposal fields).

Developed areas of the City served by the municipal sewer system convey wastewater via regional trunk sewers to regional treatment plants operated by IEUA. Wastewater collection system improvements for the City and context of the Project within the system are reflected in the City of Ontario Ultimate Sewer System (Figure 4.12-2). The City sewer master plan improvements have been designed to meet wastewater conveyance demands of the City under City Buildout Conditions, including wastewater conveyance demands of the Project.



Source: T & B Planning

Figure 4.12-1A
City of Ontario Future Recycled Water System



Source: T & B Planning

Figure 4.12-2
City of Ontario Sewer Master Plan

Wastewater generated within the City is treated at IEUA's Regional Water Recycling Plants No. 1 and 5. Regional Water Recycling Plant No. 1 has a capacity of 44 million gallons per day (mgd). Current average influent wastewater flows at Regional Water Reclamation Plant No. 1 are approximately 28 mgd.[2] Regional Water Reclamation Plant No. 5 has a capacity of 16.3 mgd, with daily average influent flows of 9 mgd.[3] IEUA treats wastewater at both plants to meet discharge requirements and Title 22 water quality standards for reuse as recycled water.

IEUA also operates the Non-Reclaimable Wastewater (NRW) System. Description of the NRW System is presented below.

> The NRW System conveys high strength wastewater and exports it to treatment facilities in Los Angeles and Orange counties for eventual discharge to the Pacific Ocean. Wastewater discharged to the NRW System consists mainly of industrial and groundwater treatment brines. Discharging to the NRW System instead of the Agency's treatment plants keeps salt out of the recycled water, ensuring that the Agency meets the Total Dissolved Solids (TDS) and total nitrogen limits listed in the National Pollutant Discharge Elimination System (NPDES) permits. This enables us to fully utilize recycled water, ensuring a reliable water supply for the region.
>
> The NRW System consists of three trunk lines: NRWS and Etiwanda Wastewater Line (EWL) on the Agency's north service area convey the wastewater to the County Sanitation Districts of Los Angeles County's sewer system; and the Inland Empire Brine Line (also known as the Santa Ana Regional Interceptor – SARI) in the Agency's south service area conveys the wastewater from the Santa Ana Watershed to the Orange County Sanitation District's sewer system.

[2] Inland Empire Utilities Agency. "Regional Water Recycling Plant No. 1." *Inland Empire Utilities Agency | Water Smart - Thinking in Terms of Tomorrow*. www.ieua.org/facilities/rp-1/. Accessed 28 Aug. 2019.
[3] ---. "Regional Water Recycling Plant No. 5." *Inland Empire Utilities Agency | Water Smart - Thinking in Terms of Tomorrow*. www.ieua.org/facilities/rp-5/. Accessed 28 Aug. 2019.

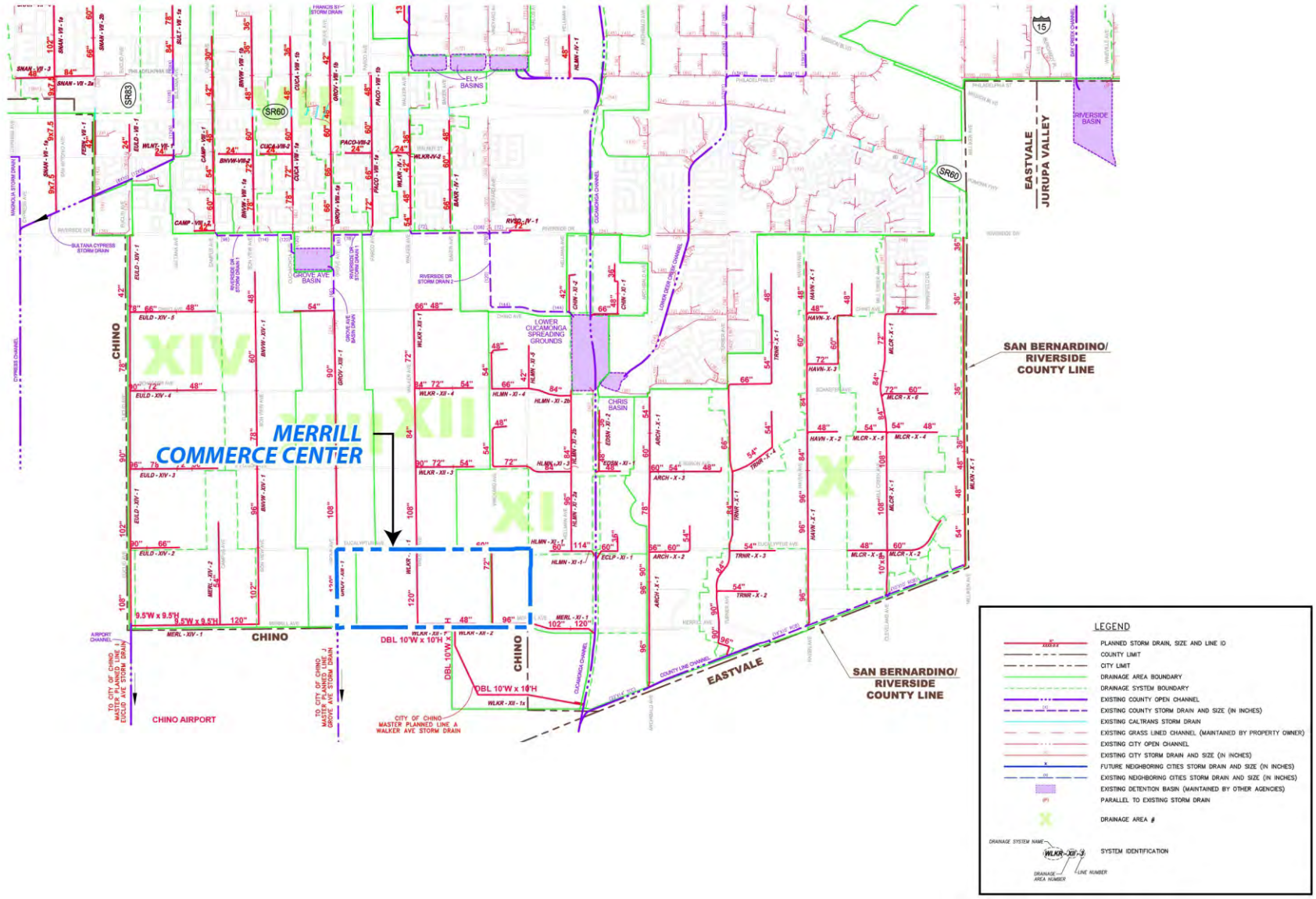
> The highest and best use of the Brine Line is the removal of salts from the Watershed to keep them from degrading water quality within the Watershed, thereby allowing better use of groundwater resources and expanding the ability to reclaim water. The long-term goal of achieving salt balance within the region depends on the ability to remove salts from the watershed via the Brine Line. Further use of desalters depends on an economical means of salt disposal and ultimately will depend on an economically viable regional IE Brine Line.[4]

4.12.2.3 Storm Water Management

With the exception of regional drainage channels, the existing stormwater management system within Ontario Ranch, including the Project site, is generally unimproved, comprising primarily open earthen swales along roadways or curbed roadway surfaces. The Project site currently evidences dairy farm/cattle operations, cattle stockades, cattle and dairy farming support equipment, bio-retention basins associated with dairy farms, and residences appurtenant to dairy farm/cattle operations. The easterly portion of the Project site accommodates trucking operations and is developed with light industrial/commercial buildings and paved truck trailer parking/storage areas.

Stormwater management system improvements for the City are reflected in the City of Ontario Planned Drainage Facilities (EIR Figure 4.12-3). The City stormwater management system master plan improvements have been designed to serve stormwater management demands of the City under Buildout Conditions, including stormwater management demands of the Project. Please refer also to EIR Section 4.7, *Hydrology/Water Quality*.

[4] ---. "Non-Reclaimable Wastewater System." Inland Empire Utilities Agency | Water Smart - Thinking in Terms of Tomorrow. www.ieua.org/water-sources/pretreatment-source-control/non-reclaimable-waste-system/. Accessed 28 Aug. 2019.



N

NOT TO SCALE

Source: T & B Planning

Figure 4.12-3
City of Ontario Planned Drainage Facilities

4.12.2.4 Solid Waste Management

As described in the Policy Plan EIR, "[h]ousehold and business refuse, green waste, and recycling from Ontario are sent to the West Valley Materials Recovery Facility (MRF) in Fontana for processing, recycling, or landfilling. The MRF is operated by West Valley Recycling and Transfer, and is under the administration of the San Bernardino County Department of Public Health (Policy Plan EIR, p. 5.17-29). Permitted throughput of the MRF is 7,500 tons/day.[5]

Most refuse is transported from the MRF to El Sobrante Landfill in the City of Corona (Policy Plan EIR, p. 5.17-29). City solid waste is also transported to The Badlands Sanitary Landfill. Receiving landfill information is presented at Table 4.12-1.

Table 4.12-1
Receiving Landfill Information

Landfill	Remaining Capacity (million cubic yards)	Permitted Capacity (million cubic yards)	Permitted Throughput (tons per day)	Average Daily Throughput (2017)	Estimated Residual Daily Throughput Capacity	Estimated Closure Date
Badlands Sanitary Landfill	15.7	34.4	4,800	2,139	2,661	1/1/2022
El Sobrante Landfill	144.0	209.9	16,054	10,855	5,199	1/1/2051
Totals	**159.7**	**244.3**	**20,854**	**12,994**	**7,860**	**---**

Notes: Landfill Capacity, Permitted Throughput, and Closing Date Statistics from CalRecyle: https://www2.calrecycle.ca.gov/SWFacilities/Directory; Average daily throughput based on CalRecycle Landfill Summary Tonnage Reports for Badlands Sanitary Landfill and El Sobrante Landfill (2017, the latest full year of data reporting). Assumes 300 day per year landfill operations (landfills are open 6 days/week, holidays excluded) Total year 2017 disposal for El Sobrante = 3,256,447 tons/300 days= 10,855 tons per day. Total year 2017 disposal for Badlands = 641,708 tons/300 days = 2,139 tons per day.

4.12.2.5 Dry Utilities (electric power, natural gas, telecommunications, fiber optic)

Electric power, natural gas, telecommunications, and fiber optic services are generally available to the Project site and surrounding areas of Ontario Ranch. Utility purveyor currently service the Project area include:

[5] CalRecycle. "SWIS Facility Detail." *Home*, 2019, www2.calrecycle.ca.gov/SWFacilities/Directory/36-AA-0341/Detail/. Accessed 3 Sept. 2019.

- Southern California Edison (SCE) – Electric power;
- SoCalGas – Natural gas;
- Telecommunications – various private providers; and
- Fiber optic system – City of Ontario.

4.12.3 STANDARDS OF SIGNIFICANCE

Consistent with the standards of significance outlined in the *CEQA Guidelines*, public services impacts resulting from implementation of the Project could be considered potentially significant if they caused or resulted in any of the following:

- 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;

- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;

- 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;

- 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; and

- Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

4.12.4 POTENTIAL IMPACTS AND MITIGATION MEASURES

4.12.4.1 Introduction

The following discussions focus on areas where it has been determined that the Project may result in potentially significant utilities and service systems impacts, pursuant to comments received through the NOP process, and based on the analysis presented within this Section and included within the EIR Initial Study. All CEQA checklist considerations addressing utilities and service systems were determined to have potentially significant impacts warranting further analysis, and are discussed below. Please also refer to Initial Study Checklist Item XIX. *Utilities and Service Systems*.

4.12.4.2 Impact Statements

Potential Impact: *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.*

Impact Analysis:

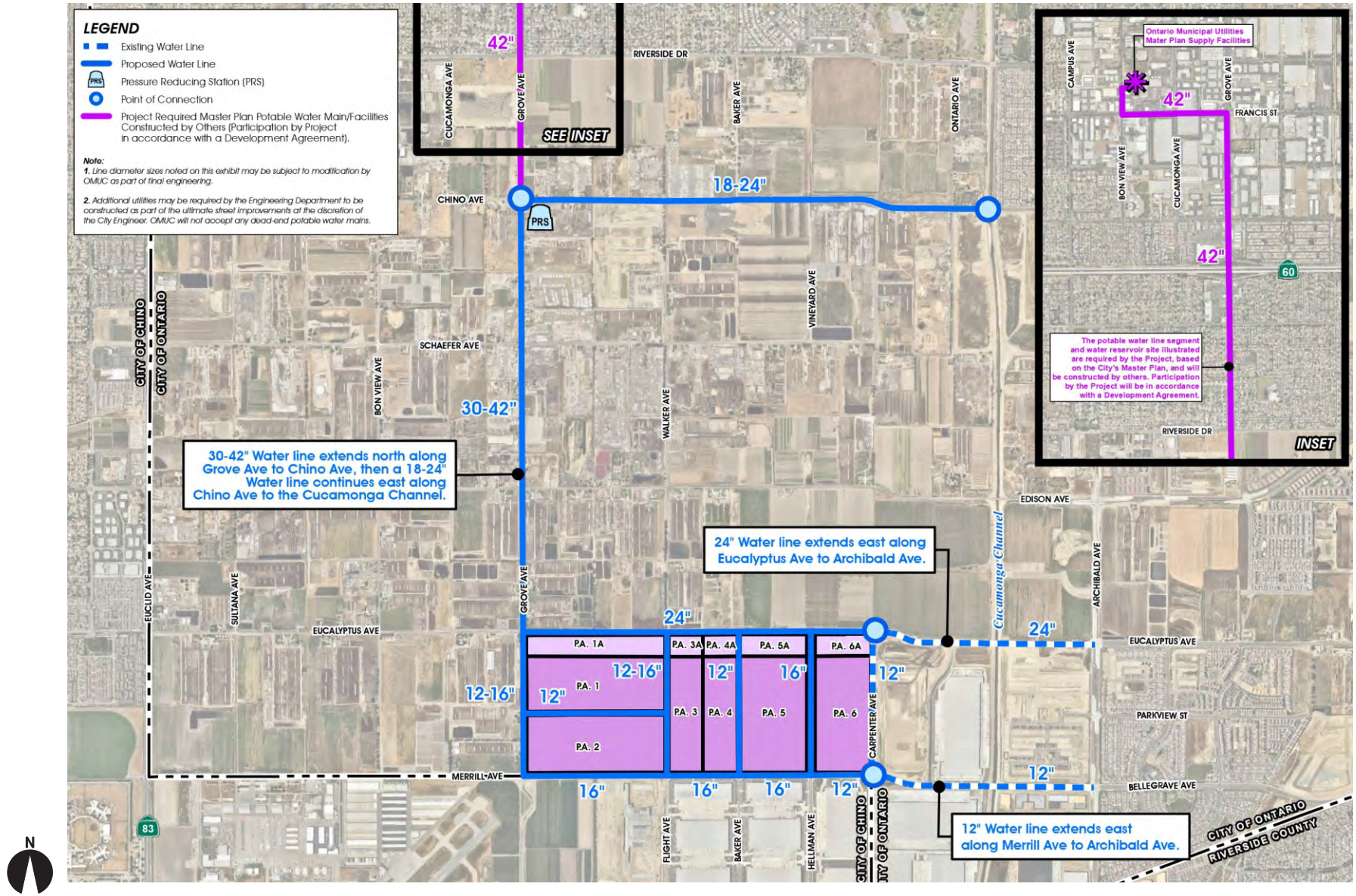
WATER SERVICE PLAN, SEWER SERVICE PLAN, DRY UTILITIES PLAN

The Project would construct utilities distribution/conveyance systems necessary to serve the Project. Concept water service plans, sewer service plans, and dry utilities plans (electric power, natural gas, telecommunications, fiber optic) are summarized below and are described in detail in the Specific Plan.

Water Service

Potable Water Plan

The Project Potable Water Plan Concept is presented at Figure 4.12-4. Potable water services to the Specific Plan area would be provided by the City of Ontario (Ontario Municipal Utilities Company, OMUC).



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 4.12-4
Conceptual Water Plan

The analysis presented here evaluates the likely maximum impacts attributable to implementation and operation of the Project Potable Water Plan.

Currently there are no City potable water mains or City potable water infrastructure in the vicinity of the Project. Potable Water System Improvements for the Specific Plan area require the planning, design, and construction of the 925 Pressure Zone (PZ) Phase 2 West Backbone, which includes:

- Extending the 24-inch potable water main in Eucalyptus Avenue from Carpenter Avenue to Grove Avenue;

- A 30-inch to 42-inch potable water main in Grove Avenue connecting from the 24-inch potable water main in Eucalyptus Avenue and extending to Chino Avenue;

- An 18-inch to 24-inch potable water main in Chino Avenue and connecting to the existing 18-inch potable water main located on the west side of the Cucamonga Creek Channel;

- A Pressure Reducing Station between the 1010 PZ and 925 PZ near the intersection of Grove Avenue and Chino Avenue.

Master Plan Phase 2 facilities that are required to serve the Project but that will be constructed by others include:

- A 42-inch potable water main in Grove Avenue connecting from the 30-inch potable water main in Grove Avenue at Chino Ave and extending to Francis Avenue;

- A 42-inch potable main in Francis Avenue connecting from the 42-inch potable water main in Grove Avenue and extending to Bon View Avenue;

- A 42-inch potable water main in Bon View Avenue connecting from the 42-inch potable water main in Francis Avenue and extending to the Bon View Avenue Reservoir site and to the Reservoir;

- A 9 million gallon reservoir on the Bon View Reservoir site, two 2,500 gpm wells with any treatment necessary to meet water quality standards and the 16-inch to 42-inch well collection mains from the wells to the reservoirs.

At the time the Specific Plan was prepared, the alignment of the 42-inch water line between Chino Avenue and the water reservoir site had not been finalized and is subject to change. The Project will be required to participate in the future Phase 2 Water System Improvements north of Chino Avenue, as detailed in the Development Agreement with the City.

In addition to the 925 Pressure Zone (PZ) Phase 2 West Backbone system described above, the Project would implement a Secondary Loop between the 925 Pressure Zone (PZ) Phase 2 West Backbone system and the Project site. These improvements would include:

- A 24-inch potable water main in Eucalyptus Avenue connecting to the 30-inch to 42-inch 925 Pressure Zone (PZ) Phase 2 West Backbone main in Grove Avenue;

- A 16-inch potable water main in Merrill Avenue connecting from the 12-inch to 16-inch potable water main in Grove Avenue and extending to Vineyard Avenue;

- A 16-inch potable water main in Vineyard Avenue connecting from the 16-inch potable water main in Merrill Avenue and extending to connect to the 24-inch potable water main in Eucalyptus Avenue; and

- A 12-inch potable water main in Merrill Avenue connecting from the 16-inch potable water main in Vineyard Avenue and extending east to connect to the 12-inch potable water main in Carpenter Avenue.

The Project would also construct the Local Adjacent Potable Water System. Improvements would include:

- A 12-inch to 16-inch potable water main in Grove Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue;

- A 12-inch to 16-inch potable water main in Walker Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue;

- A 12-inch potable water main in Baker Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue; and

- A 12-inch potable water main in "Street A" connecting to the 12-inch potable water main in Grove Avenue and extending to connect to the 12-inch to 16-inch potable water main in Walker Avenue.

Water infrastructure improvements required of the Project are subject to change based upon findings of City-approved hydraulic studies, master plan updates, and Project final designs. Orientation and configuration of water mains are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including Inland Empire Utility Agency (IEUA) water mains, that do not meet minimum depths, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/replacement by the Project developer(s). Within the Project site, on individual private property, all onsite potable water systems, non-potable water systems, and fire protection/suppression water systems shall be private and be privately-maintained.

Recycled Water Plan

The Project Recycled Water Plan Concept is presented at Figure 4.12-5. The analysis presented here evaluates the likely maximum impacts attributable to implementation and operation of the Project Recycled Water Plan. In the vicinity of the Project, existing City recycled water infrastructure is located in Carpenter Avenue, Eucalyptus Avenue, and Merrill Avenue. Recycled water supplied to the Project would be provided by OMUC. OMUC recycled water supplies are produced by IEUA from IEUA's four wastewater reclamation plants. The Project site and surrounding properties lie within the City's Master Plan 930 Pressure Zone.

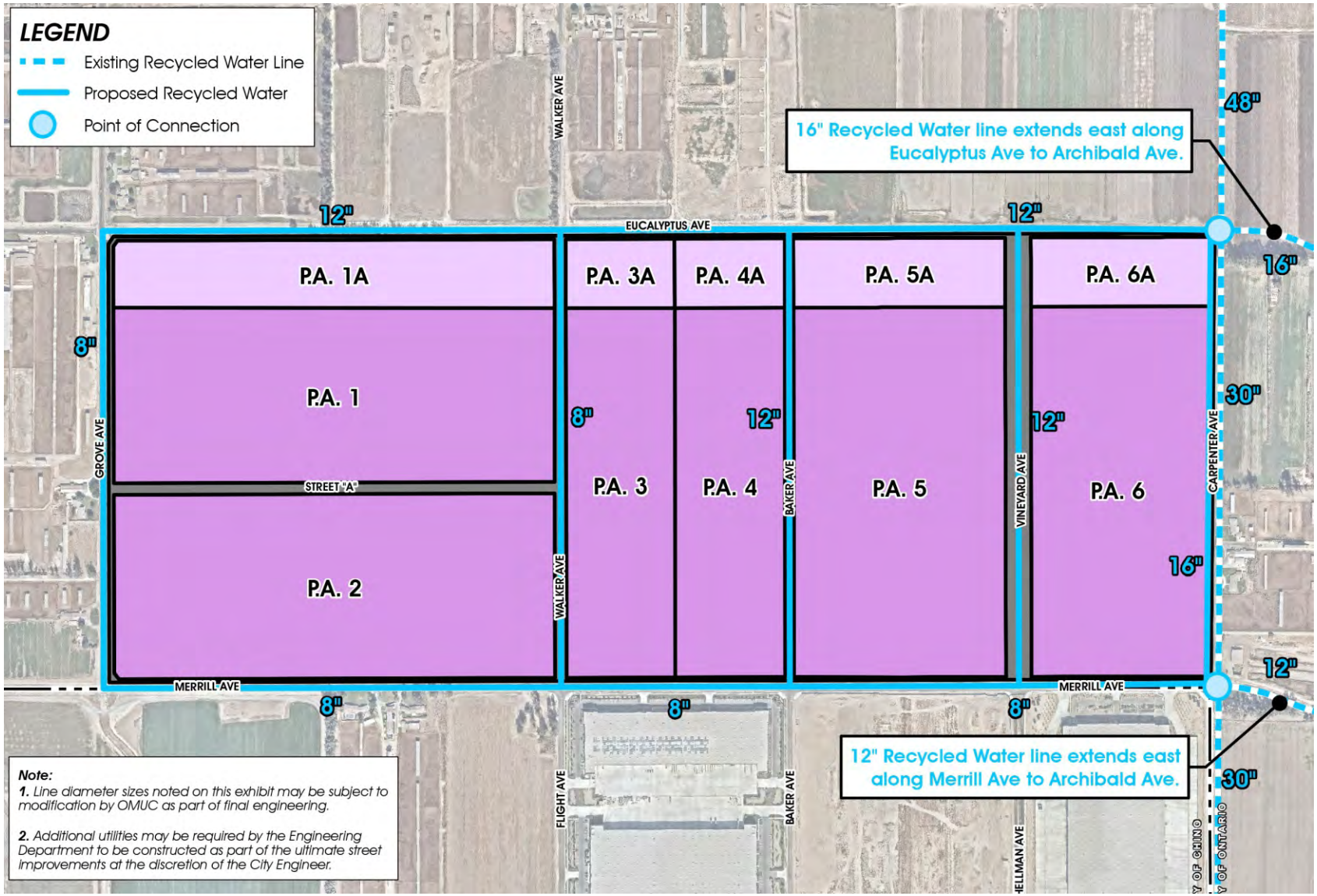
The following Master Plan 930 Pressure Zone recycled water system improvements would be constructed as part of the Project:

- A 16-inch recycled water main in Carpenter Avenue connecting to the 16-inch 930 Pressure Zone Recycled Water main in Eucalyptus Avenue and extending it to connect to the 8-inch 930 Pressure Zone Recycled Water main in Merrill Avenue;

- A 12-inch recycled water main in Eucalyptus Avenue connecting to the existing 16-inch 930 Pressure Zone recycled water main at the intersection of Carpenter Avenue and Eucalyptus Avenue and extending to Grove Avenue;

- An 8-inch recycled water main in Merrill Avenue connecting to the existing City 12-inch 930 Pressure Zone Recycled Water main in Merrill Avenue at the intersection of Merrill Avenue and Carpenter Avenue and extending westerly to Baker Avenue;

- An 8-inch recycled water main in Merrill Avenue connecting to the 12-inch recycled water main in Merrill Avenue at Baker Avenue and extending westerly to Grove Avenue.



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 4.12-5
Conceptual Recycled Water Plan

In addition to the Master Plan 930 Pressure Zone improvements listed above, the Project would construct the following Secondary Loop improvements:

- An 8-inch recycled water main in Merrill Avenue connecting to the 8-inch recycled water main in Merrill Avenue at Grove Avenue and extending west to Euclid Avenue.

The Project would also construct the Local Adjacent Recycled Water System. These improvements include:

- A 12-inch recycled water main in Vineyard Avenue connecting to the 8-inch recycled water main in Merrill Avenue and extending it to connect to the 12-inch main in Eucalyptus Avenue;

- A 12-inch recycled water main in Baker Avenue connecting to the 8-inch recycled water main in Merrill Avenue and extending it to connect to the 12-inch main in Eucalyptus Avenue;

- An 8-inch recycled water main in Walker Avenue connecting to the 8-inch recycled water main in Merrill Avenue and extending it to connect to the 12-inch main in Eucalyptus Avenue.

Recycled water infrastructure improvements required of the Project are subject to change based upon findings of City-approved hydraulic studies, master plan updates, and Project final designs. Recycled water main orientations and configurations are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including IEUA Recycled Water mains, that do not meet minimum depth, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/replacement by the Project developer(s). Within the Project site, on individual private property, the onsite recycled water systems shall be private and be privately maintained.

Sanitary Sewer Plan

The Project Sanitary Sewer Plan Concept is presented at Figure 4.12-6. The analysis presented here evaluates the likely maximum impacts attributable to implementation and operation of the Project Sanitary Sewer Plan. Sanitary sewer service to the Project site and surrounding area is provided by OMUC. OMUC conveys wastewater to IEUA for transmission to area-serving treatment facilities.

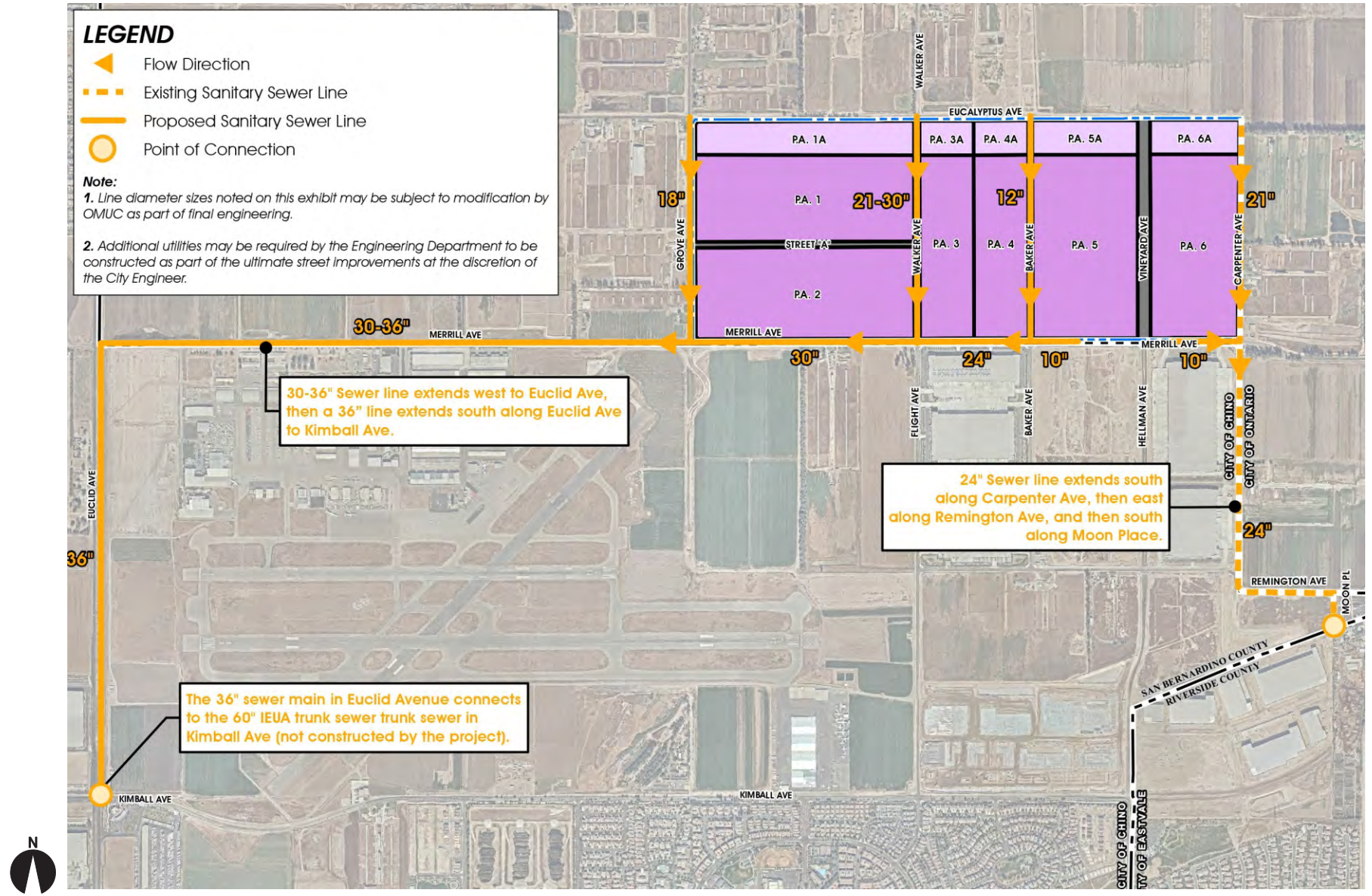
Existing 21-inch and existing 24-inch City sanitary sewer mains are located in Carpenter Avenue to the east and south of the Project site. The Project site and surrounding properties are included within the City's Sewer Master Plan. The areas west of Vineyard Avenue are Tributary to the Western Trunk Sewer (WTS), which connect to IEUA's system at Kimball Avenue and Euclid Avenue. The areas east of Vineyard Avenue are Tributary to the Eastern Trunk Sewer (ETS), through the City's Carpenter Trunk Sewer which connect to IEUA's system at Vineyard/Hellman Avenue and the San Bernardino/Riverside County line. Specific Plan Planning Areas 1 to 5 and 1A to 5A are within the WTS tributary area. Specific Plan Planning Areas 6 and 6A are within the ETS tributary area.

Sewer hydraulic analyses are not required as part of the EIR. The Project would nonetheless contribute flows to the adjacent master plan sewer system. A sewer study of the Project area would be submitted as part of the City's Development Review process in conjunction with development proposals within the Specific Plan Area.

The Project would construct the following Primary Sewer Master Plan Backbone mains of the WTS:

- A 36-inch sewer main in Euclid Avenue connecting to the IEUA's 60-inch Kimball Interceptor at the intersection of Kimball Avenue and Euclid Avenue and extending north to Merrill Avenue;

- A 30-inch to 36-inch sewer main in Merrill Avenue from Euclid Avenue to Grove Avenue;



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 4.12-6
Conceptual Sewer Plan

- A 30-inch sewer main in Merrill Avenue from Grove Avenue to Walker Avenue; and

- A 21-inch to 30-inch sewer main in Walker Avenue from Merrill Avenue to Eucalyptus Avenue.

In addition to the Primary Sewer Master Plan Backbone mains, the Specific Plan area requires the planning, design, and construction of a Secondary Master Plan Trunk Sewer, which includes: installing an 18-inch Grove Trunk Sewer main in Grove Avenue from the WTS in Merrill Avenue and extending north in Grove Avenue to Eucalyptus Avenue.

The Project would also construct the Local Adjacent Sewer System. These improvements include:

- A 10-inch sewer main in Merrill Avenue from Carpenter Avenue extending westerly towards Vineyard Avenue;
- A 24-inch sewer main in Merrill Avenue from the WTS in Walker Avenue and extending easterly to Baker Avenue;
- A 10-inch sewer main in Merrill Avenue from Baker Avenue extending easterly towards Vineyard Avenue; and
- A 12-inch sewer main in Baker Avenue from Merrill Avenue extending northerly toward Eucalyptus Avenue.

Sanitary sewer infrastructure improvements required of the Project are subject to change based upon findings of City-approved hydraulic studies, master plan updates, and Project final designs. Sewer main orientations and configurations are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including IEUA Recycled Water mains, that do not meet minimum depth, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/replacement by the Project developer(s). Within the Project site, on individual private property, the onsite sanitary sewer systems shall be private and be privately maintained.

Dry Utilities/Fiber Optics Plan

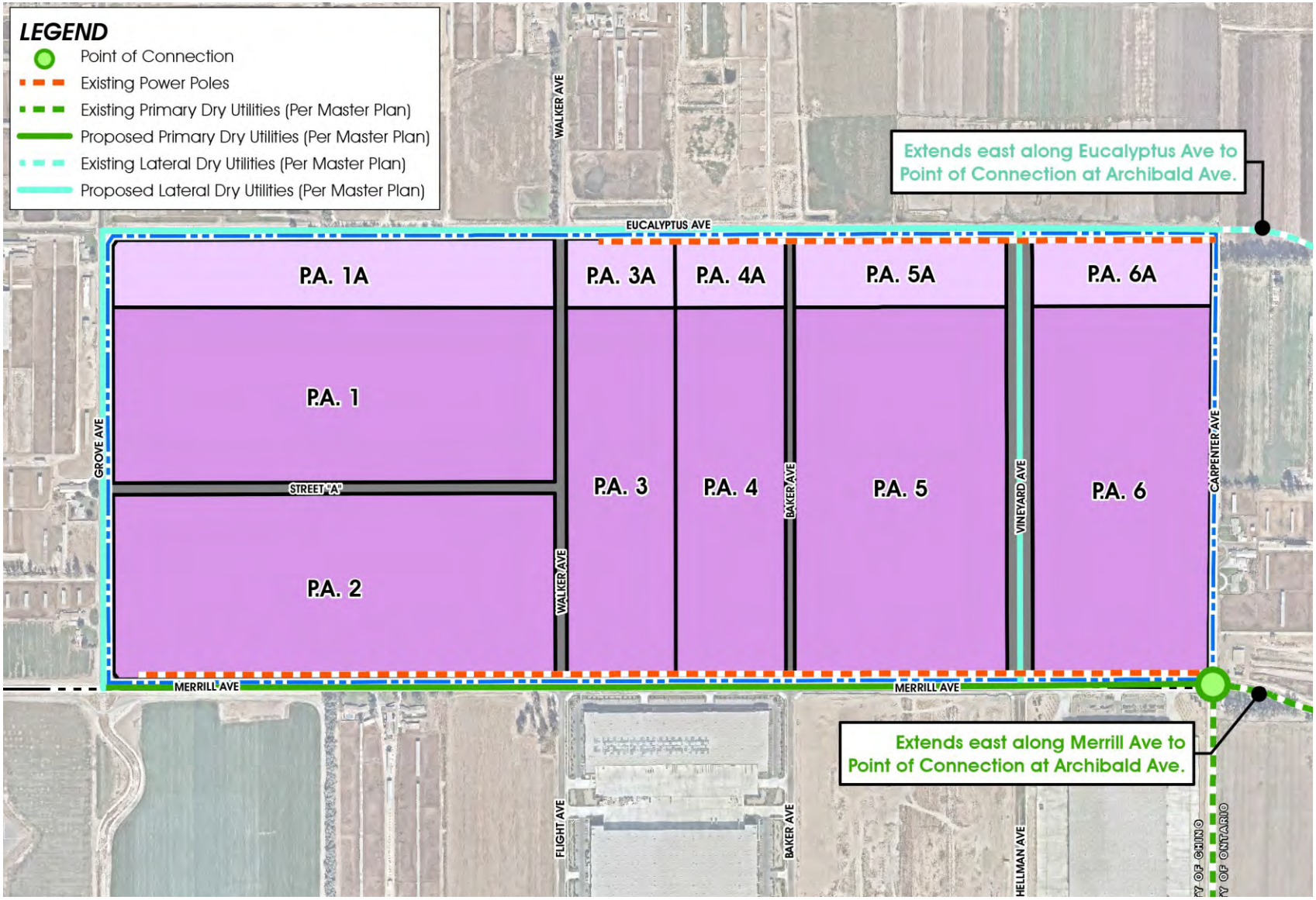
Electric power, natural gas, telecommunications, and fiber optic services are generally available to the Project site and surrounding areas of Ontario Ranch. The analysis presented here evaluates the likely maximum impacts attributable to implementation and operation of the Project Dry Utilities/Fiber Optics Plan. Utility purveyor currently available to service the Project area include:

- Southern California Edison (SCE) – Electric power;
- SoCalGas – Natural gas;
- Telecommunications – various private providers; and
- Fiber optic system – City of Ontario.

The Project does not propose dry utilities generation, storage, or supply facilities, the construction or relocation of which could cause potentially significant environmental effects.

Figure 4.12-7 presents the Project Dry Utilities Infrastructure Plan concept. Dry utility lines (e.g., natural gas lines, electric lines) would be installed within joint trenches in Merrill Avenue and would connect to existing lines in Merrill Avenue to the west of Grove Avenue, and to existing lines in Merrill Avenue to the east of Carpenter Avenue. Lateral dry utility lines within joint trenches would be installed in Grove Avenue, Vineyard Avenue, and Eucalyptus Avenue. The lateral dry utility line within Eucalyptus Avenue would connect to existing dry utility lines in Merrill and Archibald Avenue to the east. The lateral dry utility lines within Grove Avenue and Vineyard Avenue would connect to the primary dry utility lines within Merrill Avenue.

Dry utilities internal to the Specific Plan Area would be installed underground in accordance with applicable purveyor standards and specifications and to the satisfaction of the City Engineer. The locations and configurations of utilities connections, transformers, switches, pull boxes, and manholes would be determined in conjunction with final Project designs and engineering. Existing power poles located along Eucalyptus Avenue and Merrill Avenue will be undergrounded as part of the Specific Plan's buildout.



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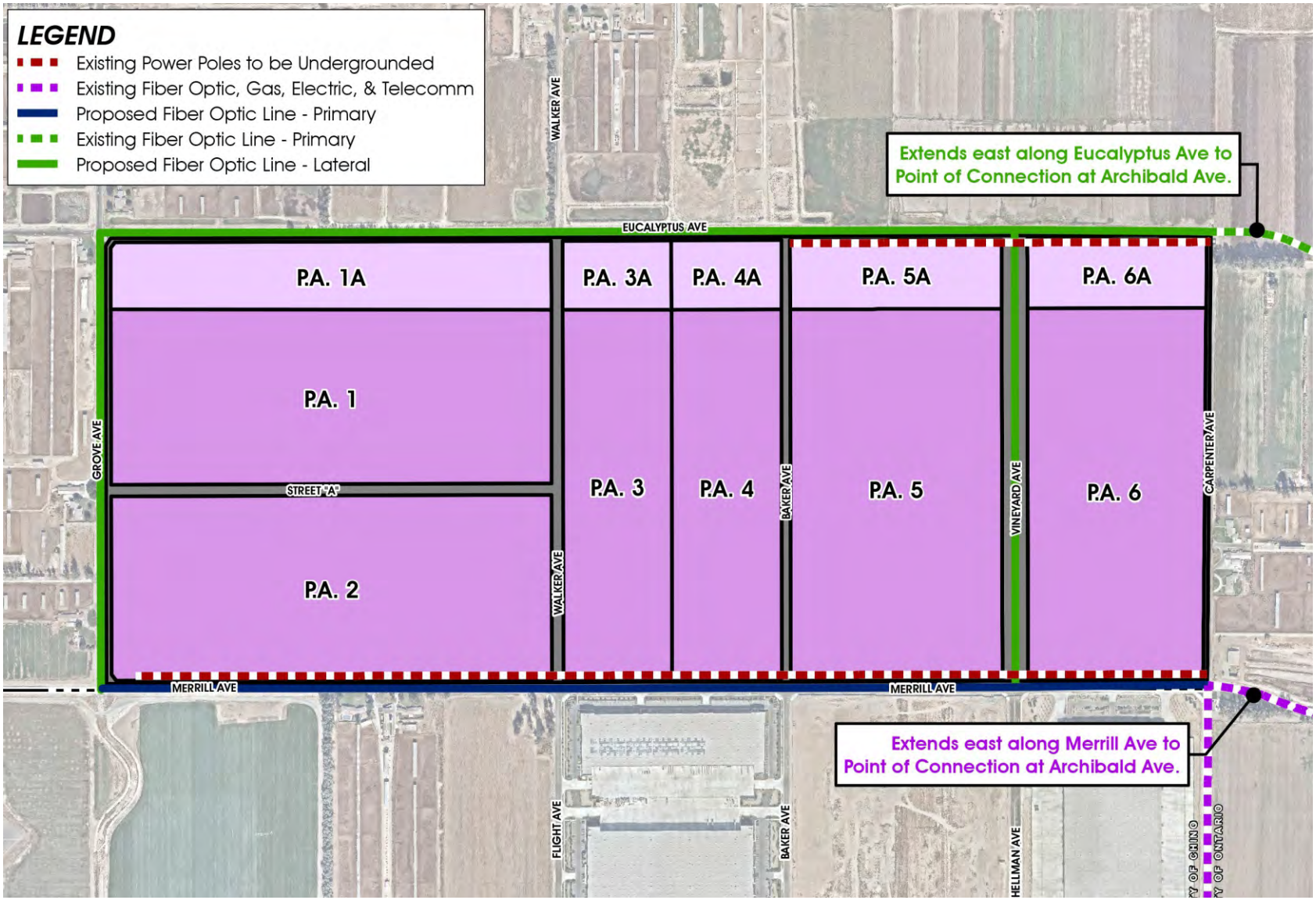
Source: T&B Planning, Inc.

Figure 4.12-7
Dry Utilities Plan

The Specific Plan Fiber Optics Plan is illustrated at Figure 4.12-8. Fiber optic lines would be installed on- and off-site in accordance with the City of Ontario's Master Plan standards. Per the City of Ontario's Master Fiber Optic Plan, lines will be installed in Merrill Avenue between Grove Avenue and Carpenter Avenue, Grove Avenue abutting Planning Areas 1 and 2; in Eucalyptus Avenue from Grove Avenue to Carpenter Avenue; and in Vineyard Avenue abutting Planning Areas 5 and 6.

Backbone fiber optics components (conduits, hand holes, tracer wire, and fiber) will be placed underground within a duct and structure system to be installed in a joint trench within adjacent streets. Within the Specific Plan Area, in-tract fiber and conduit will be installed per the City's in-tract fiber optic design guidelines (see: https://www.ontarioca.gov/sites/default/files/Ontario-Files/Information-Technology/2014-12-16_in-tract_designguidelines.pdf).

Maintenance of the installed fiber optic system will be the responsibility of the City/Special District. Development of the Project requires installation of all fiber optic infrastructure and peripheral equipment necessary to service the Specific Plan as a stand-alone development.



NOT TO SCALE

Source: T&B Planning, Inc.

Figure 4.12-8
Fiber Optics Plan

Wastewater Treatment

The Project area is not currently served municipal sewers or municipal wastewater treatment systems. Wastewater disposal and treatment is currently accomplished via private sewage disposal fields (septic tank and subsurface disposal field). If the Project is approved by the City, wastewater treatment services for the Project would be provided by IEUA. The analysis presented here evaluates the likely maximum wastewater treatment impacts attributable to implementation and operation of the Project.

It is anticipated that wastewater generated by the Project would be conveyed to IEUA Regional Water Reclamation Plant No. 5 (IEUA Plant No. 5). Water Reclamation Plant No. 5 has a capacity of 16.3 mgd, with daily average influent flows of 9 mgd.[6] IEUA treats wastewater meet discharge requirements and Title 22 water quality standards for reuse as recycled water.

Total water demand of the Project (domestic water demand + recycled water demand) is estimated at 882,377 gpd.[7] Conservatively assuming that all water consumed by the Project would be discharged as wastewater, total wastewater treatment demand of the Project is estimated at 882,377 gpd (0.882377 mgd, use 0.9 mgd). As indicated above, available treatment capacity at IEUA Plant No. 5 is approximately 7+ mgd (16.7 mgd capacity – 9 mgd average demand). The Project maximum 0.9 mgd wastewater treatment demand could be accommodated within IEUA Plant No. 5 available wastewater treatment capacity. Further, the Project proposes conventional warehouse and business park uses, and would not generate wastewater that would require treatment processes or protocols not currently provided by IEUA.

[6] ---. "Regional Water Recycling Plant No. 5." *Inland Empire Utilities Agency | Water Smart - Thinking in Terms of Tomorrow*. www.ieua.org/facilities/rp-5/. Accessed 28 Aug. 2019.

[7] *Water Supply Assessment Merrill Commerce Center Specific Plan for City of Ontario* (Placeworks) July 2019, p.10, Table 4 *Water Demand Estimate for the Proposed Development*.

Each individual development project within the Specific Plan area would be required to pay applicable sewer connection and service fees, which act to fund City improvement plans, operations, and maintenance.

Storm Water Management

With the exception of regional drainage channels, the existing stormwater management system within Ontario Ranch, including the Project site, is generally unimproved, comprising primarily open earthen swales along roadways or curbed roadway surfaces. Potential storm water management system impacts are addressed at EIR Section 4.7, *Hydrology/Water Quality*. The analysis presented at EIR Section 4.7, *Hydrology/Water Quality* evaluates the likely maximum hydrology/water quality impacts attributable to implementation and operation of the Project.

The Project would implement area-serving stormwater management improvements consistent with the City MDP. On-site stormwater management systems would be developed concurrent with planning of individual development proposals within the Project site. All proposed on-site stormwater management systems would be subject to review and approval by the City. Please refer also to EIR Section 3.0, *Project Description, Stormwater Management Plan*.

IMPACTS SUMMARY

Utilities and service systems distribution and conveyance lines serving the Project would be constructed pursuant to approved City Infrastructure Master Plans, and would be located within existing improved streets or otherwise disturbed properties, thereby limiting or avoiding potential impacts. Construction and operation of all Project utilities and service systems distribution and conveyance lines would conform with all City and purveyor standards and requirements, further limiting potential environmental effects.

This EIR evaluates likely maximum impacts associated with all Project actions and operations, including but not limited to construction and operation of utilities and service systems distribution and conveyance lines. Construction and operation of the Project utilities and service systems distribution and conveyance lines described in this

Section would not result in conditions or environmental impacts not already considered and addressed elsewhere in this EIR. At properties adjacent to master plan infrastructure improvements implemented by the Project, construction-source noise impacts are recognized as significant and unavoidable (see: EIR Section 4.5, *Noise*). Additionally, conversion of off-site agricultural lands to non-agricultural purposes could result from construction of master plan infrastructure improvements supporting the Project. These impacts are recognized as significant and unavoidable (see: EIR Section 4.11, *Agricultural Resources*). Mitigation proposed in this EIR under other environmental topics would also address potential impacts associated with construction and operation of utilities and service systems distribution and conveyance lines.

Utilities distribution/conveyance systems lines proposed by the Project would conform to alignments presented in the City Master Plan Utilities/Service Systems Concepts. The Project utilities distribution/conveyance systems lines would provide capacities consistent with OMUC/City requirements. It is noted here that potential impacts resulting from construction and operation of City Master Plan infrastructure systems have been previously considered and addressed in Initial Study and Mitigated Negative Declaration City of Ontario Infrastructure Master Plans (City of Ontario) July 2012 (Infrastructure Master Plans MND). The Infrastructure Master Plans MND concluded that construction and operation of Master Plan infrastructure improvements would not result in significant impacts not already considered and addressed in correlating analyses in The Ontario Plan EIR. Similarly, Master Plan infrastructure improvements constructed in support of the Project would not result in significant impacts not already considered and addressed in correlating analyses presented within the Infrastructure Master Plans MND; and by extension would not result in significant infrastructure systems impacts not already considered and addressed in correlating analyses presented within The Ontario Plan EIR.

Each individual development project within the Specific Plan area would be required to pay applicable utilities/service system connection and service fees, which act to offset the Project incremental demands on utilities and service systems. That is, connection and service fees paid by the Project developers would fund on-going utilities and service systems improvement plans, operations, and maintenance. Utilities and service

systems improvements would be implemented so as to provide adequate service/capacity for each increment of development. The City would verify service/capacity adequacies prior to issuance of Certificate(s) of Occupancy for the affected increment of development. Ultimately, the City in consultation with affected utilities purveyors and service providers would determine when and in what manner utilities and service systems facilities would be constructed and/or upgraded to meet increasing demands of areawide development, including the incremental demands of the Project.

Based on the preceding, construction-source noise impacts resulting from Project implementation of off-site master plan infrastructure improvements would be significant and unavoidable. These impacts would be cumulatively significant for the duration of construction of off-site master plan infrastructure systems. Construction-source noise impacts are evaluated in detail at EIR Section 4.5, *Noise*. The potential for the Project to otherwise require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects is considered less-than-significant.

Level of Significance: ***Individually and cumulatively significant and unavoidable construction-source noise impacts along off-site infrastructure improvements corridors*** *(*see: EIR Section 4.5, *Noise).* Otherwise impacts would be less-than-significant.

Potential Impact: *Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years.*

Impact Analysis: Water service to the Project would be provided by OMUC. OMUC's 2015 Urban Water Management Plan (2015 UWMP) was prepared in response to Water Code Sections 10610 through 10656 of the Urban Water Management Planning Act, and includes detailed information about City water demand, supply and reliability for the next 25 years. The 2015 UWMP substantiates that sufficient water supplies are available meet City water demands under normal, single dry, and multiple dry years for the period 2015 – 2040 (2015 UWMP, Section 7.3 *Supply and Demand Assessment*).

Pursuant to requirements of SB 610 (Costa, 2001), a Water Supply Assessment has been prepared for the Project (see: *Water Supply Assessment Merrill Commerce Center Specific Plan for City of Ontario* [Placeworks] July 2019, EIR Appendix M, Project WSA). SB 610 requirements provide that a WSA must "include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the water system's existing and planned future uses, including agricultural and manufacturing uses." Per Section 10910 (c) (2) of the California Water Code: "If the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan, the public water system may incorporate the requested information from the urban water management plan in preparing the elements of the assessment required to comply with subdivisions (d), (e), (f), and (g)." (Project WSA, pp. 8, 9). As substantiated in detail in the Project WSA and summarized here, the Project water demands are accounted for in the 2015 UWMP. Moreover, Project water demands would be less than water demands assumed and accounted for in the 2015 UWMP. Summarizing the findings of the Project WSA, Table 4.12-2 compares Project water demands to correlating demand estimates reflected in the 2015 UWMP.

Table 4.12-2
Water Demand Comparison
Project and 2015 UWMP Estimates

	Domestic Water Demand (gpd)	Recycled Water Demand (gpd)	Total Water Demand (gpd)
Project	509,100	373,277	882,377
2015 UWMP Estimates	709,120	503,867	1,212,987

Source: *Water Supply Assessment Merrill Commerce Center Specific Plan for City of Ontario* (Placeworks) July 2019, Tables 4, 5.

As indicated at Table 4.12-2, the Project's water demand of 882,377 gpd is well below the 1,212,987 gpd demand assumed for the subject site within the 2015 UWMP. Further, within the 2015 UWMP, OMUC has determined that sufficient water supplies would be available to meet all customer demand under normal, single dry year and multiple dry year scenarios.

Based on the preceding analysis, sufficient supplies to meet the anticipated demand for the Project exist. No new or expanded entitlements would be needed to serve the Project. Impacts in this regard are considered less-than-significant.

Level of Significance: Less-Than-Significant.

Potential Impact: *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.*

Impact Analysis: As discussed previously in this Section, wastewater treatment services for the Project would be provided by IEUA. Sufficient residual treatment capacity exists at IEUA Regional Water Reclamation Plant No. 5 (IEUA Plant No. 5) to serve the Project's projected wastewater treatment demand in addition to IEUA current wastewater treatment demands. The Project proposes conventional warehouse and business park uses, and would not generate wastewater that would require treatment processes or protocols not currently provided by IEUA.

Each individual development proposal within the IEUA service area (including development proposals within the Project site) is required to pay applicable sewer connection and service fees, which act to fund wastewater treatment system improvement plans, operations, and maintenance – thereby offsetting incremental wastewater treatment demands of new development.

Based on the preceding, the potential for the Project to 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 is less-than-significant.

Level of Significance: Less-Than-Significant.

Potential Impact: *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.*

Impact Analysis: The City of Ontario Integrated Waste Department provides refuse collection services to the residents and businesses in the City of Ontario. The predominance of collected City refuse is transported for disposal at the Badlands Sanitary Landfill and/or El Sobrante Landfill. Receiving landfill statistical information is provided at previous Table 4.12-1. Solid waste would be generated by Project construction/demolition activities as well as Project operations. Construction/demolition waste and operational waste generation estimates are summarized below.

Construction/Demolition Waste

Project construction/demolition waste estimates are summarized at Table 4.12-3.

Table 4.12-3
Estimated Construction/Demolition Waste

Description	Construction Waste				Demolition Waste		
	Days	TSF	Total	Tons/Day	Days	Total	Tons/Day
Project Phase A	450	2,180.0	4,730.6	10.5	60	212.0	3.5
Project Phase B	485	4,834.0	10,489.8	21.6	80	765.0	9.6
Project Phase C	150	1,441.0	3,127.0	20.9	30	2,329.0	77.6
TOTALS/AVERAGE (Unadjusted)	**1,085**	**8,455.0**	**18,347.4**	**16.9 (Average)**	**170**	**3,306.0**	**19.5 (Average)**
TOTALS/AVERAGE (Reduced per CALGreen)	**---**	**---**	**6,421.6**	**5.9 (Average)**	**---**	**1,157.1**	**6.8 (Average)**
TOTALS/AVERAGE (Reduced per Project Demolition Plan)	**---**	**---**	**1,834.7**	**1.7 (Average)**	**---**	**330.6**	**1.95 (Average)**

Sources: Demolition estimates, Project construction/demolition schedule:
Construction waste estimates: *Estimating 2003 Building-Related Construction and Demolition Material Amounts* (EPA); https://www.epa.gov/smm/estimating-2003-building-related-construction-and-demolition-materials-amounts,
Nonresidential Construction Waste: 4.34 lbs./sf.

As indicated at previous Table 4.12-1, the El Sobrante Landfill has a residual daily throughput capacity of approximately 5,199 tons per day; and the Badlands Sanitary Landfill has a residual daily throughput capacity of approximately 2,661 tons per day. The Project construction waste generation (maximum 21.6 tons/day) and demolition

waste generation (maximum 77.6 tons/day) summarized at Table 4.12-3 can be accommodated within either of the landfills' daily throughput capacities. Project construction/demolition waste impacts to area landfill daily throughput capacities would therefore be less-than-significant.

Additionally, per CALGreen Section 5.408.1 *Construction waste management*, the Project would be required to "[r]ecycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1. 5.405.1.2, or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent." Surpassing CALGreen requirements, the Project Construction and Demolition Waste Management Plan will be designed and implemented to yield a minimum of 90 percent recycled/salvaged materials (see: EIR Section 3.0, *Project Description*, 3.4.3.6 *Project Design Features*. Estimated reduced construction and demolition waste estimates that would be realized under CALGreen Section 5.408.1 *Construction waste management*, and the Project Construction and Demolition Waste Management Plan are indicated at Table 4.12-3. These measures would further reduce already less-than-significant construction/demolition waste impacts to area landfill daily throughput capacities.

Operational Waste Estimates

Project operational solid waste estimates are summarized at Table 4.12-4.

Table 4.12-4
Estimated Operational Solid Waste Generation

Land Use	Waste Generation Factor	Project	Total Waste Generation (Tons Per Day)
Manufacturing/Warehouse	1.42 pounds/100 sf	8,455,000 sf	60.03

Source: Waste Generation Factor: CalRecycle -https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates

As indicated at previous Table 4.12-1, the El Sobrante Landfill has a residual daily throughput capacity of approximately 5,199 tons per day; and the Badlands Sanitary Landfill has a residual daily throughput capacity of approximately 2,661 tons per day. The Project solid waste generation (approximately 60.03 tons per day) can be

accommodated within either of the landfills' daily throughput capacities. Project operational solid waste impacts to area landfill daily throughput capacities would therefore be less-than-significant. Moreover, the Project solid waste generation estimates presented at Table 4.12-13 do not reflect minimum 50 percent solid waste recycling/diversion required under the California Integrated Waste Management Act of 1989 (AB 939). Assuming a minimum 50 percent reduction per AB 939, Project solid waste conveyed to area landfills would total approximately 30 tons per day. Project mandated compliance with AB 939 would further decrease already less-than-significant Project operational waste impacts to area landfill daily throughput capacities.

As summarized at previous Table 4.12-1, the El Sobrante Landfill has a remaining capacity of approximately 144.0 million cubic yards (roughly 84.7 – 144.0 million tons).[8] The Badlands Sanitary Landfill has a remaining capacity of approximately 15.7 million cubic yards (roughly 9.2 – 15.7 million tons). The Project contributions of 18,347.4 tons (0.183 million tons) maximum total construction waste; 3,306.0 tons (0.003 million tons) maximum total demolition waste; and 21,911 tons (0.022 million tons) of operational solid waste annually represent a nominal fractional percentage of the collective remaining permitted capacity (93.9 – 159.7 million tons) of the serving landfills. The Project would therefore not substantially alter existing or future solid waste disposal capacities. Moreover, the Riverside County Department of Waste Resources, Countywide Integrated Waste Management Plan 2017 (CIWMP), *Countywide Siting Element,* demonstrates that there are at least 15 years of remaining landfill disposal capacity to serve all the jurisdictions within the County.[9] Project solid waste impacts to area landfill remaining total capacities are therefore considered less-than-significant.

[8] EPA. "Volume-to-Weight Conversion Factors U.S. Environmental Protection Agency Office of Resource Conservation and Recovery April 2016." *United States Environmental Protection Agency | US EPA*, www.epa.gov/sites/production/files/201604/documents/volume_to_weight_conversion_factors_memorandum_04192016_508fnl.pdf. Accessed 18 Nov. 2019. One cubic yard Municipal Solid Waste (MSW) Compacted Large Landfill With Best Management Practices = 1,700 – 2,000 lbs.

[9] Riverside County Department of Waste Resources. "Annual Report Summary: Riverside-Unincorporated (2017)." *RCDWR | Home,* 30 July 2018, www.rcwaste.org/Portals/0/Files/Planning/CIWMP/2017%20Annual%20Report.pdf. Accessed 18 Nov. 2019.

Solid waste management is guided by the California Integrated Waste Management Act of 1989 (AB 939), which emphasizes resource conservation through reduction, recycling, and reuse of solid waste. The Act requires that localities conduct a Solid Waste Generation Study (SWGS) and develop a Source Reduction Recycling Element (SRRE), providing for a minimum 50 percent reduction in waste sent to landfills. Diversion rates are calculated and tracked by the California Integrated Waste Management Board (Board). Alternatively, the Board can determine that a jurisdiction's "good faith efforts" to implement comprehensive diversion programs have satisfied the requirement even if diversion levels are below 50 percent.

To reduce waste disposal, AB 939 requires every California city and county to divert 50 percent of its waste from landfills by the year 2000. Residential, commercial and governmental waste recycling programs in support of the SRRE have been implemented by the City of Ontario. The City has met this waste diversion requirement through local recycling programs and participation in regional recycling programs. The City's waste diversion program is run by the Recycling Division. For the fiscal year 2006, Ontario's Board-approved diversion rate was 64 percent. Preliminary rates for 2007 indicate a waste diversion rate of about 57 percent.[10] On-going City compliance with AB 939 diversion targets is substantiated by CalRecyle. For 2017 (the latest data available) CalRecycle per capita target disposal rate for the City of Ontario was 9.9 pounds per day (ppd); the per employee target disposal rate was 16.4 ppd. The actual City rates for 2017 were 6.9 ppd/capita and 10.4 ppd/employee.[11]

Based on the preceding, the Project potential to 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 is considered less-than-significant.

Level of Significance: Less-Than-Significant.

[10] The Ontario Plan Draft EIR, Section 5 *Utilities and Service Systems*, Page 5.17-30.

[11] CalRecycle. "Jurisdiction Review Reports." *Home*, 17 Nov. 2019, www2.calrecycle.ca.gov/LGCentral/AnnualReporting/ReviewReports/PerCapitaDisposalTrends. Accessed 17 Nov. 2019.

Potential Impact: *Comply with federal, state, and local statutes and regulations related to solid waste.*

Impact Analysis: Solid waste management statutes and regulations applicable to the Project are summarized below.

City of Ontario Construction & Demolition Recycling Plan (CDRP)

Pursuant to Ontario Municipal Ordinance (OMC) Sec. 6-3.602 *Construction & Demolition Recycling Plan* and the 2016 California Green Building Standards Code (CALGreen), all building and demolition permit applicants are required to prepare and submit a Construction & Demolition Recycling Plan (CDRP) and a Construction & Demolition Recycling Plan (CDRP) Summary Report. OMC Sec. 6-3.602 and CALGreen require all construction and qualifying renovation and demolition projects to divert at least 65% of all generated waste materials. The Project would be subject to (OMC) Sec. 6-3.602 and CALGreen construction waste diversion mandates. The City oversees compliance with OMC Sec. 6-3.602 and CALGreen construction waste diversion mandates.

AB 939 - California Integrated Waste Management Act of 1989

Solid waste management is guided by the California Integrated Waste Management Act of 1989 (AB 939), which emphasizes resource conservation through reduction, recycling, and reuse of solid waste. AB 939 requires that localities conduct a Solid Waste Generation Study (SWGS) and develop a Source Reduction Recycling Element (SRRE), providing for a minimum 50 percent reduction in waste sent to landfills. Diversion rates are calculated and tracked by the California Integrated Waste Management Board (Board). Alternatively, the Board can determine that a jurisdiction's "good faith efforts" to implement comprehensive diversion programs have satisfied the requirement even if diversion levels are below 50 percent.

To reduce waste disposal, AB 939 requires every California city and county to divert 50 percent of its waste from landfills. Residential, commercial and governmental waste recycling programs in support of the SRRE have been implemented by the City.

As noted above, the City is currently meeting or exceeding all AB 939 solid waste diversion targets. The Project would be required to comply with AB 939 as implemented by the City.

AB 341 - Commercial Recycling

Assembly Bill 341 mandates recycling for businesses producing four or more cubic yards of solid waste per week, and multifamily dwellings of five units or more. Under the law, business must separate recyclables from trash and then either subscribe to City of Ontario recycling services, self-haul their recyclables, or contract with a permitted private recycler. The Project would be subject to Assembly Bill 341 mandates.

AB 1826 - Commercial Organics Recycling

Under Assembly Bill 1826, businesses are required to arrange for organic recycling services. The Project would be subject to Assembly Bill 1826 mandates.

The California Department of Resources Recycling and Recovery (CalRecycle) oversees both the mandatory commercial recycling program and the mandatory commercial organics recycling program. The City of Ontario supports both bills through public outreach, monitoring of recycling efforts, providing notification to non-compliant businesses, and periodic State reporting.

The Project would be required to comply with the above solid waste management statutes and regulations. The City and CalRecycle would oversee and monitor compliance with applicable solid waste management statutes and regulations.

Based on the preceding, the potential for the Project to conflict with federal, state, and local statutes and regulations related to solid waste is less-than-significant.

Level of Significance: Less-Than-Significant.

4.13 ENERGY

4.13 ENERGY

Abstract

This Section identifies and addresses potential energy impacts that may result from construction and implementation of the Project. More specifically, the energy impacts analysis evaluates the potential for the Project to cause or result in the following impacts:

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

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

As supported by the analysis presented in this Section, potential energy impacts of the Project would be less-than-significant.

4.13.1 BACKGROUND AND INTRODUCTION

In 1975, largely in response to the oil crisis of the 1970s, the State Legislature adopted AB 1575, which created the California Energy Commission (CEC). The statutory mission of the CEC is to forecast future energy needs; license thermal power plants of 50 megawatts or larger; develop energy technologies and renewable energy resources; plan for and direct responses to energy emergencies; and, perhaps most importantly, to promote energy efficiency through the adoption and enforcement of appliance and building energy efficiency standards.

Of relevance to the Project and this EIR, AB 1575 also amended Public Resources Code Section 21100(b)(3) to require EIRs to consider the potential for wasteful, inefficient, and/or

unnecessary consumption of energy caused by or resulting from a project. Appendix F to the *CEQA Guidelines* (Guidelines) assists EIR preparers in this regard. More specifically, *Guidelines* Appendix F *Energy Conservation* establishes parameters and context for determining whether a project would result in the inefficient, wasteful, and unnecessary consumption of energy.

Guidelines Section 15126.2 *Consideration and Discussion of Significant Environmental Impacts*, as amended December 28, 2018, recognizes the need to consider *Guidelines* Appendix F *Energy Conservation* when analyzing project impacts (for EIRs). In this regard, Guidelines Section 15126.2 (b), excerpted below, provides the following guidance:

> **Energy Impacts.** If analysis of the project's energy use reveals that the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary consumption use of energy, or wasteful use of energy resources, the EIR shall mitigate that energy use. This analysis should include the project's energy use for all project phases and components, including transportation-related energy, during construction and operation. In addition to building code compliance, other relevant considerations may include, among others, the project's size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project. (Guidance on information that may be included in such an analysis is presented in Appendix F.) This analysis is subject to the rule of reason and shall focus on energy use that is caused by the project. This analysis may be included in related analyses of air quality, greenhouse gas emissions, transportation or utilities in the discretion of the lead agency. The analysis presented here conforms to *Guidelines* Section 15126.2 (b) guidance.

In summary, the Project would provide for, and promote, energy efficiencies consistent with applicable state or federal standards and regulations. The Project would also conform to City of Ontario (City) energy efficiency and energy conservation measures.

Moreover, energy consumed by the Project would be comparable to, or less than, energy consumed by other development proposals of similar scale and intensity. On this basis, the Project would not result in the inefficient, wasteful or unnecessary consumption of energy. Further, the Project would not cause or result in the need for additional energy-producing facilities or energy delivery systems. The Project would therefore not result in significant environmental effects due to wasteful, inefficient, or unnecessary consumption use of energy, or wasteful use of energy resources. Nor would the Project result in significant environmental effects due to conflict with or obstruction of a state or local plan for renewable energy or energy efficiency.

4.13.2 EXISTING CONDITIONS

4.13.2.1 Overview

A summary of, and context for, energy consumption and energy demands within the State is presented in *U.S. Energy Information Administration, California State Profile and Energy Estimates, Quick Facts* excerpted below:

- California was the fourth-largest producer of crude oil among the 50 states in 2017, after Texas, North Dakota, and Alaska, and, as of January 2018, third in oil refining capacity after Texas and Louisiana.
- California is the largest consumer of jet fuel among the 50 states and accounted for one-fifth of the nation's jet fuel consumption in 2016.
- California's total energy consumption is second-highest in the nation, but, in 2016, the state's per capita energy consumption ranked 48th, due in part to its mild climate and its energy efficiency programs.
- In 2017, California ranked second in the nation in conventional hydroelectric generation and first as a producer of electricity from solar, geothermal, and biomass resources.
- In 2017, solar PV and solar thermal installations provided about 16% of California's net electricity generation. [1]

[1] U.S. Energy Information Administration. (2018, November 15). California Profile. Retrieved August 13, 2019, from https://www.eia.gov/state/print.php?sid=CA

As indicated above, California is one of the nation's leading energy-producing states, and California per capita energy use is among the nation's most efficient.

4.13.2.2 Electricity and Natural Gas Resources

Electricity

Electricity would be provided to the Project by Southern California Edison (SCE). The Project site is vacant and undeveloped and does not contain uses or facilities that consume or produce electricity.

SCE is an investor-owned utility providing electric power to an estimated 15 million persons in 15 counties and in 180 incorporated cities, within a service area encompassing approximately 50,000 square miles.[2] SCE derives electricity from varied energy resources including: fossil fuels, hydroelectric generators, nuclear power plants, geothermal power plants, solar power generation, and wind farms. SCE also purchases from independent power producers and utilities, including out-of-state suppliers. The California Public Utilities Commission (CPUC) regulates investor-owned electric utilities operating in California, including SCE.

Natural Gas

Natural gas would be provided to the Project by Southern California Gas (SoCal Gas). The Project site is vacant and undeveloped and does not contain uses or facilities that consume or produce natural gas.

SoCal Gas is the nation's largest natural gas distribution utility, serving approximately 21.8 million consumers through 5.9 million meters in more than 500 communities. The SoCal Gas service territory encompasses approximately 24,000 square miles throughout Central and Southern California, from Visalia to the Mexican border. Natural gas is available from a variety of in-state and out-of-state sources and is provided throughout the

[2] Southern California Edison. (n.d.). Who We Are. Retrieved August 13, 2019, from https://www.sce.com/about-us/who-we-are

state in response to market supply and demand. Complementing available natural gas resources, biogas may soon be available via existing delivery systems, thereby increasing the availability and reliability of resources in total. The CPUC regulates investor-owned natural gas utilities operating in California, including SoCal Gas.

4.13.2.3 Transportation Energy Resources

The Project would generate additional vehicle trips with resulting consumption of energy resources, predominantly gasoline. Gasoline (and other vehicle fuels) are commercially-provided commodities and would be available to the Project patrons and employees via commercial outlets. The Project site is vacant and undeveloped and does not contain uses or facilities that consume or produce transportation energy resources.

California's historical demand for transportation fuels reflects a significant dependence on gasoline, diesel, and jet fuel. The transportation sector in California consumed more than 23.2 billion gasoline gallon equivalents (GGEs) of energy in 2015 [the latest date of record], of which 21.8 billion (or 94 percent) were fossil fuels. In 2005, California consumed roughly 23.5 billion GGE of fossil fuels. Since then, a notable decline in energy consumption occurred from 2007 to 2010, reflecting the effect of the 2008 financial crisis. However, since 2012 economic growth and declining crude oil prices have led to an increase in gasoline consumption. [3]

4.13.3 STATE AND LOCAL ENERGY EFFICIENCY/ENERGY CONSERVATION PLANS, POLICIES, REGULATIONS

Project consistency with State and City Energy Efficiency/Energy Conservation Plans and related policies and/or regulations relevant to the Project are summarized at Table 4.13-1. In addition to the plans, policies, and regulations listed below, the State and City have also implemented measures that reduce air pollutant emissions and greenhouse gases. As a corollary effect, these measures in part act to promote energy efficiency and reduce energy consumption. Discussions of these plans, policies, and regulations are presented at EIR Sections 4.3, *Air Quality* and 4.4, *Greenhouse Gas Emissions*.

[3] *Transportation Energy Demand Forecast 2018 – 2030* (CEC) November 2017, p. 8.

Table 4.13-1
State and Local Energy Efficiency/Energy Conservation Plan Consistency

PLANS, POLICES, REGULATIONS	Remarks
STATE of CALIFORNIA	
California Code of Regulations (CCR) Title 24, Part 6: Energy Efficiency Standards California Code Title 24, Part 6 (also referred to as the California Energy Code), was promulgated by the CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption. To these ends, the California Energy Code provides energy efficiency standards for residential and nonresidential buildings. The Project would be required to comply with energy efficiency standards in effect at the time of building permit application(s).	**Consistent:** *The Project would be designed, constructed and operated to meet or exceed incumbent CCR Title 24 Energy Efficiency Standards.* *Based on the preceding, the Project is considered consistent with, and would not interfere with or obstruct implementation of CCR Title 24, Part 6: Energy Efficiency Standards.*
CCR, Title 24, Part 11: California Green Building Standards Code (CALGreen). CALGreen is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect on January 1, 2011. CALGreen is updated on a regular basis, with the most recent update consisting of the 2016 California Green Building Code Standards that became effective January 1, 2017. Under state law, local jurisdictions are permitted to adopt more stringent requirements.	**Consistent:** *The Project would be designed, constructed and operated to meet or exceed incumbent CCR Title 24 CALGreen Standards.* *Based on the preceding, the Project is considered consistent with, and would not interfere with or obstruct implementation of CCCR, Title 24, Part 11: CALGreen.*
CITY of ONTARIO	
Policy Plan (General Plan)	
ER3-1 **Conservation Strategy.** We require conservation as the first strategy to be employed to meet applicable energy-saving standards.	**Consistent:** *The Project would implement conservation strategies acting to reduce energy consumption. Such strategies include, but would not be limited to: water conservation; waste reduction and recycling; and fuel conservation achieved through transportation demand measures. Please refer also to energy efficiency, resource conservation, and sustainability measures incorporated in the Project (see: EIR Section 3.0* Project Description*, 3.4.3.6* Project Design Features*).* *Based on the preceding, the Project is considered consistent with General Plan Policy ER3-1.*
ER3-3: Building and Site Design. We require new construction to incorporate energy efficient building and site design strategies, which could include appropriate solar orientation, maximum use of natural daylight, passive solar and natural ventilation.	**Consistent:** *Design features incorporated in the Project would promote efficient use of energy and other resources, further City conservation and sustainability goals and strategies, and act to generally diminish the Project's potential environmental effects. Please refer to EIR Section 3.0,* Project Description*, 3.4.3.6* Project Design Features. *Building roofs in the Industrial Planning Areas will be designed to accommodate installation of solar panels. Final Project designs would also consider and evaluate potential incorporation of other energy efficient building and site design strategies. Such strategies may also include solar orientation, maximum use of natural daylight, passive solar and natural ventilation. The Project would at a minimum achieve energy efficiency standards articulated in CCR Title 24, Part 6: Energy Efficiency Standards,*

Table 4.13-1
State and Local Energy Efficiency/Energy Conservation Plan Consistency

PLANS, POLICES, REGULATIONS	Remarks
	and CCR, Title 24, Part 11: California Green Building Standards Code. Please refer also to related discussions presented at EIR Section 4.4, Greenhouse Gas Emissions *and within the* Merrill Commerce Center Specific Plan. *Based on the preceding, the Project is considered consistent with General Plan Policy ER3-3.*
ER3-6 ***Generation- Renewable Sources.*** We promote the use of renewable energy sources to serve public and private sector development.	**Consistent:** *Design features incorporated in the Project would promote efficient use of energy and other resources, further City conservation and sustainability goals and strategies, and act to generally diminish the Project's potential environmental effects. Please refer to EIR Section 3.0,* Project Description*, 3.4.3.6* Project Design Features*.* *Based on the preceding, the Project is considered consistent with General Plan Policy ER3-6.*
Community Climate Action Plan (CAP)	
Performance Standard for New Development Under the CAP performance standards, new projects are required to quantify project-generated GHG emissions and adopt feasible reduction measures to reduce project emissions to 25% below 2020 BAU project emissions.	**Consistent:** *Project GHG emissions are quantified at EIR Section 4.4,* Greenhouse Gas Emissions*. The Project would demonstrate conformance with the CAP and a reduction in project emissions to 25% below 2020 BAU project emissions by achieving a minimum of 100 points per the CAP Screening Tables. Please refer also to related discussions presented at EIR Section 4.4,* Greenhouse Gas Emissions *and within the* Merrill Commerce Center Specific Plan. *Based on the preceding, the Project is considered consistent with the City CAP.*

Sources: CCR Title 24, Part 6: Energy Efficiency Standards; CCR, Title 24, Part 11: California Green Building Standards Code; City of Ontario Policy Plan; City of Ontario Community Climate Action Plan; *Merrill Commerce Center Specific Plan* (T&B Planning, Inc.) September 29, 2020; Remarks by Applied Planning, Inc.

Additionally, regulatory measures, standards, and policies directed at reducing air pollutant emissions and GHG emissions would also act to promote energy conservation and reduce Project energy consumption. Please refer to related discussions presented at EIR Section 4.3, *Air Quality* and EIR Section 4.4, *Greenhouse Gas Emissions*.

4.13.4 STANDARDS OF SIGNIFICANCE

Appendix G of the California Environmental Quality Act (*CEQA*) Guidelines indicates a Project will normally have a potentially significant effect related to energy if it would:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or

- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

4.13.5 POTENTIAL IMPACTS AND MITIGATION MEASURES

4.13.5.1 Impact Statements

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

Impact Analysis:

PROJECT ENERGY DEMANDS AND ENERGY EFFICIENCY/CONSERVATION MEASURES

Estimated energy demands of Project construction and Project operations are summarized in the following discussions. Project design features and operational programs, as well as regulations that promote energy conservation end energy conservation are also identified. The Project in total would be required to comply with incumbent performance standards established under the Building Energy Efficiency Standards contained in the California Code of Regulations (CCR), Title 24, Part 6 (Title 24, Energy Efficiency Standards). Also, developers and owners/tenants have vested financial incentives to avoid imprudent energy consumption practices. In this regard, there is growing recognition among developers and owners/tenants that efficient and sustainable construction and operational practices yield both environmental and economic benefits. On this basis, and as further supported by the

following discussions, the Project would not result in or cause wasteful, inefficient, and unnecessary consumption of energy.

Construction Energy Consumption Estimates and Energy Efficiency/Conservation Measures

Construction Fuel/Power Consumption Estimates

Project construction energy consumption estimates are summarized at Table 4.13-2. Detailed Project construction energy consumption estimates are presented in the *Merrill Commerce Center Specific Plan Energy Tables* (Urban Crossroads, Inc.) January 22, 2020, EIR Appendix N. Project construction would represent a "single-event" energy demand and would not require ongoing or permanent commitment of energy resources for this purpose. Electricity for construction activities would be provided by SCE. Gasoline and diesel fuel would be provided by existing area vendors.

Table 4.13-2
Construction Energy Consumption Estimates

Activity	Electricity (kWh)	Diesel Fuel (Gallons)	Gasoline (Gallons)
Construction	9,734,766	---	---
Construction Equipment Operations	---	639,042	---
Vendor Trips (MHDT)	---	227,822	---
Vendor Trips (HHDT)	---	323,044	---
Haul Trips (HHDT)	---	39,544	---
Worker Commutes	---	---	833,743
TOTALS	**9,734,766 kWh**	**1,229,452 Gallons**	**833,743 Gallons**

Source: *Merrill Commerce Center Specific Plan Energy Tables* (Urban Crossroads, Inc.) January 22, 2020.
Notes: All construction equipment are assumed to be diesel-powered. All vendor and haul trips are assumed to be diesel-powered Medium-Heavy-Duty-Trucks (MHDT) and Heavy-Heavy-Duty Trucks (HHDT). All construction worker commutes assumed to be gasoline-powered light duty autos (LDA).

Construction Energy Efficiency/Conservation Measures

Equipment and vehicles used during Project construction would conform to CARB regulations and California emissions standards, and would demonstrate related fuel efficiencies. There are no unusual Project characteristics or construction processes that would require the use of vehicles or equipment that would be more energy intensive than

is used for comparable activities; or equipment that would not conform to incumbent power/fuel efficiency standards. The Project would also implement applicable efficiency/conservation measures provisions of the City of Ontario Community Climate Action Plan (CAP). Project construction activities would therefore not result in inefficient, wasteful, or unnecessary consumption of power or fuel.

Additionally, certain incidental construction-source energy efficiencies would likely accrue through implementation of California regulations. More specifically, California Code of Regulations Title 13, Motor Vehicles, section 2449(d)(3) *Idling*, limits idling times of construction vehicles to no more than five minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Enforcement of idling limitations is realized through periodic site inspections conducted by City building officials, and/or in response to citizen complaints.

Indirect construction energy efficiencies and energy conservation would be achieved through the use of recycled/recyclable materials and related procedures, and energy efficiencies realized from bulk purchase, transport and use of construction materials. Use of recycled and recyclable materials and use of materials in bulk also reduces energy demands associated with preparation and transport of construction materials as transport and disposal of construction waste and solid waste in general, with corollary reduced demands on area landfill capacities and energy consumed by waste transport and landfill operations.

Construction Waste Management Plan

A Project Construction Waste Management Plan would be required consistent with Section 5.408.1.1 of the CALGreen Code. Consistent with Section 5.408, *Construction Waste Reduction, Disposal, and Recycling* of the California Green Building Standards Code (CALGreen Code), as adopted by the City, the Project would be required to recycle or salvage for reuse a minimum of 50 percent of the nonhazardous construction and demolition waste. Beyond these mandates, the Project demolition plan would yield a minimum of 90% recycled materials (please refer to EIR Section 3.0, *Project Description*, 3.4.3.6, *Project Design Features*).

Operational Energy Consumption and Energy Efficiency/Conservation Measures

Energy consumption in support of or related to Project operations would include transportation energy demands (energy consumed by vehicles accessing the Project site) and facilities energy demands (energy consumed by building operations and site maintenance activities).

Transportation Energy Consumption

Project transportation energy consumption estimates are summarized at Table 4.13-3. Detailed Project transportation energy consumption estimates are presented in the *Merrill Commerce Center Specific Plan Energy Tables* (Urban Crossroads, Inc.) January 22, 2020, EIR Appendix M. Gasoline and diesel fuel would be provided by existing area vendors.

Table 4.13-3
Transportation Energy Consumption Estimates

Vehicle Class	Diesel Fuel (Gallons)	Gasoline (Gallons)
Passenger Cars	---	3,134,666
Trucks	6,179,183	

Source: *Merrill Commerce Center Specific Plan Energy Tables* (Urban Crossroads, Inc.) January 22, 2020.
Notes: All trucks assumed to be diesel-powered. All passenger cars assumed to be gasoline-powered.

Facilities Energy Demands

Project building operations and Project site maintenance activities would result in the consumption of natural gas and electricity. Natural gas would be supplied to the Project by SoCal Gas; electricity would be supplied to the Project by SCE. Annual natural gas and electricity demands of the Project are summarized at Table 4.13-4.

Table 4.13-4
Project Annual Operational Energy Demand Summary

Natural Gas Demand	48,145,750 kBTU/year
Electricity Demand	50,099,940 kWh/year

Source: *Merrill Commerce Center Specific Plan Energy Tables* (Urban Crossroads, Inc.) January 22, 2020.

Operational Energy Efficiency/Conservation Measures

The Project would meet or surpass standards established under the California Code Title 24, Part 6 (the California Energy Code) and California Green Building Standards Code (CALGreen; CCR, Title 24, Part 11) as implemented by the City. The Project would also implement applicable efficiency/conservation measures provisions of the City of Ontario Community Climate Action Plan (CAP).

Enhanced Vehicle Fuel Efficiencies

Estimated annual fuel consumption estimates presented previously at Table 4.13-3 represent likely potential maximums that would occur under Project Opening Year (2021) Conditions. Under future conditions, average fuel economies of vehicles accessing the Project site can be expected to improve as older, less fuel-efficient vehicles are removed from circulation. Average fuel economies of vehicles accessing the Project site can also be expected to improve over time in response to fuel economy and emissions standards imposed on newer vehicles entering the transportation system.

Project Design and Access

The Project proposes industrial and business park uses within an urbanizing context, proximate to, and readily accessible from regional and local roadways. In these regards, the Project setting proximate to transportation corridors facilitates access to the Project generally.

Alternative Transportation – Pedestrian, Bicycle/Multi-Use Trails, Transit Facilities

Alternative transportation modes and services available to the Project site and vicinity are described below. In combination, availability of alternative transportation modes would act to reduce fuel/energy consumption otherwise resulting from use of privately-owned vehicles.

Bus Services

Bus service to the Study Area is provided by Omnitrans and the Riverside Transit Authority (RTA). Omnitrans Route 81 (E –W) exists along Riverside Drive, approximately 1.75 miles northerly of the Project site; Omnitrans Route 83 (N – S) exists along Euclid

Avenue, approximately 1 mile westerly of the Project site. Omnitrans bus routes and schedules can be accessed at: https://omnitrans.org/getting-around/maps-schedules/.

Bus service within the Study Area is also available via the Riverside Transit Authority (RTA). RTA Routes 3 and 29 (N – S) exist along Hamner Avenue, approximately 2.5 miles easterly of the Project site. RTA bus routes and schedules can be accessed at: https://www.riversidetransit.com/index.php/riding-the-bus/maps-schedules.

Transit service providers periodically review and update schedules and routes to address ridership, budget, and community demands. The Applicant and City would coordinate Project final designs with Omnitrans and RTA to evaluate the potential for provision of bus services and bus amenities serving the Project site.

Bicycle Facilities and Pedestrian Access

There are existing sidewalks off-site along portions of Merrill Avenue, Flight Avenue, and Van Vliet Avenue. Additionally, in the vicinity of the Project site, a multipurpose trail is planned along Grove Avenue (N – S); a multipurpose trail is planned alone Vineyard Avenue (N – S); a multipurpose trail and Class II Bike Route (striped separate bike lanes) are planned along Walker Avenue (N – S); a multipurpose trail and Class II Bike Route are planned along Eucalyptus Avenue; and a multipurpose trail and Class II Bike Route are planned along Merrill Avenue. These improvements would globally improve pedestrian and bicycle access within and through the Study Area. Additionally, consistent with City requirements and provisions of the Merrill Commerce Center Specific Plan, the Project would implement on-site pedestrian/bicycle/multi-purpose paths and supporting amenities that would encourage use of alternative transportation modes.

Landscaping

Landscaping within the Project site would be required to conform to Merrill Commerce Center Specific Plan Landscape Design Guidelines. Per the Design Guidelines, development projects would . . . "incorporate a drought-tolerant plant palette and water-efficient irrigation system design to minimize the water demands of planned development. In addition, implementing development projects will be required to comply with the water-

efficiency mandates of the California Green Building Standards Code (Title 24), including the provision of water-efficient fixtures" (Specific Plan, p. A-8). The Design Guidelines and CALGreen standards promote water conservation, resulting in related reduction in energy consumption attributable to water production, water treatment, and water conveyance.

Solid Waste Diversion/Recycling

The Project would be required to comply with applicable State of California and City solid waste diversion/recycling rules and regulations. These laws and regulations include but are not limited to: State AB 939, State AB 341; CALGreen Code Section 5.408, *Construction Waste Reduction, Disposal, and Recycling*; and requirements presented at Ontario Municipal Code Sec. 6-3.602 *Construction & Demolition Recycling Plan*.

See also: https://www.ontarioca.gov/sites/default/files/Ontario-Files/Municipal-Utilities-Company/2017_cd_plan_overview_0.pdf.

In combination, these laws and regulations act to reduce the amount of solid waste transported to, and disposed at area landfills. Corollary reduced demands on area landfill capacities and energy consumed by waste transport and landfill operations would likely result.

CONCLUSION

As supported by the preceding analyses, Project construction and operations would not result in the inefficient, wasteful or unnecessary consumption of energy, and potential Project impacts in these regards would be less-than-significant. Further, energy demands of the Project can be accommodated within the context of available resources and energy delivery systems. The Project would therefore not cause or result in the need for additional energy-producing or energy transmission facilities and would not create or otherwise result in a potentially significant impact affecting energy resources or energy delivery systems.

As supported by the preceding discussions, the potential for the Project to result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation is considered less-than-significant.

Level of Significance: Less-Than-Significant.

Potential Impact: *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.*

Impact Analysis: As substantiated at Table 4.13-1, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The potential for the Project to conflict with or obstruct a state or local plan for renewable energy or energy efficiency is therefore considered less-than-significant.

Level of Significance: Less-Than-Significant.

4.14 POPULATION AND HOUSING

4.14 POPULATION AND HOUSING

Abstract

This Section identifies and addresses potential population and housing impacts that may result from approval and implementation of the proposed development. More specifically, the analysis presented here examines whether the Project would:

- *Induce substantial unplanned population growth in the area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension or roads or other infrastructure).*

Additionally, as discussed in the EIR Initial Study (EIR Appendix A), the Project's potential impacts under the following topic were previously determined to be less-than-significant, and are not further substantively discussed here:

- *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.*

As supported by the analysis presented in this Section, potential population and housing impacts of the Project are less-than-significant.

4.14.1 INTRODUCTION

The Population and Housing Section of the EIR focuses on the Project's potential to induce substantial population growth beyond that anticipated under the City of Ontario Policy Plan (Policy Plan). Additionally, the analysis presented here more broadly evaluates whether the Project would result in substantive changes in the Policy Plan population and housing projections; and evaluates the Project's potential employment/housing balance

implications. Information presented within this analysis was obtained from the sources listed below, and cited source documents are incorporated by reference.

- The Ontario Plan (TOP), Policy Plan (Policy Plan), TOP Final Environmental Impact Report (TOP Final EIR), and October 2013 Policy Plan Housing Element Technical Report (Housing Element Technical Report). These documents are available through the City of Ontario, or are accessible at: http://www.ontarioplan.org/.

- *Profile of the City of Ontario* (Southern California Association of Governments) May 2019. Accessible at: http://www.scag.ca.gov/Documents/Ontario.pdf.

- The proposed *Merrill Commerce Center Specific Plan* (Specific Plan) September 29, 2020, included at EIR Appendix B.

4.14.2 SETTING

4.14.2.1 Location

The Project site[1] is located within the Ontario Ranch (formerly known as New Model Colony, NMC) area of the City. More specifically, the Project site is located along Merrill Avenue, between Grove Avenue and Carpenter Avenue. Eucalyptus Avenue forms the northerly boundary of the Specific Plan area. Please refer also to EIR Section 3.0, *Project Description*, Figure 3.1-1, *Project Location*.

4.14.2.2 Background

With an estimated current (01/01/2018) population of 174,244 persons, the California Department of Finance, Demographic Research Unit (DOF) identifies the City of Ontario as the fourth largest city (by population) in San Bernardino County (behind the Cities of San

[1] The Project site is defined as the area encompassed by the Merrill Commerce Center Specific Plan (the Specific Plan area). The analysis presented in this Environmental Impact Report (EIR) considers and addresses environmental impacts resulting from development of the Project site proper, and also evaluates impacts that would result from off-site activities or improvements necessary to implement and support the Project.

Bernardino, Fontana, and Rancho Cucamonga).[2] DOF also indicates that the City's 2018 – 2019 resident population increased by approximately 4,024 persons or an approximate 2.3 percent increase.

The Southern California Association of Governments (SCAG) projects the City population will increase to 203,800 by 2020. Population growth is expected to be driven by the development of housing in the New Model Colony, the Ontario Airport Metro Center, and Downtown Ontario; immigration to the City; and increasing household sizes. Projected population growth of the City will not only bring demographic change but also a different type of housing demand. Population estimates presented in the Ontario Policy Plan indicate that Ontario's population could exceed 360,000 under City Buildout conditions (Housing Element Technical Report, p. H-5).

4.14.2.3 Population, Housing, Employment, and Economic Information

Population, housing, employment, and economic information are presented here to determine the effects, if any, of the Project on adopted policies and plans either based on, or forming the basis of, growth forecasts employed in local, regional and/or State plans. These forecasts also provide an indication of the employment/housing balance within the City and surrounding areas.

Projected City and Regional Population, Employment, and Housing Trends

Population, employment, and household estimates for the City of Ontario and San Bernardino County are presented at Table 4.14-1.

[2] California Department of Finance (DOF). *E-1 Cities, Counties, and the State Population Estimates with Annual Percent Change* — January 1, 2018 and 2019. Web. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/

Table 4.14-1
Growth Projections

	2012	2020	2035	2040
San Bernardino County				
Population	2,068,000	2,197,400	2,637,400	2,731,300
Employment	659,500	789,500	998,000	1,028,100
Households	615,300	687,100	824,600	854,300
City of Ontario				
Population	166,300	197,600	248,800	258,600
Employment	103,300	129,300	170,600	175,400
Households	45,100	58,300	72,200	75,300

Source: http://www.scag.ca.gov/Documents/2016_2040RTPSCS_FinalGrowthForecastbyJurisdiction.pdf

As indicated at Table 4.14-1, between the years 2012 and 2040, the following City of Ontario demographic/housing trends are projected:

- An approximate 56 percent increase in the number of City population;
- Employment within the City is anticipated to increase by approximately 70 percent; and
- An approximate 66 percent increase in households.

Year 2012 to year 2040 projections for San Bernardino County as a whole anticipate an approximately 32 percent increase in population; employment growth of approximately 56 percent; and an approximate 39 percent increase in the number of households.

Recent City of Ontario Population, Housing and Employment Trends

Population

Year 2000–2018 population trends within the City are presented at Table 4.14-2. As indicated, the City's population has increased by 19,582 or approximately 12.4 percent since 2000.

Table 4.14-2
City of Ontario Population Trends 2000-2018

Year	Population
2000	158,007
2002	161,051
2004	163,956
2006	163,757
2008	163,951
2010	163,934
2012	166,134
2014	167,382
2016	169,869
2018	177,589

Source: http://www.scag.ca.gov/Documents/Ontario.pdf

Households

Year 2000–2018 housing trends within the City are presented at Table 4.14-3.

Table 4.14-3
City of Ontario Housing Trends 2000-2018

Year	Households
2000	43,525
2002	43,654
2004	43,748
2006	44,007
2008	44,673
2010	44,931
2012	45,123
2014	45,270
2016	45,601
2018	47,879

Source: http://www.scag.ca.gov/Documents/Ontario.pdf

As indicated above, the total number of households within the City increased by 4,354, or 10 percent.

Consistent with California Housing Element requirements, the Policy Plan Housing Element identifies the number and types of local housing required to satisfy the City's "fair share" of regional housing needs, as determined by the SCAG Regional Housing Needs Assessment (RHNA). The "fair share" allocation ensures that each jurisdiction accepts equitable housing responsibilities for all current and future residents. A jurisdiction's "fair share" of the regional housing need is the projected total number of additional dwelling units that will be required to accommodate the anticipated growth in households, replace expected demolitions or conversions to other uses, and allow a reasonable vacancy rate providing for healthy functioning of the housing market.

Ontario's RHNA responsibility assigned by/through SCAG is 10,861 units for the 2013–2021 Housing Element planning period.[3] Within this total allocation, the City is required to plan for and otherwise accommodate housing products at three income levels: lower income (includes extremely low, very low and low income), moderate income, and above moderate income. Ontario is required to set aside sufficient land, adopt programs, and provide funding to facilitate and encourage housing production to meet the RHNA income level-based housing unit requirements. The City's current RHNA Responsibility, expressed in terms of housing units by income level, is presented at Table 4.14-4.

Table 4.14-4
RHNA Responsibility-Housing Units by Income Level
City of Ontario 2013–2021

Lower Income	Moderate Income	Above Moderate Income	Total
4,337	1,977	4,547	10,861

Source: Housing Element Technical Report, Table H-38.

[3] SCAG is in the process of developing the 6th cycle RHNA allocation plan which will cover the planning period October 2021 through October 2029. It is planned for adoption by SCAG in October 2020. See also: http://www.scag.ca.gov/programs/Pages/Housing.aspx.

Employment

Occupations by type within the City as of 2017 are presented at Table 4.14-5.

Table 4.14-5
Jobs by Sector - 2017

Sector	Percentage
Professional	17.6
Transportation	14.1
Manufacturing	13.9
Retail	13.2
Education	10.3
Wholesale	9.6
Leisure	8.5
Construction	3.8
Finance	3.1
Other	2.4
Public	2.1
Information	0.7
Agriculture	0.6

Source: http://www.scag.ca.gov/Documents/Ontario.pdf

As summarized above, the Professional sector was the largest job sector, accounting for 17.6 percent of jobs within the City. Other major sectors include Transportation (14.1 percent), Manufacturing (13.9 percent), and Retail (13.2 percent).

Total job trends (2007-2017) within the City are presented at Table 4.14-6.

Table 4.14-6
City of Ontario Job Trends 2007-2017

Year	Number of Jobs
2007	119,188
2008	114,529
2009	108,305

Table 4.14-6
City of Ontario Job Trends 2007-2017

Year	Number of Jobs
2010	107,625
2011	107,402
2012	103,313
2013	106,882
2014	110,084
2015	113,287
2016	110,080
2017	112,688

Source: http://www.scag.ca.gov/Documents/Ontario.pdf

As shown above, in 2017, there were a total of 112,688 jobs in the City, representing a 5.5 percent decrease since 2007.

Employment/Housing Balance

The concept of employment/housing balance has been widely discussed by SCAG and the South Coast Air Quality Management District (SCAQMD) over the past decade as a means of achieving regional air quality improvement goals. The basic concept is directed at minimizing commute distances, reducing infrastructure needs and costs, mitigating traffic congestion, conserving energy, and improving air quality. SCAG has incorporated employment/housing balance into its growth forecasts, and transportation and air quality policies. Underlying the term employment/housing balance is the premise that, if an area is balanced, it includes the correct number (or balance) of housing and employment opportunities, so that the majority of the people living within a given subregion can also work in that same subregion. Job-rich subregions evidence employment/housing ratios greater than the regional average, and housing-rich subregions evidence employment/housing ratios lower than the regional average.

Determining an appropriate employment/housing balance for any given geographic area is to some degree problematic, in that each locale presents differing demographic characteristics. Employment/housing ratios are also dynamic, and fluctuate over time. For

example, in 1997, the mean or "balanced" employment/housing ratio for the SCAG region was 1.25 jobs/household. Based on regional housing and employment trends, SCAG at that time projected the year 2025 regional employment/housing balance at 1.31 jobs/household.[4] Varying from both of these measures, The Ontario Plan Draft EIR states:

> " . . . SCAG considers an area balanced when the employment/housing ratio is 1.36; communities with more than 1.36 jobs per dwelling unit are considered jobs-rich and those with fewer than 1.36 are housing-rich (SCAG 2004). Additionally, the DOF estimates that a healthy employment/housing balance is one new home built for every 1.5 jobs created (Job-Center Housing Coalition, The California Alliance for Jobs)."[5]

Tables 4.14-3 and 4.14-6, presented earlier in this Section, identify recent housing (2018) and employment (2017) trends within the City. Based on the data presented within these tables, the employment/housing ratio of the City of Ontario would be 2.35 jobs/housing, which would be considered jobs-rich.

4.14.3 EXISTING POLICIES AND REGULATIONS

4.14.3.1 California Government Code-Housing Element Requirements

California Government Code (Section 65580-65589.8) requires the preparation of a Housing Element as part of each General Plan. As one component of the Ontario Policy Plan, the City adopted a 2013-2021 Housing Element update (Housing Element Technical Report).

4.14.3.2 Ontario Policy Plan Housing Element

As identified above, consistent with State Housing Element law, the City of Ontario has prepared and adopted a 2013–2021 Housing Element update, and to this end has formally

[4] *The New Economy and Employment/housing Balance in Southern California* (Southern California Association of Governments) April 2001.

[5] Policy Plan Draft EIR, pp. 5.13-7, 5.13-8

adopted *The Ontario Plan, Policy Plan Housing Element Technical Report* (PMC), adopted October 15, 2013 (*Housing Element Technical Report*).

Certain key provisions and requirements of the 2013–2021 Policy Plan Housing Element (2013–2021 Housing Element) applicable to this analysis are summarized below. The *Housing Element Technical Report* in its entirety is available through the City of Ontario Planning Department, or can be accessed at: http://www.ontarioplan.org.

General Requirements

Consistent with State requirements, and for all potentially affected economic levels, the Policy Plan Housing Element identifies available and projected housing assets, provides an assessment of current and anticipated housing needs, and establishes programs to meet those needs.

California Government Code Section 65588 requires that housing elements be updated not less frequently than every eight years, and further that each subsequent housing element identify progress achieved since adoption of the preceding housing element. The 2013–2021 Housing Element update reflects these requirements, and identifies progress in terms of achieving numerical targets for the total number of housing units required, and continuing development and implementation of programs and plans providing for successful realization of housing needs.

Regional Housing Needs Assessment

Pursuant to Government Code (GC) 65584 applicable to the Regional Housing Need Allocation (RHNA) process, the California Department of Housing and Community Development (HCD) is required to determine the RHNA, by income category, for Council of Governments (COGs). The RHNA is based on Department of Finance population projections and regional population forecasts used in preparing regional transportation plans. COGs are required to allocate to each locality a share of housing need totaling the

RHNA for each income category. Pursuant to GC 65584, localities are required to update their housing element to plan to accommodate its entire RHNA share by income category.[6]

Consistent with the requirements outlined above, the City of Ontario 2013-2021 Housing Element identifies quantities and types of local housing required to satisfy the City's "fair share" of regional housing needs, as determined by the SCAG RHNA. The intent of the SCAG RHNA "fair share" allocation is that each jurisdiction accept its equitable housing responsibilities for all current and future residents. A jurisdiction's "fair share" of the regional housing need is the projected total number of additional dwelling units that will be required to accommodate the anticipated growth in households, replace expected demolitions or conversions to other uses, and allow a reasonable vacancy rate providing for healthy functioning of the housing market. The City's 2013-2021 Housing Element RHNA Requirements, by income level, are presented at previous Table 4.14-4.

RHNA Residential Density Reduction Restrictions

Government Code Section 65863 (excerpted in pertinent part below) furthers establishment of affordable housing by ensuring that residential development satisfying a jurisdiction's identified housing element RHNA are not unduly "down-zoned" or redirected for other purposes.

> 65863. (a) Each city, county, or city and county shall ensure that its housing element inventory described in paragraph (3) of subdivision (a) of Section 65583 or its housing element program to make sites available pursuant to paragraph (1) of subdivision (c) of Section 65583 can accommodate its share of the regional housing need pursuant to Section 65584, throughout the planning period.
> (b) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the

[6] *Housing Elements and Regional Housing Need Allocation*. California Department of Housing and Community Development. Web. October 7, 2014. https://www.hcd.ca.gov/community-development/housing-element/index.shtml

residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

(1) The reduction is consistent with the adopted general plan, including the housing element.

(2) The remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584.

(c) If a reduction in residential density for any parcel would result in the remaining sites in the housing element not being adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584, the jurisdiction may reduce the density on that parcel if it identifies sufficient additional, adequate, and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

(d) The requirements of this section shall be in addition to any other law that may restrict or limit the reduction of residential density.

4.14.3.3 Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP) Goals

The Southern California Association of Governments (SCAG) is a council of governments representing Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. As the Metropolitan Planning Organization (MPO) for San Bernardino County, SCAG prepares a Regional Transportation Plan (RTP) pursuant to federal and state requirements. On April 7, 2016, SCAG adopted the 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The 2016–2040 RTP/SCS vision encompasses a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The 2016 RTP/SCS includes a strong commitment to reduce emissions from transportation sources to comply with Senate Bill 375, improve public health, and meet the National Ambient Air Quality Standards. This long-range plan, required by the state of California and the federal government, is updated

by SCAG every four years as demographic, economic, and policy circumstances change. The Project's consistency with the applicable 2016–2040 RTP/SCS goals is summarized at EIR Section 4.1, *Land Use and Planning*, Table 4.1-6.

4.14.4 STANDARDS OF SIGNIFICANCE

Appendix G of the California Environmental Quality Act Guidelines (*CEQA Guidelines*), as utilized by the City of Ontario, indicates a Project will normally have a significant effect related to population and housing if it would:

- Induce substantial unplanned population growth in the area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension or roads or other infrastructure); or

- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

4.14.5 POTENTIAL IMPACTS AND MITIGATION MEASURES

4.14.5.1 Introduction

The following discussions focus on those areas where it has been determined that the Project may result in potentially significant population and housing impacts, based on the previous discussions included within this Section and analysis presented within the EIR Initial Study (EIR Appendix A). As discussed within the Initial Study, the Project would not result in potentially significant impacts under the following consideration:

- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

This potential impact is therefore not substantively discussed further within this Section. Please refer also to Initial Study Checklist Item XIV. *Population and Housing*.

4.14.5.2 Impact Statements

Potential Impact: *Induce substantial unplanned population growth in the area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension or roads or other infrastructure).*

Impact Analysis:

Direct Population Growth Inducement

The Project does not propose residential development, and therefore would not directly result in increased City resident population. The Project represents a component of development and growth generally anticipated by the City, as reflected by the site's current Policy Plan Land Use designations (Business Park, Office Commercial, and General Commercial). Development proposed by the Project responds globally to existing and anticipated market demands of the City and region, and employment generated by the Project would be a byproduct of this anticipated growth.

Indirect Growth Inducement

Indirect population growth inducement would result from creation of additional jobs and the extension of infrastructure and services to areas not currently served, or substantial capacity/capability upgrades to existing systems and services.

Job Creation

In general terms, job creation furthers growth via wages, salaries and general fiscal benefits; increased demands for housing; and increased demands for housing, and consumer goods and services.

Table 4.14-7
Employment Comparison
Existing Policy Plan Land Uses vs. Project Land Uses

Land Use/Area	FAR/Maximum Bldg. Area (TSF)	Job Mixture	Employment Factor (Jobs/1000 SF)	Employment
Existing Policy Plan Land Uses				
Business Park/ 303.5 Acres	0.60 FAR/ 7,932 TSF	Non-Office (50%)	0.650	2,578
		Office (50%)	2.860	11,343
Office Commercial 43.3 acres	0.75 FAR/ 1,415 TSF	Non-Office (30%)	0.718	305
		Office (70%)	2.860	2,833
General Commercial/ 18.3 acres	0.40 FAR/ 319 TSF	Non-Office (90%)	0.718	206
		Office (10%)	2.860	91
Right-of-way-Other/ 11.2* Acres	---	---	---	---
Total Employment				**17,356**
Project Land Uses				
Business Park:/ 55.1 acres	0.60 FAR/ 1,441 TSF	Non-Office (50%)	0.650	468
		Office (50%)	2.860	2,061
Industrial/ 292.8 acres	0.55 FAR/ 7,014 TSF	Non-Office (90%)	0.650	4,103
		Office (10%)	2.860	2,006
Right-of-way-Other/ 28.4 Acres	---	---	---	---
Total Employment				**8,638**

Sources: Land Use Floor Area Ratio (FAR) development intensities from: The Ontario Plan Table LU-02 *Land Use Designations Summary* (City of Ontario) Amended March 2017. Job Mixture and Employment Factors from The Ontario Plan, *Buildout Methodology* (City of Ontario) Revised April 2015.

As summarized at Table 4.14-7, the Project would create an estimated 8,638 new jobs. As indicated, Project job creation would not exceed the Policy Plan employment forecasts for the subject site. Project employment and any associated growth are therefore reflected in the Policy Plan and impacts of such growth are considered and addressed in the Policy Plan EIR. Project job creation and associated growth would not result in impacts not already considered and addressed in the Policy Plan EIR.

Infrastructure Improvements

The Project would implement infrastructure improvements that are consistent with the City and purveyor master plans. Please refer to the discussion of Project improvements presented at EIR Section 3.0 *Project Description*, 3.4.3.2 *Access and Circulation*, 3.4.3.3 *Utilities Infrastructure*; and EIR Section 4.12 *Utilities and Services*. Infrastructure improvements

implemented by the Project would not only support the Project uses, but would also extend to and expand infrastructure available to off-site undeveloped portions of the City. The Project infrastructure improvements would be considered growth-inducing in that these improvements would facilitate development of currently undeveloped areas of the City. More specifically, Project infrastructure improvements would likely allow for and encourage development of the Ontario Ranch area of the City.

Ultimate development of off-site areas served by the Project infrastructure improvements would be governed by the Ontario Policy Plan [General Plan]. Environmental impacts of growth that would result from buildout of the City pursuant to the Policy Plan have been previously evaluated and addressed in the General Plan EIR. Growth that may result from or be facilitated by the Project infrastructure improvements would not result in impacts not previously considered and addressed in the General Plan EIR.

SCAG Regional Population Growth Projections

SCAG population growth projections reflect assumptions and development scenarios incorporated in local plans including City general plans. As demonstrated in the preceding discussions, the Project would not induce or generate growth beyond that reflected in the City's Policy Plan and associated Policy Plan EIR. Accordingly, the Project would not result in growth not already anticipated within SCAG population growth projections for the region.

Summary

The Project would induce growth through job creation, and the construction of infrastructure improvements.

Project job creation would not exceed employment projections developed under the Policy Plan. Growth resulting from Project job creation is anticipated under the Policy Plan, and such growth would not result in environmental impacts not already considered and addressed in the Policy Plan EIR.

Growth resulting from or facilitated by Project infrastructure improvements is anticipated under the Policy Plan, and environmental impacts attributable to such growth is considered and addressed in the Policy Plan EIR.

Additionally, the Policy Plan EIR notes that while the City of Ontario is jobs-rich, the subregion as a whole is housing-rich. The Policy Plan EIR concludes that buildout of the Ontario Plan would act to improve the job/housing balance within the subregion.

Based on the preceding discussions, the potential for the Project to induce substantial population growth in the area, either directly or indirectly is considered less-than-significant.

Level of Significance: Less-Than-Significant.

5.0 OTHER CEQA CONSIDERATIONS

5.0 OTHER CEQA CONSIDERATIONS

This Section of the EIR addresses other environmental considerations and topics mandated under the California Environmental Quality Act (CEQA). These topics include Cumulative Impacts, Alternatives to the Project, Growth Inducement, Significant Environmental Effects of the Project, and Significant and Irreversible Environmental Changes.

5.1 CUMULATIVE IMPACT ANALYSIS

The *CEQA Guidelines* (*Guidelines*) require that an EIR identify any significant cumulative impacts associated with a project [*Guidelines*, Section 15130 (a)]. When potential cumulative impacts are not deemed significant, the document should explain the basis for that conclusion. Cumulative impacts are "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." [*CEQA Guidelines*, Section 15355]. A legally adequate cumulative impact analysis comprises an analysis of a project viewed over time and in the context of other related past, present, and foreseeable probable future projects, whose impacts might compound or interrelate with those of the Project considered here.

CEQA notes that the discussion of cumulative impacts should be guided by standards of practicality and reasonableness [*Guidelines*, Section 15130 (b)]. Only those projects whose impacts might compound or interrelate with those of the Project under consideration require evaluation. CEQA does not require as much detail in the analysis of cumulative environmental impacts as must be provided for the Project alone.

The *Guidelines* identify two basic methods for satisfying the cumulative impacts analysis requirement: the list-of-projects methodology, and the summary-of-projections methodology. Because each environmental resource is affected by its surroundings in different manners, either of the two methodologies, or a combination of both, may be applied to the analysis of cumulative impacts to each resource. For example, because the approval process and construction phase of development typically takes at least one to two years, the list-of-projects method is likely to provide a more accurate projection of growth in the near term. This method may overstate potential cumulative impacts because the considered list-of-projects may include proposals that will never be developed. Similarly, because development proposals are rarely publicly known until within five (5) years of the expected development, the summary-of-projections method provides a more accurate projection of growth over the long term. This method may not accurately predict growth in any given year but aggregates various growth trends over the long term.

Where appropriate to the analysis in question, cumulative impacts are assessed with reference to a list of off-site "related projects," as described at *CEQA Guidelines* §15130(b). In this manner, the EIR appropriately characterizes and evaluates potential cumulative impacts. Consistent with direction provided in the *CEQA Guidelines,* related projects considered in these cumulative analyses are "only those projects whose impacts might compound or interrelate with those of the Project under consideration require evaluation." In this regard, it is recognized that within the context of the cumulative impacts analysis, varied criteria are employed in determining the scope and type of "cumulative projects" considered. For example, the analysis of cumulative transportation/traffic impacts evaluates the Project's transportation/traffic impacts in the context of other known or probable "related" development proposals that would discernibly affect traffic conditions within the Transportation Analysis Study Area. As another example, cumulative air quality impacts are considered in terms of the Project's contribution to other air emissions impacts affecting the encompassing Air Basin.

For each topical discussion, the cumulative geographic context is identified. This in turn relates to the amount and type of growth that is anticipated to occur within the geographic area under consideration. The way each resource may be affected also dictates the geographic scope of the cumulative impact analysis.

5.1.1 Discussion of Cumulative Impacts

Section 15139(a) of the *Guidelines* notes that "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined at *Guidelines* Section 15065(c). Where a lead agency is examining a project with an incremental effect that is not 'cumulatively considerable,' a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable." Potential cumulative impacts for each of the EIR Sections are presented here.

For certain other areas of consideration, Project impacts are substantiated to be less-than-significant or less-than-significant as mitigated (please refer to the Initial Study, EIR Appendix A). Further, under these topics, there are no known or anticipated projects or conditions whose impacts might compound or interrelate with those of the Project, and thereby result in potentially significant cumulative impacts. No further substantive analysis is provided under these topics. These topics include:

AESTHETICS. Potential to:

- Have a substantial adverse effect on a scenic vista.

- Substantially damage scenic resources, including, but not limited to trees, rocks, outcroppings, and historic buildings within a state scenic highway.

- In a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings.

- Create a new source of substantial light or glare, which would adversely affect the day or nighttime views in the area.

AGRICULTURE AND FOREST RESOURCES. Potential to:

- Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned "Timberland Production."

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

- 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.

AIR QUALITY. Potential to:

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

CULTURAL RESOURCES. Potential to:

- Disturb any human remains, including those interred outside of formal cemeteries.

GEOLOGY AND SOILS. Potential to:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault.

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides.

- 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.

HAZARDS AND HAZARDOUS MATERIALS. Potential to:

- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

HYDROLOGY AND WATER QUALITY. Potential to:

- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

- 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 result in substantial erosion or siltation on- or off-site.

LAND USE AND PLANNING. Potential to:

- Physically divide an established community.

MINERAL RESOURCES. Potential to:

- Result in the loss of availability of a known mineral resource that would be of value to the region and to the residents of the state.

- 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.

POPULATION AND HOUSING. Potential to:

- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

PUBLIC SERVICES. Potential to:

Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities the construction of which could cause significant environmental impacts for any of the public services:

- Fire Protection
- Police Protection
- Schools
- Parks
- Other public facilities

RECREATION. Potential to:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated.

- Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

WILDFIRE. Potential to:

- Substantially impair an adopted emergency response plan or emergency evacuation plan.

- Exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

- 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.

- 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.

5.1.1.1 Land Use and Planning - Cumulative Impacts

The cumulative impact area when considering potential cumulative land use and planning issues includes areas that are currently under City jurisdiction, and subject to provisions of The City of Ontario Policy Plan (General Plan), City of Ontario Zoning Ordinance, and/or other City Special Planning Documents (e.g., Specific Plans). The analysis presented here also considers the Project in the context of the land use/planning guidance included in the *2012-2035 Southern California Association of Governments Regional Transportation Plan/Sustainable Communities Strategy (2012-2035 SCAG RTP/SCS).*

Policy Plan Considerations

In order to accommodate land uses and development concepts proposed by the Project, the Policy Plan Land Use Element would be amended as summarized at Table 5.1-1. Approval of Policy Plan Land Use Element Amendments are requested as components of the Project Discretionary Actions (please refer to EIR Section 3.6.1, *Discretionary Actions*).

Table 5.1-1
Proposed Policy Plan (Land Use Element) Amendments

Existing	Proposed
Business Park – 314.7 acres	Business Park - 55.1 acres
Office Commercial - 43.3 acres	Industrial - 292.8 acres
General Commercial - 18.3 acres	Circulation - 28.4 acres
Total: 376. 3 Acres	**Total: 376. 3 Acres**

The proposed Policy Plan Land Use Amendments would alter the types of land uses allowed within the subject site. Notwithstanding, as substantiated at EIR Section 4.1, *Land Use and Planning*, land uses and development concepts proposed by the Project would not 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.

Zoning Considerations

The existing Zoning designation of the Project site is "Specific Plan" (SP) with an "AG" (Agriculture) Overlay. The Specific Plan Zoning district accommodates the adoption of Specific Plans pursuant to the City Development Code. Consistent with the provisions of the Project site's current Specific Plan Zoning, the Project would be implemented under the provisions and requirements of a Specific Plan (the proposed Merrill Commerce Center Specific Plan). The *Merrill Commerce Center Specific Plan* (Specific Plan) is presented in its entirety at EIR Appendix B. If adopted by the City, the Specific Plan comprise the zoning for the subject site, and would regulate all development within the site. Where the Specific Plan is silent, regulations and requirements of the City Development Code would prevail.

The proposed Specific Plan would establish land use plans, development standards, and design guidelines directing the ultimate buildout of the Project site. Land uses and development concepts reflected within the proposed Specific Plan can be feasibly implemented consistent with applicable provisions of the Policy Plan Land Use Element (as amended) and City Development Code. Prior to issuance of building permits, the City would review the final development plans for individual projects within the Specific Plan Area to ensure consistency with the Specific Plan land use plans, development standards, design guidelines; and where applicable, City Development Code requirements.

The site's current Agricultural Overlay is intended only to accommodate interim continuation of agricultural uses within the City, until such time that development is slated to occur consistent with the Policy Plan and the underlying Specific Plan zoning district. Because the Project would implement a Specific Plan development that would be

consistent with the Policy Plan as amended under the Project, the Project would have no impact on agricultural zoning designations. If the proposed Specific Plan is approved by the City, the site's current Agricultural Overlay designation would no longer be appropriate and would be removed.

Other related projects within the cumulative impact area would be required to comply with requirements of necessary land use and planning discretionary actions and permits. Mitigation would be incorporated if necessary. There are no known or probable related projects that would interact with the less-than-significant effects of the Project and thereby result in cumulatively significant impacts.

Based on the preceding discussion, the Project's potential contribution to cumulative land use and planning impacts is not considerable, and the cumulative effects of the Project are less-than-significant.

5.1.1.2 Transportation - Cumulative Impacts

The Project Vehicle Miles Traveled (VMT) Assessment cumulative impact area coincides with relevant Transportation Analysis Model Traffic Analysis Zones (TAZs).

Cumulative VMT Impacts

As summarized in *WRCOG SB 743 Implementation Pathway Document Package . . .* "VMT thresholds based on an efficiency form of the metric such as VMT per capita, can address project and cumulative impacts in a similar manner that some air districts do for criteria pollutants and GHGs (*WRCOG SB 743 Implementation Pathway Document Package, p. 67).* In this respect, significant and unavoidable VMT impacts at the Project level would also be considered cumulatively significant and unavoidable.

As discussed at EIR Section 4.2, *Transportation*, Project VMT impacts based on a VMT/SP metric would be significant and unavoidable at the Project level, and therefore would also be cumulatively significant and unavoidable. This conclusion is consistent with the determination that would be reached employing the City's cumulative analysis threshold wherein a "[cumulatively] significant impact would occur if the project caused total daily

VMT within the City to be higher than the no project [no build] alternative under cumulative conditions."

Other Transportation Topics

Potential to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
Project impacts in the context of circulation system programs/plans/ordinances/policies related VMT are addressed in the preceding discussions. Cumulatively significant and unavoidable VMT impacts are identified. The Project does not otherwise propose facilities or activities that would potentially conflict with applicable circulation system programs, plans, ordinances, and policies.

Other related projects within the cumulative impact area would similarly be required to demonstrate compliance with applicable circulation system programs, plans, ordinances, and policies, thereby minimizing potential cumulative impacts. There are no known or probable related projects that would interact with the less-than-significant effects of the Project and thereby result in cumulatively significant impacts.

Other than cumulative VMT impacts identified herein, the Project's contribution to cumulative impacts related to a potential conflict with a program, plan, ordinance, or policy addressing the circulation system would be less-than-significant and not cumulatively considerable. Please refer also to the discussions of potential transportation plans/policies conflicts presented at EIR Section 4.2, *Transportation*.

Potential to Create or Result in Transportation/Traffic Hazards or Result in Inadequate Emergency Access
The Project does not propose or require uses, designs, or features that would create or result in transportation/traffic hazards, or that would result in or cause inadequate emergency access. The Project would be required to comply with City traffic design and engineering standards acting to minimize the potential for the Project to result in transportation/traffic hazards or inadequate emergency access. Other related projects

within the cumulative impact area would similarly be required to conform with City traffic design and engineering standards, thereby minimizing potential cumulative impacts. There are no known or probable related projects that would interact with the less-than-significant effects of the Project and thereby result in cumulatively significant impacts.

Based on the preceding, the Project's potential contribution to cumulative impacts regarding increased transportation/traffic hazards and/or emergency access provisions are not considerable, and the cumulative effects of the Project are less-than-significant. Please refer also to the discussions of potential hazardous designs/emergency access impacts presented at EIR Section 4.2, *Transportation*.

5.1.1.3 Air Quality - Cumulative Impacts

The cumulative impact area for air quality considerations is generally defined by the encompassing Air Basin and boundaries of the jurisdictional air quality management agency. In this case, the South Coast Air Basin (SCAB, Air Basin) and the South Coast Air Quality Management District (SCAQMD), respectively. Project emissions within the context of SCAQMD's regional emissions thresholds provide an indicator of potential cumulative impacts within the jurisdictional Air Basin. Due to the defining geographic and meteorological characteristics of the Air Basin, criteria pollutant emissions that could cumulatively impact air quality would be, for practical purposes, restricted to the Air Basin. Accordingly, the geographic area encompassed by the Air Basin is the appropriate limit for this cumulative air quality analysis.

Construction-Source Air Quality Impacts

As discussed at EIR Section 4.3, *Air Quality*, with application of mitigation, Project maximum daily construction-source emissions would not exceed applicable SCAQMD

regional thresholds and would therefore be less-than-significant. Per SCAQMD criteria, Project-level impacts that are less-than-significant are not cumulatively considerable.[1]

Other related projects within the cumulative impact area would be required to minimize construction-source air pollutant emissions consistent with SCAQMD programs and strategies, thereby minimizing potential cumulative impacts. Mitigation would be implemented, if applicable.

Operational-Source Air Quality Impacts

Even with application of mitigation, Project operational-source VOC, NO_x, CO, PM_{10}, and $PM_{2.5}$ emissions would exceed applicable SCAQMD regional thresholds. The Basin encompassing the Project site is designated as non-attainment for ozone, PM_{10}, and $PM_{2.5}$ (VOC and NO_x are both ozone precursors; NO_x is a precursor to PM_{10}/$PM_{2.5}$). Project operational-source VOC, NO_x, PM_{10}, and $PM_{2.5}$ emissions threshold exceedances would result in a cumulatively considerable net increase in criteria pollutants (ozone and PM_{10}/$PM_{2.5}$) for which the Project region is non-attainment. These are cumulatively significant and unavoidable air quality impacts.

Other related projects within the cumulative impact area would be required to minimize operational-source air pollutant emissions consistent with SCAQMD programs and strategies, thereby minimizing potential cumulative impacts. Mitigation would be implemented, if applicable.

Overlapping Construction-Source and Operational-Source Emissions

This EIR also evaluates air quality impacts that could occur under conditions where Project construction-source emissions could potentially overlap with Project operational-source emissions. The resulting overlapping emissions would not exceed maximum

[1] The SCAQMD recognizes that there is typically insufficient information to quantitatively evaluate the cumulative contributions of multiple independent projects because each project applicant has no control over other projects. Per SCAQMD criteria, development proposals that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.

operational-source emissions generated under Project buildout conditions, and cumulative effects would not be greater than or substantially different than those noted under the heading *Operational-Source Air Quality Impacts* above.

AQMP Consistency Impacts

A change in Policy Plan Land Use designations is proposed by the Project. It is assumed that the emissions generated by the Project's proposed land uses are not reflected in the 2016 AQMP air quality standards, interim emissions reductions targets, and emissions inventories. Consequently, development of the subject site as proposed by the Project is assumed to conflict with the 2016 AQMP. This is a significant and unavoidable impact. Per SCAQMD criteria, Project-level impacts that are significant are also cumulatively considerable.

Other related projects within the cumulative impact area would be required to minimize potential AQMP inconsistencies consistent with SCAQMD programs and strategies, thereby minimizing potential cumulative impacts. Mitigation would be implemented, if applicable.

CO Hotspot Impacts

The potential for the Project to cause or result in potential CO hotspot impacts would be less-than-significant. Per SCAQMD criteria, less-than-significant impacts at the Project level are not cumulatively considerable. The potential for Project CO emissions to result in or cause cumulatively significant CO hotspot impacts is therefore considered less-than-significant.

Other related projects within the cumulative impact area would be required to minimize potential CO hotspot impacts consistent with SCAQMD programs and strategies, thereby minimizing potential cumulative impacts. Mitigation would be implemented, if applicable.

Health Risk Impacts

Potential carcinogenic and non-carcinogenic health risk impacts resulting from Project construction and operations would be less-than-significant. Per SCAQMD criteria, less-than-significant impacts at the Project level are not cumulatively considerable. The potential for Project air pollutant emissions to result in or cause cumulatively significant health risk impacts is therefore considered less-than-significant.

Other related projects within the cumulative impact area would be required to minimize potential health risk impacts consistent with SCAQMD programs and strategies, thereby minimizing potential cumulative impacts. Mitigation would be implemented, if applicable.

5.1.1.4 GHG Emissions/Global Climate Change - Cumulative Impacts

CEQA emphasizes that the effects of greenhouse gas emissions are cumulative and should be analyzed in the context of CEQA's requirements for cumulative impacts analysis (*CEQA Guidelines* Section 15130(f)). The EIR Greenhouse Gas (GHG) Analysis is by nature a cumulative analysis. Because GHG emissions and climate change are global issues, any approved project regardless of its location has the potential to contribute to a cumulative global accumulation of GHG emissions. The geographic context of the cumulative contributions to GHGs and climate change is worldwide. Practically however, lead agencies and responsible agencies are only able to regulate GHG emissions within their respective jurisdictions. Accordingly, for the purposes of this analysis, the cumulative impact area for GHG/Global Climate Change considerations is the City of Ontario and the encompassing SCAQMD jurisdictional area.

As discussed at EIR Section 4.4, *Greenhouse Gas Emissions*, even after application of mitigation, the Project could directly or indirectly generate GHG emissions that may have a significant impact on the environment. Further, the Project could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. These are significant and unavoidable impacts. The Project's potential to contribute considerably (either individually or cumulatively) to global

climate change impacts through GHG emissions is therefore considered significant and unavoidable.

Other related projects within the cumulative impact area would be required to minimize potential GHG emissions impacts consistent applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions, thereby minimizing potential cumulative GHG emissions impacts. Mitigation would be implemented, if applicable.

5.1.1.5 Noise/Vibration - Cumulative Impacts

The cumulative impact area for noise/vibration considerations is generally defined as surrounding properties that could receive Project-generated noise/vibration (either construction or operational), and would also include roadway corridors affected by Project-related traffic and associated vehicular noise/vibration. Potential noise/vibration impacts of the Project are discussed at EIR Section 4.5, *Noise*.

Construction-Source Noise/Vibration

Noise levels associated with the construction of off-site master plan infrastructure improvements would remain significant and unavoidable even with the application of mitigation. For the duration of off-site infrastructure construction activities, these impacts would also be cumulatively significant and unavoidable.

Other related projects within the cumulative impact area would be required to mitigate construction-source noise impacts that could affect sensitive receptors, thereby minimizing potential cumulative construction-source noise impacts.

Project construction-source vibration levels received at area land uses would be less-than-significant. There are no known or probable related projects that would interact with the Project's less-than-significant construction-source vibration impacts and thereby result in cumulatively significant impacts.

Operational Noise/Vibration - Area Sources

The Project's area-source operational noise levels would be less-than-significant as mitigated. There are no known or probable related projects that would interact with the less-than-significant effects of the Project and thereby result in cumulatively significant impacts.

Further, Project operational-source noise in combination with ambient noise would not result in cumulatively significant noise impacts. In this latter regard, the peak mitigated Project operational-source noise levels when added to ambient conditions would not exceed the maximum acceptable day/night ambient condition.

Other related projects within the cumulative impact area would be required to mitigate operational area-source noise impacts that could affect sensitive receptors, thereby minimizing potential cumulative operational-source noise impacts.

Project operational-source vibration levels received at area land uses would be less-than-significant. There are no known or probable related projects that would interact with the Project's less-than-significant operational-source vibration impacts and thereby result in cumulatively significant impacts.

Operational Noise - Mobile Sources

Cumulative effects of mobile-source noise are demonstrated by comparing noise levels under Existing Conditions (2019) without the Project, to noise levels with the completed Project under Horizon Year Conditions (2040). Cumulative mobile-source noise increases within the Study Area are summarized at Table 5.1-2. Applicable noise thresholds for each roadway segment, reflecting ambient conditions and presence/absence of sensitive receptors is also identified.

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Table 5.1-2
Cumulative Mobile-Source Noise Increases

ID	Road	Segment	CNEL at Affected Property Line					Is receptor noise-sensitive?	Threshold
			Existing	2040 w/o Project	2040 w/ Project	Max. Cumulative Increase	Max. Project Increment		
1	Euclid Av.	n/o SR-60	80.7	81.7	81.7	1.0	0.0	Yes	1.5
2	Euclid Av.	n/o SR-60 EB Ramps	81.5	83.0	83.5	2.0	0.5	No	3.0
3	Euclid Av.	n/o Walnut Av.	81.6	83.1	83.6	2.0	0.5	No	3.0
4	Euclid Av.	n/o Riverside Dr.	81.3	82.8	83.4	***2.1***	0.6	Yes	1.5
5	Euclid Av.	n/o Chino Av.	80.8	82.7	83.3	***2.5***	0.6	Yes	1.5
6	Euclid Av.	n/o Schaefer Av.	81.1	82.7	83.3	***2.2***	0.6	Yes	1.5
7	Euclid Av.	n/o Edison Av.	81.4	83.0	83.5	2.1	0.5	No	3.0
8	Euclid Av.	n/o Eucalyptus Av.	81.0	82.7	83.3	2.3	0.6	No	3.0
9	Euclid Av.	n/o Merrill Av.	82.8	84.6	85.1	2.3	0.5	No	3.0
10	Euclid Av.	n/o Kimball Av.	83.0	84.5	84.9	***1.9***	0.4	Yes	1.5
11	Euclid Av.	n/o Bickmore Av.	81.1	83.4	83.8	2.7	0.4	No	3.0
12	Euclid Av.	n/o Pine Av.	81.0	82.9	83.5	2.5	0.6	No	3.0
13	Euclid Av.	s/o Pine Av.	83.6	85.1	85.4	***1.8***	0.3	Yes	1.5
14	Grove Av.	n/o SR-60	79.6	80.6	80.7	1.1	0.1	No	3.0
15	Grove Av.	n/o SR-60 EB Ramps	78.7	80.6	80.7	2	0.1	No	3.0
16	Grove Av.	n/o Walnut Av.	77.8	79.4	79.4	***1.6***	0	Yes	1.5
17	Grove Av.	n/o Riverside Dr.	76.2	77.8	77.9	***1.7***	0.1	Yes	1.5
18	Grove Av.	n/o Chino Av.	76.3	77.5	77.6	1.3	0.1	Yes	1.5
19	Grove Av.	n/o Schaefer Av.	75.8	77.1	77.2	1.4	0.1	Yes	1.5
20	Grove Av.	n/o Edison Av.	75.3	76.6	76.7	1.4	0.1	Yes	1.5
21	***Grove Av.***	***n/o Eucalyptus Av.***	***75.2***	***77.7***	***78.0***	***2.8***	***0.3***	***Yes***	***1.5***
22	Grove Av.	n/o Street A	73.7	76.7	76.7	***3***	0	Yes	1.5
23	Grove Av.	n/o Merrill Av.	73.7	76.7	76.7	***3***	0	No	3.0
24	Archibald Av.	n/o SR-60	79.5	81.0	81.0	1.5	0	No	3.0
25	Archibald Av.	n/o SR-60 EB Ramps	79.6	81.0	81.0	1.4	0	No	3.0
26	Archibald Av.	n/o Riverside Dr.	79.6	80.2	80.7	1.1	0.5	Yes	1.5
27	***Archibald Av.***	***n/o Chino Av.***	***79.2***	***80.5***	***81.0***	***1.8***	***0.5***	***Yes***	***1.5***
28	***Archibald Av.***	***n/o Schaefer Av.***	***79.1***	***81.4***	***81.9***	***2.8***	***0.5***	***Yes***	***1.5***
29	***Archibald Av.***	***n/o Edison Av.***	***79.1***	***80.7***	***81.3***	***2.2***	***0.6***	***Yes***	***1.5***
30	***Archibald Av.***	***n/o Eucalyptus Av.***	***80.0***	***81.6***	***82.4***	***2.4***	***0.8***	***Yes***	***1.5***

Table 5.1-2
Cumulative Mobile-Source Noise Increases

ID	Road	Segment	CNEL at Affected Property Line					Is receptor noise-sensitive?	Threshold
			Existing	2040 w/o Project	2040 w/ Project	Max. Cumulative Increase	Max. Project Increment		
31	***Archibald Av.***	***n/o Merrill Av.***	***80.0***	***81.6***	***82.4***	***2.4***	***0.8***	***Yes***	***1.5***
32	***Archibald Av.***	***n/o Limonite Av.***	***80.1***	***82.4***	***82.6***	***2.5***	***0.2***	***Yes***	***1.5***
33	Archibald Av.	n/o Schleisman Rd.	74.5	75.5	75.6	1.1	0.1	Yes	1.5
34	Archibald Av.	s/o Schleisman Rd.	73.9	74.8	74.8	0.9	0	Yes	1.5
35	Edison Av.	w/o Pipeline Av.	79.3	80.7	80.8	1.5	0.1	No	3.0
36	Edison Av.	w/o Ramona Av.	78.6	79.6	79.6	1	0	No	3.0
37	Edison Av.	w/o Central Av.	77.7	78.8	78.9	1.2	0.1	No	3.0
38	***Edison Av.***	***w/o Mountain Av.***	***78.3***	***80.5***	***80.5***	***2.2***	***0***	***Yes***	***1.5***
39	***Edison Av.***	***w/o San Antonio Av.***	***77.6***	***79.9***	***79.9***	***2.3***	***0***	***Yes***	***1.5***
40	***Edison Av.***	***w/o Euclid Av.***	***76.6***	***80.0***	***80.0***	***3.4***	***0***	***No***	***3.0***
41	***Edison Av.***	***e/o Euclid Av.***	***77.7***	***83.9***	***84.0***	***6.3***	***0.1***	***Yes***	***1.5***
42	***Edison Av.***	***w/o Grove Av.***	***76.9***	***84.3***	***84.4***	***7.5***	***0.1***	***Yes***	***1.5***
43	***Edison Av.***	***w/o Walker Av.***	***78.1***	***83.5***	***83.5***	***5.4***	***0***	***Yes***	***1.5***
44	***Edison Av.***	***w/o Archibald Av.***	***78.2***	***84.0***	***84.1***	***5.9***	***0.1***	***Yes***	***1.5***
45	***Edison Av.***	***w/o Haven Av.***	***80.0***	***82.4***	***82.9***	***2.9***	***0.5***	***Yes***	***1.5***
46	***Edison Av.***	***e/o Haven Av.***	***80.2***	***82.6***	***83.2***	***3***	***0.6***	***Yes***	***1.5***
47	Ontario Ranch Rd.	e/o Hamner Av.	77.7	78.9	79.4	1.7	0.5	No	3.0
48	***Eucalyptus Av.***	***w/o Bon View Av.***	***69.6***	***71.5***	***71.6***	***2***	***0.1***	***Yes***	***1.5***
49	***Eucalyptus Av.***	***w/o Flight Av.***	***66.2***	***73.6***	***74.0***	***7.8***	***0.4***	***Yes***	***1.5***
50	***Eucalyptus Av.***	***e/o Flight Av.***	***66.5***	***68.2***	***69.4***	***2.9***	***1.2***	***Yes***	***1.5***
51	***Eucalyptus Av.***	***w/o Vineyard Av.***	***66.5***	***73.4***	***73.7***	***7.2***	***0.3***	***Yes***	***1.5***
52	***Eucalyptus Av.***	***e/o Vineyard Av.***	***66.5***	***73.0***	***73.0***	***6.5***	***0***	***Yes***	***1.5***
53	***Merrill Av.***	***e/o Euclid Av.***	***75.9***	***77.8***	***80.0***	***4.1***	***2.2***	***No***	***3.0***
54	***Merrill Av.***	***w/o Grove Av.***	***76.7***	***78.4***	***80.3***	***3.6***	***1.9***	***No***	***3.0***
55	***Merrill Av.***	***e/o Grove Av.***	***76.6***	***78.5***	***80.1***	***3.5***	***1.6***	***No***	***3.0***
56	***Merrill Av.***	***e/o Flight Av.***	***77.0***	***78.8***	***80.3***	***3.3***	***1.5***	***No***	***3.0***
57	***Merrill Av.***	***w/o Vineyard Av.***	***77.1***	***78.7***	***80.2***	***3.1***	***1.5***	***No***	***3.0***
58	***Merrill Av.***	***e/o Vineyard Av.***	***77.2***	***79.1***	***80.8***	***3.6***	***1.7***	***No***	***3.0***
59	***Limonite***	***e/o Archibald Av.***	***74.4***	***77.9***	***78.2***	***3.8***	***0.3***	***No***	***3.0***
60	***Limonite***	***w/o Sumner Av.***	***74.8***	***78.2***	***78.4***	***3.6***	***0.2***	***Yes***	***1.5***

Table 5.1-2
Cumulative Mobile-Source Noise Increases

ID	Road	Segment	CNEL at Affected Property Line					Is receptor noise-sensitive?	Threshold
			Existing	2040 w/o Project	2040 w/ Project	Max. Cumulative Increase	Max. Project Increment		
61	*Limonite*	*w/o Scholar Wy.*	*74.7*	*77.6*	*77.8*	*3.1*	*0.2*	*Yes*	*1.5*
62	*Limonite*	*w/o Hamner Av.*	*74.8*	*76.9*	*77.2*	*2.4*	*0.3*	*Yes*	*1.5*
63	*Limonite*	*e/o Hamner Av.*	*75.1*	*78.1*	*78.4*	*3.3*	*0.3*	*No*	*3.0*

Source: *Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) July 28, 2020.

As indicated at Table 5.1-2, ambient noise levels along all Study Area roadway segments already exceed 65 dBA CNEL. Along these roadway segments, cumulative noise increases of 1.5 dBA CNEL or more, if received at sensitive land uses, would be considered cumulatively significant. Along roadway segments where ambient conditions exceed 70 dBA CNEL, cumulative noise increases of 3.0 dBA CNEL or more, if received at non-sensitive land uses, would be considered cumulatively significant.

Study Area roadway segments affected by cumulatively significant vehicular-source noise impacts are indicated by ***bold italicized text***. As indicated at Table 5.1-2, along all Study Area roadway segments projected to experience cumulatively significant vehicular-source noise impacts, the Project contributions would be less than the 1.5 dBA threshold at sensitive land uses, and less than the 3.0 dBA CNEL threshold at non-sensitive land uses. On this basis, Project contributions to cumulative vehicular-source noise would not be cumulatively considerable and Project impacts would not be cumulatively significant.

5.1.1.6 Hazards/Hazardous Materials - Cumulative Impacts

The cumulative impact area when considering potential hazards and hazardous materials issues includes the area to be developed within the Project site, as well as off-site locations that might be affected by or contribute to hazards or hazardous conditions resulting from the Project and its operations. The cumulative hazards and hazardous materials impact analysis evaluates the effects of Project construction and operations, and reflects long-term buildout conditions within the cumulative impact area.

As discussed at EIR Section 4.6, *Hazards/Hazardous Materials*, the Project does not propose uses or activities that would require substantial handling or use of hazardous materials, hazardous substances, or hazardous waste that could result in potential adverse effects. To the extent that such materials or substances may be present during Project construction or operations they will be transported, stored, used and disposed of consistent with multiple and broad regulatory requirements. The EIR mitigation measures require remediation of any pre-existing hazardous conditions to levels that would be less-than-significant. The mitigation measures also ensure that subsequent development and operation of Project land uses would not create or result in potentially significant hazardous conditions. As mitigated, Project impacts related to hazards and hazardous materials would be less-than-significant.

Other related projects within the cumulative impact area would be required to comply with hazards/hazardous material regulatory requirements. Mitigation would be incorporated if necessary. There are no known or probable related projects that would interact with the less-than-significant effects of the Project and thereby result in cumulatively significant impacts.

Based on compliance with established policies and regulations, and implementation of the EIR mitigation measures, the Project's potential contribution to hazards/hazardous materials cumulative impacts is not considerable, and the cumulative effects of the Project are less-than-significant.

5.1.1.7 Hydrology/Water Quality - Cumulative Impacts

The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area encompassed by the jurisdictional Regional Water Quality Control Board (RWQCB), in this case the Santa Ana Regional Water Quality Control Board (SARWQCB). Local oversight is also provided by the City of Ontario and San Bernardino County.

Development of the Project site would incrementally increase impervious surfaces within the cumulative impact area, with related potential increases in the rate and quantity of

local storm water discharges. As discussed at EIR Section 4.7, *Hydrology and Water Quality*, the Project's potential hydrology/water quality impacts would be less-than-significant. In this regard, the Project would implement storm water management components, and structural and non-structural Best Management Practices, which collectively act to ensure that post-development storm water discharge rates are adequately conveyed within available system capacities.

The Project drainage concept would maintain the site's primary drainage patterns, and would implement drainage systems and detention areas to accept developed storm water discharges. The Project would implement all necessary drainage and storm water management systems, and would be required to comply with all storm water system design, construction, and operational requirements mandated under the City Municipal Code. The Project drainage and storm water management systems would also be required to comply within regulations established by other jurisdictional agencies including SARWQCB, San Bernardino County, and California Department of Water Resources. Additionally, consistent with established building code regulations, approved site-specific drainage studies reflecting precise pad locations, proposed drainage structures, detention facilities, etc., would be required prior to the issuance of building permits within the Project site.

Storm water management systems implemented by the Project, mandated compliance with City, SARWQCB, County, and State storm water management requirements and policies, collectively ensure that adequate storm water conveyance and treatment facilities would be provided to support development and operations of the Project.

Other related projects within the cumulative impact area would be required to comply stormwater management and water quality regulatory requirements. Mitigation would be incorporated if necessary. There are no known or probable related projects that would interact with the less-than-significant effects of the Project and thereby result in cumulatively significant impacts.

Based on the preceding, contribution to cumulative hydrology/water quality impacts is not considerable, and the cumulative effects of the Project are determined to be less-than-significant.

5.1.1.8 Biological Resources - Cumulative Impacts

The cumulative impact areas for biological resources are generally defined by available habitat, species' range(s), physical constraints, and other limiting factors as discussed within the Project Biological Resource Assessment, EIR Appendix I. Biological resources occurring, or potentially occurring within the Project site, and associated impacts and mitigation are summarized below.

Special-Status Plant Species

The Project site is extensively disturbed by human activities, and evidences a ruderal non-native plant community dominated by annual grasses. The Project site does not support special-status plant species or habitats. Project impacts to special-status plant species would be less-than-significant.

Special-Status Wildlife Species

The Project could result in potentially significant impacts to the burrowing owl and white-tailed kite. The EIR incorporates mitigation measures that would reduce potential impacts to the burrowing owl and white-tailed kite to levels that would be less-than-significant.

Nesting Birds

Project implementation could affect nesting birds that may be present at the time of Project construction activities. This is a potentially significant impact. The EIR incorporates mitigation measures that would reduce potential impacts to nesting birds to levels that would be less-than-significant.

Jurisdictional Areas

Corps/Regional Board Jurisdiction

Corps/Regional Board Jurisdictional areas that would be potentially affected by implementation of the Project. The resulting loss of surface waters is a potentially significant impact. The EIR incorporates mitigation that would reduce potential impacts to Corps/Regional Board Jurisdictional areas to levels that would be less-than-significant.

CDFW Jurisdiction

Potentially affected CDFW Jurisdictional areas are heavily impacted flood control facilities. Nonetheless, the resulting loss of surface streambeds is considered a potentially significant impact. A CDFW Section 1602 Streambed Alteration Agreement would be required. The EIR incorporates mitigation that would reduce potential impacts to Corps/Regional Board Jurisdictional areas to levels that would be less-than-significant.

Riparian Habitat, Wetlands, or Other Sensitive Natural Community

No riparian habitat, wetlands, or other sensitive natural community exist within the Study Area or would otherwise be adversely affected by the Project. The potential for the Project to have a substantial adverse effect on any riparian habitat, federally protected wetlands, or other sensitive natural community is considered less-than-significant.

Wildlife Movement Corridors

The Project site is bounded by traveled roadways and developed or developing properties. The Project site does not represent a connecting link between significant habitat for wildlife areas. Based on its location within an urban context, the potential for the site to function as a significant wildlife movement corridor is considered low. Project impacts to wildlife movement corridors would be less-than-significant.

Local Policies or Ordinances Protecting Biological Resources; Habitat Conservation Plans

Certain off-site flood control improvements implemented by the Project are located within the boundary of the City of Chino Preserve Resource Management Plan (RMP). Applicable requirements of the RMP have been carried forward as part of the EIR

mitigation measures. As mitigated, potential impacts to the RMP would be less-than-significant. No other local policies or ordinances, or habitat conservation plans are applicable to, or would be potentially adversely affected by the Project.

Other related projects within the cumulative impact area would be required to comply with applicable City, CDFW, and USFWS regulatory requirements addressing biological resources. Mitigation would be incorporated if necessary. There are no known or probable related projects that would interact with the less-than-significant effects of the Project and thereby result in cumulatively significant impacts.

Based on the preceding discussion, the Project's potential contribution to cumulative impacts regarding biological resources is not considerable, and the cumulative effects of the Project are determined to be less-than-significant.

5.1.1.9 Geology and Soils - Cumulative Impacts

The Project site and all Southern California lie within a seismically active area, generally subject to earthquake hazards, and in this sense, Southern California is considered the cumulative impact area for geology and soils considerations. As discussed at EIR Section 4.9, *Geology and Soils*, Project impacts related to geology and soils would be less-than-significant as mitigated. The Project would not exacerbate any existing adverse geologic/soils conditions.

Other related projects within the cumulative impact area would be required to minimize geology/soils impacts consistent with City and CBC regulatory requirements, thereby minimizing potential cumulative geology/soils impacts. Mitigation would be implemented, if applicable. There are no known or probable related projects that would interact with the less-than-significant effects of the Project and thereby result in cumulatively significant impacts.

Based on the preceding, the Project's potential contribution to cumulative impacts regarding geology and soils is not considerable, and the cumulative effects of the Project are determined to be less-than-significant.

5.1.1.10 Cultural Resources/Tribal Cultural Resources - Cumulative Impacts

The cumulative impact area for prehistoric, archaeological, and historic resources includes the City of Ontario and surrounding areas of San Bernardino County. As discussed at EIR Section 4.10, 5 (five) buildings or structures within the Project site appear to qualify as contributing elements (Contributors) to the New Model Colony / Chino Valley Dairy Historic District (District) identified within the City of Ontario New Model Colony Area Historic Context Statement. These 5 potential Contributors to the District would be demolished to allow for implementation of the Project. Per CCR Title 14, Section 15126.4(b), the demolition or destruction of a historical resource cannot typically be fully mitigated. Demolition of potential Contributors resulting from the Project is therefore considered a significant and unavoidable impact.

The proposed demolition of potential Contributors within the Project site would contribute considerably to cumulative impacts to historic resources. In this regard, it is reasonable to expect that there will be contemporary or future instances of demolition of similar potential Contributors either through neglect; under circumstances precluding feasible rehabilitation; due to the presence of health and safety hazards requiring removal of a Contributor; or if it is determined that impacts of removing a Contributor is outweighed by the benefits afforded by a new development. There remains potential for current and future demolition of Contributors to occur within the District, which combined with demolition of the potential Contributors within the Project site would result in cumulatively significant impacts to the District. This is particularly relevant when considered in the context of historic districts, which rely on the collective significance of Contributors to be able to convey a given district's historic significance. On this basis, demolition of potential Contributors within the Project site is considered cumulatively significant and unavoidable within the context of the District.

The Project's other potential impacts to cultural resources/tribal cultural resources would be less-than-significant as mitigated.

Other related projects within the cumulative impact area would be required to minimize cultural resources/tribal cultural resources impacts consistent with City and State

regulatory requirements, thereby minimizing potential cumulative cultural resources/tribal cultural resources impacts. Mitigation would be implemented, if applicable.

Based on the preceding, the demolition of potential District Contributors within the Project site is considered to be a cumulatively significant and unavoidable impact. The Project's potential contributions to other cumulative impacts regarding cultural resources/tribal cultural resources would not be considerable, and these cumulative effects would be less-than-significant.

5.1.1.11 Agricultural Resources - Cumulative Impacts

The cumulative impact area when considering potential cumulative agricultural resources impacts includes areas that are currently under City jurisdiction and subject to provisions of The Ontario Policy Plan; surrounding San Bernardino County, and the State of California.

The Ontario Plan EIR concluded that buildout of the City pursuant to the Policy Plan would result in cumulatively significant and unavoidable agricultural resources impacts. As discussed at EIR Section 4.11, *Agricultural Resources*, Project impacts related to agricultural resources would be significant and unavoidable. These Project impacts would contribute considerably to cumulatively significant and unavoidable agricultural resources impacts. Cumulative effects of the Project's significant and unavoidable agricultural resources impacts are consistent with those already considered and addressed in The Ontario Plan EIR.

5.1.1.12 Utilities and Service Systems - Cumulative Impacts

The cumulative impact area when considering potential cumulative utilities and service systems impacts comprises affected purveyor service areas including service sources/supplies, and service conveyance/distribution/treatment facilities.

As discussed at EIR Section 4.12, *Utilities & Service Systems,* the Project would implement all necessary on-site infrastructure improvements and would also construct area-serving

off-site master plan infrastructure improvements. Utilities and service systems distribution and conveyance lines implemented by the Project would be constructed, operated, and maintained pursuant to purveyor requirements and consistent with applicable infrastructure master plans. Infrastructure improvements would be located within existing improved streets or otherwise disturbed properties, thereby limiting or avoiding potential environmental impacts.

This EIR evaluates likely maximum impacts associated with all Project actions and operations, including but not limited to construction and operation of utilities and service systems distribution and conveyance lines. Construction and operation of the Project utilities and service systems distribution and conveyance lines would not result in conditions or environmental impacts not already considered and addressed elsewhere in this EIR.

At properties adjacent to off-site master plan infrastructure improvements implemented by the Project, construction-source noise impacts are recognized as significant and unavoidable (see: EIR Section 4.5, *Noise*). Additionally, conversion of off-site agricultural lands to non-agricultural purposes could result from construction of area-serving master plan infrastructure improvements. These impacts are recognized as significant and unavoidable (see: EIR Section 4.11, *Agricultural Resources*). Mitigation proposed in this EIR under other environmental topics would also address potential impacts associated with construction and operation of utilities and service systems distribution and conveyance lines.

The EIR discussion of potential utilities and services impacts also substantiates the following:

- Water supplies would be available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. Details in these regards are presented in the Project Water Supply Assessment (WSA), EIR Appendix M.

- There exists sufficient wastewater treatment capacity to serve the Project's projected demand in addition to the provider's existing commitments;

- Landfills serving the Project have sufficient permitted capacity to accommodate the Project's solid waste disposal needs; and

- The Project would comply with federal, state, and local statutes and regulations related to solid waste.

Other related projects within the cumulative impact area would be required to minimize utilities and services impacts consistent with City, State, and service purveyor requirements, thereby minimizing potential cumulative utilities and services impacts. Mitigation would be implemented, if applicable. There are no known or probable related projects that would interact with the less-than-significant effects of the Project and thereby result in cumulatively significant impacts.

Based on the preceding, cumulatively significant and unavoidable construction-source noise impacts and cumulatively significant agricultural resources impacts could result from Project construction of master plan area-serving utilities and service systems. These impacts are considered and addressed in detail at EIR Sections 4.5, *Noise* and 4.11, *Agricultural Resources,* respectively.

All other Project contributions to cumulative impacts regarding utilities and service systems would not be considerable, and the cumulative effects of the Project would be less-than-significant.

5.1.1.13 Energy - Cumulative Impacts

The geographic scope of cumulative energy impacts is limited to the energy provider service area(s). The analysis at EIR Section 4.13, *Energy*, substantiates that the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. These plans and policies address development-level and cumulative impacts to energy resources. Project consistency with state and local plans for renewable energy

and energy efficiency demonstrates that the Project energy impacts would not be cumulatively considerable, and the Project cumulative energy impacts would be less-than-significant.

As with the Project, other developments within the energy provider service areas would be required to demonstrate compliance with state and local plans for renewable energy and energy efficiency. There are no known or probable related projects that would interact with the less-than-significant effects of the Project and thereby result in cumulatively significant impacts.

Based on the preceding, the Project's potential contribution to cumulative impacts regarding energy is not considerable, and the cumulative effects of the Project are determined to be less-than-significant.

5.1.1.14 Population and Housing - Cumulative Impacts

The cumulative impact area for population and housing considerations is the City of Ontario and the encompassing SCAG Region. As discussed at EIR Section 4.14, *Population and Housing*, the Project would not result in potentially significant population and housing impacts. The EIR discussions further substantiate that the Project would be consistent with applicable goals, policies, and strategies addressing cumulative population, housing, and employment growth; and balance of these demographic elements within the City and the SCAG Region.

Other related projects within the cumulative impact area would be required to minimize population and housing impacts consistent with City and State regulatory requirements, thereby minimizing potential cumulative population and housing impacts. Mitigation would be implemented, if applicable. There are no known or probable related projects that would interact with the less-than-significant effects of the Project and thereby result in cumulatively significant impacts.

Based on the preceding discussion, the Project's potential contribution to cumulative impacts regarding population and housing impacts is not considerable, and the cumulative effects of the Project are determined to be less-than-significant.

5.2 ALTERNATIVES ANALYSIS

CEQA Guidelines Section 15126.6 provides that an EIR must describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain the basic Project objectives, but would avoid or substantially lessen any of the significant environmental effects of the proposal. As further presented in the *CEQA Guidelines*, an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation. To this end, the *CEQA Guidelines* indicate that the range of alternatives selected for examination in an EIR should be governed by "rule of reason," and requires the EIR to set forth only those alternatives necessary to permit an informed decision.

Consistent with provisions of the *CEQA Guidelines*, the following analysis presents a reasonable range of alternatives to the Project that would potentially lessen its environmental effects while allowing for attainment of the basic Project Objectives. Supporting reasoning behind the selection of alternatives is presented together with a summary description of each alternative. The merits of the selected alternatives compared to the Project are described and evaluated.

The alternatives analysis concludes with identification of the environmentally superior alternative. If the environmentally superior alternative is the No Project Alternative, the *CEQA Guidelines* require that one of the remaining considered Alternatives be identified as the environmentally superior selection.

5.2.1 Alternatives Overview

Descriptions of, and the rationale underlying, the alternatives considered in this EIR are presented below. As provided for under CEQA, the ultimate rationale underlying the development and selection of alternatives to the Project is the reduction or avoidance of

otherwise resulting significant environmental impacts, while allowing for attainment of the basic Project Objectives. Alternatives considered in detail include:

- No Project Alternative: No Build;
- No Project Alternative: Development per Existing Policy Plan Land Uses; and
- Reduced Intensity Alternative.

As provided for at *CEQA Guidelines* 15126.6(c), alternatives that were considered by the lead agency but were rejected as infeasible are also identified. These included:

- Alternative Sites;
- "No Threshold Exceedance" Alternative for Significant Transportation Impacts;
- "No Threshold Exceedance" Alternative for Significant Air Quality Impacts;
- "No Threshold Exceedance" Alternative for Significant GHG Impacts;
- "No Threshold Exceedance" Alternative for Significant Noise Impacts;
- Preservation Alternatives for Significant Historical Resources Impacts;
- "No Threshold Exceedance" Alternative for Significant Agricultural Resources Impacts.

The above-listed Alternatives are described in greater detail at Section 5.2.2, *Description of Alternatives* and 5.2.3, *Alternatives Considered and Rejected*. To provide context for the subsequent consideration of Alternatives, significant Project impacts are summarized below, and the Project Objectives are restated.

5.2.1.1 Summary of Significant and Unavoidable Impacts

Significant Transportation Impacts

EIR Section 4.2, *Transportation*, details the Project's potential transportation impacts. As discussed in that Section, even after compliance with applicable regulations and requirements, and application of mitigation measures, the Project would result in certain significant and unavoidable VMT impacts, summarized below.

Vehicle Miles Traveled (VMT) Impacts

The Project VMT Assessment estimates the Project VMT/Service Population (Project VMT/SP) and compares the Project VMT/SP to a calculated City Average Existing VMT/SP. Project VMT/SP that would exceed 85 percent of the City Average Existing VMT/SP would be considered a potentially significant VMT impact. Potentially significant VMT impacts are mitigated through implementation of Transportation Demand Management (TDM) measures. Even with implementation of proposed TDM measures, Project VMT impacts would be individually and cumulatively significant and unavoidable.

Significant Air Quality Impacts

EIR Section 4.3, *Air Quality*, details the Project's potential air quality impacts. As discussed in that Section, even after compliance with applicable regulations and requirements, and application of mitigation measures, the Project would result in the following significant and unavoidable air quality impacts:

- Project operational-source VOC, NO_x, CO, PM_{10}, and $PM_{2.5}$ emissions would exceed applicable SCAQMD regional thresholds and per AQMD criteria would be significant. Per SCAQMD criteria, Project-level impacts that are significant are also cumulatively considerable. Project operational-source VOC, NO_x, PM_{10}, and $PM_{2.5}$ emissions threshold exceedances would result in a cumulatively considerable net increase in criteria pollutants (ozone and $PM_{10}/PM_{2.5}$) for which the Project region is non-attainment. These are cumulatively significant and unavoidable air quality impacts.

- Because a change in land use is proposed by the Project, it is assumed that air pollutant emissions generated by the Project are not reflected in the 2016 AQMP air quality standards, interim emissions reductions targets, and emissions inventories. Consequently, development of the subject site as proposed by the Project is assumed to conflict with the 2016 AQMP. This is a significant and unavoidable impact. Per SCAQMD criteria, this significant impact at the Project-level would also be cumulatively considerable.

Significant GHG Emissions Impacts

EIR Section 4.4, *Greenhouse Gas Emissions*, details the Project's potential GHG emissions impacts. As discussed in that Section, even after compliance with applicable regulations and requirements, and application of mitigation measures, the Project could directly or indirectly generate GHG emissions that may have a significant impact on the environment. Further, the Project could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the GHG emissions. The Project's potential to contribute considerably (either individually or cumulatively) to global climate change impacts through GHG emissions is therefore considered significant and unavoidable.

Significant Noise Impacts

EIR Section 4.5, *Noise*, details the Project's potential noise impacts. As discussed within that Section, even after compliance with applicable regulations and requirements, and application of mitigation measures, noise impacts associated with Project construction of off-site master plan infrastructure improvements would be individually and cumulatively significant and unavoidable for the duration of off-site master plan infrastructure construction activities.

Significant Cultural (Historic) Resources Impacts

As discussed at EIR Section 4.10, *Cultural/Tribal Cultural Resources*, 5 (five) buildings or structures within the Project site appear to qualify as contributing elements (Contributors) to the New Model Colony / Chino Valley Dairy Historic District (District) identified within the City of Ontario New Model Colony Area Historic Context Statement. These 5 (five) potential Contributors to the District would be demolished to allow for implementation of the Project. Per CCR Title 14, Section 15126.4(b), the demolition or destruction of a historical resource cannot typically be fully mitigated. Demolition of potential Contributors resulting from the Project is therefore considered a significant and unavoidable impact.

The proposed demolition of potential Contributors within the Project site would contribute considerably to cumulative impacts to historic resources. In this regard, it is

reasonable to expect that there will be contemporary or future instances of demolition of similar potential Contributors either through neglect; under circumstances precluding feasible rehabilitation; due to the presence of health and safety hazards requiring removal of a Contributor; or if it is determined that impacts of removing a Contributor is outweighed by the benefits afforded by a new development. There remains potential for current and future demolition of Contributors to occur within the District, which combined with demolition of the potential Contributors within the Project site would result in cumulatively significant impacts to the District. This is particularly relevant when considered in the context of historic districts, which rely on the collective significance of Contributors to be able to convey a given district's historic significance. On this basis, demolition of potential Contributors within the Project site is considered cumulatively significant and unavoidable within the context of the District.

Significant Agricultural Resources Impacts

As substantiated at EIR Section 4.11, *Agricultural Resources*, the Project would result in conversion of on-site Farmland to urban uses. Additional conversion of off-site agricultural lands to non-agricultural purposes could also occur as a result of Project construction of master plan infrastructure improvements. These are considered to be individually and cumulatively significant and unavoidable impacts. However, the Project would not cause or result in significant and unavoidable agricultural resources impacts and loss of Farmland impacts beyond those already considered and addressed in the Ontario Sphere of Influence (New Model Colony [Ontario Ranch]) General Plan [Policy Plan] Amendment EIR, The Ontario Plan EIR, and the [City of Ontario] Infrastructure Master Plans MND. The Project would not result in new significant and unavoidable agricultural resources impacts and loss of Farmland not otherwise occurring pursuant to the Policy Plan Land Use Plan.

5.2.1.2 Project Objectives

The primary goal of the Project is the development of the subject site with a productive mix of business park and light industrial uses. Complementary Project Objectives include the following:

- Implement a Specific Plan development supporting business park and industrial uses providing a broad range of long-term employment opportunities.

- Implement business park and industrial uses providing a broad range of additional construction employment opportunities.

- Provide safe and convenient access for trucks in a manner that minimizes any potential disruption to residential areas.

- Provide business park and industrial uses near existing roadways and freeways to reduce traffic congestion and air emissions.

- Facilitate goods movement locally, regionally, nationally, and internationally.

- Provide land uses that are compatible with surrounding land uses and that would not conflict with the policies and environmental constraints identified in the Policy Plan.

- Support the Policy Plan vision for urbanization of the Ontario Ranch area of the City.

- Establish new development that would further the City's near-term and long-range fiscal goals.

- Improve the regional jobs/housing balance.

Please refer also to EIR Section 3.5, *Project Objectives*.

5.2.2 Description of Alternatives

Alternatives to the Project considered in this analysis include:

- No Project Alternative: No Build;

- No Project Alternative: Development per Existing Policy Plan Land Uses;
- Alternative Sites;
- "No Threshold Exceedance" Alternative for Significant Transportation Impacts;
- "No Threshold Exceedance" Alternative for Significant Air Quality Impacts;
- "No Threshold Exceedance" Alternative for Significant GHG Impacts;
- "No Threshold Exceedance" Alternative for Significant Noise Impacts;
- Preservation Alternatives for Significant Historical Resources Impacts;
- "No Threshold Exceedance" Alternative for Significant Agricultural Resources Impacts; and
- Reduced Intensity Alternative.

Descriptions of the selected Alternatives are provided below.

5.2.2.1 No Project Alternatives

Overview

The *CEQA Guidelines* require that the EIR include in its evaluation of Alternatives a "No Project" Alternative. Within this analysis, two No Project scenarios are considered – "No Build" and "Development per Existing Policy Plan Land Uses."

No Project Alternative: No Build

If a No Build scenario were maintained, its comparative environmental impacts would replicate the existing conditions discussions for each of the environmental topics evaluated in this EIR; and comparative impacts of the Project would be as presented under each of the EIR environmental topics. A No Build condition would achieve none of the basic Project Objectives.

No Project Alternative: Development per Existing Policy Plan Land Uses

The No Project Alternative: Development per Existing Policy Plan Land Uses (Existing Policy Plan Land Uses) scenario represents foreseeable development of the subject site pursuant to the site's current Policy Plan Land Use designations. Table 5.2-1 compares the composition and scope of uses under the Project with development that could result under the Existing Policy Plan Land Uses scenario.

Table 5.2-1
Site Development Comparison
Project and No Project Alternative: Existing Policy Plan Land Uses

Project	No Project Alternative: Existing Policy Plan Land Uses
Policy Plan Land Use Designation	**Policy Plan Land Use Designation**
Business Park: 55.1 acres; 1,441,000 building sf	Business Park: 314.7 acres; 8,225,000 building sf
N/A	Office Commercial: 43.3 acres; 1,414,600 building sf
N/A	General Commercial: 18.3 acres; 318,900 building sf
Industrial: 292.8 acres; 7,014,000 building sf	N/A
Circulation: 28.4 Acres	N/A
Total: 376. 3 Acres; 8,455,000 building sf	**Total: 376. 3 Acres; 9,958,500 building sf**

Sources: Policy Plan Land Use Element; Merrill Commerce Center Specific Plan.
Notes:
1. Maximum building square footage calculated by multiplying the total acreage of each land use by the anticipated floor area ratio (FAR) for the respective land use designation. Per Policy Plan Table LU-02 Land Use Designations Summary Table: Industrial FAR = 0.55; Business Park FAR = 0.60; General Commercial FAR = 0.040; Office Commercial FAR = 0.75.

5.2.2.2 Reduced Intensity Alternative

The Reduced Intensity Alternative focuses on a development scenario that would reduce the significant operational-source air quality impacts otherwise occurring under the Project.

Of the total operational-source emissions generated by the Project, approximately 90 percent (by weight) would be generated by Project traffic. An effective way to reduce the Project operational-source emissions would therefore be an Alternative that would reduce the total amount of traffic generated by the Project. Based on the reduction in total traffic, the Reduced Intensity Alternative would also reduce the scope and/or intensity of significant transportation impacts, air quality impacts, and GHG emissions impacts that would result from implementation of the Project.

For purposes of the EIR Alternatives Analysis, the Reduced Intensity Alternative would implement the proposed Merrill Commerce Center Specific Plan uses at an approximately 25 percent reduction in overall development intensity. The mix of land uses proposed by the Project would be proportionally maintained under the Reduced Intensity Alternative. When compared to the approximately 8,455,000 square feet of light industrial/business park uses proposed by the Project, the Reduced Intensity Alternative

would realize approximately 6,341,000 square feet of light industrial/business park development. Development under the Project and the Reduced Intensity Alternative is compared at Table 5.2-2.

Table 5.2-2
Site Development Comparison
Project and Reduced Intensity Alternative

Project	Reduced Intensity Alternative
Business Park: 55.1 acres; 1,441,000 building sf	Business Park: 55.1 acres; 1,081,000 building sf
Industrial: 292.8 acres; 7,014,000 building sf	Industrial: 292.8 acres; 5,260,000 building sf
Circulation: 28.4 Acres	Circulation: 28.4 Acres
Total: 376. 3 Acres; 9,958,500 building sf	**Total: 376. 3 Acres; 6,341,000 building sf**

Sources: Project Development - Merrill Commerce Center Specific Plan; Reduced Intensity Alternative Development - Applied Planning, Inc.

5.2.3 Alternatives Considered and Rejected

5.2.3.1 Alternative Sites Considered and Rejected

As stated at *CEQA Guidelines* §15126.6 (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." *CEQA Guidelines* §15126.6 (f) (1) also provides that when considering the feasibility of potential alternative sites, the factors that may be taken into account include: "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent). None of these factors establishes a fixed limit on the scope of reasonable alternatives."

As discussed below, relocation of the Project would not avoid or substantially lessen the Project's significant environmental impacts. Further, there are no feasible alternative sites

under control or likely control of the Applicant that would allow for relocation of the Project in a manner that could substantially reduce the Project's significant environmental impacts.

Significant Transportation Impacts Not Substantially Reduced at Alternative Site

- Relocation to an Alternative Site is not likely to achieve any measurable reduction in the Project's VMT impacts. VMT impacts are influenced by the Project location, but are also a product of the Project land uses. Relocation of the Project within the City could shorten certain worker commutes trip lengths; however, others could be lengthened. There is no demonstrable evidence indicating that worker trip lengths would be substantially altered by relocation of the Project. Further, Project truck trip lengths are determined by SCAQMD trip length modeling protocols, and would not be affected by relocation of the Project site. Additionally, there are no feasible alternative sites under control or likely control of the Applicant that would allow for relocation of the Project and associated reassignment of traffic in a manner that could substantially reduce VMT impacts.

Significant Air Quality Impacts Not Substantially Reduced at Alternative Site

- Relocation to an Alternative Site would not likely achieve any measurable reduction in the Project's regional operational-source air quality impacts and contributions to nonattainment conditions. Relocation of the Project anywhere within the South Coast Air Basin would not alter or diminish the significance of this impact.

- The AQMP land use inconsistency resulting from the Project could not be feasibly avoided by relocation of the Project to an alternative site. That is, there are no alternative sites under control or likely control of the Applicant that would allow for relocation of the Project and that would preclude changes in land use designations.

Significant Noise Impacts Not Substantially Reduced at Alternative Site

- Significant noise impacts are assumed to occur at land uses adjacent to alignments of off-site master plan infrastructure to be constructed by the Project. These infrastructure alignments are determined by, and are consistent with, City infrastructure master plans. These master plan infrastructure alignments are beyond the control of the Applicant. Relocation of the Project would not substantially alter master plan infrastructure alignments, or substantially diminish construction-source noise impacts that are assumed to occur at adjacent land uses. Moreover, there are no alternative sites under control or likely control of the Applicant that would allow for relocation of the Project and that would substantially reduce construction-source noise impacts affecting land uses adjacent to infrastructure alignments.

Significant GHG Emissions Impacts Not Substantially Reduced at Alternative Site

- GHG emissions impacts are, by definition, cumulative and global in their effects. Relocation of the Project would not alter or diminish the significance of its GHG emissions impacts.

Significant Impacts to Historical Resources Not Substantially Reduced at Alternative Site

- Consistent with City requirements, the EIR incorporates mitigation that would reduce impacts to the 5 potential contributors to historical resources to the extent feasible. However, buildout of the City as envisioned under The Ontario Plan would ultimately result in urbanization of the area and would not allow for relocation of the Project in manner that would preclude or substantially reduce historical resources impacts otherwise resulting from the Project. In this regard, the Ontario Plan EIR recognizes that implementation of the Proposed General Plan Land Use Plan could threaten historic resources, and recognizes these impacts as significant and unavoidable (General Plan EIR, pp. 5.5-23, 5.5-24). Moreover, there are no alternative sites of under control or likely control of the Applicant that would allow for relocation of the Project and that would substantially reduce potential impacts to historic resources.

Significant Agricultural Resources Impacts Not Substantially Reduced at Alternative Site

- The Project's significant agricultural resources impacts are consistent with the significant agricultural resources impacts anticipated under buildout of the City. In this regard, The Ontario Plan envisions the City buildout condition comprising urban mixed-use, commercial, industrial, and residential land uses. The Ontario Plan vision does not support the continuation of existing agricultural uses. In this latter regard, existing agricultural uses within the City are becoming economically unsustainable and represent land uses that are increasingly incongruous with continuing urbanization of the City. Moreover, there are no alternative sites under control or likely control of the Applicant that would allow for relocation of the Project and that would substantially reduce agricultural resources impacts.

Based on the preceding considerations, analysis of an Alternative Site as means of reducing the Project's significant environmental impacts was not further considered.

5.2.3.2 "No Threshold Exceedance" Alternative for Significant VMT Impacts Considered and Rejected

VMT impacts are defined in terms of miles traveled per service population (VMT/SP). Reduction in VMT impacts could therefore be potentially reduced by diminishing aggregate VMT relative to the service population, or increasing the service population relative to VMT. VMT for the Project are fixed by its location and land use context. As noted previously in these discussions, relocation of the Project would likely not substantially reduce VMT. The Project Service Population is a function of the land uses proposed. Alteration of the Project land uses would be required in order to significantly increase the Service Population while maintaining or decreasing VMT, and thereby improve the VMT/SP ratio and diminish potential VMT impacts. Such land use alterations would result in some undefined development concept other than the Project evaluated in this EIR. Analysis of this other, undefined development would be speculative and would not support the Project Objectives; and is therefore not considered here.

Based on the preceding, there are no feasible means or alternatives to avoid this impact or reduce the impact to levels that would be less-than-significant.

5.2.3.3 "No Threshold Exceedance" Alternative for Significant Air Quality Impacts Considered and Rejected

In order to reduce Project operational-source air quality emissions to levels that would preclude exceedance of all SCAQMD thresholds, the Project scope would need to be reduced by approximately 90 percent (this would achieve the most restrictive threshold [NO_x] and all subordinate thresholds). At such a reduction in scope the Project Objectives would not be realized in any meaningful sense. As such, potential alternatives with the specific goal of avoiding all significant operational-source air quality impacts resulting from the Project were rejected from consideration, and are not further evaluated in this discussion.

Project operational-source emissions threshold exceedances would result in a cumulatively considerable net increase in criteria pollutants for which the Project region is non-attainment. For the same reasons noted above, there are no feasible means or alternatives to avoid this impact or reduce the impact to levels that would be less-than-significant. However, this impact and all operational-source air quality impacts would be diminished under the EIR Reduced Intensity Alternative.

The Project proposes Policy Plan Land Use amendments that would allow for implementation of the Project uses. Because the Project's proposed Policy Plan Land Uses designations are not reflected in the AQMP, the Project is considered to be inconsistent with AQMP emissions assumptions and projected AQMP emissions inventory. To maintain AQMP consistency, avoidance of the proposed amendments to the site's current Policy Plan Land Use designations would be required. This would effectively negate the Project in total. Additionally, there are no alternative locations under control or likely control of the Applicant that would preclude any potential change in land use designations, thereby avoiding potential inconsistencies with the AQMP.

Based on the preceding, there are no feasible means or alternatives to avoid this impact or reduce the impact to levels that would be less-than-significant.

5.2.3.4 "No Threshold Exceedance" Alternative for GHG Emissions Impacts Considered and Rejected

The Project cannot feasibly achieve no net increase in GHG emissions, nor can the applicable City of Ontario Climate Action Plan (CAP) screening-level threshold (3,000 MTCO2e/year) be achieved. In this regard, the majority (approximately 70 percent) of the Project GHG emissions would be generated by Project vehicular sources. Responsibility and authority for regulation of vehicular-source emissions resides with the State of California (CARB, et al.). Neither the Applicant nor the Lead Agency can effect or mandate substantial reductions in vehicular-source GHG emissions, much less reductions that would achieve no net increase condition or achieve the CAP screening-level 3,000 MTCO2e/year threshold. In effect, all Project traffic would need to be eliminated or be "zero GHG emissions sources" in order to achieve the CAP threshold. There are no feasible means to or alternatives to eliminate all Project traffic, or to ensure that Project traffic would zero GHG emissions sources. In terms of its practical application, this would constitute a "no build" condition.

The Project would implement all feasible measures to provide consistency with the current CAP and pending CAP update. The CAP as updated by the City may implement performance standards and GHG emissions reduction targets differing from the current CAP. There is therefore the potential for Project development proposals to conflict with as-yet-unknown performance standards and GHG emissions reduction targets implemented under the pending CAP updates, and thereby result in GHG emissions that would be considered to represent a significant impact on the environment. Moreover, it cannot be assured that the CAP as updated by the City would be determined to be consistent with applicable State and regional plans adopted for the for the purpose of reducing the emissions of greenhouse gases. There are no feasible alternatives that would ensure consistency with the pending CAP update, or to ensure that the CAP update would be consistent with applicable State and regional plans adopted for the purpose of reducing the emissions of greenhouse gases.

Based on the preceding, there are no feasible means or alternatives to avoid this impact or reduce the impact to levels that would be less-than-significant.

5.2.3.5 "No Threshold Exceedance" Alternative for Significant Construction-Source Noise Impacts Considered and Rejected.

Construction-source noise impacts resulting from construction of off-site master plan infrastructure improvements would be significant and unavoidable. Construction-source noise impacts reflect maximum noise levels generated by likely operations of typical construction equipment. The types and quantities of equipment employed, and associated maximum noise levels generated, would not differ substantially under any reasonable scenario for construction of off-site master plan infrastructure.

Based on the preceding, there are no feasible means or alternatives to avoid this impact or reduce the impact to levels that would be less-than-significant.

5.2.3.6 Preservation Alternatives for Significant Historical Resources Impacts Considered and Rejected

Consistent with City requirements, this EIR incorporates mitigation that would reduce impacts to historical resources to the extent feasible. However, even with application of mitigation, impacts would be significant and unavoidable. In this regard, the Ontario Plan EIR recognizes that implementation of the Proposed Land Use Plan could threaten historic resources and recognizes these impacts as significant and unavoidable (General Plan EIR, pp. 5.5-23, 5.5-24). Preservation Alternatives that could lessen or avoid impacts to historical resources were also considered, but were ultimately determined to be infeasible and were therefore rejected. These Alternatives and the basis for their rejection are summarized below:

- **In Situ Retention:** In situ of these contributors would be incompatible with, and would conflict with the proposed Specific Plan Land Use Plan, Development Standards, and Design Guidelines and would not allow for implementation of the Project. In situ retention of these contributors is therefore not considered feasible.

- **Retention and Adaptive Reuse:** Similarly, retention and adaptive reuse of these contributors would be incompatible with, and would conflict with the proposed Specific Plan Land Use Plan, Development Standards, and Design Guidelines and would not allow for implementation of the Project. Retention of and adaptive use of these contributors is therefore not considered feasible.

- **Relocation:** Relocation of the contributors may be possible, pending identification of a recipient site that is within the New Model Colony [Ontario Plan] boundaries and that maintains similar setting and location, and historic associations. Additionally, each relocated building should retain original materials and design features that give evidence of original workmanship and feeling/aesthetic such that the resource, upon relocation, maintains the ability to convey its identified significance. There are no designated recipient sites that meet the relocation criteria noted. Moreover, buildout of the City as envisioned under The Ontario Plan would ultimately result in urbanization of the area and would not allow for relocation at a recipient site that maintains similar setting, and location, and historic associations for the affected contributors. Relocation of the contributors is therefore considered infeasible.

Based on the preceding, there are no feasible means or alternatives to avoid this impact or reduce the impact to levels that would be less-than-significant.

5.2.3.7 "No Threshold Exceedance" Alternative for Significant Agricultural Resources Impacts Considered and Rejected

The Ontario Plan vision does not support the continuation of existing agricultural uses within the City. In this regard, existing agricultural uses within the City are becoming economically unsustainable and represent land uses that are increasingly incongruous with continuing urbanization of the City.

Long-term maintenance of agricultural/farmland uses within the Project site would therefore be contrary to Policy Plan Land Use Plan and the goals of the Ontario Plan. Persisting agricultural/farmland uses within the Project site would likely result in on-

going and increasing land use incompatibilities as surrounding areas continue to urbanize as envisioned under the Policy Plan. Long-term maintenance of agricultural/farmland uses within the Project would therefore potentially exacerbate rather than reduce environmental impacts. Further, transition of the Project site from agricultural/farmland uses and associated significant impacts to agricultural uses are consistent with and have been previously addressed in certified/adopted City environmental documents. The Project would not result in significant agricultural resources impacts not already considered and addressed in these documents.

Moreover, there are no alternative sites under control or likely control of the Applicant that would allow for relocation of the Project and that would substantially reduce agricultural resources impacts. Replacement of agricultural resources at an off-site location would require the Applicant to purchase off-site replacement acreage not designated as Farmland, and improve or restore it to Farmland status. Creation of additional Farmland in the City is contrary to the Policy Plan Land Use Plan policies and vision as summarized previously, and would require comprehensive amendment of the Policy Plan. Neither the City nor Applicant has indicated that such amendment is warranted or desired, and neither has initiated such action.

Additionally, creation of new Farmland-status properties within the City could result in new and additional adverse impacts to the environment associated with typical farm/dairy operations, including but not limited to:

- Animal waste and creation of methane gas, and soil contamination from nitrates and ammonia.
- Use of petroleum products and above ground storage tanks (ASTs) used for fueling, maintaining, and repairing farm equipment.
- Use of formaldehyde, iodine, glycerol, muriatic acid and chlorinated alkaline as cleaning solutions. Application of pesticides to prevent parasite infestations.
- Holding ponds for contaminated runoff from agricultural/dairy farm operations and discharge of wastewater from these processes to pastures or to the area drainage system.

- Accumulating general debris that may have the potential to impact on-site surficial soil.
- Potential presence of septic systems.

These adverse impacts would be amplified at the interface of any agricultural uses imposed within the City's urbanizing context.

Further, creation of new Farmland-status properties outside the City is beyond the Lead Agency and Applicant control. The Farmland status at any site would be assigned through the California Department of Conservation Farmland Mapping and Monitoring Program *Important Farmland Series* mapping protocol. Additionally, creation of new Farmland-status properties at extra-jurisdictional locations could result in adverse impacts noted above. These impacts would be similar to those the City has experienced, and seeks to avoid through implementation of the Policy Plan Land Use Plan.

Based on the preceding, there are no feasible means or alternatives to avoid this impact or reduce the impact to levels that would be less-than-significant.

5.2.4 Comparative Impacts of Alternatives

For each environmental topic addressed in the EIR, the following analyses present an assessment of comparative impacts of Alternatives to the Project. At the conclusion of these discussions, Table 5.2-6 summarizes and compares relative impacts of the Project and the considered Alternatives.

5.2.4.1 Land Use and Planning - Comparative Impacts

In order to implement the Project approval of certain discretionary actions, consultation, and permitting would be required. The Project would comply with associated requirements incorporated therein. Potential land use and planning impacts of the Project would be less-than-significant. See also: EIR Section 4.1, *Land Use and Planning*.

No Project Alternative: No Build

Under this Alternative, existing land use/planning conditions would be maintained (see: EIR Section 4.1, *Land Use and Planning*, 4.1.2, *Setting*). This Alternative would realize no new development and would require no land use or planning discretionary actions or permits. In this respect, land uses and planning impacts would be decreased when compared to the Project. However, this Alternative would not support the City's long-range vision for the subject site, under which the site would be developed with Specific Plan Business Park, Office Commercial, and General Commercial Land Uses. Further, maintenance of the site's current dairy farm and trucking operations uses would become increasingly incompatible with surrounding land uses as the encompassing Ontario Ranch area develops with urban uses pursuant to the Policy Plan. In this latter regard, land use and planning impacts under this Alternative may be increased when compared to the Project.

No Project Alternative: Existing Policy Plan Land Uses

The No Project Alternative: Existing Policy Plan Land Uses scenario assumes development of the subject site consistent with the site's existing Policy Plan Land Use designations. This Alternative would not require amendment of the site's Policy Plan Land Uses as proposed by the Project. Because this Alternative would not require Policy Plan Land Use amendments, the scope of requested/necessary discretionary actions would be incrementally decreased when compared to the Project. Potential land use and planning impacts attributable to Land Use amendments may be reduced when compared to the Project.

Reduced Intensity Alternative

The Reduced Intensity Alternative would require amendment of Policy Plan Land Use designations similar to the Project. Other discretionary actions, consultations, and permitting required under the Reduced Intensity Alternative and the Project would be the same. Under either the Project or the Reduced Intensity Alternative, land use and planning impacts would be less-than-significant.

5.2.4.2 Transportation - Comparative Impacts

Implementation of the Project would result in certain individually and cumulatively significant VMT impacts. All other Project transportation impacts would be less-than-than-significant or less-than-significant as mitigated. See also: EIR Section 4.2, *Transportation*.

No Project Alternative: No Build

This Alternative would maintain existing VMT conditions (see: EIR Section 4.2, Transportation, 4.2.2 *VMT Assessment*, *VMT/SP Calculations*). This Alternative would result in decreased total VMT when compared to the Project. Because the intensity and scope of uses is diminished under this Alternative, the Service Population would also be decreased. On this basis, this Alternative may not substantially alter the VMT/SP ratio otherwise resulting from the Project. No VMT impact mitigation would be implemented under this Alternative.

No Project Alternative: Existing Policy Plan Land Uses

When compared to the Project, this Alternative would result in increased trip generation. Table 5.2-3 compares potential trip generation under the No Project Alternative: Existing Policy Plan Land Uses and the Project.

Table 5.2-3
Trip Generation Comparison-
No Project Alternative: Existing Policy Plan Land Uses vs. Project

No Project Alternative: Existing Policy Plan Land Uses			**Project**	
Policy Plan Land Use Designation	**ITE Metric**	**ADT (PCE)**	**Policy Plan Land Use Designation**	**ADT (PCE)**
Business Park: 314.7 acres; 8,225,000 sf	ITE Land Use 130 3.37 Trips/TSF	27,718	Business Park: 55.1 acres; 1,441,000 sf	5,842
Office Commercial: 43.3 acres; 1,414,600 sf	ITE Land Use 710 9.74 Trips/TSF	13,778	N/A	---
General Commercial: 18.3 acres; 318,900 sf	ITE Land Use 820 33.37 Trips/TSF	10,642	N/A	---
N/A	---	---	Industrial: 292.8 acres; 7,014,000 sf	19,356
N/A	---	---	Circulation: 28.4 Acres	---
Total ADT	**---**	**52,138**	**Total ADT**	**25,198**

Sources: Policy Plan Land Use Element; ITE Trip Generation Manual, 10th Edition (2017); Merrill Commerce Center Specific Plan; *Merrill Commerce Center Specific Plan, Traffic Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) June 30, 2020.
Notes:

Table 5.2-3
Trip Generation Comparison-
No Project Alternative: Existing Policy Plan Land Uses vs. Project

No Project Alternative: Existing Policy Plan Land Uses			Project	
Policy Plan Land Use Designation	ITE Metric	ADT (PCE)	Policy Plan Land Use Designation	ADT (PCE)

1. Maximum building square footage calculated by multiplying the total acreage of each land use by the anticipated floor area ratio (FAR) for the respective land use designation per Policy Plan Table LU-02 Land Use Designations Summary Table – Industrial FAR = 0.55; Business Park FAR = 0.60; General Commercial FAR = 0.040; Office Commercial FAR = 0.75.
2. No Project Alternative Land Use Trip Generation Metrics from ITE Trip Generation Manual, 10th Edition (2017). ITE Land Use Codes: 130-Industrial Park; 710 General Office, 820 Shopping Center.
3. Project Trip Generation from *Merrill Commerce Center Specific Plan, Traffic Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) June 30, 2020.
4. ADT = Average Daily Trips, TSF = Thousand Square Feet; PCE = Passenger Car Equivalent

This Alternative would result in increased total VMT when compared to the Project. Because the intensity and scope of uses would be increased under this Alternative, the Service Population would also likely be increased. This Alternative would therefore likely not substantially alter the VMT/SP ratio otherwise resulting from the Project. TDM measures implemented under this Alternative would reduce VMT impacts to the extent feasible.

Reduced Intensity Alternative

The Reduced Intensity Alternative would reduce Project trip generation by 25 percent. Project trip generation = 25,198 ADT; the Reduced Intensity Alternative trip generation = 0.75 x 25,198 ADT = 18,899 ADT.

Based on the 25 percent reduction in ADT, the extent of Study Area traffic improvements required under this Alternative would likely be reduced when compared to the Project. Because the Reduced Intensity Alternative would generate less traffic than the Project, fair share fee responsibilities, (which are based on proportional traffic contributions), would be reduced when compared to the Project. Required DIF payments (which are based on development building areas) would also be reduced. It is assumed that like the Project, development of the subject site under the Reduced Intensity Alternative would incorporate those site adjacent and on-site circulation system improvements necessary to avoid or mitigate development-specific traffic impacts.

The Reduced Intensity Alternative would result in reduced total VMT when compared to the Project. Because the intensity and scope of uses would be decreased under the

Reduced Intensity Alternative, the Service Population would also likely be decreased. The Reduced Intensity Alternative would therefore not substantially alter the VMT/SP ratio otherwise resulting from the Project. TDM measures implemented under the Reduced Intensity Alternative would reduce VMT impacts to the extent feasible.

5.2.4.3 Air Quality - Comparative Impacts

Even with application of mitigation, Project operational-source VOC, NO_x, CO, PM_{10}, and $PM_{2.5}$ emissions would exceed applicable SCAQMD regional thresholds and per AQMD criteria would be significant. Per SCAQMD criteria, Project-level impacts that are significant are also cumulatively considerable. Project operational-source VOC, NO_x, PM_{10}, and $PM_{2.5}$ emissions threshold exceedances would result in a cumulatively considerable net increase in criteria pollutants (ozone and $PM_{10}/PM_{2.5}$) for which the Project region is non-attainment. These are cumulatively significant and unavoidable air quality impacts.

Because a change in land use is proposed under the Project, it is assumed that the emissions generated by the Project's proposed land uses are not reflected in the 2016 AQMP air quality standards, interim emissions reductions targets, and emissions inventories. Consequently, development of the subject site as proposed by the Project is assumed to conflict with the 2016 AQMP. This is a significant and unavoidable impact. Per SCAQMD criteria, Project-level impacts that are significant are also cumulatively considerable.

All other Project air quality impacts would be less-than-significant, or less-than-significant as mitigated. See also: EIR Section 4.3, *Air Quality*.

No Project Alternative: No Build

Under this Alternative existing air quality conditions would be maintained (see: EIR Section 4.3, *Air Quality*, 4.3.3, *Setting*). This Alternative would realize no new development and would generate no additional air pollutant emissions. This Alternative would result in reduced air quality impacts when compared to the Project. No air quality impact mitigation would be implemented under this Alternative.

No Project Alternative: Existing Policy Plan Land Uses

Under this Alternative, similar construction activities and use of construction equipment would be similar to that occurring under the Project. The maximum daily area of disturbance would be the same under both scenarios.

The increase in vehicular trips under this Alternative would increase operational-source air pollutant emissions. The approximately 100 percent increase in ADT generation under this Alternative would translate to roughly proportional increases in air pollutant emissions. Table 5.2-4 provides a comparison of operational-source air pollutant emissions under the Project and No Project Alternative: Existing Policy Plan Land Uses.

Table 5.2-4
Project and No Project Alternative: Existing Policy Plan Land Uses
Operational-Source Emissions Comparison
(Pounds per Day, Maximum Total Summer/Winter Emissions)

Pollutant	SCAQMD Threshold	Project		No Project Alternative: Existing Policy Plan Land Uses	
		Emissions	Threshold Exceeded?	Emissions	Threshold Exceeded?
VOC	55	251.34	**YES**	502.68	**YES**
NOx	55	870.76	**YES**	1741.52	**YES**
CO	550	802.48	**YES**	1604.96	**YES**
SOx	150	5.29	No	10.58	No
PM_{10}	150	340.42	**YES**	680.84	**YES**
$PM_{2.5}$	55	99.15	**YES**	198.30	**YES**

Sources: Project operational-source emissions estimates from: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020. No Project Alternative: Existing Policy Plan Land Uses operational-source emissions estimates–Applied Planning, Inc.

As indicated in Table 5.2-4, this Alternative would result in increases in all operational-source criteria air pollutant emissions when compared to the Project. Emissions thresholds exceedances occurring under the Project would be amplified under this Alternative. The severity and magnitude of non-attainment impacts otherwise resulting from the Project would also be increased.

Because this Alternative's land uses would conform to land uses reflected in the AQMP, this Alternative would be considered consistent with the AQMP. AQMP inconsistencies otherwise occurring under the Project would be avoided.

The Project DPM-source carcinogenic risk is estimated at 9.34 per million, would not exceed the SCAQMD carcinogenic health risk threshold of 10 per million, and would therefore be less-than-significant. Increased truck traffic generated by this Alternative use could increase DPM-source carcinogenic and noncarcinogenic health risks when compared to the Project. For comparative analysis purposes, it is assumed that the maximum DPM-source carcinogenic and noncarcinogenic health risks under this Alternative would be increased proportional to the approximately 100 percent increase in traffic under this Alternative.

The resulting DPM-source carcinogenic health risk under this Alternative would be: 9.34 per million Project risk x 2 = 18.68 per million. The 18.68 per million carcinogenic health risk under this Alternative would exceed the SCAQMD carcinogenic health risk threshold of 10 per million and would therefore be potentially significant. The resulting noncarcinogenic health risk under this Alternative would be: 0.002 Project Hazard Index (HI) x 2 = 0.004 HI. The 0.004 HI resulting from this Alternative would not exceed the SCAQMD HI threshold of 1.0 and would be less-than-significant.

Other operational-source air quality impacts under this Alternative would be increased when compared to the Project but are assumed to be less-than-significant or less-than-significant as mitigated.

Reduced Intensity Alternative

Construction activities and use of construction equipment would be similar to the Project.

The 25 percent reduction in development intensity under the Reduced Intensity Alternative would translate roughly to a 25 percent reduction in operational-source air pollutant emissions when compared to the Project. Table 5.2-5 compares operational-source air pollutant emissions under the Project and Reduced Intensity Alternative.

Table 5.2-5
Project and Reduced Intensity Alternative
Operational-Source Emissions Comparison
(Pounds per Day, Maximum Total Summer/Winter Emissions)

Pollutant	SCAQMD Threshold	Project		Reduced Intensity Alternative	
		Emissions	Threshold Exceeded?	Emissions	Threshold Exceeded?
VOC	55	251.34	**YES**	188.51	**YES**
NO_x	55	870.76	**YES**	653.07	**YES**
CO	550	802.48	**YES**	601.86	**YES**
SOx	150	5.29	No	3.97	No
PM_{10}	150	340.42	**YES**	255.32	**YES**
$PM_{2.5}$	55	99.15	**YES**	74.36	**YES**

Sources: Project operational-source emissions estimates from: *Merrill Commerce Center Specific Plan Air Quality Impact Analysis, City of Ontario* (Urban Crossroads, Inc.) January 12, 2020. No Project Alternative operational-source emissions estimates–Applied Planning, Inc.

As indicated at Table 5.2-5, when compared to the Project, operational-source emissions would be incrementally reduced for all pollutants under the Reduced Intensity Alternative. As with the Project, operational-source VOC, NO_x, CO, PM_{10} and $PM_{2.5}$ emissions under the Reduced Intensity Alternative would exceed applicable SCAQMD regional thresholds. As with the Project, the Reduced Intensity Alternative's VOC, NO_x, PM_{10} and $PM_{2.5}$ regional threshold exceedances would contribute to existing Basin ozone and PM_{10}/$PM_{2.5}$ nonattainment conditions.

The Reduced Intensity Alternative land uses are not reflected in land use plans and regional development assumed in the AQMP. The Reduced Intensity Alternative would therefore be considered inconsistent with the AQMP. AQMP inconsistencies occurring under the Project would persist however the extent of the inconsistency would be diminished.

Decreased truck traffic generated by the Reduced Intensity Alternative uses could decrease DPM-source carcinogenic and noncarcinogenic health risks when compared to the Project. For comparative analysis purposes, it is assumed that the maximum DPM-source carcinogenic and noncarcinogenic health risks under the Reduced Intensity Alternative would be decreased proportional to the approximately 25 percent decrease in traffic under this Alternative. The resulting carcinogenic health risk would be: 9.34 per

million Project risk x 0.75 = 7.01 per million. The 7.01 per million carcinogenic health risk under the Reduced Intensity Alternative would not exceed the SCAQMD carcinogenic health risk threshold of 10 per million and would be less-than-significant. The resulting noncarcinogenic health risk would be: 0.002 Project Hazard Index (HI) x 0.75 = 0.0015 HI. The 0.0015 HI resulting from this Alternative would not exceed the SCAQMD HI threshold of 1.0 and would be less-than-significant.

Other operational-source air quality impacts under the Reduced Intensity Alternative would be reduced when compared to the Project and would be less-than-significant.

5.2.4.4 Greenhouse Gas/Global Climate Change - Comparative Impacts

There is the potential for the Project GHG emissions to conflict with as-yet-unknown performance standards and GHG emissions reduction targets implemented under the anticipated City CAP updates. Moreover, it cannot be assured that the City CAP as updated would be determined to be consistent with applicable State and regional plans adopted for the for the purpose of reducing the emissions of greenhouse gases. On this basis, even after application of mitigation, the Project could directly or indirectly generate GHG emissions that may have a significant impact on the environment. Further, the Project could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. These are significant and unavoidable impacts. See also: EIR Section 4.4, *Greenhouse Gas Emissions*.

No Project Alternative: No Build

Under this Alternative, existing GHG emissions conditions would be maintained (see: EIR Section 4.4, *Greenhouse Gas Emissions*, 4.4.2.3, *Existing Greenhouse Gases Emissions Inventories*). This Alternative would realize no new development and would generate no additional GHG emissions. This Alternative would result in reduced GHG emissions impacts when compared to the Project. No GHG impact mitigation would be implemented under this Alternative.

No Project Alternative: Existing Policy Plan Land Uses

GHG emissions would be increased under this Alternative – due primarily to the approximately 100 percent increase in vehicle trips and associated increase in mobile-source emissions under this Alternative. As with the Project, there would be the potential for GHG emissions to conflict with performance standards and GHG emissions reduction targets implemented under the anticipated City CAP update. As under the Project scenario, it could not be assured that the City CAP as updated would be determined to be consistent with applicable State and regional plans adopted for the for the purpose of reducing the emissions of greenhouse gases.

On this basis, even after application of mitigation, this Alternative could directly or indirectly generate GHG emissions that may have a significant impact on the environment. Further, this Alternative could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Reduced Intensity Alternative

When compared to the Project, the Reduced Intensity Alternative would result in reduced GHG emissions due to the reduced scope of facilities, reductions in building/facility energy demands, and reduced trip generation. As with the Project, there would be the potential for the Reduced Intensity Alternative GHG emissions to conflict with performance standards and GHG emissions reduction targets implemented under the anticipated City CAP update. As under the Project scenario, it could not be assured that the City CAP as updated would be determined to be consistent with applicable State and regional plans adopted for the for the purpose of reducing the emissions of greenhouse gases.

On this basis, even after application of mitigation, the Reduced Intensity Alternative could directly or indirectly generate GHG emissions that may have a significant impact on the environment. Further, the Reduced Intensity Alternative could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

5.2.4.5 Noise/Vibration - Comparative Impacts

Construction-source noise levels received at land uses adjacent to off-site master plan infrastructure improvements alignments would temporarily exceed applicable noise threshold criteria, and would be considered significant for the duration of infrastructure construction activities. All other noise/vibration impacts generated by or resulting from the Project would be less-than-significant or could be mitigated to levels that are less-than-significant. See also: EIR Section 4.5, *Noise*.

No Project Alternative: No Build

Under this Alternative, existing noise/vibration conditions would be maintained (see EIR Section 4.5, *Noise*, 4.5.2, *Setting*). This Alternative would realize no new development and would generate no additional noise. This Alternative would result in reduced noise impacts when compared to the Project. No noise impact mitigation would be implemented under this Alternative.

No Project Alternative: Existing Policy Plan Land Uses

Under this Alternative, areas affected by construction activities and the types and operations of construction equipment employed would be substantially the same as would occur under the Project. Maximum received construction-source noise/vibration levels would be unchanged.

As with the Project, construction-source noise levels received at land uses adjacent to off-site master plan infrastructure improvement alignments would temporarily exceed applicable noise threshold criteria, and would be considered significant and unavoidable for the duration of infrastructure construction activities. It is anticipated that all other construction-source noise impacts generated by or resulting from this Alternative would be less-than-significant or could be mitigated to levels that are less-than-significant. Under this Alternative and the Project, construction-source noise impacts at land uses adjacent to off-site master plan infrastructure improvement alignments would be comparable.

This Alternative would not generate or result in operational area-source noise/vibration substantially different than would result from uses proposed by the Project. Mitigation would be implemented to reduce noise received from on-site noise sources to levels that would be less-than-significant. This Alternative would not require or implement uses that would be substantial vibration sources. Under this Alternative and the Project, operational area-source noise/vibration impacts would be comparable.

The approximately 100 percent increase in vehicle trips under this Alternative may perceptibly increase vehicular (mobile-source) noise levels along area roadways. Unlike the Project, this Alternative may result in significant vehicular-source noise impacts along area roadways. Vehicular-source noise impacts would be increased under this Alternative.

This Alternative would not be adversely affected by airport/airfield noise. This Alternative would not require uses or programs that would substantially contribute to any existing adverse airport/airfield noise conditions.

Reduced Intensity Alternative

Under the Reduced Intensity Alternative, the types of construction activities and equipment employed would likely be similar to those associated with construction of the Project. Maximum received construction-source noise/vibration levels would be unchanged. As with the Project, construction-source noise levels received at land uses adjacent to off-site master plan infrastructure improvements alignments would temporarily exceed applicable noise threshold criteria, and would be considered significant for the duration of infrastructure construction activities. All other construction-source noise impacts generated by or resulting from the Reduced Intensity Alternative would be less-than-significant or could be mitigated to levels that are less-than-significant. Construction-source vibration impacts generated by or resulting from the Reduced Intensity Alternative would be less-than-significant.

The Reduced Intensity Alternative would not generate or result in operational area-source noise/vibration substantially different than would result from the Project.

Mitigation would be implemented to reduce noise received from on-site noise sources to levels that would be less-than-significant. The Reduced Intensity Alternative would not require or implement uses that would be substantial vibration sources. Under the Reduced Intensity Alternative and the Project, operational area-source noise impacts would be less-than-significant as mitigated. Under the Reduced Intensity Alternative and the Project, operational area-source vibration impacts would be less-than-significant.

The reduction in vehicle trips under the Reduced Intensity Project Alternative may reduce perceived vehicular (mobile-source) noise levels along area roadways. Under the Reduced Intensity Alternative and the Project vehicular-source noise impacts would be less-than-significant.

The Reduced Intensity Alternative would not be adversely affected by airport/airfield noise. The Reduced Intensity Alternative would not require uses or programs that would substantially contribute to any existing adverse airport/airfield noise conditions. Under the Reduced Intensity Alternative and the Project airfield/airport noise impacts would be less-than-significant.

5.2.4.6 Hazards/Hazardous Materials - Comparative Impacts

The Project would not implement uses or programs that would exacerbate any existing adverse hazards/hazardous materials. Under the Project, existing hazards or potentially hazardous conditions affecting the subject site would be remediated and related impacts reduced to levels that would be less-than-significant. The Project would comply with ALUC Conditions of Approval, reducing potential airport/airfield hazards impacts to levels that would be less-than-significant.

No Project Alternative: No Build

Under this Alternative, existing hazards/hazardous materials conditions would be maintained (see: EIR Section 4.6, *Hazards/Hazardous Materials*, 4.6.2, *Setting*). This Alternative would realize no new development and would generate no additional hazards/hazardous materials impacts. Existing adverse hazards/hazardous conditions affecting the subject site and surrounding areas (e.g., contaminated soils, animal waste,

debris, pesticides, contaminated runoff) would persist. This Alternative may therefore result in increased hazards/hazardous conditions impacts when compared to the Project. That is, under the Project, adverse hazards/hazardous conditions affecting the site would be comprehensively remediated as part of the Project development—such remediation would not occur under this Alternative. No hazards/hazardous materials impact mitigation would be implemented under this Alternative.

No Project Alternative: Existing Policy Plan Land Uses

As with the Project, existing hazards or potentially hazardous conditions affecting the subject site would be remediated and related impacts reduced to levels that would be less-than-significant. This Alternative use would not result in hazards and hazardous materials impacts different than those resulting from the Project. This Alternative would not implement uses or programs that would exacerbate any existing adverse hazards/hazardous materials conditions. This Alternative would comply with ALUC Conditions of Approval, reducing potential airport/airfield hazards impacts to levels that would be less-than-significant. Hazards/hazardous materials impacts under this alternative would be similar to the Project.

Reduced Intensity Alternative

As with the Project, existing hazards or potentially hazardous conditions affecting the subject site would be remediated and related impacts reduced to levels that would be less-than-significant. The Reduced Intensity Alternative land uses would be similar to the Project and would not result in hazards and hazardous materials impacts different than those resulting from the Project. The Reduced Intensity Alternative would not implement uses or programs that would exacerbate any existing adverse hazards/hazardous materials conditions. The Reduced Intensity Alternative would comply with ALUC Conditions of Approval, reducing potential airport/airfield hazards impacts to levels that would be less-than-significant. Potential hazards/hazardous materials impacts of the Reduced Intensity Alternative and the Project would be comparable.

5.2.4.7 Hydrology and Water Quality - Comparative Impacts

The Project would implement all necessary storm drain infrastructure improvements. The Project would implement on-site storm water management systems that would connect to storm drains with sufficient capacities. The Project would implement a construction Storm Water Pollution Prevention Plan (SWPPP) and operational Water Quality Management Plan (WQMP) reducing potential water quality impacts to levels that would be less-than-significant.

Further, stormwater management systems implemented under the Project would act to improve area drainage conditions and would remove existing sources of water pollution, thereby improving existing area hydrology and water quality conditions. On this basis, Project impacts to hydrology and water quality would be less-than-significant. See also: EIR Section 4.7, *Hydrology and Water Quality*.

No Project Alternative: No Build

Under this Alternative, existing hydrology/water quality conditions would be maintained (see: EIR Section 4.7, *Hydrology/Water Quality*, 4.7.2, *Existing Conditions*). This Alternative would realize no new development and would generate no additional hydrology and water quality impacts. Existing adverse hydrology/water quality conditions affecting the subject site (e.g., lack of storm sewers, lack of storm water quality treatment systems, degraded water quality due to dairy farming operations) would persist. This Alternative may therefore result in increased hydrology and water quality impacts when compared to the Project. That is, under the Project, adverse hydrology and water quality conditions affecting the site and surrounding areas would be comprehensively addressed through implementation of the Project stormwater management systems. These stormwater management system improvements would not be implemented under this Alternative. No hydrology/water quality impact mitigation would be implemented under this Alternative.

No Project Alternative: Existing Policy Plan Land Uses

This Alternative would implement all necessary storm drain infrastructure improvements. The area subject to development with impervious surfaces under this

Alternative and the Project would be comparable. This Alternative and Project would therefore result in comparable rates and quantities of post-development storm water runoff. This Alternative would be required to implement on-site storm water management systems, reducing impacts to storm drain capacities to levels that would be less-than-significant. This Alternative would be required to comply with applicable SWPPP and WQMP provisions, thereby reducing potential water quality impacts to levels that would be less-than-significant. Stormwater management systems implemented under this Alternative would act to improve existing hydrology and water quality conditions. Potential hydrology and water quality impacts of this Alternative and the Project would be comparable.

Reduced Intensity Alternative

The Reduced Intensity Alternative would implement all necessary storm drain infrastructure improvements. When compared to the Project, the area subject to development with impervious surfaces under the Reduced Intensity Alternative may be reduced. The Reduced Intensity Alternative may therefore result in reduced rates and quantities of post-development storm water runoff. The Reduced Intensity Alternative would be required to implement on-site storm water management systems, reducing impacts to storm drain capacities to levels that would be less-than-significant. The Reduced Intensity Alternative would be required to comply with applicable SWPPP and WQMP provisions, thereby reducing potential water quality impacts to levels that would be less-than-significant. Stormwater management systems implemented under the Reduced Intensity Alternative would act to improve existing hydrology and water quality conditions. Hydrology and water quality impacts of the Reduced Intensity Alternative and the Project would be comparable.

5.2.4.8 Biological Resources - Comparative Impacts

As discussed at EIR Section 4.8, *Biological Resources*, the subject site in total is considered to be of limited biologic value in that it exhibits extensive disturbance due to current and former dairy farming, agricultural, and commercial trucking operations. These uses have substantially degraded the site. The Project site does not contain protected habitat, and does not function as valuable or unique habitat for any vegetation wildlife. It is further

noted that development of the Project site is anticipated under the City Policy Plan, and the Project site would not be preserved for biologic purposes in any case. Mitigation is included in the Project that reduces potential impacts to biological resources to levels that would be less-than-significant.

No Project Alternative: No Build

Under this Alternative, existing biological resources conditions would be maintained (see: EIR Section 4.8, *Biological Resources*, 4.8.2, *Setting*). This Alternative would realize no new development and would have no incremental effects on biological resources. This Alternative would result in reduced biological resources impacts when compared to the Project. No biological resources impact mitigation would be implemented under this Alternative.

No Project Alternative: Existing Policy Plan Land Uses

Development realized under this Alternative would result in disturbance of the subject site similar to that occurring under the Project. Potential impacts to biological resources would also likely be similar to those of the Project.

Reduced Intensity Alternative

The reduction in overall site development realized under the Reduced Intensity Alternative could result in a portion of the site remaining, for the time being, in an undeveloped condition. Realistically, however, potential impacts to biological resources would likely be similar to those of the Project, given the extent of construction activities and subsequent commercial operations that would result from the site's development. Biological resources impacts under this Alternative would be similar to the Project.

5.2.4.9 Geology and Soils - Comparative Impacts

The Project does not propose or require facilities or operations that would result in adverse geology/soils conditions, or exacerbate any existing adverse geology/soils conditions. Compliance with the California Building Code (CBC), the City of Ontario Building Code, measures and recommendations identified in the Project Geotechnical Studies, and the EIR Mitigation Measures would reduce potential geology and soils

impacts of the Project to levels that would be less-than-significant. See also: EIR Section 4.9, *Geology and Soils*.

No Project Alternative: No Build

Under this Alternative, existing geology and soils conditions would be maintained (see: EIR Section 4.9, *Geology and Soils*, 4.9.2, *Setting*). This Alternative would realize no new development and would result in no new or additional geology and soils impacts. This Alternative would result in reduced geology and soils impacts when compared to the Project. No geology and soils impact mitigation would be implemented under this Alternative.

No Project Alternative: Existing Policy Plan Land Uses

This Alternative would implement commercial and light industrial development within the same site developed under the Project. It is assumed that this Alternative would not propose or require facilities or operations that would result in adverse geology/soils conditions, or exacerbate any existing adverse geology/soils conditions. As with the Project, this Alternative would be subject to requirements of the CBC, City of Ontario Building Code, site- and development- specific geotechnical studies, and any necessary mitigation measures. Geology and soils impacts under this Alternative would be similar to the Project.

Reduce Intensity Alternative

The Reduced Intensity Alternative would implement the Project uses at a reduced scale within the same site developed under the Project. It is assumed that the Reduced Intensity Alternative would not propose or require facilities or operations that would result in adverse geology/soils conditions, or exacerbate any existing adverse geology/soils conditions. As with the Project, the Reduced Intensity Alternative would be subject to requirements of the CBC, City of Ontario Building Code, site- and development- specific geotechnical studies, and any necessary mitigation measures. Geology and soils impacts under this Alternative would be similar to the Project.

5.2.4.10 Cultural Resources/Tribal Cultural Resources - Comparative Impacts

As discussed herein, 5 (five) buildings or structures within the Project site appear to qualify as Contributors to the New Model Colony / Chino Valley Dairy Historic District (District). These 5 (five) potential Contributors would be demolished to allow for implementation of the Project. Per CCR Title 14, Section 15126.4(b), the demolition or destruction of a historical resource cannot typically be fully mitigated. Demolition of potential District Contributors resulting from the Project is therefore considered a significant and unavoidable impact.

The proposed demolition of potential District Contributors within the Project site would considerably and cumulatively contribute to impacts to District historic resources. This is a cumulatively significant impact.

The Project otherwise incorporates mitigation that reduces potential impacts to cultural resources/tribal cultural resources to levels that would be less-than-significant. Tribal consultation is in process as required under *AB 52, Gatto. Native Americans: California Environmental Quality Act*. See also Section 4.10, *Cultural Resources/Tribal Cultural Resources*.

No Project Alternative: No Build

Under this Alternative, existing cultural resources/tribal cultural resources conditions would be maintained (see: EIR Section 4.10, *Cultural Resources/Tribal Cultural Resources*, 4.10.2, *Setting*). This Alternative would not result in demolition of potential Contributors to the New Model Colony / Chino Valley Dairy Historic District. This Alternative would realize no new development and would result in no new or additional cultural resources/tribal cultural resources impacts. This Alternative would result in reduced cultural resources/tribal cultural resources impacts when compared to the Project. No cultural resources/tribal cultural resources impact mitigation would be implemented under this Alternative.

No Project Alternative: Existing Policy Plan Land Uses

*S*ite disturbance and potential impacts to cultural resources would similar to those of the Project. Under this Alternative, as with the Project, demolition of potential Contributors to the New Model Colony / Chino Valley Dairy Historic District would occur. This is an individually and cumulatively significant and unavoidable impact. It is assumed that this Alternative would otherwise incorporate mitigation that would reduce potential impacts to cultural resources/tribal cultural resources to levels that would be less-than-significant. Cultural resources/tribal cultural resources impacts of this Alternative and the Project would be comparable.

Reduced Intensity Alternative

Site disturbance and potential impacts to cultural resources would be similar to those of the Project. Under this Alternative, as with the Project, demolition of potential Contributors to the New Model Colony / Chino Valley Dairy Historic District would occur. This is an individually and cumulatively significant and unavoidable impact. It is assumed that the Reduced Intensity Alternative would otherwise incorporate mitigation that would reduce potential impacts to cultural resources/tribal cultural resources to levels that would be less-than-significant. Cultural resources/tribal cultural resources impacts of the Reduced Intensity Alternative and the Project would be comparable.

5.2.4.11 Agricultural Resources - Comparative Impacts

The Project would result in conversion of on-site Farmland to urban uses. Additional conversion of off-site agricultural lands to non-agricultural purposes could also occur as a result of Project construction of master plan infrastructure improvements. These are considered to be individually and cumulatively significant and unavoidable impacts.

Discretionary actions undertaken as part of the Project would remove the site's current agricultural (AG) overlay and would cancel the existing Williamson Act Contracts on APN 0218-261-35 (Contract #69-147, initiated in 1973); and APNs 1054-151-02, 1054-161-02, 1054-161-03, 1054-201-02 and 1054-351-02 (Contract #70-167, initiated in 1970). With approval of these discretionary actions, the potential for the Project to conflict with agricultural zoning or with a Williamson Act Contract would be less-than-significant.

No Project Alternative: No Build

Under this Alternative, existing agricultural resources conditions would be maintained (see: EIR Section 4.11, *Agricultural Resources*, 4.11.2, *Setting*). This Alternative would realize no new development and would result in no new or additional agricultural resources impacts. This Alternative would result in reduced agricultural resources impacts when compared to the Project. No agricultural resources impact mitigation would be implemented under this Alternative.

No Project Alternative: Existing Policy Plan Land Uses

This Alternative would result in conversion of on-site Farmland to urban uses. Impacts to farmlands and agricultural uses would be consistent with those resulting from the Project.

Reduced Intensity Alternative

The Reduced Intensity Alternative would implement the Project uses at a reduced scale within the Project site. Impacts to farmlands and agricultural uses would be consistent with those resulting from the Project.

5.2.4.12 Utilities & Service Systems - Comparative Impacts

The Project would implement all necessary on-site and off-site utilities and service infrastructure system improvements. At properties adjacent to master plan infrastructure improvements implemented by the Project, construction-source noise impacts are recognized as significant and unavoidable (see: EIR Section 4.5, *Noise*). Additionally, conversion of off-site agricultural lands to non-agricultural purposes could occur as a result of Project construction of area-serving master plan infrastructure improvements. This is recognized as a significant and unavoidable impact (see: EIR Section 4.11, *Agricultural Resources*). Project utilities and service systems impacts would otherwise be less-than-significant. See also: EIR Section 4.12, *Utilities & Service Systems.*

No Project Alternative: No Build

Under this Alternative, existing utilities and service systems conditions would be maintained (see: EIR Section 4.12, *Utilities & Service Systems*, 4.12.2 *Existing Conditions*).

This Alternative would realize no new development and would result in no new or additional utilities and service systems impacts. This Alternative would result in reduced utilities and service systems impacts when compared to the Project. No utilities and service systems impact mitigation would be implemented under this Alternative.

No Project Alternative: Existing Policy Plan Land Uses

This Alternative would result in aggregate development intensities comparable to the Project. It is assumed that this Alternative would implement all necessary on-site and off-site utilities and service infrastructure system improvements. Utilities and service system impacts of this Alternative and the Project would be comparable.

Reduced Intensity Alternative

The Reduced Intensity Alternative would result in development of similar land uses but at a lower intensity than the Project. It is assumed that the Reduced Intensity Alternative would implement all necessary on-site and off-site utilities and service infrastructure system improvements. Utilities and service systems impacts of this Alternative and the Project would be comparable.

5.2.4.13 Energy - Comparative Impacts

Project construction and operations would consume energy. Energy would be provided to the Project by existing sources. The Project would not require new sources of energy or construction of new energy producing facilities. The Project would comply with applicable energy conservation and energy efficiency regulations and policies and would achieve energy conservation and energy efficiencies surpassing regulatory requirements. Project energy consumption would be typical for the uses and scope of development proposed. The Project does not propose or require facilities or operations that would result in wasteful, inefficient or unnecessary consumption. On this basis, the Project would not result in or cause potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. Neither would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Potential energy impacts of the Project would be therefore be less-than-significant. See also: EIR Section 4.13, *Energy*.

No Project Alternative: No Build

Under this Alternative, existing energy conditions would be maintained (see: EIR Section 4.13, *Energy*, 4.13.2, *Existing Conditions*). This Alternative would realize no new development and would not result in increased energy demands. This Alternative would result in reduced energy impacts when compared to the Project. No energy impact mitigation would be implemented under this Alternative.

No Project Alternative: Existing Policy Plan Land Uses

As with the Project, this Alternative would be provided energy from existing sources. It is assumed that this Alternative would comply with applicable energy conservation and energy efficiency regulations and policies; and that this Alternative would not implement facilities or operations that would result in wasteful, inefficient or unnecessary consumption. When compared to the Project, operational energy consumption would likely be increased due to the increase in trip generation under this Alternative.

Reduced Intensity Alternative

The reduction in development scope under the Reduced Intensity Project Alternative would tend to reduce total energy demands and total energy consumption. As with the Project, the Reduced Intensity Alternative uses would be required to implement energy-efficient facilities, and to otherwise demonstrate effective energy use. Under the Reduced Intensity Alternative, proposed development would also be required to substantiate compliance with state or local plan for renewable energy or energy efficiency. Impacts would be similar to the Project.

5.2.4.14 Population and Housing - Comparative Impacts

As substantiated at EIR Section 4.14, *Population and Housing*, the Project would support and would not conflict with City of Ontario Policy Plan Goals and Policies addressing employment/housing balance. Further, the Project is consistent with, and would support, City of Ontario Policy Plan Housing Element Goals/Policies. The Project would not induce substantial population growth in the area, either directly or indirectly. The Project's potential population and housing would be less-than-significant. See also: EIR Section 4.14, *Population and Housing*.

No Project Alternative: No Build

Under this Alternative, existing population and housing conditions would be maintained. This Alternative would realize no new development and would not result in increased population and housing impacts. This Alternative would result in reduced population and housing impacts when compared to the Project. No population and housing impact mitigation would be implemented under this Alternative.

No Project Alternative: Existing Policy Plan Land Uses

This Alternative would implement development consistent with the site's existing Policy Plan Land Use designations. When compared to the Project, this Alternative would likely result in increased commercial development. As one result, the mix of land uses under this Alternative would generate comparatively greater employment opportunities, tending to increase the jobs attribute of the City's jobs/housing balance. Population and housing impacts of this Alternative and the Project would be comparable. However, because of the potential increased employment opportunities resulting from this Alternative, impacts may tend to skew more to demands for additional housing.

Reduced Intensity Alternative

The reduction in development intensity under the Reduced Intensity Alternative would likely decrease employment opportunities otherwise resulting from the Project, tending to decrease the jobs attribute of the City's jobs/housing balance. Residential uses are not proposed under either the Project or the Reduced Intensity Alternative. Population and housing impacts of this Alternative and the Project would be comparable.

5.2.5 Comparative Attainment of Project Objectives

Comparative Attainment of Project Objectives is summarized for each of the Alternatives considered here. For ease of reference, the Project Objectives are reiterated below.

5.2.5.1 Project Objectives

The primary goal of the Project is the development of the subject site with a productive mix of business park and industrial uses. Complementary Project Objectives include the following:

- Implement a Specific Plan development supporting business park and industrial uses providing a broad range of long-term employment opportunities.
- Implement business park and industrial uses providing a broad range of additional construction employment opportunities.
- Provide safe and convenient access for trucks in a manner that minimizes any potential disruption to residential areas.
- Provide business park and industrial uses near existing roadways and freeways to reduce traffic congestion and air emissions.
- Facilitate goods movement locally, regionally, nationally, and internationally.
- Provide land uses that are compatible with surrounding land uses and that would not conflict with the policies and environmental constraints identified in the Policy Plan.
- Support the Policy Plan vision for urbanization of the Ontario Ranch area of the City.
- Establish new development that would further the City's near-term and long-range fiscal goals.
- Improve the regional jobs/housing balance.

No Project Alternative: No Build

This Alternative would realize none of the stated Project Objectives.

No Project Alternative: Existing Policy Plan Land Uses

This Alternative would likely realize certain of the stated Project Objectives by providing a mix of business park, office commercial, and general commercial uses. However, this Alternative would not implement industrial uses, and in this regard would fail to achieve or would impede attainment the following Project Objectives:

- **Implement a Specific Plan development supporting business park and industrial uses providing a broad range of employment opportunities.** *Elimination of the Project industrial uses as would result from this Alternative would not provide industrial/warehouse employment opportunities that would otherwise result from the Project.*

- **Implement business park and industrial uses providing a broad range of additional construction employment opportunities.**
  Elimination of the Project industrial uses as would result from this Alternative tend to restrict the range and types of construction employment opportunities that would otherwise result from the Project.

- **Provide business park and industrial uses near existing roadways and freeways to reduce traffic congestion and air emissions; Provide land uses that are compatible with surrounding land uses and that would not conflict with the policies and environmental constraints identified in the Policy Plan.** *No industrial uses would be implemented under this Alternative. Potential reductions in VMT, traffic congestion and vehicular-source emissions achieved by clustering of industrial/warehouse uses with proximate access to existing and proposed roadway and freeways as would occur under the Project would not be realized. Further, this Alternative would result in approximately twice the trip generation resulting from the Project, acting to generally increase traffic congestion, air pollutant emissions, GHG emissions, and vehicular-source noise when compared to the Project. Environmental impacts resulting*

from this Alternative would, more so than the Project, have the potential to conflict with the policies and environmental constraints identified in the Policy Plan.

- **Facilitate goods movement locally, regionally, nationally, and internationally.** *This Alternative would not implement fulfillment warehouse uses, and in this regard would not support or facilitate goods movement as would otherwise occur under the Project.*

Reduced Intensity Alternative

The Reduced Intensity Alternative would implement the proposed Merrill Commerce Center Specific Plan use and development concepts at an approximately 25 percent reduction in overall development intensity. Due to its comparative reduction in scope, the Reduced Intensity Alternative would likely impede or substantially restrict attainment of the following Project Objectives.

- **Implement a Specific Plan development supporting business park and industrial uses providing a broad range of employment opportunities.** *The comparative 25 percent reduction in development intensity under the Reduced Intensity Alternative would diminish the number and diversity of potential employment opportunities otherwise provided by the Project. The noted reduction in scope and would also restrict potential synergy between uses at this location and other vicinity uses.*

- **Implement business park and industrial uses providing a broad range of additional construction employment opportunities.** *The comparative 25 percent reduction in development intensity under the Reduced Intensity Alternative would diminish the number and diversity of potential construction employment opportunities otherwise provided by the Project. The noted reduction in scope and would also restrict potential synergy between uses at this location and other vicinity uses.*

  Facilitate goods movement locally, regionally, nationally, and internationally. *The comparative 25 percent reduction in development intensity under*

the Reduced Intensity Alternative would diminish warehousing and fulfillment center capabilities and related goods movement capabilities otherwise occurring under the Project.

Support the Policy Plan vision for urbanization of the Ontario Ranch area of the City. *The comparative 25 percent reduction in development intensity under the Reduced Intensity Alternative would tend to conflict with or impede the Policy Plan vision for urbanization of the Ontario Ranch area of the City. Potential contrary effects would include:*

- *A reduction in business park/industrial development opportunities otherwise available under the Project;*
- *A reduction in the range and variety of business park and industrial developers and tenants that would be attracted to the City;*
- *Diminished potential for development of the site with uses and at an intensity the City considers to be the highest and best use for the subject property;*
- *Diminished fiscal benefits available to the City of Ontario;*
- *Diminished job creation. Related diminished potential for improvement of the regional jobs/housing balance condition.*

5.2.6 Comparison of Alternatives

Table 5.2-6 summarizes, by topic, comparative impacts of the Project and the considered Alternatives.

Table 5.2-6
Summary of Potential Impacts, Alternatives Compared to Project, By Topic

EIR Topic: Project Impacts	No Project Alternative: No Build	No Project Alternative: Existing Policy Plan Land Uses	Reduced Intensity Alternative
Land Use and Planning			
Impacts would be less-than-significant.	Under this Alternative, existing land use/planning conditions would be maintained. No discretionary actions, permits, or consultations would be required Impacts in these regards would be reduced when compared to the Project. Maintenance of the site's existing dairy farm/truck operations land uses is incompatible with the Policy Plan vision, and would tend to increase the potential for land use incompatibilities as the surrounding areas continue to urbanize. Potential impacts in these regards would be increased when compared to the Project.	The scope of requested discretionary actions would be reduced. Impacts would be similar to the Project.	Impacts would be similar to the Project.
Transportation			
VMT Impacts Project VMT impacts would be individually and cumulatively significant and unavoidable. Other transportation impacts would be less-than-significant.	***VMT Impacts*** This Alternative would maintain existing VMT conditions. This Alternative would result in decreased total VMT when compared to the Project. Because the intensity and scope of uses is diminished under this Alternative, the Service Population would also be decreased. On this basis, this Alternative may not substantially alter the VMT/SP ratio otherwise resulting from the Project. No VMT impact mitigation would be implemented under this Alternative.	***VMT Impacts*** Total VMT would be increased. VMT/SP impacts would likely be comparable to those of the Project. Other transportation impacts would be similar to those resulting from the Project.	***VMT Impacts*** Total VMT would be diminished. VMT/SP impacts would likely be comparable to those of the Project. Other transportation impacts would be similar to those resulting from the Project.
Air Quality			
• Project operational-source VOC, NO_x, CO, PM_{10}, and $PM_{2.5}$ emissions would exceed applicable SCAQMD regional thresholds and per AQMD criteria would be significant. Per SCAQMD criteria, Project-level impacts that are significant are also cumulatively considerable. Project operational-source VOC, NO_x, PM_{10}, and $PM_{2.5}$ emissions	Under this Alternative existing air quality conditions would be maintained. This Alternative would realize no new development and would generate no additional air pollutant emissions. This Alternative would result in reduced air quality impacts when compared to the Project. No air quality impact mitigation would be implemented under this Alternative.	Operational-source emissions would be increased. Operational-source exceedances of applicable SCAQMD regional thresholds would increase in severity and magnitude. Operational-source VOC, NO_x, PM_{10}, and $PM_{2.5}$ emissions contributions to Basin non-attainment conditions would increase in severity and magnitude.	Operational-source emissions would be decreased. Operational-source exceedances of applicable SCAQMD regional thresholds would decrease in severity and magnitude. Operational-source VOC, NO_x, PM_{10}, and $PM_{2.5}$ emissions contributions to Basin non-attainment conditions would decrease in severity and magnitude.

Table 5.2-6
Summary of Potential Impacts, Alternatives Compared to Project, By Topic

EIR Topic: Project Impacts	No Project Alternative: No Build	No Project Alternative: Existing Policy Plan Land Uses	Reduced Intensity Alternative
threshold exceedances would result in a cumulatively considerable net increase in criteria pollutants (ozone and $PM_{10}/PM_{2.5}$) for which the Project region is non-attainment. These are cumulatively significant and unavoidable air quality impacts. • Because a change in land use designations is proposed under the Project, it is assumed that air pollutant emissions generated by the Project are not reflected in the 2016 AQMP air quality standards, interim emissions reductions targets, and emissions inventories. Consequently, development of the subject site as proposed by the Project is assumed to conflict with the 2016 AQMP. This is a significant and unavoidable impact. Per SCAQMD criteria, this significant impact at the Project-level would also be cumulatively considerable. Other air quality impacts would be less-than-significant.		Potential AQMP consistency impacts occurring under the Project would be avoided under this Alternative. Other air quality impacts would be similar to those resulting from the Project.	Development of the subject site under the Reduced Intensity Alternative is assumed to conflict with the 2016 AQMP. Other air quality impacts would be similar to those resulting from the Project.
Greenhouse Gas Emissions			
The Project's potential to contribute considerably (either individually or cumulatively) to global climate change impacts through GHG emissions is considered significant and unavoidable.	Under this Alternative, existing GHG emissions conditions would be maintained. This Alternative would realize no new development and would generate no additional GHG emissions. This Alternative would result in reduced GHG emissions impacts when compared to the Project. No GHG impact mitigation would be implemented under this Alternative.	GHG emissions would be increased roughly proportional to increased trip generation under this Alternative. GHG emissions impacts would be comparable to those of the Project.	GHG emissions would be diminished roughly proportional to the diminished scope of development under the Reduced Intensity Alternative. GHG emissions impacts would be comparable to those of the Project.

Table 5.2-6
Summary of Potential Impacts, Alternatives Compared to Project, By Topic

EIR Topic: Project Impacts	No Project Alternative: No Build	No Project Alternative: Existing Policy Plan Land Uses	Reduced Intensity Alternative
Noise/Vibration			
Construction-source noise impacts resulting from on-site construction activities would be less-than-significant as mitigated. Construction-source vibration impacts would be less-than-significant. Construction-source noise impacts resulting from construction off-site master plan infrastructure improvements would be significant and unavoidable. Operational area-source noise impacts would be less-than-significant as mitigated. Operational area-source vibration impacts would be less-than-significant. Vehicular-source noise impacts would be less-than-significant.	Under this Alternative, existing noise/vibration conditions would be maintained. This Alternative would realize no new development and would generate no additional noise. This Alternative would result in reduced noise impacts when compared to the Project. No noise impact mitigation would be implemented under this Alternative.	Construction-source noise impacts resulting from on-site construction activities would be similar to those of the Project. Construction-source vibration impacts would be similar to the Project impacts. Construction-source noise impacts resulting from construction of off-site master plan infrastructure improvements would be similar to the Project impacts. Operational area-source noise impacts would be similar to the Project impacts. Operational area-source vibration impacts would be similar to the Project impacts. Vehicular-source noise impacts may be increased when compared to the Project impacts.	Construction-source noise impacts resulting from on-site construction activities would be similar to the Project impacts. Construction-source vibration impacts would be similar to the Project impacts. Construction-source noise impacts resulting from construction of off-site master plan infrastructure improvements would be similar to the Project impacts. Operational area-source noise impacts would be similar to the Project impacts. Operational area-source vibration impacts would be similar to the Project impacts. Vehicular-source noise impacts would be similar to the Project impacts.
Hazards/Hazardous Materials			
Hazards/hazardous materials impacts would be less-than-significant as mitigated.	Under this Alternative, existing hazards/hazardous materials conditions would be maintained. This Alternative would realize no new development and would generate no additional hazards/hazardous materials impacts. Existing adverse hazards/hazardous conditions affecting the subject site and surrounding areas (e.g., contaminated soils, animal waste, debris, pesticides, contaminated runoff) would persist.	Hazards/hazardous materials impacts would be similar to the Project impacts.	Hazards/hazardous materials impacts would be similar to the Project and would be less-than-significant as mitigated.
Hydrology/Water Quality			
Hydrology/water quality impacts would be less-than-significant.	Under this Alternative, existing hydrology/water quality conditions would be maintained This Alternative would realize no	Hydrology/water quality impacts would be similar to the Project impacts.	Hydrology/water quality impacts would be similar to the Project impacts.

Table 5.2-6
Summary of Potential Impacts, Alternatives Compared to Project, By Topic

EIR Topic: Project Impacts	No Project Alternative: No Build	No Project Alternative: Existing Policy Plan Land Uses	Reduced Intensity Alternative
	new development and would generate no additional hydrology and water quality impacts. Existing adverse hydrology/water quality conditions affecting the subject site (e.g., lack of storm sewers, lack of storm water quality treatment systems, degraded water quality due to dairy farming operations) would persist. This Alternative may therefore result in increased hydrology and water quality impacts when compared to the Project. That is, under the Project, adverse hydrology and water quality conditions affecting the site and surrounding areas would be comprehensively addressed through implementation of the Project stormwater management systems. These stormwater management system improvements would not be implemented under this Alternative. No hydrology/water quality impact mitigation would be implemented under this Alternative.		
Biological Resources			
Project biological resources impacts would be less-than-significant as mitigated.	Under this Alternative, existing biological resources conditions would be maintained. This Alternative would realize no new development and would have no incremental effects on biological resources. This Alternative would result in reduced biological resources impacts when compared to the Project. No biological resources impact mitigation would be implemented under this Alternative.	Biological resources impacts would be similar to the Project impacts.	Biological resources impacts would be similar to the Project impacts.
Geology and Soils			
Geology and soils impacts would be less-than-significant as mitigated.	Under this Alternative, existing geology and soils conditions would be maintained. This Alternative would realize no new development and would result in no new or additional geology and soils impacts. This Alternative would result in reduced geology and soils impacts when compared to the Project. No	Geology and soils impacts would be similar to the Project impacts.	Geology and soils impacts would be similar to the Project impacts.

Table 5.2-6
Summary of Potential Impacts, Alternatives Compared to Project, By Topic

EIR Topic: Project Impacts	No Project Alternative: No Build	No Project Alternative: Existing Policy Plan Land Uses	Reduced Intensity Alternative
	geology and soils impact mitigation would be implemented under this Alternative.		
Cultural Resources/Tribal Cultural Resources			
Demolition of 5 potential Contributors to New Model Colony / Chino Valley Dairy Historic District is a significant and unavoidable impact. Cultural resources/tribal cultural resources impacts would otherwise be less-than-significant or less-than-significant as mitigated.	Under this Alternative, existing cultural resources/tribal cultural resources conditions would be maintained. This Alternative would realize no new development and would result in no new or additional cultural resources/tribal cultural resources impacts. This Alternative would result in reduced cultural resources/tribal cultural resources impacts when compared to the Project. No cultural resources/tribal cultural resources impact mitigation would be implemented under this Alternative.	Cultural resources/tribal cultural resources impacts would be similar to the Project impacts.	Cultural resources/tribal cultural resources impacts would be similar to the Project impacts.
Agricultural Resources			
Agricultural resources impacts would be significant and unavoidable. These impacts have been previously addressed in the Policy Plan EIR.	Under this Alternative, existing agricultural resources conditions would be maintained. This Alternative would realize no new development and would result in no new or additional agricultural resources impacts. This Alternative would result in reduced agricultural resources impacts when compared to the Project. No agricultural resources impact mitigation would be implemented under this Alternative.	Agricultural resources impacts would be similar to the Project impacts.	Agricultural resources impacts would be similar to the Project impacts.
Utilities & Service Systems			
At properties adjacent to master plan infrastructure improvements implemented by the Project, construction-source noise impacts are recognized as significant and unavoidable (see: EIR Section 4.5, *Noise*). Additionally, conversion of off-site agricultural lands to non-agricultural purposes could result from Project construction of master plan infrastructure improvements. These impacts are recognized as significant and unavoidable	Under this Alternative, existing utilities and service systems conditions would be maintained. This Alternative would realize no new development and would result in no new or additional utilities and service systems impacts. This Alternative would result in reduced utilities and service systems impacts when compared to the Project. No utilities and service systems impact mitigation would be implemented under this Alternative.	Off-site construction-source noise and agricultural resources impacts would be similar to the Project impacts.	Off-site construction-source noise and agricultural resources impacts would be similar to the Project impacts.

Table 5.2-6
Summary of Potential Impacts, Alternatives Compared to Project, By Topic

EIR Topic: Project Impacts	No Project Alternative: No Build	No Project Alternative: Existing Policy Plan Land Uses	Reduced Intensity Alternative
(see: EIR Section 4.11, *Agricultural Resources*). Mitigation proposed in this EIR under other environmental topics would also address potential impacts associated with construction and operation of utilities and service systems. Other impacts associated with or resulting from construction of Project infrastructure improvements would be less-than-significant or less-than-significant as mitigated.			
Energy			
Energy impacts would be less-than-significant.	Under this Alternative, existing energy conditions would be maintained. This Alternative would realize no new development and would not result in increased energy demands. This Alternative would result in reduced energy impacts when compared to the Project. No energy impact mitigation would be implemented under this Alternative.	Facility energy impacts would be similar to the Project impacts. Increased trip generation may translate to increased vehicular-source energy demands.	Total energy demands and energy consumption impacts would likely be reduced when compared to the Project.
Population/Housing			
Population/housing impacts would be less-than-significant.		Population/housing impacts would be similar to the Project impacts.	Population/housing impacts would be similar to the Project impacts.
Relative Attainment of Project Objectives: All Project Objectives would be attained.	Existing site conditions would be maintained. None of the Project land uses or development concepts would be implemented. None of the Project Objectives would be realized.	This Alternative would not implement industrial uses, and in this regard would fail to achieve or would impede attainment the following Project Objectives: • Implement a Specific Plan development supporting business park and industrial uses providing a broad range of long-term employment opportunities. • Implement business park and industrial uses providing a broad range additional construction employment opportunities.	The Reduced Intensity Alternative would implement the proposed Merrill Commerce Center Specific Plan uses and development concepts at an approximately 25 percent reduction in overall development intensity. Due to its comparative reduction in scope, the Reduced Intensity Alternative would impede or substantially restrict attainment of the following Project Objectives. • Implement a Specific Plan development supporting business park and industrial uses providing a broad range of employment opportunities.

Table 5.2-6
Summary of Potential Impacts, Alternatives Compared to Project, By Topic

EIR Topic: Project Impacts	No Project Alternative: No Build	No Project Alternative: Existing Policy Plan Land Uses	Reduced Intensity Alternative
		• Provide business park and industrial uses near existing roadways and freeways to reduce traffic congestion and air emissions. • Provide land uses that are compatible with surrounding land uses and that would not conflict with the policies and environmental constraints identified in the Policy Plan. • Facilitate goods movement locally, regionally, nationally, and internationally.	• Implement business park and industrial uses providing a broad range additional construction employment opportunities. • Facilitate goods movement locally, regionally, nationally, and internationally. • Support the Policy Plan vision for urbanization of the Ontario Ranch area of the City.

5.2.7 Environmentally Superior Alternative

No Project Alternative: No Build Eliminated from Consideration

As indicated at Table 5.2-6, the No Project Alternative**:** No Build would achieve none of the Project Objectives, and under certain topics, may increase the severity of, or create additional impacts not otherwise occurring under the Project. This Alternative is therefore eliminated from consideration as the "Environmentally Superior Alternative."

No Project Alternative: Existing Policy Plan Land Uses Eliminated from Consideration

As indicated at Table 5.2-6, the No Project Alternative: Existing Policy Plan Land Uses would provide no reduction in significant environmental impacts when compared to the Project, and may increase the severity of, or create additional impacts not otherwise occurring under the Project. This Alternative is therefore eliminated from consideration as the "Environmentally Superior Alternative."

Reduced Intensity Alternative Considerations

As also indicated at Table 5.2-6, the Reduced Intensity Alternative would incrementally reduce the Project's environmental impacts. While providing relief from certain environmental impacts otherwise occurring under the Project. The Reduced Intensity Alternative would however substantially restrict attainment of the Project Objectives, as summarized below:

Reduced Intensity Alternative Would Reduce but Would not Eliminate Significant Impacts

The Reduced Intensity Alternative would reduce, but not eliminate the Project's significant impacts regarding transportation, air quality, GHG emissions, noise, and agricultural resources. More specifically:

- Total VMT would be reduced. However, VMT/SP ratios would be similar to the Project and related VMT impacts would be significant and unavoidable.

- The magnitude of operational-source air quality impacts (VOC, NO_x, CO, PM_{10} and $PM_{2.5}$ emissions impacts) would be diminished but would remain significant and unavoidable.

- Construction-source noise impacts affecting off-site properties along master plan infrastructure improvements corridors would be similar to the Project and would remain significant and unavoidable.

- GHG emissions impacts would be similar to the Project and would remain significant and unavoidable.

- Demolition of historic District Contributors would be required. Impacts to historic resources would be similar to the Project and would remain significant and unavoidable.

- On-site and potential off-site agricultural resources impacts would be similar to the Project and would remain significant and unavoidable.

Reduced Intensity Alternative Would Marginalize Attainment of Project Objectives

Based on the reduction in overall development scope, the Reduced Intensity Alternative would broadly restrict attainment of all Project Objectives. Where quantifiable (e.g., additional sales tax revenues, job creation, incremental property tax revenues), this reduction in attainment of Objectives would be approximately 25 percent less than would be otherwise realized under the Project. Qualitatively, development of the subject site under the Reduced Intensity Alternative fails to optimize use of a significant vacant property, and is not considered by the Lead Agency to represent the highest and best use of the subject site.

Summary and Conclusions

Reduced Intensity Alternative Identified as the Environmentally Superior Alternative

In conclusion, the Reduced Intensity Alternative would result in potential incremental reduction in certain significant environmental impacts otherwise occurring under the Project, but would not eliminate these impacts. The Reduced Intensity Alternative would allow for limited attainment of the Project Objectives. On this basis, the Reduced Intensity Alternative is identified as the environmentally superior alternative.

Other Considerations

Countering its potential environmental benefits, the Reduced Intensity Alternative would broadly and substantially diminish attainment of the Project Objectives, with related diminishment of socio-economic benefits to the City and region. CEQA indicates that socioeconomic effects (while not lone determinants) are important considerations for decision-makers in evaluating and considering EIR Alternatives. With respect to socioeconomics, the Project and the Reduced Intensity Alternative would each have beneficial effects for the area. Either of these scenarios would contribute to area employment and the City's overall tax base. However, as noted previously, because the scope and variety of land uses would be reduced by approximately 25 percent under the Reduced Intensity Alternative, the resulting effective realization of the Project Objectives, to include economic benefits to the City and region, would likely be similarly diminished.

Additionally, at an approximate 25 percent reduction in the Project's development scope, the Reduced Intensity Alternative would not recognize the site's value as one of the remaining undeveloped properties within the City; or take advantage of the site's available acreage and consequently would not result in development of the subject site in a manner considered to be its highest and best use.

5.3 GROWTH-INDUCING IMPACTS OF THE PROPOSED ACTION

5.3.1 Overview

CEQA Guidelines Section 15126.2 (e) *Growth-Inducing Impact of the Proposed Project* requires that an EIR:

> "Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a recycled water plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."

Potential growth-inducing aspects and elements of the Project are discussed below and would include:

- Master plan infrastructure improvements;
- Job creation; and
- Economic stimulus/other.

5.3.2 Master Plan Infrastructure Improvements

The Project would implement infrastructure improvements that are consistent with the City and purveyor master plans. Please refer to the discussion of Project improvements presented at EIR Section 3.0, *Project Description*, 3.4.3.4 *Access and Circulation*, and 3.4.3.5 *Utilities Infrastructure*; and EIR Section 4.12, *Utilities and Services.* Infrastructure

improvements implemented by the Project would not only support the Project uses, but would also extend to and expand infrastructure available to off-site undeveloped portions of the City. The Project infrastructure improvements would be considered growth-inducing in that these improvements would facilitate development of currently undeveloped areas of the City. More specifically, Project infrastructure improvements would likely allow for and encourage development of the Ontario Ranch area of the City.

Ultimate development of off-site areas served by the Project infrastructure improvements would be governed by the Ontario Policy Plan. Environmental impacts of growth that would result from buildout of the City pursuant to the Policy Plan have been previously evaluated and addressed in the Policy Plan EIR. Growth that may result from or be facilitated by the Project infrastructure improvements would not result in impacts not previously considered and addressed in the Policy Plan EIR. Further, future projects that are the result of, or facilitated by, the Project infrastructure would still be subject to project level CEQA review and mitigation.

This EIR evaluates likely maximum impacts associated with all Project actions and operations, including but not limited to construction and operation of utilities and service systems distribution and conveyance lines. Construction and operation of the Project utilities and service systems distribution and conveyance lines described in this EIR would not result in conditions or environmental impacts not already considered and addressed elsewhere in this EIR. Mitigation proposed in this EIR under other environmental topics would also address potential impacts associated with construction and operation of utilities and service systems distribution and conveyance lines. There are no unique or atypical conditions or aspects of the Project utilities and service systems distribution and conveyance lines that would result in significant environmental impacts not otherwise addressed in this EIR.

Policy Plan Policy LU4-3 *Infrastructure Timing r*equires that necessary infrastructure and services be in place prior to or concurrent with new development. Similarly, the Merrill Commerce Center Specific Plan includes a development phasing plan and infrastructure phasing plan that require infrastructure supporting buildout of the Specific Plan be

adequately phased concurrent with development (see: Specific Plan, p. A-6). New development that may be facilitated by availability of infrastructure constructed by the Project would therefore not result in adverse impacts to infrastructure systems themselves, or to customers served by those infrastructure systems.

5.3.3 Job Creation

In general terms, job creation furthers growth via wages, salaries, and general fiscal benefits; increased demands for housing; and increased demands for consumer goods and services. As summarized at Table 5.3-1, below, the Project would create an estimated 8,638 new jobs, and does not include the development of any housing. As indicated at Table 5.3-1, Project job creation would not exceed the Policy Plan employment forecasts for the subject site. Project employment and any associated growth are therefore reflected in the Policy Plan and impacts of such growth are considered and addressed in the Policy Plan EIR. Project job creation and associated growth would not result in impacts not already considered and addressed in the Policy Plan EIR.

Table 5.3-1
Employment Comparison
Existing Policy Plan Land Uses vs. Project Land Uses

Land Use/Area	FAR/Maximum Bldg. Area (TSF)	Job Mixture	Employment Factor (Jobs/1000 SF)	Employment
Existing Policy Plan Land Uses				
Business Park/ 314.7 Acres	0.60 FAR/ 8,225,000 sf	Non-Office (50%)	0.650	2,673
		Office (50%)	2.860	11,762
Office Commercial 43.3 acres	0.75 FAR/ 1,415 TSF	Non-Office (30%)	0.718	305
		Office (70%)	2.860	2,833
General Commercial/ 18.3 acres	0.40 FAR/ 319 TSF	Non-Office (90%)	0.718	206
		Office (10%)	2.860	91
Total Employment				**17,870**
Project Land Uses				
Business Park:/ 55.1 acres	0.60 FAR/ 1,441 TSF	Non-Office (50%)	0.650	468
		Office (50%)	2.860	2,061
Industrial/ 292.8 acres	0.55 FAR/ 7,014 TSF	Non-Office (90%)	0.650	4,103
		Office (10%)	2.860	2,006
Right-of-way-Other/	---	---	---	---

Table 5.3-1
Employment Comparison
Existing Policy Plan Land Uses vs. Project Land Uses

Land Use/Area	FAR/Maximum Bldg. Area (TSF)	Job Mixture	Employment Factor (Jobs/1000 SF)	Employment
28.4 Acres				
Total Employment				**8,638**

Sources: Land Use Floor Area Ratio (FAR) development intensities from: The Ontario Plan Table LU-02 *Land Use Designations Summary* (City of Ontario) Amended March 2017. Job Mixture and Employment Factors from The Ontario Plan, *Buildout Methodology* (City of Ontario) Revised April 2015.

Economic Stimulus/Other

Construction and operation of the Project would act generally as economic stimulus for the City and region. As noted above, Project job creation would provide local and regional fiscal benefits and would contribute generally to increased demands for housing, goods, and services. Salaries and wages paid to employees, taxes, and other revenue streams generated by the Project would provide incentive for creation of second tier businesses with accompanying economic stimulus, which in turn would create third tier businesses, with accompanying economic stimulus, etc.

Economic stimulus and related growth resulting from the Project would create additional demands for City services. As noted previously, growth resulting from the Project is comprehensively reflected in the Policy Plan, and environmental impacts of this growth, including demands on City services are considered and addressed in the Policy Plan EIR. Growth due to Project economic stimulus factors would not result in impacts not already considered and addressed in the Policy Plan EIR.

Moreover, the Project Economic/Fiscal Impact Analysis substantiates that the Project would be self-supporting in terms of its fiscal impacts on City services, and would not result in undue or unaddressed demands for services. Further, as noted above, the Project would comply with Policy Plan Policy LU4-3 *Infrastructure Timing*. Policy LU4-3 requires that necessary infrastructure and services be in place prior to or concurrent with new development. Similarly, the Merrill Commerce Center Specific Plan includes a development phasing plan and infrastructure phasing plan that require infrastructure supporting buildout of the Specific Plan be adequately phased concurrently with

development (see: Specific Plan, p. A-6). New development that may be facilitated by availability of infrastructure constructed by the Project would therefore not result in adverse impacts to infrastructure systems themselves or to customers served by those infrastructure systems.

The Project would not otherwise encourage or facilitate known or probable activities that could significantly and adversely affect the environment, either individually or cumulatively. To the satisfaction of the City, as-yet unknown activities or developments that may derive from the Project would be independently required to evaluate and address their potential environmental impacts.

Summary

The Project would induce growth through the construction of master plan infrastructure improvements, job creation, and economic stimulus. Project master plan improvements would not of themselves result in impacts not considered and addressed within the EIR body text. Growth resulting from or facilitated by Project master plan infrastructure improvements is anticipated under the Policy Plan, and environmental impacts attributable to such growth is considered and addressed in the Policy Plan EIR.

Project job creation would not exceed employment projections developed under the Policy Plan. Accordingly, the growth resulting from Project job creation is anticipated under the Policy Plan, and as a result, such growth would not result in environmental impacts not already considered and addressed in the Policy Plan EIR.

The Project would provide economic stimulus that would directly and indirectly contribute to growth. However, growth due to Project economic stimulus factors would not result in impacts not already considered and addressed in the Policy Plan EIR.

The Project would not otherwise encourage and facilitate known or probable activities that could significantly affect the environment, either individually or cumulatively. To the satisfaction of the City, as-yet unknown activities or developments that may derive

from the Project would be independently required to evaluate and address their potential environmental impacts.

5.4 SIGNIFICANT ENVIRONMENTAL EFFECTS

An EIR must identify any significant environmental effects that would result from the Project. (Pub. Resources Code, §21100, subd. (b)(2)(B).) Significant environmental effects of the Project are summarized below.

5.4.1 Significant Transportation Impacts

EIR Section 4.2, *Transportation*, details the Project's potential transportation impacts. As discussed in that Section, even after compliance with applicable regulations and requirements, and application of mitigation measures, the Project would result in certain significant and unavoidable transportation impacts, summarized below.

Vehicle Miles Traveled (VMT) Impacts

The Project VMT Assessment estimates the Project VMT/Service Population (Project VMT/SP) and compares the Project VMT/SP to a calculated City Average Existing VMT/SP. Project VMT/SP that would exceed 85 percent of the City Average Existing VMT/SP would be considered a potentially significant VMT impact. Potentially significant VMT impacts are mitigated through implementation of Transportation Demand Management (TDM) measures. Even with implementation of proposed TDM measures, Project VMT impacts would be individually and cumulatively significant and unavoidable.

5.4.2 Significant Air Quality Impacts

EIR Section 4.3, *Air Quality*, details the Project's potential air quality impacts. As discussed in that Section, even after compliance with applicable regulations and requirements, and application of mitigation measures, the Project would result in the following significant and unavoidable air quality impacts:

- Project operational-source VOC, NO_x, CO, PM_{10}, and $PM_{2.5}$ emissions would exceed applicable SCAQMD regional thresholds and per AQMD criteria would be

significant. Per SCAQMD criteria, Project-level impacts that are significant are also cumulatively considerable. Project operational-source VOC, NO_x, PM_{10}, and $PM_{2.5}$ emissions threshold exceedances would result in a cumulatively considerable net increase in criteria pollutants (ozone and $PM_{10}/PM_{2.5}$) for which the Project region is non-attainment. These are cumulatively significant and unavoidable air quality impacts.

- Because a change in land use is proposed by the Project, it is assumed that air pollutant emissions generated by the Project are not reflected in the 2016 AQMP air quality standards, interim emissions reductions targets, and emissions inventories. Consequently, development of the subject site as proposed by the Project is assumed to conflict with the 2016 AQMP. This is a significant and unavoidable impact. Per SCAQMD criteria, this significant impact at the Project-level would also be cumulatively considerable.

5.4.3 Significant GHG Emissions Impacts

EIR Section 4.4, *Greenhouse Gas Emissions*, details the Project's potential GHG emissions impacts. As discussed in that Section, even after compliance with applicable regulations and requirements, and application of mitigation measures, the Project could directly or indirectly generate GHG emissions that may have a significant impact on the environment. Further, the Project could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the GHG emissions. The Project's potential to contribute considerably (either individually or cumulatively) to global climate change impacts through GHG emissions is therefore considered significant and unavoidable.

5.4.4 Significant Noise Impacts

EIR Section 4.5, *Noise*, details the Project's potential noise impacts. As discussed within that Section, even after compliance with applicable regulations and requirements, and application of mitigation measures, noise impacts associated with Project construction of off-site master plan infrastructure improvements would be individually and cumulatively significant and unavoidable for the duration of off-site master plan infrastructure construction activities.

5.4.5 Significant Cultural (Historic) Resources Impacts

EIR Section 4.10, *Cultural Resources/tribal Cultural Resources*, details the Project's potential cultural resources impacts. As discussed within that Section, demolition of historic District Contributors within the Project site is required to allow for implementation of the Project. Even after compliance with applicable regulations and requirements, and application of mitigation measures, these impacts would be significant and unavoidable.

5.4.6 Significant Agricultural Resources Impacts

As substantiated at EIR Section 4.11, *Agricultural Resources*, the Project would result in conversion of on-site Farmland to urban uses. Additional conversion of off-site agricultural lands to non-agricultural purposes could also occur as a result of Project construction of master plan infrastructure improvements. These are considered to be individually and cumulatively significant and unavoidable impacts. However, the Project would not cause or result in significant and unavoidable agricultural resources impacts and loss of Farmland impacts beyond those already considered and addressed in the Ontario Sphere of Influence (New Model Colony [Ontario Ranch]) General Plan [Policy Plan] Amendment EIR, The Ontario Plan EIR, and the [City of Ontario] Infrastructure Master Plans MND. The Project would not result in new significant and unavoidable agricultural resources impacts and loss of Farmland not otherwise occurring pursuant to the Policy Plan Land Use Plan.

5.5 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The *CEQA Guidelines* § § 15126, subd. (c), 15126.2, subd. (c), 15127, require that for certain types or categories of projects, an EIR must address significant irreversible environmental changes that would occur should the Project be implemented. As presented at *CEQA Guidelines* §15127, the topic of Significant Irreversible Environmental Changes need be addressed in EIRs prepared in connection with any of the following activities:

(a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

(b) The adoption by a local agency formation commission of a resolution making determinations; or

(c) A project which will be subject to the requirements for preparing of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. 4321-4347.

The Project qualifies under *Guidelines* §15127 (a) in that City of Ontario Policy Plan (Land Use Element) amendment(s) are required in order to implement the Project. As such, this EIR analysis addresses significant irreversible environmental changes which could be involved in the proposed action should it be implemented [*Guidelines*, Sections 15126(e) and 15127]. An impact would fall into this category if:

- A project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of a project would generally commit future generations to similar uses;
- A project involves uses in which irreversible damage could result from any potential environmental incidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project results in wasteful use of energy).

With regard to the above considerations, various natural resources, in the form of construction materials and energy resources, would be used in the construction of the Project, but their use is not expected to result in shortfalls in the availability of these resources. Development of the site with the Project uses will commit the property to such uses for the foreseeable future, and thereby limit the site's prospective alternative uses. Notwithstanding, given the current Specific Plan Zoning Designation for the site; the even greater development intensities envisioned for the subject site under the current Policy Plan Land Use designations; and the urbanization of surrounding properties, commitment of the site to uses proposed by the Project is considered appropriate.

The Project presents no significant possibility of irreversible environmental damage "from any potential environmental incidents associated with the project." That is, the Project does not propose facilities or uses that would result in potentially significant environmental incidents. Moreover, all feasible mitigation is incorporated in the Project to reduce its potential environmental effects. As discussed herein, the Project would not result in or cause unwarranted or wasteful use of resources, including energy.

6.0 ACRONYMS AND ABBREVIATIONS

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ACMs	Asbestos Containing Materials
ADT	Average Daily Traffic
APN	Assessor's Parcel Number
AQMD	Air Quality Management District
AQMP	Air Quality Management Plan
ARB	California Air Resources Board
AVO	Average Vehicle Occupancy
BAT	best available technology
BCT	best conventional pollutant control technology
BMP	Best Management Practice
BOE	Board of Equalization
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CalARP	California Accidental Release Prevention Program
CalEPA	California Environmental Protection Agency
CALINE4	California Line Source Dispersion Model
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health Administration
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CAT	Climate Action Team
CBC	California Building Code
CCAA	California Clean Air Act
CCAR	California Climate Action Registry
CCR	California Code of Regulations
CC&Rs	Covenants, Conditions and Restrictions

CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
cfs	cubic feet per second
CH_4	Methane
CIWMB	California Integrated Waste Management Board
CMP	Congestion Management Plan
CNEL	Community Noise Equivalent Level
CO	Carbon monoxide
CO_2	Carbon dioxide
CPUC	California Public Utilities Commission
CRA	Community Redevelopment Agency
CRWQCB	California Regional Water Quality Control Board
CTP	Comprehensive Transportation Plan
CUP	Conditional Use Permit
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
DEIR	Draft Environmental Impact Report
DHS	California Department of Health Services
DIF	Development Impact Fees
DOT	U. S. Department of Transportation
DPM	Diesel Particulate Matter
DPW	Department of Public Works
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
EMS	Energy Management System
EPA	Environmental Protection Agency

FCAA	Federal Clean Air Act
Fed/OSHA	Federal Occupational Safety and Health Administration
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rating Map
fpm	feet per minute
GHG	Greenhouse Gas
GLA	Gross Leasable Area
GMP	Growth Management Plan
GPA	General Plan Amendment
gpd	gallons per day
HCM	Highway Capacity Manual
HOV	High Occupancy Vehicle
HPLV	High Pressure Low Volume
HSC	Health and Safety Code
HSWA	Hazardous and Solid Waste Amendments Act
HUD	U. S. Department of Housing and Urban Development
HVAC	Heating, Ventilation, & Air Conditioning
ICU	Intersection Capacity Utilization
IS	Initial Study
ISTEA	Intermodal Surface Transportation Efficiency Act
ITE	Institute of Transportation Engineers
IWA	Integrated Waste Management Act
kV	kilovolt
kVA	kilovolt-ampere
Ldn	day/night average sound level
LEA	Local Enforcement Agency
LED	light-emitting diodes
Leq	equivalent sound level
LEED	Leadership in Energy and Environmental Design
LOS	Level of Service
LST	Localized Significance Threshold

M	Richter Magnitude
MBTA	Migratory Bird Treaty Act
mgd	million gallons per day
MOE	Measure of Effectiveness
MPE	maximum probable earthquake
mph	miles per hour
MPO	Metropolitan Planning Organization
MRF	Materials Recycling Facility
MSDS	Material Safety Data Sheets
msl	mean sea level
MSW	Municipal Solid Waste
MTA	Metropolitan Transit Authority
$\mu g/m^3$	micrograms per cubic meter
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NDFE	Non-Disposal Facility Element
NIH	National Institutes of Health
NO_2	Nitrogen dioxide
NOI	Notice of Intent
NOP	Notice of Preparation
NO_x	Oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRC	Nuclear Regulatory Commission
O_3	Ozone
OAP	Ozone Attainment Plan
OEHHA	California Office of Environmental Health Hazard Assessment
OES	Office of Emergency Services
OIMP	Odor Impact Minimization Plan
OSHA	Occupational Safety and Health Administration
PA	Preliminary Assessment
Pb	Lead
PCE	passenger car equivalency

PD	Planned Development
$PM_{2.5}$	Particulate Matter Less Than 2.5 Microns in Diameter
PM_{10}	Particulate Matter Less Than 10 Microns in Diameter
PPE	Personal Protection Equipment
ppm	parts per million
PV	Photovoltaic
RCRA	Resource Conservation and Recovery Act
RECs	Recognized Environmental Conditions
REMEL	Reference Energy Mean Emission Level
RFPA	Regional Fire Protection Authority
RMP	Risk Management Plan
ROG	Reactive Organic Gases
RTA	Retail Trade Area
RUWMP	Regional Urban Water Management Plan
RWQCB	Regional Water Quality Control Board
SARA	Superfund Amendments & Reauthorization Act
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SCH	State Clearinghouse
SIP	State Implementation Plan
SLM	Sound Level Meter
SO_x	Oxides of sulfur
SRRE	Source Reduction and Recycling Element
SSC	Species of Special Concern
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
TEA-21	Transportation Equity Act for the 21st Century
TIA	Traffic Impact Analysis
TIS	Traffic Impact Study
TPD	tons per day

UBC	Uniform Building Code
UFC	Uniform Fire Code
USEPA	United States Environmental Protection Agency
USFS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UWMP	Urban Water Management Plan
V/C	Volume to Capacity
VdB	vibration decibel
VMT	vehicle miles traveled
VOC	Volatile Organic Compound
WQMP	Water Quality Management Plan

7.0 REFERENCES

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PERSONS AND ORGANIZATIONS CONSULTED

City of Ontario
Chuck Mercier, Principal Planner

Project Applicant
Thomas Donahue
Prologis
3546 Concours Street, Suite 100
Ontario, California 91764

EIR PREPARERS

Applied Planning, Inc.
Ross S. Geller, Principal
Charly Ray, Senior Project Manager
Amy Flores, Assistant Project Manager
Jennifer Gilbert, Staff Editor

DOCUMENTS CONSULTED

Biological Technical Report for Merrill Commerce Center Specific Plan, Located in the City of Ontario, San Bernardino County, California with Off-Site Improvements Located in the Cities of Ontario and Chino, San Bernardino County, California (Glenn Lukos Associates, Inc.) September 19, 2019.

Cultural Resources Study for the Merrill Commerce Center Specific Plan Project, City of Ontario, San Bernardino County, California (Brian F. Smith and Associates, Inc.) August 27, 2019.

Geotechnical Feasibility Study, Proposed Commercial/Industrial Development, NEC Grove Avenue and Merrill Avenue, Ontario, California (Southern California Geotechnical) November 21, 2017.

Geotechnical Feasibility Study, Proposed Commercial/Industrial Development, NWC Vineyard Avenue and Merrill Avenue, Ontario, California (Southern California Geotechnical) November 21, 2017.

Geotechnical Investigation, Proposed Commercial/Industrial Development, 8643 Eucalyptus Avenue, Ontario, California (Southern California Geotechnical) May 18, 2017.

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Limited Methane Investigation Report, Alewyn Land, 9031 Eucalyptus Avenue, Ontario, California 91762 (Partner Engineering and Science, Inc.) August 31, 2018.

Limited Phase II Environmental Site Assessment, GH Dairy, 8643 Eucalyptus Avenue, Ontario, San Bernardino County, CA (AECOM) June 12, 2017.

Limited Phase II Subsurface Investigation and Limited Methane Investigation Report, Borba Land Phase II (189 acres) 14545 South Grove Avenue, Ontario, California 91762 (Partner Engineering and Science, Inc.) June 26, 2017.

Limited Phase II Subsurface Investigation and Limited Methane Investigation Report, Lanting Land, 9032 Merrill Avenue, Ontario, California 91762 (Partner Engineering and Science, Inc.) August 31, 2018.

Merrill Commerce Center Specific Plan (T&B Planning, Inc.) September 29, 2020.

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Merrill Commerce Center Specific Plan, Construction Health Risk Assessment Memorandum (Urban Crossroads, Inc.) January 12, 2020.

Merrill Commerce Center Specific Plan, Greenhouse Gas Analysis, City of Ontario (Urban Crossroads, Inc.) January 12, 2020.

Merrill Commerce Center Specific Plan, Mobile Source Health Risk Assessment, City of Ontario (Urban Crossroads, Inc.) January 12, 2020.

Merrill Commerce Center Specific Plan, Noise Impact Analysis, City of Ontario (Urban Crossroads, Inc.) July 28, 2020.

Merrill Commerce Center Specific Plan, Traffic Impact Analysis, City of Ontario (Urban Crossroads, Inc.) June 30, 2020.

Merrill Commerce Center Specific Plan, Vehicle Miles Traveled (VMT) Assessment (Urban Crossroads, Inc.) January 14, 2020.

Paleontological Resource Assessment for the Proposed Merrill Commerce Center Specific Plan Project, City of Ontario, Southern San Bernardino County, California (Brian F. Smith and Associates, Inc.) April 1, 2020.

Phase I Environmental Site Assessment, Borba Land Phase II (189 acres), 14545 South Grove Avenue, Ontario, California 91762 (Partner Engineering and Science, Inc.) May 2, 2017.

Phase I Environmental Site Assessment, GH Dairy Farm, 8643 Eucalyptus Avenue, Ontario, San Bernardino County, California (AECOM) April 13, 2017.

Phase I Environmental Site Assessment Report, Alewyn Land, 9031 Eucalyptus Avenue, Ontario, California 91762 (Partner Engineering and Science, Inc.) August 2, 2018.

Phase I Environmental Site Assessment Report, Lanting Land, 9032 Merrill Avenue and 8911 Eucalyptus Avenue, Ontario, California 91762 (Partner Engineering and Science, Inc.) August 24, 2018.

Phase I Environmental Site Assessment Report, Minaberry Land, 8731 Eucalyptus Avenue, Ontario, California 91762 (Partner Engineering and Science, Inc.) February 28, 2017.

Preliminary Water Quality Management Plan (PWQMP) for Merrill Commerce Center Specific Plan Project (JLC Engineering & Consulting, Inc.) September 17, 2019.

Proposed Merrill Commerce Center Specific Plan – Revised Historical Resource Survey (Urbana Preservation & Planning) April 28, 2020.

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The Ontario Plan, Draft Environmental Impact Report (The Planning Center) April 2009.

Water Supply Assessment Merrill Commerce Center Specific Plan for City of Ontario (Placeworks) July 2019.

RESOLUTION NO. PC20-095

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PGPA18-003, AN AMENDMENT TO THE LAND USE ELEMENT OF THE POLICY PLAN (GENERAL PLAN), REVISING EXHIBIT LU-01 (OFFICIAL LAND USE PLAN) AND EXHIBIT LU-03 (FUTURE BUILDOUT), AFFECTING PROPERTIES LOCATED WITHIN THE ONTARIO RANCH AND BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, MERRILL AVENUE TO THE SOUTH, CARPENTER AVENUE TO THE EAST, AND GROVE AVENUE TO THE WEST, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 1054-111-01; 1054-111-02; 1054-121-01; 1054-121-02; 1054-131-01; 1054-131-02; 1054-141-01; 1054-141-02; 1054-151-01; 1054-151-02; 1054-161-01; 1054-161-02; 1054-161-03; 1054-171-01; 1054-171-02; 1054-171-03; 1054-171-04; 1054-181-01; 1054-181-02; 1054-191-01; 1054-191-02; 1054-201-01; 1054-201-02; 1054-211-01, 1054-211-02; 1054-221-01; 1054-221-02; 1054-331-01; 1054-331-02; 1054-341-01; 1054-341-02; 1054-351-01; 1054-351-02; 1054-361-01; 1054-361-02; 1073-111-01; 1073-111-02; 1073-111-03; 1073-111-04; 1073-111-05; 1073-111-06. (SEE ATTACHMENTS 1 AND 2) (PART OF CYCLE 1 FOR THE 2021 CALENDAR YEAR).

WHEREAS, MERRILL COMMERCE CENTER EAST LLC and MERRILL COMMERCE CENTER WEST LLC (“Applicant”) have filed an Application for the approval of a General Plan Amendment, File No. PGPA18-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City of Ontario adopted the Policy Plan (General Plan) as part of The Ontario Plan in January 2010. Since the adoption of The Ontario Plan, the City has evaluated Exhibits LU-01: Official Land Use Plan and LU-03: Future Buildout further and is proposing modifications; and

WHEREAS, the proposed changes to Exhibit LU-01 (Official Land Use Plan) include changes to land use designations of certain properties shown on Attachment 1 to make the land use designations of these properties consistent with the proposed Merrill Commerce Center Specific Plan (PSP18-001); and

WHEREAS, Policy Plan Exhibit LU-03 (Future Buildout) specifies the expected buildout for the City of Ontario, incorporating the adopted land use designations. The proposed changes to Exhibit LU-01 (Official Land Use Plan) will require that Exhibit LU-03 (Future Buildout) is modified to be consistent with Exhibit LU-01 (Official Land Use Plan), as depicted on Attachment 2, attached; 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, the project site is also located with the Airport Influence Area of Chino Airport and must be consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics, which addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, as the first action on the Project, on December 22, 2020, the Planning Commission recommended approval of a Resolution recommending City Council certify the Merrill Commerce Center Specific Plan Environmental Impact Report ("EIR") (State Clearinghouse No. 2019049079) including the adoption of a Mitigation Monitoring and Reporting Plan (MMRP) and a Statement of Overriding Considerations; and

WHEREAS, on December 22, 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 body for the Project, the Planning Commission 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 Planning Commission, the Planning Commission finds as follows:

(1) The Merrill Commerce Center Specific Plan EIR, MMRP, Statement of Overriding Considerations, and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Merrill Commerce Center Specific Plan EIR, MMRP, and Statement of Overriding Considerations contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the Planning Commission.

SECTION 2: ***Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance and Chino Airport Influence Area.*** The project site is located within the Airport Influence Area ("AIA") of the Ontario International Airport ("ONT"), and has been found to be consistent with the policies and criteria set forth within the ALCUP for ONT. The project site is located in the Chino Airport's AIA and the Chino Airport zoning overlay. Land use compatibility assessments are part of the Chino Airport Master Plan. The project site is within Safety Zones 1, 2, 3, 4, and 6, Traffic Pattern Zone of the Chino Airport Overlay (Generic Safety Zones for General Aviation Airports from the Caltrans Division of Aeronautics – California Airport Land Use Planning Handbook. The Project has been found to be consistent with the policies and criteria set forth in the California Airport Land Use Planning Handbook.

SECTION 3: ***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 Sections 1 through 2, above, the Planning Commission hereby concludes as follows:

(1) The proposed General Plan Amendment is consistent with the goals and policies of The Ontario Plan as follows:

(a) **LU2-1 Land Use Decisions.** We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed General Plan Amendment closely coordinates with land use designations in the surrounding area which will not increase adverse impacts on adjacent properties. The project site is also impacted by aircraft traffic patterns from Runway 3-21, where aircraft fly directly over the project site when performing Touch-and-Go Landings (a maneuver where aircraft are landing on a runway and taking off again without coming to a full stop and the pilot then circles the airport in a defined pattern to allow many landings to be practiced in a short time). The State Division of Aeronautics prohibits or limits the development of new incompatible land uses (e.g., schools, daycares, etc.) surrounding existing airports, and the proposed project would create land use consistency with Chino Airport and satisfy the criteria set forth in the Handbook.

(b) **LU4-1 Commitment to Vision.** We are committed to achieving our Vision but realize that it may take time and several interim steps to get there.

Compliance: The proposed land use designation change from General Commercial (0.4 FAR), Office Commercial (0.75 FAR), and Business Park (0.6 FAR) to Business Park and Industrial and will provide consistency between the TOP Policy Plan Land Use Plan and the proposed Merrill Commerce Center Specific Plan and will result in a logical land use pattern in and around the affected areas.

(c) **LU5-7 ALUCP Consistency with Land Use Regulations.** We comply with state law that required general plans, specific plans, and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The proposed project is located within the Safety, Noise, Airspace Protection and Overflight Zones of the ALUCP for ONT. A consistency determination was completed, and the proposed project is consistent with the policies and criteria of the ALUCP for ONT, subject to conditions. In addition, the project site is located within Chino Airport's airport influence area and the Chino Airport zoning overlay. Land use compatibility assessments are part of the Chino Airport Overlay (Generic Safety Zones for General Aviation Airports from the Caltrans Division of Aeronautics – California Airport Land Use Planning Handbook). Pursuant to the California Airport Land Use Planning Handbook, the Specific Plan site is within Safety Zones 1, 2, 3, 4, and 6, Traffic Pattern/Overflight Zone. Light industrial and manufacturing uses are acceptable within Zones 2, 3, 4, and 6, subject to Open Land criteria.

(d) **S4-6 Airport Noise Compatibility.** We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The project site is located partially within the 55-60 dB CNEL noise contour for Chino Airport. Sensitive land uses (e.g., schools, residences) would be prohibited within the 55-60 dB CNEL noise contour. The proposed uses include warehouse, light manufacturing, ancillary office/commercial, and professional office uses and, therefore, no significant impacts are anticipated.

(2) The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;

(3) The Land Use Element is a mandatory element allowed four general plan amendments per calendar year and this general plan amendment is the first amendment to the Land Use Element of the 2021 calendar year consistent with Government Code Section 65358;

(4) 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. Changing the land use designation of the subject property from General Commercial (0.4 FAR), Office Commercial (0.75 FAR), and Business Park (0.6 FAR), to Business Park (0.6 FAR) and Industrial (0.55 FAR) will not impact the City's Regional Housing Needs Allocation obligations or the City's ability to satisfy its share of the region's future housing need;

(5) During the amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with Government Code Section 65351.

SECTION 4: ***Planning Commission Action.*** Based upon the findings and conclusions set forth in Sections 1 through 3, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the proposed General Plan Amendment, as depicted in Attachment 1 (Policy Plan Land Use Plan (Exhibit LU-01) Revision) and Attachment 2 (Future Buildout (Exhibit LU-03) Revision) of this Resolution.

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.

SECTION 7: ***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 22nd day of December 2020, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Planning Commission Chairman

ATTEST:

Rudy Zeledon
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. PC20-095, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on December 22, 2020, by the following roll call vote, to wit:

AYES: DeDiemar, Gage, Gregorek, Ricci, Willoughby

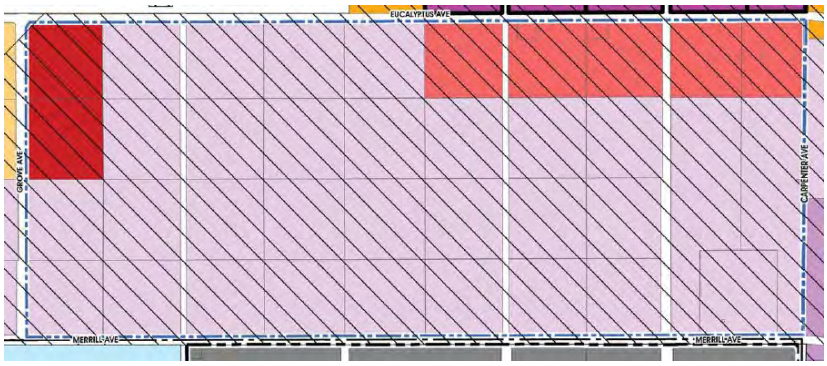
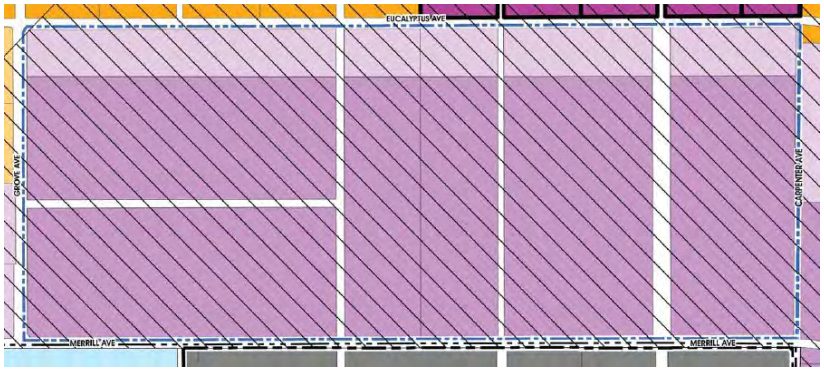
NOES: None

ABSENT: None

ABSTAIN: None

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT 1: Policy Plan Land Use Plan (Exhibit LU-01) Revision

Existing Policy Plan Land Use	 Business Park (0.6 FAR) Office Commercial (0.75 FAR) General Commercial (0.4 FAR)
Assessor Parcel Number(s) Involved	1054-111-01; 1054-111-02; 1054-121-01; 1054-121-02; 1054-131-01; 1054-131-02; 1054-141-01; 1054-141-02; 1054-151-01; 1054-151-02; 1054-161-01; 1054-161-02; 1054-161-03; 1054-171-01; 1054-171-02; 1054-171-03; 1054-171-04; 1054-181-01; 1054-181-02; 1054-191-01; 1054-191-02; 1054-201-01; 1054-201-02; 1054-211-01, 1054-211-02; 1054-221-01; 1054-221-02; 1054-331-01; 1054-331-02; 1054-341-01; 1054-341-02; 1054-351-01; 1054-351-02; 1054-361-01; 1054-361-02; 1073-111-01; 1073-111-02; 1073-111-03; 1073-111-04; 1073-111-05; 1073-111-06 Properties are bound by Eucalyptus Avenue to the north, Merrill Avenue to the south, Carpenter Avenue to the east, and Grove Avenue to the west.
Proposed Policy Plan Land Use	 Business Park (0.6 FAR) Industrial (0.55 FAR)

ATTACHMENT 2: Future Buildout (Exhibit LU-03) Revision

THE ONTARIO PLAN

LU-03 Future Buildout[1]

Land Use	Acres[2]	Assumed Density/Intensity[3]	Units	Population[4]	Non-Residential Square Feet	Jobs[5]
Retail/Service						
Neighborhood Commercial[6]	285	0.30 FAR			3,725,556	9,015
General Commercial	~~464~~ 446	0.30 FAR			~~6,067,342~~ 5,827,805	~~5,636~~ 5,414
Office/ Commercial	~~490~~ 447	0.75 FAR			~~16,013,438~~ 14,612,311	~~35,523~~ 32,405
Hospitality	142	1.00 FAR			6,177,679	7,082
Subtotal	~~1,382~~ *1,320*				~~31,989,096~~ *30,343,352*	~~57,256~~ *53,916*
Employment						
Business Park	~~1,506~~ 1,259	0.40 FAR			~~36,273,284~~ 21,940,980	~~46,896~~ 38,495
Industrial	~~6,518~~ 6,806	0.55 FAR			~~156,162,964~~ 163,101,440	~~137,208~~ 143,304
Subtotal	~~8,026~~ *8,067*				~~182,436,247~~ *185,042,420*	~~183,304~~ *181,799*
Other						
Open Space–Non-Recreation	1,232	Not applicable				
Open Space–Parkland[6]	950	Not applicable				
Open Space-Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	621	Not applicable				
LA/Ontario International Airport	1,677	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	~~4,871~~ 4,891	Not applicable				
Subtotal	~~9,895~~ *9,915*					
Total	***31,786***		***100,976***	***348,467***	~~248,083,563~~ *249,044,083*	~~310,358~~ *305,512*

Notes
1 Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, access the Methodology report.
2 Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
3 Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
4 Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, access the Methodology report.
5 To view the factors used to generate the number of employees by land use category, access the Methodology report.
6 Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

RESOLUTION NO. PC20-096

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, RECOMMENDING THE CITY COUNCIL APPROVE THE MERRILL COMMERCE CENTER SPECIFIC PLAN (FILE NO. PSP18-001), TO ESTABLISH LAND USE DISTRICTS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR THE POTENTIAL DEVELOPMENT OF UP TO 8,455,000 SQUARE FEET OF GENERAL INDUSTRIAL AND BUSINESS PARK LAND USES ON 376.3 ACRES OF LAND GENERALLY BORDERED BY EUCALYPTUS AVENUE TO THE NORTH, MERRILL AVENUE TO THE SOUTH, CARPENTER AVENUE TO THE EAST, AND GROVE AVENUE TO THE WEST, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1054-111-01; 1054-111-02; 1054-121-01; 1054-121-02; 1054-131-01; 1054-131-02; 1054-141-01; 1054-141-02; 1054-151-01; 1054-151-02; 1054-161-01; 1054-161-02; 1054-161-03; 1054-171-01; 1054-171-02; 1054-171-03; 1054-171-04; 1054-181-01; 1054-181-02; 1054-191-01; 1054-191-02; 1054-201-01; 1054-201-02; 1054-211-01, 1054-211-02; 1054-221-01; 1054-221-02; 1054-331-01; 1054-331-02; 1054-341-01; 1054-341-02; 1054-351-01; 1054-351-02; 1054-361-01; 1054-361-02; 1073-111-01; 1073-111-02; 1073-111-03; 1073-111-04; 1073-111-05; AND 1073-111-06.

WHEREAS, MERRILL COMMERCE CENTER EAST, LLC, and MERRILL COMMERCE CENTER WEST, LLC, ("Applicant") have filed an Application for the approval of a Specific Plan, File No. PSP18-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 376.3 acres of land, bordered by Eucalyptus Avenue to the north, Merrill Avenue to the south, Carpenter Avenue to the east, and Grove Avenue on the west, within the SP(AG) (Specific Plan (Agricultural Overlay)) zoning district, and is presently improved with agricultural, dairy, and truck terminal uses; and

WHEREAS, the properties to the north of the Project site are within the SP(AG) zoning district and developed with agriculture/dairy and truck terminal uses. The properties to the east are within the SP zoning district, known as the West Ontario Commerce Center Specific Plan, and are developed with industrial uses. The properties to the south are located within the City of Chino and are developed with the Chino Airport, agricultural uses, and industrial buildings. The properties to the west are within the SP(AG) zoning district and are developed with agriculture/dairy uses; and

WHEREAS, the Merrill Commerce Center Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that

excellence in community design is achieved during project development. In addition, the Specific Plan will establish the procedures and requirements to approve new development within the project site to ensure TOP goals and policies are achieved; and

WHEREAS, the Merrill Commerce Center Specific Plan consists of approximately 376.3 acres of land, which includes the potential development of up to 8,455,000 square feet of business park and industrial development; and

WHEREAS, a request for approval of a General Plan Amendment (File No. PGPA18-003) to change the land use designations shown on Policy Plan Exhibit LU-01, Land Use Plan, on approximately 376.3 acres of land from General Commercial (0.4 Floor Area Ratio (FAR)), Office Commercial (0.75 FAR), and Business Park (0.6 FAR), to Business Park (0.6 FAR) and Industrial (0.55 FAR), and modify Policy Plan Exhibit LU03, Future Buildout, to be consistent with the proposed land use designation changes, which was submitted in conjunction with the proposed Merrill Commerce Center Specific Plan and the related Environmental Impact Report ("EIR"); and

WHEREAS, the land use intensity of the Merrill Commerce Center Specific Plan anticipated in the eleven planning areas is consistent with The Ontario Plan ("TOP"). The Specific Plan is proposing a maximum 0.6 floor area ratio ("FAR") within the Business Park land use designation (Planning Areas 1A, 3A, 4A, 5A, and 6A) located along the northern portion of the Specific Plan area. Planning Areas 1A, 3A, 4A, 5A, and 6A is 55.1 acres in size and can be potentially developed with 1,441,000 square feet of business park development. The Specific Plan is proposing a maximum 0.55 FAR within the Industrial land use designation (Planning Areas 1, 2, 3, 4, 5, and 6) located along the southern portion of the Specific Plan. Planning Areas 1 through 6 is 292.8 acres in size and can potentially be developed with 7,014,000 square feet of industrial development. The proposed FARs for each of the land use areas is consistent with the Policy Plan Land Use designations for Business Park and Industrial; and

WHEREAS, the Merrill Commerce Center Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy (General Plan) analysis in the Appendix "Policy Plan (General Plan) Consistency," of the Specific Plan describes the manner in which the Merrill Commerce Center Specific Plan complies with the Policy Plan goals and policies applicable to the Merrill Commerce Center Specific Plan; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act, commencing with Public Resources Code Section 21000 et seq. (hereinafter referred to as "CEQA"); and

WHEREAS, an EIR (State Clearinghouse No. 2019049079), including the adoption of a Mitigation Monitoring and Reporting Program ("MMRP") and a Statement of

Overriding Considerations, have been prepared in accord with CEQA, the State CEQA Guidelines, and the City of Ontario Guidelines to address the environmental effects of the Specific Plan (Merrill Commerce Center Specific Plan); and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and make a recommendation on the subject Application; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of TOP, 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, the project site is also located with the Airport Influence Area of Chino Airport and must be consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics, which 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 December 22, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the EIR, MMRP, Statement of Overriding Considerations, and 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 body for the Project, the Planning Commission has reviewed and considered the information contained in the EIR, MMRP, and a Statement of Overriding Considerations prepared for the project and supporting documentation. Based upon the facts and information contained in the EIR (State Clearinghouse No. 2019049079) and supporting documentation, the Planning Commission finds as follows:

(1) The Merrill Commerce Center Specific Plan EIR, MMRP, Statement of Overriding Considerations contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The Merrill Commerce Center Specific Plan EIR, MMRP, and Statement of Overriding Considerations was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The Merrill Commerce Center Specific Plan EIR, MMRP, and a Statement of Overriding Considerations reflects the independent judgment of the Planning Commission.

SECTION 2: ***Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance and Chino Airport Influence Area.*** The proposed project is located within the Safety, Noise, Airspace Protection and Overflight Zones of the ALUCP. A consistency determination was completed, and the proposed project is consistent with the policies and criteria of the ALUCP, subject to conditions. In addition, the project site is located within the Chino Airport's airport influence area (AIA) and the Chino Airport zoning overlay. Land use compatibility assessments are part of the Chino Airport Overlay (Generic Safety Zones for General Aviation Airports from the Caltrans Division of Aeronautics – California Airport Land Use Planning Handbook). Pursuant to the California Airport Land Use Planning Handbook, the Specific Plan site is within Safety Zones 1, 2, 3, 4, and 6, Traffic Pattern/Overflight Zone. Light industrial and manufacturing uses are acceptable within Zones 2, 3, 4, and 6, subject to Open Land criteria.

SECTION 3: ***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 Sections 1 and 2, above, the Planning Commission hereby concludes as follows:

(1) The approximately 376.3-acre Merrill Commerce Center Specific Plan is suitable for business park and industrial development and is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of TOP. The proposed land uses in the proposed districts will also be in harmony in terms of access, size, and compatibility with existing land use in the surrounding area; and

(2) The proposed Merrill Commerce Center Specific Plan is in conformance with the Land Use Policies and Goals of the Policy Plan and will provide standards and guidelines for the harmonious development within the districts, in a manner consistent with the Policy Plan. The Specific Plan is proposing business park and industrial type development for the approximately 376.3-acre site, which is what is mandated by the land use plan of the Policy Plan; therefore, the proposed industrial uses will be in conformance with the policies and goals of the Policy Plan; and

(3) During the Merrill Commerce Center Specific Plan review, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means, were implemented consistent with California Government Code Section 65351; and

(4) 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 4: ***Planning Commission Action.*** Based upon the findings and conclusions set forth in Sections 1 through 3, 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 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.

SECTION 7: ***Certification to Adoption.*** The Secretary shall certify to the adoption of the Resolution.

- - - - - - - - - - - - - -

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 22nd day of December 2020, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Planning Commission Chairman

ATTEST:

Rudy Zeledon
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. PC20-096, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on December 22, 2020, by the following roll call vote, to wit:

AYES: DeDiemar, Gage, Gregorek, Ricci, Willoughby

NOES: None

ABSENT: None

ABSTAIN: None

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

File No. PSP18-001
Merrill Commerce Center Specific Plan

(Document to follow this page)

MERRILL COMMERCE CENTER

SPECIFIC PLAN

CITY OF ONTARIO

Applicants:
Merrill Commerce Center East, LLC
Merrill Commerce Center West, LLC
3546 Concours Street, Suite 100
Ontario, CA 91764

Prepared By:
T&B Planning, Inc.
3200 El Camino Real, Suite 100
Irvine, CA 92602

Date: December 07, 2020

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EXECUTIVE SUMMARY

ES.0

ES.1 Specific Plan Overview

ES.2 Other Governing Documents

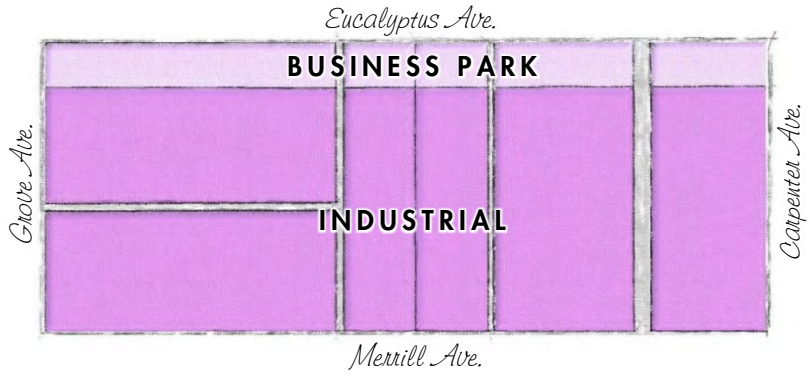
ES.3 Specific Plan Components

ES.0 EXECUTIVE SUMMARY

ES.1 SPECIFIC PLAN OVERVIEW

The MERRILL COMMERCE CENTER Specific Plan area covers approximately 376.3 acres in the southern portion of the City of Ontario. The Specific Plan property is located north of Merrill Avenue, south of Eucalyptus Avenue, east of Grove Avenue and west of Carpenter Avenue. Along the Specific Plan's southern property line, Merrill Avenue forms the boundary between the City of Ontario and the City of Chino.

The location of the MERRILL COMMERCE CENTER in regional and local contexts is depicted in Figure ES-1, *Regional Map*, and Figure ES-2, *Vicinity Map*, which shows the relationship of the Specific Plan property with nearby cities, counties, and unincorporated communities.



The information contained in this Specific Plan provides guidance for the development of a contemporary, master-planned commerce center. The commerce center is envisioned to contain business park and industrial buildings supported by public roads and utility infrastructure systems, private driveways, parking lots, truck courts, lighting, landscaping, signage, and other functional and decorative features. Multi-purpose trails are provided at the perimeters of MERRILL COMMERCE CENTER to encourage connectivity and circulation by employees, visitors, and the passerby by means not completely dependent on a motorized vehicle.

The business park uses in smaller buildings are positioned along Eucalyptus Avenue while industrial uses in larger warehouse-style buildings comprise the balance of the site. As designed, building users are expected to be a mixture of local, national, and international businesses that bring job opportunities and economic growth to Ontario. A summary of the land uses is as follows:

Table ES-1 Land Use Summary

Land Use Designation	Acres[1]	Maximum Building Square Footage
Industrial Planning Areas	292.8 AC	7,014,000 SF
Business Park Planning Areas	55.1 AC	1,441,000 SF
Circulation	28.4 AC	--
Total	**376.3 AC**	**8,455,000 SF**

1. *Acreages are approximate and subject to survey verification.*

ES.2 Other Governing Documents

In addition to this Specific Plan, which includes a Land Use Plan, Infrastructure Plan, Development Regulations, Design Guidelines, and an Implementation Plan tailored to the MERRILL COMMERCE CENTER, the following documents also contain applicable information:

- The Ontario Policy Plan (which serves as the City's State-mandated General Plan) that includes City-wide policies pertaining to land use, housing, mobility, safety, environmental resources, parks & recreation, community economics, community design, and social resources.
- The City of Ontario Development Code, which governs over topics on which this Specific Plan's development regulations are silent. (Where the requirements of this Specific Plan differ from the requirements of the Ontario Development Code, this Specific Plan takes precedence.)
- The MERRILL COMMERCE CENTER Development Agreement, which specifies methods for the financing, acquisition, and construction of infrastructure systems and provides assurance that development of the property may proceed subject to Ontario's rules and regulations in effect at the time of this Specific Plan's approval.
- The Airport Land Use Compatibility Plans for Ontario International Airport (ONT) and Chino Airport. The City of Ontario is currently preparing an Airport Land Use Compatibility Plan for Chino Airport which relies on the California Airport Land Use Planning Handbook published by Caltrans Division of Aeronautics, that is expected to be adopted in 2021. The Chino Airport Land Use Compatibility Plan will establish policies and criteria for the four types of compatibility impacts which include safety, noise, airspace protection, and overflight. Projects within the Specific Plan boundary shall be required to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans for Ontario International Airport and Chino Airport.
- The Mitigation Monitoring and Reporting Program (MMRP) that is part of the MERRILL COMMERCE CENTER's Environmental Impact Report (EIR) prepared in compliance with the California Environmental Quality Act. The MMRP stipulates measures that are required to be implemented to mitigate the environmental effects of the commerce center's construction and operation.

ES.3 Specific Plan Components

This MERRILL COMMERCE CENTER Specific Plan is organized into the following chapters.

Chapter 1 - Introduction:

Describes the purpose and objectives of this Specific Plan, the related entitlement approvals for implementing development, and the general relationship of this Specific Plan to the Ontario Policy Plan (General Plan).

Chapter 2 - Existing Conditions:

Describes the physical setting of the MERRILL COMMERCE CENTER and the physical conditions on and surrounding the property at the time this Specific Plan was prepared.

Chapter 3 - Land Use Plan:

Describes the MERRILL COMMERCE CENTER's development plan, which includes six Industrial planning areas and five Business Park planning areas, with the Business Park areas concentrated along Eucalyptus Avenue in the northern portion of the Specific Plan area. Chapter 3 also specifies the acreages of each planning area and the maximum development intensities (amount of building square footage) permitted in each land use category.

Chapter 4 - Infrastructure Plan:

Provides information on vehicular and non-vehicular circulation improvements; the planned backbone water, sewer, recycled water, and storm drain systems; the planned dry utility network; and the preliminary grading concept for the development of the MERRILL COMMERCE CENTER.

Chapter 5 - Development Regulations:

Establishes the list of permitted and conditionally-permitted uses in the Specific Plan area, and presents the development regulations (zoning) that govern the uses. A discussion of the relationship of the MERRILL COMMERCE CENTER Specific Plan's development regulations to the City of Ontario Development Code also is provided.

Chapter 6 - Design Guidelines:

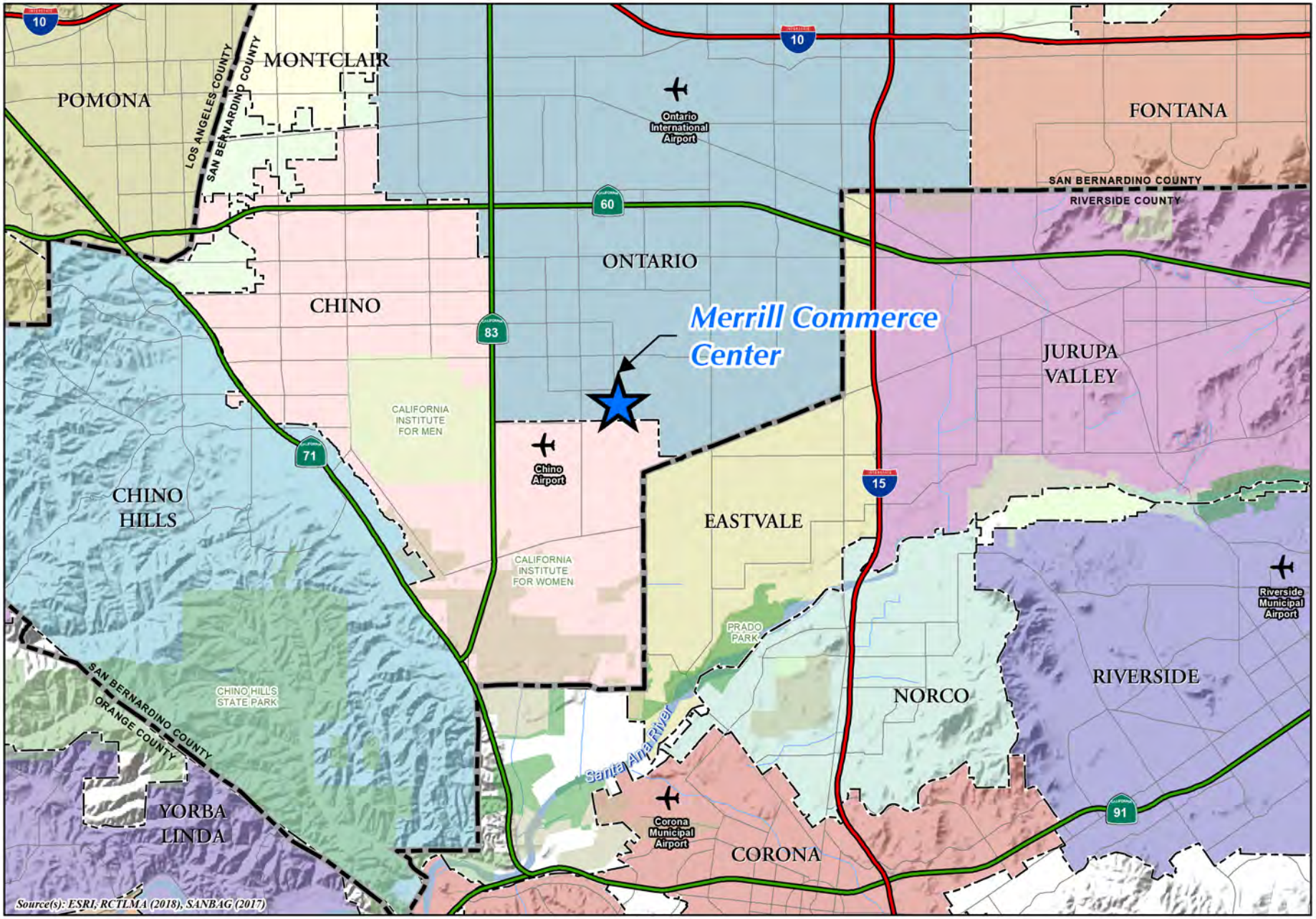
The MERRILL COMMERCE CENTER's design guidelines presented in Chapter 6 guide the site planning, landscaping, and architectural quality of implementing development within the Specific Plan area. Guidelines are included that address architectural design, landscape design, streetscapes, entry treatments and monuments, corner treatments, walls and fencing, lighting, and signage.

Chapter 7 - Implementation Plan:

Chapter 7 presents the policies and procedures for the City's review and approval of implementing projects within the MERRILL COMMERCE CENTER. This chapter also describes the methods and procedures for interpreting and amending the Specific Plan as necessary. A summary of maintenance responsibilities for development within the Specific Plan also is provided.

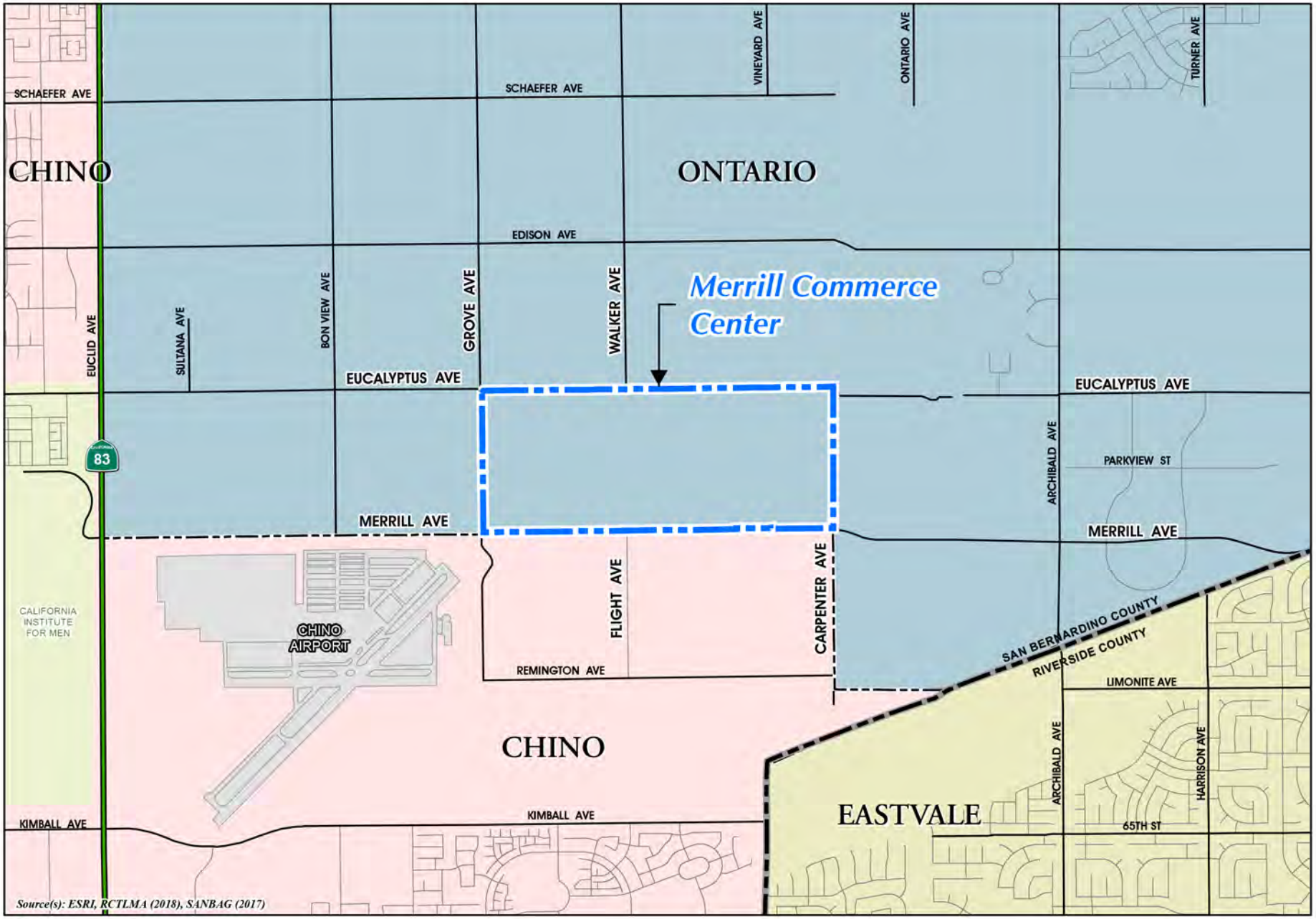
Appendix A - General Plan Consistency:

Includes a matrix evaluating the consistency of the MERRILL COMMERCE CENTER Specific Plan to each of the applicable policies of the Ontario Policy Plan (the City's General Plan).



Regional Map

Figure ES-1



Vicinity Map

Figure ES-2

0 625 1,250 2,500 Feet

INTRODUCTION

CHAPTER 1

1.1 Specific Plan Purpose

1.2 Specific Plan Objectives

1.3 Authority

1.4 Severability

1.5 Approved Process and Companion Actions

1.6 Relationship to The Ontario Plan

CHAPTER 1 - INTRODUCTION

1.1 SPECIFIC PLAN PURPOSE

The underlying purpose of this Specific Plan is to guide the development of a 376.3-acre property into a master-planned commerce center, known as the MERRILL COMMERCE CENTER. The site is located within the southwestern portion of the City of Ontario (City) in an area known as Ontario Ranch. The Ontario Policy Plan requires the Ontario City Council to approve Specific Plans as part of the entitlement process for new development projects in this area.

Implementing development projects within the boundaries of the MERRILL COMMERCE CENTER are required to demonstrate substantial conformity with the information contained in this Specific Plan document.

Situated in proximity to three major freeways, the Ontario International Airport (ONT), and the Chino Airport, the MERRILL COMMERCE CENTER is poised to successfully accommodate uses that rely on access to the local and regional transportation network. The Specific Plan area is located approximately 1.8 miles east of State Route 83, 2.75 miles south of State Route 60, 3.25 miles west of Interstate 15, 4.0 miles southeast of the Chino Transit Center, and 7.0 miles north of State Route 91. Additionally, the Port of Long Beach and the Port of Los Angeles, which serve as major gateways to international trade, are located only ±53 miles to the southwest of the Specific Plan area. The property's location at the junction of these major transportation facilities establishes a clear advantage for land uses that rely on proximity to the transportation network to remain competitive.

Why Ontario?

Ontario is a thriving community with a strong business and employment hub located approximately 53 miles east of downtown Los Angeles in the western part of the Inland Empire metropolitan area. The City is conveniently located near regional transportation facilities and is home to the Ontario International Airport, making it an ideal location for a variety of business park and industrial land uses, including but not limited to corporate headquarters, e-commerce fulfillment centers and other goods movement/ supply chain uses.



1.2 SPECIFIC PLAN OBJECTIVES

This Specific Plan achieves the following objectives:

- To provide a land use plan for the development of a state-of-the-art commerce center that accommodates modern business and industrial activities.
- To attract and sustain industrial and business park uses within the Specific Plan area that are compatible with surrounding land uses.
- To locate businesses that rely on transportation efficiency in an area of south Ontario that offers convenient access to the state highway system.
- To provide opportunities for positive economic benefit to the City, including new net revenues to the General Fund which can be used for vital City services.
- To diversify the City's available range of employment-generating land uses.
- To improve connectivity in the area by providing multi-purpose trails and bike racks that encourage circulation by means not completely dependent on a motorized vehicle.
- To identify capital improvements for water, recycled water, sewer, storm drain, and circulation facilities that serve planned land uses within and adjacent to the Specific Plan area.
- To define guidelines and standards for architecture, landscaping, entry monuments/signage, and walls and fencing within the Specific Plan area.
- To set forth a development phasing sequence that is aligned with a logical sequence for the installation of supporting on-site and off-site infrastructure.



The MERRILL COMMERCE CENTER Specific Plan brings jobs, sustainable economic growth, and business opportunities to the southern portion of Ontario. Its contemporary design is an attractive asset for the City and complements other surrounding employment and supply chain developments in Ontario and the surrounding metropolitan area.

1.3 AUTHORITY

This Specific Plan is a regulatory document prepared pursuant to the provisions of California Government Code §§ 65450 through 65457, which grants local government agencies the authority to prepare Specific Plans for the systematic implementation of their General Plan for all or part of the area covered by the General Plan. While the Ontario Plan covers the entire City, the Specific Plan concentrates on the specific development of the approximately 376.3-acre MERRILL COMMERCE CENTER property.

California Government Code §§ 65450 through 65457 establish the authority to adopt a Specific Plan, identify the required contents of a Specific Plan, and mandate consistency with the General Plan. According to California Government Code § 65451:

(a) A Specific Plan shall include text and a diagram which specify all the following in detail:

(1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.

(2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

(3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

(4) A program of implementation measures including regulations, programs, public works projects, and financing measures, necessary to carry out items (1), (2), and (3).

(b) The Specific Plan shall include a statement of the relationship of the Specific Plan to the General Plan.

This Specific Plan includes each of the required elements listed above and establishes the essential link between the policies of The Ontario Plan's Policy Plan and the MERRILL COMMERCE CENTER property. All future development plans and implementing construction activities within the MERRILL COMMERCE CENTER are required to be consistent with the requirements set forth in this Specific Plan and with all other applicable City regulations.

1.4 SEVERABILITY

This Specific Plan document enables the City of Ontario to facilitate the processing and approval of development plans and implementing permits to build out the MERRILL COMMERCE CENTER. If any regulation, condition, program, or portion of this Specific Plan is held invalid or unenforceable, such portions shall be deemed separate, distinct, and independent provisions, and the invalidity of such portions or provisions shall not affect the validity and enforceability of the remaining provisions contained herein.

1.5 Approval Process and Companion Actions

This Specific Plan and any future amendments are required to be considered by the City of Ontario Planning Commission and City Council, and adopted by ordinance or resolution of the City Council, pursuant to Development Code Section 1.01.035: Specific Plans and Amendments. More information on implementation procedures is contained in Chapter 7, *Implementation Plan*.

A Policy Plan (General Plan) Amendment (GPA) was processed concurrently with this Specific Plan. The GPA was a companion action to the approval of this Specific Plan that achieved consistency between the General Plan land use designations, this Specific Plan's land use designations, and zoning.

Additionally, a subdivision map will be approved by the City of Ontario for the Specific Plan area indicating the approximate boundaries and dimensions of parcels and streets and the proposed grading for the MERRILL COMMERCE CENTER. Following map recordation, the final map will become the legal document that identifies developable parcels within the Specific Plan.

Approval of the MERRILL COMMERCE CENTER Specific Plan also is accompanied by an application for the approval of a development agreement. California Government Code §§ 65864-65869.5 authorize the use of development agreements between any city, county, or city and county, with any person having a legal or equitable interest in real property for the development of the property.

In addition to this Specific Plan and the accompanying GPA, subdivision map, and development agreement, an Environmental Impact Report (EIR) was certified in compliance with the California Environmental Quality Act (CEQA) to serve as the project-wide environmental assessment document. Together, this Specific Plan and the environmental mitigation measures contained in the accompanying EIR's Mitigation Monitoring and Reporting Program (MMRP) provide a path to develop the property taking into account all applicable goals, objectives, government requirements, and environmental regulations.

1.6 RELATIONSHIP TO THE ONTARIO PLAN

On January 26, 2010, the City adopted The Ontario Plan, which serves as the City's business plan and includes a long-term vision and a principle-based Policy Plan (General Plan). The Ontario Plan establishes the direction and vision for the City's future and provides a guidance system to shape the Ontario community of tomorrow. The Ontario Plan provides policies to accommodate change over a 30-year period commencing in 2010, the beginning of the planning period. The Ontario Plan consists of a six-part Component Framework: 1) Vision, 2) Governance Manual, 3) Policy Plan, 4) City Council Priorities, 5) Implementation, and 6) Tracking and Feedback.

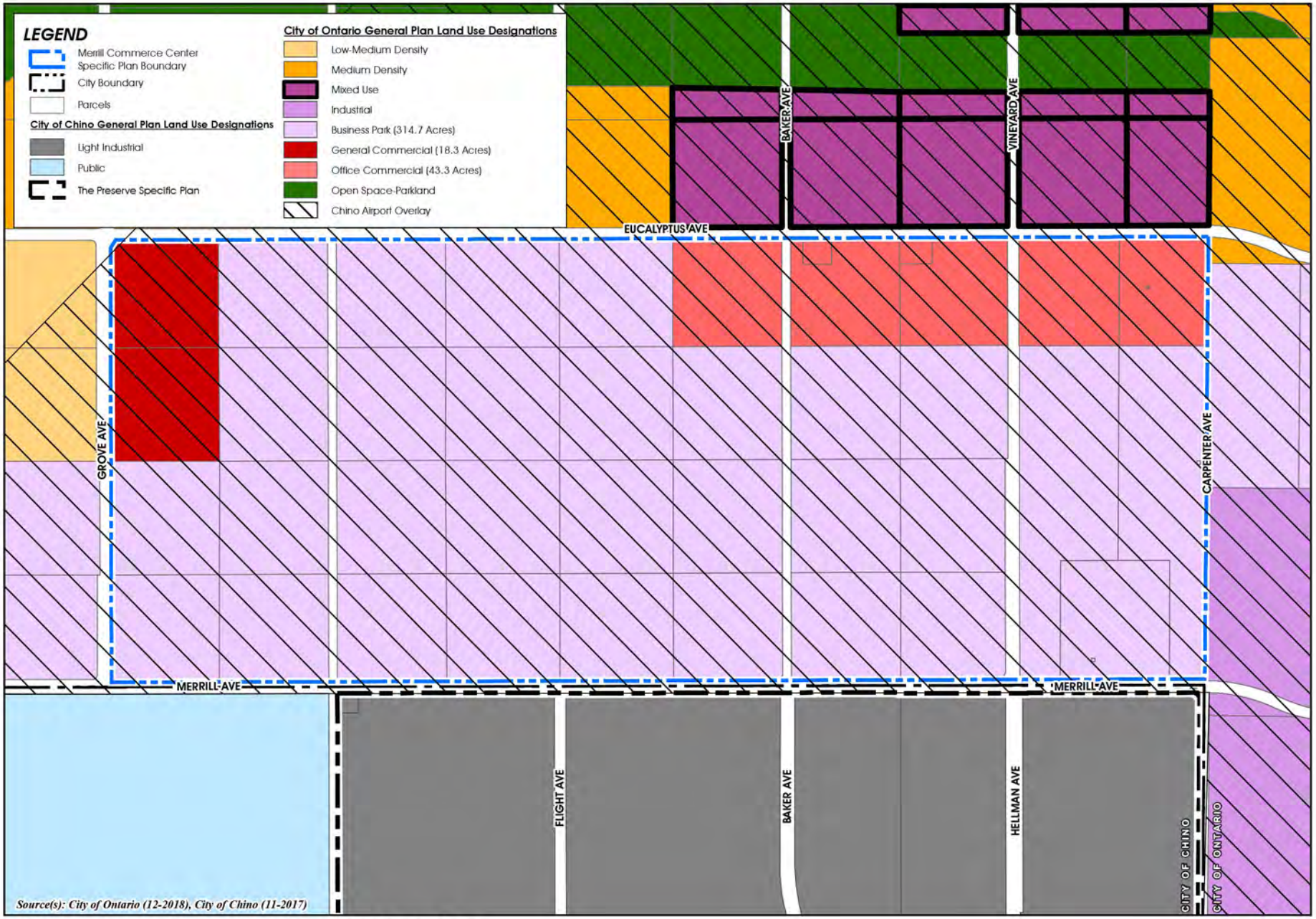
This Specific Plan defines the methods and requirements for the development of the MERRILL COMMERCE CENTER property to ensure that applicable policies from The Ontario Plan and its Policy Plan are implemented and, also, to ensure that development envisioned by this Specific Plan is consistent with applicable provisions of The Ontario Plan. The Ontario Plan sets forth long-term goals for the City's growth and development as mandated by State law. The Policy Plan is a long-term policy document that covers the topics of land use, housing, parks and recreation, environmental resources, community economics, safety, mobility, community design, and social resources.

As shown on Figure 1-1, *Existing General Plan Land Use Designations*, the Policy Plan component of The Ontario Plan designates approximately 314.7 acres of the 376.3-acre MERRILL COMMERCE CENTER property for "Business Park" land uses, 43.3 acres for "Office Commercial" land uses, and 18.3 acres for "General Commercial" land uses. The site also is located in the Chino Airport Overlay.

As shown on Figure 1-2, Proposed General Plan Land Use Designations, this Specific Plan provides for a mix of business park and industrial uses that are generally consistent with The Ontario Plan's vision for the property but requires a GPA to change the site's land uses to the new land use designations of "Business Park" (55.1 acres) and "Industrial" (292.8 acres) in order to reflect the uses, development standards, design guidelines and implementation procedures described herein. The MERRILL COMMERCE CENTER Specific Plan would further the General Plan vision to transition areas formerly used for agricultural activities in Ontario Ranch to new development that would expand and diversify the City's economic base. Please refer also to Specific Plan Appendix A, *Policy Plan Consistency*, for more information.

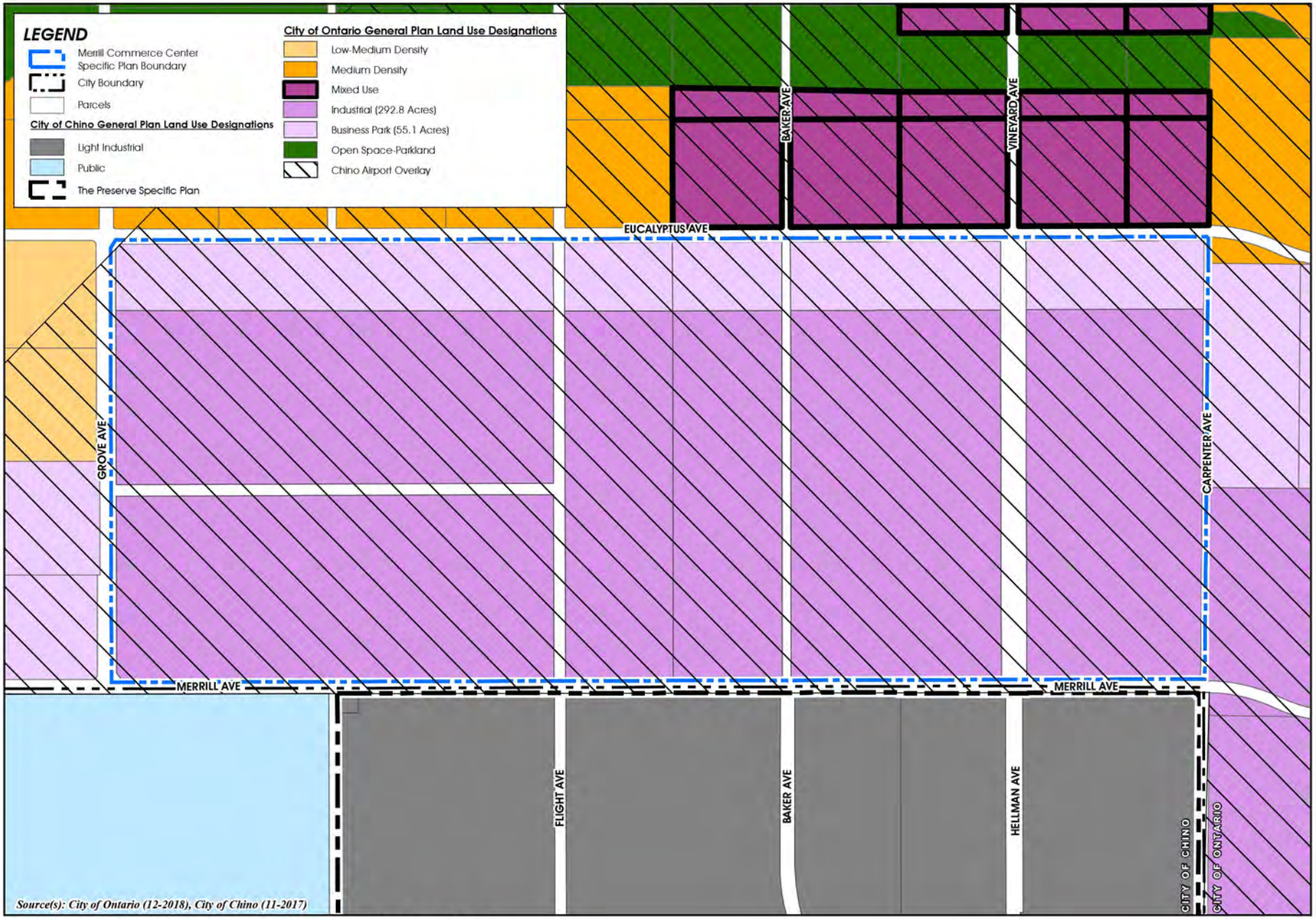
As shown on Figure 1-3, *Existing Zoning Designations*, the City zoned the entire Specific Plan property "SP, Specific Plan" with an "AG, Agricultural" overlay. The zoning designation of AG-Specific Plan requires that a Specific Plan be approved by the Ontario City Council to guide the development of the property and to implement the goals and policies of The Policy Plan component of The Ontario Plan. As shown on Figure 1-3, *Proposed Zoning Designations,* a Zone Change is required to amend the City of Ontario's Zoning Map to change the site's zoning designation to "MERRILL COMMERCE CENTER Specific Plan" to allow for the development of a variety of industrial and business park uses.

Pursuant to the City of Ontario's adoption of the MERRILL COMMERCE CENTER Specific Plan by ordinance, the Specific Plan will take precedence over the City's Development Code. In instances where the Specific Plan is silent on development standards, the City's Development Code shall prevail.



Existing General Plan Land Use Designations

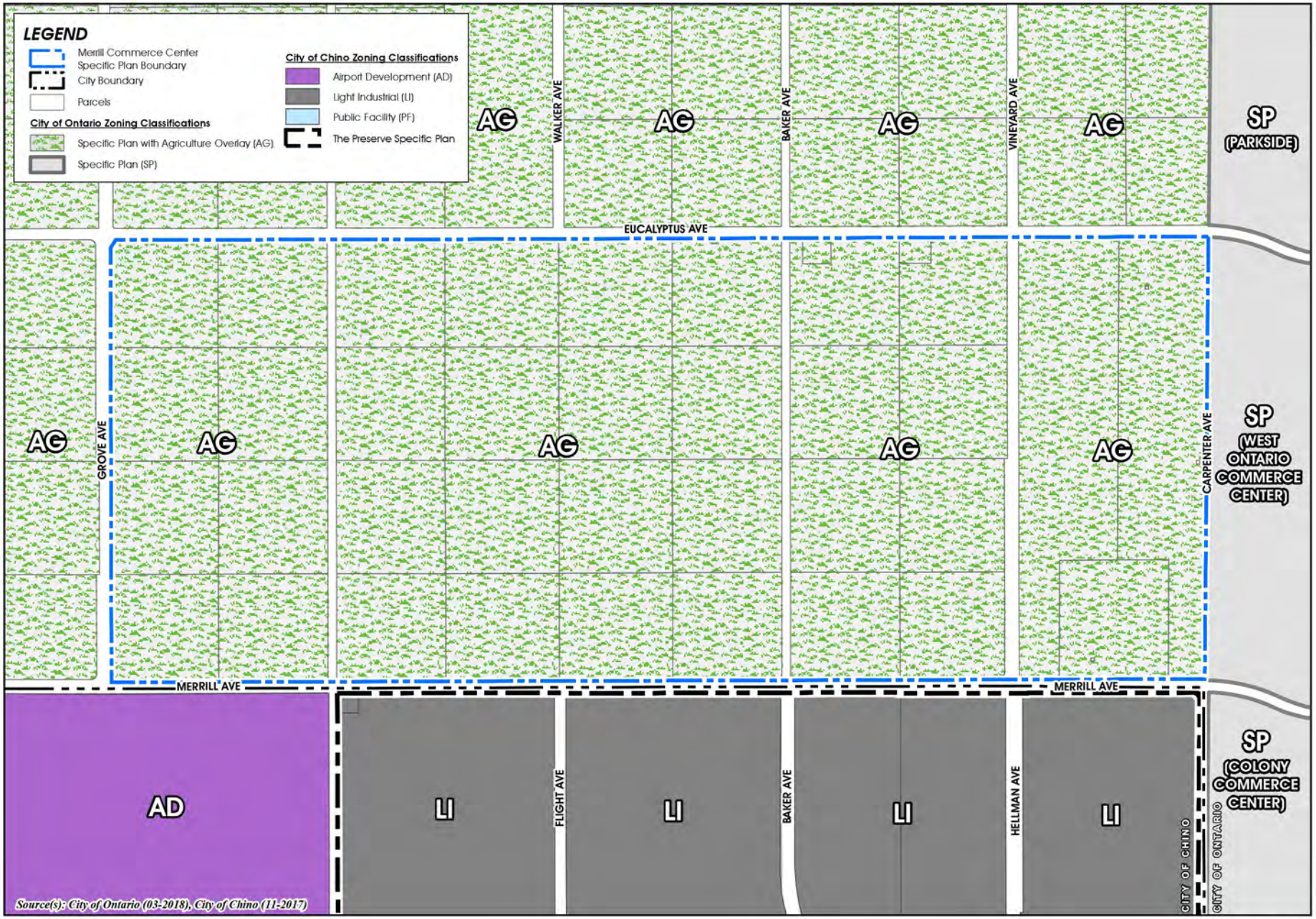
Figure 1-1



Proposed General Plan Land Use Designations

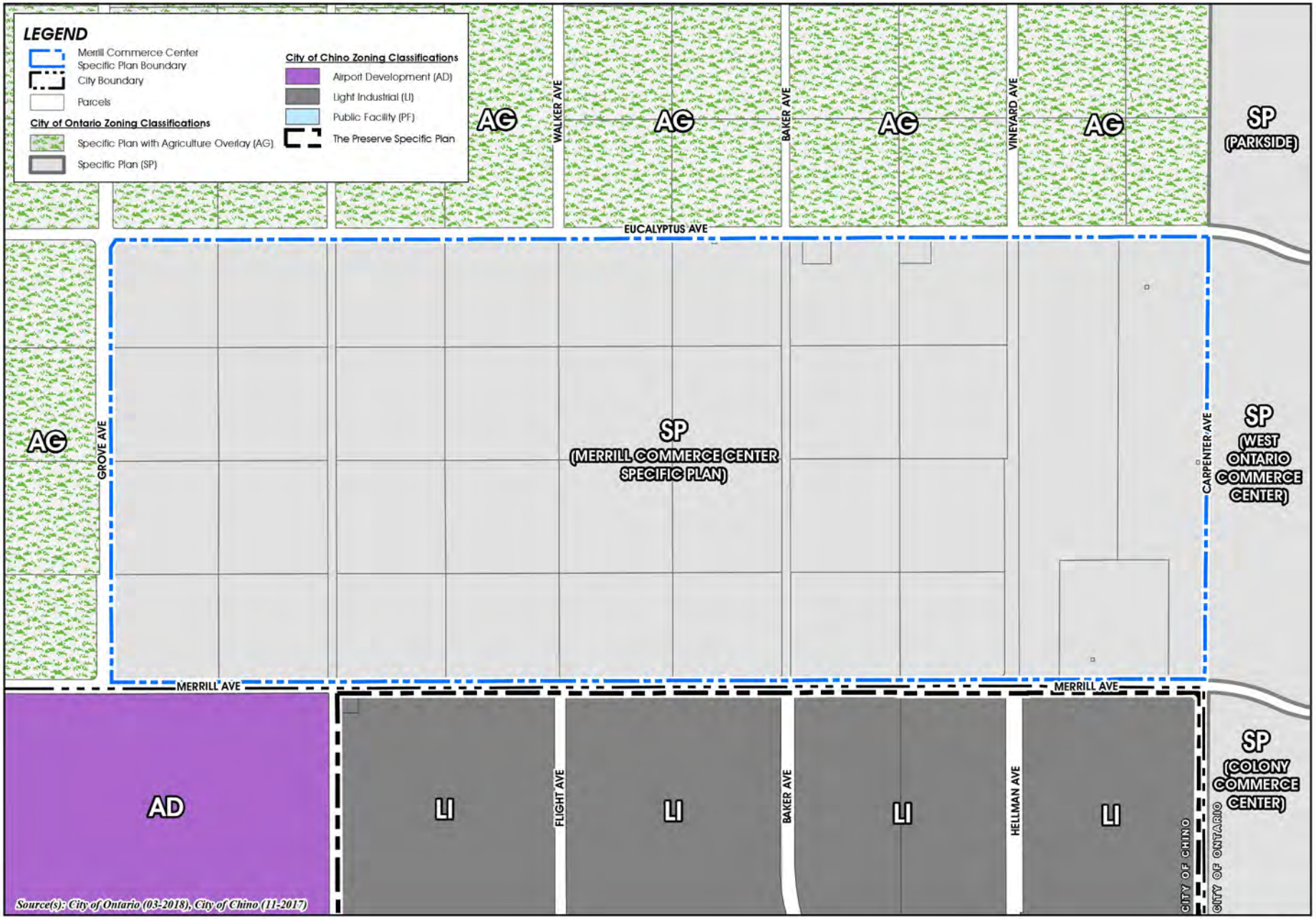
Figure 1-2

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Existing Zoning Classifications

Figure 1-3



Proposed Zoning Classifications

Figure 1-4

EXISTING CONDITIONS

CHAPTER 2

2.1 Existing Assessor Parcel Numbers

2.2 Existing Land Use

2.3 Surrounding Land Uses

2.4 Willamson Act

2.5 Existing Circulation and Access

2.6 Existing Physical Site Conditions

CHAPTER 2 - EXISTING CONDITIONS

2.1 EXISTING ASSESSOR PARCEL NUMBERS

At the time this Specific Plan was prepared (2020), the MERRILL COMMERCE CENTER Specific Plan area consists of the following Assessor Parcel Numbers (APNs), as listed on Table 2-1, *Existing APN List*, and shown on Figure 2-1, *Existing APNs*.

Table 2-1 Existing APN List

Planning Areas 1, 1A, and 2	
1054-111-01	1054-211-01
1054-111-02	1054-211-02
1054-121-01	1054-221-01
1054-121-02	1054-221-02
1054-131-01	1054-331-01
1054-131-02	1054-331-02
1054-141-01	1054-341-01
1054-141-02	1054-341-02
Planning Areas 3 and 3A	
1054-151-01	1054-201-01
1054-161-01	1054-351-01
Planning Areas 4 and 4A	
1054-151-02	1054-201-02
1054-161-02	1054-351-02
1054-161-03	
Planning Areas 5 and 5A	
1054-171-01	1054-181-02
1054-171-02	1054-361-01
1054-171-03	1054-361-02
1054-171-04	1054-191-01
1054-181-01	1054-191-02
Planning Areas 6 and 6A	
1073-111-01	1073-111-04
1073-111-02	1073-111-05
1073-111-03	1073-111-06

2.2 EXISTING LAND USE

The Specific Plan property was formerly used for agricultural purposes, primarily for dairy farming. At the time this Specific Plan was prepared (2020), the property contained agricultural dairy operations, several rural residential homes, dairy farm buildings, bio-retention basins for the dairy farms, and other ancillary facilities that occupy areas not in active dairy farm use. The easternmost part of the Specific Plan property west of Carpenter Avenue contained commercial/ industrial structures and a truck trailer storage lot.

2.3 SURROUNDING LAND USES

As shown on Figure 2-3, *Surrounding Land Uses*, the Specific Plan property is bound by Eucalyptus Avenue and dairy farming activities and agricultural land uses to the north; Merrill Avenue, agricultural land uses, logistics warehouses, the Chino Airport, and a parcel delivery facility (under construction) to the south; Grove Avenue and dairy farming activities to the west; and Carpenter Avenue and properties under development for warehouse uses to the east. Merrill Avenue, which forms the Specific Plan's southern boundary, is the dividing line between the City of Ontario (north of Merrill Avenue) and the City of Chino (south of Merrill Avenue).

2.4 WILLIAMSON ACT

At the time this Specific Plan was prepared (2020), there is an active Williamson Act Contract (Contract #69-147, initiated in 1973) on APN 1073-111-02, a 29.05-acre property. Another Williamson Act Contract (#70-167 initiated in 1970) appears on title for APNs 1054-151-02, 1054-161-02, 1054-161-03, 1054-201-02 and 1054-351-02. However, a notice of non-renewal dated September 14, 2017, and recorded, starting the process to terminate this Contract is effective January 1, 2018. As one of the discretionary actions associated with the MERRILL COMMERCE CENTER Specific Plan, these existing Williamson Act Contracts will be cancelled. Cancellation would comply with provisions and requirements identified at Government Code (GC) §51280 et seq. The City would be required to make the required statutory findings (GC §51282(a)). The landowner would be required to pay the requisite cancellation fee.

2.5 EXISTING CIRCULATION AND ACCESS

2.5.1 Regional Circulation

Interstate 15 (I-15) is located approximately 7.0 miles east of the MERRILL COMMERCE CENTER Specific Plan. The Specific Plan area is accessible to and from I-15 via the Cantu-Galleano Ranch Road and Limonite Avenue on- and off-ramps. State Route 60 (SR-60) is located approximately 2.7 miles north of the Specific Plan area, with access to and from SR-60 provided by the Grove Avenue (abuts the Specific Plan to the west) and Archibald Avenue on- and off-ramps. State Route 83 (SR-83/Euclid Avenue) is located approximately 1.8 miles to the west of the Specific Plan area, with access available from Merrill Avenue which abuts the Specific Plan property on the south.

2.5.2 Local Circulation

Access to the MERRILL COMMERCE CENTER Specific Plan area is provided from Grove Avenue, Eucalyptus Avenue, Vineyard Avenue, Baker Avenue, Carpenter Avenue, Walker Avenue, and Flight Avenue. Merrill Avenue, Edison Avenue, and Euclid Avenue are City of Ontario designated truck routes that provide truck access to the MERRILL COMMERCE CENTER. Additionally, the City of Chino designates Carpenter Avenue, Walker Avenue, and Flight Avenue as truck routes, which provide access to MERRILL COMMERCE CENTER from the south.

Merrill Avenue abuts the Specific Plan on the south and consisted of two paved travel lanes at the time this Specific Plan was prepared. The Ontario Policy Plan designates Merrill Avenue as a 4-lane Collector Street.

Eucalyptus Avenue abuts the Specific Plan to the north, is designated as a 4-lane Collector Street by the Policy Plan, and consisted of two paved travel lanes at the time this Specific Plan was prepared.

Grove Avenue abuts the Specific Plan to the west and consisted of two paved travel lanes at the time this Specific Plan was prepared. The Policy Plan designates Grove Avenue as a 4-lane Principal Arterial.

Walker Avenue is a north-south oriented roadway that traverses the west-central portion of the Specific Plan and consisted of two paved travel lanes north of its intersection with Eucalyptus at the time this Specific Plan was prepared. The Policy Plan designates Walker Avenue as a 2-lane Collector Street.

Baker Avenue consisted of two paved travel lanes south of its intersection with Merrill Avenue at the time this Specific Plan was

prepared. Figure M-2, *Functional Roadway Classification Plan*, of the Policy Plan does not show a roadway classification for Baker Avenue. The Specific Plan will construct the on-site segment of Baker Avenue to be consistent with the segment of Baker Avenue located south of Merrill Avenue within the City of Chino.

Vineyard Avenue is a north-south oriented street that traverses the easterly portion of the Specific Plan that is designated as a 6-lane Principal Arterial by the Policy Plan. At the time this Specific Plan was prepared, no segments of Vineyard Avenue on-site or immediately abutting the Specific Plan had been constructed.

Carpenter Avenue abuts the Specific Plan to the east, with the segment of Carpenter Avenue that abuts the Specific Plan consisting of an unstriped semi-paved single travel lane. Figure M-2, *Functional Roadway Classification Plan*, of the Policy Plan does not depict a roadway classification for Carpenter Avenue. The Specific Plan will construct frontage improvements along Carpenter Avenue to be consistent with the segment of Carpenter Avenue located south of Merrill Avenue, at its ultimate right-of-way build-out.

2.6 EXISTING PHYSICAL SITE CONDITIONS

2.6.1 Topography

The MERRILL COMMERCE CENTER Specific Plan property is relatively flat and gently falls to the south, with elevations ranging from approximately 670 feet above mean sea level (AMSL) in the north to approximately 645 feet AMSL in the south. The existing topographic conditions for the Specific Plan property are illustrated on Figure 2-4, *USGS Topographic Map*.

2.6.2 Hydrology

Due to use of the majority of the Specific Plan property for agricultural and dairy farm operations, only a limited portion of the property was covered with impervious surfaces at the time this Specific Plan was prepared. Stormwater mostly percolated through on-site soils and did not result in high volumes of surface runoff that are associated with urban environments having predominantly impervious surfaces. The storm drain system throughout the Specific Plan property was generally unimproved and consisted primarily of open earthen swales along area roadways or curbed roadway surfaces. The MERRILL COMMERCE CENTER Specific Plan EIR includes additional detailed hydrology information for the property.

The MERRILL COMMERCE CENTER Specific Plan is located within the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Numbers 06071C9375H and 06071C9335H. As shown on FIRM No. 06071C9375H, a large portion of the eastern area of the Specific Plan property is located within Flood Zone X, indicating it is protected by the Cucamonga Creek flood channel levees from hazards associated with a 1% annual chance flood event.

2.6.3 Geology and Soils

The Specific Plan property is located in the Upper Santa Ana Valley, a broad alluvial and fluvial plain located within the Los Angeles, Orange, Riverside, and San Bernardino Counties. The Upper Santa Ana Valley is a southwesterly draining basin bounded by the San Gabriel Mountains and San Bernardino Mountains on the north and east, the Puente and San Jose Hills on the west and the Jurupa Hills and the Santa Ana Mountains to the south.

Subsurface lithology in the general vicinity is mapped as recent-age alluvium and colluvium. Soil types at the Specific Plan property consist of cattle manure, artificial fill soils, and native alluvial soils.

According to the United States Department of Agriculture (USDA) Web Soil Survey database, the majority of the Specific Plan property is mapped as containing Delhi fine sand, with the remainder of the soils mapped as Hilmar loamy fine sand, Tujunga loamy sand, and Chino silt loam.

The property is not underlain by any seismic fault lines, with the nearest fault (Chino Fault) occurring 4.3 miles to the southwest.

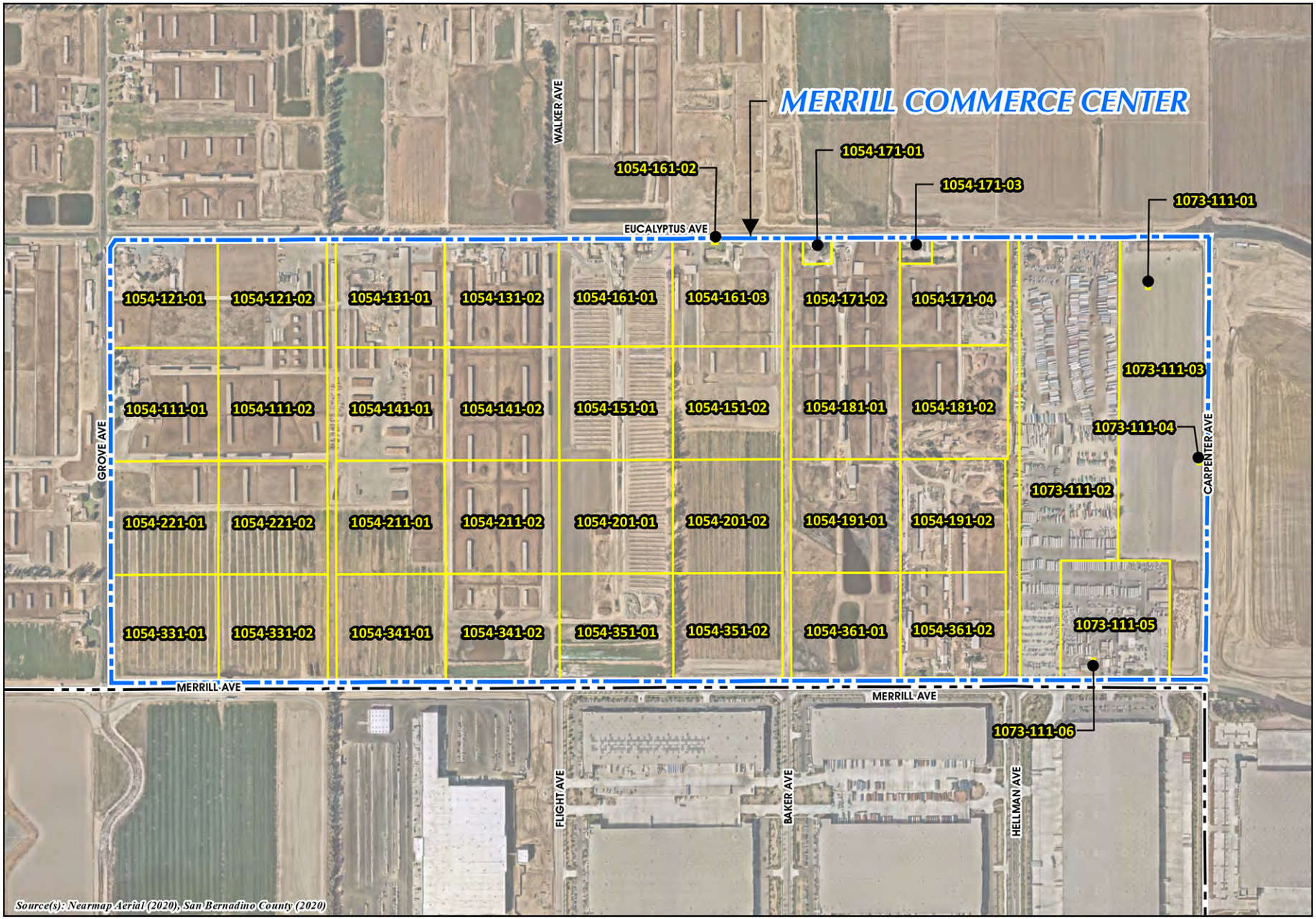
2.6.4 Vegetation and Biological Resources

The Specific Plan property has been extensively used for agricultural operations (including dairy and row crop uses), residential uses, and a trucking operation, and therefore consisted of entirely disturbed/developed and agricultural vegetation/land cover types with little to no native vegetation at the time this specific plan was prepared. The MERRILL COMMERCE CENTER Specific Plan EIR includes a detailed evaluation of vegetation and biological resources.

2.6.5 Existing Ground Water Wells

In compliance with the Chino Basin Watermaster's Well Procedure for Developers, documentation that a well use/destruction plan and schedule for all existing private/ agricultural wells is in-process shall be submitted to the City of Ontario prior to any construction activities. If a private well is actively used for water supply, the Developer shall submit a plan to abandon such well and connect users to the City's water system (residential to the domestic water system and agricultural to the recycled water system) when available. Wells shall be destroyed/abandoned per the California Water Resource Guidelines and require permitting from the County Health Department. The locations of existing water wells are shown in Figure 2-5, *Existing Water Well Locations*.

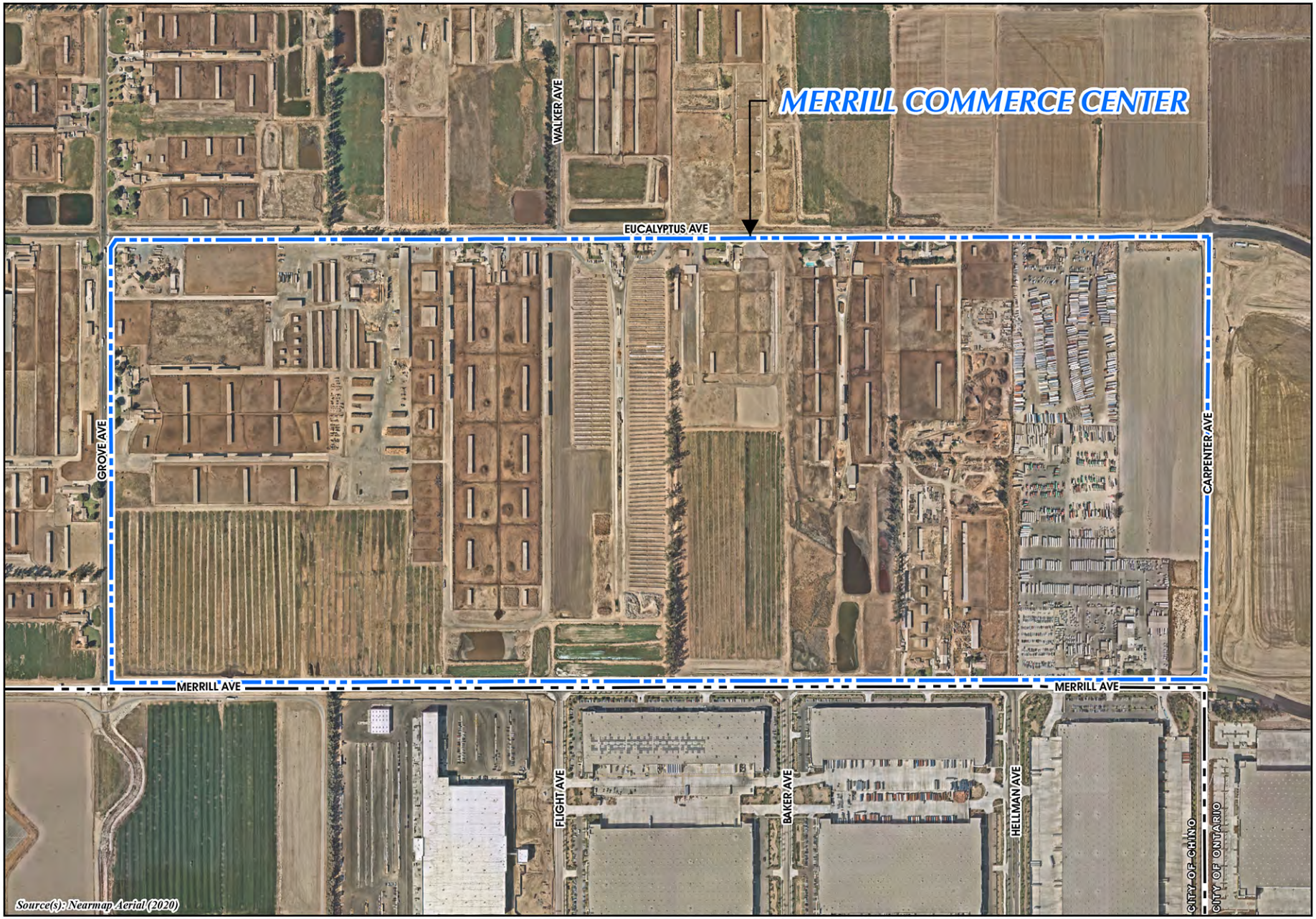
Documentation that the well abandonment process is underway shall be provided to the Community Development Agency Engineering Department and the Ontario Municipal Utilities Company at the time of a grading permit and/or building permit being issued. If the Developer proposes temporary use of an existing agricultural well for purposes other than agriculture, such as grading, dust control, etc., the Developer shall make a formal request to the City of Ontario for such use prior to the issuance of permits for any construction activity. Upon approval, the Developer shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by the agreement.



Existing APNs

Figure 2-1

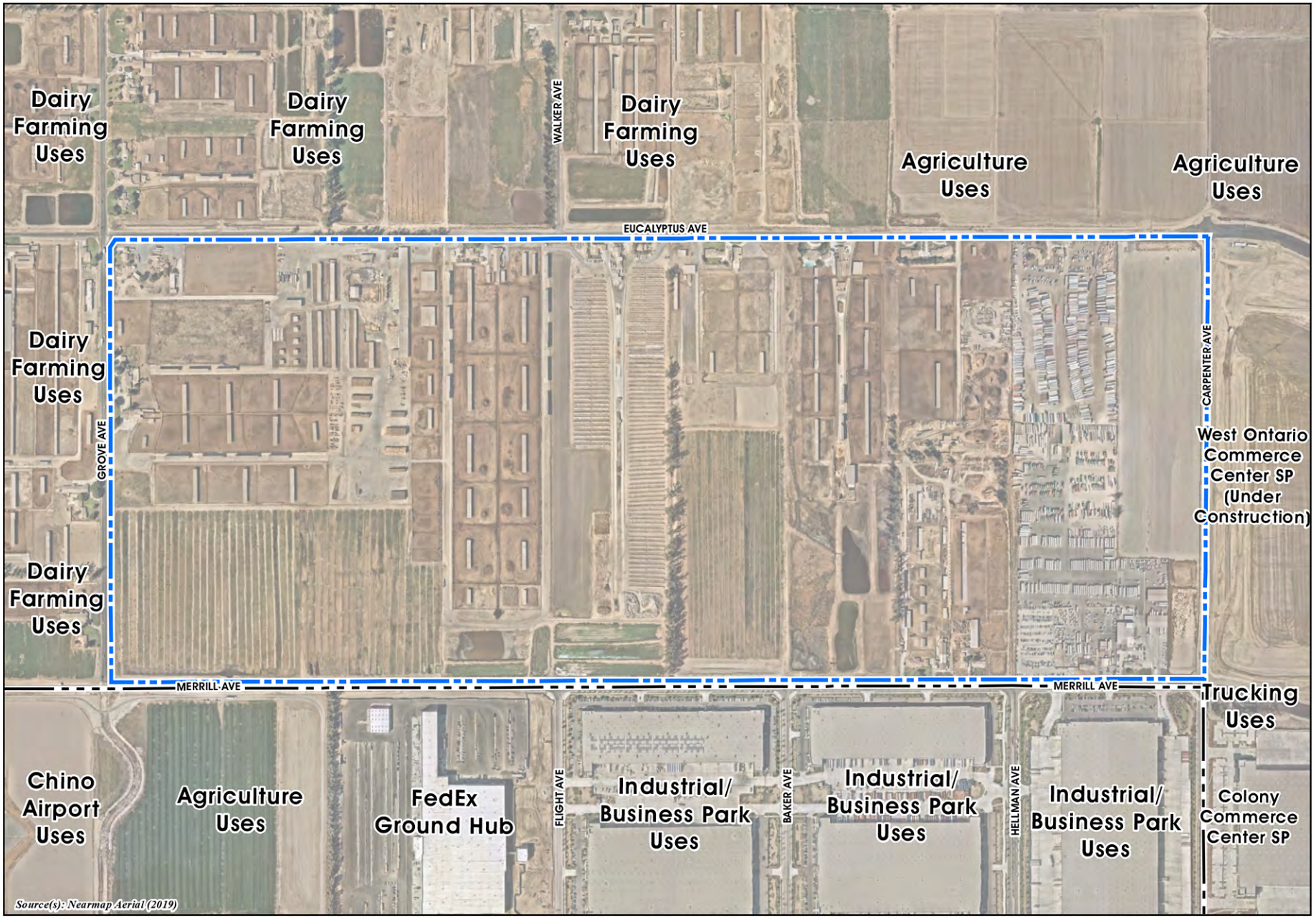
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Aerial Photograph

Figure 2-2

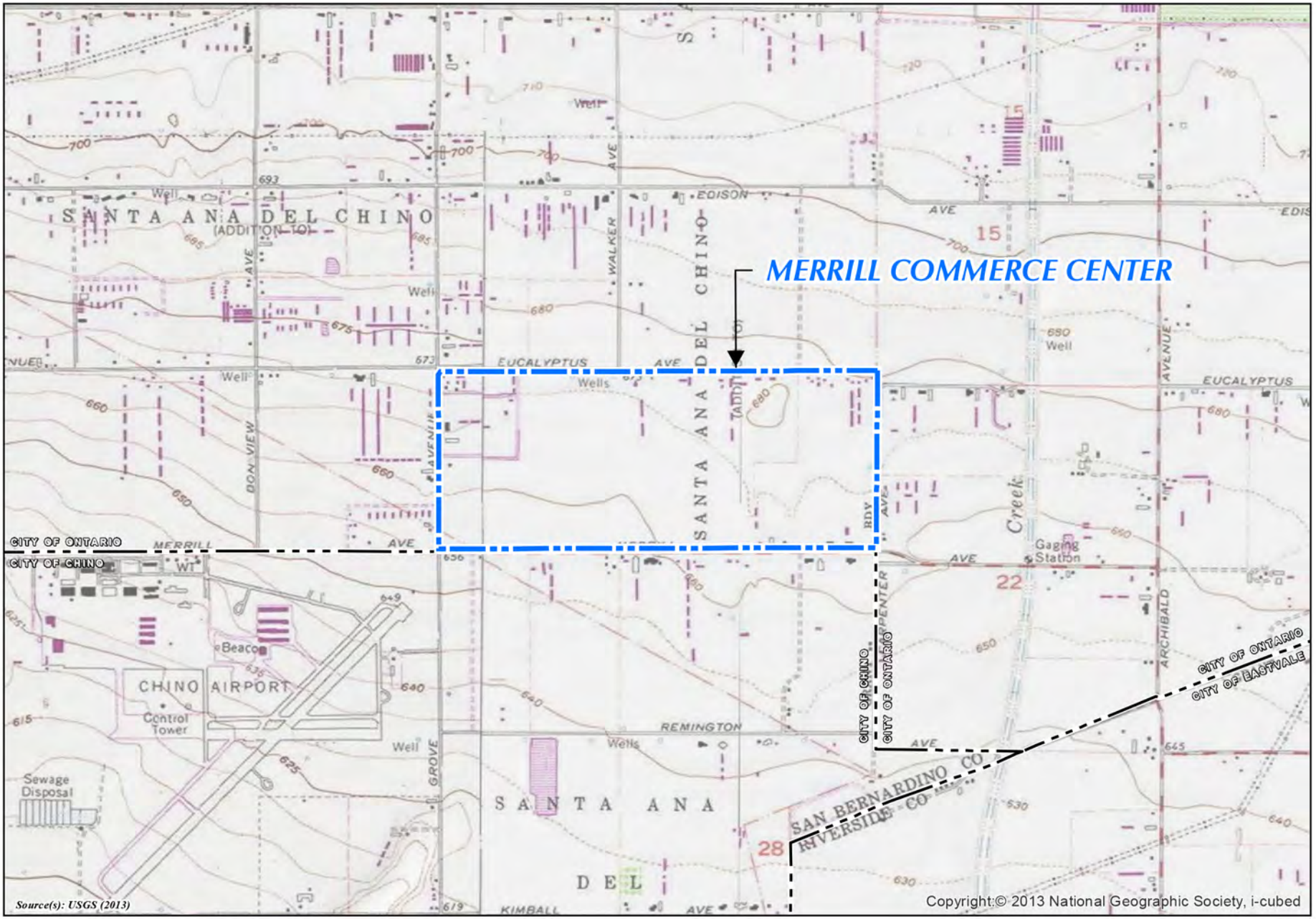
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Surrounding Land Uses

Figure 2-3

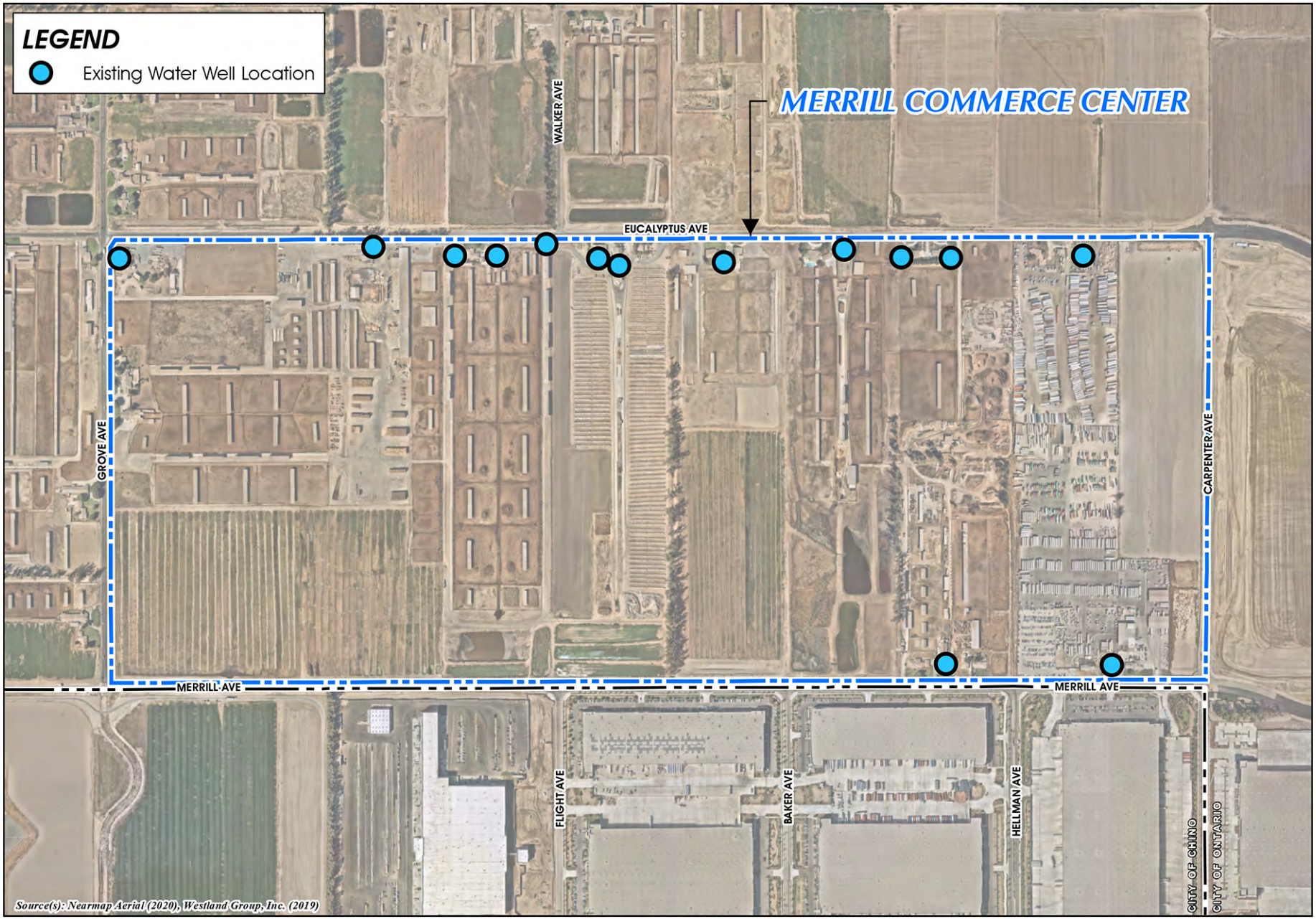
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USGS Topographic Map

Figure 2-4

0 500 1,000 2,000 Feet



Existing Water Well Locations

Figure 2-5

LAND USE PLAN

CHAPTER 3

3.1 Vision

3.2 Land Use Plan

3.3 Chino ALUCP Compliance

CHAPTER 3 - LAND USE PLAN

3.1 VISION

The MERRILL COMMERCE CENTER is designed as a contemporary employment center laid out in a master-planned, campus-like setting. Located in the southern section of the City of Ontario in the heart of the Inland Empire, the MERRILL COMMERCE CENTER is positioned to attract a variety of business types and sizes, ranging from local enterprises to international corporations. With distant views of the San Gabriel Mountains to the north, the Chino Hills to the southwest, and the Santa Ana Mountains to the south, the MERRILL COMMERCE CENTER is envisioned as an attractive place where businesses can prosper, attract economic investment, and provide goods, services, and job opportunities to the surrounding community and region.

3.2 LAND USE PLAN

This Specific Plan establishes two land use designations: Industrial and Business Park. For planning purposes, the 376.3-acre Specific Plan area is divided into 11 planning areas. A "planning area" is a specific geographic area to which development standards are uniformly applied. Figure 3-1, *Conceptual Land Use Plan*, depicts the physical arrangement of the planning areas and the major roads within and abutting the Specific Plan area.

Table 3-1, *Land Use Plan Statistical Summary*, lists each planning area and their respective land use designation, acreage, and development intensity (amount of building square footage targeted for each planning area). The maximum building square footage in the Specific Plan area is 8,455,000 sq. feet.

Table 3-1 Land Use Plan Statistical Summary

PLANNING AREA	LAND USE DESIGNATION	ACRES[1]	FAR	BUILDING SQ. FOOTAGE [2, 3]
Industrial				
1	Industrial	58.9	0.55	1,411,000 SF
2	Industrial	62.1		1,488,000 SF
3	Industrial	30.7		735,000 SF
4	Industrial	31.1		745,000 SF
5	Industrial	59.9		1,435,000 SF
6	Industrial	50.1		1,200,000 SF
Total Industrial Acreage and Maximum Building SF		*292.8*	*0.55*	*7,014,000 SF*
Business Park				
1A	Business Park	22.9	0.60	598,000 SF
3A	Business Park	5.7		150,000 SF
4A	Business Park	5.8		152,000 SF
5A	Business Park	11.2		293,000 SF
6A	Business Park	9.5		248,000 SF
Total Business Park Acreage and Maximum Building SF		*55.1*	*0.60*	*1,441,000 SF*
--	Circulation	28.4	--	--
TOTALS		***376.3 AC***		***8,455,000 SF***

Notes:

1. Acreages are approximate and subject to survey verification.

2. Building square footage calculated by multiplying the total acreage of each planning area by the anticipated floor area ratio (FAR) for the respective land use designation (FAR of 0.55 is applicable to the Industrial land use designation and FAR of 0.60 is applicable to the Business Park land use designation).

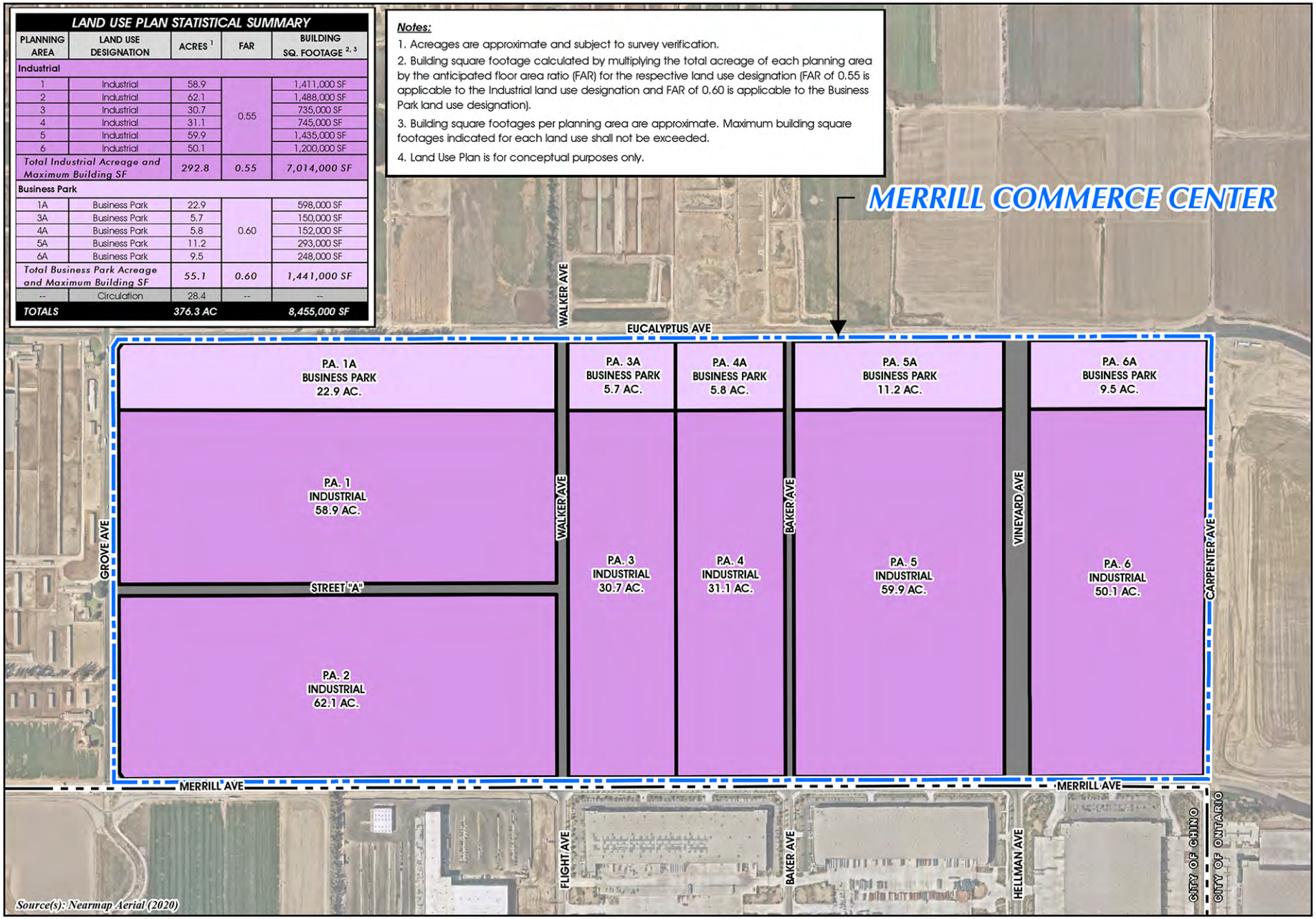
3. Building square footages per planning area are approximate. Maximum building square footages indicated for each land use category (maximum of 7,104,000 s.f. for Industrial and maximum of 1,441,000 s.f. for Business Park) shall not be exceeded.

LAND USE PLAN STATISTICAL SUMMARY

PLANNING AREA	LAND USE DESIGNATION	ACRES [1]	FAR	BUILDING SQ. FOOTAGE [2, 3]
Industrial				
1	Industrial	58.9	0.55	1,411,000 SF
2	Industrial	62.1		1,488,000 SF
3	Industrial	30.7		735,000 SF
4	Industrial	31.1		745,000 SF
5	Industrial	59.9		1,435,000 SF
6	Industrial	50.1		1,200,000 SF
Total Industrial Acreage and Maximum Building SF		*292.8*	*0.55*	*7,014,000 SF*
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1A	Business Park	22.9	0.60	598,000 SF
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Total Business Park Acreage and Maximum Building SF		*55.1*	*0.60*	*1,441,000 SF*
--	Circulation	28.4	--	--
TOTALS		*376.3 AC*		*8,455,000 SF*

Notes:

1. Acreages are approximate and subject to survey verification.
2. Building square footage calculated by multiplying the total acreage of each planning area by the anticipated floor area ratio (FAR) for the respective land use designation (FAR of 0.55 is applicable to the Industrial land use designation and FAR of 0.60 is applicable to the Business Park land use designation).
3. Building square footages per planning area are approximate. Maximum building square footages indicated for each land use shall not be exceeded.
4. Land Use Plan is for conceptual purposes only.



Conceptual Land Use Plan

Figure 3-1

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3.2.1 Industrial Planning Areas (292.8 Acres)

Six planning areas (Planning Areas 1, 2, 3, 4, 5 and 6) covering a total of 292.8 acres are designated "Industrial" and located in the southerly portion of the Specific Plan area. Up to 7,014,000 square(sq.) feet of building space is permitted across Planning Areas 1, 2, 3, 4, 5 and 6.

Industrial buildings are envisioned to range from approximately 100,000 sq. feet in size up to 1,500,000 sq. feet in size and house users such as general light industrial, manufacturing, warehouse/storage, fulfillment center, and e-commerce operations.

To facilitate vehicular access to and from the uses in these planning areas, Street "A" provides an interior connection between Grove Avenue and Walker Avenue, with its ultimate alignment to be determined and designed in conjunction with implementing projects. The other perimeter and interior public streets form a grid pattern, as called for by the Ontario Policy Plan.

3.2.2 Business Park Planning Areas (55.1 Acres)

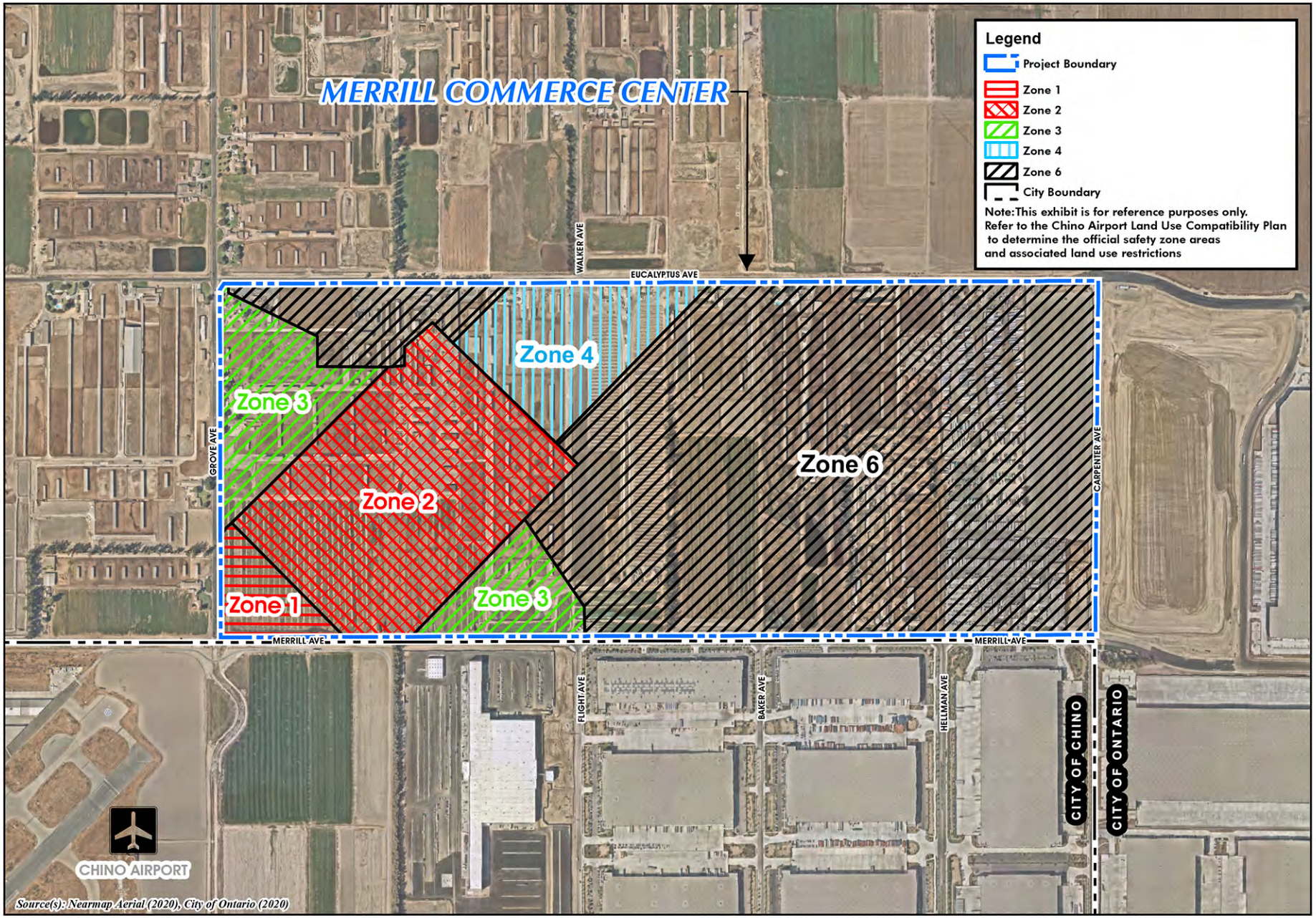
Encompassing 55.1 acres in the northerly portion of the Specific Plan area along its frontage with Eucalyptus Avenue, Planning Areas 1A, 3A, 4A, 5A and 6A are designated "Business Park." Up to 1,441,000 sq. feet of building space is permitted across Planning Areas 1A, 3A, 4A, 5A and 6A.

The buildings constructed in Business Park planning areas are envisioned to be smaller than 150,000 sq. feet, oriented toward Eucalyptus Avenue, and primarily provide for merchant wholesalers, professional services, professional office, small-scale warehousing/ storage, and research and development uses. Primary vehicular access is from Eucalyptus Avenue and private driveways interior to the planning areas.

3.3 CHINO ALUCP COMPLIANCE

The entire Specific Plan boundary is located within the Chino Airport Safety Zones (Safety Zones 1, 2, 3, 4 and 6), that may limit building height, land uses, and floor area ratio (FAR) based on the proposed land use and requirements for open land. Refer to Section 5, *Development Regulations*, for additional regulations and also refer to the Chino Airport Land Use Compatibility Plan. See Figure 3-, 2, *Chino Airport Safety Zone Map*, for additional land use restrictions.

Refer to Section 5, Development Regulations, for the specific land use and development standards applicable to each planning area, and Section 6, Design Guidelines, for information about architecture, landscaping, lighting, and signage.



Chino Airport Safety Zones

Figure 3-2

0 250 500 1,000 Feet

INFRASTRUCTURE PLAN

CHAPTER 4

4.1 Circulation and Access

4.2 Utility Infrastructure Plan

4.3 Conceptual Grading

CHAPTER 4- INFRASTRUCTURE PLAN

4.1 CIRCULATION AND ACCESS PLAN

The MERRILL COMMERCE CENTER Circulation and Access Plan provides direct, safe, and convenient access for visitors, employees, and goods movement to and from the Specific Plan's 11 planning areas. Components of the Specific Plan's Circulation and Access Plan are discussed and illustrated on the following pages.

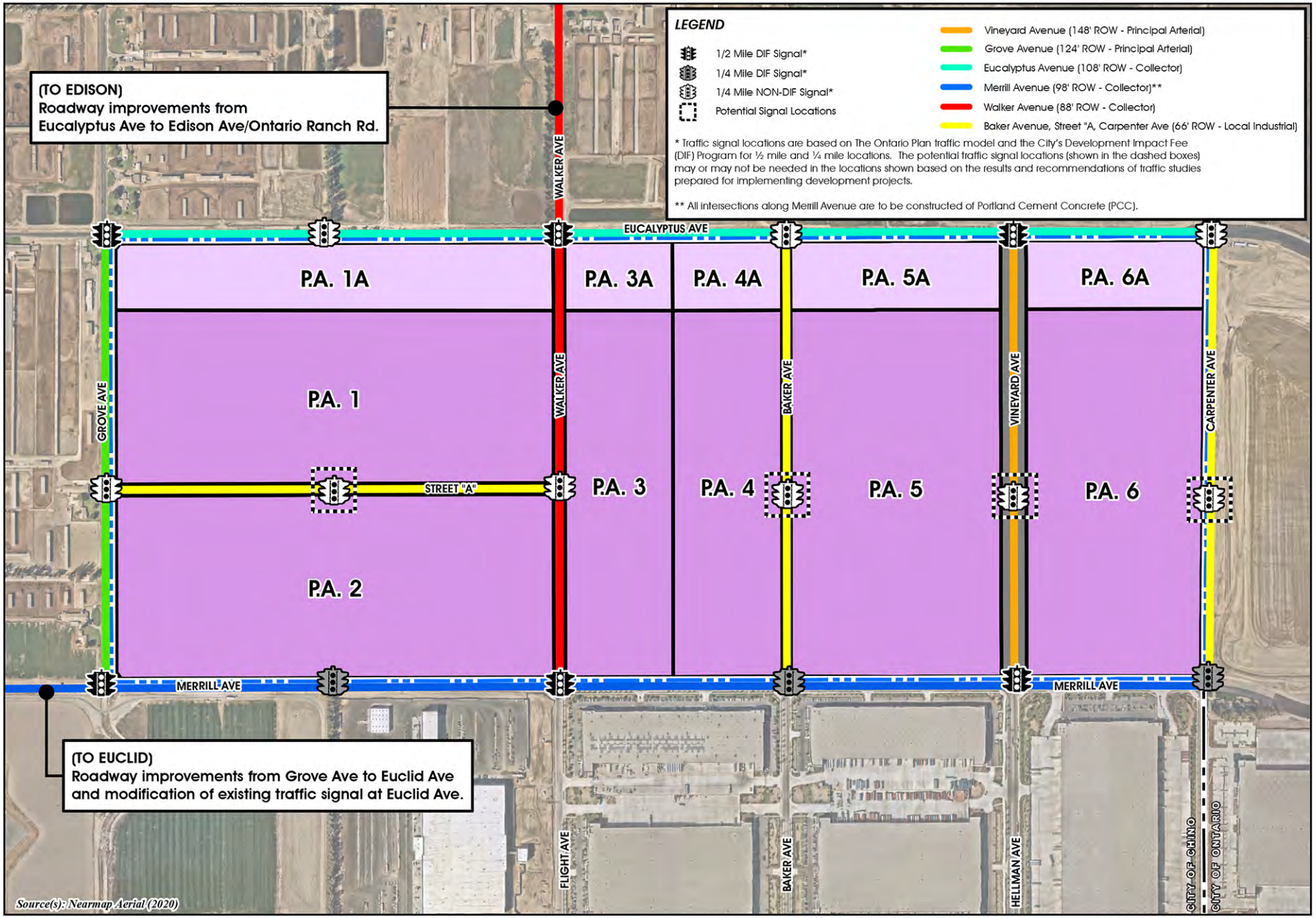
4.1.1 Vehicular Circulation

Direct access to the MERRILL COMMERCE CENTER property is provided by several roadways. Merrill Avenue forms the Specific Plan's southern boundary and Eucalyptus Avenue forms the northern boundary. Grove Avenue forms the Specific Plan's western boundary and Carpenter Avenue forms the eastern boundary. Baker Avenue, Walker Avenue, and Vineyard Avenue traverse through the middle of the Specific Plan area in north-south orientations.

Additionally, Street "A," is an internal east-west oriented roadway positioned between Planning Areas 1 and 2 connecting Grove Avenue and Walker Avenue. The ultimate alignment of Street "A" is to be determined and designed in conjunction with implementing development plans. In addition, the installation of traffic controls (traffic signals and stop signs) and the location and orientation of private driveways serving individual buildings will be determined as part of implementing development plans.

Figure 4-1, *Conceptual Vehicular Circulation and Access Plan,* illustrates the vehicular circulation plan. Final intersection designs, intersection spacing, intersection right-of-way, and traffic controls must conform to the findings of the MERRILL COMMERCE CENTER Specific Plan Traffic Impact Analysis prepared by Urban Crossroads, City standards, and to the satisfaction of the City Engineer.

The following pages describe and illustrate the primary components of the MERRILL COMMERCE CENTER Specific Plan's vehicular circulation network. Refer to Chapter 7, *Implementation Plan*, for additional circulation improvement standards pertaining to phasing.



Conceptual Vehicular Circulation and Access Plan

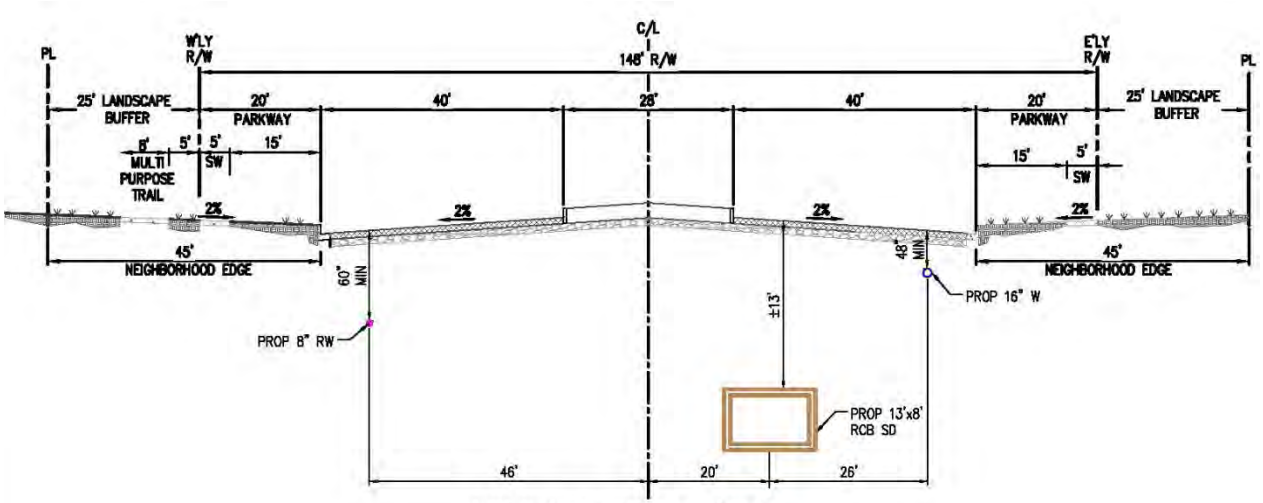
Figure 4-1

A. Vineyard Avenue (148-foot ROW Principal Arterial)

Vineyard Avenue forms the eastern boundary of Planning Areas 5 and 5A and forms the western boundary of Planning Areas 6 and 6A. This public roadway provides access to the Specific Plan area from off-site areas to the north and south. Along the segment of Vineyard Avenue located between Eucalyptus Avenue and Merrill Avenue (includes the segment that abuts the eastern boundary of Planning Areas 5 and 5A and the western boundary of Planning Areas 6 and 6A), the developer(s) of the MERRILL COMMERCE CENTER will construct the entirety of the 148-foot Principal Arterial, which includes 80 feet of paved roadway, a 28-foot wide raised landscaped median, and a 20-foot wide parkway on the east and west sides of the roadway. The 20-foot wide parkways on both sides of Vineyard Avenue contain 15 feet of curb-adjacent landscaping and a 5-foot wide sidewalk.

A 25-foot wide landscape buffer abuts the east and west sides of the Vineyard Avenue right-of-way, with the westerly landscape buffer including an 8-foot wide multi-purpose trail.

Traffic signals will be located at the intersection of Vineyard Avenue with Eucalyptus Avenue (1/2-mile DIF) and the intersection of Vineyard Avenue with Merrill Avenue (1/2-mile DIF). Also, a 1/4-mile non-DIF signal may be needed on Vineyard Avenue mid-way between Eucalyptus Avenue and Merrill Avenue depending on need. Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Vineyard Avenue shall comply with applicable City of Ontario requirements, including sight distance requirements. Buildings located in Planning Areas 5, 5A, 6, and 6A connect to Vineyard Avenue via direct driveway connections. Final driveway locations connecting with Vineyard Avenue will be determined in conjunction with the design of implementing development plans.



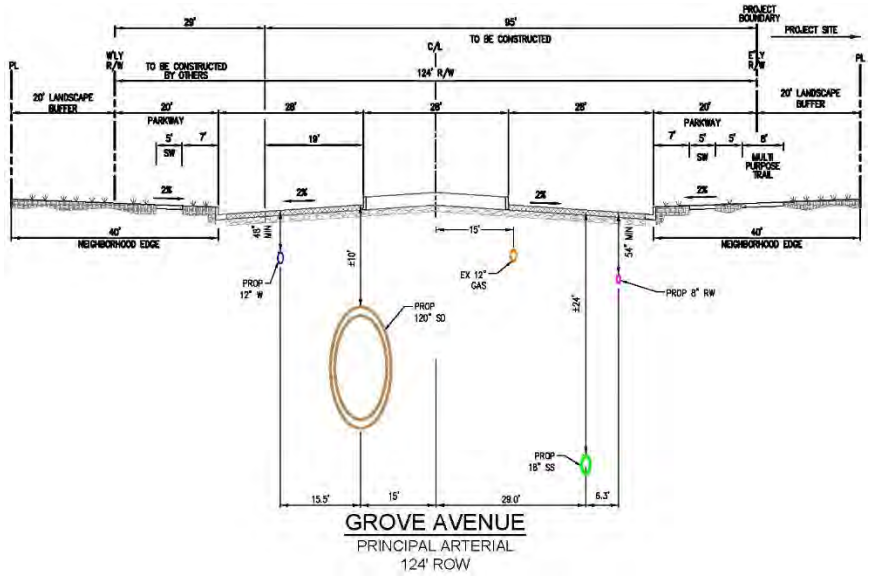
B. Grove Avenue (124-foot ROW Principal Arterial)

Grove Avenue forms the western boundary of Planning Areas 1, 1A, and 2. Along the segment of Grove Avenue located between Eucalyptus Avenue and Merrill Avenue, the developer(s) of the MERRILL COMMERCE CENTER will construct 95 feet of the ROW of this 124-foot wide Principal Arterial. The portions of Grove Avenue to be constructed by the MERRILL COMMERCE CENTER's developer(s) include 47 feet of paved roadway, a 28-foot-wide raised landscaped median, and a 20-foot wide parkway on the eastern side of the street that contains 7 feet of landscaping, a 5-foot sidewalk, a 5-foot landscape buffer and 3 feet of the 8-foot wide multi-purpose trail (the other 5 feet of the multi-purpose trail are located outside of the Grove Avenue ROW and will be constructed as part of the MERRILL COMMERCE CENTER). The remaining portions of the western side of the Grove Avenue ROW will be constructed by others and are anticipated to include 9 feet of roadway and curb-and-gutter improvements, and a 20-foot wide parkway containing a 7-foot landscaped parkway, 5-foot sidewalk, and 8 feet of landscaping.

A landscape buffer abuts the east and west sides of the Grove Avenue ROW, with the easterly 20-foot-wide landscape buffer to be located in the MERRILL COMMERCE CENTER and including 5 feet of an 8-foot wide multi-purpose trail (the other 3 feet of which are located within the Grove Avenue public ROW).

Traffic signals will be located at the intersections of Grove Avenue with Eucalyptus Avenue (1/2-mile DIF), Street "A" (1/4-mile non-DIF) and Merrill Avenue (1/2-mile DIF). Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Grove Avenue are required to comply with applicable City of Ontario requirements, including sight distance requirements.

Buildings in Planning Areas 1, 1A, and 2 connect to Grove Avenue via direct driveway connections along Grove Avenue. Final driveway locations will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.



GROVE AVENUE
PRINCIPAL ARTERIAL
124' ROW

C. *Eucalyptus Avenue (108-foot ROW Collector)*

Eucalyptus Avenue forms the northern boundary of Planning Areas 1A, 3A, 4A, 5A and 6A. This public roadway provides access to the Specific Plan area from the west and east. Along the segment of Eucalyptus Avenue that abuts the northern boundary of Planning Areas 1A, 3A, 4A, 5A, and 6A, the developer(s) of the MERRILL COMMERCE CENTER will construct 79 feet of the Eucalyptus Avenue ROW including 67 feet of paved roadway, and a 12-foot-wide parkway on the south side of the street that contains 7 feet of curb-adjacent landscaping and a 5-foot-wide sidewalk. The remaining portions of the northern side of the Eucalyptus Avenue ROW will be constructed by others and will include 17 feet of roadway and a 12-foot parkway containing 7 feet of curb-adjacent landscaping and a 5-foot sidewalk.

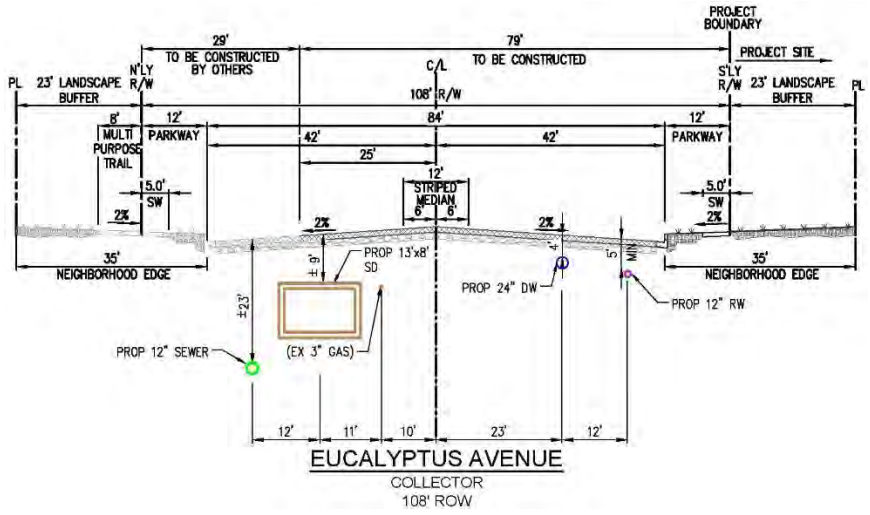
Eucalyptus Avenue is designated by the Chino Airport Compatibility Plan to satisfy open land requirements. For this reason, the median is painted and not raised and light poles and street trees are designed to maintain a clear width of about 75 feet. The light poles will be spaced at approximately 250 feet and staggered on the opposite side of the street.

Traffic signals will be located along Eucalyptus Avenue at its intersections with Grove Avenue, Walker Avenue, and Vineyard Avenue (1/2-mile DIF), and at Baker Avenue and Carpenter Avenue (1/4-mile non-DIF) and potentially mid-way between Grove Avenue and Walker Avenue (1/4-mile non-DIF) depending on need.

Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Eucalyptus Avenue are required to comply with applicable City of Ontario requirements, including sight distance requirements.

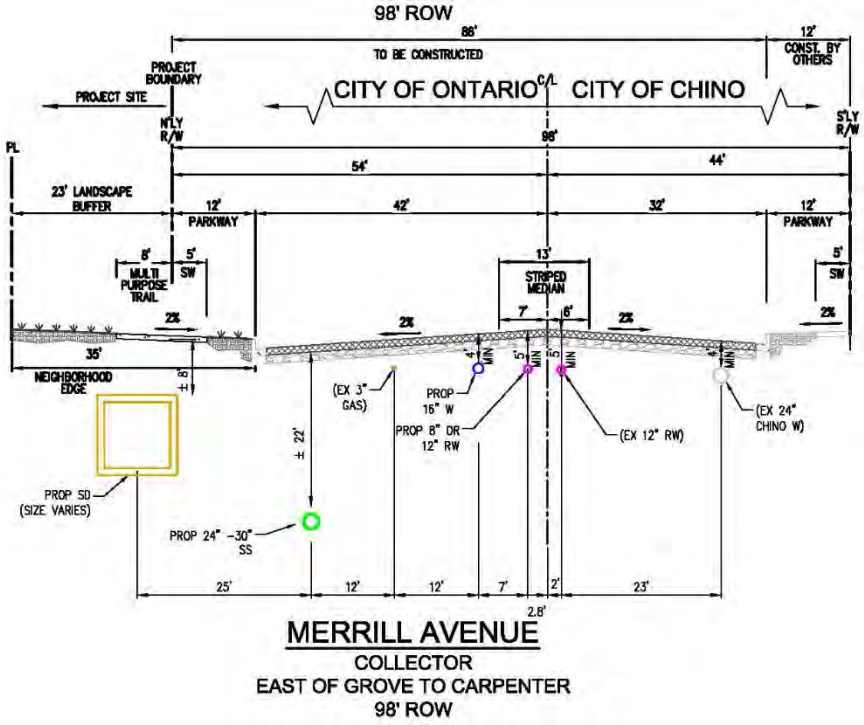
A landscape buffer abuts the north and south sides of the Eucalyptus Avenue right-of-way, with the southernly 23-foot wide landscape buffer located in the MERRILL COMMERCE CENTER outside of the public right-of-way.

Buildings in Planning Areas 1A, 3A, 4A, 5A, and 6A connect to Eucalyptus Avenue via direct driveway connections along Eucalyptus Avenue and via Grove Avenue, Walker Avenue, Baker Avenue, Vineyard Avenue, and Carpenter Avenue. Final driveway locations along Eucalyptus Avenue will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.



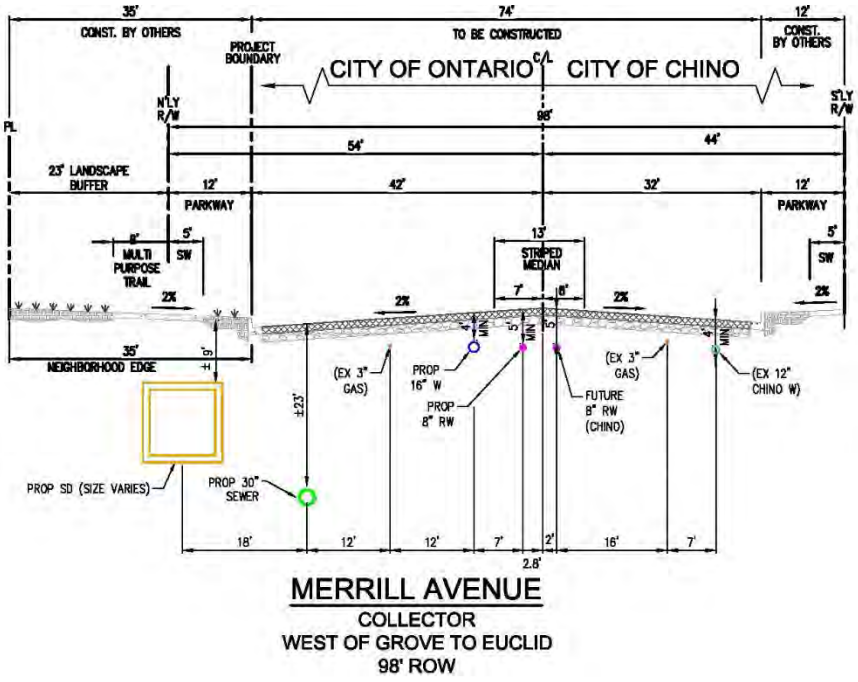
D. Merrill Avenue (98-foot ROW Collector)

Merrill Avenue forms the southern boundary of Planning Areas 2, 3, 4, 5, and 6 and is the dividing line between the City of Ontario to the north and the City of Chino to the south. This public roadway provides access to the Specific Plan area from off-site areas to the east, south, and west. Along the segment of Merrill Avenue located between Grove Avenue and Carpenter Avenue, the developer(s) of the MERRILL COMMERCE CENTER will construct 86 feet of the ROW of this 98-foot wide Collector. The portions of Merrill Avenue between Grove Avenue and Carpenter that will be constructed as part of the MERRILL COMMERCE CENTER include 74 feet of paved roadway, a 13-foot wide striped (painted) median, and a 12-foot-wide parkway on the north side of the street that contains 7 feet of curb-adjacent landscaping and a 5-foot-wide sidewalk.



The remaining portions of the Merrill Avenue ROW (southerly side of the roadway in the City of Chino) will be constructed by others and is anticipated to include a 12-foot parkway containing 7 feet of curb-adjacent landscaping and a 5-foot wide sidewalk. An approximate 23-foot landscape buffer abuts the northern side of the Merrill Avenue ROW in the MERRILL COMMERCE CENTER, with the landscape buffer including an 8-foot wide multi-purpose trail.

Along the segment of Merrill Avenue located between Euclid Avenue and Grove Avenue, the developer(s) of the MERRILL COMMERCE CENTER will construct 74 feet of the ROW of this 98-foot wide Collector. The portions of Merrill Avenue between Euclid Avenue and Grove Avenue that will be constructed as part of the MERRILL COMMERCE CENTER include 74 feet of paved roadway and a 13-foot wide striped (painted) median.



Merrill Avenue is designated by the Chino Airport Compatibility Plan to partially satisfy open land requirements. For this reason, the median is painted and not raised and light poles and street trees are designed to maintain a clear width of about 75 feet. The light poles will be spaced at approximately 260 feet ± 15 feet on the same side of the street and 130 feet ± 1f feet staggered on the opposite side of the street. The portion of Merrill Avenue traversing Airport Safety Zone 1 (the southwest portion of Planning Area 1) must remain clear of permanent aboveground objects, and as such may contain frangible/break-away light poles. The developer shall coordinate with Chino Airport and FAA to determine allowable heights and structures permitted within the southwest portion of Planning Area 1 near the Grove Avenue/Merrill Avenue intersection.

Traffic signals will be located at the intersections of Merrill Avenue with Grove Avenue, Walker Avenue, and Vineyard Avenue (1/2-mile DIF), and at Baker Avenue, Carpenter Avenue, and the mid-way point between Grove and Walker Avenues (1/4-mile DIF) depending on need. Traffic signal locations are subject to change based on the results and recommendations of a traffic study.

As noted on Figure 4-1, the development of the MERRILL COMMERCE CENTER also triggers the need to modify the existing traffic signal at the intersection of Euclid Avenue and Merrill Avenue west of the Specific Plan area. Improvements to Merrill Avenue east of the Specific Plan area were recently constructed and bridge improvements at the intersection of Merrill Avenue and the Cucamonga Channel were pending construction at the time this Specific Plan was prepared (2000). All improvements to Merrill Avenue are required to comply with applicable City of Ontario requirements, including sight distance requirements, in addition to requirements of the City of Chino pertaining to roadway improvements in the City of Chino's jurisdiction.

Buildings constructed in Planning Areas 2, 3, 4, 5 and 6 connect to Merrill Avenue via direct driveway connections along Merrill Avenue and via Walker Avenue, Baker Avenue, Grove Avenue, Vineyard Avenue, and Carpenter Avenue. Final driveway locations along Merrill Avenue will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.

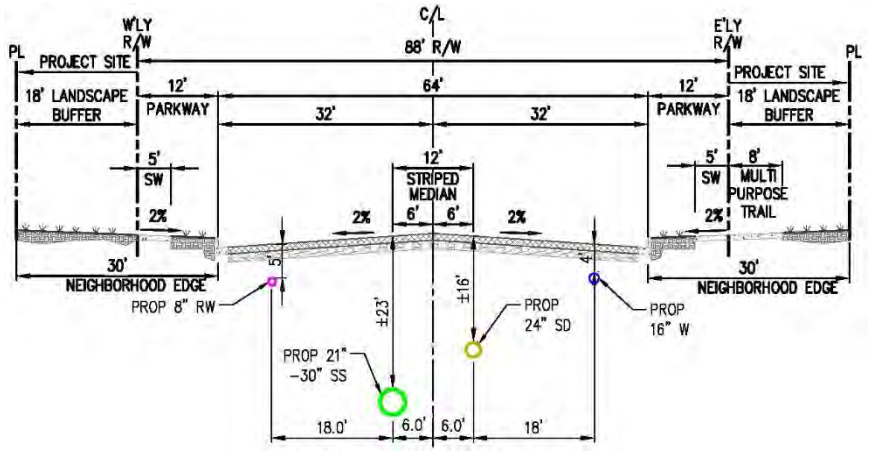
E. Walker Avenue (88-foot ROW Collector)

Walker Avenue forms the eastern boundary of Planning Areas 1, 1A and 2, and forms the western boundary of Planning Areas 3 and 3A. This public roadway provides access to the Specific Plan area from off-site areas to the north and south. Along the segment of Walker Avenue located between Edison Avenue and Merrill Avenue, the developer(s) of the MERRILL COMMERCE CENTER will construct the entirety of the 88-foot Collector, which consists of 64 feet of paved roadway and a 12-foot wide striped (painted) median. Additionally, the Walker Avenue ROW includes a 12-foot wide parkway on both sides of the roadway containing 7 feet of curb-adjacent landscaping and a 5-foot wide parkway-adjacent sidewalk.

An approximate 18-foot wide landscape buffer abuts the west and east sides of the Walker Avenue ROW inside the MERRILL COMMERCE CENTER Specific Plan, with the easterly landscape buffer including an 8-foot wide multi-purpose trail.

Traffic signals will be located at the intersections of Walker Avenue with Eucalyptus Avenue and Merrill Avenue (1/2-mile DIF), and with Street "A" (1/4-mile non-DIF) depending on need. Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Walker Avenue are required to comply with applicable City of Ontario requirements, including sight distance requirements.

Buildings in Planning Areas 1, 1A, 2, 3, and 3A connect to Walker Avenue via direct driveway connections along Walker Avenue. Final driveway locations will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.



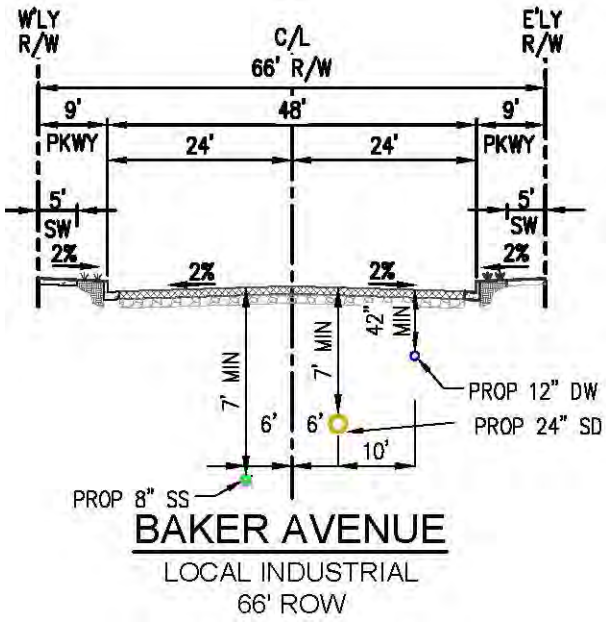
WALKER AVENUE
COLLECTOR
88' ROW

F. Baker Avenue (66-foot ROW Local Industrial)

Baker Avenue forms the eastern boundary of Planning Areas 4 and 4A, and forms the western boundary of Planning Areas 5 and 5A. This public roadway provides access to the Specific Plan area from off-site areas to the north and south. Along the segment of Baker Avenue located between Eucalyptus Avenue and Merrill Avenue, the developer(s) of the MERRILL COMMERCE CENTER will construct the entirety of the 66-foot wide Local Industrial Street, which consists of 48 feet of pavement and a 9-foot wide parkway on either side of the roadway containing 4 feet of curb-adjacent landscaping and a 5-foot wide sidewalk.

A traffic signal will be located at the intersection of Baker Avenue with Merrill Avenue (1/4-mile DIF) and at the intersection of Baker Avenue with Eucalyptus Avenue (1/4-mile non-DIF) and potentially at the mid-way point between Eucalyptus and Merrill Avenues (1/4-mile non-DIF) depending on need. Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Baker Avenue are required to comply with applicable City of Ontario requirements, including sight distance requirements.

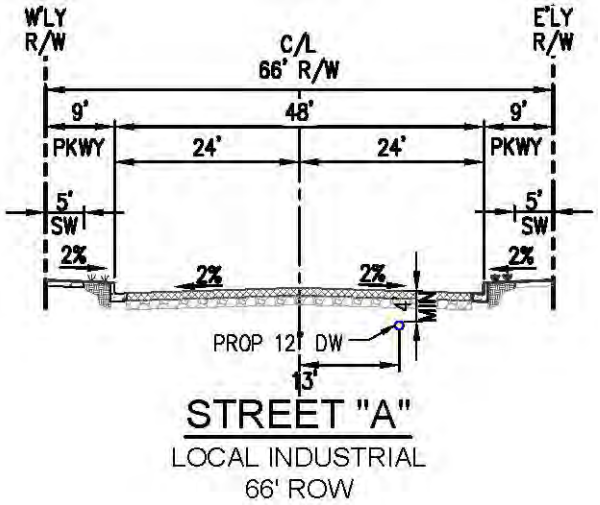
Planning Areas 4, 4A, 5, and 5A connect to Baker Avenue via direct driveway connections along Baker Avenue. Final driveway locations will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.



G. Street "A" (66-foot ROW Local Industrial)

Street "A" forms the southern boundary of Planning Area 1 and the northern boundary of Planning Area 2 and its exact alignment will be determined in conjunction with implementing development plans. This public roadway provides access to the Specific Plan area from off-site areas to the west and facilitates internal east-west circulation within the westerly portions of the Specific Plan area. Along the segment of Street "A" located between Grove Avenue and Walker Avenue, the developer(s) of the MERRILL COMMERCE CENTER will construct the entirety of the 66-foot wide Local Industrial Street, which consists of 48 feet of pavement and a 9-foot wide parkway on either side of the roadway containing 4 feet of curb-adjacent landscaping and a 5-foot wide sidewalk. A traffic signal will be located at the intersection of Street "A" with Grove Avenue and Walker Avenue (1/4-mile non-DIF), and potentially and at the mid-way point between Gove and Walker Avenues (1/4-mile non-DIF). Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Street "A" are required to comply with applicable City of Ontario requirements, including sight distance requirements.

Planning Areas 1 and 2 connect to Street "A" via direct driveway connections along Street "A." Final driveway locations will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.

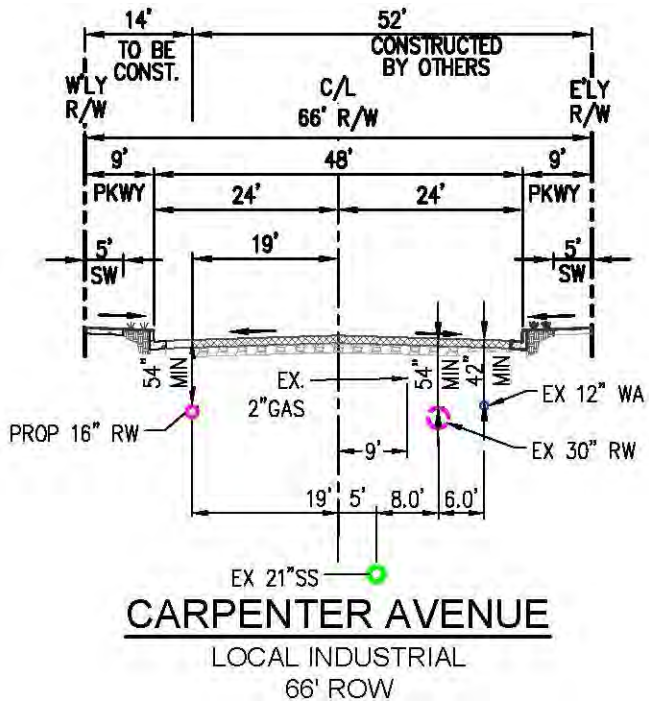


H. Carpenter Avenue (66-foot ROW Local Industrial)

Carpenter Avenue forms the eastern boundary of Planning Areas 6 and 6A. This public roadway provides access to the Specific Plan area from off-site areas to the north, south, and east. Along the segment of Carpenter Avenue located between Eucalyptus Avenue and Merrill Avenue (including the segment that abuts the eastern boundary of Planning Areas 6 and 6A, the developer(s) of the MERRILL COMMERCE CENTER will construct 14 feet of the ROW of this 66-foot-wide Local Industrial Street. The portions of Carpenter Avenue to be constructed as part of the Specific Plan include 5 feet of paved roadway (including curb and gutter) and a 9-foot-wide parkway on the western side of the street that contains 4 feet of curb-adjacent landscaping and a 5-foot sidewalk. The remaining portions of the eastern side of the Carpenter Avenue ROW will be constructed by others (the development project located on the east side of the roadway) which will include 43 feet of roadway and curb and gutter improvements, and a 9-foot-wide parkway containing 4 feet of landscaping and a 5-foot parkway-adjacent sidewalk.

Traffic signals will be located at the intersection of Carpenter Avenue with Merrill Avenue (1/4-mile DIF) and with Eucalyptus Avenue (1/4-mile non-DIF) and potentially at the mid-way point between Eucalyptus and Merrill Avenues (1/4-mile non-DIF) depending on need. Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Carpenter Avenue are required to comply with applicable City of Ontario requirements, including sight distance requirements.

Planning Areas 6 and 6A connect to Carpenter Avenue via direct driveway connections along Carpenter Avenue. Final driveway locations will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.



I. Private Drive Aisles

Private Drive Aisles connect individual planning areas to the roadways described above. Within each planning area, Private Drive Aisles provide vehicular access for automobiles and trucks to parking lots, truck courts, loading dock areas, etc. Private Drive Aisles will have pavement widths that range between 24 and 50 feet. Private Drive Aisles are not depicted on Figure 4-1 because their locations, alignments, and widths will be determined in conjunction with the design of implementing development projects.

J. Truck Routes

Access to the MERRILL COMMERCE CENTER Specific Plan area is provided from Grove Avenue, Eucalyptus Avenue, Vineyard Avenue, Baker Avenue, Carpenter Avenue, Walker Avenue, and Flight Avenue.

Truck traffic to and from the MERRILL COMMERCE CENTER will use the City of Ontario designated truck routes, which include Merrill Avenue, Edison Avenue, and Euclid Avenue. Additionally, truck traffic to and from the MERRILL COMMERCE CENTER will use the City of Chino's designated truck routes, which include Carpenter Avenue, Walker Avenue, and Flight Avenue.

Signalized intersections along truck routes in the City of Ontario will be constructed with PCC pavement per City standards, along with signalized intersections along the truck routes on Merrill Avenue, as shown on Figure 4-1, *Conceptual Vehicular Circulation and Access Plan*.

4.1.2 Non-Vehicular Circulation

The MERRILL COMMERCE CENTER Specific Plan encourages circulation by employees and visitors via non-motorized means. Pedestrian circulation is encouraged interior to the Specific Plan area through an integrated network of sidewalks, bikeways, and trails. Additional pedestrian and bike facilities will be designed on individual building sites at the time buildings are designed and positioned in each planning area as part of implementing development projects.

As illustrated on Figure 4-2, *Non-Vehicular Circulation and Mobility Plan*, the MERRILL COMMERCE CENTER Specific Plan provides for sidewalks in the public rights-of-way along the sides of the following streets that front the Specific Plan: Eucalyptus Avenue, Merrill Avenue, Grove Avenue, and Carpenter Avenue. Additionally, the MERRILL COMMERCE CENTER Specific Plan provides for sidewalks in the public rights-of-way along both sides of Baker Avenue (segment located between Eucalyptus Avenue and Merrill Avenue), Walker Avenue (segment located between Edison Avenue/Ontario Ranch Road and Merrill Avenue), Vineyard Avenue (segment located between Eucalyptus Avenue and Merrill Avenue), and Street "A." Pedestrian crosswalks are designed at signalized intersections (as depicted on Figure 4-2) to ensure pedestrian safety.

As illustrated on Figure 4-2, *Non-Vehicular Circulation and Mobility Plan*, the Specific Plan provides for 8-foot-wide multi-purpose trails along the north side of the segment of Merrill Avenue located between Euclid Avenue and Archibald Avenue; along the east side of the segment of Grove Avenue located between Eucalyptus Avenue and Merrill Avenue; along the east side of the segment of Walker Avenue located between Edison Avenue/Ontario Ranch Road and Merrill Avenue; and along the west side of the segment of Vineyard Avenue located between Eucalyptus Avenue and Merrill Avenue.

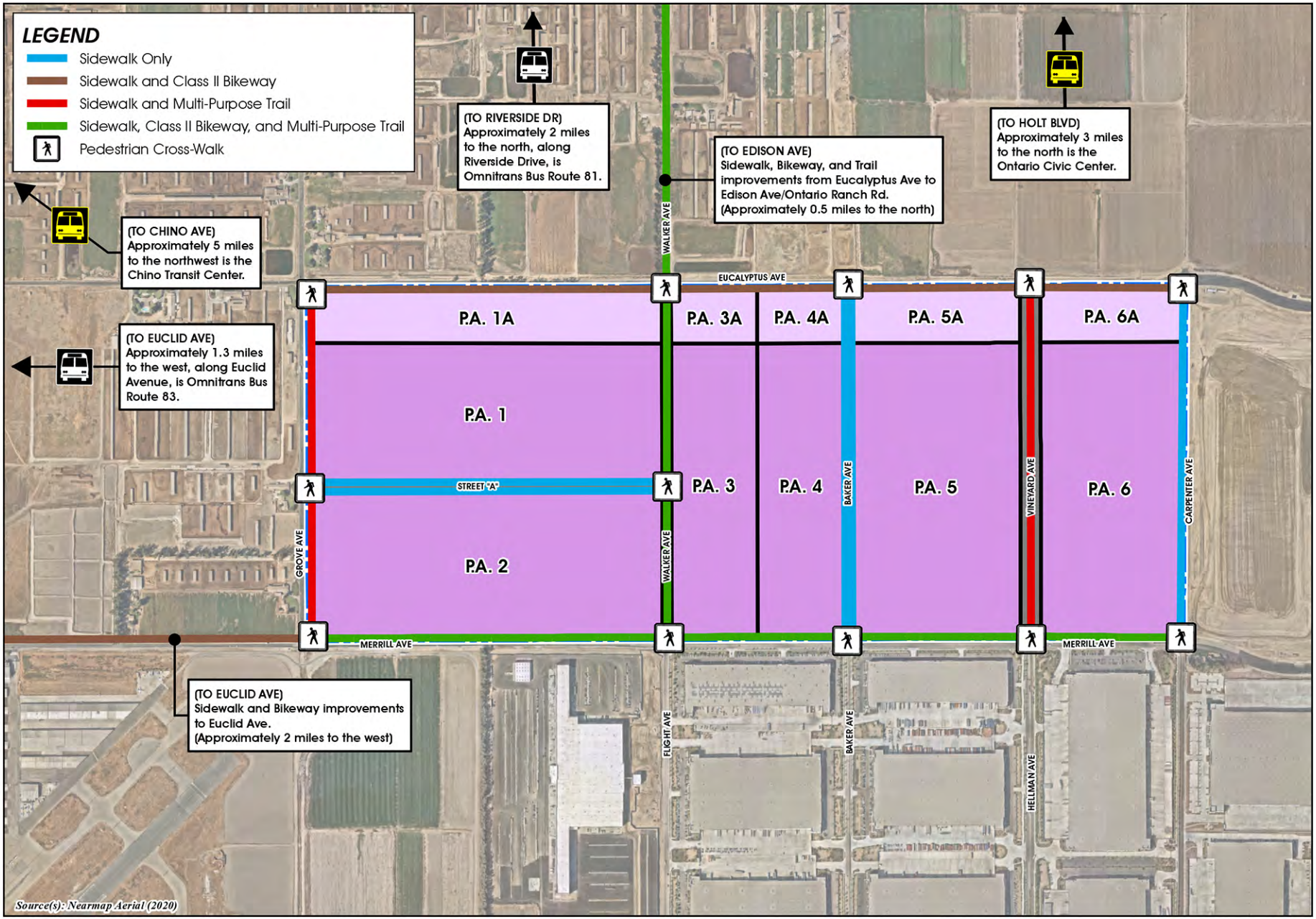
As illustrated on Figure 4-2, *Non-Vehicular Circulation and Mobility Plan*, the Specific Plan provides Class II bike lanes in the public right-of-way along both sides of the segment of Merrill Avenue located between Carpenter Avenue and Euclid Avenue; along both sides of the segment of Walker Avenue between Merrill Avenue and Edison Avenue/Ontario Ranch Road; along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A, and 6A; and along the north side of Eucalyptus Avenue between Grove Avenue and Walker Avenue.

Given the volume of passenger car and truck traffic circulating on the site, pedestrian and bicycle safety was given due consideration when preparing the design standards for the MERRILL COMMERCE CENTER. Provisions for sidewalks and pedestrian walkways, bicycle storage facilities, and employee and visitor gathering areas interior to the planning areas are set forth in Chapter 6, *Design Guidelines*.

As shown on Figure 4-2, the following bus and transit facilities are located to the west and north of MERRILL COMMERCE CENTER:

A. Omnitrans Bus Route 83, located approximately 1.3 miles to the west along Euclid Avenue.
B. Chino Transit Center, located approximately 5 miles to the northwest at Chino Avenue.
C. Omnitrans Bus Route 81, located approximately 2 miles to the north along Riverside Drive.
D. Ontario Civic Center/Transfer Station, located approximately 3 miles to the north at Holt Boulevard.

Future bus stops and shelters will be required to be installed to the satisfaction of the City of Ontario and Omnitrans.



Non-Vehicular Circulation and Mobility Plan

Figure 4-2

4.2 UTILITY INFRASTRUCTURE PLAN

Buildout of the MERRILL COMMERCE CENTER requires the installation of water, sewer, drainage, and other utility infrastructure, as described in this chapter. All utility infrastructure improvements shall be constructed in accordance with applicable City of Ontario design standards and specifications.

4.2.1 Potable Water Plan

Potable Water System Improvements for the Specific Plan area (as shown on Figure 4-3) require the planning, design, and construction of the 925 Pressure Zone (PZ) Phase 2 West Backbone, which includes: extending the 24-inch potable water main in Eucalyptus Avenue from Carpenter Avenue to Grove Avenue; and, installing a 30-inch to 42-inch potable water main in Grove Avenue connecting from the 24-inch potable water main in Eucalyptus Avenue and extending to Chino Avenue; installing an 18-inch potable water main in Chino Avenue and connecting to the existing 18-inch potable water main located on the west side of the Cucamonga Creek Channel; and installing a Pressure Reducing Station between the 1010 PZ and 925 PZ near the intersection of Grove Avenue and Chino Avenue.

Master Plan Phase 2 facilities that are required to serve the Project but that will be constructed by others include installing a 42-inch potable water main in Grove Avenue connecting from the 30-inch to 42-inch potable water main in Grove Avenue at Chino Ave and extending to Francis Avenue; and, installing a 42-inch potable main in Francis Avenue connecting from the 42-inch potable water main in Grove Avenue and extending to Bon View Avenue; and, installing a 42-inch potable water main in Bon View Avenue connecting from the 42-inch potable water main in Francis Avenue and extending to the Bon View Avenue Reservoir site and to the Reservoir; and, installing a 9 million gallon reservoir on the Bon View Reservoir site; and, installing two 2,500 gpm wells with any treatment necessary to meet water quality standards and the 16-inch to 42-inch well collection mains from the wells to the reservoirs. At the time this Specific Plan was prepared, the alignment of the 42-inch water line between Chino Avenue and the water reservoir site had not been finalized and is subject to change. The MERRILL COMMERCE CENTER Project will be required to participate in the future Phase 2 Water System Improvements north of Chino Avenue, as detailed in the development agreement with the City.

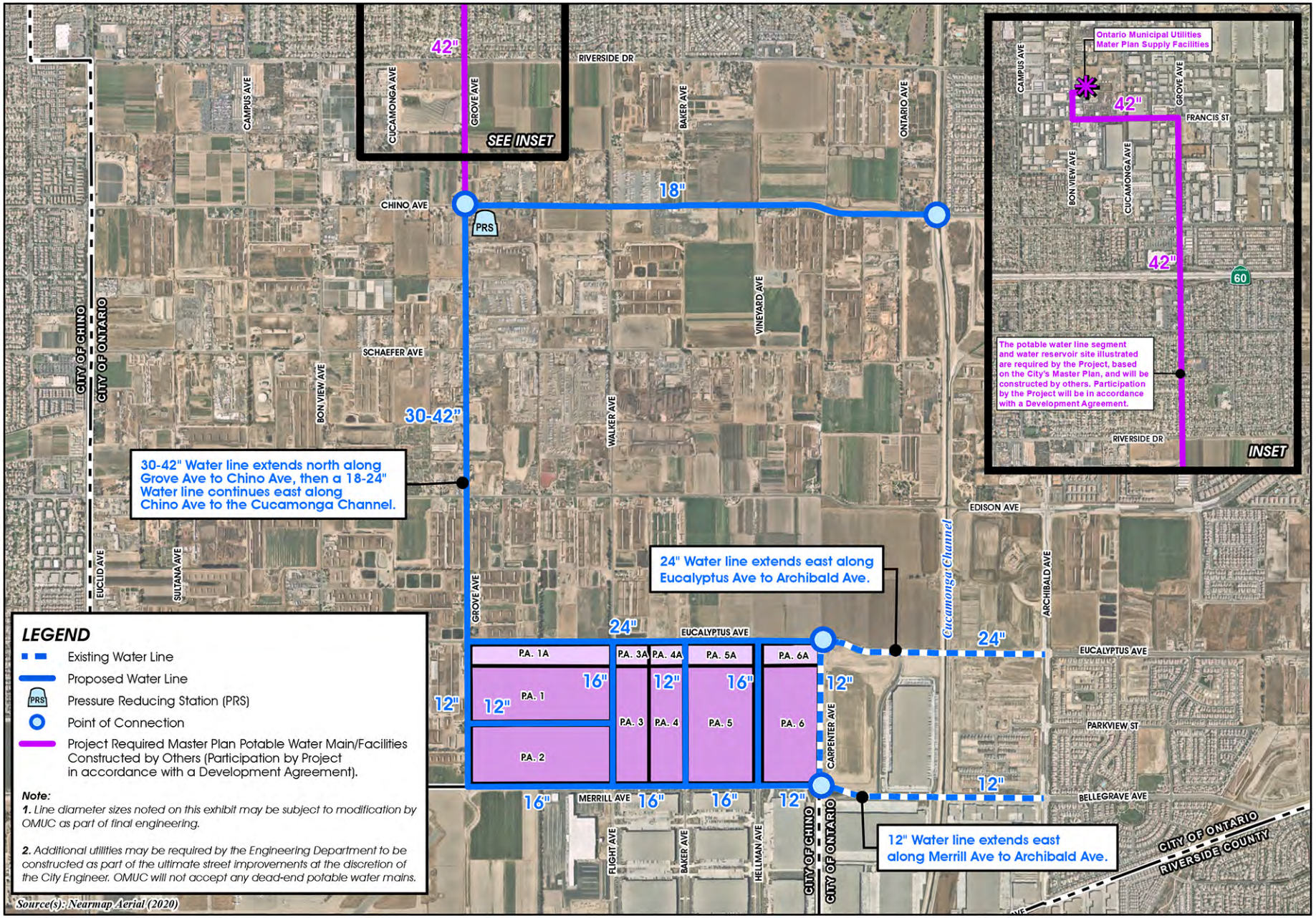
In addition to the 925 Pressure Zone (PZ) Phase 2 West Backbone, the Specific Plan area requires the planning, design, and construction of a Secondary Loop between the 925 Pressure Zone (PZ) Phase 2 West Backbone and the Specific Plan area which includes: installing a 24-inch potable water main in Eucalyptus Avenue connecting to the 30-inch to 42-inch 925 Pressure Zone (PZ) Phase 2 West Backbone main in Grove Avenue; installing a 16-inch potable water main in Merrill Avenue connecting from the 12-inch potable water main in Grove Avenue and extending to Vineyard Avenue; and, installing a 16-inch potable water main in Vineyard Avenue connecting from the 16-inch potable water main in Merrill Avenue and extending to connect to the 24-inch potable water main in Eucalyptus Avenue; and, installing a 12-inch potable water main in Merrill Avenue connecting from the 16-inch potable water main in Vineyard Avenue and extending east to connect to the 12-inch potable water main in Carpenter Avenue.

The Specific Plan area also requires the planning, design, and construction of the Local Adjacent Potable Water System, which includes: installing a 12-inch potable water main in Grove Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue

and extending to connect to the 16-inch potable water main in Merrill Avenue; and, installing a 16-inch potable water main in Walker Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue; and, installing a 12-inch potable water main in Baker Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue; and, installing a 12-inch potable water main in "Street A" connecting to the 12-inch potable water main in Grove Avenue and extending to connect to the 16-inch potable water main in Walker Avenue.

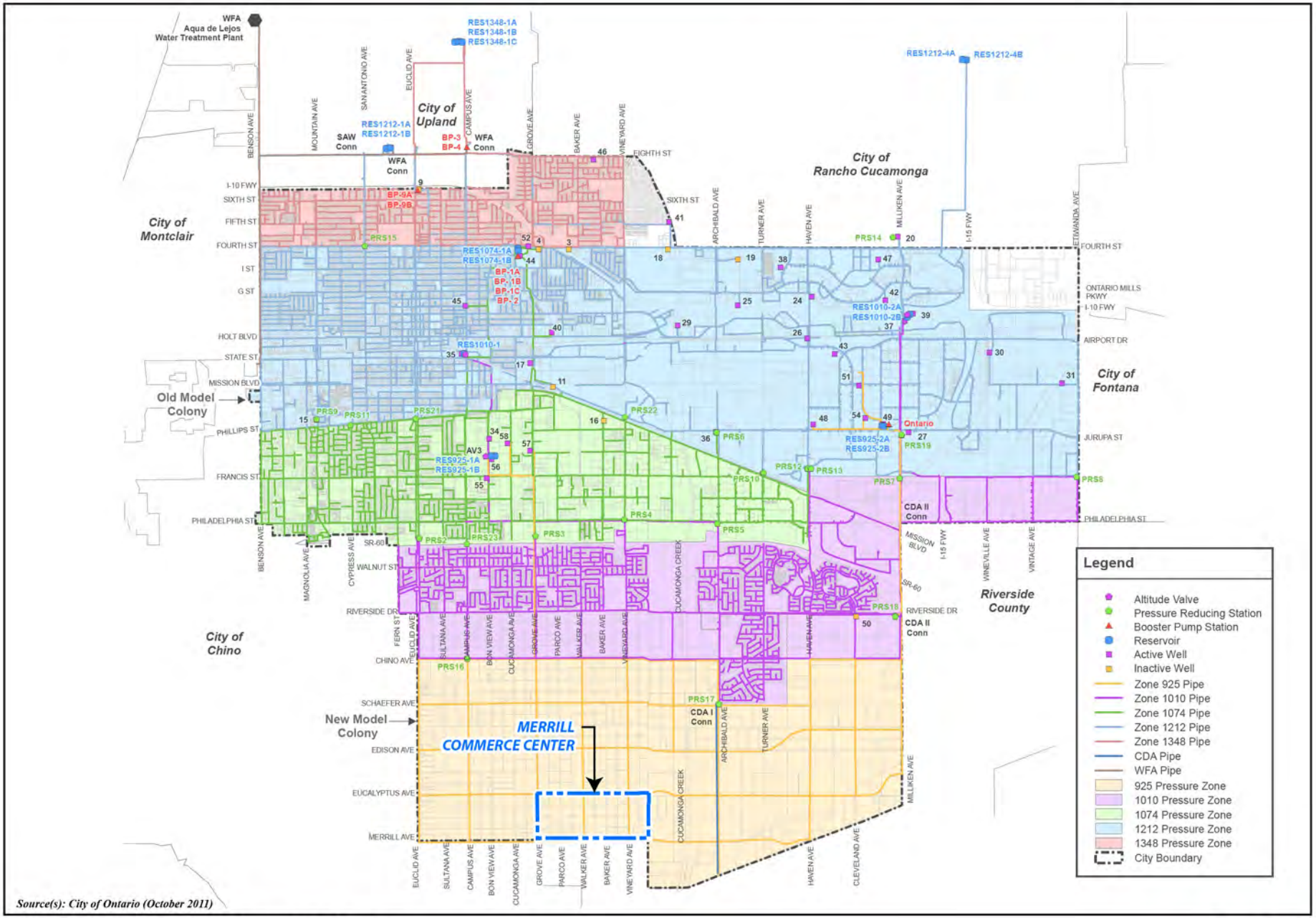
Required Potable Water Infrastructure is subject to change based upon findings of City approved hydraulic studies, master plan updates, and project final designs; and, potable water main locations are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including IEUA water mains, that do not meet minimum depths, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/ replacement by the developer(s) of the Specific Plan.

Within the project site, on individual private property, the onsite potable, domestic, and fire systems shall be private and be privately maintained.



Potable Water Infrastructure Plan

Figure 4-3



City of Ontario Ultimate Water System

Figure 4-3A

Not to Scale

4.2.2 Recycled Water Plan

The City of Ontario/ Ontario Municipal Utilities Company (OMUC) supplies recycled water to the Specific Plan area. Existing City recycled water infrastructure is located to the east of the Specific Plan Area in Carpenter Avenue, Eucalyptus Avenue, and Merrill Avenue. Recycled Water supplied by OMUC is produced by the Inland Empire Utility Agency (IEUA) from its four wastewater reclamation plants.

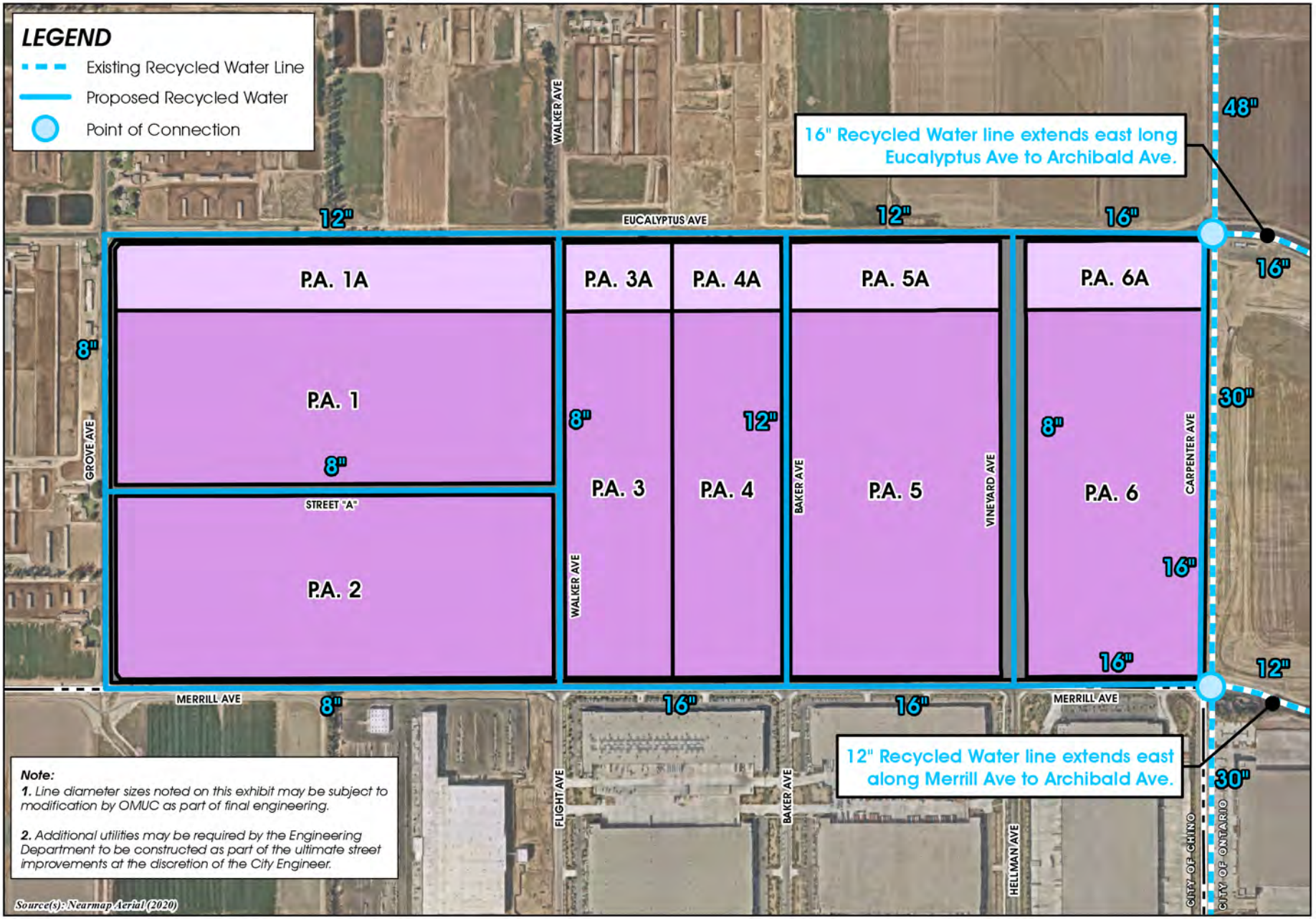
The entire Specific Plan area is within the City's master planned 930 Pressure Zone (PZ). Recycled Water Infrastructure Improvements for the Specific Plan area (as shown on Figure 4-4) require the planning, design, and construction of the Primary 930 Pressure Zone Recycled Water Master Plan Backbone mains, which includes: installing a 16-inch recycled water main in Carpenter Avenue connecting to the 16-inch 930 Pressure Zone Recycled Water main in Eucalyptus Avenue and connecting to the existing 16-inch 930 Pressure Zone recycled water main at the intersection of Carpenter Avenue and Eucalyptus Avenue; extending it west and transitioning to a 12-inch line at Vineyard Avenue; installing a 12-inch recycled water main in Eucalyptus Avenue and extending to Grove Avenue to connect to the 8-inch 930 Pressure Zone Recycled Water main in Grove Avenue; and, installing an 8-inch recycled water main in Grove Avenue connecting to the 12-inch recycled water main in Eucalyptus Avenue and extending in Grove Avenue to 8-inch recycled water main in Merrill Avenue; and, installing an 8-inch recycled water main in Merrill Avenue connecting to the 16-inch recycled water main in Merrill Avenue at Walker Avenue and extending east to Carpenter Avenue.

In addition to the Primary 930 Pressure Zone (PZ) Recycled Water Master Plan Backbone mains, the Specific Plan area requires the planning, design, and construction of a Secondary Loop Improvements which includes: installing an 8-inch recycled water main in Merrill Avenue connecting to the 8-inch recycled water main in Merrill Avenue at Grove Avenue and extending west to Euclid Avenue.

The Specific Plan area also requires the planning, design, and construction of the Adjacent Recycled Water System, which includes: installing an 8-inch recycled water main in Vineyard Avenue connecting to the 16-inch recycled water main in Merrill Avenue and extending it to connect to the 12-inch main in Eucalyptus Avenue; and, installing an 8-inch recycled water main in Walker Avenue connecting to the 8-inch recycled water main in Merrill Avenue and extending it to connect to the 12-inch main in Eucalyptus Avenue.

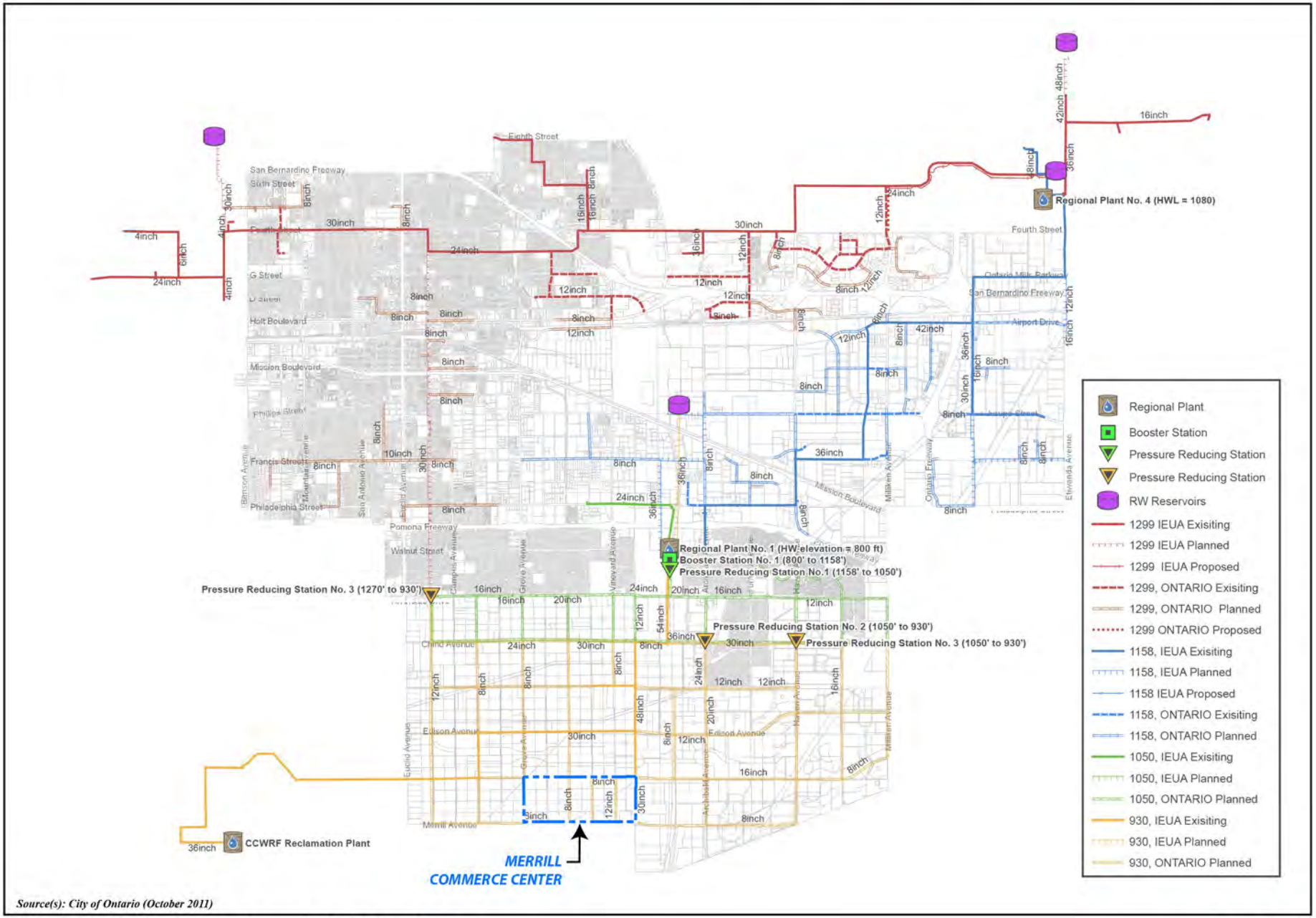
Required Recycled Water Infrastructure is subject to change based upon findings of City-approved hydraulic studies, master plan updates, and project final designs; and, Recycled Water main locations are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including IEUA Recycled Water mains, that do not meet minimum depths, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/replacement by the developer(s) of the Specific Plan.

Within the project site, on individual private property, the onsite recycled water and irrigation systems shall be private and be privately maintained.



Recycled Water Infrastructure Plan

Figure 4-4



Source(s): City of Ontario (October 2011)

City of Ontario Future Recycled Water System

Figure 4-4A

Not to Scale

4.2.3 Sanitary Sewer Plan

Sanitary Sewer/Wastewater Collections for the Specific Plan area is served by the City of Ontario/ Ontario Municipal Utilities Company (OMUC), which conveys wastewater to the Inland Empire Utility Agency (IEUA) for transmission and treatment.

Currently, existing 21-inch and existing 24-inch City sanitary sewer mains are located in Carpenter Avenue to the east and south of the Specific Plan area. The entire Specific Plan area is included within the City's Sewer Master Plan. The areas west of Vineyard Avenue are Tributary to the Western Trunk Sewer, which connect to IEUA's system at Kimball Avenue and Euclid Avenue; and the areas east of Vineyard Avenue are Tributary to the Eastern Trunk Sewer (ETS), through the City's Carpenter Trunk Sewer which connect to IEUA's system at Vineyard/Hellman Avenue and the San Bernardino/ Riverside County line. Planning Areas 1 to 5 and 1A to 5A are within the Western Trunk Sewer tributary area and Planning Area 6 and 6A are within the Eastern Trunk Sewer tributary area.

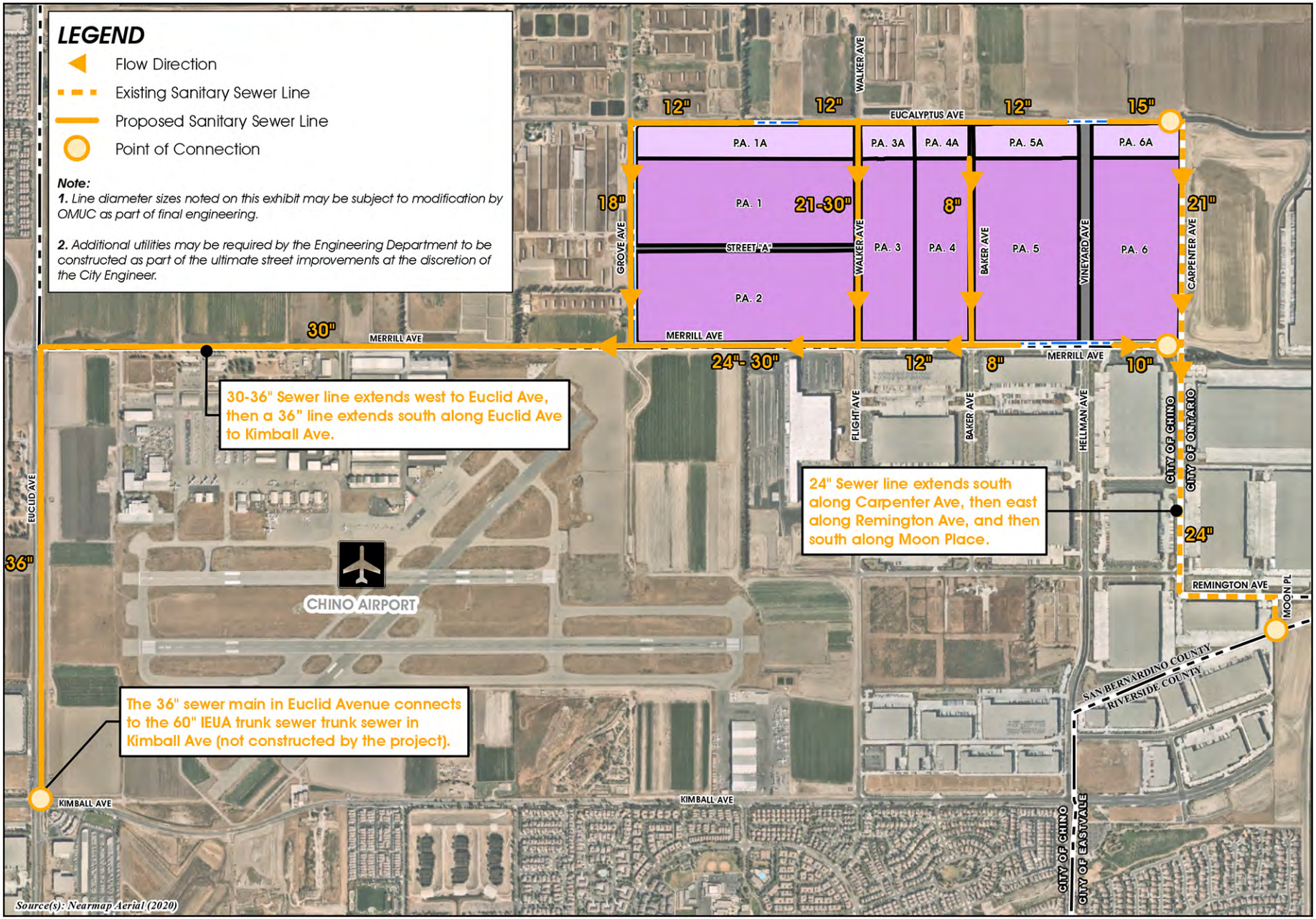
Sanitary Sewer Improvements for the Specific Plan area (as shown on Figure 4-5) require the planning, design, and construction of the following Primary Sewer Master Plan Backbone mains of the Western Trunk Sewer (WTS), which includes: installing a 36-inch sewer main in Euclid Avenue connecting to the IEUA's 60-inch Kimball Interceptor at the intersection of Kimball Avenue and Euclid Avenue and extending north to Merrill Avenue; and, installing a 30-inch sewer main in Merrill Ave from Euclid Avenue to Grove Avenue; and, installing a 24-inch to 30-inch sewer main in Merrill Avenue from Grove Avenue to Walker Avenue; and, installing a 21-inch to 30-inch sewer main in Walker Avenue from Merrill Avenue to Eucalyptus Avenue.

In addition to the Primary Sewer Master Plan Backbone mains, the Specific Plan area requires the planning, design, and construction of a Secondary Master Plan Trunk Sewer, which includes: installing an 18-inch Grove Trunk Sewer main in Grove Avenue from the WTS in Merrill Avenue and extending north in Grove Avenue to Eucalyptus Avenue.

The Specific Plan area also requires the planning, design, and construction of the Adjacent Local Sewer Systems, which includes: installing a 12-inch sewer line in Eucalyptus Avenue from east of Grove Avenue to connect with the 18-inch line in Grove Avenue; installing a 12-inch line in Eucalyptus Avenue from west of Walker Avenue to just west of Vineyard Avenue, and installing a 15-inch sewer line in Eucalyptus Avenue from west of Carpenter Avenue to connect with the existing 21-inch line in Carpenter Avenue. Also, the installation of a 10-inch sewer main in Merrill Avenue from west of Carpenter Avenue to Carpenter Avenue; and, installing an 8-inch line in Merrill Avenue from east of Baker Avenue to Baker Avenue and transitioning to a 12-inch sewer main in Merrill Avenue from Baker Avenue to connect with the WTS in Walker Avenue.; and, installing an 8-inch sewer main in Baker Avenue from Merrill Avenue northerly toward Eucalyptus Avenue.

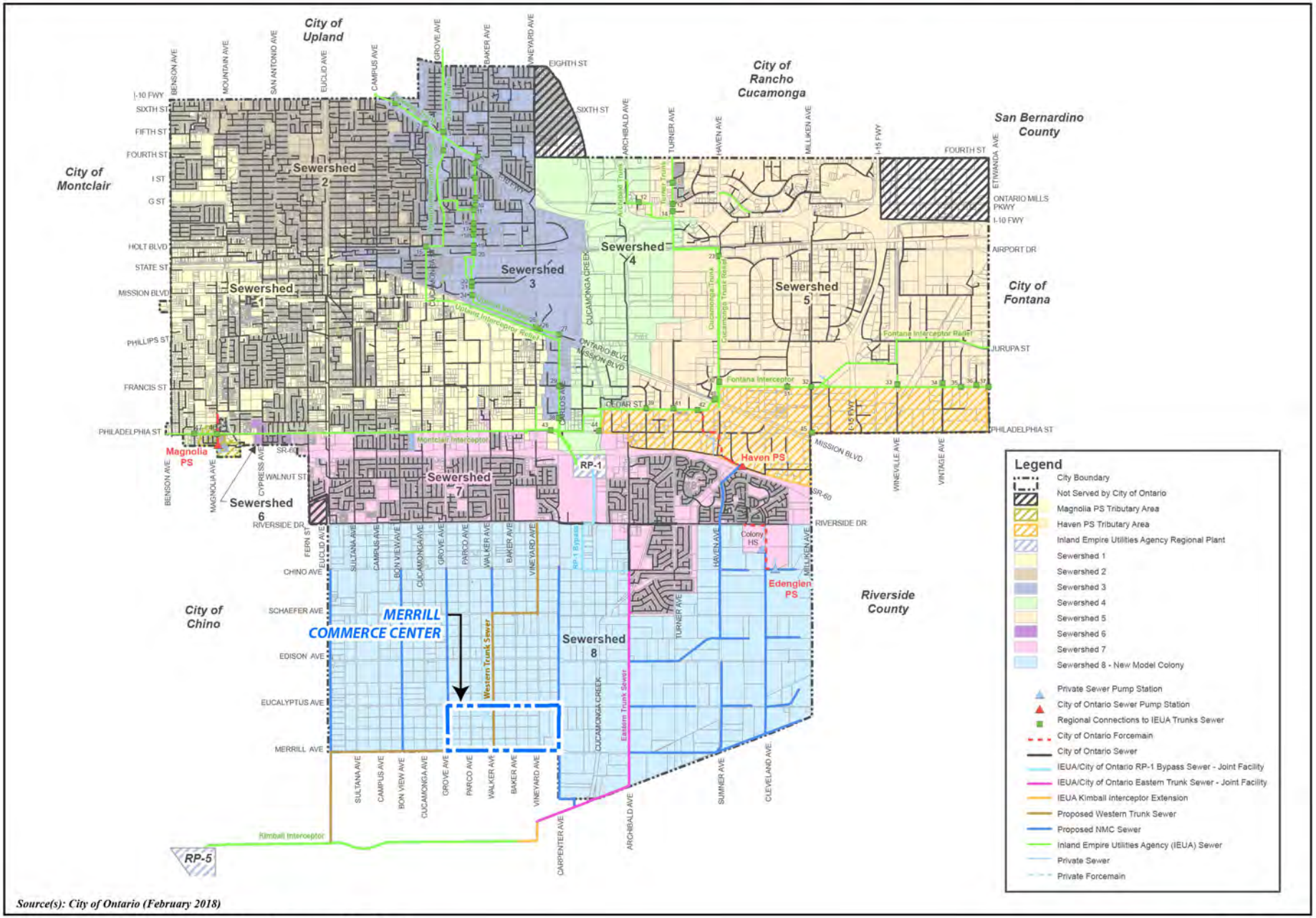
Required Sanitary Sewer Infrastructure is subject to change based upon findings of City-approved hydraulic studies, master plan updates, and project final designs; and, sewer main locations are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including IEUA Recycled Water mains, that do not meet minimum depth, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/ replacement by the developer(s) of the Specific Plan.

Within the project site, on individual private property, the onsite sewer systems shall be private and be privately maintained.



Sanitary Sewer Infrastructure Plan

Figure 4-5



Source(s): City of Ontario (February 2018)

City of Ontario Ultimate Sewer System

Figure 4-5A

Not to Scale

4.2.4 Storm Water Management Plan

The master storm drain plan for the MERRILL COMMERCE CENTER is shown on Figure 4-6, *Storm Drain Infrastructure Plan*. Improvements include the construction of the following storm drain improvements: an 13-foot by 8-foot Reinforced Concrete Box (RCB) in the segment of Eucalyptus Avenue located between Walker Avenue and Vineyard Avenue; 24-inch storm drain line in Eucalyptus Avenue between Walker Avenue and Grove Avenue, a 13-foot by 8-foot Reinforced Concrete Box (RCB) in the segment of Eucalyptus Avenue located between Walker Avenue and Vineyard Avenue a 6-foot by 3-foot RCB, a double 8-foot by 4-foot RCB, , and a double 12-foot by 10-foot RCB in various segments of Merrill Avenue between the midpoint of the southerly boundary of Planning Area 2 and Carpenter Avenue; a 24-inch storm drain line in the segment of Walker Avenue located between the southerly boundary of Planning Area 1 and Merrill Avenue; a 120-inch storm drain line in the segment of Grove Avenue located between Eucalyptus Avenue and Merrill Avenue (with a point of connection to the existing open flood channel located south of the intersection of Merrill Avenue and Grove Avenue); and a 13-foot by 8-foot RCB in the segment of Vineyard Avenue located between Merrill Avenue and Eucalyptus Avenue.

Additionally, as indicated on Figure 4-6, the developer(s) of the MERRILL COMMERCE CENTER may be conditioned to improve the existing open flood channel located south of the intersection of Merrill Avenue and Grove Avenue, which may consist of either lowering the elevation of the existing earthen channel or installing a double 10-foot by 6-foot RCB within the existing earthen channel to connect to an existing RCB located at the southerly terminus of the existing earthen flood channel. The ultimate solution will be determined during the final engineering process.

Planning Areas 1, 1A, and 2 drain in a southerly direction and the drainage ultimately flows into either a water quality basin located in the southwest portion of Planning Area 2, the existing flood channel located south of the intersection of Merrill Avenue and Grove Avenue, or to the RCB drainage system in Merrill Avenue which will convey flows easterly to the Cucamonga Channel.

Stormwater flows from Planning Areas 3 and 3A drain in a southerly direction and the drainage ultimately flows into either the 24-inch line within Walker Avenue or to the RCB system in Merrill Avenue. Planning Areas 4 and 4A also drain in a southerly direction with the drainage ultimately flowing to either a storm drain line installed in Baker Avenue or to the RCB system in Merrill Avenue. Planning Areas 5, 5A, 6, and 6A drain in a southerly direction as well, and the drainage ultimately flows to the 13-foot by 18-foot RCB in Vineyard Avenue or the double 4-foot by 8-foot RCB or 12-foot by 10-foot RCB in Merrill Avenue. Flows from Planning Areas 3, 3A, 4, 4A, 5, 5A, 6, and 6A ultimately drain easterly to an existing inlet connection to the Cucamonga Creek Channel via the existing double 12-foot by 10-foot RCB in Merrill Avenue (east of Carpenter Avenue).

Each storm drain in Grove Avenue and Merrill Avenue will be equipped with a hydrodynamic separator or City approved equal device to satisfy the statewide trash mandate. Each device will be approved by and listed on the Certified Full Capture System List of Trash Treatment Control Devices of the State Water Resources Control Board (SWRCB).

Line diameter sizes and other storm drain facility sizes noted herein may be subject to modification by the City of Ontario and/or the San Bernardino Flood Control District as part of final engineering.

A. National Pollutant Discharge Elimination System (NPDES) and Water Quality Management Plan (WQMP)

Design for the on-site improvements within the MERRILL COMMERCE CENTER Specific Plan will utilize a variety of Low Impact Development (LID) design concepts to detain, filter, and treat surface runoff in a practical manner to comply with the requirements of the San Bernardino County NPDES Storm Water Program's current Water Quality Management Plan (WQMP) for new development projects.

The objective of the project-specific WQMP is to minimize the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutants and changes in hydrology. These effects shall be minimized through the implementation of on-site and off-site Low Impact Development (LID) Site Design Best Management Practices (BMP's) that retain/infilter or biotreat 85th percentile storm event runoff from the Specific Plan area.

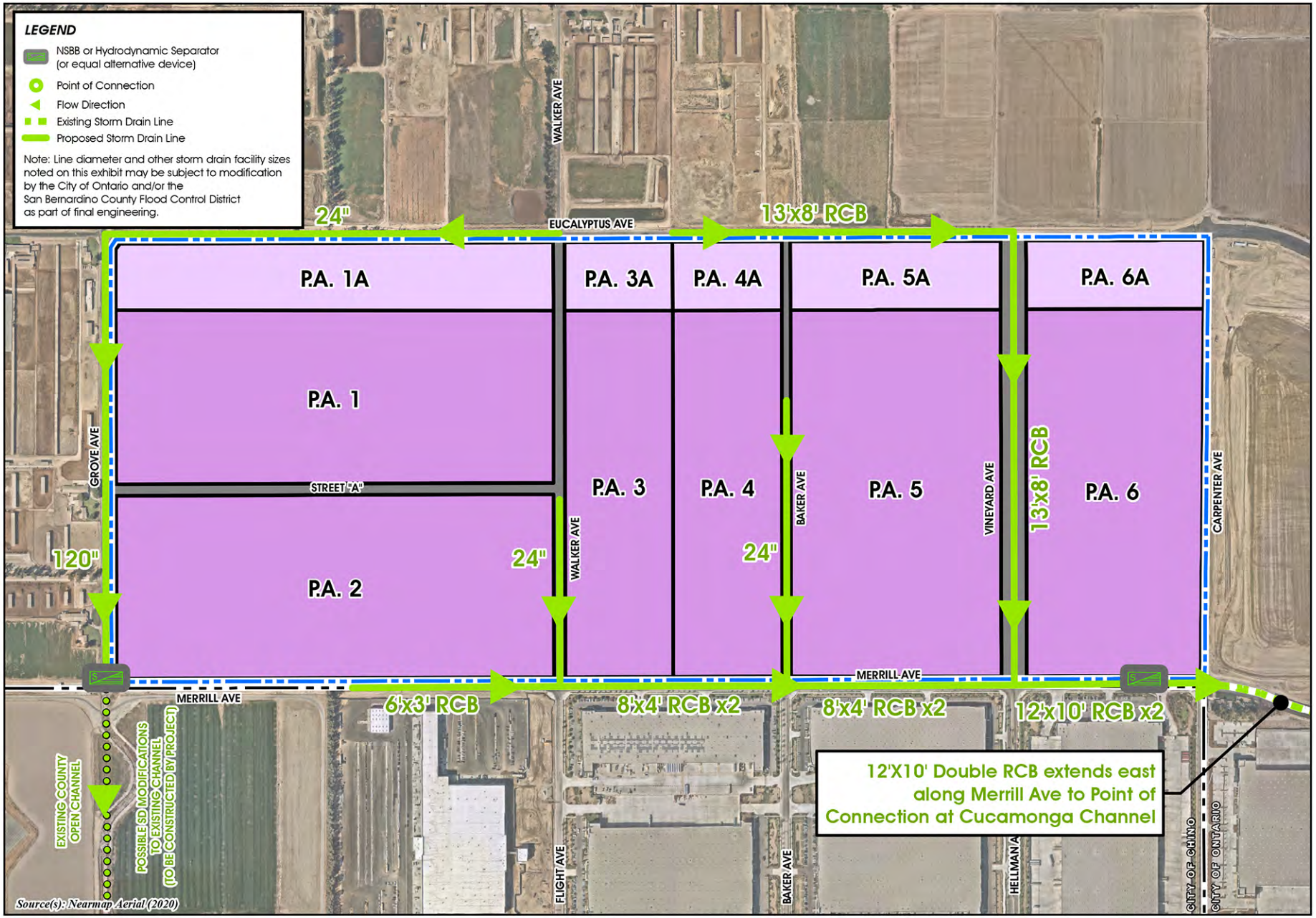
In addition, non-structural and structural Source Control BMP's will be implemented and documented in the approved Water Quality Management Plan(s) to reduce pollutant generation and transport from the Specific Plan area.

All Priority Land Use (PLU) areas, defined by the State Water Resources Board (SWRCB) as high trash generating areas such as industrial uses, within the Specific Plan area shall comply with the statewide Trash Provisions adopted by the SWRCB and trash requirements in the most current San Bernardino County Area-Wide MS4 permit.

Prior to the issuance of any grading or construction permits for any parcel map or area that disturbs one (1) acre or more of land within the MERRILL COMMERCE CENTER Specific Plan, an Erosion Control & Sedimentation Plan and Storm Water Pollution Prevention Plans (SWPPP) will be prepared to comply with California State Water Resources Control Board's (State Water Board) current "General Permit to Discharge Storm Water Associated with Construction Activity" and current "Area Wide Urban Storm Water Runoff (Regional NPDES) Permit." SWPPPs are required to identify and detail all appropriate Best Management Practices (BMP's) to be implemented or installed during construction.

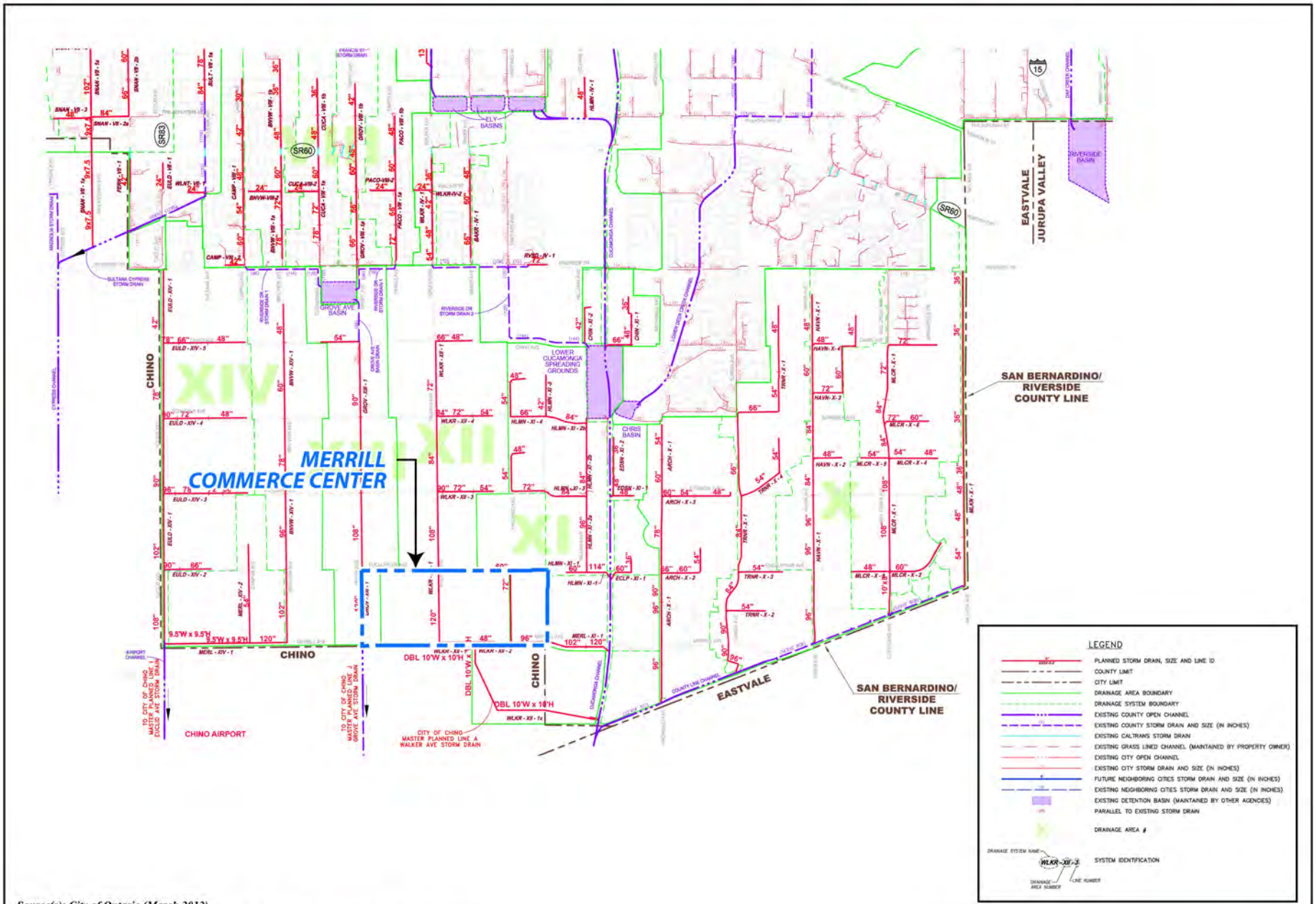
B. Airport Compatibility

The Specific Plan Area is located in the Airport Influence Areas (AIAs) of the Ontario International Airport and the Chino Airport. The Federal Aviation Administration (FAA) identifies stormwater management facilities as one of the greatest attractants to wildlife hazardous to airport operations. For this reason, all new stormwater management facilities located within the MERRILL COMMERCE CENTER will be designed to avoid the creation of open water and habitat by being designed to drain completely within a maximum 48-hour period following design storm event (i.e., 24-hour storm) and remain totally dry between storm events.



Storm Drain Infrastructure Plan

Figure 4-6



Source(s): City of Ontario (March 2012)

City of Ontario Planned Drainage Facilities

Figure 4-6A

Not to Scale

4.2.5 Dry Utilities Plan

As shown on Figure 4-7, *Dry Utilities Infrastructure Plan,* primary dry utility lines within joint trenches in Merrill Avenue will be installed to connect to existing dry utility lines at Merrill Avenue to the west of Grove Avenue and at Merrill Avenue to the east of Carpenter Avenue to fully service the Specific Plan area. Lateral dry utility lines within joint trenches will be installed in Grove Avenue, Vineyard Avenue, and Eucalyptus Avenue. The lateral dry utility line within Eucalyptus Avenue will connect to existing dry utility lines at Merrill Avenue and Archibald Avenue to the east. The lateral dry utility lines within Grove Avenue and Vineyard Avenue connect to the primary dry utility lines within Merrill Avenue.

All other dry utilities internal to the MERRILL COMMERCE CENTER will be installed underground in conjunction with the development of the MERRILL COMMERCE CENTER in accordance with applicable public utility standards and specifications and to the satisfaction of the Ontario City Engineer. The locations of other lateral connections, transformers, switches, pull boxes, and dry utility manholes will be determined at the time buildings are positioned in each planning area in conjunction with implementing development.

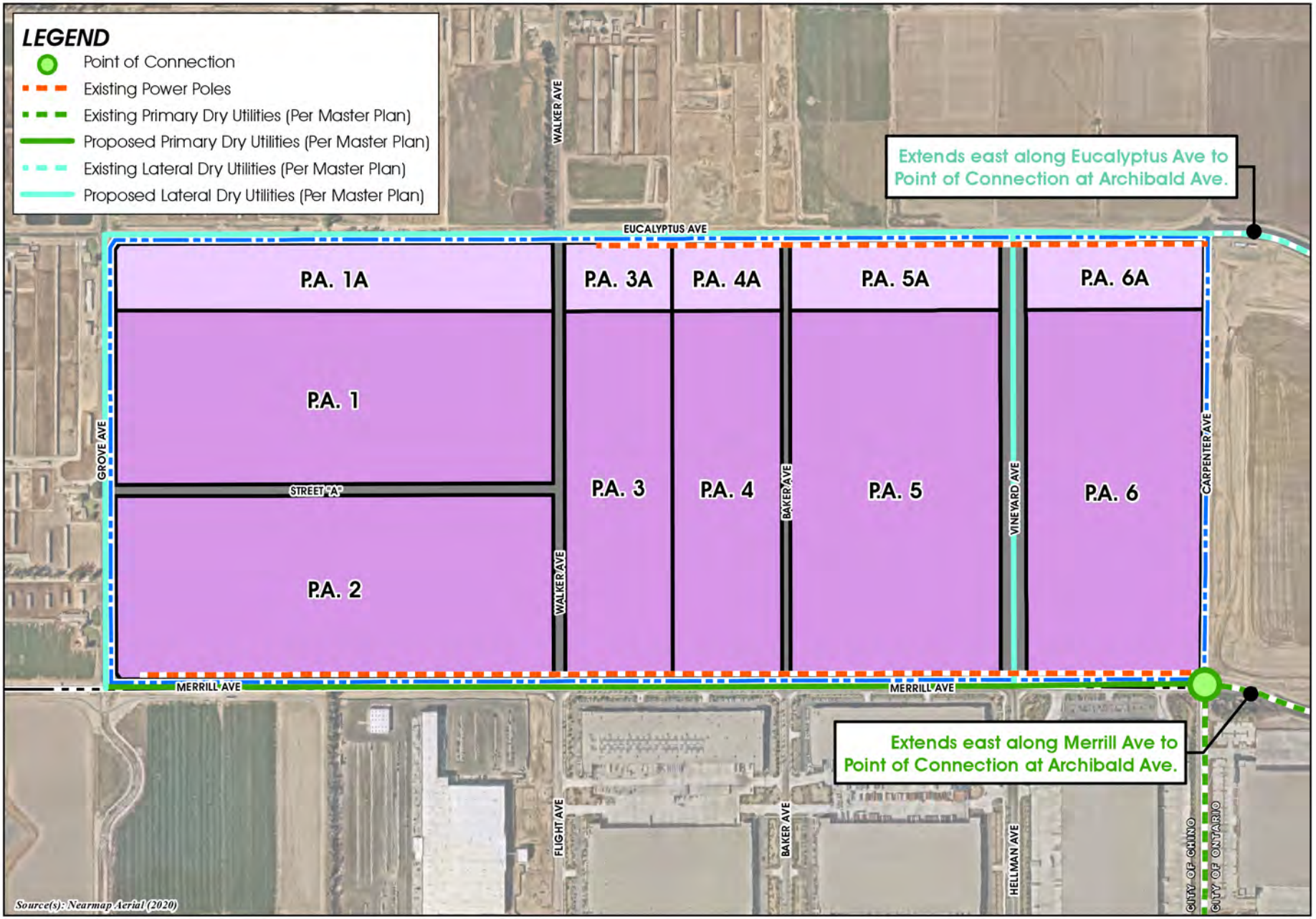
A. Fiber Optics Plan

As shown on Figure 4-8, *Fiber Optics Plan*, fiber optic lines within joint trenches, per the City of Ontario's Master Fiber Optic Plan, will be installed in Grove Avenue abutting Planning Areas 1, 1A, and 2, in Street A between Grove Avenue and Walker Avenue, in Eucalyptus Avenue from Grove Avenue to Carpenter Avenue, and in Vineyard between Eucalyptus Avenue and Merrill Avenue.. The backbone street fiber optics (conduits, hand holes, tracer wire, and fiber) will be placed underground within a duct and structure system to be installed by the Master Developer in a joint trench. In-tract fiber and conduit will be installed by the Developer per the in-tract fiber optic design guidelines. Maintenance of the installed system will be the responsibility of the City/Special District. Development of the MERRILL COMMERCE CENTER requires Developer installation of all fiber optic infrastructure and peripheral equipment necessary to service the Specific Plan as a stand-alone development.

Existing power poles located along Eucalyptus Avenue between Walker Avenue and Carpenter Avenue and along Merrill Avenue between Grove Avenue and Carpenter Avenue will be undergrounded as part of the Specific Plan's buildout.

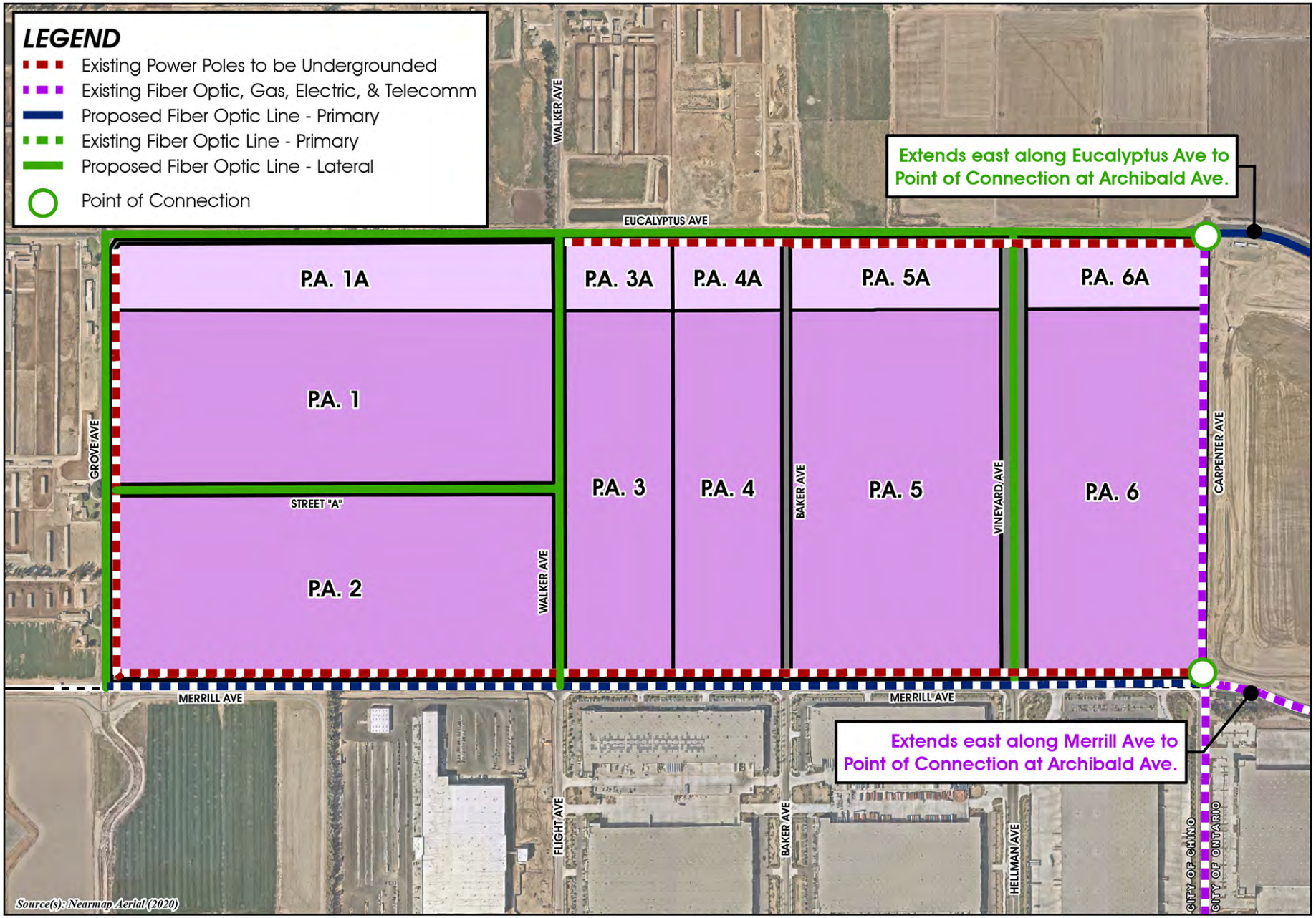
4.3 CONCEPTUAL GRADING PLAN

The natural topography of the MERRILL COMMERCE CENTER property is relatively flat. No unusual grading conditions are present and substantial import or export of earth materials is not expected. The primary objectives of the grading plan are to: provide stable development pads for construction; balance the cut and fill grading quantities on-site, and meet City of Ontario building standards and acceptable infrastructure gradient requirements.



Dry Utilities Infrastructure Plan

Figure 4-7



Fiber Optics Plan

Figure 4-8

DEVELOPMENT REGULATIONS

CHAPTER 5

5.1 Purpose and Intent

5.2 Definition of Terms

5.3 Applicability

5.4 Permitted, Conditional, and Ancillary Uses

5.5 Development Standards

CHAPTER 5 - DEVELOPMENT REGULATIONS

5.1 PURPOSE AND INTENT

This chapter formally establishes the use permissions and development standards (zoning) for the MERRILL COMMERCE CENTER property. The regulations provided herein work in concert with the architectural and landscape guidelines set forth in Chapter 6, *Design Guidelines*, to achieve the vision of the MERRILL COMMERCE CENTER.

5.2 DEFINITION OF TERMS

The meaning of words, phrases, titles, and terms shall be the same as provided in the City of Ontario Development Code (hereafter referred to as "Development Code"), unless otherwise specifically defined in this Specific Plan.

5.3 APPLICABILITY

The regulations set forth in the chapter shall apply to all development plans or agreements, tract or parcel maps, site plans, or any other action requiring administrative or discretionary approval within the 376.3-acre MERRILL COMMERCE CENTER Specific Plan area. Whenever the development standards contained herein differ from those contained in the Development Code, the provisions of this Specific Plan shall take precedence. Any development standard, condition, or situation not specifically addressed herein shall be subject to the applicable requirements of the Development Code.

5.4 PERMITTED, CONDITIONAL, AND ANCILLARY USES

Land within the MERRILL COMMERCE CENTER Specific Plan area and structures/facilities thereon may be developed, divided, and/or used for those activities listed in Table 5-1, *Permitted Uses*. Table 5-1 lists the permitted, conditionally-permitted, and administratively permitted land uses for each land use district established by this Specific Plan (Business Park and Industrial). A use that is not listed in Table 5-1 is a prohibited use unless otherwise allowed pursuant to the procedures described in Chapter 7, *Implementation Plan*, or applicable interpretations and determinations established by the Development Code. The entire Specific Plan boundary is located within the Chino Airport Safety Zones (Safety Zones 1, 2, 3, 4 & 6), that may limit land uses refer to the Chino Airport Land Use Compatibility Plan for additional land use restrictions.

The symbols shown in Table 5-1 have the following meanings:

***"P"** means the land use is permitted by right of being in the proper land use district, subject to the development standards applicable to that land use district.*

***"C"** means the land use is conditionally permitted, subject to the filing of a Conditional Use Permit in accordance with the requirements of the Development Code and must be approved by the City of Ontario Zoning Administrator or Planning Commission before the use can be established within a particular land use district.*

***"A"** means an administratively permitted use is permitted in the proper land use district, subject to the granting of an Administrative Use Permit.*

Table 5-1 Permitted Uses

Use Legend: Permitted Use = "P" Conditional Use = "C" Administratively Permitted Use = "A" Prohibited Use = "---"

Use	Land Use District: Industrial (PAs 1, 2, 3, 4, 5 & 6)	Land Use District: Business Park (PAs 1A, 3A, 4A, 5A & 6A)	Notes
Agricultural, Forestry, Fishing, Hunting			
Temporary and Interim Agricultural Uses	P	P	Restricted to existing agriculture and dairy uses.
Manufacturing			
Apparel	P	P	
Beverage	C	---	
Chemical	C	---	
Computer and Electronic Products	P	P	
Electrical Equipment, Appliance, and Component	P	P	
Fabricated Metal Products	P	---	
Food	C	---	
Footwear	P	P	
Furniture and Related Products	P	P	
Leather and Allied Products	P	P	Excludes leather and hide finishing/tanning.
Machinery	P	---	
Miscellaneous Manufacturing	P	P	Includes medical equipment and supplies; jewelry and silverware; sporting and athletic goods; dolls, toys and games; office supplies; signs; and other miscellaneous manufacturing.
Plastic Products (Manufacturing)	C	---	
Rubber Products (Manufacturing)	C	---	
Plastics and Rubber Products (Assembly)	P	P	
Printing and Related Support Activities	C	C	

Table 5-1 Permitted Uses (Cont'd)

Use Legend: Permitted Use = "P" Conditional Use = "C" Administratively Permitted Use = "A" Prohibited Use = "---"

Use	Land Use District: Industrial (PAs 1, 2, 3, 4, 5 & 6)	Land Use District: Business Park (PAs 1A, 3A, 4A, 5A & 6A)	Notes
Textile Mills	C	---	Transforms basic fiber into fabric.
Textile Products	C	C	Transforms fabric into product, except apparel.
Wood Products	C	---	
Wholesale Trade			
Motor Vehicles and Motor Vehicle Parts and Supplies	P	---	
Furniture and Home Furnishings	P	P	
Professional and Commercial Equipment and Supplies	P	P	
Household Appliances and Electrical/Electronic Goods	P	P	
Hardware, Plumbing/Heating Equipment and Supplies	P	P	
Machinery Equipment and Supplies	P	---	
Miscellaneous Durable Goods	P	---	
Transportation and Warehousing			
Within a Wholly Enclosed Building	P	P	Includes indoor motor vehicle storage.
Outside Materials and Equipment Storage	A	---	Outdoor motor vehicle storage permitted in the Industrial land use district. Refer to Section 5.5.1(2) of this Specific Plan for outdoor storage provisions.
Fulfillment Center	P	---	
Refrigerated Warehousing and Storage	C	---	A maximum of 10% of building square footage of entire Specific Plan.
Industrial Retail Sales			
Maximum 15% of Building Gross Floor Area or 8,000 s.f., whichever is less	A	A	
More than 15% of Building Gross Floor Area or 8,000 s.f., whichever is greater	C	C	

Table 5-1 Permitted Uses (Cont'd)

Use Legend: Permitted Use = "P" Conditional Use = "C" Administratively Permitted Use = "A" Prohibited Use = "---"

Use	Land Use District: Industrial (PAs 1, 2, 3, 4, 5 & 6)	Land Use District: Business Park (PAs 1A, 3A, 4A, 5A & 6A)	Notes
Package and Parcel Sorting and Delivery	P	---	
Information			
Telecommunication Facilities	A	A	
Professional, Scientific, Tech. Services			
Including but not limited to professional offices of legal, accounting, tax preparation, bookkeeping, payroll, architecture, engineering, and specialized design services; systems design; management, scientific, and technical consulting services; administrative and business support services; and advertising and public relations services.	A	P	
Management of Companies and Enterprises	A	P	Including corporate, subsidiary, and regional managing offices.
Scientific Research and Development Services	---	C	
Sound (Audio) Recording Facilities	---	P	
Accommodation and Food Services			
Food Service Contractors	---	C	
Caterers	---	C	
Mobile Food Services	---	C	
Other Services (except Pubic Administration)			
Motor Vehicle Cleaning, Repair and Maintenance	C	C	
Linen and Uniform Supply	C	C	Includes linen supply and industrial launders.
Motion Picture and Video Industries	---	P	Excludes movie theaters.
Auction Houses	C	C	
Couriers and Messengers	P	P	
Data Processing, Hosting and Related Services	P	P	
Electronic (Internet) Shopping and Auctions, and Mail Order Houses	P	P	Includes direct business to consumer internet retail sales, auction houses, and/or mail order retail sales.

5.5 DEVELOPMENT STANDARDS

The following standards establish the development criteria that shall apply within the Business Park and Industrial land use districts of this Specific Plan. The entire Specific Plan boundary is located within the Chino Airport Safety Zones that may limit building height, land uses, limit FAR based on the proposed land use, and requires open land. Refer to the Chino Airport Land Use Compatibility Plan for additional land use restrictions.

Table 5-2 Development Standards

Development Standards		
Site Requirements		
	BP	**I**
Minimum Lot Size	1.0 acre	1.0 acre
Maximum Floor Area Ratio	0.60[1]	0.55[1]
Overall Minimum Landscape Coverage (Landscaping shall include plantings (trees, shrubs, groundcovers, vines) and may include walkways, benches, trellises, thematic fencing, walls, and related amenities.)	10%[2,3]	10%[2,3]
Minimum Landscape Coverage on Parcels at Principal Arterial Corners	10%[4]	10%[4]

1. Maximum Floor Area Ratio shall be determined based on the gross total acreage of all parcels developed in all Planning Areas of the same land use category (Business Park (BP) or Industrial (I)), and the total gross floor area of all buildings developed in the same land use category. The FAR maximum shall not apply on a planning area by planning area or parcel by parcel basis.

2. The Overall Minimum Landscape Coverage shall be determined based on the net total acreage of all parcels in the same land use category. The minimum landscape coverage requirement shall not apply on a planning area by planning area or parcel by parcel basis.

3. The landscaped portions of Water Quality Basins shall be counted towards the total landscape coverage. Non-landscaped portions of Water Quality Basins shall not be counted towards the total landscape coverage.

4. Minimum Landscape Coverage at Principal Arterial Corners shall be determined based on the net total acreage of parcels adjoining the corner. Refer to Specific Plan Figure 6-1 "Primary Entry Treatment" for locations.

Table 5-3 Minimum Setback Requirements at Public Streets

- As measured from the public right-of-way.
- Architecture features such as cornices, eaves, canopies, decorative wall elements may encroach up to 4 feet into the setback.

	BP	**I**
Eucalyptus Avenue		
Building	23 feet	N/A
Drive Aisle and Passenger Car Parking	23 feet	N/A
Screened Loading and Storage Yards	23 feet	N/A
Vineyard Avenue		
Building	25 feet	25 feet
Drive Aisle and Passenger Car Parking	25 feet	25 feet
Screened Loading and Storage Yards	25 feet	25 feet
Grove Avenue		
Building	20 feet	20 feet
Drive Aisle and Passenger Car Parking	20 feet	20 feet
Screened Loading and Storage Yards	20 feet	20 feet
Walker Avenue		
Building	18 feet	18 feet
Drive Aisle and Passenger Car Parking	18 feet	18 feet
Screened Loading and Storage Yards	18 feet	18 feet
Baker Avenue		
Building	10 feet	10 feet
Drive Aisle and Passenger Car Parking	10 feet	10 feet
Screened Loading and Storage Yards	10 feet	10 feet

Table 5-3 Minimum Setback Requirements at Public Streets (Cont'd)

	BP	I
Carpenter Avenue		
Building	10 feet	10 feet
Drive Aisle and Passenger Car Parking	10 feet	10 feet
Screened Loading and Storage Yards	10 feet	10 feet
Merrill Avenue		
Building	N/A	23 feet
Drive Aisle and Passenger Car Parking	N/A	23 feet
Screened Loading and Storage Yards	N/A	23 feet
Street "A"		
Building	N/A	10 feet
Drive Aisle and Passenger Car Parking	N/A	10 feet
Screened Loading and Storage Yards	N/A	10 feet

Table 5-4 Minimum Setback Requirements at Interior Side Yards

- As measured from the property line.

	BP	I
Interior Side Yard		
Building	5 feet	0 feet
Drive Aisle, Passenger Car and Truck Parking	5 feet	5 feet
Screened Loading and Storage Yards	0 feet	0 feet

Table 5-5 Minimum Drive Aisle and Parking Space Separation Requirements

- As measured from the edge of pavement.

	BP	I
Adjacent to building office element	10 feet	10 feet
Adjacent to solid building wall or screen wall/fence, and not within a screened/ enclosed yard.	5 feet	5 feet
Adjacent to solid building wall or screen wall/fence, and within a screened/enclosed yard.	0 feet	0 feet

Table 5-6 Maximum Building Height Requirements

- As measured from the building's finished floor.
- Maximum building height in the southwest portion of Planning Area 1 is required to be lower than 95 feet subject to consistency with the Chino Airport Compatibility Plan, or in absence of an adopted Compatibility Plan, the California Airport Land Use Planning Handbook.

	BP	I
Building Height	45 feet	85 feet
Vertical Architectural Projections (towers, focal elements, cupolas, etc.)	55 feet	95 feet
Building Height and Vertical Architectural Projections (Planning Areas 5 and 6)	N/A	110 feet

5.5.1 Other Development Standards

(1) Loading docks and truck parking areas shall be visually screened from Eucalyptus Avenue, Grove Avenue, Walker Avenue, Baker Avenue, Vineyard Avenue, Merrill Avenue, Street "A", and Carpenter Avenue by walls and landscaping features.

(2) The outdoor storage of materials and equipment shall be permitted ancillary to the land uses allowed pursuant to Table 5-1. Outdoor loading and storage areas and loading doors shall be screened from view from public streets by concrete or masonry walls and landscaping. Any gates shall be lockable. Such walls and landscaping used as screening shall be a minimum eight feet (8') in height and shall be of sufficient height to screen all outdoor materials and equipment, tractors and trailers, and loading doors from view of public streets and shall not exceed 14 feet in height. The storage of outdoor materials shall not exceed the height of the screen wall as measured from the interior side of the wall.

(3) Ground- and roof-mounted exterior mechanical equipment, heating and ventilating, air conditioning, tanks, and other mechanical devices shall be of an architecturally compatible design with the primary structure and screened when visible to the public.

(4) Exterior lighting fixtures shall be downward directed. Pole-mounted lights shall be shielded with the light source oriented away from public streets and/or adjacent properties.

(5) All manufacturing and processing activities shall be conducted within a wholly-enclosed building.

(6) The following open land and occupancy limit requirements shall apply in Chino Airport Safety Zones, as established by the Chino Airport Compatibility Plan.

a. Zone 1: The southwestern corner of Planning Area 2 is located in Chino Airport Safety Zone 1. No buildings shall be located in Safety Zone 1.

b. Zone 2: Portions of Planning Areas 1 and 2 are located in Chino Airport Safety Zone 2. At least 25% of the zone shall remain as open land* and occupancy shall be limited to 60 people per acre on average and a maximum of 120 people in any one acre.

c. Zone 3: Portions of Planning Areas 1, 1A, and 2 are located in Chino Airport Safety Zone 3. At least 15% of the zone shall remain as open land* and occupancy shall be limited to 100 people per acre on average and a maximum of 300 people in any one acre.

d. Zone 4: Portions of Planning Areas 1 and 1A are located in Chino Airport Safety Zone 4. At least 15% of the zone shall remain as open land* and occupancy shall be limited to 150 people per acre on average and a maximum of 450 people in any one acre.

e. Zone 6: Portions of all Planning Areas are located in Chino Airport Safety Zone 6. At least 10% of the zone shall remain as open land* or an open area every ¼

mile to ½ mile is required; occupancy shall be limited to 300 people per acre on average and a maximum of 1,200 people in any one acre.

* Open land is defined as areas at least 300 feet long by 75 feet wide (about 0.5 acre) that are relatively level and free of tall vertical objects such as structures, overhead lines/wires, and large trees and poles greater than 4 inches in diameter and taller than 4 feet above the ground. Parking lots can be considered as acceptable open lands.

(7) The Specific Plan area is located in the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) and the AIA established by the Chino Airport Compatibility Plan (CNO ALUCP). All development in MERRILL COMMERCE CENTER shall be subject to the mandatory requirements and standards of those applicable ALUCPs, or the absence of an adopted ALUCP, the California Airport Land Use Planning Handbook. Given the close proximity of the Specific Plan area to the Chino Airport, developers within the Specific Plan area shall consult and coordinate with Chino Airport agencies during the planning and design stage so as to ensure development plans accommodate applicable safety restrictions. The entire Specific Plan area is impacted by the Chino Airport; developers within the Specific Plan area shall consult and coordinate with Chino Airport and FAA during the planning and design stage to ensure that development plans and right-of-way street improvements do not create any hazards and compy with the California Airport Land Use Planning Handbook published by the Caltrans Division of Aeronautics and the Chino Airport Land Use Compatibility Plan.

mile to ½ mile is required; occupancy shall be limited to 300 people per acre on average and a maximum of 1,200 people in any one acre.

* Open land is defined as areas at least 300 feet long by 75 feet wide (about 0.5 acre) that are relatively level and free of tall vertical objects such as structures, overhead lines/wires, and large trees and poles greater than 4 inches in diameter and taller than 4 feet above the ground. Parking lots can be considered as acceptable open lands.

(7) The Specific Plan area is located in the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) and the AIA established by the Chino Airport Compatibility Plan (CNO ALUCP). All development in MERRILL COMMERCE CENTER shall be subject to the mandatory requirements and standards of those applicable ALUCPs, or the absence of an adopted ALUCP, the California Airport Land Use Planning Handbook. Given the close proximity of the Specific Plan area to the Chino Airport, developers within the Specific Plan area shall consult and coordinate with Chino Airport agencies during the planning and design stage so as to ensure development plans accommodate applicable safety restrictions. The entire Specific Plan area is impacted by the Chino Airport; developers within the Specific Plan area shall consult and coordinate with Chino Airport and FAA during the planning and design stage to ensure that development plans and right-of-way street improvements do not create any hazards and compy with the California Airport Land Use Planning Handbook published by the Caltrans Division of Aeronautics and the Chino Airport Land Use Compatibility Plan.

DESIGN GUIDELINES

CHAPTER 6

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CHAPTER 6 - DESIGN GUIDELINES

6.1 PURPOSE AND INTENT

The design guidelines presented in this chapter describe the quality and character of the built environment expected for the MERRILL COMMERCE CENTER. While the design guidelines provide direction, they are meant to provide a certain level of flexibility to allow creative expression during the design of implementing development projects.

The guidelines provide criteria for architecture, lighting, energy efficiency, signage, and landscape design.

The MERRILL COMMERCE CENTER's visual identity will be expressed primarily through landscape, hardscape, and signage elements. The architectural design guidelines contained herein are presented in a manner that ensures consistent architectural expression across the Specific Plan area, while allowing for flexibility in modern-day building design.

All photographs, illustrations, and diagrams contained in these Design Guidelines serve as visual aids to convey the overall theme. Exact replication of the examples is neither required nor anticipated.



Conceptual design theme of the MERRILL COMMERCE CENTER.

The objectives of these Design Guidelines are as follows:

- To provide the City of Ontario with the assurance that the MERRILL COMMERCE CENTER will develop in accordance with the quality and character described within this Specific Plan.
- To provide guidance to developers, builders, engineers, architects, landscape architects, and other professionals to achieve and maintain the desired design quality.
- To provide an aesthetic benchmark for City staff, the Planning Commission, and the City Council in their review of the design of future implementing development projects in the Specific Plan area.
- To provide guidelines that steer the MERRILL COMMERCE CENTER to convey a contemporary aesthetic theme and character while allowing flexibility for practical application and creative expression.
- To provide guidelines for energy efficiency that can be implemented in the site planning, design, and construction phases of the Specific Plan's implementation to minimize waste deposited at landfills, decrease fossil fuel consumption, and reduce domestic water consumption.
- To ensure that the Specific Plan implements the intent of the Ontario Plan and the City's Development Code.

Guidelines that promote energy efficiency are indicated with an ("E") throughout this chapter.

The Design Guidelines presented in this chapter apply to all development within MERRILL COMMERCE CENTER, regardless of the land use category. These guidelines may be subject to modification and contemporary interpretation to allow for responses to unanticipated conditions, including but not limited to changes in the real estate market, needs and desires of building users, technology advancements, and fluctuations in economic conditions.

6.2 DESIGN THEME

The MERRILL COMMERCE CENTER is a contemporary employment center containing Industrial and Business Park land uses. It will provide businesses easy access to the regional transportation network, proximity to workers, and proximity to the Ports of LA and Long Beach (approximately 53 miles to the southwest).

The theme features a contemporary design aesthetic, which provides architectural styling with attractive detailing, steel accents, a light-toned color palette, and timeless features. Signs are modern, lighting is focused and directed, landscaping is colorful and drought-tolerant, and design features are applied that lower energy use demands of building operations.



6.3 SPECIFIC PLAN-WIDE DESIGN GUIDELINES

This section sets forth design guidelines that apply to all planning areas within MERRILL COMMERCE CENTER. Developers, builders, engineers, architects, landscape architects, and other design professionals should utilize these guidelines in order to maintain design continuity throughout the Specific Plan area.

6.3.1 Architecture Design Guidelines

A. Design Theme

The architectural style of the MERRILL COMMERCE CENTER emphasizes building massing over structural articulation. Buildings are characterized by simple and distinct cubic masses with interlocking volumes of wall planes, colors, and materials to create visual appeal. Exterior building colors are light and gray tones with stone, glass, or steel materials at focal points, such as around building entrances and near outdoor gathering spaces. Additionally, architectural designs may mix colors, materials, and textures to articulate façades and create visual appeal.

Design elements are selected to be compatible in character, massing, and materials in order to promote a clean and contemporary feel. Individual creativity and identity is encouraged, but design integrity and compatibility must be maintained among all buildings and planning areas to reinforce a unified image and campus-like setting within the MERRILL COMMERCE CENTER.

B. Building Form

Building form is one of the primary elements of architecture. Numerous design aspects, including shape, mass (size), scale, proportion, and articulation, are elements of a building's "form."



Although provided for illustrative purposes only, the image above shows how building façades visible from public roadways are to incorporate angular changes in massing, building materials, color, texture, and accents.

Building forms are especially important for building façades that are visible along the following public view corridors:

- Building façades in Planning Areas 1, 1A, and 2 that are visible from Grove Avenue, a principal arterial;
- Building façades in Planning Areas 1A, 3A, 4A, 5A and 6A that are visible from Eucalyptus Avenue, a collector road;
- Building façades in Planning Areas 5, 5A, 6, and 6A that are visible from Vineyard Avenue, a principal arterial; and
- Building façades in Planning Areas 2, 3, 4, 5, and 6 that are visible from Merrill Avenue, a collector road.

The following guidelines apply to buildings within the MERRILL COMMERCE CENTER to ensure that development is visually consistent, appealing, and inviting: Note that building faces that orient inward to truck courts or service areas and that are not visible from public roads, or publicly accessible viewing areas, are not required to adhere to the below building form guidelines.

(1) Use simple geometric shapes as the overall building form. Rectangular forms are encouraged to promote balance and visual interest. Avoid arbitrary, complicated building forms.

(2) Long horizontal wall planes visible from a public street should include periodic changes in exterior building materials, color, decorative accents, and/or articulated features.

(3) Modulation and variation of building masses between adjacent buildings visible from public streets is encouraged.

(4) Make pedestrian entrances to buildings (with the exception of service doors and emergency exit doors) obvious through changes in massing, color, and/or building materials.

(5) Pedestrian and ground-level building entries intended for visitor use should be recessed or covered by architectural projections, roofs, or arcades in order to provide shade and visual relief.

(6) Architectural and trim detailing on building façades shall be clean, simplistic, and not overly complicated.

(7) Materials applied to any elevations shall turn the corner of the building to a logical termination point in relation to architectural features or massing.



Although provided for illustrative purposes only, the image above shows an example of how the architecture of buildings is to be articulated at pedestrian entrances.

C. *Building Materials, Colors, and Textures*

Building materials and colors play a key role in developing a clean, contemporary visual environment; therefore, the selected exterior materials, colors, and textures should complement one another throughout the MERRILL COMMERCE CENTER. Slight variations are encouraged to provide visual interest.

(1) Appropriate primary exterior building materials include concrete and similar materials, as well as tilt-up panels. The primary materials should be accented by secondary materials including but not limited to natural or fabricated stone, Fire resistant wood siding (horizontal or vertical), and metal.

(2) Trim details may include metal finished in a consistent color, plaster, or concrete elements finished consistently with the building treatment. Use of overly extraneous "themed" detailing, like oversized or excessive foam cornice caps, foam moulding and window detailing is discouraged.

(3) Material changes should occur at intersecting planes, preferably at the inside corners of change of wall planes, or where architectural elements intersect.

(4) Primary exterior building colors should be light and gray tones. Darker and/or more vibrant accent colors may be provided in focal point areas, such as around building entrances and near outdoor gathering spaces.

(5) Bright primary colors, garish use of color, and arbitrary patterns or stripes that will clash with this color palette are discouraged, except in signage logos.

(6) Exposed downspouts (only permitted if not in public view), service doors and mechanical screen colors shall be the same color as the adjacent wall.

(7) If downspouts are needed in areas of public view, they shall be designed as internal downspouts.



Although provided for illustrative purposes only, the image above shows an example of the conceptual accent building materials, colors, and textures desired for the Industrial and Business Park buildings within the MERRILL COMMERCE CENTER.

D. Windows and Doors

The patterns of window and door openings shall correspond with the overall rhythm of the building and should be consistent in form, pattern, and color within each planning area. Guidelines for windows and doors within the MERRILL COMMERCE CENTER are as follows:

(1) When possible, the positioning of doors and windows on individual building façades should occur in a symmetrical and repetitive pattern to create continuity.

(2) Window styles and trims shall be consistent in form and color in each planning area. Window trims shall be finished in a consistent color on each building.

(3) Gold or unfinished/untreated metal window or door frames are prohibited. Clear silver anodized frames are allowed.

(4) Glass shall be clear or colored with subtle reflectiveness. Silver/reflective glass is prohibited. Green tinted windows with subtle reflectiveness are allowed.

(5) Pedestrian entry doors to buildings shall be clearly defined by features such as overhangs, awnings, and canopies or embellished with decorative framing treatments – including but not limited to accent trim. Dark and confined entries, flush doorways (except emergency exit and service doors), and tacked-on entry alcoves are discouraged.



Although provided for illustrative purposes only, the image above shows the pattern and style of windows and doors desired for Industrial and Business Park buildings in the MERRILL COMMERCE CENTER.

F. Walls and Fences

The following guidelines for walls and fencing will ensure that these features complement the overall the MERRILL COMMERCE CENTER design theme, and are attractive from public viewing areas, scaled appropriately, durable, and integrated consistently within the Specific Plan area.

(1) Freestanding walls and fences should not exceed a height of 14 feet, measured from the base of the wall/fence to the top of the wall/fence.

(2) Landscaping may be used for visual screening instead of walls and fences in locations where a solid physical barrier is not needed.

(3) Walls and fences in public view should be built with attractive, durable materials.

(4) Chain-link fencing is not permitted as perimeter fencing and/or within public view.

(5) Along public street frontages, long expanses of wall surfaces should be offset and/or architecturally treated to prevent monotony. Techniques to accomplish this may include, but are not limited to: openings, material changes, pilasters and posts, and staggered sections.

(6) Wall and fencing materials shall be compatible with other design elements of the MERRILL COMMERCE CENTER.







Although wall and fence design may vary, the concepts shown above provide examples of an ornamental iron fence (top), architecturally-enhanced screen wall (bottom-left), and freestanding wall (bottom-right).

6.4 TRUCK COURTS AND LOADING DOCKS

(1) Loading doors, service docks, and equipment areas should be oriented or screened to reduce visibility from public roads and publicly accessible locations within the MERRILL COMMERCE CENTER. Screening may be accomplished with solid walls or fences that are compatible with the architectural expression of the building. Screening may also be accomplished by landscaping.

(2) Business park buildings located along Eucalyptus Avenue shall not have loading docks on the building façade(s) facing Eucalyptus Avenue.

(3) No loading or unloading activity is permitted to take place from public streets/view.

(4) Adequate queuing distance should be provided on-site in front of security gates to avoid the circumstance of trucks stacking on public streets waiting to enter at gates.

(5) Truck and service vehicle entries should be designed to provide clear and convenient access to truck courts and loading areas such that passenger vehicle, pedestrian, and bicycle circulation is not adversely affected by truck movements.

(6) Loading bays that are utilized by refrigerated trailers shall have dock seals and be equipped with plug-in electrical outlets. (E)

(7) Conduit should be installed in truck courts in logical locations that would allow for the future installation of charging stations for electric trucks, in anticipation of this technology becoming available in the lifetime of the MERRILL COMMERCE CENTER. (E)



Although provided for illustrative purposes only, the image above shows screening concepts for truck courts/loading areas.

6.5 GROUND OR WALL-MOUNTED EQUIPMENT

(1) Ground-mounted equipment, including but not limited to mechanical or electrical equipment, emergency generators, boilers, storage tanks, risers, and electrical conduits, should be screened from public viewing areas including adjacent public roads. Screening may be accomplished with solid walls, or landscaping.

(2) Electrical equipment rooms should be located within the building envelope. Pop-outs or shed-like additions are discouraged.

(3) Wall-mounted items, such as electrical panels, should not be located on the building façade facing adjacent public roads/views. Wall-mounted items should be screened or incorporated into the architectural elements of the building so as not to be visually apparent from the street or other public areas.

6.6 ROOFTOP EQUIPMENT

(1) Rooftop equipment, including but not limited to mechanical equipment, electrical equipment, storage tanks, wireless telecommunication facilities, satellite dishes, vents, exhaust fans, smoke hatches, and mechanical ducts, shall be screened by rooftop screens or parapet walls so as not to be visible by the public.

(2) Integrate rooftop screens (i.e. parapet walls) into the architecture of the main building. Wood finished rooftop screens are prohibited.

(3) Design the roofs of Industrial buildings to support the future installation of solar panels. (E)

(4) Roof access (via roof ladders or other means) must be located interior to the building.



Although provided for illustrative purposes only, the image above shows how rooftop equipment would be screened from public viewing areas by a metal parapet.

6.7 TRASH ENCLOSURES

(1) All outdoor refuse containers shall be screened within a permanent, lockable and durable enclosure and should be oriented so they are not visible from public roads/views. The enclosure's design shall reflect the architectural style of adjacent buildings and use similar, high-quality materials.

(2) All outdoor trash enclosures shall be constructed with solid roofs to prevent exposure of dumpster contents to rainfall and prevent polluted stormwater runoff from these structures. (E)

(3) Refuse collection areas shall be located behind or to the side of buildings, away from the building's main entrance and public view.

(4) Buildings shall be designed to meet all Integrated Waste Department requirements, including the requirements for Sizing of Storage, Location of Collection Area, Accessibility for Collection Vehicles, and Collection of Sorted/Diverted Waste Types.

6.8 OUTDOOR EMPLOYEE AMENITIES

(1) Bicycle racks should be provided at each building or in a common area that serves multiple buildings to encourage non-vehicular circulation.

(2) Industrial buildings should include an outdoor employee amenity area, including tables and chairs so that workers do not have to travel off-site for outdoor enjoyment.





The MERRILL COMMERCE CENTER will include outdoor amenities such as bike racks and break areas for the enjoyment of employees and visitors.

6.9 OUTDOOR LIGHTING

Outdoor lighting of the MERRILL COMMERCE CENTER is an essential architectural component that provides aesthetic appeal, enhances safe pedestrian and vehicular circulation, and adds to security. Lighting within the public rights-of-way shall adhere to applicable City of Ontario requirements.

All other lighting on private property in the Specific Plan should adhere to the following guidelines.

(1) Minimize glare and "spill over" light onto public streets and adjacent properties by using downward-directed lights and/or cutoff devises on outdoor lighting fixtures, including spotlights, floodlights, electrical reflectors, and other means of illumination for signs, structures, parking, loading, unloading, and similar areas. Where desired, illuminate trees and other landscape features by concealed uplight fixtures. Limit light spillover or trespass to one-quarter foot-candle or less, measured from within five feet of any adjacent property line.

(2) Select all lighting fixtures used in the Specific Plan area from the same – or complementary – family of fixtures with respect to design, materials, fixture color, and light color. Use of LED lighting is encouraged. (E)

(3) Lights should be unbreakable plastic, recessed, or otherwise designed to reduce the problems associated with damage and replacement of fixtures.

(4) Neon and similar types of lighting are prohibited in all areas within the MERRILL COMMERCE CENTER.

(5) Locate all electrical meter pedestals and light switch/control equipment in areas with minimum public visibility or screen them with appropriate plant materials.



Although provided for illustrative purposes only, the image above conceptually show lighting fixtures that are consistent with the overall theme of the Specific Plan and minimize glare and spill over light onto public streets and adjacent properties.

(6) Illuminate parking lots, loading dock areas, pedestrian walkways, building entrances, and public sidewalks to the level necessary for building operation and security reasons. Dimmers and motion detectors are permitted.

(7) Along sidewalks and walkways, the use of low mounted fixtures (ground or bollard height), which reinforce the pedestrian-scaled, are encouraged.

(8) Use exterior lights to accent entrances, plazas, activity areas, and special features.

(9) To illuminate parking lots or parking structures and their pedestrian links that provide more than five parking spaces for use by the general public, provide minimum coverage of one foot-candle of light with a maximum of eight foot-candles on the parking or walkway surface, unless otherwise approved by the City of Ontario for visibility and security.

(10) To illuminate aisles and passageways within a building complex, provide a maximum of one-half to one foot-candle of maintained lighting.

(11) High-Pressure Sodium (HPS) light fixtures are prohibited for site lighting.

(12) Lighting is prohibited that could be mistaken for airport lighting or that would create glare in the eyes of pilots of aircraft using the nearby Chino Airport or Ontario International Airport.



Although provided for illustrative purposes only, the image above demonstrates appropriate use of exterior lights to accent entrances and special features.

6.10 SIGNAGE GUIDELINES

Signage within the Specific Plan area serves a variety of purposes. Signs will identify the MERRILL COMMERCE CENTER and its building occupants and ensure the efficient circulation of vehicle traffic within the site by identifying vehicular entry points and directing vehicles to their on-site destinations. Also, signage will enhance the pedestrian experience through the design of wayfinding components: directories, directional signage, and destination identifiers.

As such, clear, concise, and easy-to-understand signage that is also visually appealing is vitally important for positive worker and visitor experiences at the MERRILL COMMERCE CENTER. General design requirements for signage are as follows:

(1) Signage should be compatible with and complementary to the building's exterior materials, colors, and finishes.

(2) The dimensions and shape of free-standing signs and sign panels or elements mounted on building façades or marquees shall be scaled proportionately to the architecture.

(3) All signs shall be contained within the parcel to which it is applicable and shall be so oriented as to preclude hazardous obstructions to person and/or vision of pedestrians and/or vehicle operators.

(4) Building occupant identification signage shall be in keeping with the character established for the MERRILL COMMERCE CENTER with variations allowed to accommodate individual user identities/corporate branding standards.



Although provided for illustrative purposes only, the image above demonstrates integration of building occupant signage with the architectural style and color palette of the building.

(5) All signs are expected to be of the highest quality to pass eye-level examination and scrutiny, and shall comply with the following fabrication specifications:

(a) Signs should be constructed to eliminate burrs, dents, cutting edges and sharp corners;

(b) Welds on exposed surfaces should be imperceptible in the finished work;

(c) Surfaces which are intended to be flat should be without dents, bulges, oil canning, gaps, or other physical deformities;

(d) All fasteners shall be concealed;

(e) Access panels shall be tight-fitting, light-proof and flush with adjacent surfaces;

(f) Manufacturers' recommended fabrication procedures regarding expansion/contraction, fastening and restraining of acrylic plastic shall be followed; and

(g) Painted, polished and plated surfaces shall be unblemished in the finished work.

(6) Prohibited sign components include the following:

(a) Letters with exposed fastening and unfinished edges (unless architecturally consistent);

(b) Paper, cardboard, Styrofoam or untreated cloth;

(c) Visible moving parts or simulated moving parts by means of fluttering, rotation, or reflecting devices; and

(d) Flashing and strobing.

(7) All conductors, transformers, cabinets, housing, and other equipment for the illumination of signs shall be concealed and/or incorporated into the building architecture.

(8) Signs shall be constructed so as to not have exposed wiring, raceways, ballasts, conduit, transformers, or the like.

(9) Direction signs may be located at any vehicular or pedestrian decision point.

(10) Vehicular direction signs shall clearly direct to destination anchors within the MERRILL COMMERCE CENTER, on-site parking areas, and truck routes.

(11) Vehicular direction signs shall be consistent in size, shape, and design throughout the MERRILL COMMERCE CENTER.

(12) Typography on vehicular direction signs should be legible and have enough contrast to be read from an appropriate windshield viewing distance.

(13) Vehicular direction signs shall incorporate reflective vinyl copy for night-time illumination.

(14) All direction signs and general information signs (e.g., restrooms, telephones, fire extinguishers, elevators, escalators, stairs) throughout the MERRILL COMMERCE CENTER shall incorporate the appropriate identity symbol as established by the Society of Environmental Graphic Design (SEGD) and comply with all State, local and federal regulations.

(15) All traffic control signs, whether on public or private property, shall conform to the California Manual on Uniform Traffic Control Devices (MUTCD).

(16) All signage shall comply with the City of Ontario Development Code's Sign Regulations.

6.11 LANDSCAPE DESIGN GUIDELINES

These *Landscape Design Guidelines* establish landscape principles and standards that apply to all planning areas within the MERRILL COMMERCE CENTER. The intent is to ensure that plant materials, entries and monuments, streetscapes, and other amenities are compatible with the overall design theme and that all implementing development projects are united under a common design vocabulary. These *Landscape Design Guidelines*, when taken with the companion *Architectural Design Guidelines* provided herein, establish an identity for the MERRILL COMMERCE CENTER that is contemporary, visually appealing, and contextually sensitive to the surrounding area.

Although a great deal of specific design information is presented herein, these Guidelines are not intended to establish a set of rigid landscaping requirements for the MERRILL COMMERCE CENTER. It is recognized that, at times, there will be a need to adapt these Guidelines to meet certain parcel-specific or user-identity requirements. As such, these *Landscape Guidelines* are intended to be flexible, and are subject to modification over time. However, it is critical to the MERRILL COMMERCE CENTER's long-term design integrity that any deviations from these Landscape Guidelines are in keeping with the spirit of the core elements of the overall theme described herein to ensure a cohesive and unified landscape concept across the MERRILL COMMERCE CENTER.

The landscaping plan serves the dual purpose of adding visual appeal while being sensitive to the environment and the Southern California climate by using drought-tolerant materials. Landscaping occurs throughout the MERRILL COMMERCE CENTER, but most prominently at street corners, along roadways, and at building entrances and in passenger car parking lots.

Primary Entry Treatments and Secondary Entry Treatments provided at entry corners welcome employees and visitors to the MERRILL COMMERCE CENTER. Primary entry treatments featuring signs and landscaping occur at the corners of Eucalyptus Avenue with Grove Avenue and with Vineyard Avenue, and Merrill Avenue with Grove Avenue and with Vineyard Avenue. Secondary Entry Treatments featuring colorful accent trees, shrubs, and groundcover occur at the corners of entrances into the MERRILL COMMERCE CENTER.

Streetscape landscaping presents a combination of evergreen and deciduous trees, low shrubs, and masses of groundcovers to create a visually pleasing experience for pedestrians and passing motorists.

As identified on Figure 6-1, *Conceptual Landscape and Greenspace Plan,* the MERRILL COMMERCE CENTER's thematic identity is reinforced by the landscape design of interfaces, monumentation, streetscapes, and pedestrian paths. Furthermore, the recommended plant palette, community elements, and hardscape materials work in concert to reinforce and emphasize the MERRILL COMMERCE CENTER's landscape theme.



Landscape theme for drought-tolerant planting areas in the MERRILL COMMERCE CENTER, provided for illustrative purposes only.

6.11.1 Plant Palette

The plant palette for the MERRILL COMMERCE CENTER includes colorful shrubs and groundcovers, ornamental grasses and succulents, and evergreen and deciduous trees – including flowering varieties – that are commonly used throughout Southern California and complement the MERRILL COMMERCE CENTER's design theme and setting. Many of the plant materials are water-efficient species native to Southern California or naturalized to the arid Southern California climate.

Table 6-1, Plant Palette, provides a list of plant materials approved for use in the MERRILL COMMERCE CENTER. The plants listed in Table 6-1 establish a base palette for the MERRILL COMMERCE CENTER landscape design. Other similar plant materials may be substituted for species listed in Table 6-1, provided the alternative plants are drought-tolerant and complement the MERRILL COMMERCE CENTER design theme.

6.11.2 Irrigation

The following general irrigation concepts shall be considered in the design and installation of irrigation systems within the MERRILL COMMERCE CENTER:

(1) All landscaped areas should be equipped with a permanent, automatic, underground irrigation system. Drip systems are encouraged in all areas needing irrigation. Irrigation systems must conform to all City of Ontario requirements. (E)

(2) Irrigation systems should be designed to apply water slowly, allowing plants to be deep soaked and to reduce run-off. (E)

(3) Connect the irrigation system to the recycled water conveyance system (E)

(4) "Pop-up" type sprinkler heads may be used adjacent to all walks, drives, curbs (car overhangs), parking areas and public right-of-way but must be designed to prevent all run-off and overspray

(5) The design of irrigation systems, particularly the location of controller boxes, valves, and other above-ground equipment (e.g., backflow prevention devices), shall be incorporated into the overall landscaping design. Where aboveground equipment is provided, it shall be screened or otherwise removed from public view, to the extent possible.

(6) The irrigation system shall be programmed to operate between 6:00pm and 6:00am. (E)

Table 6-1 Plant Palette

BOTANICAL NAME	COMMON NAME	APPLICATION	WATER USE
TREES			
ARBUTUS 'MARINA'	MARINA STRAWBERRY TREE	ACCENT TREE / CANOPY TREE	L
CERCIDIUM X 'DESERT MUSEUM'	DESERT MUSEUM PALO VERDE	ACCENT TREE	L
CERCIS C. 'FOREST PANSY'	EASTERN REDBUD	STREET TREE / WATER QUALITY	M
CHITALPA T. 'MORNING CLOUD'	CHITALPA	STREET TREE	L
GEIJERA PARVIFLORA	AUSTRALIAN WILLOW	CANOPY TREE / BACKGROUND	L
KOELRUETERIA BIPINNATA	CHINESE FLAME TREE	STREET TREE	L
LAGERSTROEMIA F. 'NATCHEZ'	CRAPE MYRTLE	STREET TREE / CANOPY TREE	M
MAGNOLIA SPP.	ST. MARY'S MAGNOLIA	STREET TREE / CANOPY TREE	M
OLEA EUROPAEA – SWAN HILL	SWAN HILL FRUITLESS OLIVE	ACCENT TREE	L
PINUS ELDARICA	AFGHAN PINE	STREET TREE / BACKGROUND	M
PISTACHIA CHINENSIS	CHINESE PISTACHE	STREET TREE	M
PLATANUS A. 'BLOODGOOD'	LONDON PLANE TREE	STREET TREE / BACKGROUND	M
PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	WATER QUALITY / CANOPY TREE	M
PODOCARPUS GRACILIOR	FERN PINE	STREET TREE / CANOPY TREE	M
TRISTANIA CONFERTA	BRISBANE BOX	CANOPY TREE / BACKGROUND	M
QUERCUS AGRIFOLIA	COAST LIVE OAK	STREET TREE / ACCENT TREE	L
QUERCUS SUBER	CORK OAK	STREET TREE	L
QUERCUS ILEX	HOLLY OAK	STREET TREE / CANOPY TREE	L
SHRUBS AND GROUNDCOVERS			
ACACIA REDOLENS	ACACIA	GROUNDCOVER	L
ALOE ARBORESCENS	TORCH ALOE	ACCENT / BACKGROUND	L
ALOE PETRICOLA	STONE ALOE	ACCENT / BACKGROUND	L
ALOE STRIATA	CORAL ALOE	ACCENT	L
ARBUTUS U. 'COMPACTA'	DWARF STRAWBERRY TREE	BACKGROUND	L
BACCHARIS X 'CENTENNIAL'	CENTENNIAL COYOTE BRUSH	WATER QUALITY	L

BOTANICAL NAME	COMMON NAME	APPLICATION	WATER USE
SHRUBS AND GROUNDCOVERS			
CALLISTEMON 'LITTLE JOHN'	DWARF CALLISTEMON	MIDGROUND / FOREGROUND	L
CARISSA M. 'GREEN CARPET'	DWARF NATAL PLUM	GROUNDCOVER	M
CAREX DIVULSA	BERKELEY SEDGE	GROUNDCOVER / FOREGROUND	L
CISTUS PURPUREUS	PURPLE ROCK ROSE	MID-GROUND / WATER QUALITY	L
COTYLEDON ORBICULATA	PIG'S EAR	FOREGROUND / ACCENT	L
DIANELLA 'LITTLE REV'	LITTLE REV FLAX LILY	FOREGROUND	L
DIANELLA T. 'VARIEGATA'	VARIEGATED FLAX LILY	FOREGROUND / MID-GROUND	M
ECHEVERIA A. 'LIPSTICK'	ECHEVERIA	ACCENT	L
FESTUCA MAIREI	ATLAS FESCUE	FOREGROUND / MID-GROUND	L
HESPERALOE 'BRAKELIGHTS'	BRAKELIGHTS YUCCA	MID-GROUND / ACCENT	L
JUNCUS PATENS	CALIFORNIA GRAY RUSH	WATER QUALITY	L
KURAPIA	KURAPIA	GROUNDCOVER	L
LANTANA MONTEVIDENSIS	PURPLE LANTANA	GROUNDCOVER	L
LANTANA 'NEW GOLD'	NEW GOLD LANTANA	GROUNDCOVER / FOREGROUND	L
LAVANDULA X I. 'PROVENCE'	PROVENCE FRENCH LAVENDER	FOREGROUND	L
LEYMUS C. 'CANYON PRINCE'	CANYON PRINCE WILD RYE	MID-GROUND / WATER QUALITY	L
MUHLENBERGIA C. 'REGAL MIST'	PINK MUHLY	MID-GROUND / WATER QUALITY	L
OLEA 'MONTRA'	LITTLE OLLIE	MID-GROUND	L
RHAPHIOLEPIS INDICA 'CLARA'	INDIAN HAWTHORN	MID-GROUND / BACKGROUND	M
ROSMARINUS O. 'PROSTRATUS'	PROSTRATE ROSEMARY	GROUNDCOVER	L
SALVIA GREGGII	AUTUMN SAGE	MID-GROUND	L
SALVIA L. 'SANTA BARBARA'	SANTA BARBARA MEXICAN SAGE	MID-GROUND / WATER QUALITY	L
TURF 'MARATHON IIE'	SODDED TURF	GROUNDCOVER	H
WESTRINGIA 'WYNYABBIE GEM'	COAST ROSEMARY	BACKGROUND	L

6.11.3 Streetscapes

Streetscape landscaping plays an important role in creating a sense of place. In addition, streetscapes serve functional purposes, including screening undesirable views from public view. Within the MERRILL COMMERCE CENTER, streetscapes are planted with a combination of evergreen and deciduous trees, low shrubs, and masses of groundcovers to create a visually pleasing experience for pedestrians and passing motorists. The landscaping plant palette for streetscapes should link the roadways to the rest of the MERRILL COMMERCE CENTER and should reflect the CENTER's landscape design theme.

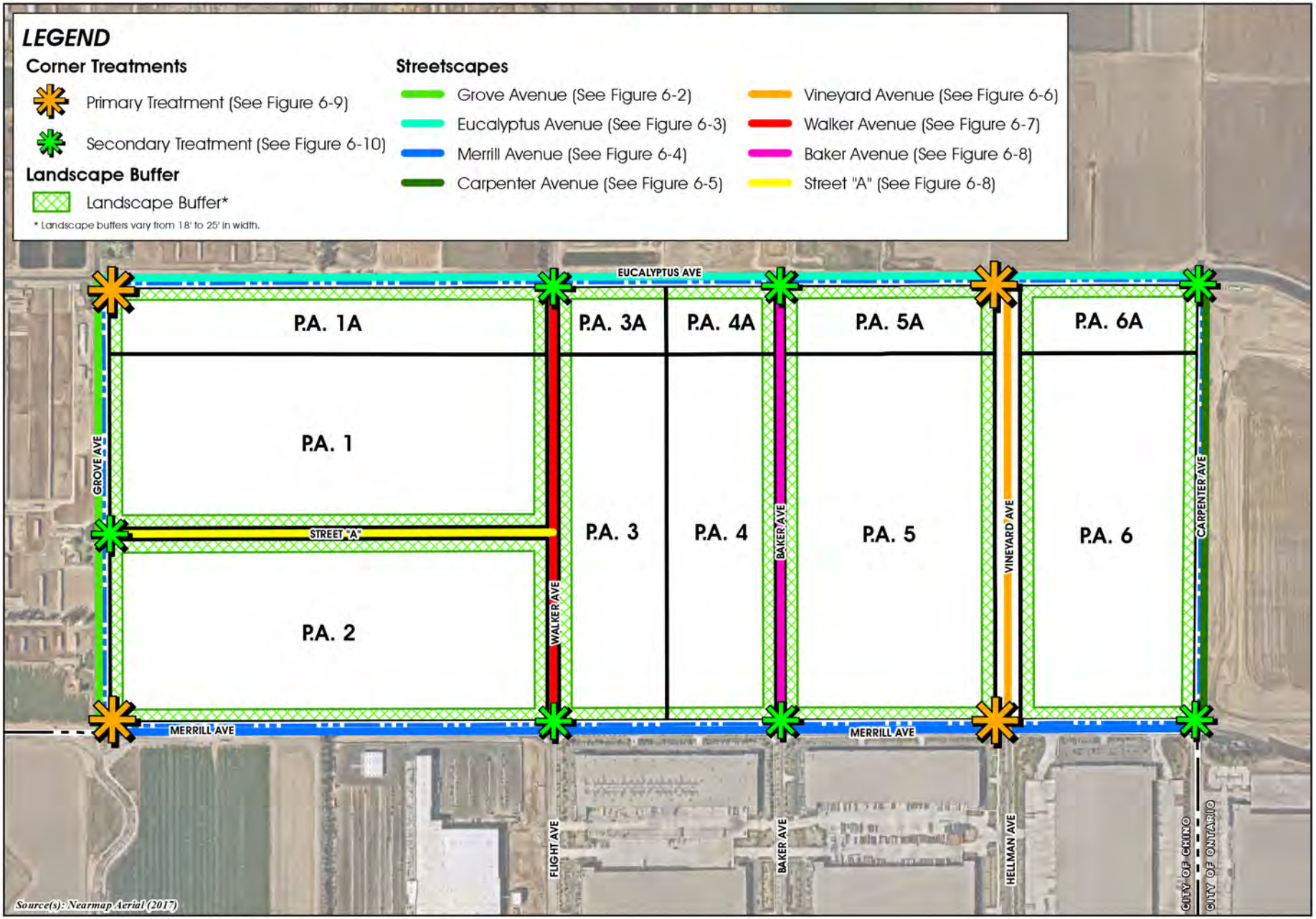
The conceptual streetscape landscape treatments within the MERRILL COMMERCE CENTER are presented on the following pages.

A. Grove Avenue Streetscape

The segment of Grove Avenue abutting the MERRILL COMMERCE CENTER features two landscaped components: 1) a 28-foot wide landscaped raised median and 2) parkways on both sides of the street. The landscaped raised median is planted with thematic accent trees at regular intervals – to reinforce the theme established at entries and monuments – and colorful groundcovers and succulents. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. Evergreen trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk with additional opportunities for shade and to screen undesirable views. An 8-foot wide multi-purpose trail is also provided along the eastern side of Grove Avenue to provide passive recreational opportunities. The typical Grove Avenue Streetscape is illustrated on Figure 6-2, *Grove Avenue Streetscape*.

B. Eucalyptus Avenue Streetscape

The segment of Eucalyptus Avenue abutting the MERRILL COMMERCE CENTER features landscaping within parkways on both sides of the street. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. Evergreen trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk with additional opportunities for shade and to screen undesirable views. Because Eucalyptus Avenue is designated by the Chino Airport Compatibility Plan to satisfy open land requirements, street trees are spaced to maintain a clear width of about 75 feet. An 8-foot wide multi-purpose trail is also provided along the northern side of Eucalyptus Avenue to offer passive recreational opportunities. The typical Eucalyptus Avenue Streetscape is illustrated on Figure 6-3, *Eucalyptus Avenue Streetscape*.



Conceptual Landscape and Greenspace Plan

Figure 6-1

C. *Merrill Avenue Streetscape*

The segment of Merrill Avenue abutting the MERRILL COMMERCE CENTER features landscaping within parkways on both sides of the street. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. Because Merrill Avenue is designated by the Chino Airport Compatibility Plan to satisfy open land requirements, street trees are spaced to maintain a clear width of about 75 feet, except within Airport Safety Zone 1 (southwest portion of Planning Area 1), where no trees are permitted. Along other segments of Merrill Avenue abutting the Specific Plan boundary, additional evergreen and/or deciduous trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk with additional opportunities for shade and to screen undesirable views. An 8-foot wide multi-purpose trail is also provided along the northern side of Merrill Avenue outside of the right-of-way to offer pedestrians passive recreational opportunities. The typical Merrill Avenue Streetscape is illustrated on Figure 6-4, *Merrill Avenue Streetscape*.

D. *Carpenter Avenue Streetscape*

The segment of Carpenter Avenue abutting the MERRILL COMMERCE CENTER features landscaping within parkways on the western side of the street. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. Evergreen and/or deciduous trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk with additional opportunities for shade and to screen undesirable views. The typical Carpenter Avenue Streetscape is illustrated on Figure 6-5, *Carpenter Avenue Streetscape*.

E. *Vineyard Avenue Streetscape*

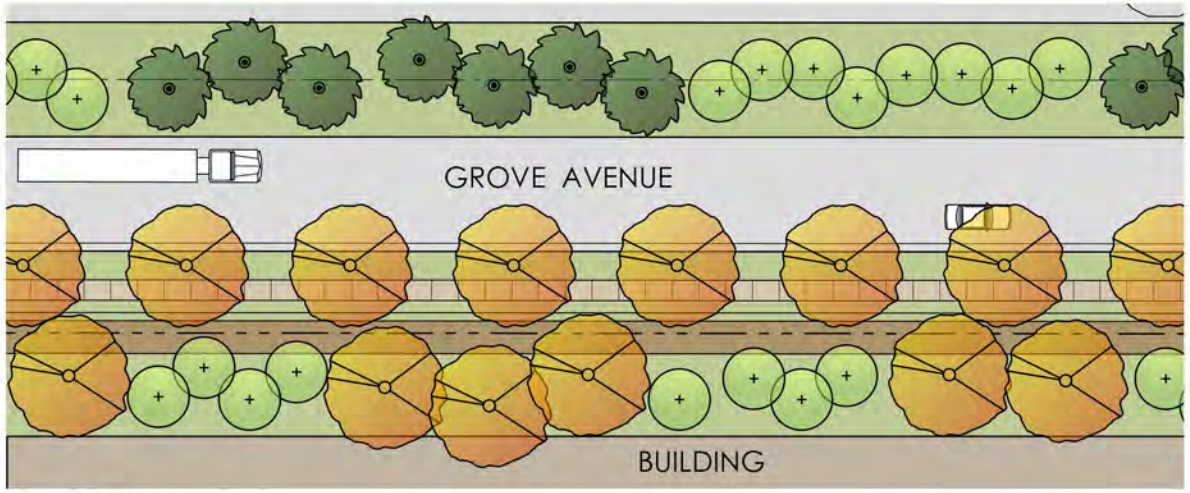
The segment of Vineyard Avenue abutting the MERRILL COMMERCE CENTER features two landscaped components: 1) a 28-foot wide landscaped raised median and 2) parkways on both sides of the street. The landscaped raised median is planted with thematic accent trees at regular intervals – to reinforce the theme established at entries and monuments – and colorful groundcovers and succulents. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. An 8-foot wide Multi-Purpose Trail is also provided along the western side of Vineyard Avenue to provide passive recreational opportunities for pedestrians. Evergreen and/or deciduous trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk and Multi-Purpose Trail with additional opportunities for shade and to screen undesirable views. The typical Vineyard Avenue Streetscape is illustrated on Figure 6-6, *Vineyard Avenue Streetscape*.

F. *Walker Avenue Streetscape*

The typical section of Walker Avenue features landscaping within parkways on both sides of the street. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. Evergreen and/or deciduous trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk with additional opportunities for shade and to screen undesirable views. An 8-foot wide Multi-Purpose Trail is also provided along the eastern side of Walker Avenue outside of the right-of-way to offer pedestrians passive recreational opportunities. The typical Walker Avenue Streetscape is illustrated on Figure 6-7, *Walker Avenue Streetscape*.

G. Street 'A' and Baker Avenue Streetscapes

The typical sections of Street 'A' and Baker Avenue features landscaping within parkways on both sides of the street. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. Evergreen and/or deciduous trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk with additional opportunities for shade and to screen undesirable views. The typical Street 'A' and Baker Avenue Streetscape is illustrated on Figure 6-8, *Baker Avenue and Street "A" Streetscape*.



Plan View

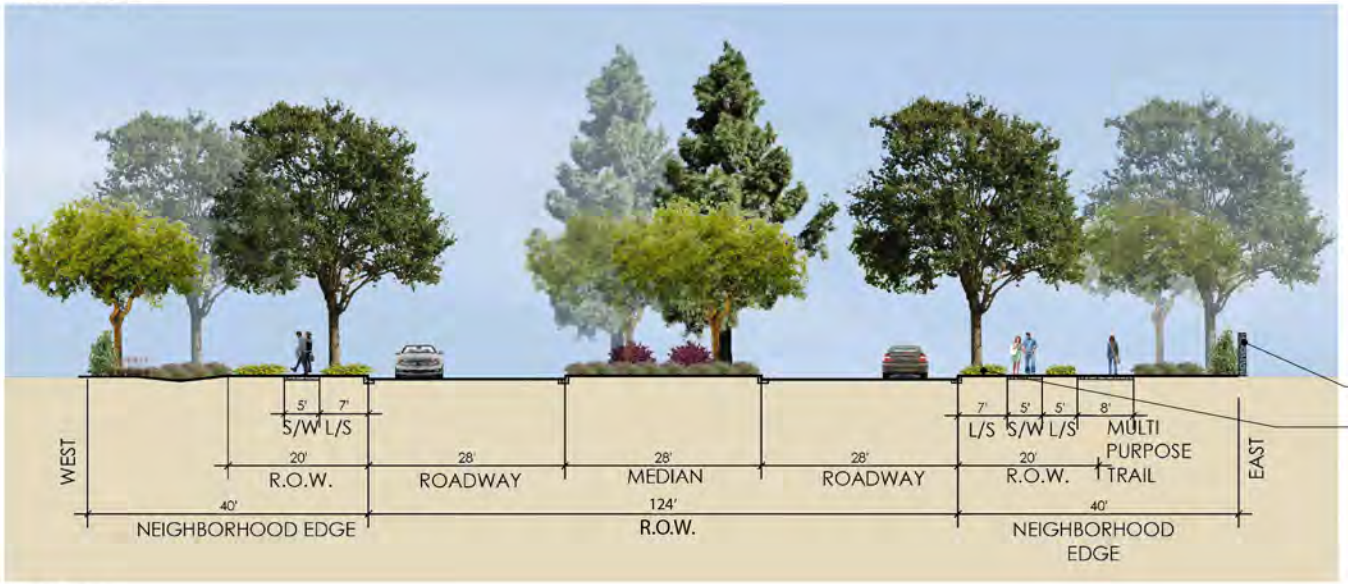
GROVE AVENUE STREETSCAPE

PLATANUS A. 'BLOODGOOD' (LONDON PLANE TREE)
HEIGHT X SPREAD: 40' X 30'
SPACING: 40' O.C.
DESCRIPTION: DECIDUOUS

CERCIS C. 'FOREST PANSY' (EASTERN REDBUD)
HEIGHT X SPREAD: 20' X 15'
SPACING: 15' O.C.
DESCRIPTION: DECIDUOUS

PINUS ELDARICA (AFGHAN PINE)
HEIGHT X SPREAD: 40' X 30'
SPACING: 30' O.C.
DESCRIPTION: EVERGREEN

7' WIDE PARKWAY
5' WIDE SIDEWALK
5' WIDE LANDSCAPE SETBACK
8' WIDE MULTI-PURPOSE TRAIL
(EAST SIDE ONLY)
LANDSCAPE SETBACK



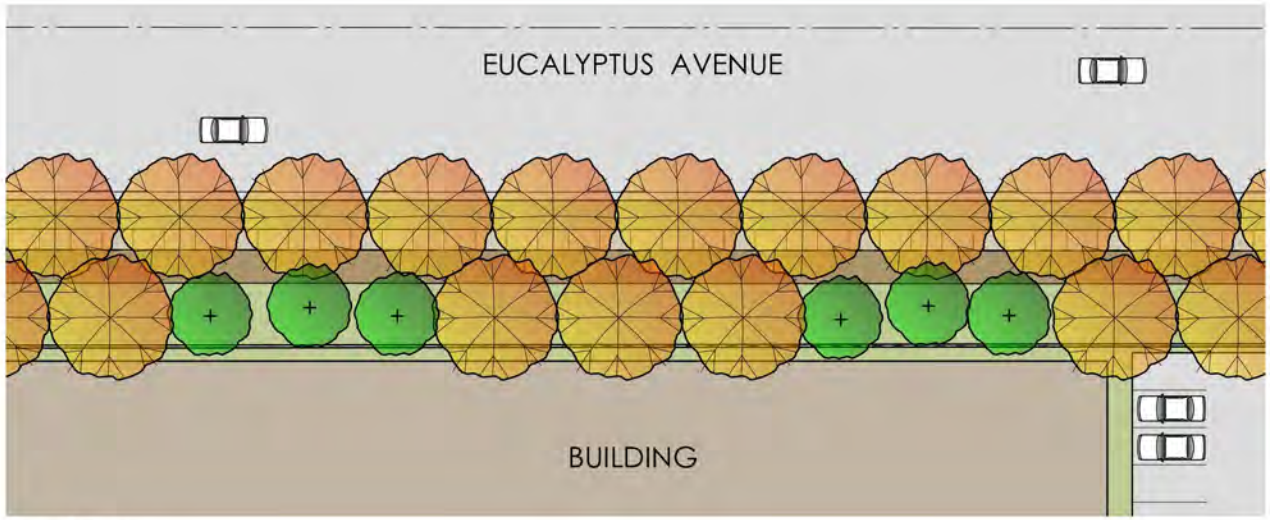
Section

Source(s): RLA (06-12-2019)

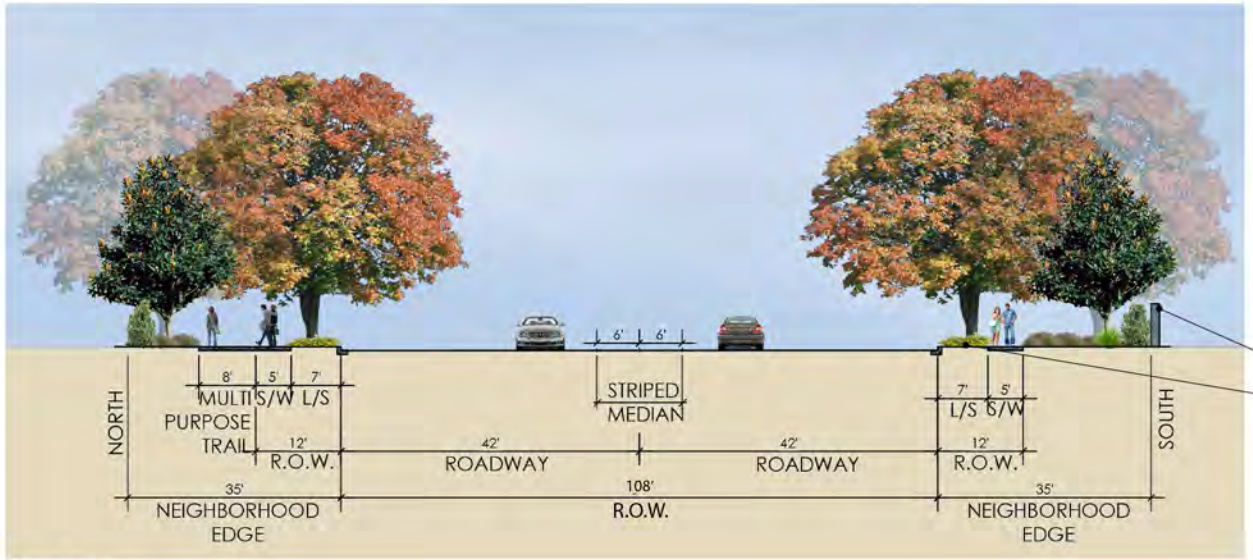
Grove Avenue Streetscape

Figure 6-2

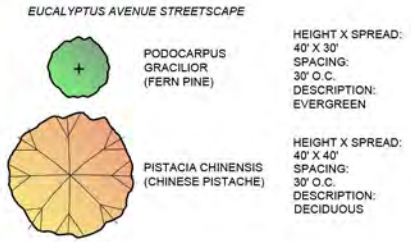
Not to Scale



Plan View



Section

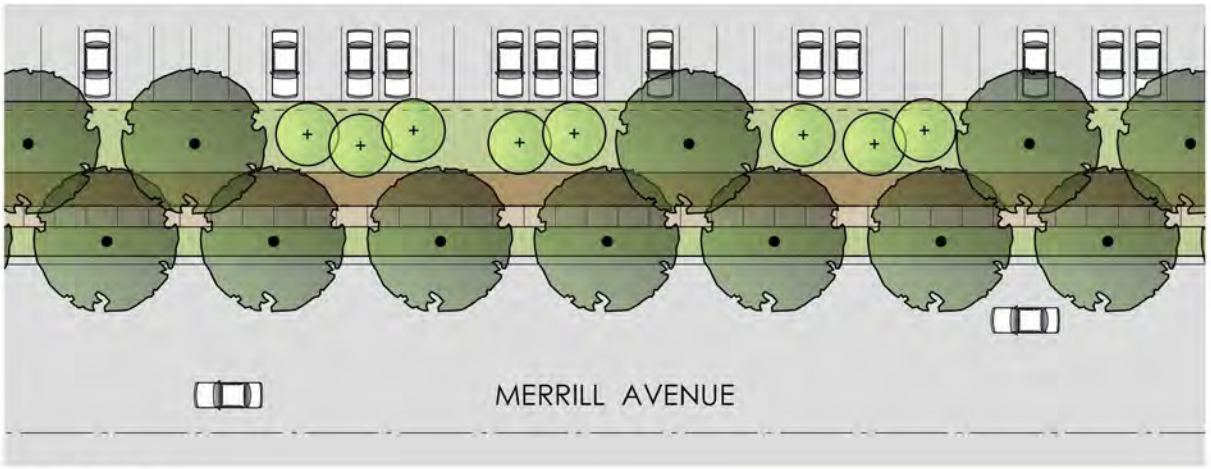


Source(s): RLA (06-12-2019)

Eucalyptus Avenue Streetscape

Figure 6-3

Not to Scale



Plan View

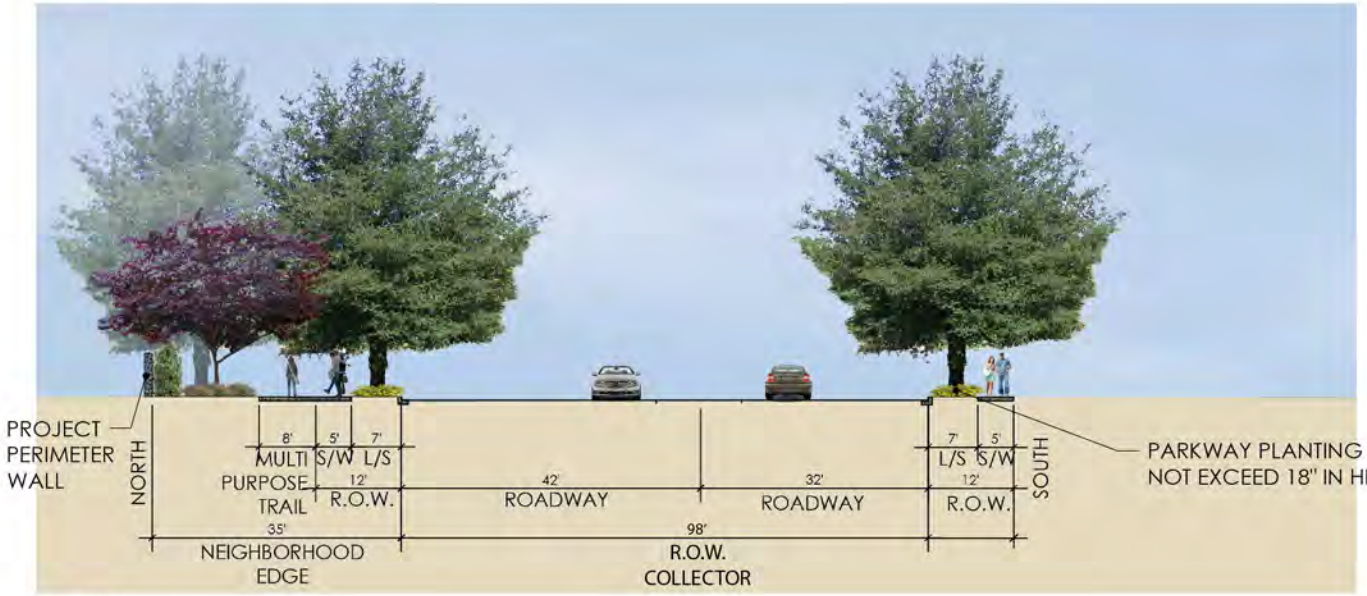
LANDSCAPE SETBACK

8' WIDE MULTI-PURPOSE TRAIL
5' WIDE SIDEWALK
7' WIDE PARKWAY

MERRILL AVENUE STREETSCAPE

CERCIS C. 'FOREST PANSY' (EASTERN REDBUD)
HEIGHT X SPREAD: 20' X 15'
SPACING: 15' O.C.
DESCRIPTION: DECIDUOUS

QUERCUS AGRIFOLIA (COAST LIVE OAK)
HEIGHT X SPREAD: 35' X 35'
SPACING: 40' O.C.
DESCRIPTION: EVERGREEN



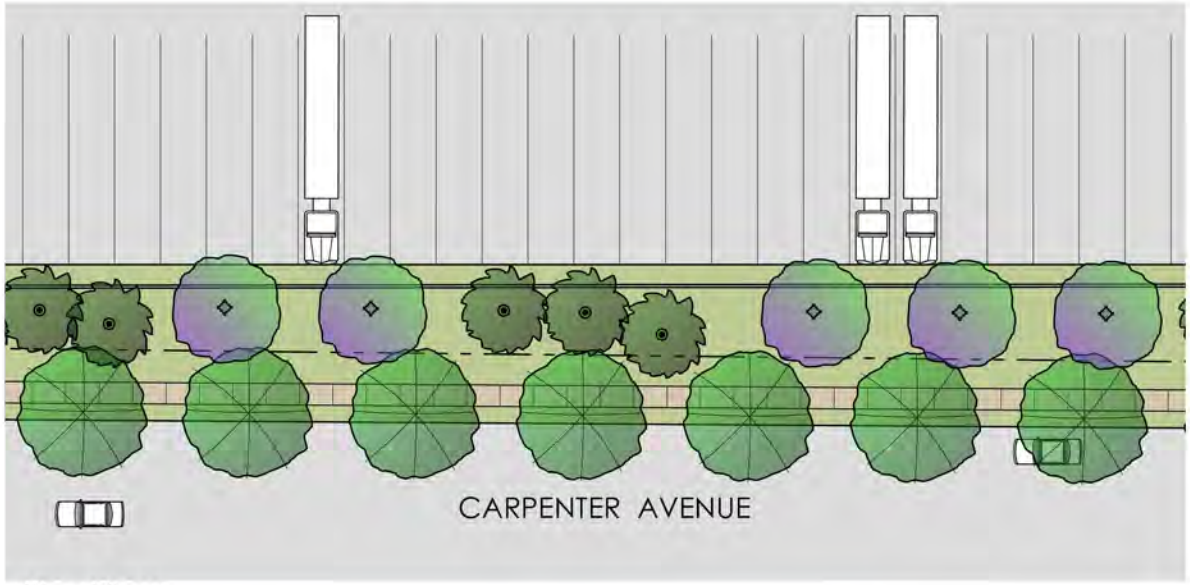
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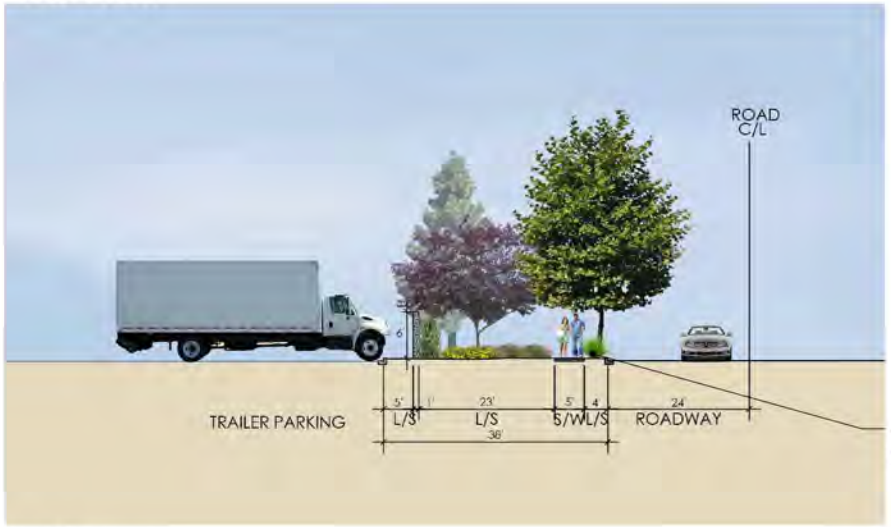
Merrill Avenue Streetscape

Figure 6-4

Not to Scale



Plan View



Section

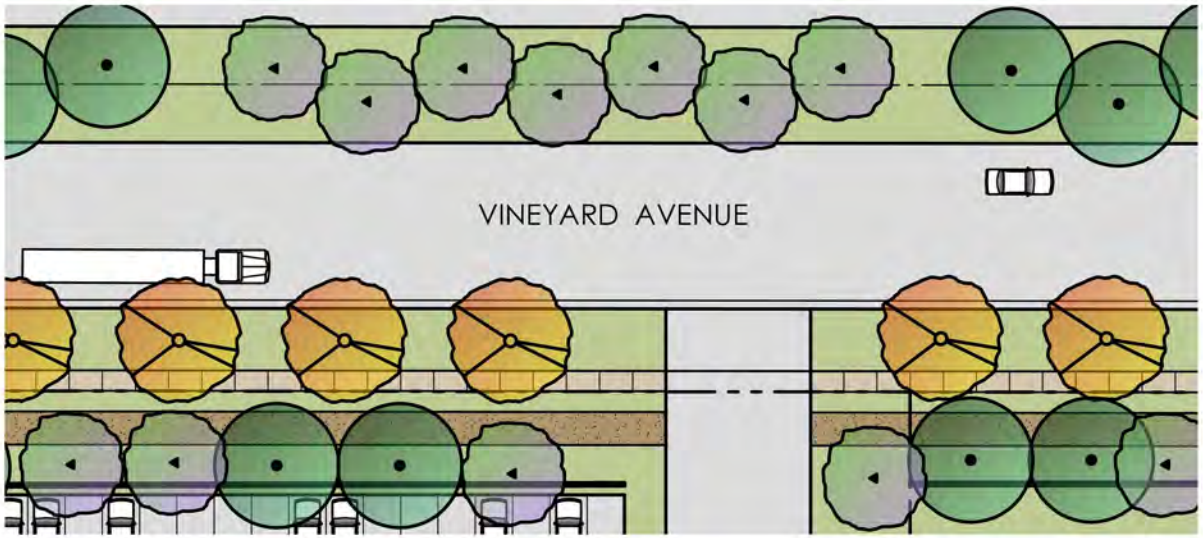
CARPENTER AVENUE STREETSCAPE

LIRIODENDRON TULIPIFERA (TULIP TREE)	HEIGHT X SPREAD: 60' X 30' SPACING: 40' O.C. DESCRIPTION: DECIDUOUS
PINUS ELDARICA (AFGHAN PINE) - OR - PODOCARPUS GRACILIOR (FERN PINE)	HEIGHT X SPREAD: 40' X 30' SPACING: 30' O.C. DESCRIPTION: EVERGREEN
PRUNUS CERASIFERA (FLOWERING PLUM)	HEIGHT X SPREAD: 25' X 25' SPACING: 35' O.C. DESCRIPTION: DECIDUOUS

Source(s): RLA (06-12-2019)

Carpenter Avenue Streetscape Figure 6-5

Not to Scale



Plan View

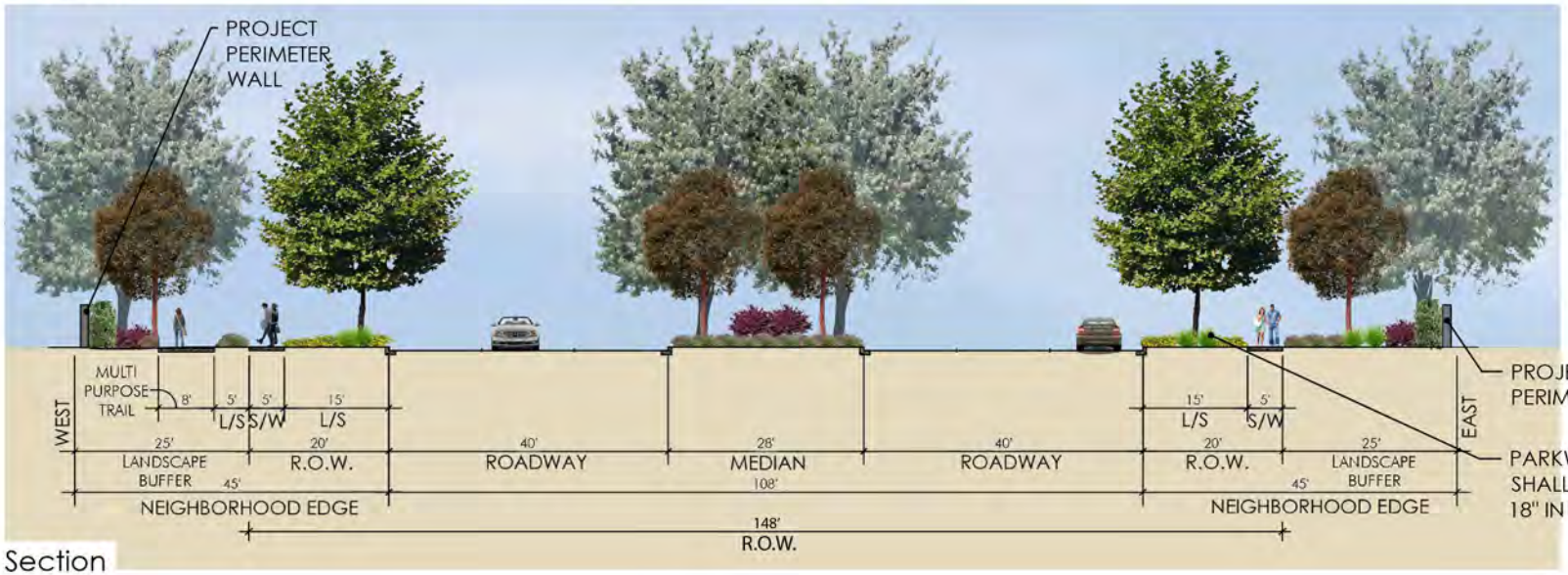
VINEYARD AVENUE STREETSCAPE

PLATANUS A. 'BLOODGOOD' (LONDON PLANT TREE) — HEIGHT X SPREAD: 40' X 30' SPACING: 30' O.C. DESCRIPTION: DECIDUOUS

CHITALPA T. 'MORNING CLOUD' (CHITALPA) — HEIGHT X SPREAD: 35' X 20' SPACING: 20' O.C. DESCRIPTION: DECIDUOUS

QUERCUS SUBER (CORK OAK) — HEIGHT X SPREAD: 70' X 20' SPACING: 20' O.C. DESCRIPTION: EVERGREEN

15' WIDE PARKWAY
5' WIDE SIDEWALK
5' WIDE LANDSCAPE AREA
8' WIDE MULTI-PURPOSE TRAIL
LANDSCAPE SETBACK



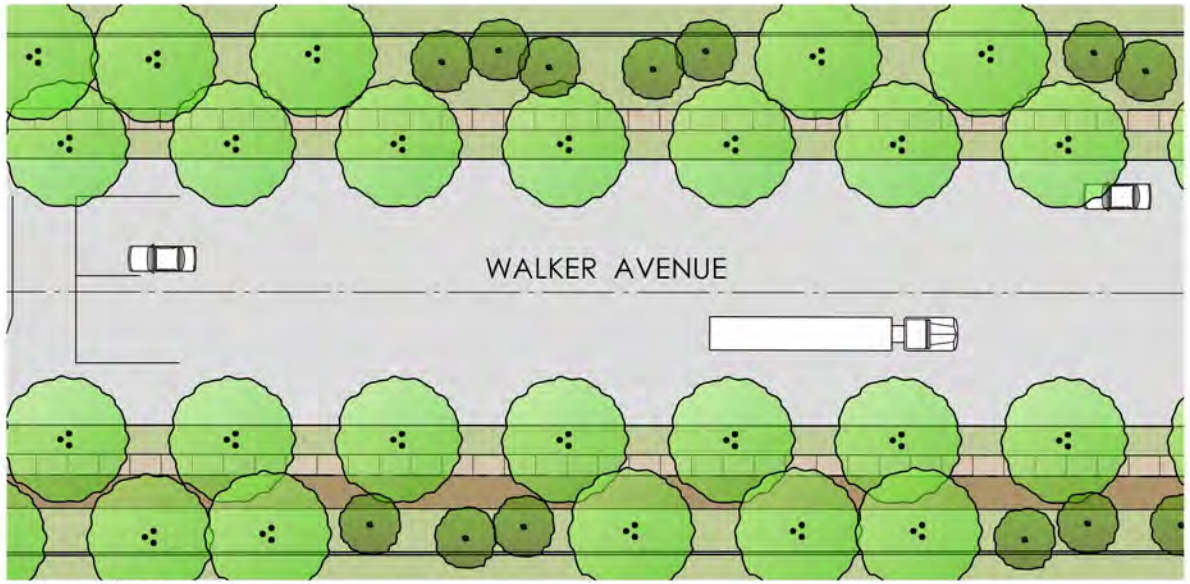
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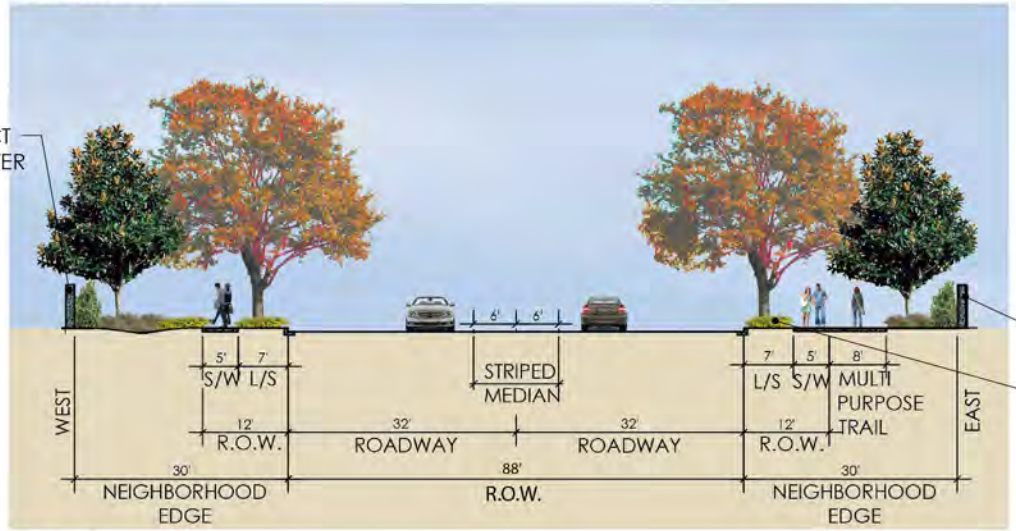
Vineyard Avenue Streetscape

Figure 6-6

Not to Scale



Plan View



Section

WALKER AVENUE STREETSCAPE

KOELREUTERIA BIPINNATA (CHINESE FLAME TREE)
HEIGHT X SPREAD: 30' X 30'
SPACING: 40' O.C.
DESCRIPTION: DECIDUOUS

TRISTANIA LAURINA (WATER GUM)
HEIGHT X SPREAD: 15' X 15'
SPACING: 20' O.C.
DESCRIPTION: EVERGREEN

PROJECT PERIMETER WALL

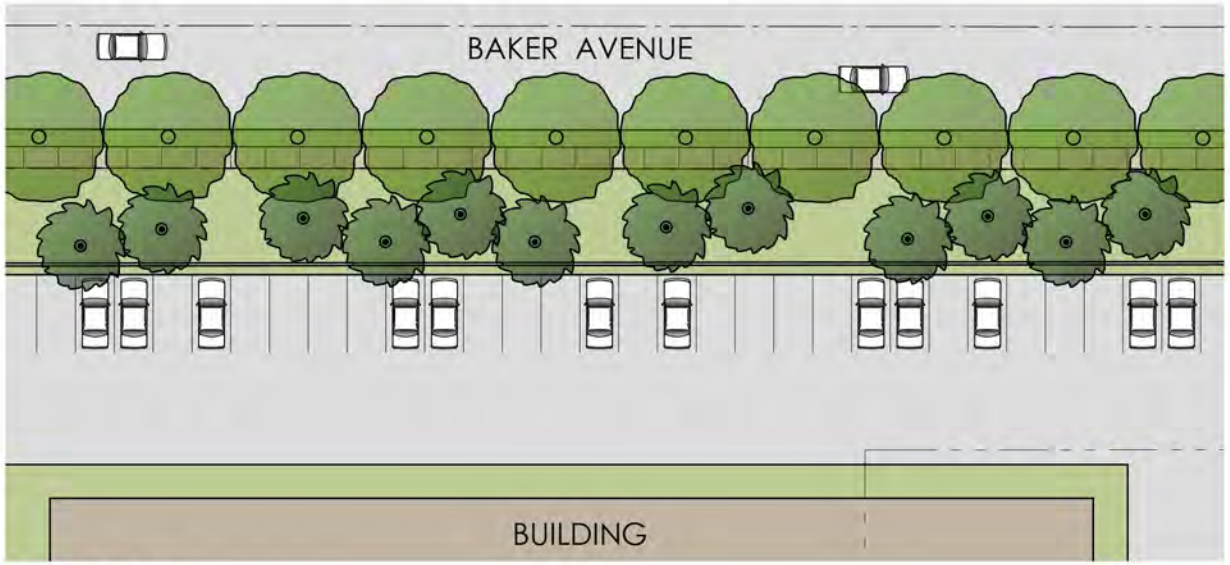
PARKWAY PLANTING SHALL NOT EXCEED 18" IN HEIGHT, TYP.

Source(s): RLA (06-12-2019)

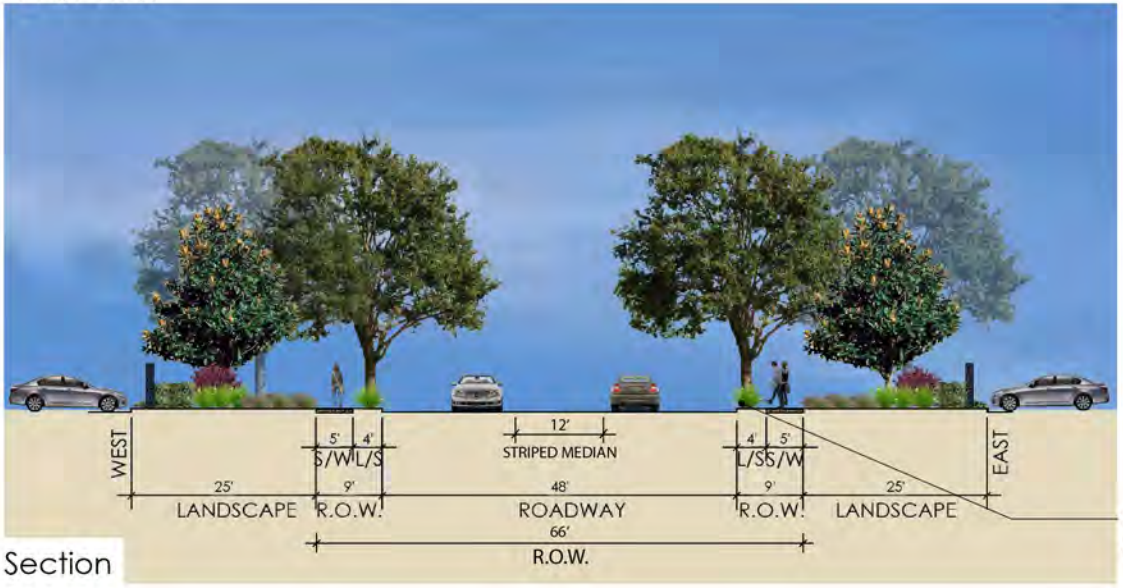
Walker Avenue Streetscape

Figure 6-7

Not to Scale



Plan View



Section

STREET 'A' / BAKER AVENUE STREETSCAPE

QUERCUS ILEX (HOLLY OAK)	HEIGHT X SPREAD: 40' X 30' SPACING: 40' O.C. DESCRIPTION: EVERGREEN
PINUS ELDARICA (AFGHAN PINE) - OR - PODOCARPUS GRACILIOR (FERN PINE)	HEIGHT X SPREAD: 40' X 30' SPACING: 30' O.C. DESCRIPTION: EVERGREEN

Source(s): RLA (12-18-2019)

Baker Avenue and Street "A" Streetscape

Figure 6-8

Not to Scale

6.11.4 Entries and Monuments

The MERRILL COMMERCE CENTER provides a three-tiered hierarchy of entry and corner treatments to identify the CENTER and distinguish individual planning areas. The entry and corner treatments are designed to provide distinctive visual statements and emphasize the Specific Plan's contemporary aesthetic. All hardscape and landscape features at entry and monument locations shall provide adequate "line-of-sight" for motorists and shall comply with applicable City design standards and specifications. Monumentation shall not be located within the public street right-of-way.

The entry and corner concepts described and illustrated on the following pages have been designed to provide a prominent reminder of the quality and distinctiveness of the MERRILL COMMERCE CENTER and to complement and reinforce the CENTER's general architectural and landscape theme. Implemented entry and corner treatments should be flexible to respond to physical contexts and the needs and desires of specific tenants and may differ slightly from the concepts presented herein; however, all entry and corner treatments within the MERRILL COMMERCE CENTER shall be consistent in theme and character.

A. Primary Corner Treatments

Primary Corner Monuments may be located at the intersections of Eucalyptus Avenue and Grove Avenue (southeast corner), Eucalyptus Avenue and Vineyard Avenue (southwest corner), and Merrill Avenue and Grove Avenue (northeast corner), and Merrill Avenue and Vineyard Avenue (northwest corner) to announce arrival to the MERRILL COMMERCE CENTER. These Primary Corner Monuments are the largest of the entry/monument family. The conceptual design for these monuments includes a gabion style frame monument with filled native rock, freestanding steel letters, monument lighting, and a laser-cut steel panel with a masonry wall. Landscaping at the Primary Corner Treatments include low foreground plants with accent trees in orchard rows behind the monument. Figure 6-9, *Conceptual Primary Corner Treatment,* conceptually illustrates these monuments. Note that a modified version of the Primary Corner Treatment is required at the northeast corner of the Merrill Avenue and Grove Avenue intersection, which is located in Chino Airport Safety Zone 1, in which tall vertical objects including trees greater than 4 inches in diameter and taller than 4 feet above the ground are not permitted.

B. Secondary Corner Treatments

Secondary Corner Treatments may be located at the entrances into the MERRILL COMMERCE CENTER from Grove Avenue, Eucalyptus Avenue, Carpenter Avenue, and Merrill Avenue to subtly promote the CENTER's design theme at key focal points. These Secondary Corner Treatments feature accent trees in orchard rows, shrub planting to echo rows, and background shrubs on both corners of the street. Figure 6-10, *Conceptual Secondary Corner Treatment,* conceptually illustrates these monuments.

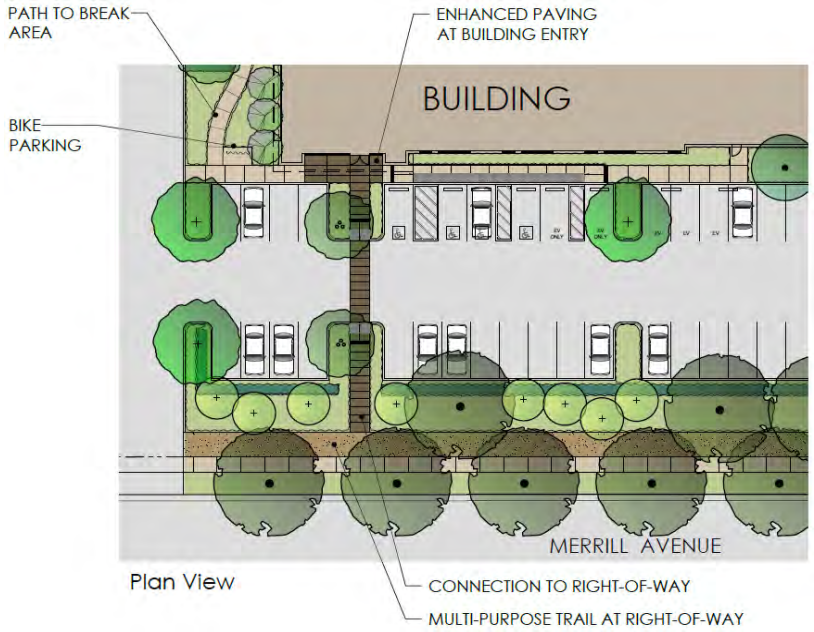
C. Building User Monument Treatments

Tenant Monument Treatments may be provided at the corners of driveways connecting to public roads. The locations of such driveways will be determined at the time buildings are designed and oriented in the Specific Plan area as part of implementing development projects. Tenant Monument Treatments are meant to identify building occupants and welcome employees and visitors to the site. The designs of typical Tenant Monument Treatments are conceptually shown below, and may include a tenant monument,

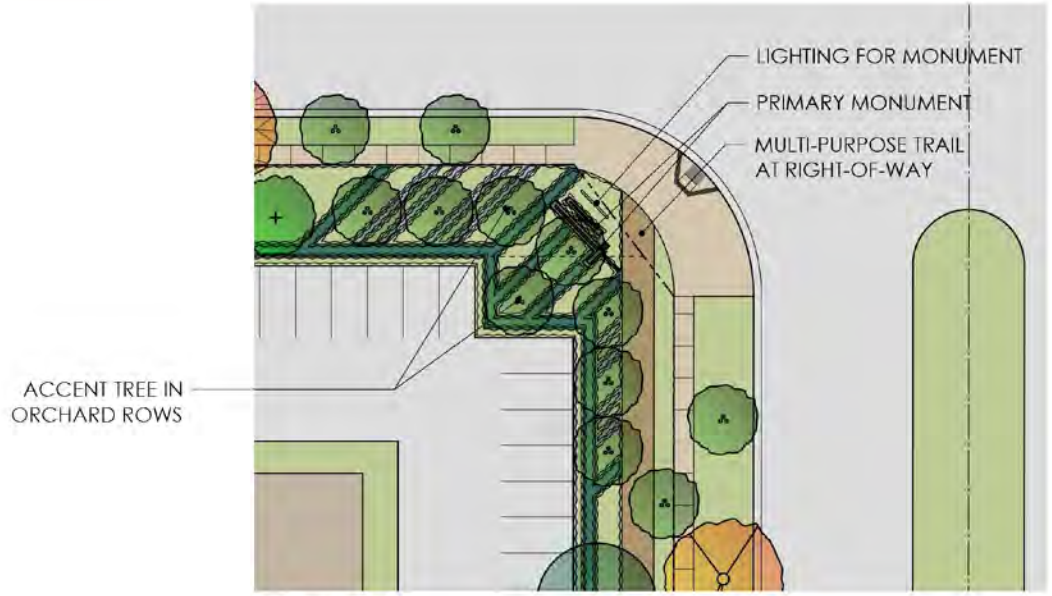
monument lighting, a masonry wall with pin mounted letters, and a gabion style frame filled with native rock. Landscaping at these Treatments may include accent trees, decorative row planting, and background shrubs. Figure 6-11, *Conceptual Building User Monument Treatment,* conceptually illustrates these monuments.

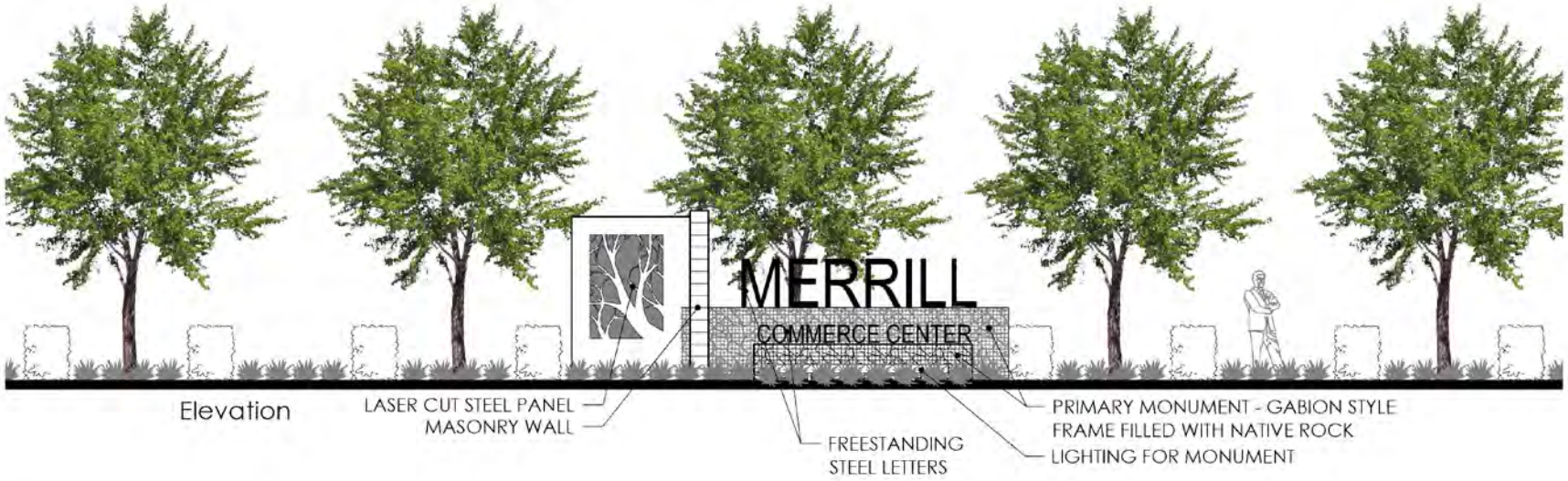
D. Building Entry Treatments

Building Entry Treatments may be provided at the entrances of Industrial or Business Park buildings. Building Entry Treatments are meant to welcome employees and visitors to Industrial or Business Park buildings. The designs of typical Building Entry Treatments are conceptually shown below, and may include tenant signage on the building façade, an enhanced paving at building entry, connection to the public road, and Multi-Purpose Trail, bike parking, and pathways to break areas.



The illustration above the conceptual design of building entry treatments that may be provided at the entrances of Industrial and Business Park buildings.





Source(s): RLA (03-11-2019)

Conceptual Primary Corner Treatment

Figure 6-9

Not to Scale

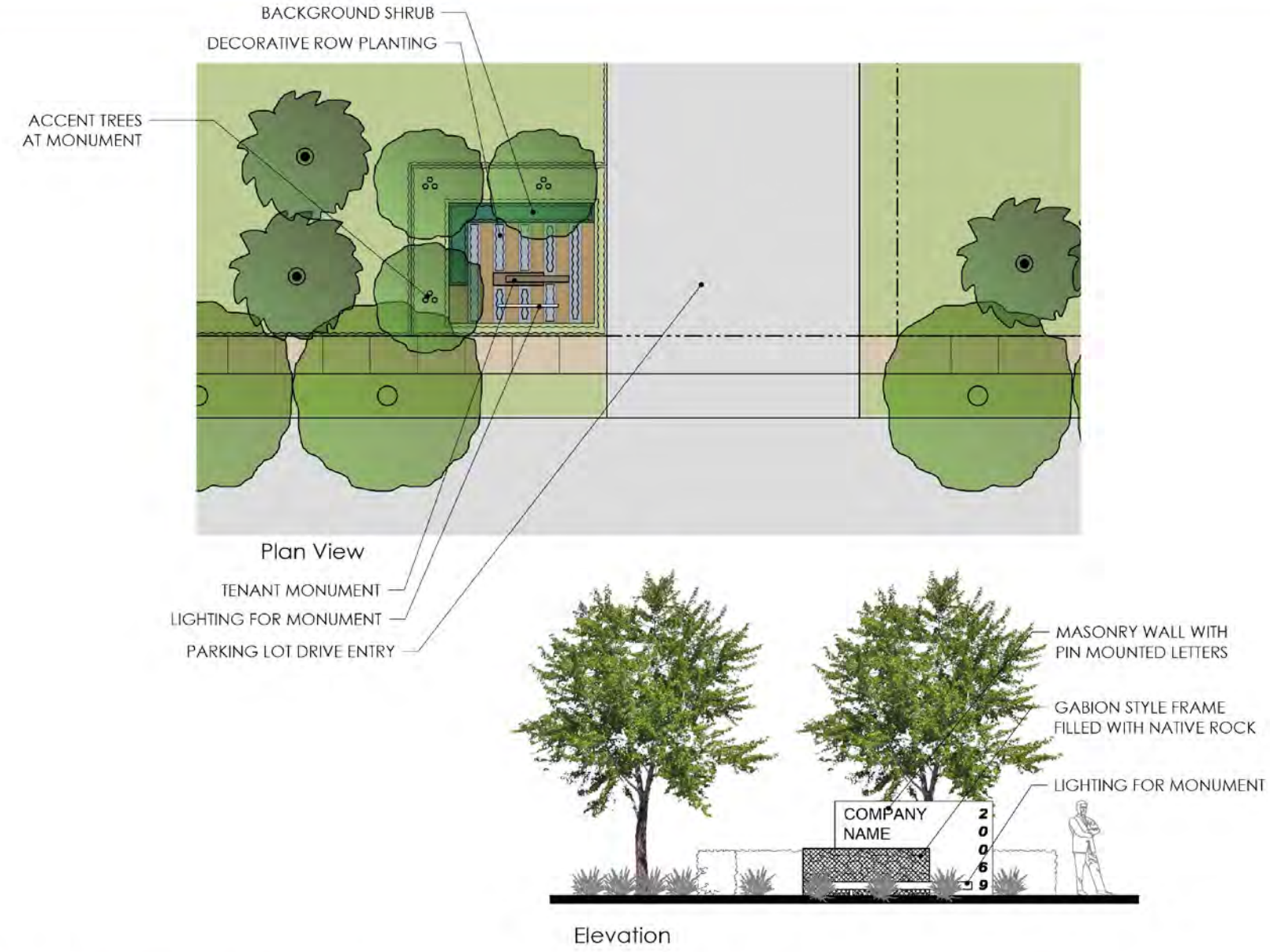


Source(s): RLA (03-11-2019)

Conceptual Secondary Corner Treatment

Figure 6-10

Not to Scale



Source(s): RLA (03-11-2019)

Conceptual Building User Monument Treatment

Figure 6-11

Not to Scale

6.11.5 Walls and Fences

Along building site perimeters and interior to building sites, the installation of fences and walls will be necessary. The final locations and details of these fences and walls will be determined when buildings are designed and oriented during the implementation of the MERRILL COMMERCE CENTER.

As shown on Figure 6-12, *Conceptual Screening Wall Illustration,* an 8- to 14-foot high screen wall may be provided around the perimeters of individual buildings sites and around loading and dock areas, trailer parking areas, and parking lots to screen on-site industrial uses from public views and public roads. In addition, landscaping within rights-of-way and outside of rights-of-way serve as additional screening between on-site industrial uses and public roads.

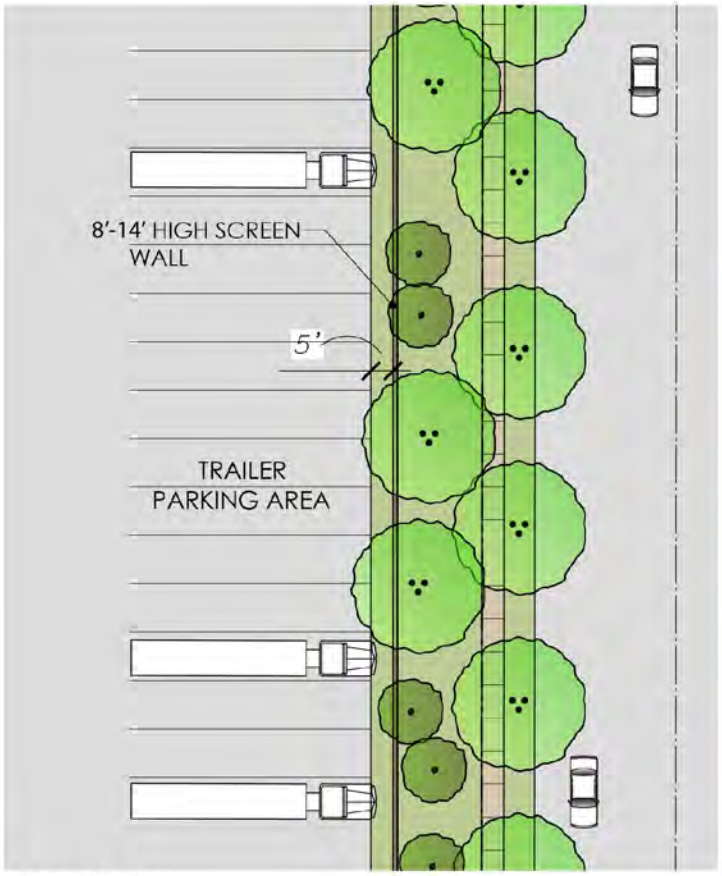
6.11.6 Open Space Areas

As shown on Figure 6-13, *Conceptual Open Space Area Illustration*, shared open space areas may be provided within the MERRILL COMMERCE CENTER to offer employees and visitors a recreational amenity in proximity to the Industrial/Business Park uses. The shared amenities that may be provided within open space areas include seating areas, meandering decomposed granite walkways, overhead structures above decomposed granite dining areas, open turf areas, and a natural planting scheme with boulders. The final locations and details of these open space areas will be determined when buildings are designed and oriented during the implementation of the MERRILL COMMERCE CENTER.

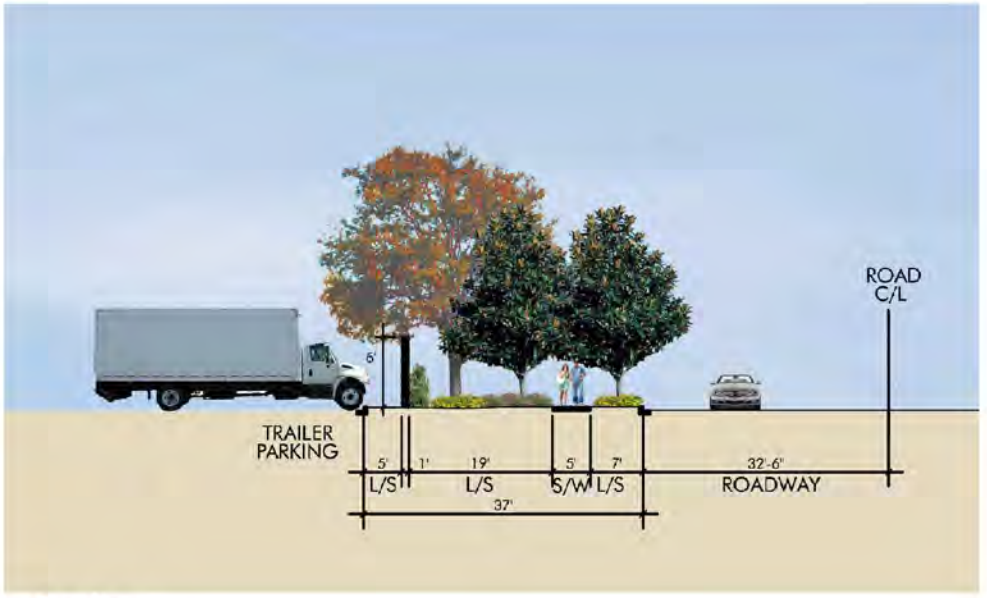
6.11.7 Water Quality Basins

As shown on Figure 6-14, *Conceptual Water Quality Basin Illustration,* water quality basins may be provided within the MERRILL COMMERCE CENTER to treat stormwater before the flows ultimately drain into the storm drain facilities, as described in Section 4.2.4, *Storm Water Management Plan*. The water quality basins may include contoured basin edges for a natural look, and landscaping around the perimeter of the basin to screen public views of the basin. Swales may be no greater than 40% of the landscape area width to allow for ornamental landscaping, although landscaping may have limitations where necessary to deter the attraction of birds to the basins, which can be a hazard to aircraft using the nearby Chino Airport and Ontario International Airport. Other wildlife deterrents that may be considered include floating covers, bird balls, netting, and basins designed to be linear and narrow with steep sides and rip-rap lining.

The final locations and design details of the water quality basins will be determined when buildings are designed and oriented during the implementation of the MERRILL COMMERCE CENTER.



Plan View



Section

WALKER AVENUE STREETSCAPE

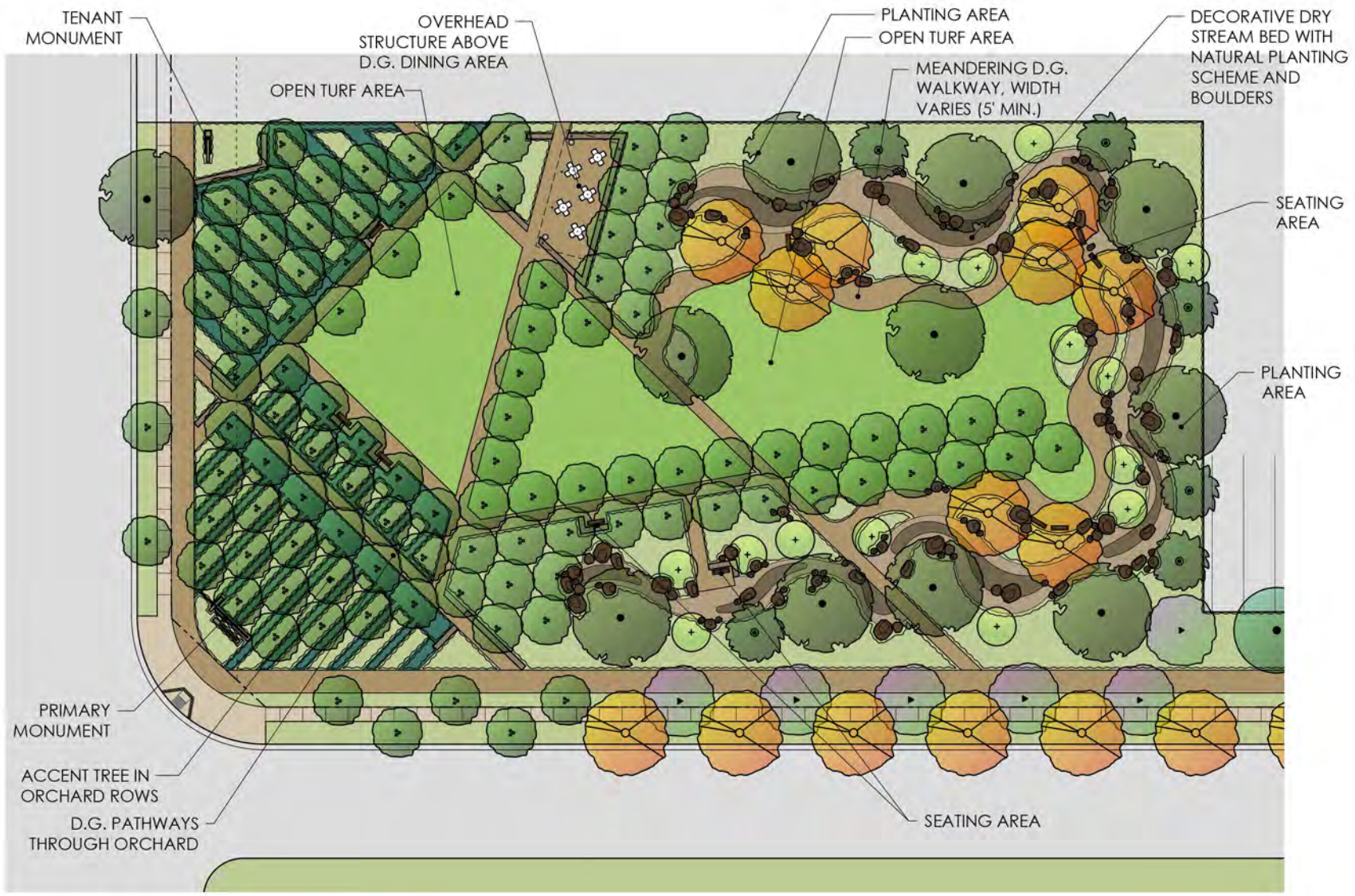
KOELREUTERIA BIPINNATA (CHINESE FLAME TREE)	HEIGHT X SPREAD: 30' X 30' SPACING: 40' O.C. DESCRIPTION: DECIDUOUS
MAGNOLIA G. 'ST MARY' (ST. MARY'S MAGNOLIA)	HEIGHT X SPREAD: 15' X 15' SPACING: 20' O.C. DESCRIPTION: EVERGREEN

Source(s): RLA (03-11-2019)

Conceptual Screening Wall Illustration

Figure 6-12

Not to Scale



Source(s): RLA (03-11-2019)

Conceptual Open Space Area Illustration

Figure 6-13

Not to Scale



Source(s): RLA (03-11-2019)

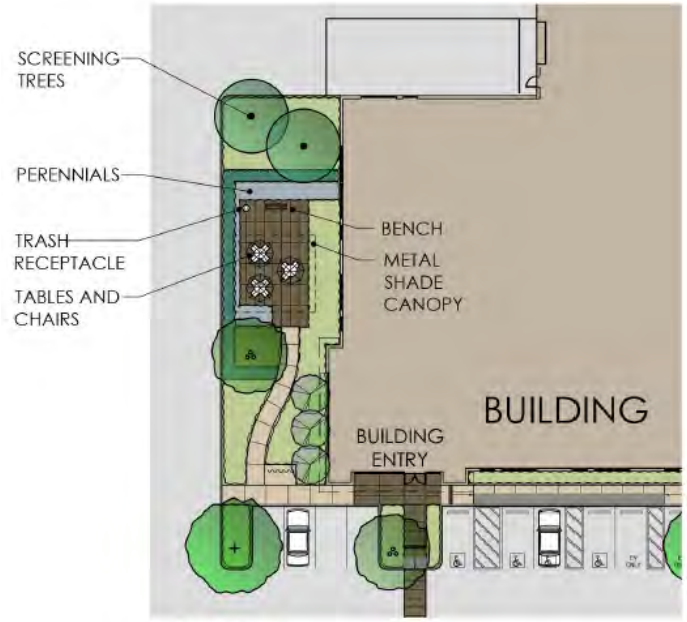
Conceptual Water Quality Basin Illustration

Figure 6-14

Not to Scale

6.11.8 Shared Outdoor Patio Break Areas

As shown in the illustration below, shared outdoor patio break areas should be provided within Industrial and Business Park planning areas to offer employees with outdoor areas adjacent to their work buildings. Shared outdoor patio break areas may include amenities such as benches, metal shade canopies, tables, chairs, perennials/shrubs, and trash receptables. Trees may also be provided to shade the outdoor patio break areas.



Plan View

The illustration above shows the conceptual design of outdoor patio break areas adjacent to Industrial and Business Park buildings.

6.11.9 Parking Lots

As shown in the illustration below, passenger car parking lots within Industrial and Business Park sites provide landscaping that consist of shade trees and parking finger islands for every ten (10) stalls, and landscaping outside/inside of the abutting public road's right-of-way. Bicycle parking is also provided near the entrances of buildings. Trees and parking fingers are not required in truck courts, to minimize truck turning movement conflicts.



Plan View

The illustration above shows the conceptual design and landscaping to be provided within parking lots in MERRILL COMMERCE CENTER.

IMPLEMENTATION PLAN

CHAPTER 7

7.1 Severability

7.2 Applicability

7.3 Interpretation

7.4 Development Review Process

7.5 Substantial Conformance

7.6 Formal Amendments to the Specific Plan

7.7 Appeals

7.8 Compliance with Mitigation Monitoring and Reporting Program

7.9 Project Financing

7.10 Phasing Plan

7.11 Additional Entitlement Requirements

7.12 Maintenance Plan

CHAPTER 7 - IMPLEMENTATION PLAN

7.1 SEVERABILITY

This Specific Plan document enables the City of Ontario to facilitate the processing and approval of development plans and implementing permits to build out the MERRILL COMMERCE CENTER. If any regulation, condition, program, or portion of this Specific Plan is held invalid or unenforceable, such portions shall be deemed separate, distinct, and independent provisions, and the invalidity of such portions or provisions shall not affect the validity and enforceability of the remaining provisions contained herein.

7.2 APPLICABILITY

Approval of the MERRILL COMMERCE CENTER Specific Plan indicates acceptance by the City of Ontario City Council of a general framework for the development of the MERRILL COMMERCE CENTER property. Part of that framework establishes specific development standards that constitute the zoning regulations for the Specific Pan (refer to Chapter 5, *Development Standards*). The provisions contained herein are intended to regulate development within the Specific Plan area.

Development within the MERRILL COMMERCE CENTER Specific Plan boundary shall be implemented through the City's approval of tentative and final parcel maps and the Development Plan Review process as established in the City's Development Code. The implementation process described herein provides the mechanisms for review and approval of development projects within MERRILL COMMERCE CENTER.

7.3 INTERPRETATION

Unless otherwise provided, any ambiguity concerning the content or application of the Specific Plan shall be resolved by the City's Planning Director, or his/her designee, in a manner consistent with the goals, policies, purpose, and intent established in this Specific Plan.

7.4 DEVELOPMENT REVIEW PROCESS

7.4.1 Subdivision Maps

Approval of future tentative subdivision maps within the MERRILL COMMERCE CENTER Specific Plan may occur concurrently with or subsequently to the adoption of the Specific Plan. All tentative and final subdivision maps shall be reviewed and approved pursuant to the applicable provisions of the City's Subdivision Ordinance and consistent with the applicable provisions established within the Land Use, Infrastructure, Design Guidelines, and Development Regulations chapters of this Specific Plan.

7.4.2 Development Plan Review

All development within the MERRILL COMMERCE CENTER property shall be subject to the Development Plan Review Process established in the City of Ontario Development Code. Adoption of this Specific Plan by the City includes the design guidelines contained in Chapter 6, which shall be the design criteria by which development projects with the Specific Plan shall be reviewed during Development Plan Review. Topics on which these design guidelines are silent, the applicable design guidelines contained within the City's Development Code shall apply. The design guidelines are intended to be flexible in nature while establishing rudimentary evaluation

criteria for the review by the City of development projects during design review.

7.4.3 Development Agreements

Approval of statutory Development Agreements, per individual property owner, authorized pursuant to California Government Code Sections 65864 et seq., is required as part of the approval of the Specific Plan and prior to approval of the first Final Map. The Development Agreements shall include, but not be limited to, methods for financing, acquisition, and construction of infrastructure. The MERRILL COMMERCE CENTER Development Agreement shall be fully executed prior to the issuance of the first building permits for development within the Specific Plan.

7.4.4 Conditional Use Permits

Uses specified as conditionally permitted uses within Chapter 5, *Development Regulations*, of this Specific Plan shall be reviewed and approved by the City pursuant to the requirements of the City's Development Code, Article 9, "Conditional Use Permits."

7.4.5 Variances

Variances and Administrative Exceptions to the development regulations contained in Chapter 5, *Development Regulations*, of this Specific Plan with respect to the site area, setback dimensions, building heights, distances between buildings, landscape percentage and off-street parking and loading shall be reviewed pursuant to "Variances and Administrative Exceptions" of the City's Development Code.

7.5 Substantial Conformance

All development under the Specific Plan is subject to a Substantial Conformance Determination, considered and approved ministerially by the Planning Director or designee. The Substantial Conformance Determination is also a mechanism that allows for the approval of ministerial minor modifications for development under the Specific Plan. The City recognizes that modifications to the text and exhibits of this document may be needed over time. Upon direction by the City of Ontario Planning Department, certain modifications to text, exhibits, and/or development standards and design guidelines may not require a formal Specific Plan Amendment (i.e., through public hearing) and occur ministerially. The following minor modifications to this document do not require a formal Specific Plan Amendment and are subject to review and approval by the Planning Director. The Planning Director shall have the discretion to defer any request for modification to the Planning Commission or City Council, either for ministerial direction and guidance, or determination that the required change requires a formal amendment as discussed below in Section 7.6. Ministerial substantial conformance decisions are not subject to CEQA compliance.

- Expansions or reductions of the net acreage covered by a given Planning Area.
- A decrease in development intensity/density (building square footage).
- Modification of design criteria such as architectural details, landscape treatments, fencing, lighting, and entry treatments.
- Changes to the Phasing Plan, provided infrastructure is available to serve the phase as determined by the City Engineer.

- Implementation of alternative landscape materials, wall materials, entry monument design, primary/secondary corner treatments, and streetscape design that are generally consistent with the conceptual design guidelines contained within this Specific Plan.
- Modifications to Architectural Design Guidelines, such as variation of architectural style and variations in materials and colors.
- Final infrastructure facility sizing and precise location of dry utilities, water, sewer, and storm drainage improvements as approved by the City Engineer, OMUC, or San Bernardino Flood Control District.
- Roadway ROW design, when the changes are warranted and approved by the City Engineer.
- Revisions to exhibits which do not substantially change the intent of the Specific Plan.
- Modification, deletions, and additions to the list of permitted and conditional uses.
- Specific modifications of a similar nature to those listed above which are deemed minor by the Planning Director, which are in keeping with the intent of this Specific Plan and which are in conformance with the Policy Plan component of The Ontario Plan.

7.6 FORMAL AMENDMENTS TO THE SPECIFIC PLAN

All modifications to this document which do not meet the criteria of a Substantial Conformance (as defined in the previous subsection) shall be deemed to require a formal Specific Plan Amendment. This document was prepared pursuant to California Government Code §65450, et. seq. Amendments shall be processed in accordance with the applicable requirements of the law, which include §65450, et. seq. of the California Government Code.

Formal Specific Plan Amendments shall be subject to the review and approval of the City Council. The Planning Commission should first hear and consider all applications for formal Specific Plan Amendments and provide a recommendation to the City Council. As required by the California Government Code, all government agencies significantly affected by the proposed Amendment shall be notified of the proposed action prior to the approval. In addition, and as required by CEQA, formal Specific Plan Amendments shall be appropriately reviewed in accordance with the State CEQA Guidelines, with the City of Ontario serving as the CEQA Lead Agency.

Any formal Specific Plan Amendment initiated by an applicant requires preliminary review by the Planning Director, filing of an official application and required materials supporting the Amendment, submittal of a fee deposit, Planning Commission review and recommendations, and City Council review and final decision.

Amendments also may be initiated by the City Council or Planning Commission by majority vote. All Planning Commission-requested amendments shall be submitted and considered by the City Council and accepted for processing by a majority vote. City staff may initiate an amendment by submitting the requested amendment to the Planning Commission for a vote. Only amendments accepted by a majority vote of the Planning Commission shall be submitted to the City Council for consideration; however, the Applicant shall have the right of appeal to City Council if the Planning Commission fails to approve.

In considering approval or disapproval of formal Specific Plan Amendments, the City Council shall find that the request is:

- Consistent with the Policy Plan component of The Ontario Plan (General Plan) in effect at the time of consideration.
- Compatible with surrounding land uses with respect to use, development standards, density, or issues of health, public safety, and general welfare.
- Consistent with the overall design character and general structure of the MERRILL COMMERCE CENTER as set forth in Chapter 6, *Design Guidelines*, of this Specific Plan.

7.7 APPEALS

Appeals of any determination of the Planning Director, Zoning Administrator or the Planning Commission, may be made by the applicant or any other aggrieved party by filing an application on forms provided by the City of Ontario and accompanied by the appropriate filing fee, where applicable, within ten (10) days following the final date of action for which an appeal is made. Appeals shall be processed consistent with the provisions of Article 5, "Appeals" of the City of Ontario Development Code.

7.8 COMPLIANCE WITH MITIGATION MONITORING AND REPORTING PROGRAM

Certification of an EIR shall be required prior to the approval of the Specific Plan. Development within the MERRILL COMMERCE CENTER Specific Plan shall comply with all approved mitigation measures as described in the MMRP included as part of the EIR.

7.9 PROJECT FINANCING

The financing of construction, operation, and maintenance of public improvements, facilities, and public services shall include funding through a combination of financing mechanisms. Prior to the recordation of final maps, a final determination shall be made by City staff and confirmed by the Planning Director and City Engineer regarding the responsibility for construction and maintenance of public facilities, whether publicly or privately maintained.

Implementation of the MERRILL COMMERCE CENTER Specific Plan may involve financing options including, but not limited to, the following:

7.9.1 Facilities and Services

Construction of public improvements and facilities and the provision of public services may be financed through private capital investment, a Community Facilities District (CFD), or other special district, pursuant to the Mello-Roos Community Facilities District Act of 1982.

7.9.2 Operation and Maintenance

Options for operation and maintenance of public improvements and facilities include, but are not limited to, the following:

- Individual private property owners
- Private Property Owners Association
- CFD or other special district (will be at the City's sole discretion)

7.10 PHASING PLAN

As shown on Figure 7-1, *Conceptual Phasing Plan,* the development of the MERRILL COMMERCE CENTER is expected to occur in three (3) phases in response to market demands and according to a logical and orderly extension of roadways, public utilities, and

infrastructure. Phase A includes Planning Areas 4, 4A, 5 and 5A; Phase B includes Planning Areas 1, 1A, 2, 3 and 3A; and Phase C includes Planning Areas 6 and 6A. These phases may be developed as subphases and may occur either sequentially or concurrently with one another. Phasing of the Specific Plan shall be permitted; however, improvements will be dictated by the City of Ontario's Land Development Section and the approved MERRILL COMMERCE CENTER Development Agreement.

7.11 Additional Entitlement Requirements

Currently, there are no existing City utilities, nor any improvement plans for City utilities in the vicinity of the Specific Plan area. Several miles of new infrastructure are required to provide City utility services to the Specific Plan area. In order to ensure orderly expansion of the City utility systems and other City infrastructure, the City has imposed the following requirements all Subdivision Maps and implementing developments within the Specific Plan area.

A. Utilities System Map (USM)

Prior to approval of any entitlement application (subdivision maps, Development Plan Reviews, etc.) in the Specific Plan area, as part of the entitlement application a Conceptual Utilities Systems Map (USM) shall be prepared and submitted to the Development Agency Engineering Department and the Utilities Engineering Department for review and approval. The USM is a summary plan sheet exhibit that shows all the public offsite infrastructure requirements and demands for the development project (and/or subdivision), the onsite private infrastructure improvements, and the interaction between the public and private utilities systems. As a Condition of Approval for the development project (and/or subdivision), the Conceptual Utilities Systems Map shall be updated into a Final Utilities Systems Map to reflect the changes that occur between entitlement and Final Plan and Permit Approval. Reference the Ontario Municipal Utilities Company Utilities Engineering Department's Utilities Systems Map (USM) Requirements for details.

7.11.1 Integrated Waste Management Report (IWMR) and Solid Waste Handling Plan (SWHP)

Prior to approval of any entitlement application (subdivision maps, Development Plan Reviews, etc.) in the Specific Plan area, as part of the entitlement application a Conceptual Integrated Waste Management Report (IWMR) and a Conceptual Solid Waste Handling Plan (SWHP) shall be prepared and submitted to the Community Development Agency Engineering Department and the Ontario Municipal Utilities Company for review and approval. The SWHP summary plan sheet exhibit that demonstrates the project site's design conformance with the Integrated Waste Department's requirements, including the requirements for Sizing of Storage, Location of Collection Areas, Accessibility for Collection Vehicles, and Collection of Sorted/Diverted Waste Types. The IWMR is a report that presents project specific information that is not able to be demonstrated within the Solid Waste Handling Plan, including discussions on: project solid waste operations; project compliance with all applicable laws, statutes, policies, and requirements; and, conformance with all the Integrated Waste Department's requirements, including the requirements for Sizing of Storage, Location of Collection Areas, Accessibility for Collection Vehicles, and Collection of Sorted/Diverted Waste Types. As a Condition of Approval for the development project (and/or subdivision), the Conceptual SWHP and the Conceptual IWMR shall be updated into a Final SWHP and Final IWMR to reflect the changes that occur between entitlement and Final Plan and Permit Approval. The SWHP and IWMR may be required to be updated from whenever there are new occupants, new uses or changes to existing uses, Tenant

Improvements, Business Licenses, and Certificates of Occupancy. Reference the Ontario Municipal Utilities Company Utilities Engineering Department's IWMR and SWHP requirements for details.

7.11.2 Conceptual Design Report

Prior to approval of any entitlement application (subdivision maps, Development Plan Reviews, etc.), a conceptual design report shall be prepared and submitted to the Community Development Agency Engineering Department and the Ontario Municipal Utilities Company for review and approval for the established extent of all public improvements required for the project. The study shall identify existing and future rights-of-ways (ROW) and infrastructure improvements and establish all vertical and horizontal alignments for each utility. The report shall include cross-sections, profiles, and any supporting details needed to demonstrate that utilities can be adequately accommodated in the public ROW. The study shall account for all utility conflicts, right-of-way variations, existing obstructions, and the timing of utility installation. Utilities cannot be located along an alignment that conflicts with existing conditions (e.g. electrical poles, private property, etc.) unless that applicant is accepting the responsibility of modifying the existing conditions (e.g. undergrounding, relocation, ROW acquisition, etc.).

A. Western Trunk Sewershed Scope

In order to assure that the Western Trunk Sewer (WTS) is designed to serve its entire Sewer Master Plan Tributary Area, all the Master Plan Trunk Sewers connecting to the WTS and the WTS shall be included in the Conceptual Design Report. This shall include: the Western Trunk Sewer from the Inland Empire Utility Agency's Kimball Interceptor to the Whispering Lakes Pump Station Riverside Drive and Carpenter Avenue; the Euclid Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Bon View Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Grove Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Walker Trunk Sewer from the Western Trunk Sewer in Schaeffer Avenue to Chino Avenue.

7.11.3 Preliminary Design Report

As a condition of entitlements (subdivision maps, Development Plan Reviews, etc.) within the Specific Plan and prior to submittal of Infrastructure Improvements Plans, a Preliminary Design Report (PDR) for all public infrastructure shall be submitted and approved by the Community Development Agency Engineering Department and the Ontario Municipal Utilities Company. The PDR shall include the following:

A. Conceptual Design Compliance

A discussion modifying or confirming the conceptual design established with the Project's Conceptual Design Report. The study shall confirm all ROW, infrastructure improvements, and vertical and horizontal alignments for each utility.

B. Street Cross Sections and Profiles

Street Cross Sections and Profiles shall be provided for each public street, private street, and Public Utility Easement (PUE) containing a public utility and at any point along the alignments where the ROW varies. The cross-sections shall show the location and size of each utility and shall annotate the property/ROW lines, the type of finished surface material, the distance of each utility from the centerline, the depth from the finished surface to the top of the pipe, and the distance between utilities (outside wall to outside wall).

C. Constructability Review

The report shall include a discussion of the constructability issues along the proposed alignment and identify the recommended construction methods that may be utilized. The study shall perform field investigation (field survey and potholing) in order to identify potential utility conflicts, right-of-way variations, existing obstructions, and constructability issues created by the timing of utility installation.

D. Supporting Details

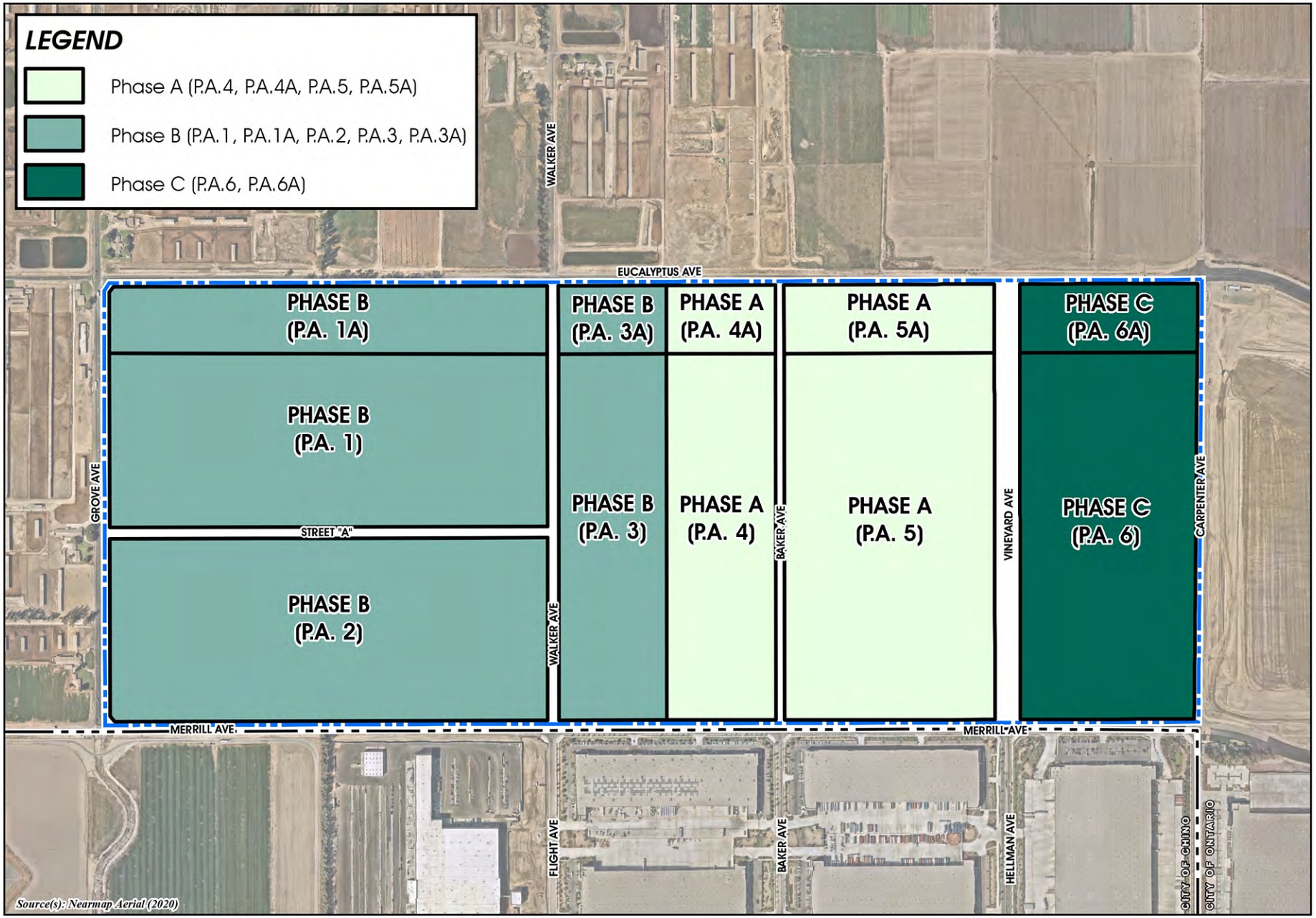
The PDR shall include any supporting details needed to demonstrate that utilities can be adequately accommodated in the public ROW, including the placement of large appurtenances, clearance from existing obstructions, etc.

E. 30% Design Drawings

The PDR findings shall be incorporated into a 30% design plan set and included in the PDR.

F. Western Trunk Sewershed Scope

In order to qualify for Development Impact Fees (DIF) and to assure that the Western Trunk Sewer (WTS) is designed to serve its entire Sewer Master Plan Tributary Area, the PDR shall include all the Master Plan Trunk Sewers connecting to the WTS and the WTS. The PDR shall include: the Western Trunk Sewer from the Kimball Interceptor to the Whispering Lakes Pump Station Riverside Drive and Carpenter Avenue; the Euclid Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Bon View Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Grove Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Walker Trunk Sewer from the Western Trunk Sewer in Schaeffer Avenue to Chino Avenue.



Conceptual Phasing Plan

Figure 7-1

0 200 400 800 Feet

7.12 MAINTENANCE PLAN

The public and private improvements constructed within the MERRILL COMMERCE CENTER shall be maintained through a combination of public and private entities as described in Table 7-1, *Maintenance Responsibilities*. Table 7-1 provides a list of maintenance entity options that may fund and/or maintain facilities within the Specific Plan, however, the ultimate maintenance entity for each facility will be determined by the MERRILL COMMERCE CENTER's Development Agreement. A Property Owners Association (POA) shall be established for the maintenance of common area landscape improvements and private roadways within areas of the MERRILL COMMERCE CENTER. For areas in public ownership (such as public roadway ROWs), municipal maintenance districts may fund the maintenance of these areas.

Table 7-1 Maintenance Responsibilities

Facility	City and/or CFD	Property Owners Association	Property Owner or Occupant	Public Utility
Master Plan Roadways (Eucalyptus Avenue, Merrill Avenue, Grove Avenue, Walker Avenue, Baker Avenue, Vineyard Avenue, and Carpenter Avenue)				
Curb-to-curb improvements	✓			
Parkways within public right-of-way (ROW)	✓			
Neighborhood Edges, Master Plan Trails and Medians	✓			
Landscape buffer located outside public ROW		✓		
Interior public streets (Street A)				
Curb-to-curb improvements	✓			
Parkways within public right-of-way (ROW)	✓			
Sidewalks/Trails	✓			
Landscape buffer located outside public ROW		✓		
Interior private streets located outside of the public ROW (including parkways, landscaping, non-Master Plan Trails, and sidewalks)		✓		
Off-street parking areas			✓	
Traffic signals	✓			
Traffic control signs – in the public ROW	✓			

Table 7-1 Maintenance Responsibilities (Cont'd)

Facility	City and/or CFD	Property Owners Association	Property Owner or Occupant	Public Utility
Traffic control signs – not in the public ROW		✓		
Street lights – in the public ROW	✓			
Street lights – not in the public ROW		✓		
Public water, sewer, and storm drain improvements within public ROW (excluding laterals)	✓			
On-site landscaping and irrigation		✓	✓	
Common open space		✓		
Walls and fences		✓	✓	
Corner and Entry Monuments		✓		
Tenant Signage		✓	✓	
Off-street lighting		✓	✓	
Storm Water Drainage/Water Quality Facilities – within the curb-to-curb area of a public street	✓			
Permanent Storm Water Drainage/Water Quality Facilities (swales, basins, biotreatment filters, etc.) – behind the curb line of the public street		✓		
Dry Utilities (electricity, natural gas, communications systems)				✓
Fiber Optic communication system in the public ROW	✓			✓

GENERAL PLAN CONSISTENCY ANALYIS

APPENDIX A

APPENDIX A POLICY PLAN CONSISTENCY

California Government Code (Title 7, Division 1, Chapter 3, Article 8, §§ 65450 through 65457) allows local governments to adopt and administer specific plans as tools to implement their general plan; however, specific plans must demonstrate consistency with the goals and policies set forth in the local general plan. This appendix provides a summary discussion to demonstrate that this MERRILL COMMERCE CENTER Specific Plan is consistent with, and results in the implementation of, applicable primary goals and policies of the Policy Plan (General Plan) component of The Ontario Plan.

Ontario Plan Policy	Specific Plan Consistency
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.*	
Policy LU1-1: Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan area is located in the Ontario Ranch area of the City, which is an area planned for future growth. Although existing infrastructure improvements are limited on and adjacent to the Specific Plan property, the City's Master Plans for water, sewer, and storm drainage identify planned infrastructure facilities to support growth in this area. The developer(s) of the MERRILL COMMERCE CENTER will be required to participate in the installation of the Master Plan infrastructure. Immediately south of the MERRILL COMMERCE CENTER are existing and planned industrial warehouse developments and the Chino Airport, in the City of Chino. Development of the MERRILL COMMERCE CENTER will help to establish an identity for the City of Ontario along its southern border in this location, as envisioned by the Policy Plan's Land Use Element. The Policy Plan designates the MERRILL COMMERCE CENTER property as "Business Park," "Office Commercial," and "General Commercial" land uses. This Specific Plan calls for "Business Park" and "Industrial" uses that are generally compatible with the Policy Plan's intent for employment growth and development.
Policy LU1-2: Sustainable Community Strategy. We integrate state, regional and local Sustainable Community/Smart Growth principles into the development and entitlement process.	**Consistent.** The MERRILL COMMERCE CENTER features numerous sustainable features. The Specific Plan encourages non-motorized circulation by employees and visitors via its provision of an integrated network of sidewalks, bikeways, and trails. In accordance with the Exhibit M-3, *Multipurpose Trails & Bikeway Corridor Plan*, of the Policy Plan, Class II bike lanes are provided along both sides of the segment of Merrill Avenue located between Carpenter Avenue and Euclid Avenue; along both sides of the segment of Walker Avenue between Merrill Avenue and Edison Avenue; and along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A and 6A. Additionally, the MERRILL COMMERCE CENTER includes an 8-foot multi-purpose trail along segments of Merrill Avenue, Eucalyptus Avenue, Grove Avenue, Walker Avenue, and Vineyard Avenue which promotes pedestrian and bicycle connectivity.

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	All development in the Specific Plan area is required to conform to the California Green Building Standards Code (CalGreen). In addition, the roofs of industrial buildings will be structurally designed to support solar panels. The plant palette for the MERRILL COMMERCE CENTER is comprised of water-efficient species native to southern California or naturalized to the arid southern California climate, and the use of turf will be minimized. As such, the MERRILL COMMERCE CENTER is consistent with, and results in the implementation of, this policy.
Policy LU1-3: Adequate Capacity. We require adequate infrastructure and services for all development.	**Consistent.** The developer(s) of the MERRILL COMMERCE CENTER are required to install adequate roadway and utility infrastructure improvements to meet the demands of the Specific Plan while maintaining adequate service levels for existing, surrounding development. Refer to the Environmental Impact Report (EIR) prepared for the MERRILL COMMERCE CENTER Specific Plan for a detailed analysis of the adequacy of the Specific Plan's infrastructure improvements.
Policy LU1-4: Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.	**Consistent.** The MERRILL COMMERCE CENTER offers numerous opportunities for non-vehicular circulation, including multi-purpose trails, bikeways, and sidewalks. Class II Bikeways are designed along both sides of the segment of Merrill Avenue located between Carpenter Avenue and Euclid Avenue; along both sides of the segment of Walker Avenue between Merrill Avenue and Edison Avenue; and along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A, and 6A, as well as sidewalks, multi-purpose trails, and pathways to promote non-vehicular transportation. Multi-purpose trails are provided at the perimeters of MERRILL COMMERCE CENTER to encourage connectivity and circulation by employees, visitors, and the passerby by means not completely dependent on a motorized vehicle.
Policy LU1-5: Jobs-Housing Balance. We coordinate land use, infrastructure, and transportation planning and analysis with regional, county and other local agencies to	**Consistent.** The developer(s) of the MERRILL COMMERCE CENTER will construct roadway and utility improvements in accordance with the City's infrastructure master plans. Furthermore, the MERRILL COMMERCE CENTER will generate employment opportunities for residents of the City and surrounding jurisdictions, and reduce the need for residents in the region to commute to other regions for employment opportunities. Accordingly,

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further regional and subregional goals for jobs-housing balance.	implementation of the MERRILL COMMERCE CENTER Specific Plan will serve to improve the jobs-housing balance within the City and the Inland Empire region.
Policy 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.	**Consistent.** The MERRILL COMMERCE CENTER land use plan provides for Industrial and Business Park land uses that will accommodate a variety of employment uses arranged in a sensible and efficient manner that allow ease of access and complement the surrounding community. With a mixture of Business Park and Industrial uses, the MERRILL COMMERCE CENTER is envisioned to attract local, national, and international businesses, and will assist in diversifying the mix of employment opportunities available in the City.
Policy LU1-7: Revenues and Cost. We require future amendments to our Land Use Plan to be accompanied by analyses of fiscal impacts.	**Consistent.** A fiscal impact analysis was prepared in support of the MERRILL COMMERCE CENTER. Refer to the MERRILL COMMERCE CENTER Specific Plan EIR for a detailed analysis of potential fiscal effects associated with the implementation of the Specific Plan.
Goal LU2: *Compatibility between a wide range of uses.*	
Policy LU2-1: Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan EIR evaluated the potential physical environmental impacts of the implementation of the Specific Plan on the surrounding community in accordance with the California Environmental Quality Act (CEQA). Refer to the MERRILL COMMERCE CENTER Specific Plan EIR for a detailed analysis of impacts to adjacent properties associated with the implementation of the Specific Plan.
Policy LU2-2: Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.	**Consistent.** The MERRILL COMMERCE CENTER provides streetscapes for Eucalyptus Avenue, Merrill Avenue, Carpenter Avenue, and Grove Avenue; primary and secondary corner treatments at Specific Plan entry points; and landscaped screening walls between truck courts and parking areas and adjacent public rights-of-way. Implementation of these features provides a visual buffer between planned on-site Industrial and Business Park

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	land uses, and existing and planned off-site land uses. As such, the MERRILL COMMERCE CENTER is consistent with, and results in the implementation of, this policy.
Policy LU2-3: Hazardous Uses. We regulate the development of industrial and similar uses that use, store, produce or transport toxic substances, air emissions, other pollutants or hazardous materials.	**Consistent.** Building occupants within the MERRILL COMMERCE CENTER Specific Plan are obligated to comply with all local and State requirements for using, storing, producing, or transporting toxic substances, air emissions, other pollutants, or hazardous materials. As such, the MERRILL COMMERCE CENTER results in the implementation of this policy.
Policy LU2-5: Regulation of Uses. We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan EIR evaluated the potential physical environmental impacts of the implementation of the Specific Plan on the surrounding community in accordance with CEQA. Refer to the MERRILL COMMERCE CENTER Specific Plan EIR for a detailed analysis of impacts to adjacent properties associated with the implementation of the Specific Plan.
Policy LU2-6: Infrastructure Compatibility. We require infrastructure to be aesthetically pleasing and in context with the community character.	**Consistent.** Water, sewer, storm drain, and dry utility improvements will be located underground and out of view, with the exception of detention basins and storm water inlets and channels that are required to be exposed at the surface. Several above-ground utility lines will be undergrounded with the implementation of development in the Specific Plan area. Roadway infrastructure improvements are designed to be landscaped with a combination of evergreen and deciduous trees – including flowering varieties – shrubs and groundcovers in an aesthetically-pleasing manner to establish the MERRILL COMMERCE CENTER design theme. Entry corners are designed with an "orchard row" landscape treatment as a nod to south Ontario's agricultural history.
Policy LU2-8: Transitional Areas. We require development in transitional areas to protect the quality of life of current residents.	**Consistent.** The MERRILL COMMERCE CENTER property is surrounded by agricultural uses, dairy operations, the Chino Airport, and existing and planned industrial warehouse uses. Nonetheless, the Specific Plan stipulates landscaping and building setbacks along all of the Specific Plan's perimeter streets that separate the Specific Plan area from adjacent properties. Trucks traveling to and from the MERRILL COMMERCE CENTER are required to utilize the City's approved truck routes, thereby minimizing exposure of nearby residents to truck-related impacts. Development within the MERRILL COMMERCE CENTER

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	must adhere to the Design Guidelines set forth in Chapter 6 of this Specific Plan, which will provide for a high-quality, attractive, and contemporary environment.
Policy LU2-9: Methane Gas Sites. We require sensitive land uses and new uses on former dairy farms or other methane-producing sites be designed to minimize health risks.	**Consistent.** If determined to be necessary, the MERRILL COMMERCE CENTER will be required to implement the mitigation measures identified in the MERRILL COMMERCE CENTER Specific Plan EIR addressing soil remediation and building venting requirements related to methane gas hazards. As such, the MERRILL COMMERCE CENTER Specific Plan is consistent with this policy.
***Goal LU4**: Development that provides short-term value only when the opportunity to achieve our Vision can be preserved.*	
Policy LU4-2: Interim Development. We allow development in growth areas that is not immediately reflective of our ultimate Vision provided it can be modified or replaced when circumstances are right. We will not allow development that impedes, precludes or compromises our ability to achieve our Vision.	**Consistent.** The central theme of the Ontario Vision is "A sustained, community-wide prosperity which continuously adds value and yields benefits." The phased development of the MERRILL COMMERCE CENTER Specific Plan will attract new businesses, provide employment opportunities for residents, contribute the City's tax base, and construct circulation and utility infrastructure improvements that are critical to allow for the growth of the region to continue. As such, the MERRILL COMMERCE CENTER will help the City achieve its Vision by continuously adding value, yielding benefits, and contributing to the prosperity of the City and the Inland Empire region.
Policy LU4-3: Infrastructure Timing. We require that the necessary infrastructure and services be in place prior to or concurrently with development.	**Consistent.** Chapter 7, *Implementation Plan*, of the MERRILL COMMERCE CENTER Specific Plan includes a development phasing plan which requires that infrastructure to support the buildout of the Specific Plan be adequately phased concurrently with development.
***Goal LU5**: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.*	
Policy LU5-5: Airport Compatibility Planning for ONT. We create and maintain the Airport Land Use Compatibility Plan for ONT.	**Consistent.** The land uses provided by the MERRILL COMMERCE CENTER Specific Plan are consistent with the Airport Land Use Compatibility Plan (ALUCP) requirements for the Ontario International Airport and the Chino Airport. Furthermore, future development on

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Policy LU5-7: ALUCP Consistency with Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.	the Specific Plan property would be required to comply with the development standards and design guidelines established in this Specific Plan, as well as the applicable requirements of the City of Ontario Development Code, which would preclude any potential inconsistencies with the Ontario International Airport ALUCP.

Housing Element

Goal H1: *Stable neighborhoods of quality housing, ample community services and public facilities, well-maintained infrastructure, and public safety that foster a positive sense of identity.*	
Policy H1-4: Historical Preservation. We support the preservation and enhancement of residential structures, properties, street designs, lot configurations, and other reminders of Ontario's past that are considered to be local historical or cultural resources.	**Consistent.** Refer to the MERRILL COMMERCE CENTER Specific Plan EIR for a detailed analysis of impacts to historical and cultural resources that would occur as a result of the implementation of the Specific Plan. If determined to be necessary, development projects within the MERRILL COMMERCE CENTER Specific Plan will be required to implement mitigation measures to reduce impacts to historical and cultural resources to the maximum extent feasible.

Parks & Recreation Element

Goal PR1: *A system of safe and accessible parks that meets the needs of the community.*	
Policy PR1-15: Trail Connectivity. We strengthen and improve equestrian, bike and multipurpose trail connections within the City and work to improve trail connections into adjacent jurisdictions.	**Consistent.** The MERRILL COMMERCE CENTER includes an 8-foot-wide multi-purpose trail along segments of Merrill Avenue, Eucalyptus Avenue, Grove Avenue, Walker Avenue, and Vineyard Avenue which promotes pedestrian and bicycle connectivity between the Planning Areas and with the surrounding land uses. The multi-purpose trail system provided by the MERRILL COMMERCE CENTER implements the multipurpose trail system shown in Exhibit M-3, *Multipurpose Trails & Bikeway Corridor Plan*, of The Policy Plan.

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Environmental Resources Element	
Goal ER1: *A reliable and cost-effective system that permits the City to manage its diverse water resources and needs.*	
Policy ER1-3: Conservation. We require conservation strategies that reduce water usage.	**Consistent.** The MERRILL COMMERCE CENTER incorporates a drought-tolerant plant palette and water-efficient irrigation system design to minimize the water demands of planned development. In addition, implementing development projects will be required to comply with the water-efficiency mandates of the California Green Building Standards Code (Title 24), including the provision of water-efficient fixtures. Accordingly, the MERRILL COMMERCE CENTER Specific Plan incorporates water conservation strategies and is consistent with this policy.
Policy ER1-4: Supply-Demand Balance. We require that available water supply and demands be balanced.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan EIR evaluates the impacts of the Specific Plan's implementation related to water supply based on the results of a project-specific water supply assessment. If deemed necessary by the EIR, development within the Specific Plan is required to implement mitigation measures to reduce significant impacts to the water supply to the maximum extent feasible. Therefore, the MERRILL COMMERCE CENTER is consistent with this policy.
Policy ER1-5: Groundwater Management. We protect groundwater quality by incorporating strategies that prevent pollution, require remediation where necessary, capture and treat urban run-off, and recharge the aquifer.	**Consistent.** As discussed in detail in the MERRILL COMMERCE CENTER Specific Plan EIR, implementation of the Specific Plan will not result in new, substantial sources of urban runoff, and also will not violate applicable stormwater quality requirements. Also, the MERRILL COMMERCE CENTER includes permeable surfaces (e.g., landscaped areas, water quality/infiltration basins) that would allow surface water to percolate and contribute to recharge of the aquifer.
Policy ER1-6: Urban Run-off Quantity. We encourage the use of low impact development strategies to intercept run-off, slow the discharge rate, increase infiltration and ultimately reduce discharge volumes to traditional storm drain systems.	

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Policy ER1-7: Urban Run-off Quality. We require the control and management of urban run-off, consistent with Regional Water Quality Control Board regulations.	
Policy ER1-8: Wastewater Management. We require the management of wastewater discharge and collection consistent with waste discharge requirements adopted by the Regional Water Quality Control Board.	**Consistent.** All sewer conveyance infrastructure needed to serve the MERRILL COMMERCE CENTER will be installed in accordance with City design standards. Accordingly, implementation of the Specific Plan will not violate any applicable waste discharge requirements as detailed in the MERRILL COMMERCE CENTER Specific Plan EIR.
Goal ER3: *Cost-effective and reliable energy system sustained through a combination of low impact building, site and neighborhood energy conservation and diverse sources of energy generation that collectively helps to minimize the region's carbon footprint.*	
Policy ER3-3: Building and Site Design. We require new construction to incorporate energy efficient building and site design strategies, which could include appropriate solar orientation, maximum use of natural daylight, passive solar and natural ventilation.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan's design guidelines encourage all new construction to utilize design features, fixtures, appliances, and heating and cooling controls to conserve energy and water. In addition, all development is required to comply with the California Green Building Standards Code (CalGreen).
Policy ER3-6: Generation- Renewable Sources. We promote the use of renewable energy sources to serve public and private sector development.	**Consistent.** Buildings roofs in the Industrial planning areas will be designed to structurally support the installation of solar panels.
Goal ER4: *Improved indoor and outdoor air quality and reduced locally generated pollutant emissions.*	
Policy ER4-1: Land Use. We reduce GHG and other local pollutant emissions through compact, mixed use, and transit-oriented	**Consistent.** The MERRILL COMMERCE CENTER provides employment land uses in close proximity to major transportation corridors (Interstate 10, Interstate 15, State Route 60, State Route 83, State Route 71 and State Route 91) and near BRT Corridors along Edison Avenue and Euclid Avenue. Therefore, the MERRILL COMMERCE CENTER provides local

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development and development that improves the regional jobs-housing balance.	employment opportunities for residents and serves to improve the regional jobs-housing balance. Additionally, the MERRILL COMMERCE CENTER provides an integrated system of sidewalks, bikeways, and multi-purpose trails on internal and perimeter roadways to encourage non-vehicular modes of transportation. Based on the foregoing, the MERRILL COMMERCE CENTER has the potential to reduce vehicle miles traveled, which would reduce tailpipe emissions – a major source of greenhouse gases (GHGs). As such, the MERRILL COMMERCE CENTER would not prevent the City from achieving this Policy Plan goal.
Policy ER4-3: Greenhouse Gases (GHG) Emissions Reductions. We will reduce GHG emissions in accordance with regional, state and federal regulations.	**Consistent.** As described in the MERRILL COMMERCE CENTER Specific Plan EIR, the Specific Plan would be consistent with applicable regional, State, and federal regulations related to the reduction of GHG emissions and would not obstruct implementation of any GHG reduction plans/programs. The MERRILL COMMERCE CENTER is consistent with Policy ER4-3.
Policy ER4-8: Tree Planting. We protect healthy trees within the City and plant new trees to increase carbon sequestration and help the regional/local air quality.	**Consistent.** As part of the development of the MERRILL COMMERCE CENTER, a substantial number of trees will be planted within the Specific Plan area, and in particular along roadway street frontages, near building entrances, and in passenger car parking lots. At primary entry corners, trees will be planted in "orchard rows."
Goal ER5: *Protected high value habitat and farming and mineral resource extraction activities that are compatible with adjacent development.*	
Policy ER5-1: Habitat Conservation Areas. We support the protection of biological resources through the establishment, restoration and conservation of high-quality habitat areas.	**Consistent.** The MERRILL COMMERCE CENTER property was historically used for agricultural uses, dairy farming, and a commercial trucking operation. Natural habitat is nil. The Specific Plan EIR evaluates impacts to biological resources (including sensitive/protected habitats and species) as a result of the implementation of the Specific Plan and establishes mitigation measures required to reduce significant impacts to the maximum extent feasible.
Policy ER5-2: Entitlement and Permitting Process. We comply with state and federal regulations regarding protected species.	

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Policy ER5-3: Right to Farm. We support the right of existing farms to continue their operations within the New Model Colony.	**Consistent.** Implementation of the MERRILL COMMERCE CENTER Specific Plan would not preclude the continued operation of existing farms within the New Model Colony/Ontario Ranch. Furthermore, the MERRILL COMMERCE CENTER Specific Plan EIR evaluates impacts to surrounding land uses that could potentially occur as a result of the implementation of the MERRILL COMMERCE CENTER Specific Plan and establishes mitigation measures required to reduce significant impacts to the maximum extent feasible.
Policy ER5-4: Transition of Farms. We protect both existing farms and sensitive uses around them as agricultural areas transition to urban uses.	

Community Economics Element

Goal CE1: A complete community that provides for all incomes and stages of life.	
Policy CE1-1: Jobs-Housing Balance. We pursue improvement to the Inland Empire's balance between jobs and housing by promoting job growth that reduces the regional economy's reliance on out-commuting.	**Consistent.** The MERRILL COMMERCE CENTER would provide over 376.3 acres of new employment-generating land uses (up to 8,455,000 square feet of building area) in close driving distance to existing and planned residential land uses. The new job opportunities provided within the MERRILL COMMERCE CENTER Specific Plan area will assist the City's efforts to promote job growth and improve the balance between jobs and housing within the City limits.
Policy CE1-12: Circulation. We continuously plan and improve public transit and non-vehicular circulation for the mobility of all, including those with limited or no access to private automobiles.	**Consistent.** BRT Corridors are located along Edison Avenue and Euclid Avenue in close proximity to the Specific Plan. Additionally, the MERRILL COMMERCE CENTER provides Class II Bikeways along both sides of the segment of Merrill Avenue located between Carpenter Avenue and Euclid Avenue; along both sides of the segment of Walker Avenue between Merrill Avenue and Edison Avenue; and along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A, and 6A, as well as sidewalks, multi-purpose trails, and pathways to promote non-vehicular transportation.

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Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.	
Policy CE2-1: Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan provides for the development of the Specific Plan property as a high-quality and contemporary industrial/business park. This Specific Plan's Design Guidelines (refer to Chapter 6) establish criteria for architecture, lighting, signage, and landscape design to promote the development of an attractive industrial/business park with timeless design features that are perceived as an inviting place to work and conduct business.
Policy 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.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan requires implementing development projects within the Specific Plan area to be reviewed and approved pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process which provides for review by the City's Planning Department which may require the development to demonstrate how each project will create appropriately unique, functional and sustainable places. Furthermore, implementing development projects within the MERRILL COMMERCE CENTER Specific Plan are required to be designed in accordance with the architectural and landscape design guidelines established in Chapter 6, *Design Guidelines*, of this Specific Plan, which will result in a unique, aesthetically attractive, and contemporary industrial/business park that will be highly competitive with similar developments in the region.
Policy 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.	**Consistent.** Implementing development projects within the MERRILL COMMERCE CENTER Specific Plan are required to be designed in accordance with the architectural and landscape design guidelines established in Chapter 6, *Design Guidelines*, of this Specific Plan, which will result in a unique, aesthetically-attractive, and contemporary industrial/business park that reflects high-quality architectural design. As such, the MERRILL COMMERCE CENTER will implement this policy.
Policy CE2-5: Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper	**Consistent.** This Specific Plan defines the entities responsible for the maintenance of publicly and privately-owned improvements within the MERRILL COMMERCE CENTER, including roadways and utility infrastructure. Compliance with the maintenance

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maintenance on private property protects property values.	responsibility matrix established in Chapter 7, *Implementation Plan*, will ensure that all improvements within the Specific Plan area are properly and consistently maintained.
Policy CE2-6: Public Maintenance. We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance of the public realm whether on private land, in rights-of-way, or on publicly-owned property.	
Goal CE3: *Decision-making deliberations that incorporate the full short-term and long-term economic and fiscal implications of proposed City Council actions.*	
Policy CE3-2: General Plan Amendments. We require those proposing General Plan amendments to disclose reasonably foreseeable impacts through a fiscal analysis.	**Consistent.** A fiscal impact analysis was prepared in support of the MERRILL COMMERCE CENTER. Refer to the MERRILL COMMERCE CENTER Specific Plan EIR for a detailed analysis of potential reasonably foreseeable fiscal effects associated with implementation of this Specific Plan.
Safety Element	
Goal S1: *Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.*	
Policy S1-1: Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.	**Consistent.** Implementing development within the MERRILL COMMERCE CENTER Specific Plan will be required by law to comply with the California Green Building Standards Code as adopted and implemented by the City. Geotechnical studies were required for the Specific Plan, and are contained as appendices to the Specific Plan EIR.
Policy S1-2: Entitlement and Permitting Process. We follow state guidelines and the California	

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Building Code to determine when development proposals must conduct geotechnical and geological investigations.	
Goal S2: *Minimized risk of injury, loss of life, property damage and economic and social disruption caused by flooding and inundation hazards.*	
Policy S2-1: Entitlement and Permitting Process. We follow State guidelines and building code to determine when development proposals require hydrological studies prepared by a State-certified engineer to assess the impact that the new development will have on the flooding potential of existing development down-gradient.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan EIR evaluates flooding impacts that could result from implementation of the MERRILL COMMERCE CENTER Specific Plan, primarily based on the results of a project-specific hydrology study. Where necessary, the MERRILL COMMERCE CENTER Specific Plan EIR incorporates mitigation measures to reduce significant flood hazard-related impacts to the maximum extent feasible. Furthermore, the MERRILL COMMERCE CENTER is required to improve the public storm drain system in accordance with the City's master plan of drainage and as described in Specific Plan Chapter 4, *Infrastructure Plan*.
Policy S2-2: Flood Insurance. We will limit development in flood plains and participate in the National Flood Insurance Program.	
Policy S2-5: Storm Drain System. We maintain and improve the storm drain system to minimize flooding.	
Goal S3: *Reduced risk of death, injury, property damage and economic loss due to fires, accidents and normal everyday occurrences through prompt and capable emergency response.*	
Policy S3-8: Fire Prevention through Environmental Design. We require new development to incorporate fire prevention	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan requires implementing development within the Specific Plan area to be reviewed and approved pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process which provides for review by the City's Fire Department which may require the

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consideration in the design of streetscapes, sites, open spaces and buildings.	incorporation of fire prevention design elements in streetscapes, sites, open spaces and buildings.
Goal S4: *An environment where noise does not adversely affect the public's health, safety, and welfare.*	
Policy S4-1: Noise Mitigation. We utilize the City's Noise Ordinance, building codes and subdivision and development codes to mitigate noise impacts.	**Consistent.** Development within the MERRILL COMMERCE CENTER Specific Plan is required to comply with the City's Noise Ordinance, building codes, and roadway design standards. Trucks traveling to and from the Specific Plan are required to utilize City-approved truck routes. Furthermore, the MERRILL COMMERCE CENTER Specific Plan EIR evaluates noise impacts that could result from construction and operation of the MERRILL COMMERCE CENTER Specific Plan, primarily based on the results of a project-specific noise study. Where necessary, the MERRILL COMMERCE CENTER Specific Plan EIR incorporates mitigation measures to reduce significant noise impacts to the maximum extent feasible.
Policy S4-4: Truck Traffic. We manage truck traffic to minimize noise impacts on sensitive land uses.	
Policy S4-5: Roadway Design. We design streets and highways to minimize noise impacts.	
Policy S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan includes Industrial and Business Park land uses, which are generally not considered noise-sensitive land uses. These land uses are consistent with the ALUCP requirements for the Ontario International Airport and the Chino Airport.
Goal S5: *Reduced risk of injury, property damage and economic loss resulting from windstorms and wind-related hazards.*	
Policy S5-2: Dust Control Measures. We require the implementation of Best Management Practices for dust control at all excavation and grading projects.	**Consistent.** Construction activities within the Specific Plan will comply with a City-approved construction management plan and building code requirements related to dust control, and will implement all best management practices and mitigation measures identified in the MERRILL COMMERCE CENTER Specific Plan EIR with regard to dust control.
Policy S5-3: Grading in High Winds. We prohibit excavation and grading during strong	

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wind conditions, as defined by the Building Code.	
Goal S6: *Reduced potential for hazardous materials exposure and contamination.*	
Policy S6-6: Location of Sensitive Land Uses. We prohibit new sensitive land uses from locating within airport Safety Zones and near existing sites that use, store, or generate large quantities of hazardous materials.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan includes Industrial and Business Park land uses, which are generally not considered sensitive land uses. These land uses are consistent with the ALUCP requirements for the Ontario International Airport and the Chino Airport. Therefore, the MERRILL COMMERCE CENTER is consistent with this policy.
Policy S6-9: Remediation of Methane. We require development to assess and mitigate the presence of methane, per regulatory standards and guidelines.	**Consistent.** If determined to be necessary, the MERRILL COMMERCE CENTER will be required to implement the mitigation measures identified in the MERRILL COMMERCE CENTER Specific Plan EIR addressing soil remediation and building venting requirements related to methane gas hazards.
Goal S7: *Neighborhoods and commercial and industrial districts that are kept safe through a multi-faceted approach of prevention, suppression, community involvement and a system of continuous monitoring.*	
Policy S7-4: Crime Prevention through Environmental Design (CPTED). We require new development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.	**Consistent.** Development within the MERRILL COMMERCE CENTER Specific Plan is required to be reviewed pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process which provides for review by the City's Police Department which may require the development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.
Mobility Element	
Goal M1: *A system of roadways that meets the mobility needs of a dynamic and prosperous Ontario.*	
Policy M1-1: Roadway Design and Maintenance. We require our roadways to:	**Consistent.** The developer(s) of MERRILL COMMERCE CENTER will improve all perimeter streets and new internal streets in accordance with the City's Master Plan of Streets and Highways and City design standards, and would comply with the San Bernardino County

Ontario Plan Policy	Specific Plan Consistency
• Comply with federal, state and local design and safety standards. • Meet the needs of multiple transportation modes and users. • Handle the capacity envisioned in the Functional Roadway Classification Plan. • Maintain a peak hour Level of Service (LOS) E or better at all intersections. • Be compatible with the streetscape and surrounding land uses. • Be maintained in accordance with best practices and our Right-of-Way Management Plan.	Municipal Separate Storm Sewer System (MS4) Permit and Water Quality Management Plan. As described in Chapter 4, *Infrastructure Plan*, of this Specific Plan, the MERRILL COMMERCE CENTER includes roadway, bikeway, sidewalk, and multi-purpose trail improvements to facilitate efficient vehicular and non-vehicular transportation through and around the Specific Plan area. The MERRILL COMMERCE CENTER Specific Plan EIR is supported by a traffic study that identifies roadway facility improvements and fair share payments that will be the responsibility of the Specific Plan developer(s). Roadway network is designed to operate at acceptable levels of service. All public roadways will be maintained in accordance with City requirements.
Policy M1-2: Mitigation of Impacts. We require development to mitigate its traffic impacts.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan EIR is supported by a traffic study that stipulates the mitigation measures that the Specific Plan's developer(s) will need to implement to address the traffic impacts of implementing development projects.
Policy M1-5: Complete Streets. We work to provide a balanced context sensitive, multimodal transportation network that meets the needs of all users of streets, roads, and highways, including motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods and users of public transportation.	**Consistent.** The MERRILL COMMERCE CENTER's circulation plan encourages mobility via a variety of means. BRT Corridors are located along Edison Avenue and Euclid Avenue in close proximity to the Specific Plan. Additionally, the MERRILL COMMERCE CENTER provides Class II Bikeways along both sides of the segment of Merrill Avenue located between Archibald Avenue and Euclid Avenue; along both sides of the segment of Walker Avenue between Merrill Avenue and Edison Avenue; and along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A, and 6A, as well as sidewalks, multi-purpose trails, and pathways to promote non-vehicular transportation. Additionally, development within the MERRILL COMMERCE CENTER is required to comply with applicable building codes and standards to accommodate persons with disabilities.

Ontario Plan Policy	Specific Plan Consistency
Goal M2: *A system of trails and corridors that facilitate and encourage bicycling and walking.*	
Policy M2-1: Bikeway Plan. We maintain our Multipurpose Trails & Bikeway Corridor Plan to create a comprehensive system of on- and off-street bikeways that connect residential areas, businesses, schools, parks, and other key destination points. **Policy M2-2: Bicycle System.** We provide off-street multipurpose trails and Class II bikeways as our primary paths of travel and use the Class III for connectivity in constrained circumstances.	**Consistent.** The MERRILL COMMERCE CENTER includes the construction of Class II Bikeways along both sides of the segment of Merrill Avenue located between Carpenter Avenue and Euclid Avenue; along both sides of the segment of Walker Avenue between Merrill Avenue and Edison Avenue; and along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A, and 6A. The bikeways would be provided in conformance with the City's Multipurpose Trails & Bikeway Corridor Plan.
Policy M2-3: Pedestrian Walkways. We require walkways that promote safe and convenient travel between residential areas, businesses, schools, parks, recreation areas, and other key destination points.	**Consistent.** The MERRILL COMMERCE CENTER provides sidewalks along all perimeter and internal public streets to facilitate safe and convenient pedestrian travel to the Specific Plan area and between the planned Business Park and Industrial land uses. Additionally, the MERRILL COMMERCE CENTER includes an 8-foot multi-purpose trail along segments of Merrill Avenue, Eucalyptus Avenue, Grove Avenue, Walker Avenue, and Vineyard Avenue. All sidewalks and trails will be constructed in accordance with City standards, and landscaping will be spaced to provide motorists and pedestrians with adequate sight lines to promote safe travel.
Goal M4: *An efficient flow of goods through the City that maximizes economic benefits and minimizes negative impacts.*	
Policy M4-1: Truck Routes. We designate and maintain a network of City truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses, as shown in the Truck Routes Plan.	**Consistent.** Trucks traveling to and from the MERRILL COMMERCE CENTER will be required to utilize City-designated truck routes. Merrill Avenue is a City-designated truck route. The MERRILL COMMERCE CENTER Specific Plan EIR evaluates the traffic- and noise-related impacts resulting from operation of the Specific Plan and identifies mitigation measures to reduce significant impacts to the maximum extent feasible.

Ontario Plan Policy	Specific Plan Consistency
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.*	
Policy CD1-2: Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.	**Consistent.** This Specific Plan includes detailed architectural and landscape design guidelines (refer to Chapter 6) that address all aspects of land development, including site design, architectural design, landscape materials, monuments/entries, signage and lighting to ensure future development within the Specific Plan is aesthetically pleasing, cohesive, and distinctive, yet also complements the existing surrounding development.
Policy CD1-3: Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected and enhanced in accordance with our land use policies.	**Consistent.** The MERRILL COMMERCE CENTER is designed to protect the integrity of existing residential land uses within the vicinity of the Specific Plan. Streetscapes along the perimeter roadways include landscape buffers which physically and visually separate off-site areas from planned on-site Business Park and Industrial uses. Additionally, buildings would be sited to minimize adverse effects to nearby residential uses. For example, loading docks would be screened by a combination of building orientation, walls, and landscaping. Furthermore, exterior lighting fixtures would be focused on the Specific Plan property and focused/shielded to prevent light trespass on adjacent properties. The design features provided by the MERRILL COMMERCE CENTER to prevent "edge effects" with surrounding land uses are listed in Chapter 5, *Development Standards*, and Chapter 6, *Design Guidelines*, of this Specific Plan. Accordingly, the MERRILL COMMERCE CENTER will preserve and protect existing sensitive land uses near the Specific Plan property.
Policy CD1-4: Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage and lighting.	**Consistent.** The MERRILL COMMERCE CENTER includes streetscapes that include landscaping – including evergreen and deciduous trees, low shrubs, and groundcovers – along perimeter and interior streets concurrent with development. The MERRILL COMMERCE CENTER also includes an 8-foot multi-purpose trail along segments of Merrill Avenue, Eucalyptus Avenue, Grove Avenue, Walker Avenue, and Vineyard Avenue. Additionally, Class II bike lanes are provided along both sides of the segment of Merrill Avenue located between Carpenter Avenue and Euclid Avenue; along both sides of the

Ontario Plan Policy	Specific Plan Consistency
	segment of Walker Avenue between Merrill Avenue and Edison Avenue; and along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A, and 6A. The MERRILL COMMERCE CENTER also provides a series of entry monuments, tenant signage, and corner treatments, which incorporate architectural features (e.g., monument signs) and landscaping to welcome employees and and visitors and establish the Specific Plan's design theme.
Policy CD1-5: View Corridors. We require all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountains, which are part of the City's visual identity and a key to geographic orientation. Such views should be free of visual clutter, including billboards and may be enhanced by framing with trees.	**Consistent.** The MERRILL COMMERCE CENTER does not include any design components that would detract from views of the San Gabriel Mountains from major north-south street corridors. As part of build-out of this Specific Plan, landscaping – including trees – would be planted along the major north-south interior and perimeter streets in conjunction with improvements to these roadways.
Goal CD2: *A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.*	
Policy CD2-1: Quality Architecture. We encourage all development projects to convey visual interest and character through: • Building volume, massing, and height to provide appropriate scale and proportion; • A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and	**Consistent.** Future development of the MERRILL COMMERCE CENTER will be guided by the Specific Plan's Design Guidelines, which include comprehensive architectural criteria that provide for the development of an attractive, contemporary industrial/business park. The Design Guidelines specifically address architectural style, building form (shape, mass, scale, proportion, articulation), and building materials, colors, and textures to ensure that development is visually appealing and inviting to pedestrians and motorists. The MERRILL COMMERCE CENTER's design theme complements the City of Ontario's character and would not conflict with this policy.

Ontario Plan Policy	Specific Plan Consistency
• Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.	
Policy CD2-5: Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.	**Consistent.** As part of implementation of the MERRILL COMMERCE CENTER, existing public streets (Grove Avenue, Walker Avenue, Baker Avenue, Vineyard Avenue, Carpenter Avenue, Merrill Avenue, and Eucalyptus Avenue) will be improved with new travel lanes, medians, bicycle lanes, sidewalks, and multi-purpose trails (to the extent shown in Chapter 4, *Infrastructure Plan*) to ensure safe vehicular and non-vehicular transportation. In addition, the MERRILL COMMERCE CENTER will provide landscaping (trees, shrubs, groundcovers, etc.) along all exterior street frontages and along interior streets to establish the Specific Plan's design theme and create a welcoming visual environment for employees and visitors.
Policy CD2-7: Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.	**Consistent.** By nature of its location near regional transportation corridors, close driving distance to residential communities, and its planned mix of employment land uses to serve the surrounding community and region, the MERRILL COMMERCE CENTER is consistent with sustainable, "smart growth" principles. Building roofs of Industrial buildings will be constructed to support the installation of solar panels. Also, the plant palette for the MERRILL COMMERCE CENTER is comprised of drought-tolerant plant species native to Southern California or naturalized to the arid Southern California climate, and the use of turf will be minimized throughout the Specific Plan area, to minimize water use.
Policy CD2-8: Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan serves as the framework for implementing development projects in the Specific Plan area, and includes design specifications for sidewalks, building entrances, and lighting.

Ontario Plan Policy	Specific Plan Consistency
visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.	
Policy CD2-9: Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.	**Consistent.** The landscape concept for the MERRILL COMMERCE CENTER incorporates the use of attractive, durable landscaping materials, and an irrigation system designed to keep plant materials in good health while conserving water. Landscaping will be provided throughout the MERRILL COMMERCE CENTER, including along roadways, within passenger car parking lots, at monuments/entries, within common open space areas, and adjacent to buildings.
Policy CD2-10: Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.	**Consistent.** Parking lots, truck courts, and loading areas within the MERRILL COMMERCE CENTER will be designed and constructed in accordance with the requirements of the City's Development Code, and will include landscaping, screening walls, lighting, and well-defined drive aisles and parking spaces.
Policy CD2-11: Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.	**Consistent.** The MERRILL COMMERCE CENTER includes building entry treatments, primary and secondary corner treatments, and tenant monument treatments to identify the development and distinguish individual planning areas, in conformance with the intent of Policy CD2-11. The entry treatments, corner treatments, and tenant monuments which are illustrated in Chapter 6, *Design Guidelines*, incorporate landscaping and enhanced signage to provide attractive and distinctive visual statements.
Policy CD2-12: Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to	**Consistent.** The Design Guidelines for the MERRILL COMMERCE CENTER (refer to Chapter 6 of this Specific Plan) include signage guidelines to ensure that future development will construct clear, concise, easy-to-read signs that reflect and complement the Specific Plan's design theme, provide for safe and efficient circulation of vehicle traffic, and facilitate

Ontario Plan Policy	Specific Plan Consistency
various aspects of the development and complement the character of the structures.	pedestrian travel. Signs will be of high-quality and the use of distracting sign elements, such as flashing lights or moving parts, is prohibited.
Goal CD3: *Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.*	
Policy CD3-1: Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.	**Consistent.** The MERRILL COMMERCE CENTER provides a coordinated, interconnected circulation network for vehicles, bicycles, and pedestrians. All public roadways constructed by the MERRILL COMMERCE CENTER, including sidewalks, trails, and parkways, will be improved as illustrated in Chapter 4, *Infrastructure Plan*, and Chapter 6, *Design Guidelines*, of this Specific Plan and in accordance with City standards. Future development also will be required to comply with City standards related to the location of landscape plantings to ensure that adequate sight lines are provided for motorists and pedestrians.
Policy CD3-2: Connectivity between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.	**Consistent.** The MERRILL COMMERCE CENTER Design Guidelines establish site planning and landscaping measures to provide efficient, well-defined pedestrian connections that follow a cohesive design theme.
Policy CD3-3: Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan includes an integrated network of sidewalks, multipurpose trails and bikeways that facilitates access to buildings located throughout the Specific Plan using non-vehicular means of transportation. Where appropriate and implemented, the building entry treatment (as depicted in Chapter 6, *Design Guidelines*, of this Specific Plan) provides an enhanced paved path that serves as a direct connection to the adjacent right-of-way.
Policy CD3-5: Paving. We require sidewalks and road surfaces to be of a type and quality	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan requires implementing development within the Specific Plan area to be reviewed and approved pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process, which provides for review by the City's Engineering Department which will ensure

Ontario Plan Policy	Specific Plan Consistency
that contributes to the appearance and utility of streets and public spaces.	roadways and sidewalks are designed and constructed to comply with the City's roadway design standards.
Policy CD3-6: Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.	**Consistent.** The MERRILL COMMERCE CENTER utilizes landscaping to establish an attractive, cohesive design theme, as a focal point at building entry treatments, entrance monuments and corner treatments, to buffer on-site land from off-site land uses and adjacent roadway facilities, and to screen objectionable views from public views. Specific landscape design concepts for the MERRILL COMMERCE CENTER are described and illustrated in Chapter 6, *Design Guidelines*, of this Specific Plan.
Goal CD5: *A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.*	
Policy CD5-1: Maintenance of Buildings and Property. We require all public and privately-owned buildings and property (including trails and easements) to be properly and consistently maintained. **Policy CD5-2: Maintenance of Infrastructure.** We require the continual maintenance of infrastructure.	**Consistent.** This Specific Plan defines the entities responsible for maintenance of publicly and privately-owned improvements within the MERRILL COMMERCE CENTER, including roadways and utility infrastructure. Compliance with the maintenance responsibility matrix established in Chapter 7, *Implementation Plan*, will ensure that all improvements within the Specific Plan area are properly and consistently maintained.

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

Meeting Date: December 22, 2020

File No: PSP18-001

Related Files: PGPA18-003

Project Description: A public hearing to consider certification of the Environmental Impact Report (SCH#. 2019049079), including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, in conjunction with the following: [1] A General Plan Amendment (File No. PGPA18-003) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01), changing the land use designation on 376.3 acres of land from Business Park (0.6 FAR), Office Commercial (0.75 FAR) and General Commercial (0.4 FAR), to Business Park (0.6 FAR) and Industrial (0.55 FAR), and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; and [2] A Specific Plan (File No. PSP18-001 – Merrill Commerce Center) to establish the land use districts, development standards, guidelines, and infrastructure improvements for the potential development of up to 8,455,000 square feet of Industrial and Business Park land uses on the project site, generally bordered by Eucalyptus Avenue to the north, Merrill Avenue to the south, Carpenter Avenue to the east, and Grove Avenue to the west. (APN(s): 1054-111-01; 1054-111-02; 1054-121-01; 1054-121-02; 1054-131-01; 1054-131-02; 1054-141-01; 1054-141-02; 1054-151-01; 1054-151-02; 1054-161-01; 1054-161-02; 1054-161-03; 1054-171-01; 1054-171-02; 1054-171-03; 1054-171-04; 1054-181-01; 1054-181-02; 1054-191-01; 1054-191-02; 1054-201-01; 1054-201-02; 1054-211-01, 1054-211-02; 1054-221-01; 1054-221-02; 1054-331-01; 1054-331-02; 1054-341-01; 1054-341-02; 1054-351-01; 1054-351-02; 1054-361-01; 1054-361-02; 1073-111-01; 1073-111-02; 1073-111-03; 1073-111-04; 1073-111-05; 1073-111-06); **submitted by Merrill Commerce Center East LLC & Merrill Commerce Center West LLC**

Prepared By: Edmelynne V. Hutter, Senior Planner
Phone: 909.395.2429 (direct)
Email: ehutter@ontarioca.gov

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:

(a) Ten copies of the final 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 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.

2.3 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSP18-001, TO ESTABLISH LAND USE DISTRICTS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR THE POTENTIAL DEVELOPMENT OF UP TO 8,455,000 SQUARE FEET OF GENERAL INDUSTRIAL AND BUSINESS PARK LAND USES ON 376.3 ACRES OF LAND GENERALLY BORDERED BY EUCALYPTUS AVENUE TO THE NORTH, MERRILL AVENUE TO THE SOUTH, CARPENTER AVENUE TO THE EAST, AND GROVE AVENUE TO THE WEST, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1054-111-01; 1054-111-02; 1054-121-01; 1054-121-02; 1054-131-01; 1054-131-02; 1054-141-01; 1054-141-02; 1054-151-01; 1054-151-02; 1054-161-01; 1054-161-02; 1054-161-03; 1054-171-01; 1054-171-02; 1054-171-03; 1054-171-04; 1054-181-01; 1054-181-02; 1054-191-01; 1054-191-02; 1054-201-01; 1054-201-02; 1054-211-01, 1054-211-02; 1054-221-01; 1054-221-02; 1054-331-01; 1054-331-02; 1054-341-01; 1054-341-02; 1054-351-01; 1054-351-02; 1054-361-01; 1054-361-02; 1073-111-01; 1073-111-02; 1073-111-03; 1073-111-04; 1073-111-05 AND 1073-111-06.

WHEREAS, MERRILL COMMERCE CENTER EAST, LLC, and MERRILL COMMERCE CENTER WEST, LLC, ("Applicant") has filed an Application for the approval of a Specific Plan, File No. PSP18-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 376.3 acres of land, bordered by Eucalyptus Avenue to the north, at Merrill Avenue to the south, Carpenter Avenue to the east, and Grove Avenue on the west, within the SP(AG) (Specific Plan (Agricultural Overlay)) zoning district, and is presently improved with agricultural, dairy, and truck terminal uses; and

WHEREAS, the properties to the north of the Project site are within the SP(AG) zoning district and developed with agriculture/dairy and truck terminal uses. The properties to the east are within the SP zoning district, known as the West Ontario Commerce Center Specific Plan, and are developed with industrial uses. The properties to the south are located within the City of Chino and are developed with the Chino Airport, agricultural uses, and industrial buildings. The properties to the west are within the SP(AG) zoning district and are developed with agriculture/dairy uses; and

WHEREAS, the Merrill Commerce Center Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that excellence in community design is achieved during project development. In addition, the Specific Plan will establish the procedures and requirements to approve new development within the project site to ensure TOP goals and policies are achieved; and

WHEREAS, the Merrill Commerce Center Specific Plan consists of approximately 376.3 acres of land, which includes the potential development of up to 8,455,000 square feet of industrial and business park development; and

WHEREAS, a request for approval of a General Plan Amendment (File No. PGPA18-003) to change the land use designations shown on Policy Plan Exhibit LU-01, Land Use Plan, on approximately 376.3 acres of land from General Commercial (0.4 Floor Area Ratio (FAR)), Office Commercial (0.75 FAR), and Business Park (0.6 FAR), to Business Park (0.6 FAR) and Industrial (0.55 FAR), and modify Policy Plan Exhibit LU03, Future Buildout, to be consistent with the proposed land use designation changes, which was submitted in conjunction with the proposed Merrill Commerce Center Specific Plan and the related Environmental Impact Report ("EIR"); and

WHEREAS, the land use intensity of the Merrill Commerce Center Specific Plan anticipated in the eleven planning areas is consistent with The Ontario Plan ("TOP"). The Specific Plan is proposing a maximum 0.6 floor area ratio ("FAR") within the Business Park land use designation (Planning Areas 1A, 3A, 4A, 5A, and 6A) located along the northern portion of the Specific Plan area. Planning Areas 1A, 3A, 4A, 5A, and 6A is 55.1 acres in size and can be potentially developed with 1,441,000 square feet of business park development. The Specific Plan is proposing a maximum 0.55 FAR within the Industrial land use designation (Planning Areas 1, 2, 3, 4, 5, and 6) located along the southern portion of the Specific Plan. Planning Areas 1 through 6 is 292.8 acres in size and can potentially be developed with 7,014,000 square feet of industrial development. The proposed FARs for each of the land use areas is consistent with the Policy Plan Land Use designations for Business Park and Industrial; and

WHEREAS, the Merrill Commerce Center Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy (General Plan) analysis in the Appendix "Policy Plan (General Plan) Consistency," of the Specific Plan describes the manner in which the Merrill Commerce Center Specific Plan complies with the Policy Plan goals and policies applicable to the Merrill Commerce Center Specific Plan; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act, commencing with Public Resources Code Section 21000 et seq. (hereinafter referred to as "CEQA"); and

WHEREAS, an EIR (State Clearinghouse No. 2019049079), including the adoption of a Mitigation Monitoring and Reporting Program ("MMRP") and a Statement of Overriding Considerations, have been prepared in accord with CEQA, the State CEQA Guidelines, and the City of Ontario Guidelines to address the environmental effects of the Specific Plan (Merrill Commerce Center Specific Plan); 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 TOP, 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.

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, the project site is also located with the Airport Influence Area of Chino Airport and must be consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics, which 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 December 22, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the EIR, MMRP, Statement of Overriding Considerations, and the Project, and concluded said hearing on that date, voting to issue Resolution No. PC20-096 recommending the City Council approve the Application; and

WHEREAS, as the first action on the Project, on February 2, 2021, the City Council approved a Resolution adopting the Merrill Commerce Center Specific Plan Environmental Impact Report (State Clearinghouse No. 2019049079), including the adoption of a Mitigation Monitoring and Reporting Plan and a Statement of Overriding Considerations; and

WHEREAS, on February 2, 2021, 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 Ordinance have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED 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 EIR, MMRP, and a Statement of Overriding Considerations prepared for the project and supporting documentation. Based upon the facts and information contained in the EIR (State Clearinghouse No. 2019049079) and supporting documentation, the City Council finds as follows:

(1) The Merrill Commerce Center Specific Plan EIR, MMRP, Statement of Overriding Considerations contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The Merrill Commerce Center Specific Plan EIR, MMRP, and Statement of Overriding Considerations was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The Merrill Commerce Center Specific Plan EIR, MMRP, and a Statement of Overriding Considerations reflects the independent judgment of the City Council.

SECTION 2. ***Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance and Chino Airport Influence Area.*** The proposed project is located within the Safety, Noise, Airspace Protection and Overflight Zones of the ALUCP. A consistency determination was completed, and the proposed project is consistent with the policies and criteria of the ALUCP, subject to conditions. In addition, the project site is located within the Chino Airport's airport influence area (AIA) and the Chino Airport zoning overlay. Land use compatibility assessments are part of the Chino Airport Overlay (Generic Safety Zones for General Aviation Airports from the Caltrans Division of Aeronautics – California Airport Land Use Planning Handbook). Pursuant to the California Airport Land Use Planning Handbook, the Specific Plan site is within Safety Zones 1, 2, 3, 4, and 6, Traffic Pattern/Overflight Zone. Light industrial and manufacturing uses are acceptable within Zones 2, 3, 4, and 6, subject to Open Land criteria.

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 through 2 above, the City Council hereby concludes as follows:

(1) The approximately 376.3-acre Merrill Commerce Center Specific Plan is suitable for business park and industrial development and is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of TOP. The proposed land uses in the proposed districts will also be in harmony in terms of access, size, and compatibility with existing land use in the surrounding area; and

(2) The proposed Merrill Commerce Center Specific Plan is in conformance with the Land Use Policies and Goals of the Policy Plan and will provide standards and guidelines for the harmonious development within the districts, in a manner consistent with the Policy Plan. The Specific Plan is proposing business park and industrial type development for the approximately 376.3-acre site, which is what is mandated by the land use plan of the Policy Plan; therefore, the proposed industrial uses will be in conformance with the policies and goals of the Policy Plan; and

(3) During the Merrill Commerce Center Specific Plan review, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 65352.3.), public agencies, public utility companies, and civic, education, and

other community groups, through public hearings or other means, were implemented consistent with California Government Code Section 65351; and

(4) 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 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 Merrill Commerce Center Specific Plan, attached hereto as "Attachment A" and is 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.

SECTION 7. ***Severability.*** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. ***Effective Date.*** This Ordinance shall become effective 30 days following its adoption.

SECTION 9. ***Publication and Posting.*** 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 15 days following 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.

PASSED, APPROVED, AND ADOPTED this 16th day of February 2021.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER 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. 3178 was duly introduced at a regular meeting of the City Council of the City of Ontario held February 2, 2021 and adopted at the regular meeting held February 16, 2021 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. 3178 duly passed and adopted by the Ontario City Council at their regular meeting held February 16, 2021 and that Summaries of the Ordinance were published on February 9, 2021 and February 23, 2021, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

<u>ATTACHMENT A</u>:

File No. PSP18-001;
Merrill Commerce Center Specific Plan

(Document follows this page)

MERRILL COMMERCE CENTER

SPECIFIC PLAN

CITY OF ONTARIO

Applicants:
Merrill Commerce Center East, LLC
Merrill Commerce Center West, LLC
3546 Concours Street, Suite 100
Ontario, CA 91764

Prepared By:
T&B Planning, Inc.
3200 El Camino Real, Suite 100
Irvine, CA 92602

Date: January 11, 2021

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EXECUTIVE SUMMARY

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ES.1 Specific Plan Overview

ES.2 Other Governing Documents

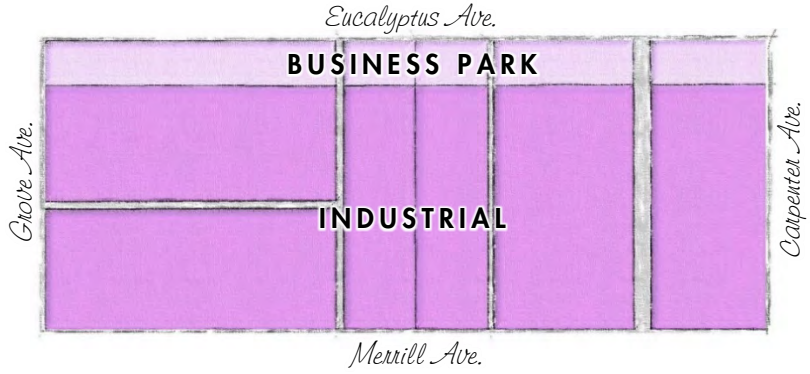
ES.3 Specific Plan Components

ES.0 EXECUTIVE SUMMARY

ES.1 SPECIFIC PLAN OVERVIEW

The MERRILL COMMERCE CENTER Specific Plan area covers approximately 376.3 acres in the southern portion of the City of Ontario. The Specific Plan property is located north of Merrill Avenue, south of Eucalyptus Avenue, east of Grove Avenue and west of Carpenter Avenue. Along the Specific Plan's southern property line, Merrill Avenue forms the boundary between the City of Ontario and the City of Chino.

The location of the MERRILL COMMERCE CENTER in regional and local contexts is depicted in Figure ES-1, *Regional Map*, and Figure ES-2, *Vicinity Map*, which shows the relationship of the Specific Plan property with nearby cities, counties, and unincorporated communities.



The information contained in this Specific Plan provides guidance for the development of a contemporary, master-planned commerce center. The commerce center is envisioned to contain business park and industrial buildings supported by public roads and utility infrastructure systems, private driveways, parking lots, truck courts, lighting, landscaping, signage, and other functional and decorative features. Multi-purpose trails are provided at the perimeters of MERRILL COMMERCE CENTER to encourage connectivity and circulation by employees, visitors, and the passerby by means not completely dependent on a motorized vehicle.

The business park uses in smaller buildings are positioned along Eucalyptus Avenue while industrial uses in larger warehouse-style buildings comprise the balance of the site. As designed, building users are expected to be a mixture of local, national, and international businesses that bring job opportunities and economic growth to Ontario. A summary of the land uses is as follows:

Table ES-1 Land Use Summary

Land Use Designation	Acres[1]	Maximum Building Square Footage
Industrial Planning Areas	292.8 AC	7,014,000 SF
Business Park Planning Areas	55.1 AC	1,441,000 SF
Circulation	28.4 AC	--
Total	**376.3 AC**	**8,455,000 SF**

1. *Acreages are approximate and subject to survey verification.*

ES.2 Other Governing Documents

In addition to this Specific Plan, which includes a Land Use Plan, Infrastructure Plan, Development Regulations, Design Guidelines, and an Implementation Plan tailored to the MERRILL COMMERCE CENTER, the following documents also contain applicable information:

- The Ontario Policy Plan (which serves as the City's State-mandated General Plan) that includes City-wide policies pertaining to land use, housing, mobility, safety, environmental resources, parks & recreation, community economics, community design, and social resources.
- The City of Ontario Development Code, which governs over topics on which this Specific Plan's development regulations are silent. (Where the requirements of this Specific Plan differ from the requirements of the Ontario Development Code, this Specific Plan takes precedence.)
- The MERRILL COMMERCE CENTER Development Agreement, which specifies methods for the financing, acquisition, and construction of infrastructure systems and provides assurance that development of the property may proceed subject to Ontario's rules and regulations in effect at the time of this Specific Plan's approval.
- The Airport Land Use Compatibility Plans for Ontario International Airport (ONT) and Chino Airport. The City of Ontario is currently preparing an Airport Land Use Compatibility Plan for Chino Airport which relies on the California Airport Land Use Planning Handbook published by Caltrans Division of Aeronautics, that is expected to be adopted in 2021. The Chino Airport Land Use Compatibility Plan will establish policies and criteria for the four types of compatibility impacts which include safety, noise, airspace protection, and overflight. Projects within the Specific Plan boundary shall be required to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans for Ontario International Airport and Chino Airport.
- The Mitigation Monitoring and Reporting Program (MMRP) that is part of the MERRILL COMMERCE CENTER's Environmental Impact Report (EIR) prepared in compliance with the California Environmental Quality Act. The MMRP stipulates measures that are required to be implemented to mitigate the environmental effects of the commerce center's construction and operation.

ES.3 Specific Plan Components

This MERRILL COMMERCE CENTER Specific Plan is organized into the following chapters.

Chapter 1 - Introduction:

Describes the purpose and objectives of this Specific Plan, the related entitlement approvals for implementing development, and the general relationship of this Specific Plan to the Ontario Policy Plan (General Plan).

Chapter 2 - Existing Conditions:

Describes the physical setting of the MERRILL COMMERCE CENTER and the physical conditions on and surrounding the property at the time this Specific Plan was prepared.

Chapter 3 - Land Use Plan:

Describes the MERRILL COMMERCE CENTER's development plan, which includes six Industrial planning areas and five Business Park planning areas, with the Business Park areas concentrated along Eucalyptus Avenue in the northern portion of the Specific Plan area. Chapter 3 also specifies the acreages of each planning area and the maximum development intensities (amount of building square footage) permitted in each land use category.

Chapter 4 - Infrastructure Plan:

Provides information on vehicular and non-vehicular circulation improvements; the planned backbone water, sewer, recycled water, and storm drain systems; the planned dry utility network; and the preliminary grading concept for the development of the MERRILL COMMERCE CENTER.

Chapter 5 - Development Regulations:

Establishes the list of permitted and conditionally-permitted uses in the Specific Plan area, and presents the development regulations (zoning) that govern the uses. A discussion of the relationship of the MERRILL COMMERCE CENTER Specific Plan's development regulations to the City of Ontario Development Code also is provided.

Chapter 6 - Design Guidelines:

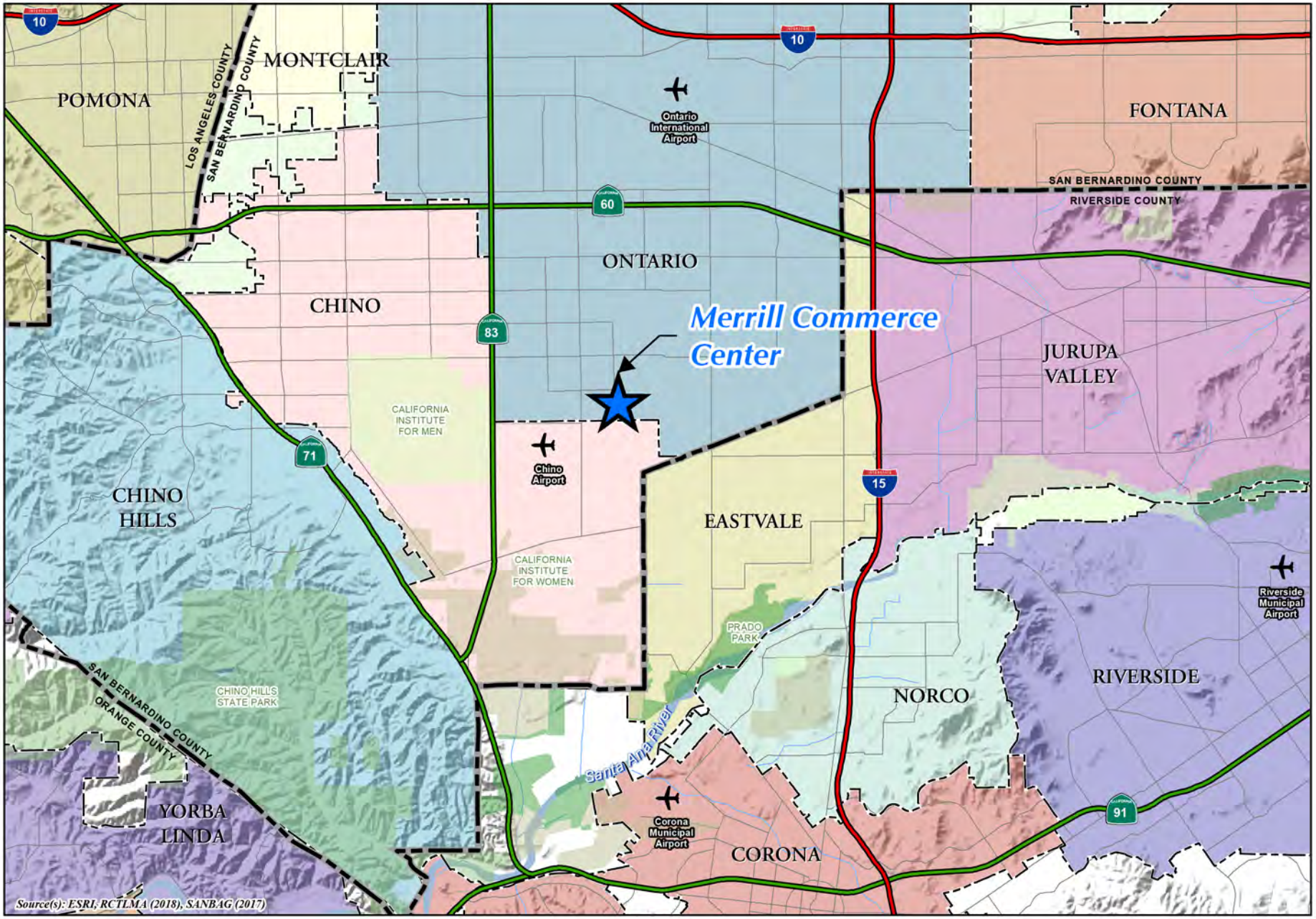
The MERRILL COMMERCE CENTER's design guidelines presented in Chapter 6 guide the site planning, landscaping, and architectural quality of implementing development within the Specific Plan area. Guidelines are included that address architectural design, landscape design, streetscapes, entry treatments and monuments, corner treatments, walls and fencing, lighting, and signage.

Chapter 7 - Implementation Plan:

Chapter 7 presents the policies and procedures for the City's review and approval of implementing projects within the MERRILL COMMERCE CENTER. This chapter also describes the methods and procedures for interpreting and amending the Specific Plan as necessary. A summary of maintenance responsibilities for development within the Specific Plan also is provided.

Appendix A - General Plan Consistency:

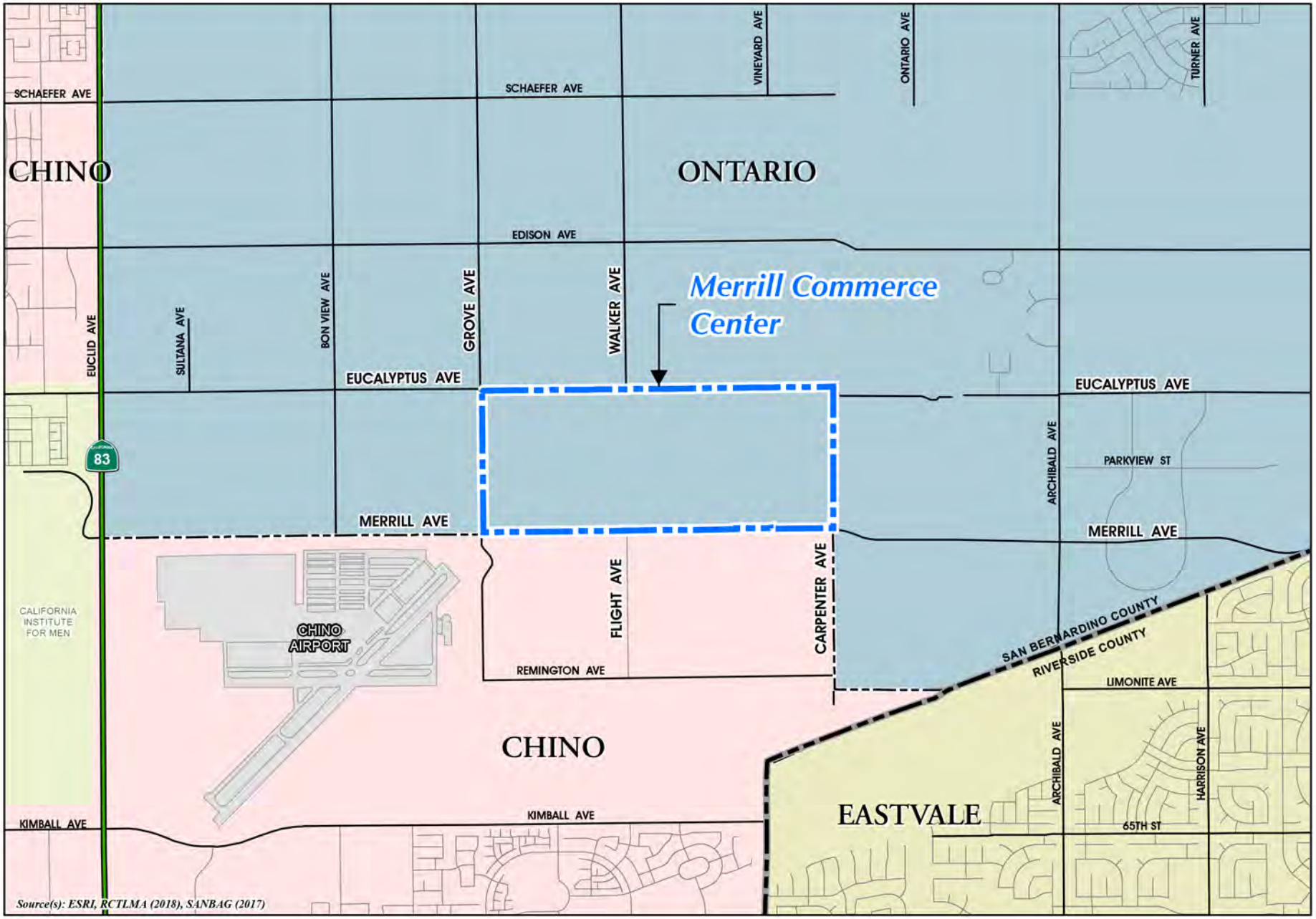
Includes a matrix evaluating the consistency of the MERRILL COMMERCE CENTER Specific Plan to each of the applicable policies of the Ontario Policy Plan (the City's General Plan).



Regional Map

Figure ES-1

0 0.5 1 2 Miles



Vicinity Map

Figure ES-2

0 625 1,250 2,500 Feet

INTRODUCTION

CHAPTER 1

1.1 Specific Plan Purpose

1.2 Specific Plan Objectives

1.3 Authority

1.4 Severability

1.5 Approved Process and Companion Actions

1.6 Relationship to The Ontario Plan

CHAPTER 1 - INTRODUCTION

1.1 SPECIFIC PLAN PURPOSE

The underlying purpose of this Specific Plan is to guide the development of a 376.3-acre property into a master-planned commerce center, known as the MERRILL COMMERCE CENTER. The site is located within the southwestern portion of the City of Ontario (City) in an area known as Ontario Ranch. The Ontario Policy Plan requires the Ontario City Council to approve Specific Plans as part of the entitlement process for new development projects in this area.

Implementing development projects within the boundaries of the MERRILL COMMERCE CENTER are required to demonstrate substantial conformity with the information contained in this Specific Plan document.

Situated in proximity to three major freeways, the Ontario International Airport (ONT), and the Chino Airport, the MERRILL COMMERCE CENTER is poised to successfully accommodate uses that rely on access to the local and regional transportation network. The Specific Plan area is located approximately 1.8 miles east of State Route 83, 2.75 miles south of State Route 60, 3.25 miles west of Interstate 15, 4.0 miles southeast of the Chino Transit Center, and 7.0 miles north of State Route 91. Additionally, the Port of Long Beach and the Port of Los Angeles, which serve as major gateways to international trade, are located only ±53 miles to the southwest of the Specific Plan area. The property's location at the junction of these major transportation facilities establishes a clear advantage for land uses that rely on proximity to the transportation network to remain competitive.

Why Ontario?

Ontario is a thriving community with a strong business and employment hub located approximately 53 miles east of downtown Los Angeles in the western part of the Inland Empire metropolitan area. The City is conveniently located near regional transportation facilities and is home to the Ontario International Airport, making it an ideal location for a variety of business park and industrial land uses, including but not limited to corporate headquarters, e-commerce fulfillment centers and other goods movement/ supply chain uses.



1.2 SPECIFIC PLAN OBJECTIVES

This Specific Plan achieves the following objectives:

- To provide a land use plan for the development of a state-of-the-art commerce center that accommodates modern business and industrial activities.
- To attract and sustain industrial and business park uses within the Specific Plan area that are compatible with surrounding land uses.
- To locate businesses that rely on transportation efficiency in an area of south Ontario that offers convenient access to the state highway system.
- To provide opportunities for positive economic benefit to the City, including new net revenues to the General Fund which can be used for vital City services.
- To diversify the City's available range of employment-generating land uses.
- To improve connectivity in the area by providing multi-purpose trails and bike racks that encourage circulation by means not completely dependent on a motorized vehicle.
- To identify capital improvements for water, recycled water, sewer, storm drain, and circulation facilities that serve planned land uses within and adjacent to the Specific Plan area.
- To define guidelines and standards for architecture, landscaping, entry monuments/signage, and walls and fencing within the Specific Plan area.
- To set forth a development phasing sequence that is aligned with a logical sequence for the installation of supporting on-site and off-site infrastructure.



The MERRILL COMMERCE CENTER Specific Plan brings jobs, sustainable economic growth, and business opportunities to the southern portion of Ontario. Its contemporary design is an attractive asset for the City and complements other surrounding employment and supply chain developments in Ontario and the surrounding metropolitan area.

1.3 AUTHORITY

This Specific Plan is a regulatory document prepared pursuant to the provisions of California Government Code §§ 65450 through 65457, which grants local government agencies the authority to prepare Specific Plans for the systematic implementation of their General Plan for all or part of the area covered by the General Plan. While the Ontario Plan covers the entire City, the Specific Plan concentrates on the specific development of the approximately 376.3-acre MERRILL COMMERCE CENTER property.

California Government Code §§ 65450 through 65457 establish the authority to adopt a Specific Plan, identify the required contents of a Specific Plan, and mandate consistency with the General Plan. According to California Government Code § 65451:

(a) A Specific Plan shall include text and a diagram which specify all the following in detail:

(1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.

(2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

(3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

(4) A program of implementation measures including regulations, programs, public works projects, and financing measures, necessary to carry out items (1), (2), and (3).

(b) The Specific Plan shall include a statement of the relationship of the Specific Plan to the General Plan.

This Specific Plan includes each of the required elements listed above and establishes the essential link between the policies of The Ontario Plan's Policy Plan and the MERRILL COMMERCE CENTER property. All future development plans and implementing construction activities within the MERRILL COMMERCE CENTER are required to be consistent with the requirements set forth in this Specific Plan and with all other applicable City regulations.

1.4 SEVERABILITY

This Specific Plan document enables the City of Ontario to facilitate the processing and approval of development plans and implementing permits to build out the MERRILL COMMERCE CENTER. If any regulation, condition, program, or portion of this Specific Plan is held invalid or unenforceable, such portions shall be deemed separate, distinct, and independent provisions, and the invalidity of such portions or provisions shall not affect the validity and enforceability of the remaining provisions contained herein.

1.5 Approval Process and Companion Actions

This Specific Plan and any future amendments are required to be considered by the City of Ontario Planning Commission and City Council, and adopted by ordinance or resolution of the City Council, pursuant to Development Code Section 1.01.035: Specific Plans and Amendments. More information on implementation procedures is contained in Chapter 7, *Implementation Plan*.

A Policy Plan (General Plan) Amendment (GPA) was processed concurrently with this Specific Plan. The GPA was a companion action to the approval of this Specific Plan that achieved consistency between the General Plan land use designations, this Specific Plan's land use designations, and zoning.

Additionally, a subdivision map will be approved by the City of Ontario for the Specific Plan area indicating the approximate boundaries and dimensions of parcels and streets and the proposed grading for the MERRILL COMMERCE CENTER. Following map recordation, the final map will become the legal document that identifies developable parcels within the Specific Plan.

Approval of the MERRILL COMMERCE CENTER Specific Plan also is accompanied by an application for the approval of a development agreement. California Government Code §§ 65864-65869.5 authorize the use of development agreements between any city, county, or city and county, with any person having a legal or equitable interest in real property for the development of the property.

In addition to this Specific Plan and the accompanying GPA, subdivision map, and development agreement, an Environmental Impact Report (EIR) was certified in compliance with the California Environmental Quality Act (CEQA) to serve as the project-wide environmental assessment document. Together, this Specific Plan and the environmental mitigation measures contained in the accompanying EIR's Mitigation Monitoring and Reporting Program (MMRP) provide a path to develop the property taking into account all applicable goals, objectives, government requirements, and environmental regulations.

1.6 RELATIONSHIP TO THE ONTARIO PLAN

On January 26, 2010, the City adopted The Ontario Plan, which serves as the City's business plan and includes a long-term vision and a principle-based Policy Plan (General Plan). The Ontario Plan establishes the direction and vision for the City's future and provides a guidance system to shape the Ontario community of tomorrow. The Ontario Plan provides policies to accommodate change over a 30-year period commencing in 2010, the beginning of the planning period. The Ontario Plan consists of a six-part Component Framework: 1) Vision, 2) Governance Manual, 3) Policy Plan, 4) City Council Priorities, 5) Implementation, and 6) Tracking and Feedback.

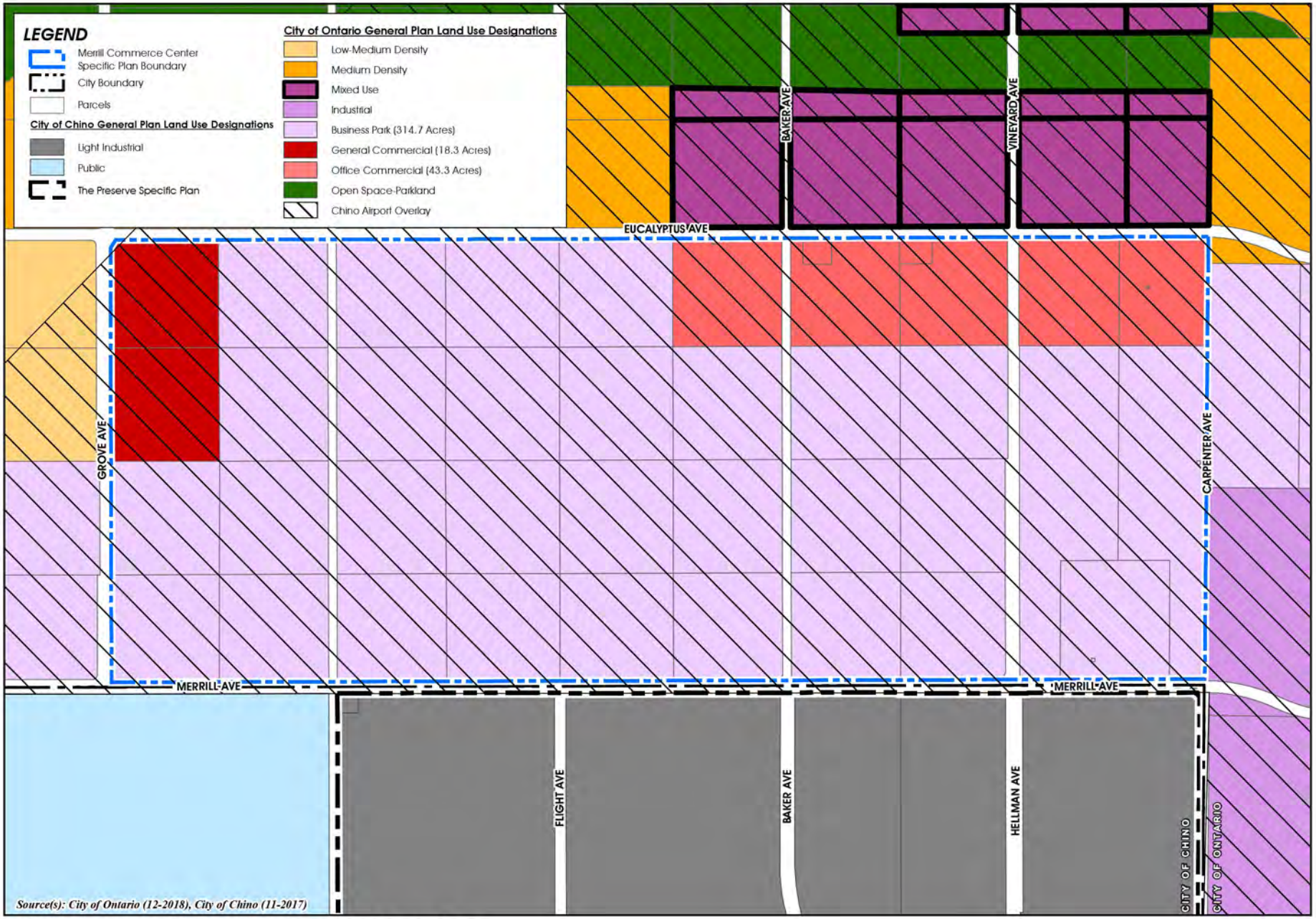
This Specific Plan defines the methods and requirements for the development of the MERRILL COMMERCE CENTER property to ensure that applicable policies from The Ontario Plan and its Policy Plan are implemented and, also, to ensure that development envisioned by this Specific Plan is consistent with applicable provisions of The Ontario Plan. The Ontario Plan sets forth long-term goals for the City's growth and development as mandated by State law. The Policy Plan is a long-term policy document that covers the topics of land use, housing, parks and recreation, environmental resources, community economics, safety, mobility, community design, and social resources.

As shown on Figure 1-1, *Existing General Plan Land Use Designations*, the Policy Plan component of The Ontario Plan designates approximately 314.7 acres of the 376.3-acre MERRILL COMMERCE CENTER property for "Business Park" land uses, 43.3 acres for "Office Commercial" land uses, and 18.3 acres for "General Commercial" land uses. The site also is located in the Chino Airport Overlay.

As shown on Figure 1-2, Proposed General Plan Land Use Designations, this Specific Plan provides for a mix of business park and industrial uses that are generally consistent with The Ontario Plan's vision for the property but requires a GPA to change the site's land uses to the new land use designations of "Business Park" (55.1 acres) and "Industrial" (292.8 acres) in order to reflect the uses, development standards, design guidelines and implementation procedures described herein. The MERRILL COMMERCE CENTER Specific Plan would further the General Plan vision to transition areas formerly used for agricultural activities in Ontario Ranch to new development that would expand and diversify the City's economic base. Please refer also to Specific Plan Appendix A, *Policy Plan Consistency*, for more information.

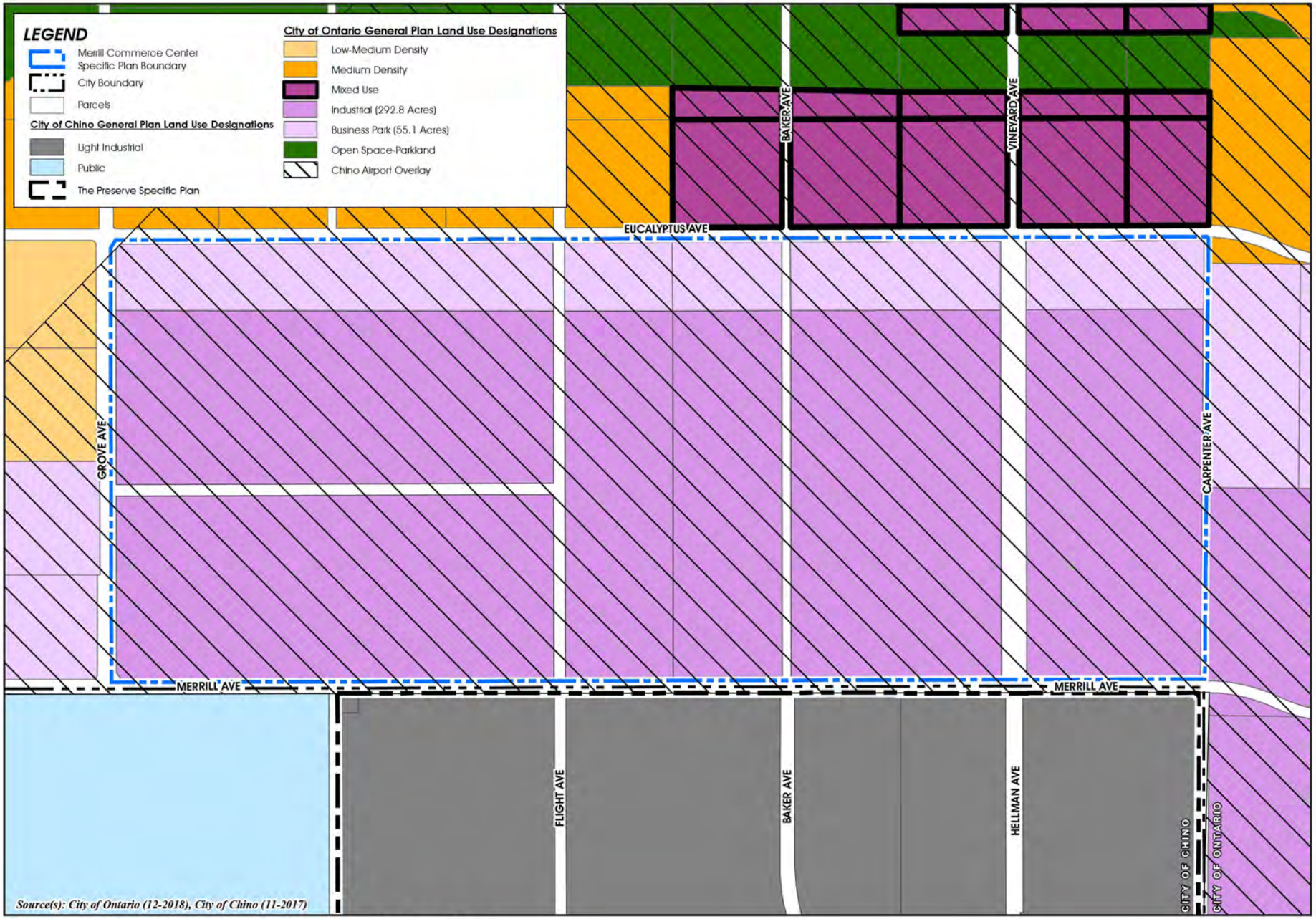
As shown on Figure 1-3, *Existing Zoning Designations*, the City zoned the entire Specific Plan property "SP, Specific Plan" with an "AG, Agricultural" overlay. The zoning designation of AG-Specific Plan requires that a Specific Plan be approved by the Ontario City Council to guide the development of the property and to implement the goals and policies of The Policy Plan component of The Ontario Plan. As shown on Figure 1-3, *Proposed Zoning Designations,* a Zone Change is required to amend the City of Ontario's Zoning Map to change the site's zoning designation to "MERRILL COMMERCE CENTER Specific Plan" to allow for the development of a variety of industrial and business park uses.

Pursuant to the City of Ontario's adoption of the MERRILL COMMERCE CENTER Specific Plan by ordinance, the Specific Plan will take precedence over the City's Development Code. In instances where the Specific Plan is silent on development standards, the City's Development Code shall prevail.



Existing General Plan Land Use Designations

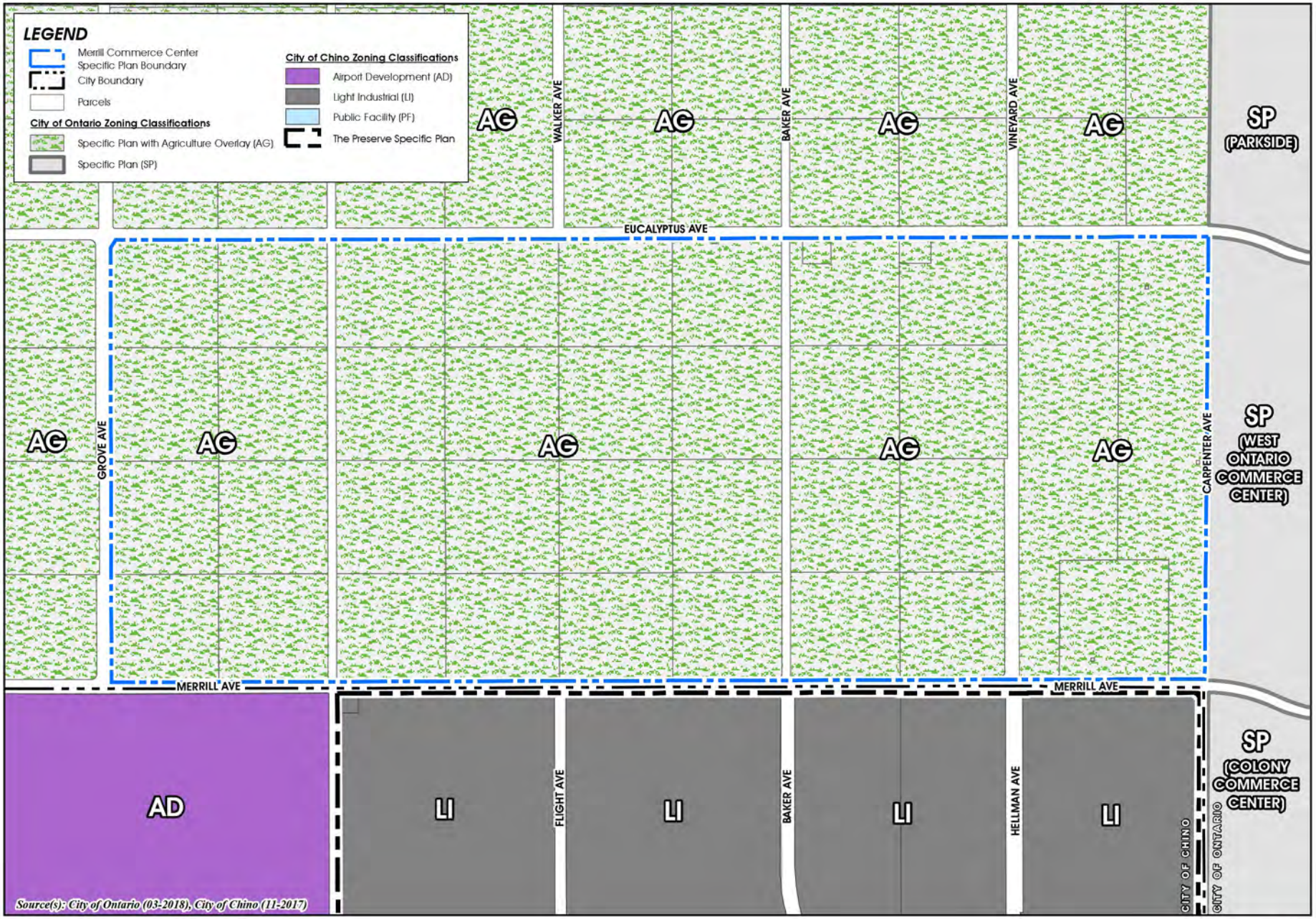
Figure 1-1



Proposed General Plan Land Use Designations

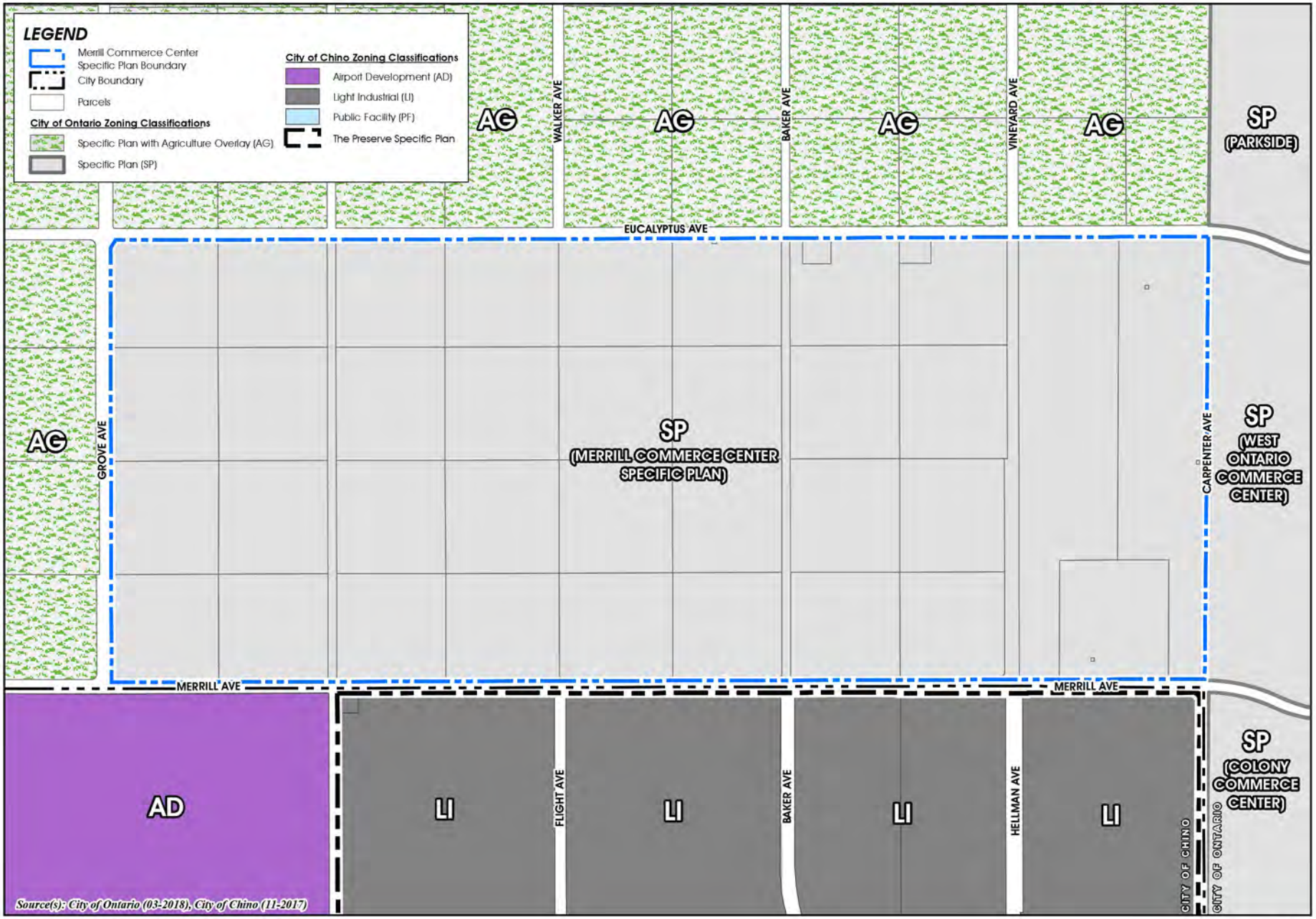
Figure 1-2

0 200 400 800 Feet



Existing Zoning Classifications

Figure 1-3



Proposed Zoning Classifications

Figure 1-4

EXISTING CONDITIONS

CHAPTER 2

2.1 Existing Assessor Parcel Numbers

2.2 Existing Land Use

2.3 Surrounding Land Uses

2.4 Willamson Act

2.5 Existing Circulation and Access

2.6 Existing Physical Site Conditions

CHAPTER 2 - EXISTING CONDITIONS

2.1 EXISTING ASSESSOR PARCEL NUMBERS

At the time this Specific Plan was prepared (2020), the MERRILL COMMERCE CENTER Specific Plan area consists of the following Assessor Parcel Numbers (APNs), as listed on Table 2-1, *Existing APN List*, and shown on Figure 2-1, *Existing APNs*.

Table 2-1 Existing APN List

Planning Areas 1, 1A, and 2	
1054-111-01	1054-211-01
1054-111-02	1054-211-02
1054-121-01	1054-221-01
1054-121-02	1054-221-02
1054-131-01	1054-331-01
1054-131-02	1054-331-02
1054-141-01	1054-341-01
1054-141-02	1054-341-02
Planning Areas 3 and 3A	
1054-151-01	1054-201-01
1054-161-01	1054-351-01
Planning Areas 4 and 4A	
1054-151-02	1054-201-02
1054-161-02	1054-351-02
1054-161-03	
Planning Areas 5 and 5A	
1054-171-01	1054-181-02
1054-171-02	1054-361-01
1054-171-03	1054-361-02
1054-171-04	1054-191-01
1054-181-01	1054-191-02
Planning Areas 6 and 6A	
1073-111-01	1073-111-04
1073-111-02	1073-111-05
1073-111-03	1073-111-06

2.2 EXISTING LAND USE

The Specific Plan property was formerly used for agricultural purposes, primarily for dairy farming. At the time this Specific Plan was prepared (2020), the property contained agricultural dairy operations, several rural residential homes, dairy farm buildings, bio-retention basins for the dairy farms, and other ancillary facilities that occupy areas not in active dairy farm use. The easternmost part of the Specific Plan property west of Carpenter Avenue contained commercial/ industrial structures and a truck trailer storage lot.

2.3 SURROUNDING LAND USES

As shown on Figure 2-3, *Surrounding Land Uses*, the Specific Plan property is bound by Eucalyptus Avenue and dairy farming activities and agricultural land uses to the north; Merrill Avenue, agricultural land uses, logistics warehouses, the Chino Airport, and a parcel delivery facility (under construction) to the south; Grove Avenue and dairy farming activities to the west; and Carpenter Avenue and properties under development for warehouse uses to the east. Merrill Avenue, which forms the Specific Plan's southern boundary, is the dividing line between the City of Ontario (north of Merrill Avenue) and the City of Chino (south of Merrill Avenue).

2.4 WILLIAMSON ACT

At the time this Specific Plan was prepared (2020), there is an active Williamson Act Contract (Contract #69-147, initiated in 1973) on APN 1073-111-02, a 29.05-acre property. Another Williamson Act Contract (#70-167 initiated in 1970) appears on title for APNs 1054-151-02, 1054-161-02, 1054-161-03, 1054-201-02 and 1054-351-02. However, a notice of non-renewal dated September 14, 2017, and recorded, starting the process to terminate this Contract is effective January 1, 2018. As one of the discretionary actions associated with the MERRILL COMMERCE CENTER Specific Plan, these existing Williamson Act Contracts will be cancelled. Cancellation would comply with provisions and requirements identified at Government Code (GC) §51280 et seq. The City would be required to make the required statutory findings (GC §51282(a)). The landowner would be required to pay the requisite cancellation fee.

2.5 EXISTING CIRCULATION AND ACCESS

2.5.1 Regional Circulation

Interstate 15 (I-15) is located approximately 7.0 miles east of the MERRILL COMMERCE CENTER Specific Plan. The Specific Plan area is accessible to and from I-15 via the Cantu-Galleano Ranch Road and Limonite Avenue on- and off-ramps. State Route 60 (SR-60) is located approximately 2.7 miles north of the Specific Plan area, with access to and from SR-60 provided by the Grove Avenue (abuts the Specific Plan to the west) and Archibald Avenue on- and off-ramps. State Route 83 (SR-83/Euclid Avenue) is located approximately 1.8 miles to the west of the Specific Plan area, with access available from Merrill Avenue which abuts the Specific Plan property on the south.

2.5.2 Local Circulation

Access to the MERRILL COMMERCE CENTER Specific Plan area is provided from Grove Avenue, Eucalyptus Avenue, Vineyard Avenue, Baker Avenue, Carpenter Avenue, Walker Avenue, and Flight Avenue. Merrill Avenue, Edison Avenue, and Euclid Avenue are City of Ontario designated truck routes that provide truck access to the MERRILL COMMERCE CENTER. Additionally, the City of Chino designates Carpenter Avenue, Walker Avenue, and Flight Avenue as truck routes, which provide access to MERRILL COMMERCE CENTER from the south.

Merrill Avenue abuts the Specific Plan on the south and consisted of two paved travel lanes at the time this Specific Plan was prepared. The Ontario Policy Plan designates Merrill Avenue as a 4-lane Collector Street.

Eucalyptus Avenue abuts the Specific Plan to the north, is designated as a 4-lane Collector Street by the Policy Plan, and consisted of two paved travel lanes at the time this Specific Plan was prepared.

Grove Avenue abuts the Specific Plan to the west and consisted of two paved travel lanes at the time this Specific Plan was prepared. The Policy Plan designates Grove Avenue as a 4-lane Principal Arterial.

Walker Avenue is a north-south oriented roadway that traverses the west-central portion of the Specific Plan and consisted of two paved travel lanes north of its intersection with Eucalyptus at the time this Specific Plan was prepared. The Policy Plan designates Walker Avenue as a 2-lane Collector Street.

Baker Avenue consisted of two paved travel lanes south of its intersection with Merrill Avenue at the time this Specific Plan was

prepared. Figure M-2, *Functional Roadway Classification Plan*, of the Policy Plan does not show a roadway classification for Baker Avenue. The Specific Plan will construct the on-site segment of Baker Avenue to be consistent with the segment of Baker Avenue located south of Merrill Avenue within the City of Chino.

Vineyard Avenue is a north-south oriented street that traverses the easterly portion of the Specific Plan that is designated as a 6-lane Principal Arterial by the Policy Plan. At the time this Specific Plan was prepared, no segments of Vineyard Avenue on-site or immediately abutting the Specific Plan had been constructed.

Carpenter Avenue abuts the Specific Plan to the east, with the segment of Carpenter Avenue that abuts the Specific Plan consisting of an unstriped semi-paved single travel lane. Figure M-2, *Functional Roadway Classification Plan*, of the Policy Plan does not depict a roadway classification for Carpenter Avenue. The Specific Plan will construct frontage improvements along Carpenter Avenue to be consistent with the segment of Carpenter Avenue located south of Merrill Avenue, at its ultimate right-of-way build-out.

2.6 EXISTING PHYSICAL SITE CONDITIONS

2.6.1 Topography

The MERRILL COMMERCE CENTER Specific Plan property is relatively flat and gently falls to the south, with elevations ranging from approximately 670 feet above mean sea level (AMSL) in the north to approximately 645 feet AMSL in the south. The existing topographic conditions for the Specific Plan property are illustrated on Figure 2-4, *USGS Topographic Map*.

2.6.2 Hydrology

Due to use of the majority of the Specific Plan property for agricultural and dairy farm operations, only a limited portion of the property was covered with impervious surfaces at the time this Specific Plan was prepared. Stormwater mostly percolated through on-site soils and did not result in high volumes of surface runoff that are associated with urban environments having predominantly impervious surfaces. The storm drain system throughout the Specific Plan property was generally unimproved and consisted primarily of open earthen swales along area roadways or curbed roadway surfaces. The MERRILL COMMERCE CENTER Specific Plan EIR includes additional detailed hydrology information for the property.

The MERRILL COMMERCE CENTER Specific Plan is located within the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Numbers 06071C9375H and 06071C9335H. As shown on FIRM No. 06071C9375H, a large portion of the eastern area of the Specific Plan property is located within Flood Zone X, indicating it is protected by the Cucamonga Creek flood channel levees from hazards associated with a 1% annual chance flood event.

2.6.3 Geology and Soils

The Specific Plan property is located in the Upper Santa Ana Valley, a broad alluvial and fluvial plain located within the Los Angeles, Orange, Riverside, and San Bernardino Counties. The Upper Santa Ana Valley is a southwesterly draining basin bounded by the San Gabriel Mountains and San Bernardino Mountains on the north and east, the Puente and San Jose Hills on the west and the Jurupa Hills and the Santa Ana Mountains to the south.

Subsurface lithology in the general vicinity is mapped as recent-age alluvium and colluvium. Soil types at the Specific Plan property consist of cattle manure, artificial fill soils, and native alluvial soils.

According to the United States Department of Agriculture (USDA) Web Soil Survey database, the majority of the Specific Plan property is mapped as containing Delhi fine sand, with the remainder of the soils mapped as Hilmar loamy fine sand, Tujunga loamy sand, and Chino silt loam.

The property is not underlain by any seismic fault lines, with the nearest fault (Chino Fault) occurring 4.3 miles to the southwest.

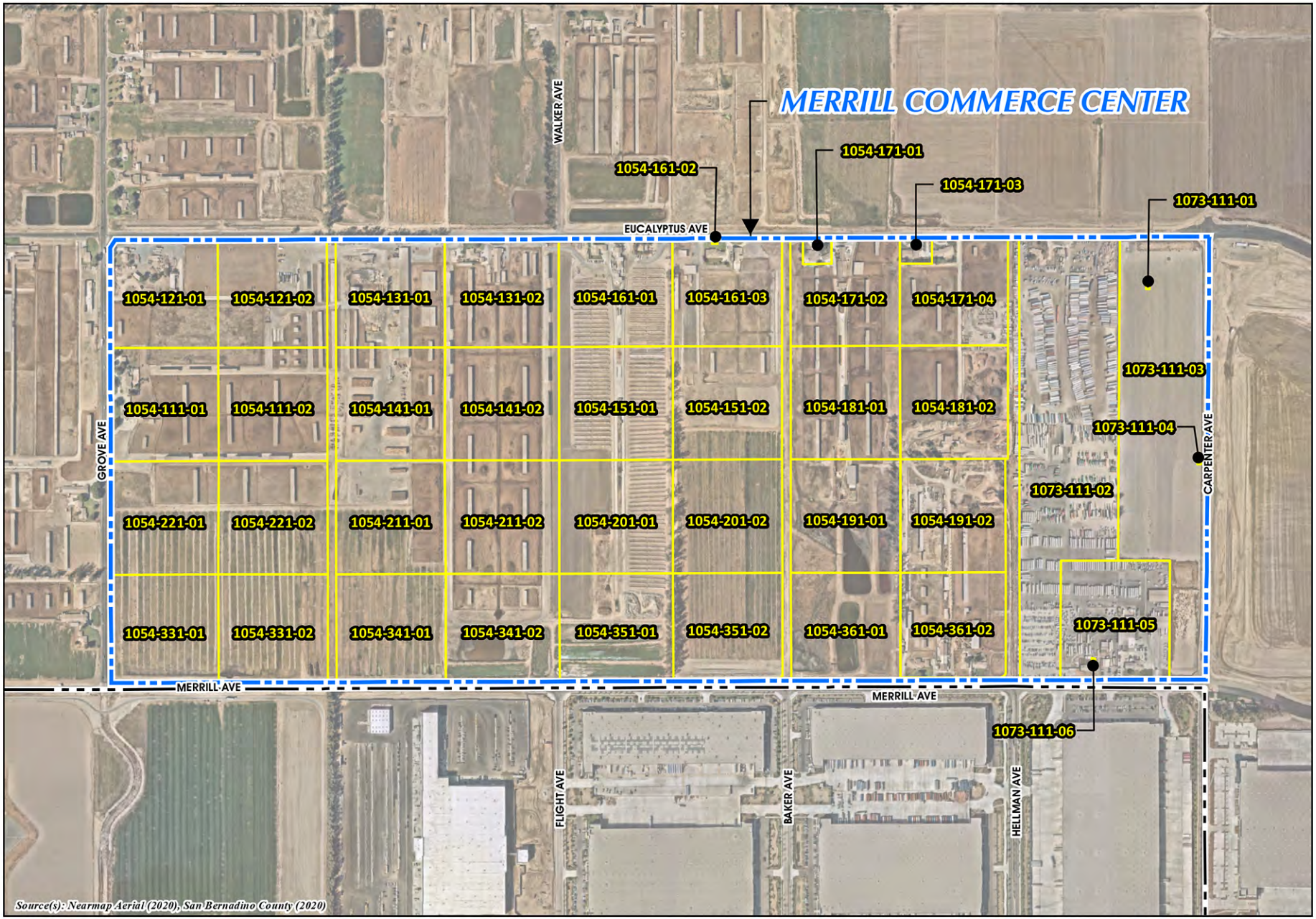
2.6.4 Vegetation and Biological Resources

The Specific Plan property has been extensively used for agricultural operations (including dairy and row crop uses), residential uses, and a trucking operation, and therefore consisted of entirely disturbed/developed and agricultural vegetation/land cover types with little to no native vegetation at the time this specific plan was prepared. The MERRILL COMMERCE CENTER Specific Plan EIR includes a detailed evaluation of vegetation and biological resources.

2.6.5 Existing Ground Water Wells

In compliance with the Chino Basin Watermaster's Well Procedure for Developers, documentation that a well use/destruction plan and schedule for all existing private/ agricultural wells is in-process shall be submitted to the City of Ontario prior to any construction activities. If a private well is actively used for water supply, the Developer shall submit a plan to abandon such well and connect users to the City's water system (residential to the domestic water system and agricultural to the recycled water system) when available. Wells shall be destroyed/abandoned per the California Water Resource Guidelines and require permitting from the County Health Department. The locations of existing water wells are shown in Figure 2-5, *Existing Water Well Locations*.

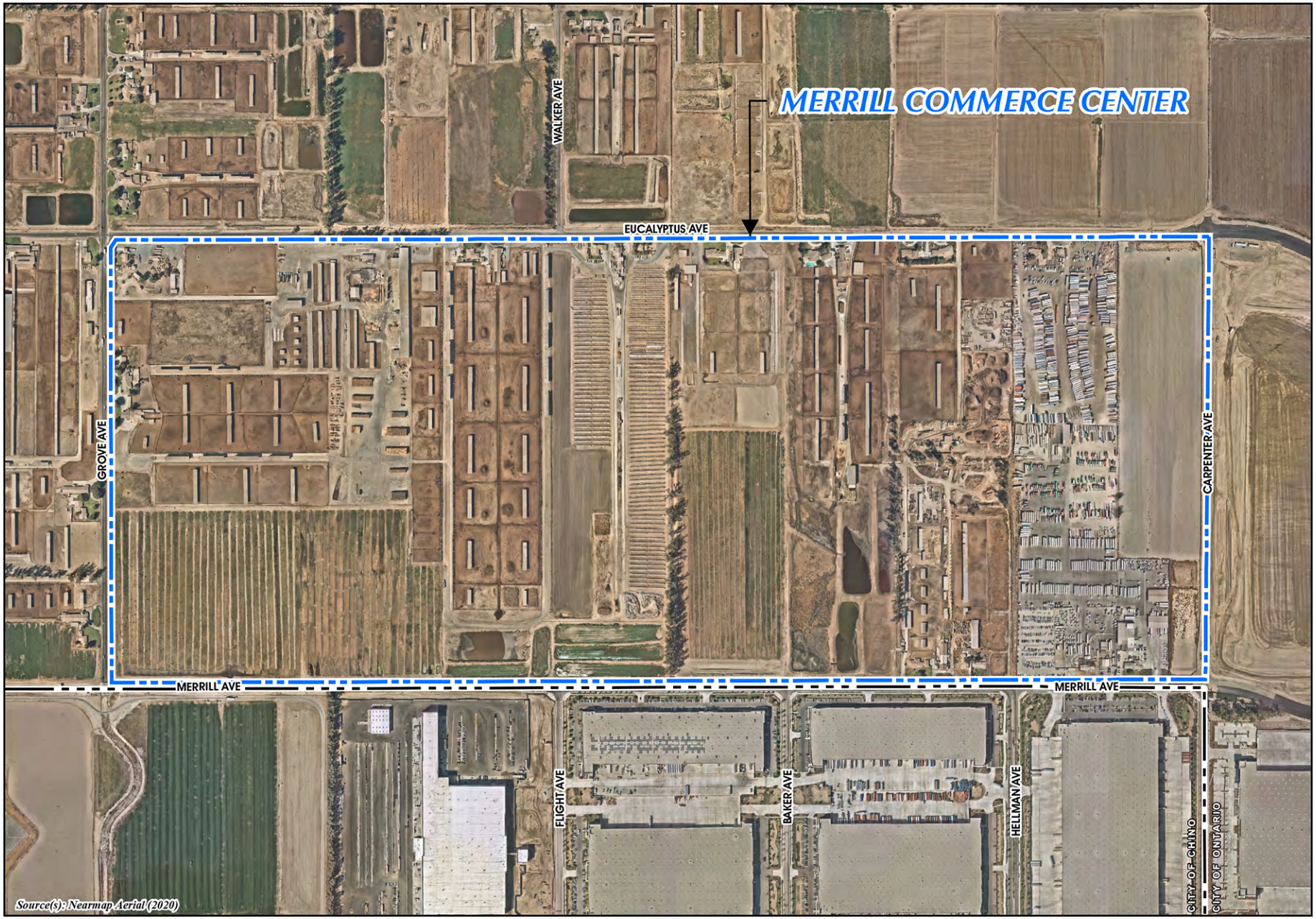
Documentation that the well abandonment process is underway shall be provided to the Community Development Agency Engineering Department and the Ontario Municipal Utilities Company at the time of a grading permit and/or building permit being issued. If the Developer proposes temporary use of an existing agricultural well for purposes other than agriculture, such as grading, dust control, etc., the Developer shall make a formal request to the City of Ontario for such use prior to the issuance of permits for any construction activity. Upon approval, the Developer shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by the agreement.



Existing APNs

Figure 2-1

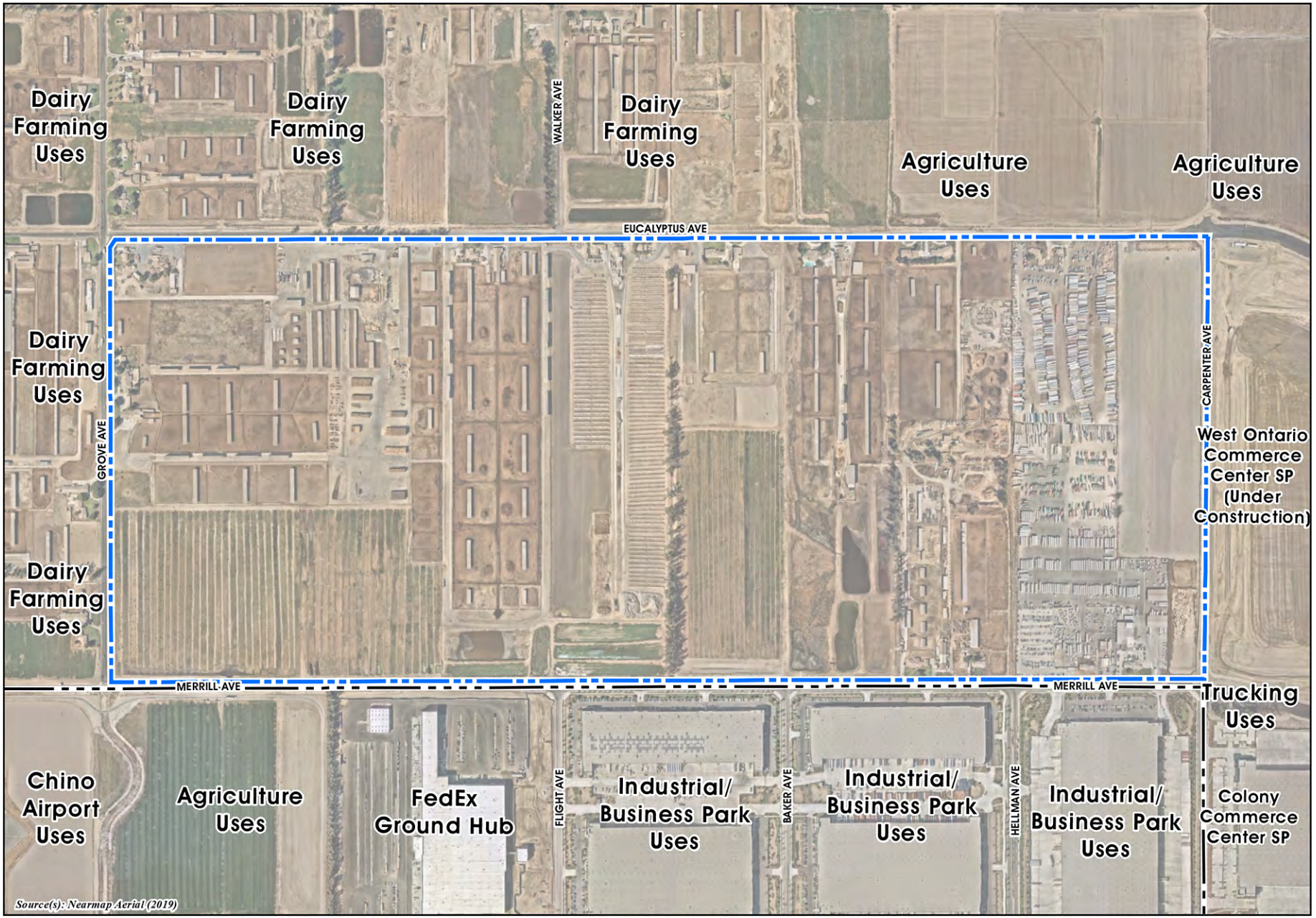
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Aerial Photograph

Figure 2-2

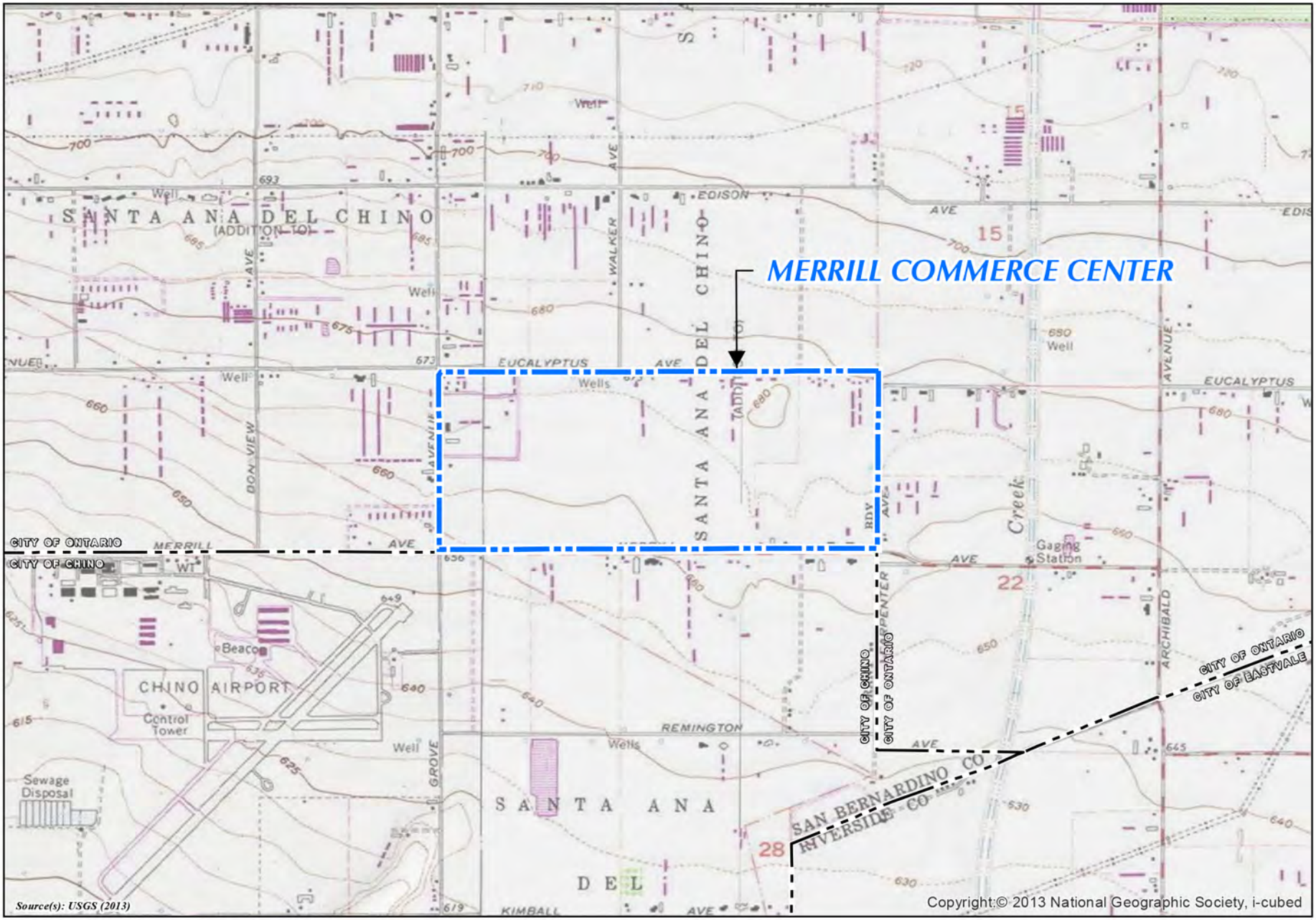
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Surrounding Land Uses

Figure 2-3

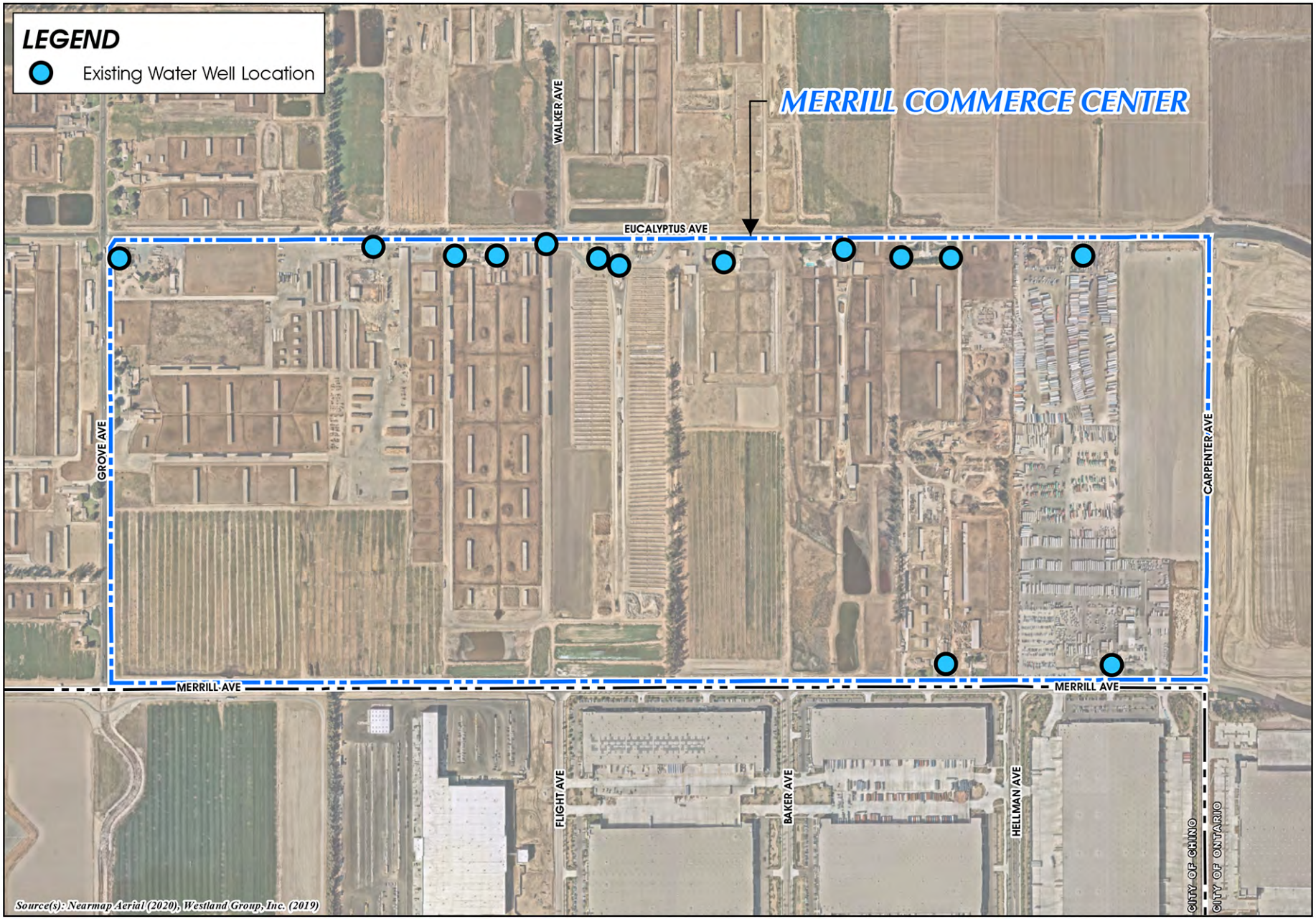
0 200 400 800 Feet



USGS Topographic Map

Figure 2-4

0 500 1,000 2,000 Feet



Existing Water Well Locations

Figure 2-5

0 200 400 800 Feet

LAND USE PLAN

CHAPTER 3

3.1 Vision

3.2 Land Use Plan

3.3 Chino ALUCP Compliance

CHAPTER 3 - LAND USE PLAN

3.1 VISION

The MERRILL COMMERCE CENTER is designed as a contemporary employment center laid out in a master-planned, campus-like setting. Located in the southern section of the City of Ontario in the heart of the Inland Empire, the MERRILL COMMERCE CENTER is positioned to attract a variety of business types and sizes, ranging from local enterprises to international corporations. With distant views of the San Gabriel Mountains to the north, the Chino Hills to the southwest, and the Santa Ana Mountains to the south, the MERRILL COMMERCE CENTER is envisioned as an attractive place where businesses can prosper, attract economic investment, and provide goods, services, and job opportunities to the surrounding community and region.

3.2 LAND USE PLAN

This Specific Plan establishes two land use designations: Industrial and Business Park. For planning purposes, the 376.3-acre Specific Plan area is divided into 11 planning areas. A "planning area" is a specific geographic area to which development standards are uniformly applied. Figure 3-1, *Land Use Plan*, depicts the physical arrangement of the planning areas and the major roads within and abutting the Specific Plan area.

Table 3-1, *Land Use Plan Statistical Summary*, lists each planning area and their respective land use designation, acreage, and development intensity (amount of building square footage targeted for each planning area). The maximum building square footage in the Specific Plan area is 8,455,000 sq. feet.

Table 3-1 Land Use Plan Statistical Summary

PLANNING AREA	LAND USE DESIGNATION	ACRES[1]	FAR	BUILDING SQ. FOOTAGE [2, 3]
Industrial				
1	Industrial	58.9	0.55	1,411,000 SF
2	Industrial	62.1		1,488,000 SF
3	Industrial	30.7		735,000 SF
4	Industrial	31.1		745,000 SF
5	Industrial	59.9		1,435,000 SF
6	Industrial	50.1		1,200,000 SF
Total Industrial Acreage and Maximum Building SF		*292.8*	*0.55*	*7,014,000 SF*
Business Park				
1A	Business Park	22.9	0.60	598,000 SF
3A	Business Park	5.7		150,000 SF
4A	Business Park	5.8		152,000 SF
5A	Business Park	11.2		293,000 SF
6A	Business Park	9.5		248,000 SF
Total Business Park Acreage and Maximum Building SF		*55.1*	*0.60*	*1,441,000 SF*
--	Circulation	28.4	--	--
TOTALS		***376.3 AC***		***8,455,000 SF***

Notes:

1. Acreages are approximate and subject to survey verification.

2. Building square footage calculated by multiplying the total acreage of each planning area by the anticipated floor area ratio (FAR) for the respective land use designation (FAR of 0.55 is applicable to the Industrial land use designation and FAR of 0.60 is applicable to the Business Park land use designation).

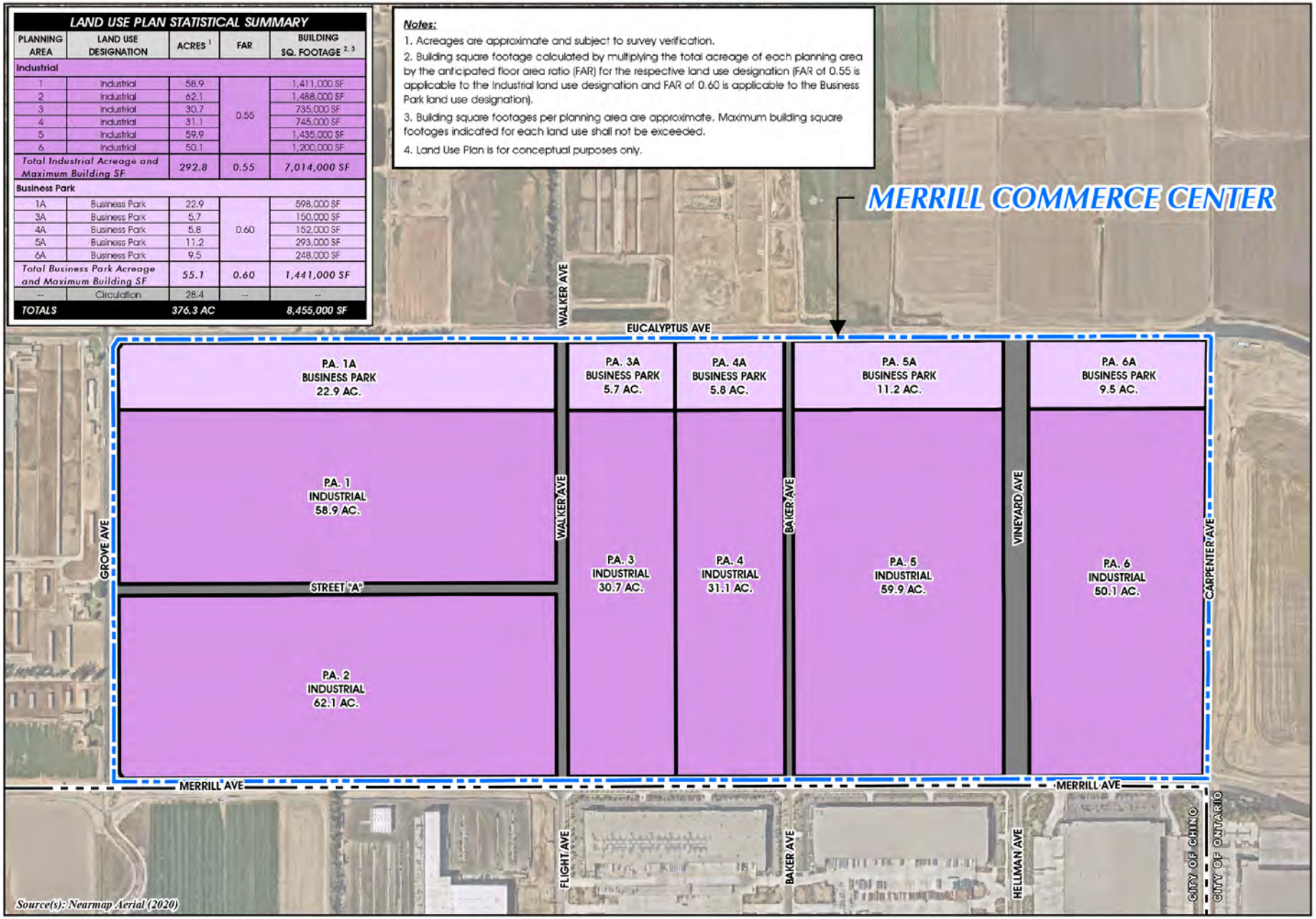
3. Building square footages per planning area are approximate. Maximum building square footages indicated for each land use category (maximum of 7,104,000 s.f. for Industrial and maximum of 1,441,000 s.f. for Business Park) shall not be exceeded.

LAND USE PLAN STATISTICAL SUMMARY

PLANNING AREA	LAND USE DESIGNATION	ACRES [1]	FAR	BUILDING SQ. FOOTAGE [2, 3]
Industrial				
1	Industrial	58.9	0.55	1,411,000 SF
2	Industrial	62.1		1,488,000 SF
3	Industrial	30.7		735,000 SF
4	Industrial	31.1		745,000 SF
5	Industrial	59.9		1,435,000 SF
6	Industrial	50.1		1,200,000 SF
Total Industrial Acreage and Maximum Building SF		*292.8*	*0.55*	*7,014,000 SF*
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1A	Business Park	22.9	0.60	598,000 SF
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Total Business Park Acreage and Maximum Building SF		*55.1*	*0.60*	*1,441,000 SF*
--	Circulation	28.4	--	--
TOTALS		*376.3 AC*		*8,455,000 SF*

Notes:

1. Acreages are approximate and subject to survey verification.
2. Building square footage calculated by multiplying the total acreage of each planning area by the anticipated floor area ratio (FAR) for the respective land use designation (FAR of 0.55 is applicable to the Industrial land use designation and FAR of 0.60 is applicable to the Business Park land use designation).
3. Building square footages per planning area are approximate. Maximum building square footages indicated for each land use shall not be exceeded.
4. Land Use Plan is for conceptual purposes only.



Land Use Plan

Figure 3-1

0 200 400 800 Feet

3.2.1 Industrial Planning Areas (292.8 Acres)

Six planning areas (Planning Areas 1, 2, 3, 4, 5 and 6) covering a total of 292.8 acres are designated "Industrial" and located in the southerly portion of the Specific Plan area. Up to 7,014,000 square(sq.) feet of building space is permitted across Planning Areas 1, 2, 3, 4, 5 and 6.

Industrial buildings are envisioned to range from approximately 100,000 sq. feet in size up to 1,500,000 sq. feet in size and house users such as general light industrial, manufacturing, warehouse/storage, fulfillment center, and e-commerce operations.

To facilitate vehicular access to and from the uses in these planning areas, Street "A" provides an interior connection between Grove Avenue and Walker Avenue, with its ultimate alignment to be determined and designed in conjunction with implementing projects. The other perimeter and interior public streets form a grid pattern, as called for by the Ontario Policy Plan.

3.2.2 Business Park Planning Areas (55.1 Acres)

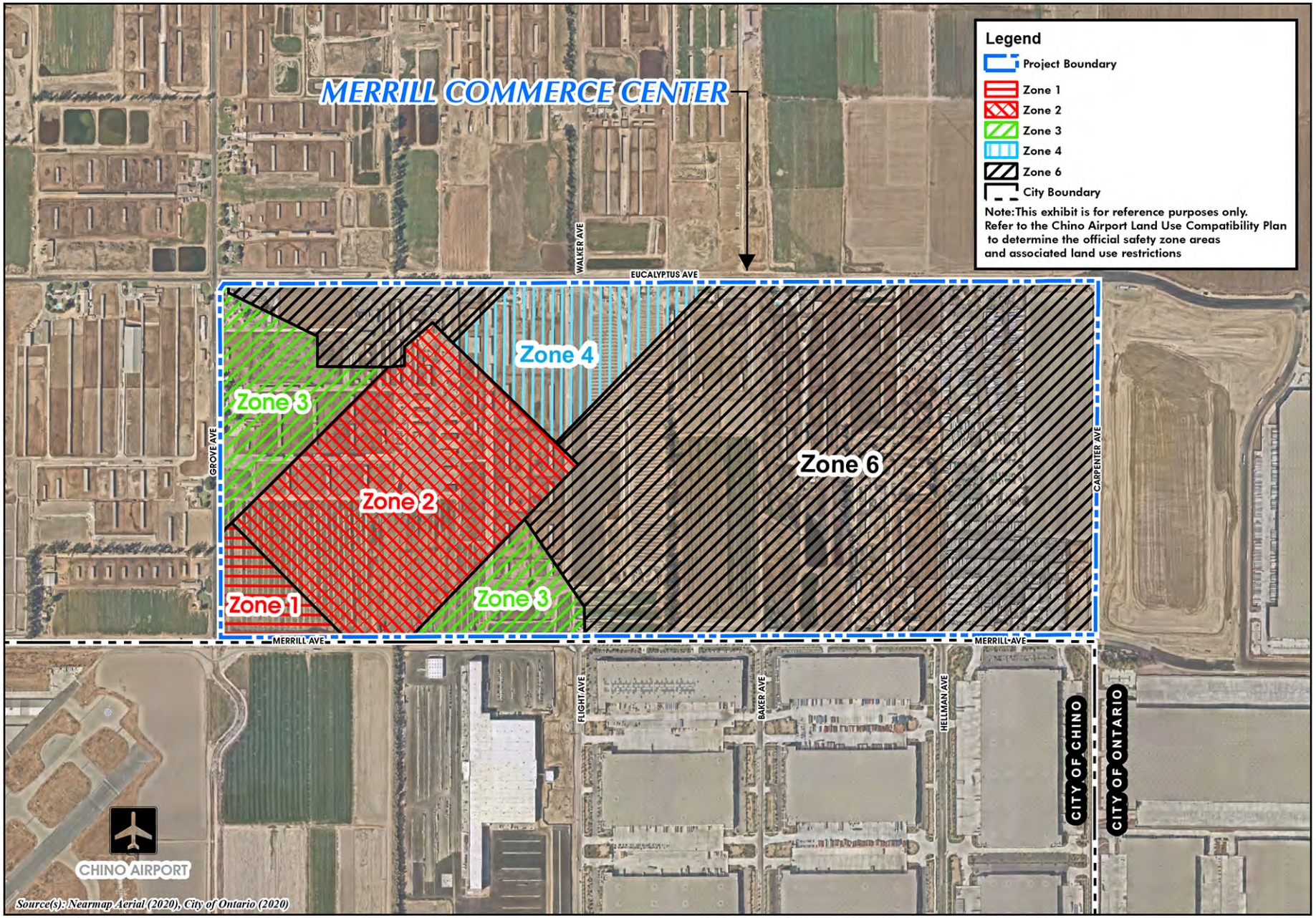
Encompassing 55.1 acres in the northerly portion of the Specific Plan area along its frontage with Eucalyptus Avenue, Planning Areas 1A, 3A, 4A, 5A and 6A are designated "Business Park." Up to 1,441,000 sq. feet of building space is permitted across Planning Areas 1A, 3A, 4A, 5A and 6A.

The buildings constructed in Business Park planning areas are envisioned to be smaller than 150,000 sq. feet, oriented toward Eucalyptus Avenue, and primarily provide for merchant wholesalers, professional services, professional office, small-scale warehousing/ storage, and research and development uses. Primary vehicular access is from Eucalyptus Avenue and private driveways interior to the planning areas.

3.3 CHINO ALUCP COMPLIANCE

The entire Specific Plan boundary is located within the Chino Airport Safety Zones (Safety Zones 1, 2, 3, 4 and 6), that may limit building height, land uses, and floor area ratio (FAR) based on the proposed land use and requirements for open land. Refer to Section 5, *Development Regulations*, for additional regulations and also refer to the Chino Airport Land Use Compatibility Plan. See Figure 3-, 2, *Chino Airport Safety Zone Map*, for additional land use restrictions.

Refer to Section 5, Development Regulations, for the specific land use and development standards applicable to each planning area, and Section 6, Design Guidelines, for information about architecture, landscaping, lighting, and signage.



Chino Airport Safety Zones

Figure 3-2

0 250 500 1,000 Feet

INFRASTRUCTURE PLAN

CHAPTER 4

4.1 Circulation and Access

4.2 Utility Infrastructure Plan

4.3 Conceptual Grading

CHAPTER 4 - INFRASTRUCTURE PLAN

4.1 CIRCULATION AND ACCESS PLAN

The MERRILL COMMERCE CENTER Circulation and Access Plan provides direct, safe, and convenient access for visitors, employees, and goods movement to and from the Specific Plan's 11 planning areas. Components of the Specific Plan's Circulation and Access Plan are discussed and illustrated on the following pages.

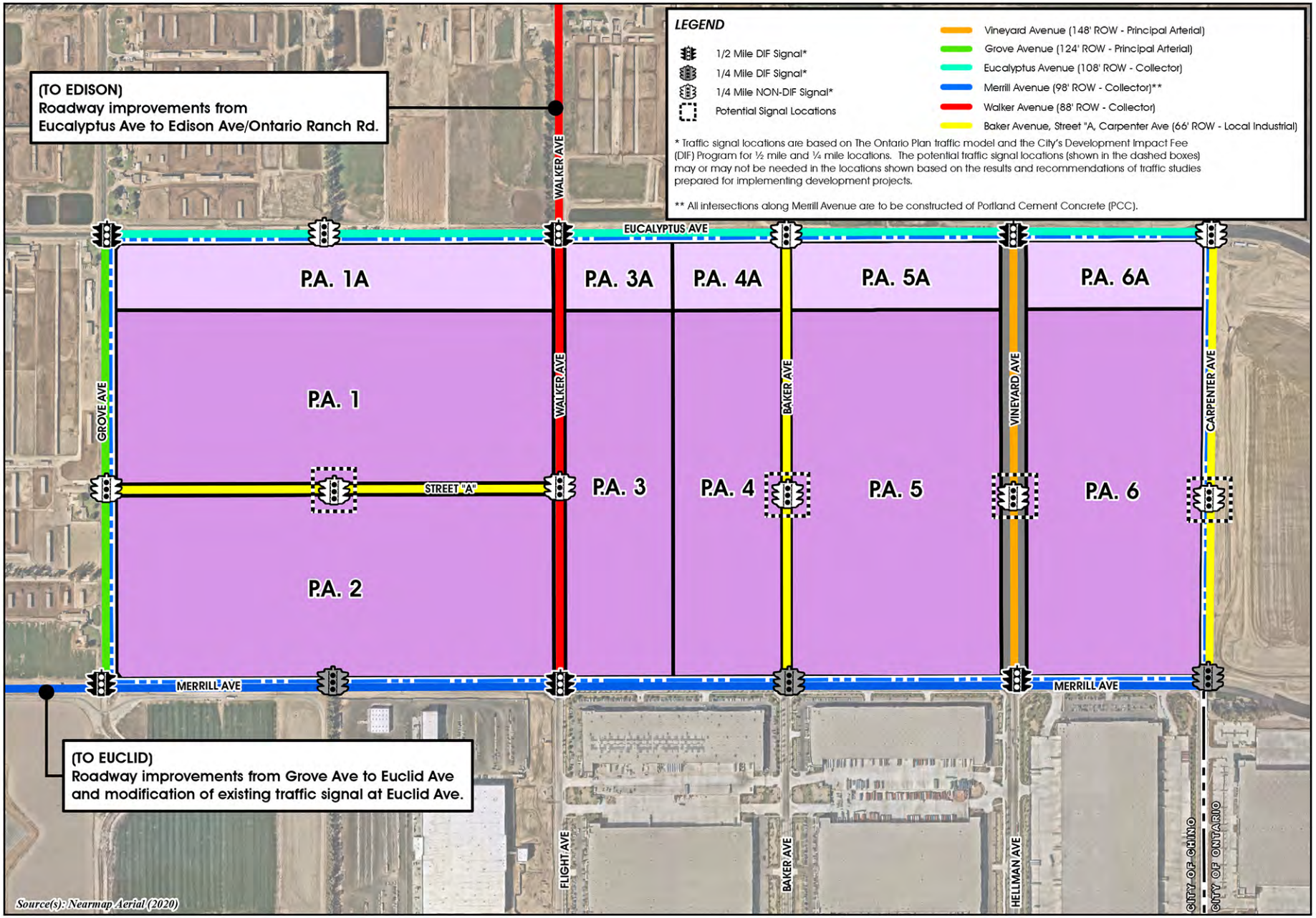
4.1.1 Vehicular Circulation

Direct access to the MERRILL COMMERCE CENTER property is provided by several roadways. Merrill Avenue forms the Specific Plan's southern boundary and Eucalyptus Avenue forms the northern boundary. Grove Avenue forms the Specific Plan's western boundary and Carpenter Avenue forms the eastern boundary. Baker Avenue, Walker Avenue, and Vineyard Avenue traverse through the middle of the Specific Plan area in north-south orientations.

Additionally, Street "A," is an internal east-west oriented roadway positioned between Planning Areas 1 and 2 connecting Grove Avenue and Walker Avenue. The ultimate alignment of Street "A" is to be determined and designed in conjunction with implementing development plans. In addition, the installation of traffic controls (traffic signals and stop signs) and the location and orientation of private driveways serving individual buildings will be determined as part of implementing development plans.

Figure 4-1, *Conceptual Vehicular Circulation and Access Plan,* illustrates the vehicular circulation plan. Final intersection designs, intersection spacing, intersection right-of-way, and traffic controls must conform to the findings of the MERRILL COMMERCE CENTER Specific Plan Traffic Impact Analysis prepared by Urban Crossroads, City standards, and to the satisfaction of the City Engineer.

The following pages describe and illustrate the primary components of the MERRILL COMMERCE CENTER Specific Plan's vehicular circulation network. Refer to Chapter 7, *Implementation Plan*, for additional circulation improvement standards pertaining to phasing.



Conceptual Vehicular Circulation and Access Plan

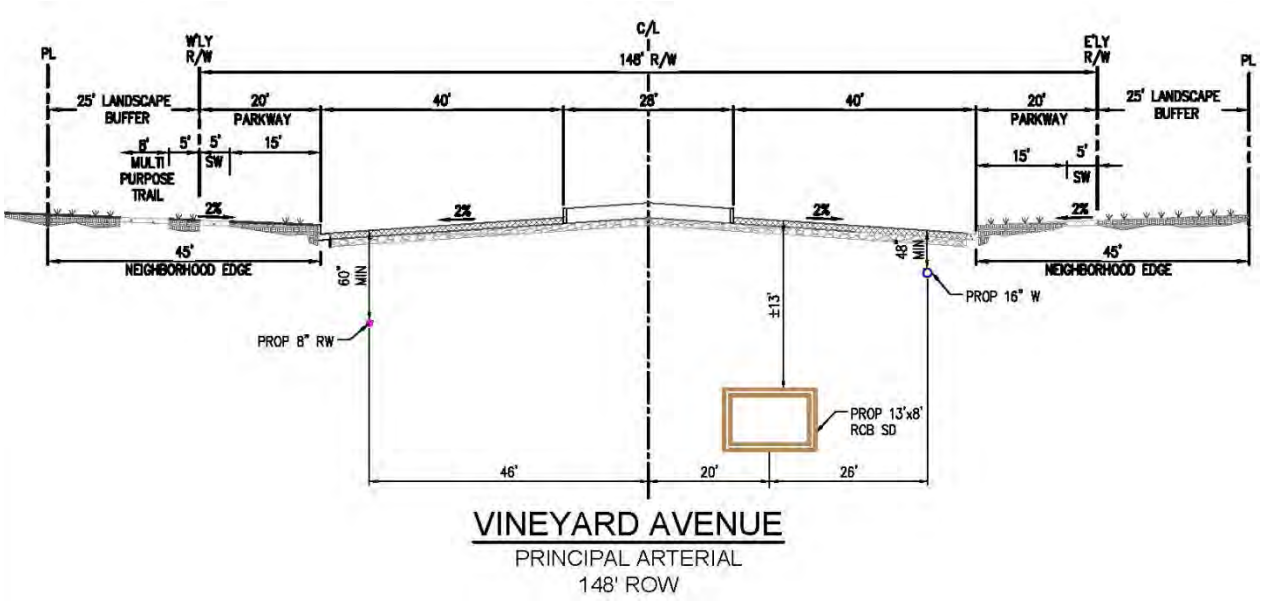
Figure 4-1

A. Vineyard Avenue (148-foot ROW Principal Arterial)

Vineyard Avenue forms the eastern boundary of Planning Areas 5 and 5A and forms the western boundary of Planning Areas 6 and 6A. This public roadway provides access to the Specific Plan area from off-site areas to the north and south. Along the segment of Vineyard Avenue located between Eucalyptus Avenue and Merrill Avenue (includes the segment that abuts the eastern boundary of Planning Areas 5 and 5A and the western boundary of Planning Areas 6 and 6A), the developer(s) of the MERRILL COMMERCE CENTER will construct the entirety of the 148-foot Principal Arterial, which includes 80 feet of paved roadway, a 28-foot wide raised landscaped median, and a 20-foot wide parkway on the east and west sides of the roadway. The 20-foot wide parkways on both sides of Vineyard Avenue contain 15 feet of curb-adjacent landscaping and a 5-foot wide sidewalk.

A 25-foot wide landscape buffer abuts the east and west sides of the Vineyard Avenue right-of-way, with the westerly landscape buffer including an 8-foot wide multi-purpose trail.

Traffic signals will be located at the intersection of Vineyard Avenue with Eucalyptus Avenue (1/2-mile DIF) and the intersection of Vineyard Avenue with Merrill Avenue (1/2-mile DIF). Also, a 1/4-mile non-DIF signal may be needed on Vineyard Avenue mid-way between Eucalyptus Avenue and Merrill Avenue depending on need. Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Vineyard Avenue shall comply with applicable City of Ontario requirements, including sight distance requirements. Buildings located in Planning Areas 5, 5A, 6, and 6A connect to Vineyard Avenue via direct driveway connections. Final driveway locations connecting with Vineyard Avenue will be determined in conjunction with the design of implementing development plans.



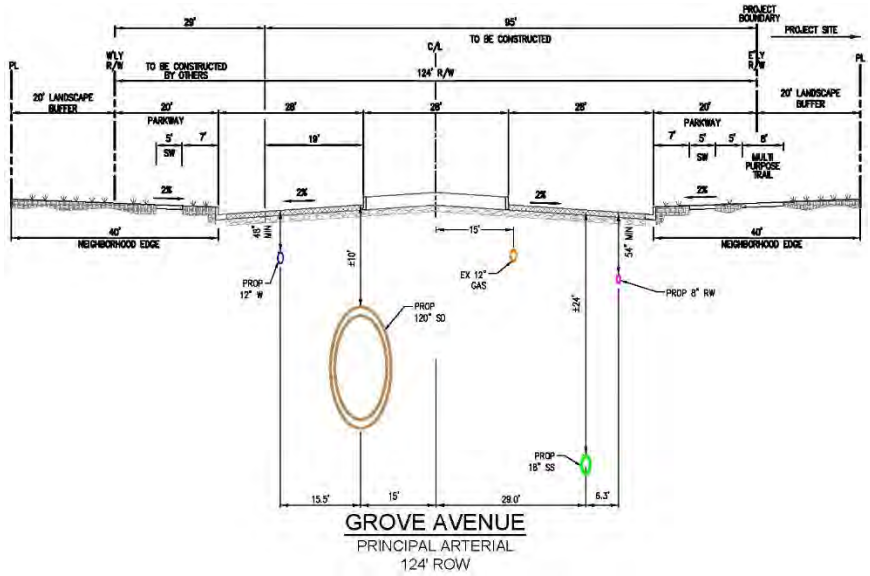
B. Grove Avenue (124-foot ROW Principal Arterial)

Grove Avenue forms the western boundary of Planning Areas 1, 1A, and 2. Along the segment of Grove Avenue located between Eucalyptus Avenue and Merrill Avenue, the developer(s) of the MERRILL COMMERCE CENTER will construct 95 feet of the ROW of this 124-foot wide Principal Arterial. The portions of Grove Avenue to be constructed by the MERRILL COMMERCE CENTER's developer(s) include 47 feet of paved roadway, a 28-foot-wide raised landscaped median, and a 20-foot wide parkway on the eastern side of the street that contains 7 feet of landscaping, a 5-foot sidewalk, a 5-foot landscape buffer and 3 feet of the 8-foot wide multi-purpose trail (the other 5 feet of the multi-purpose trail are located outside of the Grove Avenue ROW and will be constructed as part of the MERRILL COMMERCE CENTER). The remaining portions of the western side of the Grove Avenue ROW will be constructed by others and are anticipated to include 9 feet of roadway and curb-and-gutter improvements, and a 20-foot wide parkway containing a 7-foot landscaped parkway, 5-foot sidewalk, and 8 feet of landscaping.

A landscape buffer abuts the east and west sides of the Grove Avenue ROW, with the easterly 20-foot-wide landscape buffer to be located in the MERRILL COMMERCE CENTER and including 5 feet of an 8-foot wide multi-purpose trail (the other 3 feet of which are located within the Grove Avenue public ROW).

Traffic signals will be located at the intersections of Grove Avenue with Eucalyptus Avenue (1/2-mile DIF), Street "A" (1/4-mile non-DIF) and Merrill Avenue (1/2-mile DIF). Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Grove Avenue are required to comply with applicable City of Ontario requirements, including sight distance requirements.

Buildings in Planning Areas 1, 1A, and 2 connect to Grove Avenue via direct driveway connections along Grove Avenue. Final driveway locations will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.



C. *Eucalyptus Avenue (108-foot ROW Collector)*

Eucalyptus Avenue forms the northern boundary of Planning Areas 1A, 3A, 4A, 5A and 6A. This public roadway provides access to the Specific Plan area from the west and east. Along the segment of Eucalyptus Avenue that abuts the northern boundary of Planning Areas 1A, 3A, 4A, 5A, and 6A, the developer(s) of the MERRILL COMMERCE CENTER will construct 79 feet of the Eucalyptus Avenue ROW including 67 feet of paved roadway, and a 12-foot-wide parkway on the south side of the street that contains 7 feet of curb-adjacent landscaping and a 5-foot-wide sidewalk. The remaining portions of the northern side of the Eucalyptus Avenue ROW will be constructed by others and will include 17 feet of roadway and a 12-foot parkway containing 7 feet of curb-adjacent landscaping and a 5-foot sidewalk.

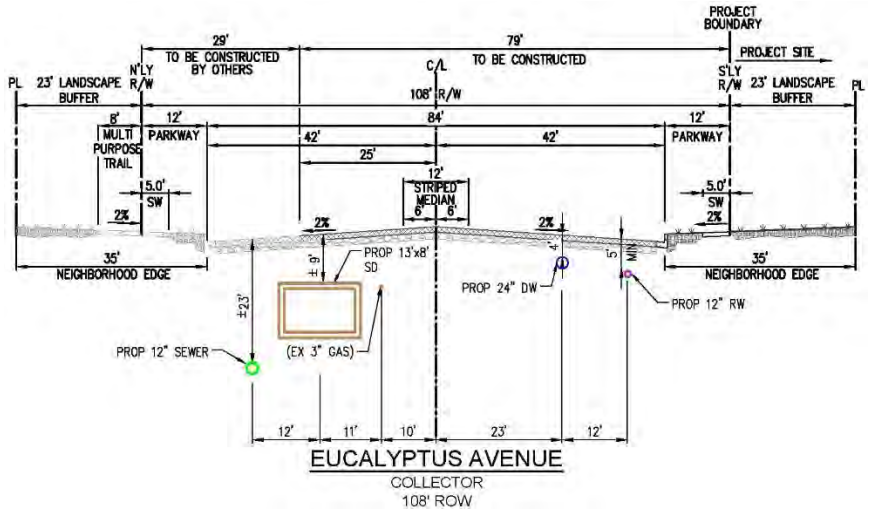
Eucalyptus Avenue is designated by the Chino Airport Compatibility Plan to satisfy open land requirements. For this reason, the median is painted and not raised and light poles and street trees are designed to maintain a clear width of about 75 feet. The light poles will be spaced at approximately 250 feet and staggered on the opposite side of the street.

Traffic signals will be located along Eucalyptus Avenue at its intersections with Grove Avenue, Walker Avenue, and Vineyard Avenue (1/2-mile DIF), and at Baker Avenue and Carpenter Avenue (1/4-mile non-DIF) and potentially mid-way between Grove Avenue and Walker Avenue (1/4-mile non-DIF) depending on need.

Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Eucalyptus Avenue are required to comply with applicable City of Ontario requirements, including sight distance requirements.

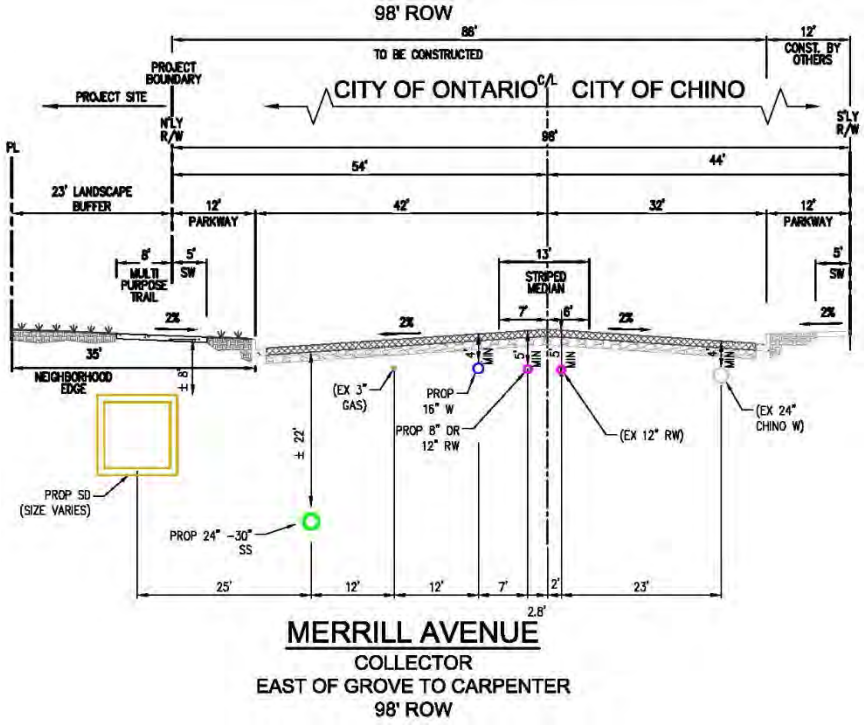
A landscape buffer abuts the north and south sides of the Eucalyptus Avenue right-of-way, with the southernly 23-foot wide landscape buffer located in the MERRILL COMMERCE CENTER outside of the public right-of-way.

Buildings in Planning Areas 1A, 3A, 4A, 5A, and 6A connect to Eucalyptus Avenue via direct driveway connections along Eucalyptus Avenue and via Grove Avenue, Walker Avenue, Baker Avenue, Vineyard Avenue, and Carpenter Avenue. Final driveway locations along Eucalyptus Avenue will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.



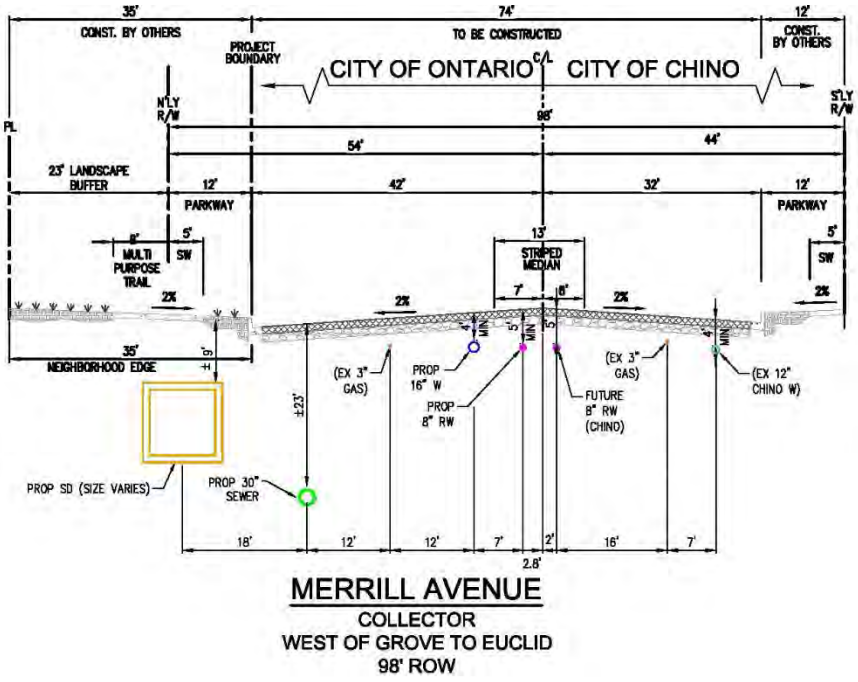
D. Merrill Avenue (98-foot ROW Collector)

Merrill Avenue forms the southern boundary of Planning Areas 2, 3, 4, 5, and 6 and is the dividing line between the City of Ontario to the north and the City of Chino to the south. This public roadway provides access to the Specific Plan area from off-site areas to the east, south, and west. Along the segment of Merrill Avenue located between Grove Avenue and Carpenter Avenue, the developer(s) of the MERRILL COMMERCE CENTER will construct 86 feet of the ROW of this 98-foot wide Collector. The portions of Merrill Avenue between Grove Avenue and Carpenter that will be constructed as part of the MERRILL COMMERCE CENTER include 74 feet of paved roadway, a 13-foot wide striped (painted) median, and a 12-foot-wide parkway on the north side of the street that contains 7 feet of curb-adjacent landscaping and a 5-foot-wide sidewalk.



The remaining portions of the Merrill Avenue ROW (southerly side of the roadway in the City of Chino) will be constructed by others and is anticipated to include a 12-foot parkway containing 7 feet of curb-adjacent landscaping and a 5-foot wide sidewalk. An approximate 23-foot landscape buffer abuts the northern side of the Merrill Avenue ROW in the MERRILL COMMERCE CENTER, with the landscape buffer including an 8-foot wide multi-purpose trail.

Along the segment of Merrill Avenue located between Euclid Avenue and Grove Avenue, the developer(s) of the MERRILL COMMERCE CENTER will construct 74 feet of the ROW of this 98-foot wide Collector. The portions of Merrill Avenue between Euclid Avenue and Grove Avenue that will be constructed as part of the MERRILL COMMERCE CENTER include 74 feet of paved roadway and a 13-foot wide striped (painted) median.



Merrill Avenue is designated by the Chino Airport Compatibility Plan to partially satisfy open land requirements. For this reason, the median is painted and not raised and light poles and street trees are designed to maintain a clear width of about 75 feet. The light poles will be spaced at approximately 260 feet ± 15 feet on the same side of the street and 130 feet ± 1f feet staggered on the opposite side of the street. The portion of Merrill Avenue traversing Airport Safety Zone 1 (the southwest portion of Planning Area 1) must remain clear of permanent aboveground objects, and as such may contain frangible/break-away light poles. The developer shall coordinate with Chino Airport and FAA to determine allowable heights and structures permitted within the southwest portion of Planning Area 1 near the Grove Avenue/Merrill Avenue intersection.

Traffic signals will be located at the intersections of Merrill Avenue with Grove Avenue, Walker Avenue, and Vineyard Avenue (1/2-mile DIF), and at Baker Avenue, Carpenter Avenue, and the mid-way point between Grove and Walker Avenues (1/4-mile DIF) depending on need. Traffic signal locations are subject to change based on the results and recommendations of a traffic study.

As noted on Figure 4-1, the development of the MERRILL COMMERCE CENTER also triggers the need to modify the existing traffic signal at the intersection of Euclid Avenue and Merrill Avenue west of the Specific Plan area. Improvements to Merrill Avenue east of the Specific Plan area were recently constructed and bridge improvements at the intersection of Merrill Avenue and the Cucamonga Channel were pending construction at the time this Specific Plan was prepared (2000). All improvements to Merrill Avenue are required to comply with applicable City of Ontario requirements, including sight distance requirements, in addition to requirements of the City of Chino pertaining to roadway improvements in the City of Chino's jurisdiction.

Buildings constructed in Planning Areas 2, 3, 4, 5 and 6 connect to Merrill Avenue via direct driveway connections along Merrill Avenue and via Walker Avenue, Baker Avenue, Grove Avenue, Vineyard Avenue, and Carpenter Avenue. Final driveway locations along Merrill Avenue will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.

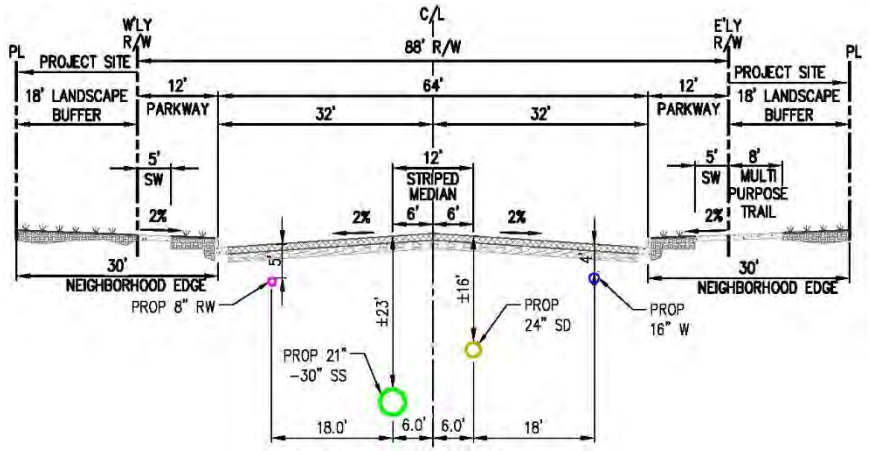
E. Walker Avenue (88-foot ROW Collector)

Walker Avenue forms the eastern boundary of Planning Areas 1, 1A and 2, and forms the western boundary of Planning Areas 3 and 3A. This public roadway provides access to the Specific Plan area from off-site areas to the north and south. Along the segment of Walker Avenue located between Edison Avenue and Merrill Avenue, the developer(s) of the MERRILL COMMERCE CENTER will construct the entirety of the 88-foot Collector, which consists of 64 feet of paved roadway and a 12-foot wide striped (painted) median. Additionally, the Walker Avenue ROW includes a 12-foot wide parkway on both sides of the roadway containing 7 feet of curb-adjacent landscaping and a 5-foot wide parkway-adjacent sidewalk.

An approximate 18-foot wide landscape buffer abuts the west and east sides of the Walker Avenue ROW inside the MERRILL COMMERCE CENTER Specific Plan, with the easterly landscape buffer including an 8-foot wide multi-purpose trail.

Traffic signals will be located at the intersections of Walker Avenue with Eucalyptus Avenue and Merrill Avenue (1/2-mile DIF), and with Street "A" (1/4-mile non-DIF) depending on need. Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Walker Avenue are required to comply with applicable City of Ontario requirements, including sight distance requirements.

Buildings in Planning Areas 1, 1A, 2, 3, and 3A connect to Walker Avenue via direct driveway connections along Walker Avenue. Final driveway locations will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.



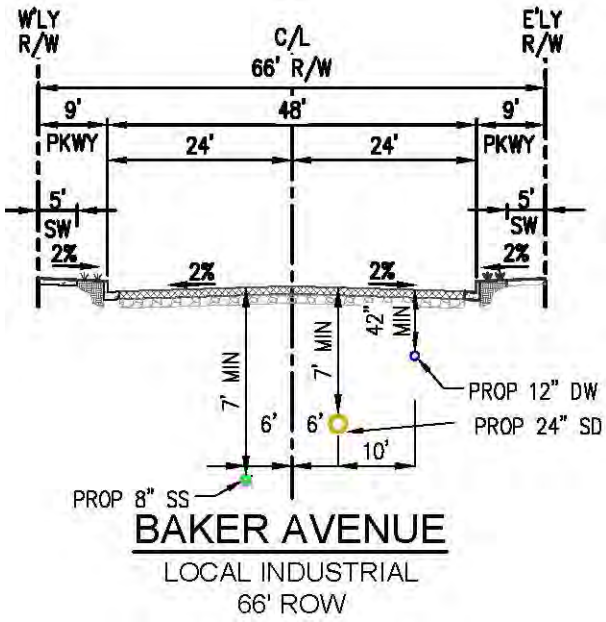
WALKER AVENUE
COLLECTOR
88' ROW

F. Baker Avenue (66-foot ROW Local Industrial)

Baker Avenue forms the eastern boundary of Planning Areas 4 and 4A, and forms the western boundary of Planning Areas 5 and 5A. This public roadway provides access to the Specific Plan area from off-site areas to the north and south. Along the segment of Baker Avenue located between Eucalyptus Avenue and Merrill Avenue, the developer(s) of the MERRILL COMMERCE CENTER will construct the entirety of the 66-foot wide Local Industrial Street, which consists of 48 feet of pavement and a 9-foot wide parkway on either side of the roadway containing 4 feet of curb-adjacent landscaping and a 5-foot wide sidewalk.

A traffic signal will be located at the intersection of Baker Avenue with Merrill Avenue (1/4-mile DIF) and at the intersection of Baker Avenue with Eucalyptus Avenue (1/4-mile non-DIF) and potentially at the mid-way point between Eucalyptus and Merrill Avenues (1/4-mile non-DIF) depending on need. Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Baker Avenue are required to comply with applicable City of Ontario requirements, including sight distance requirements.

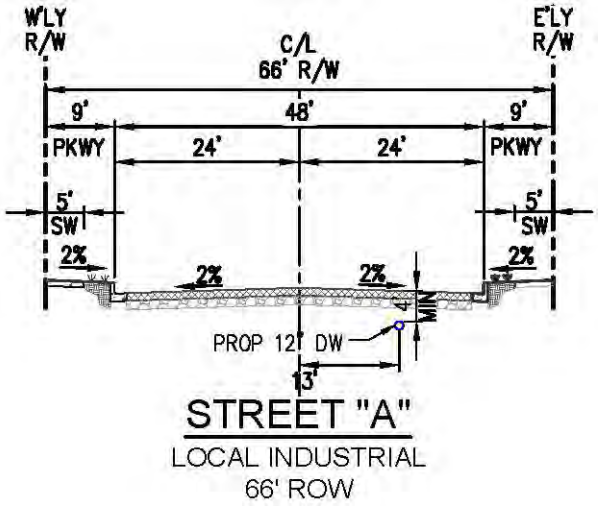
Planning Areas 4, 4A, 5, and 5A connect to Baker Avenue via direct driveway connections along Baker Avenue. Final driveway locations will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.



G. Street "A" (66-foot ROW Local Industrial)

Street "A" forms the southern boundary of Planning Area 1 and the northern boundary of Planning Area 2 and its exact alignment will be determined in conjunction with implementing development plans. This public roadway provides access to the Specific Plan area from off-site areas to the west and facilitates internal east-west circulation within the westerly portions of the Specific Plan area. Along the segment of Street "A" located between Grove Avenue and Walker Avenue, the developer(s) of the MERRILL COMMERCE CENTER will construct the entirety of the 66-foot wide Local Industrial Street, which consists of 48 feet of pavement and a 9-foot wide parkway on either side of the roadway containing 4 feet of curb-adjacent landscaping and a 5-foot wide sidewalk. A traffic signal will be located at the intersection of Street "A" with Grove Avenue and Walker Avenue (1/4-mile non-DIF), and potentially and at the mid-way point between Gove and Walker Avenues (1/4-mile non-DIF). Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Street "A" are required to comply with applicable City of Ontario requirements, including sight distance requirements.

Planning Areas 1 and 2 connect to Street "A" via direct driveway connections along Street "A." Final driveway locations will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.

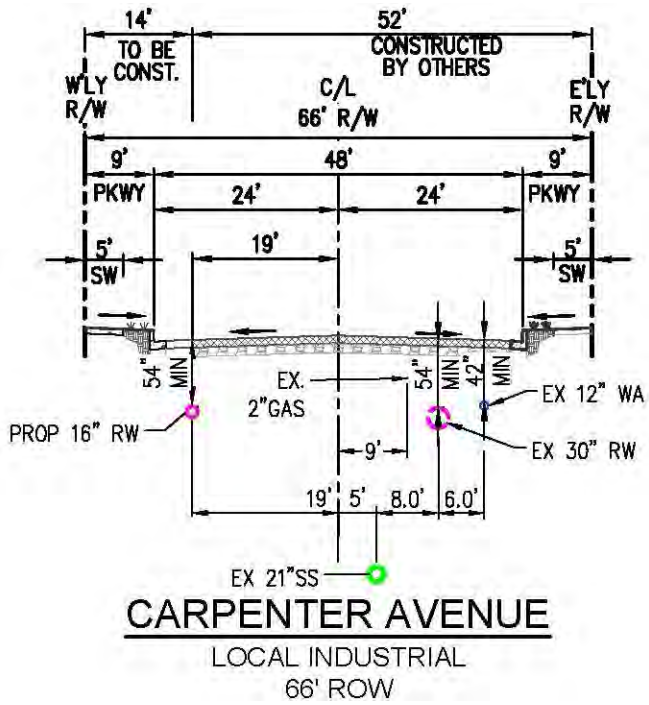


H. Carpenter Avenue (66-foot ROW Local Industrial)

Carpenter Avenue forms the eastern boundary of Planning Areas 6 and 6A. This public roadway provides access to the Specific Plan area from off-site areas to the north, south, and east. Along the segment of Carpenter Avenue located between Eucalyptus Avenue and Merrill Avenue (including the segment that abuts the eastern boundary of Planning Areas 6 and 6A, the developer(s) of the MERRILL COMMERCE CENTER will construct 14 feet of the ROW of this 66-foot-wide Local Industrial Street. The portions of Carpenter Avenue to be constructed as part of the Specific Plan include 5 feet of paved roadway (including curb and gutter) and a 9-foot-wide parkway on the western side of the street that contains 4 feet of curb-adjacent landscaping and a 5-foot sidewalk. The remaining portions of the eastern side of the Carpenter Avenue ROW will be constructed by others (the development project located on the east side of the roadway) which will include 43 feet of roadway and curb and gutter improvements, and a 9-foot-wide parkway containing 4 feet of landscaping and a 5-foot parkway-adjacent sidewalk.

Traffic signals will be located at the intersection of Carpenter Avenue with Merrill Avenue (1/4-mile DIF) and with Eucalyptus Avenue (1/4-mile non-DIF) and potentially at the mid-way point between Eucalyptus and Merrill Avenues (1/4-mile non-DIF) depending on need. Traffic signal locations are subject to change based on the results and recommendations of a traffic study. All improvements to Carpenter Avenue are required to comply with applicable City of Ontario requirements, including sight distance requirements.

Planning Areas 6 and 6A connect to Carpenter Avenue via direct driveway connections along Carpenter Avenue. Final driveway locations will be determined in conjunction with the design of implementing development projects, in accordance with Chapter 2.0 Access Guidelines of the City of Ontario's Traffic and Transportation Design Guidelines.



I. Private Drive Aisles

Private Drive Aisles connect individual planning areas to the roadways described above. Within each planning area, Private Drive Aisles provide vehicular access for automobiles and trucks to parking lots, truck courts, loading dock areas, etc. Private Drive Aisles will have pavement widths that range between 24 and 50 feet. Private Drive Aisles are not depicted on Figure 4-1 because their locations, alignments, and widths will be determined in conjunction with the design of implementing development projects.

J. Truck Routes

Access to the MERRILL COMMERCE CENTER Specific Plan area is provided from Grove Avenue, Eucalyptus Avenue, Vineyard Avenue, Baker Avenue, Carpenter Avenue, Walker Avenue, and Flight Avenue.

Truck traffic to and from the MERRILL COMMERCE CENTER will use the City of Ontario designated truck routes, which include Merrill Avenue, Edison Avenue, and Euclid Avenue. Additionally, truck traffic to and from the MERRILL COMMERCE CENTER will use the City of Chino's designated truck routes, which include Carpenter Avenue, Walker Avenue, and Flight Avenue.

Signalized intersections along truck routes in the City of Ontario will be constructed with PCC pavement per City standards, along with signalized intersections along the truck routes on Merrill Avenue, as shown on Figure 4-1, *Conceptual Vehicular Circulation and Access Plan*.

4.1.2 Non-Vehicular Circulation

The MERRILL COMMERCE CENTER Specific Plan encourages circulation by employees and visitors via non-motorized means. Pedestrian circulation is encouraged interior to the Specific Plan area through an integrated network of sidewalks, bikeways, and trails. Additional pedestrian and bike facilities will be designed on individual building sites at the time buildings are designed and positioned in each planning area as part of implementing development projects.

As illustrated on Figure 4-2, *Non-Vehicular Circulation and Mobility Plan*, the MERRILL COMMERCE CENTER Specific Plan provides for sidewalks in the public rights-of-way along the sides of the following streets that front the Specific Plan: Eucalyptus Avenue, Merrill Avenue, Grove Avenue, and Carpenter Avenue. Additionally, the MERRILL COMMERCE CENTER Specific Plan provides for sidewalks in the public rights-of-way along both sides of Baker Avenue (segment located between Eucalyptus Avenue and Merrill Avenue), Walker Avenue (segment located between Edison Avenue/Ontario Ranch Road and Merrill Avenue), Vineyard Avenue (segment located between Eucalyptus Avenue and Merrill Avenue), and Street "A." Pedestrian crosswalks are designed at signalized intersections (as depicted on Figure 4-2) to ensure pedestrian safety.

As illustrated on Figure 4-2, *Non-Vehicular Circulation and Mobility Plan*, the Specific Plan provides for 8-foot-wide multi-purpose trails along the north side of the segment of Merrill Avenue located between Euclid Avenue and Archibald Avenue; along the east side of the segment of Grove Avenue located between Eucalyptus Avenue and Merrill Avenue; along the east side of the segment of Walker Avenue located between Edison Avenue/Ontario Ranch Road and Merrill Avenue; and along the west side of the segment of Vineyard Avenue located between Eucalyptus Avenue and Merrill Avenue.

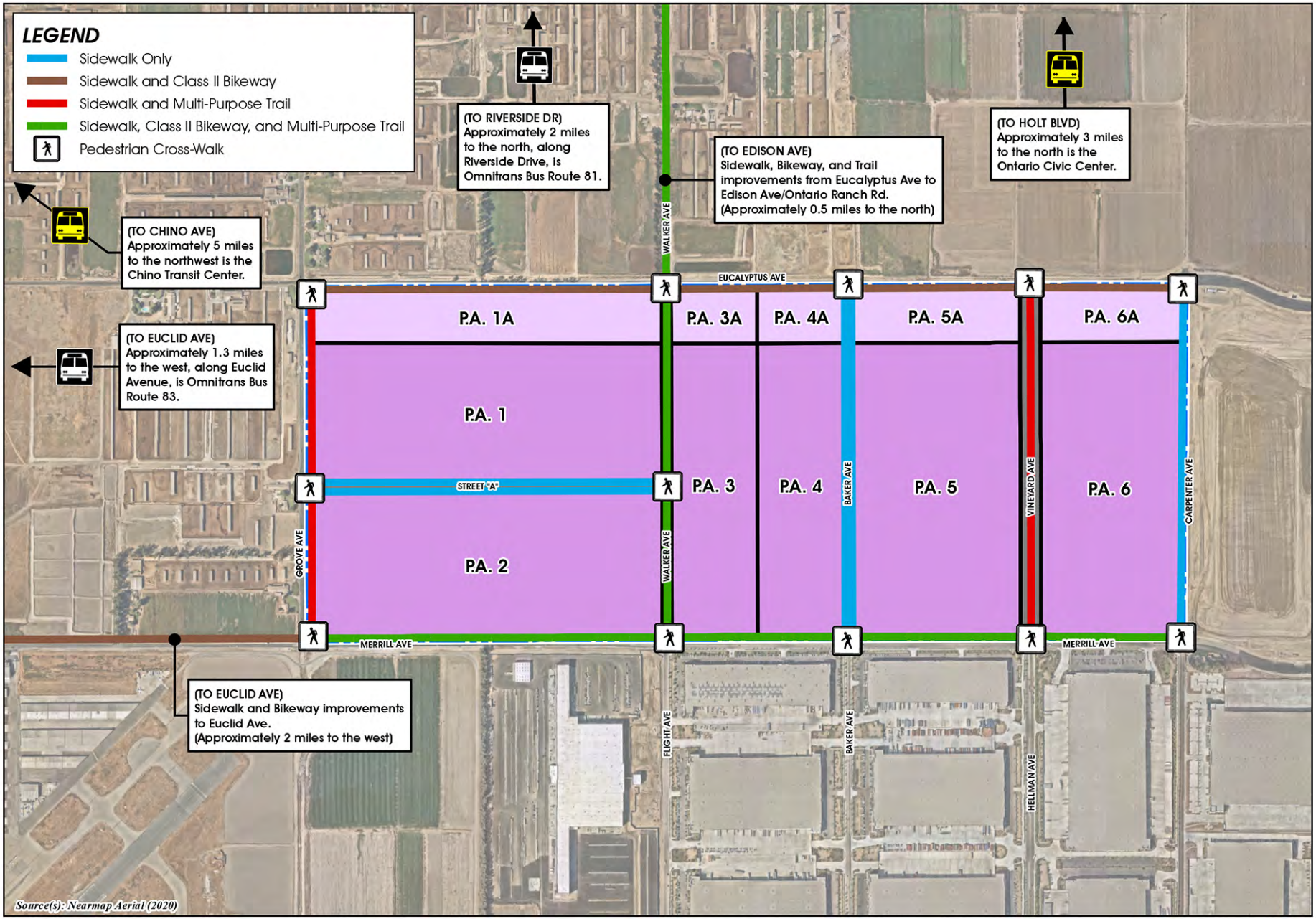
As illustrated on Figure 4-2, *Non-Vehicular Circulation and Mobility Plan*, the Specific Plan provides Class II bike lanes in the public right-of-way along both sides of the segment of Merrill Avenue located between Carpenter Avenue and Euclid Avenue; along both sides of the segment of Walker Avenue between Merrill Avenue and Edison Avenue/Ontario Ranch Road; along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A, and 6A; and along the north side of Eucalyptus Avenue between Grove Avenue and Walker Avenue.

Given the volume of passenger car and truck traffic circulating on the site, pedestrian and bicycle safety was given due consideration when preparing the design standards for the MERRILL COMMERCE CENTER. Provisions for sidewalks and pedestrian walkways, bicycle storage facilities, and employee and visitor gathering areas interior to the planning areas are set forth in Chapter 6, *Design Guidelines*.

As shown on Figure 4-2, the following bus and transit facilities are located to the west and north of MERRILL COMMERCE CENTER:

A. Omnitrans Bus Route 83, located approximately 1.3 miles to the west along Euclid Avenue.
B. Chino Transit Center, located approximately 5 miles to the northwest at Chino Avenue.
C. Omnitrans Bus Route 81, located approximately 2 miles to the north along Riverside Drive.
D. Ontario Civic Center/Transfer Station, located approximately 3 miles to the north at Holt Boulevard.

Future bus stops and shelters will be required to be installed to the satisfaction of the City of Ontario and Omnitrans.



Non-Vehicular Circulation and Mobility Plan

Figure 4-2

4.2 UTILITY INFRASTRUCTURE PLAN

Buildout of the MERRILL COMMERCE CENTER requires the installation of water, sewer, drainage, and other utility infrastructure, as described in this chapter. All utility infrastructure improvements shall be constructed in accordance with applicable City of Ontario design standards and specifications.

4.2.1 Potable Water Plan

Potable Water System Improvements for the Specific Plan area (as shown on Figure 4-3) require the planning, design, and construction of the 925 Pressure Zone (PZ) Phase 2 West Backbone, which includes: extending the 24-inch potable water main in Eucalyptus Avenue from Carpenter Avenue to Grove Avenue; and, installing a 30-inch to 42-inch potable water main in Grove Avenue connecting from the 24-inch potable water main in Eucalyptus Avenue and extending to Chino Avenue; installing an 18-inch potable water main in Chino Avenue and connecting to the existing 18-inch potable water main located on the west side of the Cucamonga Creek Channel; and installing a Pressure Reducing Station between the 1010 PZ and 925 PZ near the intersection of Grove Avenue and Chino Avenue.

Master Plan Phase 2 facilities that are required to serve the Project but that will be constructed by others include installing a 42-inch potable water main in Grove Avenue connecting from the 30-inch to 42-inch potable water main in Grove Avenue at Chino Ave and extending to Francis Avenue; and, installing a 42-inch potable main in Francis Avenue connecting from the 42-inch potable water main in Grove Avenue and extending to Bon View Avenue; and, installing a 42-inch potable water main in Bon View Avenue connecting from the 42-inch potable water main in Francis Avenue and extending to the Bon View Avenue Reservoir site and to the Reservoir; and, installing a 9 million gallon reservoir on the Bon View Reservoir site; and, installing two 2,500 gpm wells with any treatment necessary to meet water quality standards and the 16-inch to 42-inch well collection mains from the wells to the reservoirs. At the time this Specific Plan was prepared, the alignment of the 42-inch water line between Chino Avenue and the water reservoir site had not been finalized and is subject to change. The MERRILL COMMERCE CENTER Project will be required to participate in the future Phase 2 Water System Improvements north of Chino Avenue, as detailed in the development agreement with the City.

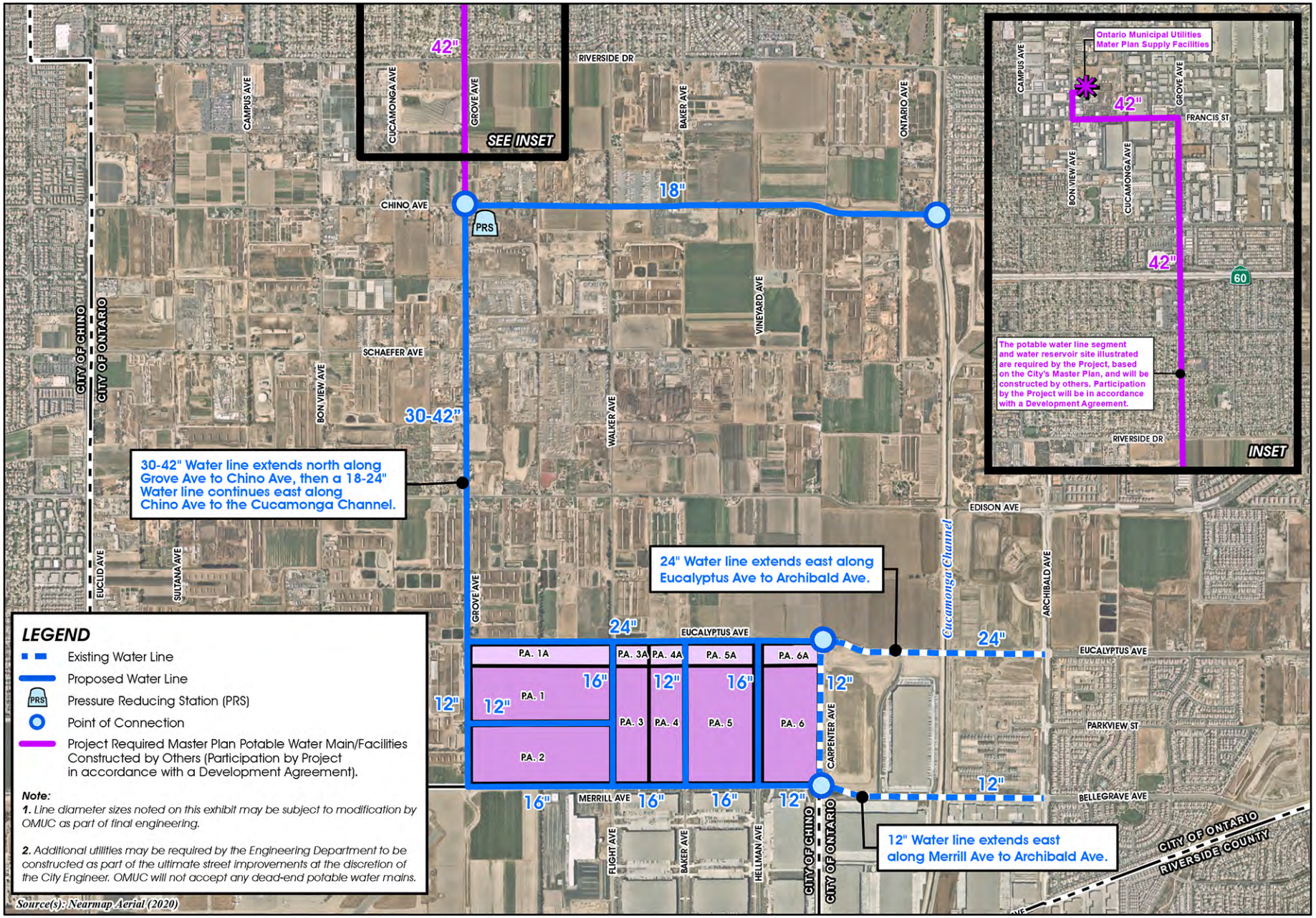
In addition to the 925 Pressure Zone (PZ) Phase 2 West Backbone, the Specific Plan area requires the planning, design, and construction of a Secondary Loop between the 925 Pressure Zone (PZ) Phase 2 West Backbone and the Specific Plan area which includes: installing a 24-inch potable water main in Eucalyptus Avenue connecting to the 30-inch to 42-inch 925 Pressure Zone (PZ) Phase 2 West Backbone main in Grove Avenue; installing a 16-inch potable water main in Merrill Avenue connecting from the 12-inch potable water main in Grove Avenue and extending to Vineyard Avenue; and, installing a 16-inch potable water main in Vineyard Avenue connecting from the 16-inch potable water main in Merrill Avenue and extending to connect to the 24-inch potable water main in Eucalyptus Avenue; and, installing a 12-inch potable water main in Merrill Avenue connecting from the 16-inch potable water main in Vineyard Avenue and extending east to connect to the 12-inch potable water main in Carpenter Avenue.

The Specific Plan area also requires the planning, design, and construction of the Local Adjacent Potable Water System, which includes: installing a 12-inch potable water main in Grove Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue

and extending to connect to the 16-inch potable water main in Merrill Avenue; and, installing a 16-inch potable water main in Walker Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue; and, installing a 12-inch potable water main in Baker Avenue connecting to the 24-inch potable water main in Eucalyptus Avenue and extending to connect to the 16-inch potable water main in Merrill Avenue; and, installing a 12-inch potable water main in "Street A" connecting to the 12-inch potable water main in Grove Avenue and extending to connect to the 16-inch potable water main in Walker Avenue.

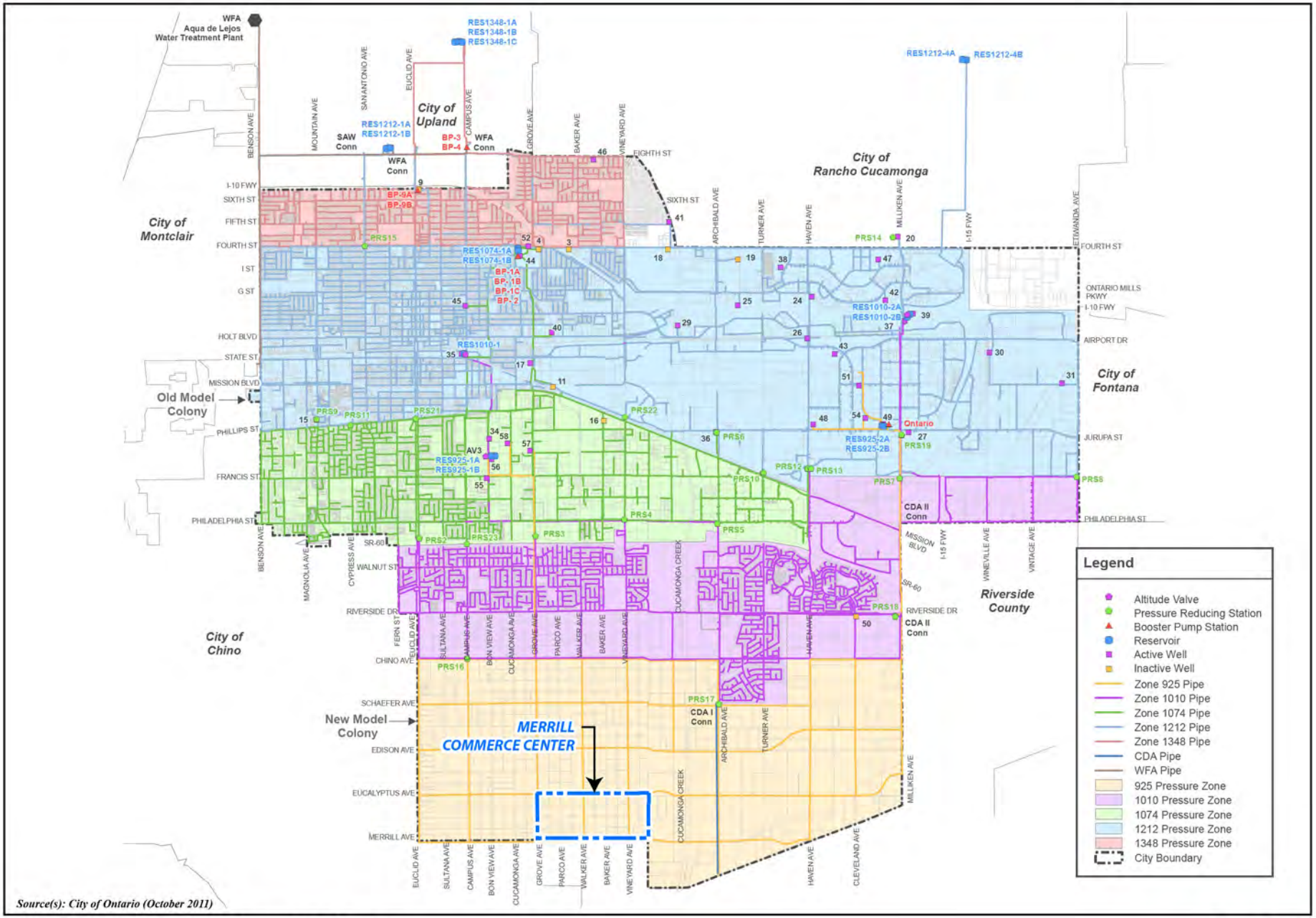
Required Potable Water Infrastructure is subject to change based upon findings of City approved hydraulic studies, master plan updates, and project final designs; and, potable water main locations are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including IEUA water mains, that do not meet minimum depths, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/ replacement by the developer(s) of the Specific Plan.

Within the project site, on individual private property, the onsite potable, domestic, and fire systems shall be private and be privately maintained.



Potable Water Infrastructure Plan

Figure 4-3



City of Ontario Ultimate Water System

Figure 4-3A

Not to Scale

4.2.2 Recycled Water Plan

The City of Ontario/ Ontario Municipal Utilities Company (OMUC) supplies recycled water to the Specific Plan area. Existing City recycled water infrastructure is located to the east of the Specific Plan Area in Carpenter Avenue, Eucalyptus Avenue, and Merrill Avenue. Recycled Water supplied by OMUC is produced by the Inland Empire Utility Agency (IEUA) from its four wastewater reclamation plants.

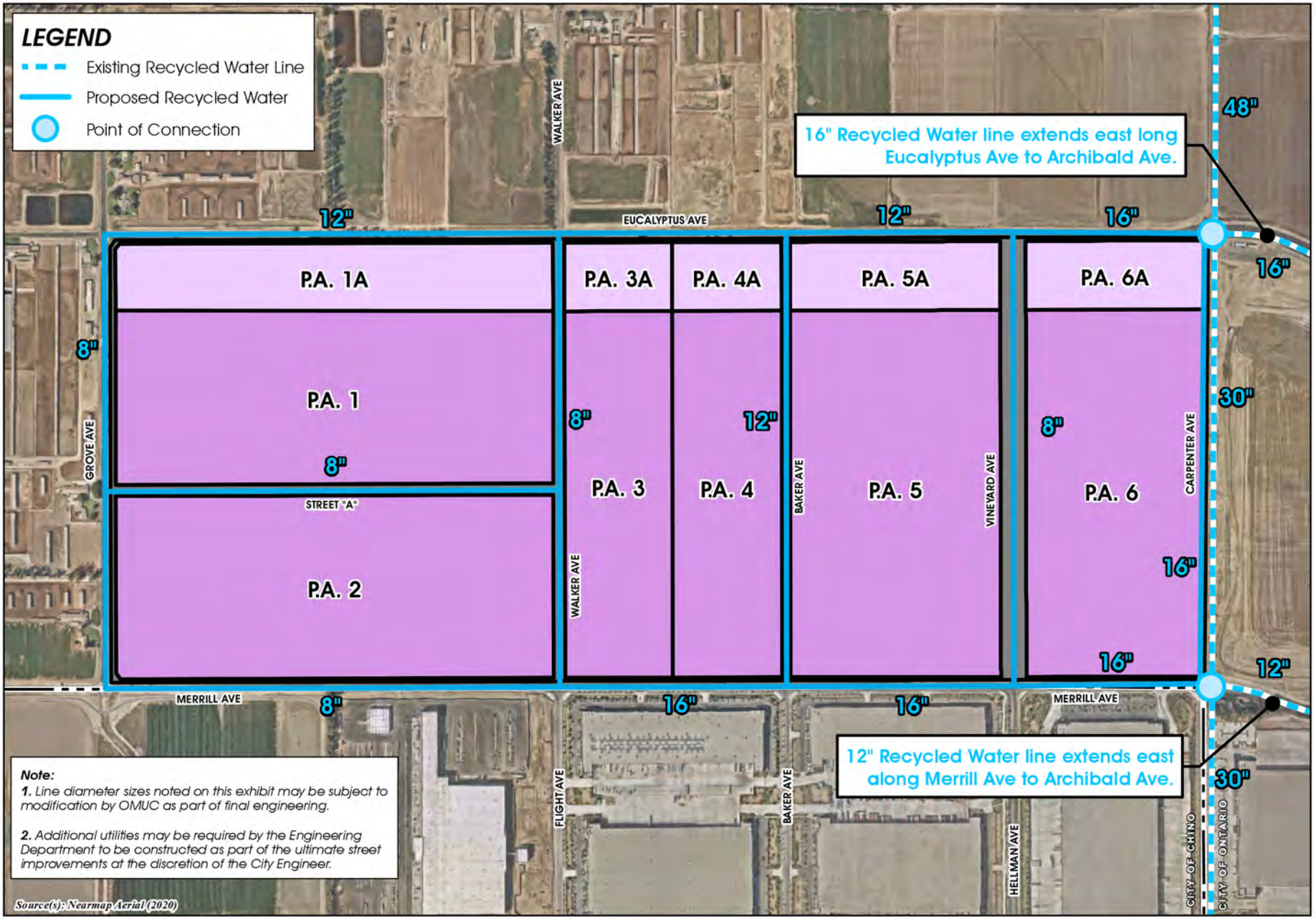
The entire Specific Plan area is within the City's master planned 930 Pressure Zone (PZ). Recycled Water Infrastructure Improvements for the Specific Plan area (as shown on Figure 4-4) require the planning, design, and construction of the Primary 930 Pressure Zone Recycled Water Master Plan Backbone mains, which includes: installing a 16-inch recycled water main in Carpenter Avenue connecting to the 16-inch 930 Pressure Zone Recycled Water main in Eucalyptus Avenue and connecting to the existing 16-inch 930 Pressure Zone recycled water main at the intersection of Carpenter Avenue and Eucalyptus Avenue; extending it west and transitioning to a 12-inch line at Vineyard Avenue; installing a 12-inch recycled water main in Eucalyptus Avenue and extending to Grove Avenue to connect to the 8-inch 930 Pressure Zone Recycled Water main in Grove Avenue; and, installing an 8-inch recycled water main in Grove Avenue connecting to the 12-inch recycled water main in Eucalyptus Avenue and extending in Grove Avenue to 8-inch recycled water main in Merrill Avenue; and, installing an 8-inch recycled water main in Merrill Avenue connecting to the 16-inch recycled water main in Merrill Avenue at Walker Avenue and extending east to Carpenter Avenue.

In addition to the Primary 930 Pressure Zone (PZ) Recycled Water Master Plan Backbone mains, the Specific Plan area requires the planning, design, and construction of a Secondary Loop Improvements which includes: installing an 8-inch recycled water main in Merrill Avenue connecting to the 8-inch recycled water main in Merrill Avenue at Grove Avenue and extending west to Euclid Avenue.

The Specific Plan area also requires the planning, design, and construction of the Adjacent Recycled Water System, which includes: installing an 8-inch recycled water main in Vineyard Avenue connecting to the 16-inch recycled water main in Merrill Avenue and extending it to connect to the 12-inch main in Eucalyptus Avenue; and, installing an 8-inch recycled water main in Walker Avenue connecting to the 8-inch recycled water main in Merrill Avenue and extending it to connect to the 12-inch main in Eucalyptus Avenue.

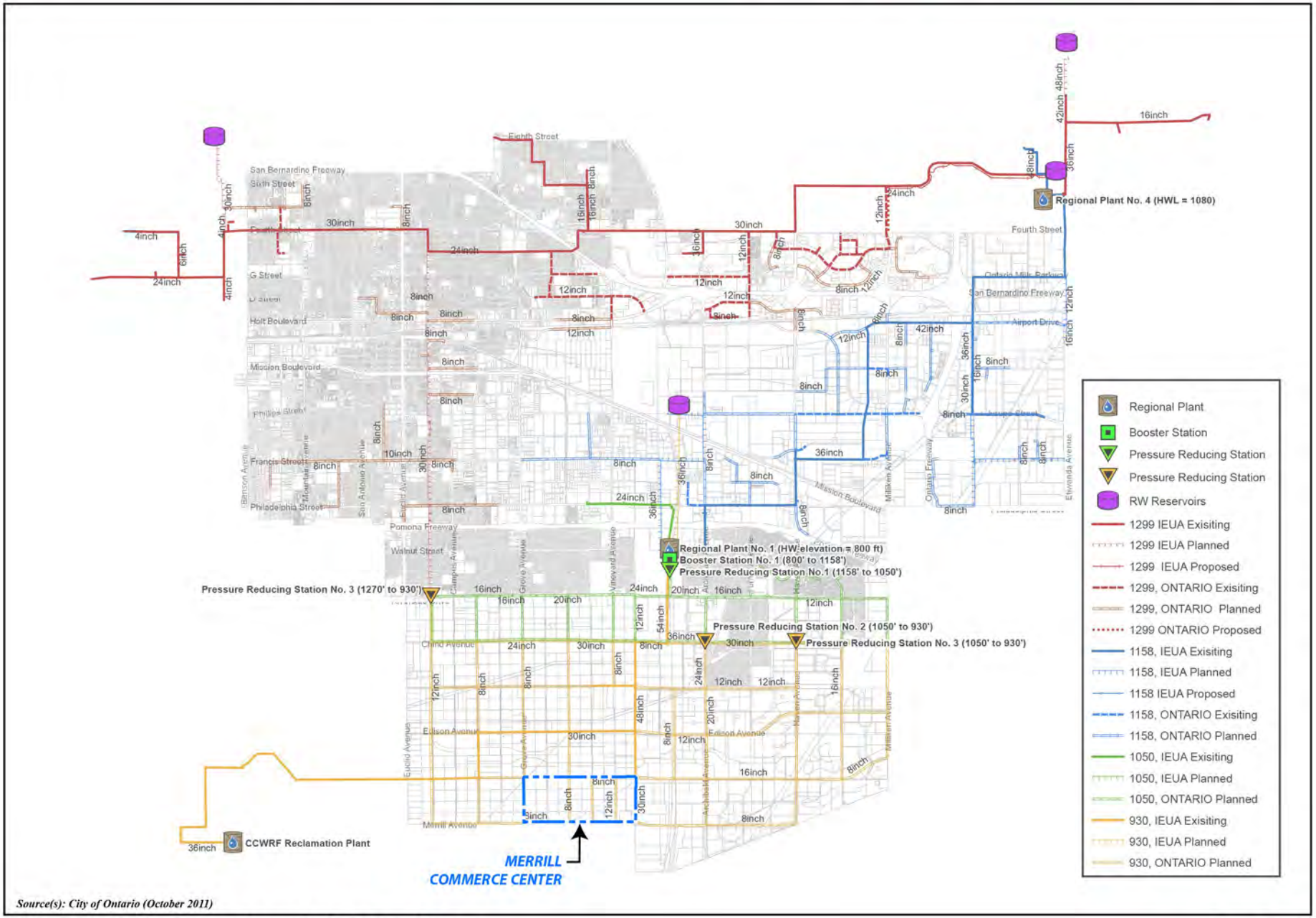
Required Recycled Water Infrastructure is subject to change based upon findings of City-approved hydraulic studies, master plan updates, and project final designs; and, Recycled Water main locations are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including IEUA Recycled Water mains, that do not meet minimum depths, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/replacement by the developer(s) of the Specific Plan.

Within the project site, on individual private property, the onsite recycled water and irrigation systems shall be private and be privately maintained.



Recycled Water Infrastructure Plan

Figure 4-4



Source(s): City of Ontario (October 2011)

City of Ontario Future Recycled Water System

Figure 4-4A

Not to Scale

4.2.3 Sanitary Sewer Plan

Sanitary Sewer/Wastewater Collections for the Specific Plan area is served by the City of Ontario/ Ontario Municipal Utilities Company (OMUC), which conveys wastewater to the Inland Empire Utility Agency (IEUA) for transmission and treatment.

Currently, existing 21-inch and existing 24-inch City sanitary sewer mains are located in Carpenter Avenue to the east and south of the Specific Plan area. The entire Specific Plan area is included within the City's Sewer Master Plan. The areas west of Vineyard Avenue are Tributary to the Western Trunk Sewer, which connect to IEUA's system at Kimball Avenue and Euclid Avenue; and the areas east of Vineyard Avenue are Tributary to the Eastern Trunk Sewer (ETS), through the City's Carpenter Trunk Sewer which connect to IEUA's system at Vineyard/Hellman Avenue and the San Bernardino/ Riverside County line. Planning Areas 1 to 5 and 1A to 5A are within the Western Trunk Sewer tributary area and Planning Area 6 and 6A are within the Eastern Trunk Sewer tributary area.

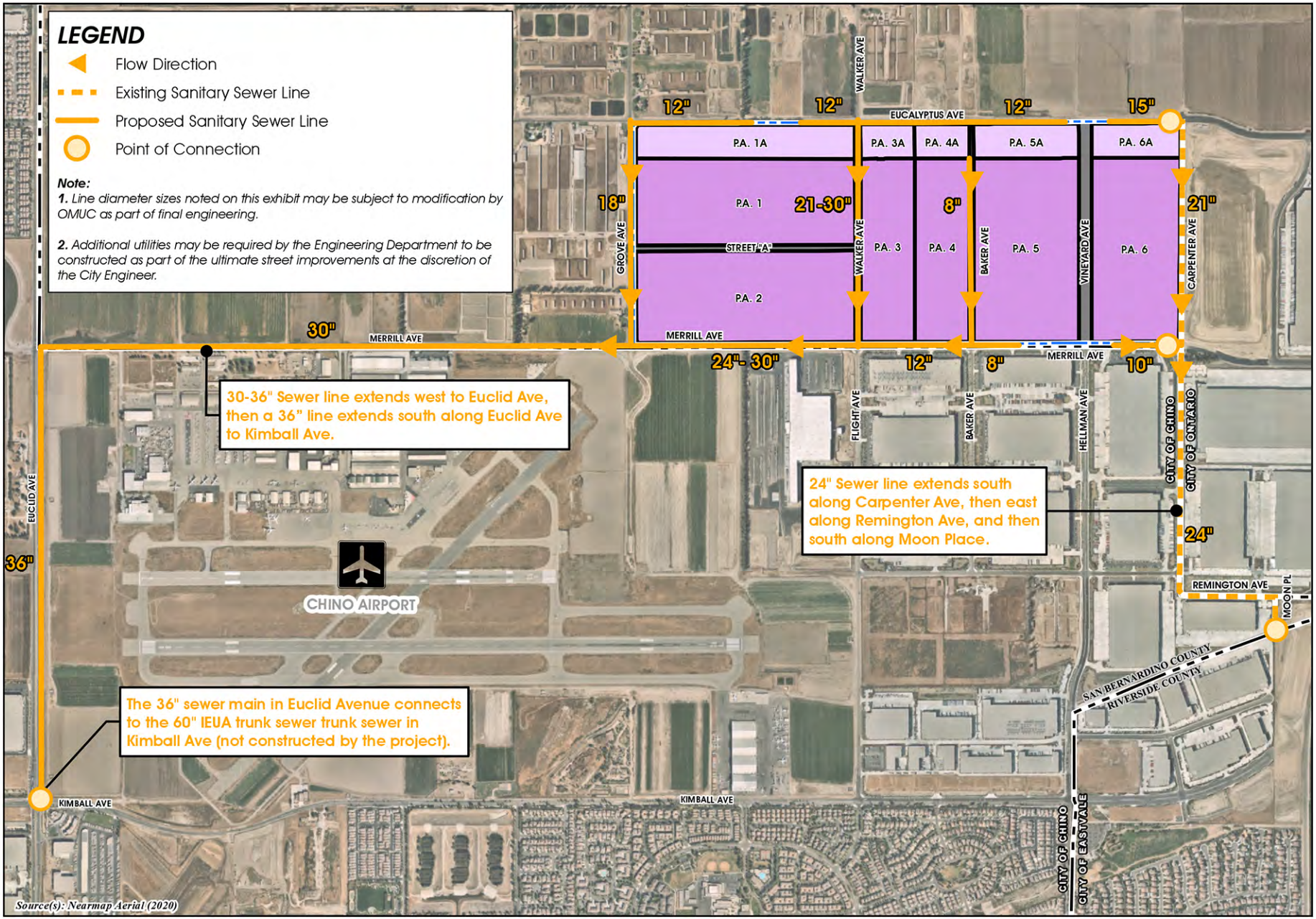
Sanitary Sewer Improvements for the Specific Plan area (as shown on Figure 4-5) require the planning, design, and construction of the following Primary Sewer Master Plan Backbone mains of the Western Trunk Sewer (WTS), which includes: installing a 36-inch sewer main in Euclid Avenue connecting to the IEUA's 60-inch Kimball Interceptor at the intersection of Kimball Avenue and Euclid Avenue and extending north to Merrill Avenue; and, installing a 30-inch sewer main in Merrill Ave from Euclid Avenue to Grove Avenue; and, installing a 24-inch to 30-inch sewer main in Merrill Avenue from Grove Avenue to Walker Avenue; and, installing a 21-inch to 30-inch sewer main in Walker Avenue from Merrill Avenue to Eucalyptus Avenue.

In addition to the Primary Sewer Master Plan Backbone mains, the Specific Plan area requires the planning, design, and construction of a Secondary Master Plan Trunk Sewer, which includes: installing an 18-inch Grove Trunk Sewer main in Grove Avenue from the WTS in Merrill Avenue and extending north in Grove Avenue to Eucalyptus Avenue.

The Specific Plan area also requires the planning, design, and construction of the Adjacent Local Sewer Systems, which includes: installing a 12-inch sewer line in Eucalyptus Avenue from east of Grove Avenue to connect with the 18-inch line in Grove Avenue; installing a 12-inch line in Eucalyptus Avenue from west of Walker Avenue to just west of Vineyard Avenue, and installing a 15-inch sewer line in Eucalyptus Avenue from west of Carpenter Avenue to connect with the existing 21-inch line in Carpenter Avenue. Also, the installation of a 10-inch sewer main in Merrill Avenue from west of Carpenter Avenue to Carpenter Avenue; and, installing an 8-inch line in Merrill Avenue from east of Baker Avenue to Baker Avenue and transitioning to a 12-inch sewer main in Merrill Avenue from Baker Avenue to connect with the WTS in Walker Avenue.; and, installing an 8-inch sewer main in Baker Avenue from Merrill Avenue northerly toward Eucalyptus Avenue.

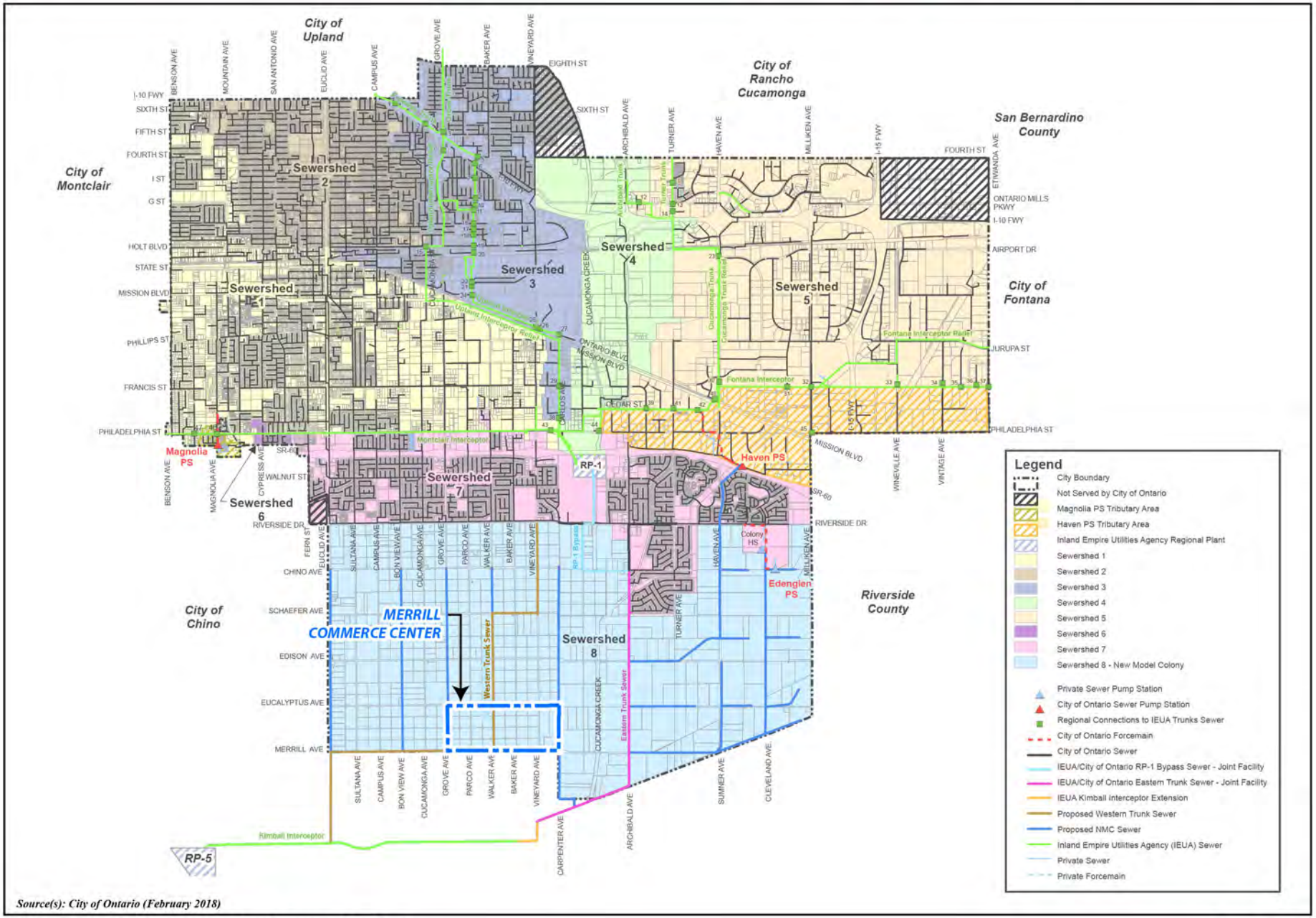
Required Sanitary Sewer Infrastructure is subject to change based upon findings of City-approved hydraulic studies, master plan updates, and project final designs; and, sewer main locations are also subject to change based upon the developer-conducted and City-approved Conceptual Design Report. Any existing utilities, including IEUA Recycled Water mains, that do not meet minimum depth, standard alignment locations, and/or minimum horizontal and vertical separation requirements shall be subject to relocation/ replacement by the developer(s) of the Specific Plan.

Within the project site, on individual private property, the onsite sewer systems shall be private and be privately maintained.



Sanitary Sewer Infrastructure Plan

Figure 4-5



Source(s): City of Ontario (February 2018)

City of Ontario Ultimate Sewer System

Figure 4-5A

Not to Scale

4.2.4 Storm Water Management Plan

The master storm drain plan for the MERRILL COMMERCE CENTER is shown on Figure 4-6, *Storm Drain Infrastructure Plan*. Improvements include the construction of the following storm drain improvements: a 13-foot by 8-foot Reinforced Concrete Box (RCB) in the segment of Eucalyptus Avenue located between Walker Avenue and Vineyard Avenue; 24-inch storm drain lines in segments of Eucalyptus Avenue between Walker Avenue and Grove Avenue, a 13-foot by 8-foot Reinforced Concrete Box (RCB) in the segment of Eucalyptus Avenue located between Walker Avenue and Vineyard Avenue; a 6-foot by 3-foot RCB, a double 8-foot by 4-foot RCB, a double 8-foot by 9-foot RCB, and a double 12-foot by 10-foot RCB in various segments of Merrill Avenue located between the midpoint of the southerly boundary of Planning Area 2 and Carpenter Avenue; a 24-inch storm drain line in the segment of Walker Avenue located between the southerly boundary of Planning Area 1 and Merrill Avenue; a 24-inch storm drain line in the segment of Baker Avenue, extending from Merrill Avenue to approximately the midpoint of Baker Avenue between Eucalyptus Avenue and Merrill Avenue; a 120-inch storm drain line in the segment of Grove Avenue located between Eucalyptus Avenue and Merrill Avenue (with a point of connection to the existing open flood channel located south of the intersection of Merrill Avenue and Grove Avenue); and a 13-foot by 8-foot RCB in the segment of Vineyard Avenue located between Merrill Avenue and Eucalyptus Avenue.

Additionally, as indicated on Figure 4-6, the developer(s) of the MERRILL COMMERCE CENTER may be conditioned to improve the existing open flood channel located south of the intersection of Merrill Avenue and Grove Avenue, which may consist of either lowering the elevation of the existing earthen channel or installing a double 10-foot by 6-foot RCB within the existing earthen channel to connect to an existing RCB located at the southerly terminus of the existing earthen flood channel. The ultimate solution will be determined during the final engineering process.

Planning Areas 1, 1A, and 2 drain in a southerly direction and the drainage ultimately flows into either a water quality basin located in the southwest portion of Planning Area 2, the existing flood channel located south of the intersection of Merrill Avenue and Grove Avenue, or to the RCB drainage system in Merrill Avenue which will convey flows easterly to the Cucamonga Channel.

Stormwater flows from Planning Areas 3 and 3A drain in a southerly direction and the drainage ultimately flows into either the 24-inch line within Walker Avenue or to the RCB system in Merrill Avenue. Planning Areas 4 and 4A also drain in a southerly direction with the drainage ultimately flowing to either a storm drain line installed in Baker Avenue or to the RCB system in Merrill Avenue. Planning Areas 5, 5A, 6, and 6A drain in a southerly direction as well, and the drainage ultimately flows to the 13-foot by 18-foot RCB in Vineyard Avenue or the double 9-foot by 8-foot RCB or 12-foot by 10-foot RCB in Merrill Avenue. Flows from Planning Areas 3, 3A, 4, 4A, 5, 5A, 6, and 6A ultimately drain easterly to an existing inlet connection to the Cucamonga Creek Channel via the existing double 12-foot by 10-foot RCB in Merrill Avenue (east of Carpenter Avenue).

Each storm drain in Grove Avenue and Merrill Avenue will be equipped with a hydrodynamic separator or City approved equal device to satisfy the statewide trash mandate. Each device will be approved by and listed on the Certified Full Capture System List of Trash Treatment Control Devices of the State Water Resources Control Board (SWRCB).

Line diameter sizes and other storm drain facility sizes noted herein may be subject to modification by the City of Ontario and/or the San Bernardino Flood Control District as part of final engineering.

A. National Pollutant Discharge Elimination System (NPDES) and Water Quality Management Plan (WQMP)

Design for the on-site improvements within the MERRILL COMMERCE CENTER Specific Plan will utilize a variety of Low Impact Development (LID) design concepts to detain, filter, and treat surface runoff in a practical manner to comply with the requirements of the San Bernardino County NPDES Storm Water Program's current Water Quality Management Plan (WQMP) for new development projects.

The objective of the project-specific WQMP is to minimize the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutants and changes in hydrology. These effects shall be minimized through the implementation of on-site and off-site Low Impact Development (LID) Site Design Best Management Practices (BMP's) that retain/infilter or biotreat 85th percentile storm event runoff from the Specific Plan area.

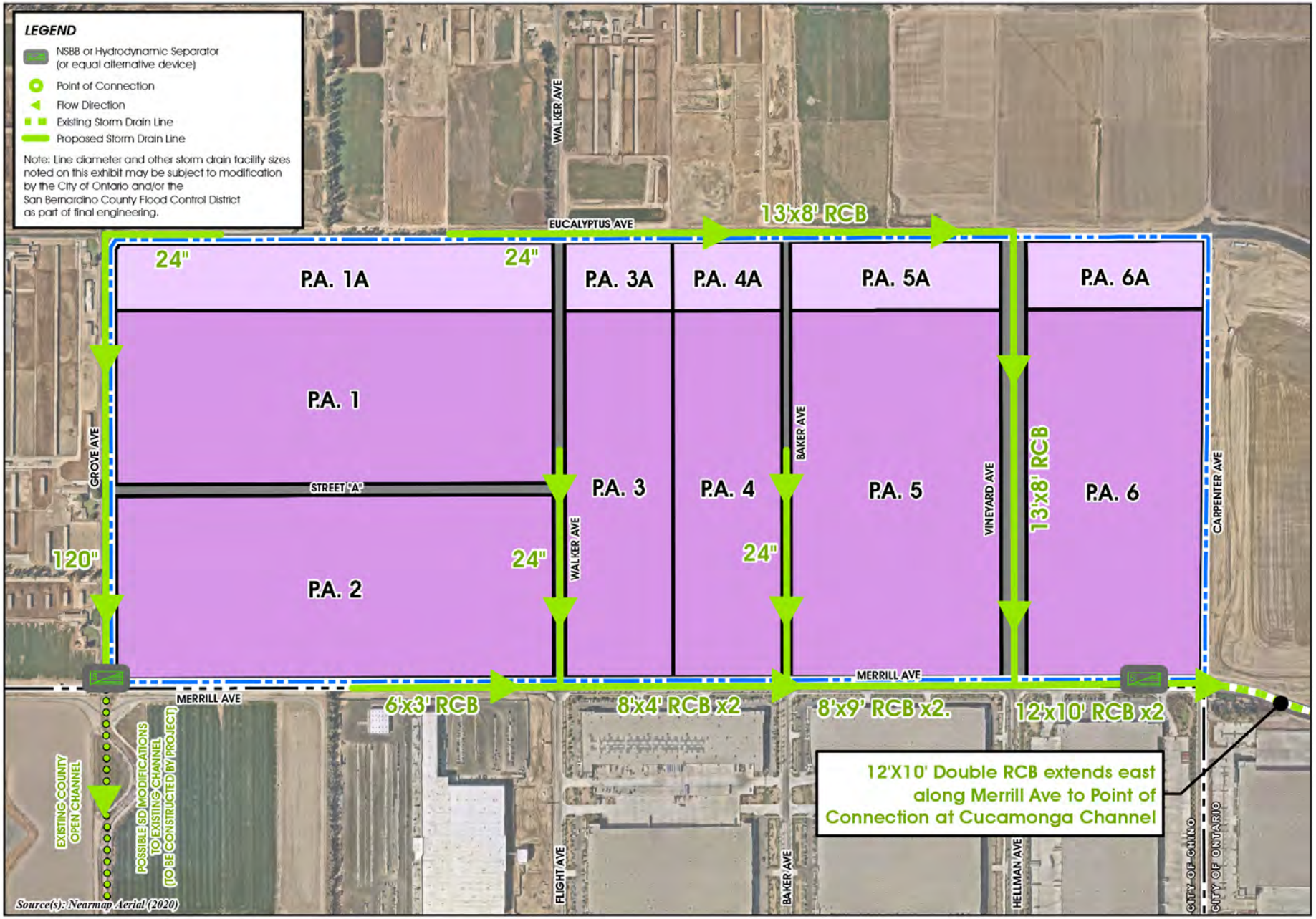
In addition, non-structural and structural Source Control BMP's will be implemented and documented in the approved Water Quality Management Plan(s) to reduce pollutant generation and transport from the Specific Plan area.

All Priority Land Use (PLU) areas, defined by the State Water Resources Board (SWRCB) as high trash generating areas such as industrial uses, within the Specific Plan area shall comply with the statewide Trash Provisions adopted by the SWRCB and trash requirements in the most current San Bernardino County Area-Wide MS4 permit.

Prior to the issuance of any grading or construction permits for any parcel map or area that disturbs one (1) acre or more of land within the MERRILL COMMERCE CENTER Specific Plan, an Erosion Control & Sedimentation Plan and Storm Water Pollution Prevention Plans (SWPPP) will be prepared to comply with California State Water Resources Control Board's (State Water Board) current "General Permit to Discharge Storm Water Associated with Construction Activity" and current "Area Wide Urban Storm Water Runoff (Regional NPDES) Permit." SWPPPs are required to identify and detail all appropriate Best Management Practices (BMP's) to be implemented or installed during construction.

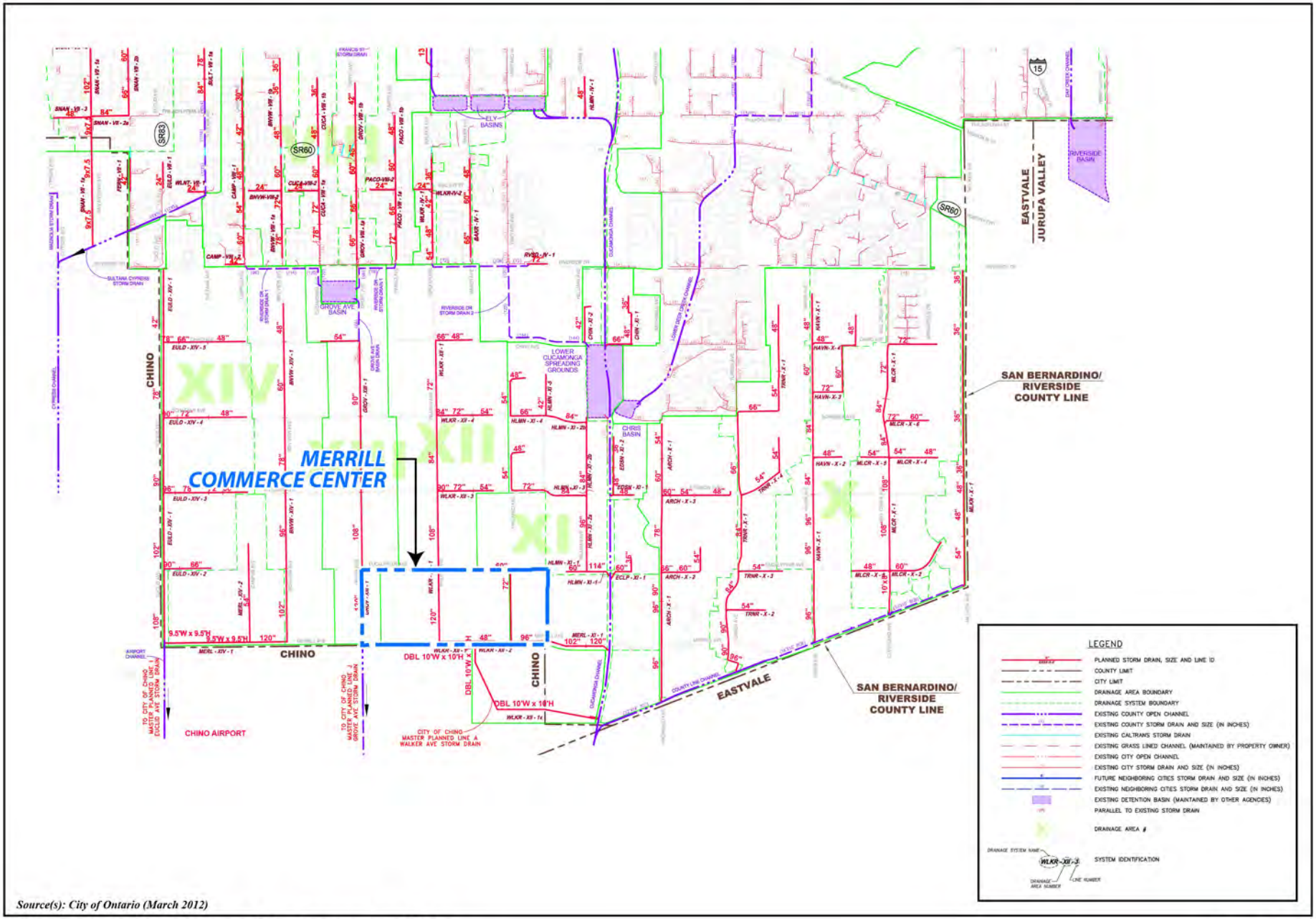
B. Airport Compatibility

The Specific Plan Area is located in the Airport Influence Areas (AIAs) of the Ontario International Airport and the Chino Airport. The Federal Aviation Administration (FAA) identifies stormwater management facilities as one of the greatest attractants to wildlife hazardous to airport operations. For this reason, all new stormwater management facilities located within the MERRILL COMMERCE CENTER will be designed to avoid the creation of open water and habitat by being designed to drain completely within a maximum 48-hour period following design storm event (i.e., 24-hour storm) and remain totally dry between storm events.



Storm Drain Infrastructure Plan

Figure 4-6



Source(s): City of Ontario (March 2012)

City of Ontario Planned Drainage Facilities

Figure 4-6A

Not to Scale

4.2.5 Dry Utilities Plan

As shown on Figure 4-7, *Dry Utilities Infrastructure Plan,* primary dry utility lines within joint trenches in Merrill Avenue will be installed to connect to existing dry utility lines at Merrill Avenue to the west of Grove Avenue and at Merrill Avenue to the east of Carpenter Avenue to fully service the Specific Plan area. Lateral dry utility lines within joint trenches will be installed in Grove Avenue, Vineyard Avenue, and Eucalyptus Avenue. The lateral dry utility line within Eucalyptus Avenue will connect to existing dry utility lines at Merrill Avenue and Archibald Avenue to the east. The lateral dry utility lines within Grove Avenue and Vineyard Avenue connect to the primary dry utility lines within Merrill Avenue.

All other dry utilities internal to the MERRILL COMMERCE CENTER will be installed underground in conjunction with the development of the MERRILL COMMERCE CENTER in accordance with applicable public utility standards and specifications and to the satisfaction of the Ontario City Engineer. The locations of other lateral connections, transformers, switches, pull boxes, and dry utility manholes will be determined at the time buildings are positioned in each planning area in conjunction with implementing development.

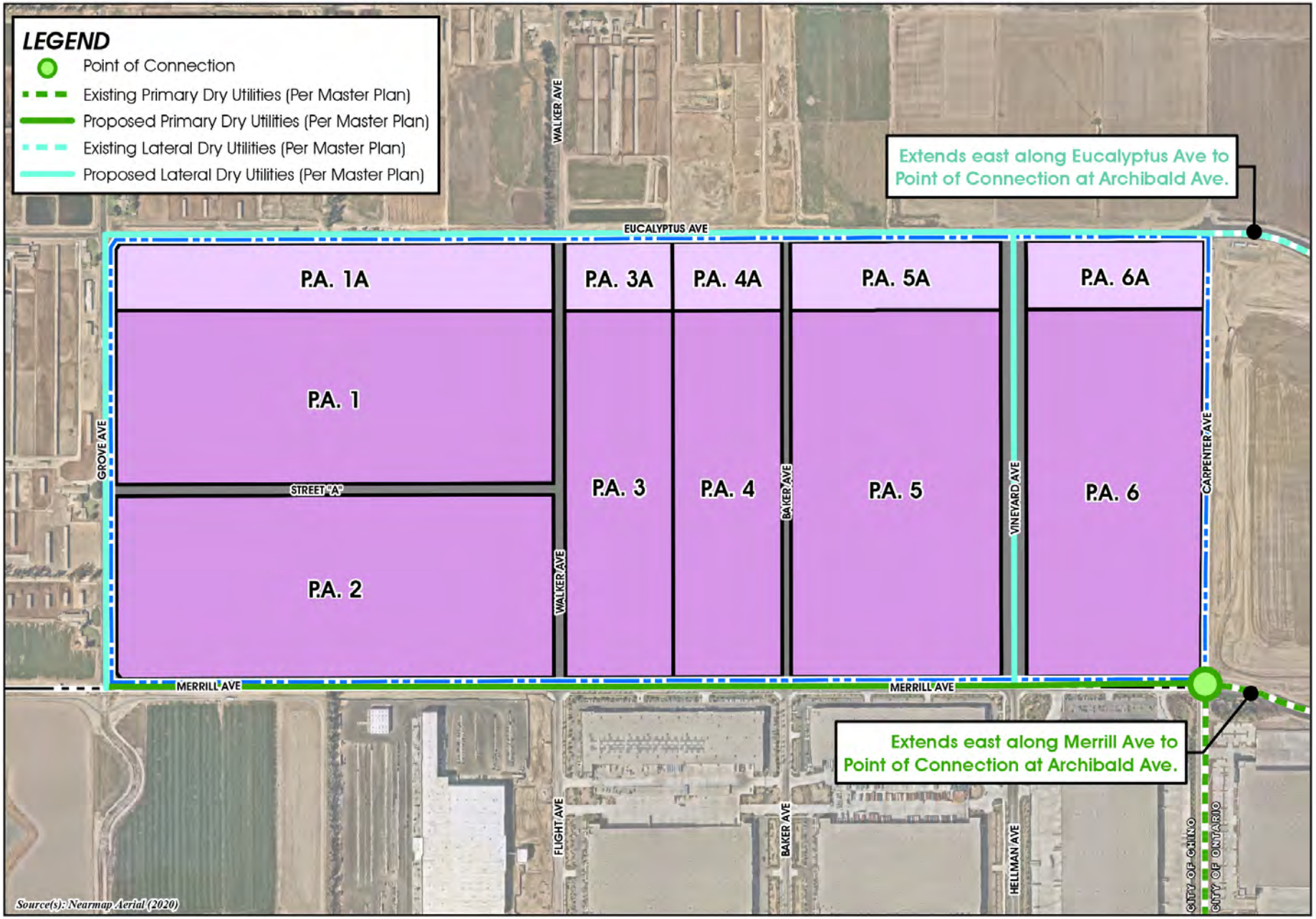
A. Fiber Optics Plan

As shown on Figure 4-8, *Fiber Optics Plan*, fiber optic lines within joint trenches, per the City of Ontario's Master Fiber Optic Plan, will be installed in Grove Avenue and Vineyard Avenue between Merrill Avenue and Eucalyptus Avenue, and in Eucalyptus Avenue and Merrill Avenue between Grove Avenue and Carpenter Avenue. Also, if required to service development, new fiber optic lines will be installed in joint trenches in Street A between Grove Avenue and Walker Avenue and in Walker Avenue and Baker Avenue between Merrill Avenue and Eucalyptus Avenue. The backbone street fiber optics (conduits, hand holes, tracer wire, and fiber) will be placed underground within a duct and structure system to be installed by the Master Developer in a joint trench. In-tract fiber and conduit will be installed by the Developer per the in-tract fiber optic design guidelines. Maintenance of the installed system will be the responsibility of the City/Special District. Development of the MERRILL COMMERCE CENTER requires Developer installation of all fiber optic infrastructure and peripheral equipment necessary to service the Specific Plan as a stand-alone development.

Existing power poles located in Grove Avenue between Merrill Avenue and Eucalyptus Avenue, along Eucalyptus Avenue between Walker Avenue and Carpenter Avenue and along Merrill Avenue between Grove Avenue and Carpenter Avenue will be undergrounded as part of the Specific Plan's buildout.

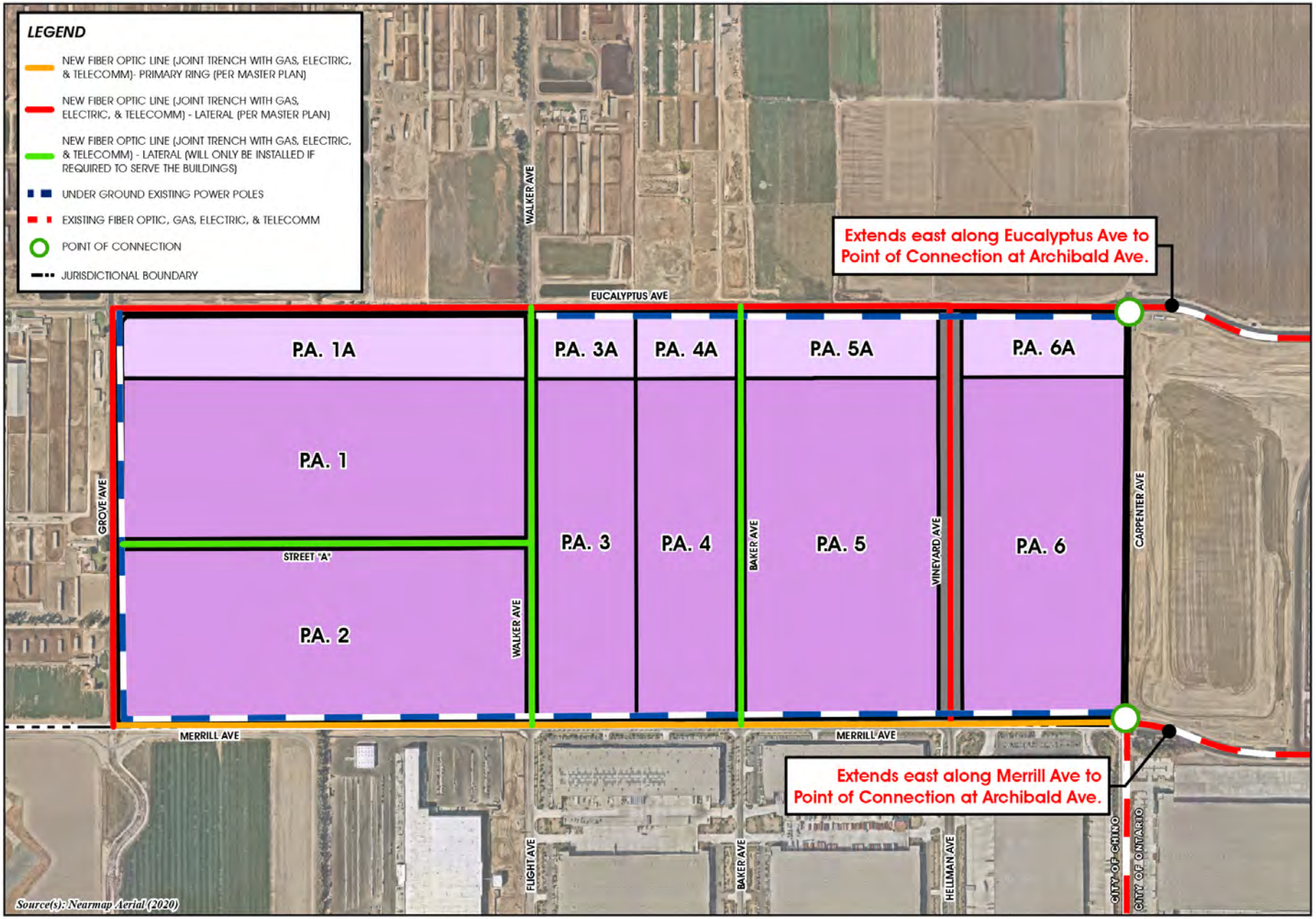
4.3 CONCEPTUAL GRADING PLAN

The natural topography of the MERRILL COMMERCE CENTER property is relatively flat. No unusual grading conditions are present and substantial import or export of earth materials is not expected. The primary objectives of the grading plan are to: provide stable development pads for construction; balance the cut and fill grading quantities on-site, and meet City of Ontario building standards and acceptable infrastructure gradient requirements.



Dry Utilities Infrastructure Plan

Figure 4-7



Fiber Optics Plan

Figure 4-8

DEVELOPMENT REGULATIONS

CHAPTER 5

5.1 Purpose and Intent

5.2 Definition of Terms

5.3 Applicability

5.4 Permitted, Conditional, and Ancillary Uses

5.5 Development Standards

CHAPTER 5 - DEVELOPMENT REGULATIONS

5.1 PURPOSE AND INTENT

This chapter formally establishes the use permissions and development standards (zoning) for the MERRILL COMMERCE CENTER property. The regulations provided herein work in concert with the architectural and landscape guidelines set forth in Chapter 6, *Design Guidelines*, to achieve the vision of the MERRILL COMMERCE CENTER.

5.2 DEFINITION OF TERMS

The meaning of words, phrases, titles, and terms shall be the same as provided in the City of Ontario Development Code (hereafter referred to as "Development Code"), unless otherwise specifically defined in this Specific Plan.

5.3 APPLICABILITY

The regulations set forth in the chapter shall apply to all development plans or agreements, tract or parcel maps, site plans, or any other action requiring administrative or discretionary approval within the 376.3-acre MERRILL COMMERCE CENTER Specific Plan area. Whenever the development standards contained herein differ from those contained in the Development Code, the provisions of this Specific Plan shall take precedence. Any development standard, condition, or situation not specifically addressed herein shall be subject to the applicable requirements of the Development Code.

5.4 PERMITTED, CONDITIONAL, AND ANCILLARY USES

Land within the MERRILL COMMERCE CENTER Specific Plan area and structures/facilities thereon may be developed, divided, and/or used for those activities listed in Table 5-1, *Permitted Uses*. Table 5-1 lists the permitted, conditionally-permitted, and administratively permitted land uses for each land use district established by this Specific Plan (Business Park and Industrial). A use that is not listed in Table 5-1 is a prohibited use unless otherwise allowed pursuant to the procedures described in Chapter 7, *Implementation Plan*, or applicable interpretations and determinations established by the Development Code. The entire Specific Plan boundary is located within the Chino Airport Safety Zones (Safety Zones 1, 2, 3, 4 & 6), that may limit land uses refer to the Chino Airport Land Use Compatibility Plan for additional land use restrictions.

The symbols shown in Table 5-1 have the following meanings:

***"P"** means the land use is permitted by right of being in the proper land use district, subject to the development standards applicable to that land use district.*

***"C"** means the land use is conditionally permitted, subject to the filing of a Conditional Use Permit in accordance with the requirements of the Development Code and must be approved by the City of Ontario Zoning Administrator or Planning Commission before the use can be established within a particular land use district.*

***"A"** means an administratively permitted use is permitted in the proper land use district, subject to the granting of an Administrative Use Permit.*

Table 5-1 Permitted Uses

Use Legend: Permitted Use = "P" Conditional Use = "C" Administratively Permitted Use = "A" Prohibited Use = "---"

Use	Land Use District: Industrial (PAs 1, 2, 3, 4, 5 & 6)	Land Use District: Business Park (PAs 1A, 3A, 4A, 5A & 6A)	Notes
Agricultural, Forestry, Fishing, Hunting			
Temporary and Interim Agricultural Uses	P	P	Restricted to existing agriculture and dairy uses.
Manufacturing			
Apparel	P	P	
Beverage	C	---	
Chemical	C	---	
Computer and Electronic Products	P	P	
Electrical Equipment, Appliance, and Component	P	P	
Fabricated Metal Products	P	---	
Food	C	---	
Footwear	P	P	
Furniture and Related Products	P	P	
Leather and Allied Products	P	P	Excludes leather and hide finishing/tanning.
Machinery	P	---	
Miscellaneous Manufacturing	P	P	Includes medical equipment and supplies; jewelry and silverware; sporting and athletic goods; dolls, toys and games; office supplies; signs; and other miscellaneous manufacturing.
Plastic Products (Manufacturing)	C	---	
Rubber Products (Manufacturing)	C	---	
Plastics and Rubber Products (Assembly)	P	P	
Printing and Related Support Activities	C	C	

Table 5-1 Permitted Uses (Cont'd)

Use Legend: Permitted Use = "P" Conditional Use = "C" Administratively Permitted Use = "A" Prohibited Use = "---"

Use	Land Use District: Industrial (PAs 1, 2, 3, 4, 5 & 6)	Land Use District: Business Park (PAs 1A, 3A, 4A, 5A & 6A)	Notes
Textile Mills	C	---	Transforms basic fiber into fabric.
Textile Products	C	C	Transforms fabric into product, except apparel.
Wood Products	C	---	
Wholesale Trade			
Motor Vehicles and Motor Vehicle Parts and Supplies	P	---	
Furniture and Home Furnishings	P	P	
Professional and Commercial Equipment and Supplies	P	P	
Household Appliances and Electrical/Electronic Goods	P	P	
Hardware, Plumbing/Heating Equipment and Supplies	P	P	
Machinery Equipment and Supplies	P	---	
Miscellaneous Durable Goods	P	---	
Transportation and Warehousing			
Within a Wholly Enclosed Building	P	P	Includes indoor motor vehicle storage.
Outside Materials and Equipment Storage	A	---	Outdoor motor vehicle storage permitted in the Industrial land use district. Refer to Section 5.5.1(2) of this Specific Plan for outdoor storage provisions.
Fulfillment Center	P	---	
Refrigerated Warehousing and Storage	C	---	A maximum of 10% of building square footage of entire Specific Plan.
Industrial Retail Sales			
Maximum 15% of Building Gross Floor Area or 8,000 s.f., whichever is less	A	A	
More than 15% of Building Gross Floor Area or 8,000 s.f., whichever is greater	C	C	

Table 5-1 Permitted Uses (Cont'd)

Use Legend: Permitted Use = "P" Conditional Use = "C" Administratively Permitted Use = "A" Prohibited Use = "---"

Use	Land Use District: Industrial (PAs 1, 2, 3, 4, 5 & 6)	Land Use District: Business Park (PAs 1A, 3A, 4A, 5A & 6A)	Notes
Package and Parcel Sorting and Delivery	P	---	
Information			
Telecommunication Facilities	A	A	
Professional, Scientific, Tech. Services			
Including but not limited to professional offices of legal, accounting, tax preparation, bookkeeping, payroll, architecture, engineering, and specialized design services; systems design; management, scientific, and technical consulting services; administrative and business support services; and advertising and public relations services.	A	P	
Management of Companies and Enterprises	A	P	Including corporate, subsidiary, and regional managing offices.
Scientific Research and Development Services	---	C	
Sound (Audio) Recording Facilities	---	P	
Accommodation and Food Services			
Food Service Contractors	---	C	
Caterers	---	C	
Mobile Food Services	---	C	
Other Services (except Pubic Administration)			
Motor Vehicle Cleaning, Repair and Maintenance	C	C	
Linen and Uniform Supply	C	C	Includes linen supply and industrial launders.
Motion Picture and Video Industries	---	P	Excludes movie theaters.
Auction Houses	C	C	
Couriers and Messengers	P	P	
Data Processing, Hosting and Related Services	P	P	
Electronic (Internet) Shopping and Auctions, and Mail Order Houses	P	P	Includes direct business to consumer internet retail sales, auction houses, and/or mail order retail sales.

5.5 DEVELOPMENT STANDARDS

The following standards establish the development criteria that shall apply within the Business Park and Industrial land use districts of this Specific Plan. The entire Specific Plan boundary is located within the Chino Airport Safety Zones that may limit building height, land uses, limit FAR based on the proposed land use, and requires open land. Refer to the Chino Airport Land Use Compatibility Plan for additional land use restrictions.

Table 5-2 Development Standards

Development Standards		
Site Requirements		
	BP	**I**
Minimum Lot Size	1.0 acre	1.0 acre
Maximum Floor Area Ratio	0.60[1]	0.55[1]
Overall Minimum Landscape Coverage (Landscaping shall include plantings (trees, shrubs, groundcovers, vines) and may include walkways, benches, trellises, thematic fencing, walls, and related amenities.)	10%[2,3]	10%[2,3]
Minimum Landscape Coverage on Parcels at Principal Arterial Corners	10%[4]	10%[4]

1. Maximum Floor Area Ratio shall be determined based on the gross total acreage of all parcels developed in all Planning Areas of the same land use category (Business Park (BP) or Industrial (I)), and the total gross floor area of all buildings developed in the same land use category. The FAR maximum shall not apply on a planning area by planning area or parcel by parcel basis.

2. The Overall Minimum Landscape Coverage shall be determined based on the net total acreage of all parcels in the same land use category. The minimum landscape coverage requirement shall not apply on a planning area by planning area or parcel by parcel basis.

3. The landscaped portions of Water Quality Basins shall be counted towards the total landscape coverage. Non-landscaped portions of Water Quality Basins shall not be counted towards the total landscape coverage.

4. Minimum Landscape Coverage at Principal Arterial Corners shall be determined based on the net total acreage of parcels adjoining the corner. Refer to Specific Plan Figure 6-1 "Primary Entry Treatment" for locations.

Table 5-3 Minimum Setback Requirements at Public Streets

- As measured from the public right-of-way.
- Architecture features such as cornices, eaves, canopies, decorative wall elements may encroach up to 4 feet into the setback.

	BP	**I**
Eucalyptus Avenue		
Building	23 feet	N/A
Drive Aisle and Passenger Car Parking	23 feet	N/A
Screened Loading and Storage Yards	23 feet	N/A
Vineyard Avenue		
Building	25 feet	25 feet
Drive Aisle and Passenger Car Parking	25 feet	25 feet
Screened Loading and Storage Yards	25 feet	25 feet
Grove Avenue		
Building	20 feet	20 feet
Drive Aisle and Passenger Car Parking	20 feet	20 feet
Screened Loading and Storage Yards	20 feet	20 feet
Walker Avenue		
Building	18 feet	18 feet
Drive Aisle and Passenger Car Parking	18 feet	18 feet
Screened Loading and Storage Yards	18 feet	18 feet
Baker Avenue		
Building	10 feet	10 feet
Drive Aisle and Passenger Car Parking	10 feet	10 feet
Screened Loading and Storage Yards	10 feet	10 feet

Table 5-3 Minimum Setback Requirements at Public Streets (Cont'd)

	BP	I
Carpenter Avenue		
Building	10 feet	10 feet
Drive Aisle and Passenger Car Parking	10 feet	10 feet
Screened Loading and Storage Yards	10 feet	10 feet
Merrill Avenue		
Building	N/A	23 feet
Drive Aisle and Passenger Car Parking	N/A	23 feet
Screened Loading and Storage Yards	N/A	23 feet
Street "A"		
Building	N/A	10 feet
Drive Aisle and Passenger Car Parking	N/A	10 feet
Screened Loading and Storage Yards	N/A	10 feet

Table 5-4 Minimum Setback Requirements at Interior Side Yards

- As measured from the property line.

	BP	I
Interior Side Yard		
Building	5 feet	0 feet
Drive Aisle, Passenger Car and Truck Parking	5 feet	5 feet
Screened Loading and Storage Yards	0 feet	0 feet

Table 5-5 Minimum Drive Aisle and Parking Space Separation Requirements

- As measured from the edge of pavement.

	BP	I
Adjacent to building office element	10 feet	10 feet
Adjacent to solid building wall or screen wall/fence, and not within a screened/ enclosed yard.	5 feet	5 feet
Adjacent to solid building wall or screen wall/fence, and within a screened/enclosed yard.	0 feet	0 feet

Table 5-6 Maximum Building Height Requirements

- As measured from the building's finished floor.
- Maximum building height in the southwest portion of Planning Area 1 is required to be lower than 95 feet subject to consistency with the Chino Airport Compatibility Plan, or in absence of an adopted Compatibility Plan, the California Airport Land Use Planning Handbook.

	BP	I
Building Height	45 feet	85 feet
Vertical Architectural Projections (towers, focal elements, cupolas, etc.)	55 feet	95 feet
Building Height and Vertical Architectural Projections (Planning Areas 5 and 6)	N/A	110 feet

5.5.1 Other Development Standards

(1) Loading docks and truck parking areas shall be visually screened from Eucalyptus Avenue, Grove Avenue, Walker Avenue, Baker Avenue, Vineyard Avenue, Merrill Avenue, Street "A", and Carpenter Avenue by walls and landscaping features.

(2) The outdoor storage of materials and equipment shall be permitted ancillary to the land uses allowed pursuant to Table 5-1. Outdoor loading and storage areas and loading doors shall be screened from view from public streets by concrete or masonry walls and landscaping. Any gates shall be lockable. Such walls and landscaping used as screening shall be a minimum eight feet (8') in height and shall be of sufficient height to screen all outdoor materials and equipment, tractors and trailers, and loading doors from view of public streets and shall not exceed 14 feet in height. The storage of outdoor materials shall not exceed the height of the screen wall as measured from the interior side of the wall.

(3) Ground- and roof-mounted exterior mechanical equipment, heating and ventilating, air conditioning, tanks, and other mechanical devices shall be of an architecturally compatible design with the primary structure and screened when visible to the public.

(4) Exterior lighting fixtures shall be downward directed. Pole-mounted lights shall be shielded with the light source oriented away from public streets and/or adjacent properties.

(5) All manufacturing and processing activities shall be conducted within a wholly-enclosed building.

(6) The following open land and occupancy limit requirements shall apply in Chino Airport Safety Zones, as established by the Chino Airport Compatibility Plan.

a. Zone 1: The southwestern corner of Planning Area 2 is located in Chino Airport Safety Zone 1. No buildings shall be located in Safety Zone 1.

b. Zone 2: Portions of Planning Areas 1 and 2 are located in Chino Airport Safety Zone 2. At least 25% of the zone shall remain as open land* and occupancy shall be limited to 60 people per acre on average and a maximum of 120 people in any one acre.

c. Zone 3: Portions of Planning Areas 1, 1A, and 2 are located in Chino Airport Safety Zone 3. At least 15% of the zone shall remain as open land* and occupancy shall be limited to 100 people per acre on average and a maximum of 300 people in any one acre.

d. Zone 4: Portions of Planning Areas 1 and 1A are located in Chino Airport Safety Zone 4. At least 15% of the zone shall remain as open land* and occupancy shall be limited to 150 people per acre on average and a maximum of 450 people in any one acre.

e. Zone 6: Portions of all Planning Areas are located in Chino Airport Safety Zone 6. At least 10% of the zone shall remain as open land* or an open area every ¼

mile to ½ mile is required; occupancy shall be limited to 300 people per acre on average and a maximum of 1,200 people in any one acre.

* Open land is defined as areas at least 300 feet long by 75 feet wide (about 0.5 acre) that are relatively level and free of tall vertical objects such as structures, overhead lines/wires, and large trees and poles greater than 4 inches in diameter and taller than 4 feet above the ground. Parking lots can be considered as acceptable open lands.

(7) The Specific Plan area is located in the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) and the AIA established by the Chino Airport Compatibility Plan (CNO ALUCP). All development in MERRILL COMMERCE CENTER shall be subject to the mandatory requirements and standards of those applicable ALUCPs, or the absence of an adopted ALUCP, the California Airport Land Use Planning Handbook. Given the close proximity of the Specific Plan area to the Chino Airport, developers within the Specific Plan area shall consult and coordinate with Chino Airport agencies during the planning and design stage so as to ensure development plans accommodate applicable safety restrictions. The entire Specific Plan area is impacted by the Chino Airport; developers within the Specific Plan area shall consult and coordinate with Chino Airport and FAA during the planning and design stage to ensure that development plans and right-of-way street improvements do not create any hazards and compy with the California Airport Land Use Planning Handbook published by the Caltrans Division of Aeronautics and the Chino Airport Land Use Compatibility Plan.

mile to ½ mile is required; occupancy shall be limited to 300 people per acre on average and a maximum of 1,200 people in any one acre.

* Open land is defined as areas at least 300 feet long by 75 feet wide (about 0.5 acre) that are relatively level and free of tall vertical objects such as structures, overhead lines/wires, and large trees and poles greater than 4 inches in diameter and taller than 4 feet above the ground. Parking lots can be considered as acceptable open lands.

(7) The Specific Plan area is located in the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) and the AIA established by the Chino Airport Compatibility Plan (CNO ALUCP). All development in MERRILL COMMERCE CENTER shall be subject to the mandatory requirements and standards of those applicable ALUCPs, or the absence of an adopted ALUCP, the California Airport Land Use Planning Handbook. Given the close proximity of the Specific Plan area to the Chino Airport, developers within the Specific Plan area shall consult and coordinate with Chino Airport agencies during the planning and design stage so as to ensure development plans accommodate applicable safety restrictions. The entire Specific Plan area is impacted by the Chino Airport; developers within the Specific Plan area shall consult and coordinate with Chino Airport and FAA during the planning and design stage to ensure that development plans and right-of-way street improvements do not create any hazards and compy with the California Airport Land Use Planning Handbook published by the Caltrans Division of Aeronautics and the Chino Airport Land Use Compatibility Plan.

DESIGN GUIDELINES

CHAPTER 6

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CHAPTER 6 - DESIGN GUIDELINES

6.1 PURPOSE AND INTENT

The design guidelines presented in this chapter describe the quality and character of the built environment expected for the MERRILL COMMERCE CENTER. While the design guidelines provide direction, they are meant to provide a certain level of flexibility to allow creative expression during the design of implementing development projects.

The guidelines provide criteria for architecture, lighting, energy efficiency, signage, and landscape design.

The MERRILL COMMERCE CENTER's visual identity will be expressed primarily through landscape, hardscape, and signage elements. The architectural design guidelines contained herein are presented in a manner that ensures consistent architectural expression across the Specific Plan area, while allowing for flexibility in modern-day building design.

All photographs, illustrations, and diagrams contained in these Design Guidelines serve as visual aids to convey the overall theme. Exact replication of the examples is neither required nor anticipated.



Conceptual design theme of the MERRILL COMMERCE CENTER.

The objectives of these Design Guidelines are as follows:

- To provide the City of Ontario with the assurance that the MERRILL COMMERCE CENTER will develop in accordance with the quality and character described within this Specific Plan.
- To provide guidance to developers, builders, engineers, architects, landscape architects, and other professionals to achieve and maintain the desired design quality.
- To provide an aesthetic benchmark for City staff, the Planning Commission, and the City Council in their review of the design of future implementing development projects in the Specific Plan area.
- To provide guidelines that steer the MERRILL COMMERCE CENTER to convey a contemporary aesthetic theme and character while allowing flexibility for practical application and creative expression.
- To provide guidelines for energy efficiency that can be implemented in the site planning, design, and construction phases of the Specific Plan's implementation to minimize waste deposited at landfills, decrease fossil fuel consumption, and reduce domestic water consumption.
- To ensure that the Specific Plan implements the intent of the Ontario Plan and the City's Development Code.

Guidelines that promote energy efficiency are indicated with an ("E") throughout this chapter.

The Design Guidelines presented in this chapter apply to all development within MERRILL COMMERCE CENTER, regardless of the land use category. These guidelines may be subject to modification and contemporary interpretation to allow for responses to unanticipated conditions, including but not limited to changes in the real estate market, needs and desires of building users, technology advancements, and fluctuations in economic conditions.

6.2 DESIGN THEME

The MERRILL COMMERCE CENTER is a contemporary employment center containing Industrial and Business Park land uses. It will provide businesses easy access to the regional transportation network, proximity to workers, and proximity to the Ports of LA and Long Beach (approximately 53 miles to the southwest).

The theme features a contemporary design aesthetic, which provides architectural styling with attractive detailing, steel accents, a light-toned color palette, and timeless features. Signs are modern, lighting is focused and directed, landscaping is colorful and drought-tolerant, and design features are applied that lower energy use demands of building operations.



6.3 SPECIFIC PLAN-WIDE DESIGN GUIDELINES

This section sets forth design guidelines that apply to all planning areas within MERRILL COMMERCE CENTER. Developers, builders, engineers, architects, landscape architects, and other design professionals should utilize these guidelines in order to maintain design continuity throughout the Specific Plan area.

6.3.1 Architecture Design Guidelines

A. Design Theme

The architectural style of the MERRILL COMMERCE CENTER emphasizes building massing over structural articulation. Buildings are characterized by simple and distinct cubic masses with interlocking volumes of wall planes, colors, and materials to create visual appeal. Exterior building colors are light and gray tones with stone, glass, or steel materials at focal points, such as around building entrances and near outdoor gathering spaces. Additionally, architectural designs may mix colors, materials, and textures to articulate façades and create visual appeal.

Design elements are selected to be compatible in character, massing, and materials in order to promote a clean and contemporary feel. Individual creativity and identity is encouraged, but design integrity and compatibility must be maintained among all buildings and planning areas to reinforce a unified image and campus-like setting within the MERRILL COMMERCE CENTER.

B. Building Form

Building form is one of the primary elements of architecture. Numerous design aspects, including shape, mass (size), scale, proportion, and articulation, are elements of a building's "form."



Although provided for illustrative purposes only, the image above shows how building façades visible from public roadways are to incorporate angular changes in massing, building materials, color, texture, and accents.

Building forms are especially important for building façades that are visible along the following public view corridors:

- Building façades in Planning Areas 1, 1A, and 2 that are visible from Grove Avenue, a principal arterial;
- Building façades in Planning Areas 1A, 3A, 4A, 5A and 6A that are visible from Eucalyptus Avenue, a collector road;
- Building façades in Planning Areas 5, 5A, 6, and 6A that are visible from Vineyard Avenue, a principal arterial; and
- Building façades in Planning Areas 2, 3, 4, 5, and 6 that are visible from Merrill Avenue, a collector road.

The following guidelines apply to buildings within the MERRILL COMMERCE CENTER to ensure that development is visually consistent, appealing, and inviting: Note that building faces that orient inward to truck courts or service areas and that are not visible from public roads, or publicly accessible viewing areas, are not required to adhere to the below building form guidelines.

(1) Use simple geometric shapes as the overall building form. Rectangular forms are encouraged to promote balance and visual interest. Avoid arbitrary, complicated building forms.

(2) Long horizontal wall planes visible from a public street should include periodic changes in exterior building materials, color, decorative accents, and/or articulated features.

(3) Modulation and variation of building masses between adjacent buildings visible from public streets is encouraged.

(4) Make pedestrian entrances to buildings (with the exception of service doors and emergency exit doors) obvious through changes in massing, color, and/or building materials.

(5) Pedestrian and ground-level building entries intended for visitor use should be recessed or covered by architectural projections, roofs, or arcades in order to provide shade and visual relief.

(6) Architectural and trim detailing on building façades shall be clean, simplistic, and not overly complicated.

(7) Materials applied to any elevations shall turn the corner of the building to a logical termination point in relation to architectural features or massing.



Although provided for illustrative purposes only, the image above shows an example of how the architecture of buildings is to be articulated at pedestrian entrances.

C. *Building Materials, Colors, and Textures*

Building materials and colors play a key role in developing a clean, contemporary visual environment; therefore, the selected exterior materials, colors, and textures should complement one another throughout the MERRILL COMMERCE CENTER. Slight variations are encouraged to provide visual interest.

(1) Appropriate primary exterior building materials include concrete and similar materials, as well as tilt-up panels. The primary materials should be accented by secondary materials including but not limited to natural or fabricated stone, Fire resistant wood siding (horizontal or vertical), and metal.

(2) Trim details may include metal finished in a consistent color, plaster, or concrete elements finished consistently with the building treatment. Use of overly extraneous "themed" detailing, like oversized or excessive foam cornice caps, foam moulding and window detailing is discouraged.

(3) Material changes should occur at intersecting planes, preferably at the inside corners of change of wall planes, or where architectural elements intersect.

(4) Primary exterior building colors should be light and gray tones. Darker and/or more vibrant accent colors may be provided in focal point areas, such as around building entrances and near outdoor gathering spaces.

(5) Bright primary colors, garish use of color, and arbitrary patterns or stripes that will clash with this color palette are discouraged, except in signage logos.

(6) Exposed downspouts (only permitted if not in public view), service doors and mechanical screen colors shall be the same color as the adjacent wall.

(7) If downspouts are needed in areas of public view, they shall be designed as internal downspouts.



Although provided for illustrative purposes only, the image above shows an example of the conceptual accent building materials, colors, and textures desired for the Industrial and Business Park buildings within the MERRILL COMMERCE CENTER.

D. Windows and Doors

The patterns of window and door openings shall correspond with the overall rhythm of the building and should be consistent in form, pattern, and color within each planning area. Guidelines for windows and doors within the MERRILL COMMERCE CENTER are as follows:

(1) When possible, the positioning of doors and windows on individual building façades should occur in a symmetrical and repetitive pattern to create continuity.

(2) Window styles and trims shall be consistent in form and color in each planning area. Window trims shall be finished in a consistent color on each building.

(3) Gold or unfinished/untreated metal window or door frames are prohibited. Clear silver anodized frames are allowed.

(4) Glass shall be clear or colored with subtle reflectiveness. Silver/reflective glass is prohibited. Green tinted windows with subtle reflectiveness are allowed.

(5) Pedestrian entry doors to buildings shall be clearly defined by features such as overhangs, awnings, and canopies or embellished with decorative framing treatments – including but not limited to accent trim. Dark and confined entries, flush doorways (except emergency exit and service doors), and tacked-on entry alcoves are discouraged.



Although provided for illustrative purposes only, the image above shows the pattern and style of windows and doors desired for Industrial and Business Park buildings in the MERRILL COMMERCE CENTER.

F. Walls and Fences

The following guidelines for walls and fencing will ensure that these features complement the overall the MERRILL COMMERCE CENTER design theme, and are attractive from public viewing areas, scaled appropriately, durable, and integrated consistently within the Specific Plan area.

(1) Freestanding walls and fences should not exceed a height of 14 feet, measured from the base of the wall/fence to the top of the wall/fence.

(2) Landscaping may be used for visual screening instead of walls and fences in locations where a solid physical barrier is not needed.

(3) Walls and fences in public view should be built with attractive, durable materials.

(4) Chain-link fencing is not permitted as perimeter fencing and/or within public view.

(5) Along public street frontages, long expanses of wall surfaces should be offset and/or architecturally treated to prevent monotony. Techniques to accomplish this may include, but are not limited to: openings, material changes, pilasters and posts, and staggered sections.

(6) Wall and fencing materials shall be compatible with other design elements of the MERRILL COMMERCE CENTER.







Although wall and fence design may vary, the concepts shown above provide examples of an ornamental iron fence (top), architecturally-enhanced screen wall (bottom-left), and freestanding wall (bottom-right).

6.4 TRUCK COURTS AND LOADING DOCKS

(1) Loading doors, service docks, and equipment areas should be oriented or screened to reduce visibility from public roads and publicly accessible locations within the MERRILL COMMERCE CENTER. Screening may be accomplished with solid walls or fences that are compatible with the architectural expression of the building. Screening may also be accomplished by landscaping.

(2) Business park buildings located along Eucalyptus Avenue shall not have loading docks on the building façade(s) facing Eucalyptus Avenue.

(3) No loading or unloading activity is permitted to take place from public streets/view.

(4) Adequate queuing distance should be provided on-site in front of security gates to avoid the circumstance of trucks stacking on public streets waiting to enter at gates.

(5) Truck and service vehicle entries should be designed to provide clear and convenient access to truck courts and loading areas such that passenger vehicle, pedestrian, and bicycle circulation is not adversely affected by truck movements.

(6) Loading bays that are utilized by refrigerated trailers shall have dock seals and be equipped with plug-in electrical outlets. (E)

(7) Conduit should be installed in truck courts in logical locations that would allow for the future installation of charging stations for electric trucks, in anticipation of this technology becoming available in the lifetime of the MERRILL COMMERCE CENTER. (E)



Although provided for illustrative purposes only, the image above shows screening concepts for truck courts/loading areas.

6.5 GROUND OR WALL-MOUNTED EQUIPMENT

(1) Ground-mounted equipment, including but not limited to mechanical or electrical equipment, emergency generators, boilers, storage tanks, risers, and electrical conduits, should be screened from public viewing areas including adjacent public roads. Screening may be accomplished with solid walls, or landscaping.

(2) Electrical equipment rooms should be located within the building envelope. Pop-outs or shed-like additions are discouraged.

(3) Wall-mounted items, such as electrical panels, should not be located on the building façade facing adjacent public roads/views. Wall-mounted items should be screened or incorporated into the architectural elements of the building so as not to be visually apparent from the street or other public areas.

6.6 ROOFTOP EQUIPMENT

(1) Rooftop equipment, including but not limited to mechanical equipment, electrical equipment, storage tanks, wireless telecommunication facilities, satellite dishes, vents, exhaust fans, smoke hatches, and mechanical ducts, shall be screened by rooftop screens or parapet walls so as not to be visible by the public.

(2) Integrate rooftop screens (i.e. parapet walls) into the architecture of the main building. Wood finished rooftop screens are prohibited.

(3) Design the roofs of Industrial buildings to support the future installation of solar panels. (E)

(4) Roof access (via roof ladders or other means) must be located interior to the building.



Although provided for illustrative purposes only, the image above shows how rooftop equipment would be screened from public viewing areas by a metal parapet.

6.7 TRASH ENCLOSURES

(1) All outdoor refuse containers shall be screened within a permanent, lockable and durable enclosure and should be oriented so they are not visible from public roads/views. The enclosure's design shall reflect the architectural style of adjacent buildings and use similar, high-quality materials.

(2) All outdoor trash enclosures shall be constructed with solid roofs to prevent exposure of dumpster contents to rainfall and prevent polluted stormwater runoff from these structures. (E)

(3) Refuse collection areas shall be located behind or to the side of buildings, away from the building's main entrance and public view.

(4) Buildings shall be designed to meet all Integrated Waste Department requirements, including the requirements for Sizing of Storage, Location of Collection Area, Accessibility for Collection Vehicles, and Collection of Sorted/Diverted Waste Types.

6.8 OUTDOOR EMPLOYEE AMENITIES

(1) Bicycle racks should be provided at each building or in a common area that serves multiple buildings to encourage non-vehicular circulation.

(2) Industrial buildings should include an outdoor employee amenity area, including tables and chairs so that workers do not have to travel off-site for outdoor enjoyment.





The MERRILL COMMERCE CENTER will include outdoor amenities such as bike racks and break areas for the enjoyment of employees and visitors.

6.9 OUTDOOR LIGHTING

Outdoor lighting of the MERRILL COMMERCE CENTER is an essential architectural component that provides aesthetic appeal, enhances safe pedestrian and vehicular circulation, and adds to security. Lighting within the public rights-of-way shall adhere to applicable City of Ontario requirements.

All other lighting on private property in the Specific Plan should adhere to the following guidelines.

(1) Minimize glare and "spill over" light onto public streets and adjacent properties by using downward-directed lights and/or cutoff devises on outdoor lighting fixtures, including spotlights, floodlights, electrical reflectors, and other means of illumination for signs, structures, parking, loading, unloading, and similar areas. Where desired, illuminate trees and other landscape features by concealed uplight fixtures. Limit light spillover or trespass to one-quarter foot-candle or less, measured from within five feet of any adjacent property line.

(2) Select all lighting fixtures used in the Specific Plan area from the same – or complementary – family of fixtures with respect to design, materials, fixture color, and light color. Use of LED lighting is encouraged. (E)

(3) Lights should be unbreakable plastic, recessed, or otherwise designed to reduce the problems associated with damage and replacement of fixtures.

(4) Neon and similar types of lighting are prohibited in all areas within the MERRILL COMMERCE CENTER.

(5) Locate all electrical meter pedestals and light switch/control equipment in areas with minimum public visibility or screen them with appropriate plant materials.



Although provided for illustrative purposes only, the image above conceptually show lighting fixtures that are consistent with the overall theme of the Specific Plan and minimize glare and spill over light onto public streets and adjacent properties.

(6) Illuminate parking lots, loading dock areas, pedestrian walkways, building entrances, and public sidewalks to the level necessary for building operation and security reasons. Dimmers and motion detectors are permitted.

(7) Along sidewalks and walkways, the use of low mounted fixtures (ground or bollard height), which reinforce the pedestrian-scaled, are encouraged.

(8) Use exterior lights to accent entrances, plazas, activity areas, and special features.

(9) To illuminate parking lots or parking structures and their pedestrian links that provide more than five parking spaces for use by the general public, provide minimum coverage of one foot-candle of light with a maximum of eight foot-candles on the parking or walkway surface, unless otherwise approved by the City of Ontario for visibility and security.

(10) To illuminate aisles and passageways within a building complex, provide a maximum of one-half to one foot-candle of maintained lighting.

(11) High-Pressure Sodium (HPS) light fixtures are prohibited for site lighting.

(12) Lighting is prohibited that could be mistaken for airport lighting or that would create glare in the eyes of pilots of aircraft using the nearby Chino Airport or Ontario International Airport.



Although provided for illustrative purposes only, the image above demonstrates appropriate use of exterior lights to accent entrances and special features.

6.10 SIGNAGE GUIDELINES

Signage within the Specific Plan area serves a variety of purposes. Signs will identify the MERRILL COMMERCE CENTER and its building occupants and ensure the efficient circulation of vehicle traffic within the site by identifying vehicular entry points and directing vehicles to their on-site destinations. Also, signage will enhance the pedestrian experience through the design of wayfinding components: directories, directional signage, and destination identifiers.

As such, clear, concise, and easy-to-understand signage that is also visually appealing is vitally important for positive worker and visitor experiences at the MERRILL COMMERCE CENTER. General design requirements for signage are as follows:

(1) Signage should be compatible with and complementary to the building's exterior materials, colors, and finishes.

(2) The dimensions and shape of free-standing signs and sign panels or elements mounted on building façades or marquees shall be scaled proportionately to the architecture.

(3) All signs shall be contained within the parcel to which it is applicable and shall be so oriented as to preclude hazardous obstructions to person and/or vision of pedestrians and/or vehicle operators.

(4) Building occupant identification signage shall be in keeping with the character established for the MERRILL COMMERCE CENTER with variations allowed to accommodate individual user identities/corporate branding standards.



Although provided for illustrative purposes only, the image above demonstrates integration of building occupant signage with the architectural style and color palette of the building.

(5) All signs are expected to be of the highest quality to pass eye-level examination and scrutiny, and shall comply with the following fabrication specifications:

(a) Signs should be constructed to eliminate burrs, dents, cutting edges and sharp corners;

(b) Welds on exposed surfaces should be imperceptible in the finished work;

(c) Surfaces which are intended to be flat should be without dents, bulges, oil canning, gaps, or other physical deformities;

(d) All fasteners shall be concealed;

(e) Access panels shall be tight-fitting, light-proof and flush with adjacent surfaces;

(f) Manufacturers' recommended fabrication procedures regarding expansion/contraction, fastening and restraining of acrylic plastic shall be followed; and

(g) Painted, polished and plated surfaces shall be unblemished in the finished work.

(6) Prohibited sign components include the following:

(a) Letters with exposed fastening and unfinished edges (unless architecturally consistent);

(b) Paper, cardboard, Styrofoam or untreated cloth;

(c) Visible moving parts or simulated moving parts by means of fluttering, rotation, or reflecting devices; and

(d) Flashing and strobing.

(7) All conductors, transformers, cabinets, housing, and other equipment for the illumination of signs shall be concealed and/or incorporated into the building architecture.

(8) Signs shall be constructed so as to not have exposed wiring, raceways, ballasts, conduit, transformers, or the like.

(9) Direction signs may be located at any vehicular or pedestrian decision point.

(10) Vehicular direction signs shall clearly direct to destination anchors within the MERRILL COMMERCE CENTER, on-site parking areas, and truck routes.

(11) Vehicular direction signs shall be consistent in size, shape, and design throughout the MERRILL COMMERCE CENTER.

(12) Typography on vehicular direction signs should be legible and have enough contrast to be read from an appropriate windshield viewing distance.

(13) Vehicular direction signs shall incorporate reflective vinyl copy for night-time illumination.

(14) All direction signs and general information signs (e.g., restrooms, telephones, fire extinguishers, elevators, escalators, stairs) throughout the MERRILL COMMERCE CENTER shall incorporate the appropriate identity symbol as established by the Society of Environmental Graphic Design (SEGD) and comply with all State, local and federal regulations.

(15) All traffic control signs, whether on public or private property, shall conform to the California Manual on Uniform Traffic Control Devices (MUTCD).

(16) All signage shall comply with the City of Ontario Development Code's Sign Regulations.

6.11 LANDSCAPE DESIGN GUIDELINES

These *Landscape Design Guidelines* establish landscape principles and standards that apply to all planning areas within the MERRILL COMMERCE CENTER. The intent is to ensure that plant materials, entries and monuments, streetscapes, and other amenities are compatible with the overall design theme and that all implementing development projects are united under a common design vocabulary. These *Landscape Design Guidelines*, when taken with the companion *Architectural Design Guidelines* provided herein, establish an identity for the MERRILL COMMERCE CENTER that is contemporary, visually appealing, and contextually sensitive to the surrounding area.

Although a great deal of specific design information is presented herein, these Guidelines are not intended to establish a set of rigid landscaping requirements for the MERRILL COMMERCE CENTER. It is recognized that, at times, there will be a need to adapt these Guidelines to meet certain parcel-specific or user-identity requirements. As such, these *Landscape Guidelines* are intended to be flexible, and are subject to modification over time. However, it is critical to the MERRILL COMMERCE CENTER's long-term design integrity that any deviations from these Landscape Guidelines are in keeping with the spirit of the core elements of the overall theme described herein to ensure a cohesive and unified landscape concept across the MERRILL COMMERCE CENTER.

The landscaping plan serves the dual purpose of adding visual appeal while being sensitive to the environment and the Southern California climate by using drought-tolerant materials. Landscaping occurs throughout the MERRILL COMMERCE CENTER, but most prominently at street corners, along roadways, and at building entrances and in passenger car parking lots.

Primary Entry Treatments and Secondary Entry Treatments provided at entry corners welcome employees and visitors to the MERRILL COMMERCE CENTER. Primary entry treatments featuring signs and landscaping occur at the corners of Eucalyptus Avenue with Grove Avenue and with Vineyard Avenue, and Merrill Avenue with Grove Avenue and with Vineyard Avenue. Secondary Entry Treatments featuring colorful accent trees, shrubs, and groundcover occur at the corners of entrances into the MERRILL COMMERCE CENTER.

Streetscape landscaping presents a combination of evergreen and deciduous trees, low shrubs, and masses of groundcovers to create a visually pleasing experience for pedestrians and passing motorists.

As identified on Figure 6-1, *Conceptual Landscape and Greenspace Plan,* the MERRILL COMMERCE CENTER's thematic identity is reinforced by the landscape design of interfaces, monumentation, streetscapes, and pedestrian paths. Furthermore, the recommended plant palette, community elements, and hardscape materials work in concert to reinforce and emphasize the MERRILL COMMERCE CENTER's landscape theme.



Landscape theme for drought-tolerant planting areas in the MERRILL COMMERCE CENTER, provided for illustrative purposes only.

6.11.1 Plant Palette

The plant palette for the MERRILL COMMERCE CENTER includes colorful shrubs and groundcovers, ornamental grasses and succulents, and evergreen and deciduous trees – including flowering varieties – that are commonly used throughout Southern California and complement the MERRILL COMMERCE CENTER's design theme and setting. Many of the plant materials are water-efficient species native to Southern California or naturalized to the arid Southern California climate.

Table 6-1, Plant Palette, provides a list of plant materials approved for use in the MERRILL COMMERCE CENTER. The plants listed in Table 6-1 establish a base palette for the MERRILL COMMERCE CENTER landscape design. Other similar plant materials may be substituted for species listed in Table 6-1, provided the alternative plants are drought-tolerant and complement the MERRILL COMMERCE CENTER design theme.

6.11.2 Irrigation

The following general irrigation concepts shall be considered in the design and installation of irrigation systems within the MERRILL COMMERCE CENTER:

(1) All landscaped areas should be equipped with a permanent, automatic, underground irrigation system. Drip systems are encouraged in all areas needing irrigation. Irrigation systems must conform to all City of Ontario requirements. (E)

(2) Irrigation systems should be designed to apply water slowly, allowing plants to be deep soaked and to reduce run-off. (E)

(3) Connect the irrigation system to the recycled water conveyance system (E)

(4) "Pop-up" type sprinkler heads may be used adjacent to all walks, drives, curbs (car overhangs), parking areas and public right-of-way but must be designed to prevent all run-off and overspray

(5) The design of irrigation systems, particularly the location of controller boxes, valves, and other above-ground equipment (e.g., backflow prevention devices), shall be incorporated into the overall landscaping design. Where aboveground equipment is provided, it shall be screened or otherwise removed from public view, to the extent possible.

(6) The irrigation system shall be programmed to operate between 6:00pm and 6:00am. (E)

Table 6-1 Plant Palette

BOTANICAL NAME	COMMON NAME	APPLICATION	WATER USE
TREES			
ARBUTUS 'MARINA'	MARINA STRAWBERRY TREE	ACCENT TREE / CANOPY TREE	L
CERCIDIUM X 'DESERT MUSEUM'	DESERT MUSEUM PALO VERDE	ACCENT TREE	L
CERCIS C. 'FOREST PANSY'	EASTERN REDBUD	STREET TREE / WATER QUALITY	M
CHITALPA T. 'MORNING CLOUD'	CHITALPA	STREET TREE	L
GEIJERA PARVIFLORA	AUSTRALIAN WILLOW	CANOPY TREE / BACKGROUND	L
KOELRUETERIA BIPINNATA	CHINESE FLAME TREE	STREET TREE	L
LAGERSTROEMIA F. 'NATCHEZ'	CRAPE MYRTLE	STREET TREE / CANOPY TREE	M
MAGNOLIA SPP.	ST. MARY'S MAGNOLIA	STREET TREE / CANOPY TREE	M
OLEA EUROPAEA – SWAN HILL	SWAN HILL FRUITLESS OLIVE	ACCENT TREE	L
PINUS ELDARICA	AFGHAN PINE	STREET TREE / BACKGROUND	M
PISTACHIA CHINENSIS	CHINESE PISTACHE	STREET TREE	M
PLATANUS A. 'BLOODGOOD'	LONDON PLANE TREE	STREET TREE / BACKGROUND	M
PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	WATER QUALITY / CANOPY TREE	M
PODOCARPUS GRACILIOR	FERN PINE	STREET TREE / CANOPY TREE	M
TRISTANIA CONFERTA	BRISBANE BOX	CANOPY TREE / BACKGROUND	M
QUERCUS AGRIFOLIA	COAST LIVE OAK	STREET TREE / ACCENT TREE	L
QUERCUS SUBER	CORK OAK	STREET TREE	L
QUERCUS ILEX	HOLLY OAK	STREET TREE / CANOPY TREE	L
SHRUBS AND GROUNDCOVERS			
ACACIA REDOLENS	ACACIA	GROUNDCOVER	L
ALOE ARBORESCENS	TORCH ALOE	ACCENT / BACKGROUND	L
ALOE PETRICOLA	STONE ALOE	ACCENT / BACKGROUND	L
ALOE STRIATA	CORAL ALOE	ACCENT	L
ARBUTUS U. 'COMPACTA'	DWARF STRAWBERRY TREE	BACKGROUND	L
BACCHARIS X 'CENTENNIAL'	CENTENNIAL COYOTE BRUSH	WATER QUALITY	L
SHRUBS AND GROUNDCOVERS			
CALLISTEMON 'LITTLE JOHN'	DWARF CALLISTEMON	MIDGROUND / FOREGROUND	L
CARISSA M. 'GREEN CARPET'	DWARF NATAL PLUM	GROUNDCOVER	M
CAREX DIVULSA	BERKELEY SEDGE	GROUNDCOVER / FOREGROUND	L
CISTUS PURPUREUS	PURPLE ROCK ROSE	MID-GROUND / WATER QUALITY	L
COTYLEDON ORBICULATA	PIG'S EAR	FOREGROUND / ACCENT	L
DIANELLA 'LITTLE REV'	LITTLE REV FLAX LILY	FOREGROUND	L
DIANELLA T. 'VARIEGATA'	VARIEGATED FLAX LILY	FOREGROUND / MID-GROUND	M
ECHEVERIA A. 'LIPSTICK'	ECHEVERIA	ACCENT	L
FESTUCA MAIREI	ATLAS FESCUE	FOREGROUND / MID-GROUND	L
HESPERALOE 'BRAKELIGHTS'	BRAKELIGHTS YUCCA	MID-GROUND / ACCENT	L
JUNCUS PATENS	CALIFORNIA GRAY RUSH	WATER QUALITY	L
KURAPIA	KURAPIA	GROUNDCOVER	L
LANTANA MONTEVIDENSIS	PURPLE LANTANA	GROUNDCOVER	L
LANTANA 'NEW GOLD'	NEW GOLD LANTANA	GROUNDCOVER / FOREGROUND	L
LAVANDULA X I. 'PROVENCE'	PROVENCE FRENCH LAVENDER	FOREGROUND	L
LEYMUS C. 'CANYON PRINCE'	CANYON PRINCE WILD RYE	MID-GROUND / WATER QUALITY	L
MUHLENBERGIA C. 'REGAL MIST'	PINK MUHLY	MID-GROUND / WATER QUALITY	L
OLEA 'MONTRA'	LITTLE OLLIE	MID-GROUND	L
RHAPHIOLEPIS INDICA 'CLARA'	INDIAN HAWTHORN	MID-GROUND / BACKGROUND	M
ROSMARINUS O. 'PROSTRATUS'	PROSTRATE ROSEMARY	GROUNDCOVER	L
SALVIA GREGGII	AUTUMN SAGE	MID-GROUND	L
SALVIA L. 'SANTA BARBARA'	SANTA BARBARA MEXICAN SAGE	MID-GROUND / WATER QUALITY	L
TURF 'MARATHON IIE'	SODDED TURF	GROUNDCOVER	H
WESTRINGIA 'WYNYABBIE GEM'	COAST ROSEMARY	BACKGROUND	L

6.11.3 Streetscapes

Streetscape landscaping plays an important role in creating a sense of place. In addition, streetscapes serve functional purposes, including screening undesirable views from public view. Within the MERRILL COMMERCE CENTER, streetscapes are planted with a combination of evergreen and deciduous trees, low shrubs, and masses of groundcovers to create a visually pleasing experience for pedestrians and passing motorists. The landscaping plant palette for streetscapes should link the roadways to the rest of the MERRILL COMMERCE CENTER and should reflect the CENTER's landscape design theme.

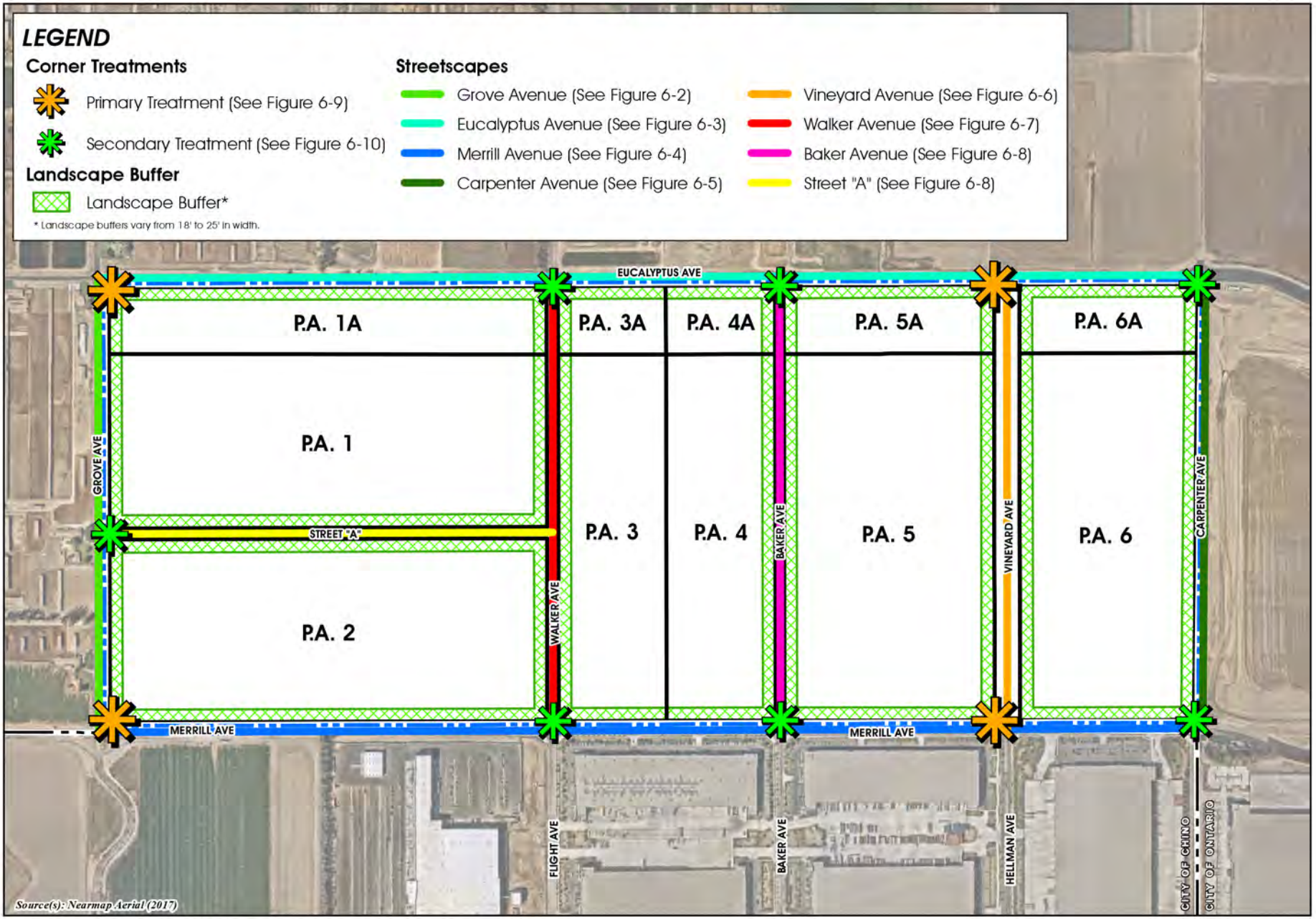
The conceptual streetscape landscape treatments within the MERRILL COMMERCE CENTER are presented on the following pages.

A. Grove Avenue Streetscape

The segment of Grove Avenue abutting the MERRILL COMMERCE CENTER features two landscaped components: 1) a 28-foot wide landscaped raised median and 2) parkways on both sides of the street. The landscaped raised median is planted with thematic accent trees at regular intervals – to reinforce the theme established at entries and monuments – and colorful groundcovers and succulents. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. Evergreen trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk with additional opportunities for shade and to screen undesirable views. An 8-foot wide multi-purpose trail is also provided along the eastern side of Grove Avenue to provide passive recreational opportunities. The typical Grove Avenue Streetscape is illustrated on Figure 6-2, *Grove Avenue Streetscape*.

B. Eucalyptus Avenue Streetscape

The segment of Eucalyptus Avenue abutting the MERRILL COMMERCE CENTER features landscaping within parkways on both sides of the street. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. Evergreen trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk with additional opportunities for shade and to screen undesirable views. Because Eucalyptus Avenue is designated by the Chino Airport Compatibility Plan to satisfy open land requirements, street trees are spaced to maintain a clear width of about 75 feet. An 8-foot wide multi-purpose trail is also provided along the northern side of Eucalyptus Avenue to offer passive recreational opportunities. The typical Eucalyptus Avenue Streetscape is illustrated on Figure 6-3, *Eucalyptus Avenue Streetscape*.



Conceptual Landscape and Greenspace Plan

Figure 6-1

C. *Merrill Avenue Streetscape*

The segment of Merrill Avenue abutting the MERRILL COMMERCE CENTER features landscaping within parkways on both sides of the street. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. Because Merrill Avenue is designated by the Chino Airport Compatibility Plan to satisfy open land requirements, street trees are spaced to maintain a clear width of about 75 feet, except within Airport Safety Zone 1 (southwest portion of Planning Area 1), where no trees are permitted. Along other segments of Merrill Avenue abutting the Specific Plan boundary, additional evergreen and/or deciduous trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk with additional opportunities for shade and to screen undesirable views. An 8-foot wide multi-purpose trail is also provided along the northern side of Merrill Avenue outside of the right-of-way to offer pedestrians passive recreational opportunities. The typical Merrill Avenue Streetscape is illustrated on Figure 6-4, *Merrill Avenue Streetscape*.

D. *Carpenter Avenue Streetscape*

The segment of Carpenter Avenue abutting the MERRILL COMMERCE CENTER features landscaping within parkways on the western side of the street. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. Evergreen and/or deciduous trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk with additional opportunities for shade and to screen undesirable views. The typical Carpenter Avenue Streetscape is illustrated on Figure 6-5, *Carpenter Avenue Streetscape*.

E. *Vineyard Avenue Streetscape*

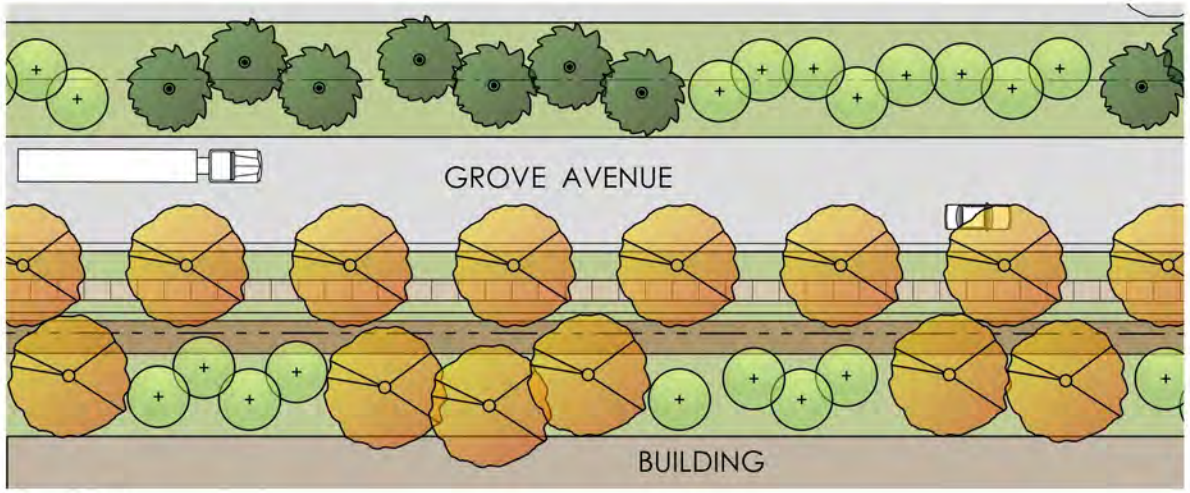
The segment of Vineyard Avenue abutting the MERRILL COMMERCE CENTER features two landscaped components: 1) a 28-foot wide landscaped raised median and 2) parkways on both sides of the street. The landscaped raised median is planted with thematic accent trees at regular intervals – to reinforce the theme established at entries and monuments – and colorful groundcovers and succulents. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. An 8-foot wide Multi-Purpose Trail is also provided along the western side of Vineyard Avenue to provide passive recreational opportunities for pedestrians. Evergreen and/or deciduous trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk and Multi-Purpose Trail with additional opportunities for shade and to screen undesirable views. The typical Vineyard Avenue Streetscape is illustrated on Figure 6-6, *Vineyard Avenue Streetscape*.

F. *Walker Avenue Streetscape*

The typical section of Walker Avenue features landscaping within parkways on both sides of the street. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. Evergreen and/or deciduous trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk with additional opportunities for shade and to screen undesirable views. An 8-foot wide Multi-Purpose Trail is also provided along the eastern side of Walker Avenue outside of the right-of-way to offer pedestrians passive recreational opportunities. The typical Walker Avenue Streetscape is illustrated on Figure 6-7, *Walker Avenue Streetscape*.

G. Street 'A' and Baker Avenue Streetscapes

The typical sections of Street 'A' and Baker Avenue features landscaping within parkways on both sides of the street. Parkways include a curb-adjacent park strip planted with deciduous and/or evergreen trees, and low flowering groundcovers and succulents, as well as a 5-foot wide sidewalk. Evergreen and/or deciduous trees are planted outside of the right-of-way on both sides of the street to provide pedestrians using the sidewalk with additional opportunities for shade and to screen undesirable views. The typical Street 'A' and Baker Avenue Streetscape is illustrated on Figure 6-8, *Baker Avenue and Street "A" Streetscape*.



Plan View

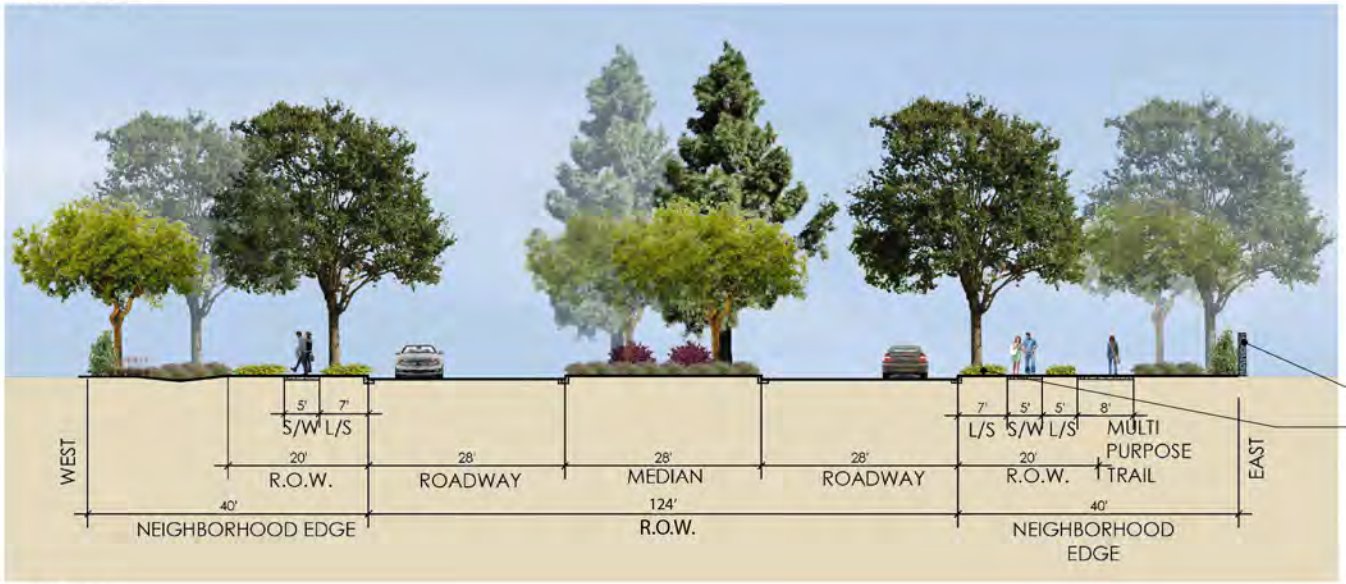
GROVE AVENUE STREETSCAPE

PLATANUS A. 'BLOODGOOD' (LONDON PLANE TREE) — HEIGHT X SPREAD: 40' X 30' SPACING: 40' O.C. DESCRIPTION: DECIDUOUS

CERCIS C. 'FOREST PANSY' (EASTERN REDBUD) — HEIGHT X SPREAD: 20' X 15' SPACING: 15' O.C. DESCRIPTION: DECIDUOUS

PINUS ELDARICA (AFGHAN PINE) — HEIGHT X SPREAD: 40' X 30' SPACING: 30' O.C. DESCRIPTION: EVERGREEN

7' WIDE PARKWAY
5' WIDE SIDEWALK
5' WIDE LANDSCAPE SETBACK
8' WIDE MULTI-PURPOSE TRAIL
(EAST SIDE ONLY)
LANDSCAPE SETBACK



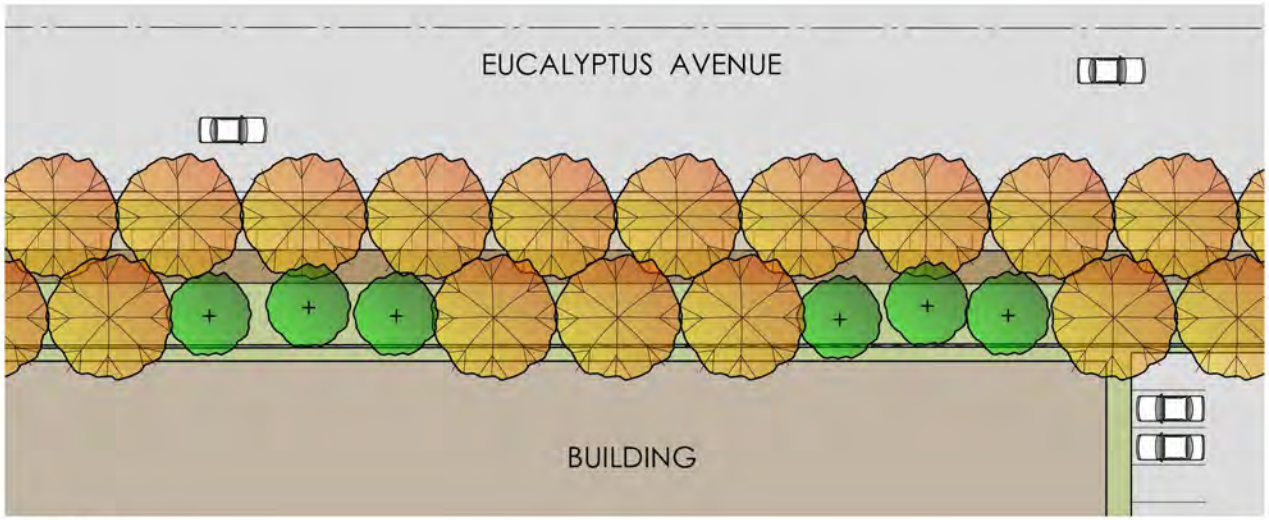
Section

Source(s): RLA (06-12-2019)

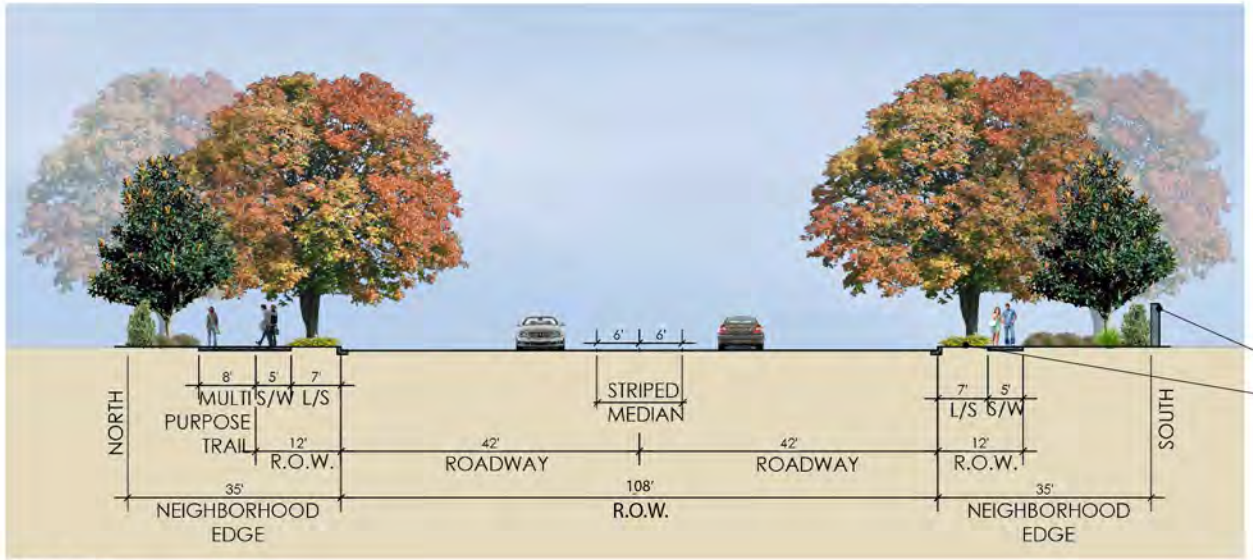
Grove Avenue Streetscape

Figure 6-2

Not to Scale



Plan View



EUCALYPTUS AVENUE STREETSCAPE

PODOCARPUS GRACILIOR (FERN PINE)
HEIGHT X SPREAD: 40' X 30'
SPACING: 30' O.C.
DESCRIPTION: EVERGREEN

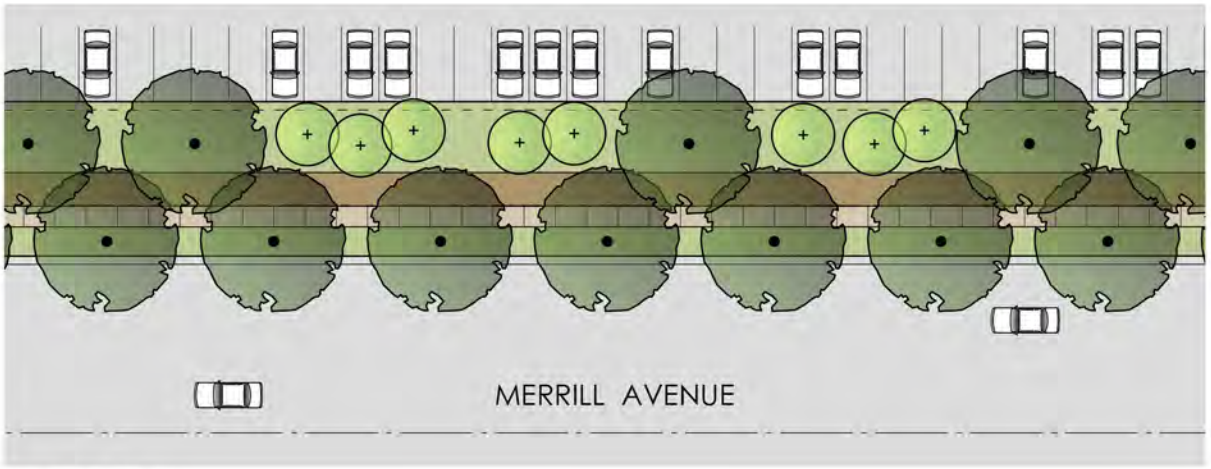
PISTACIA CHINENSIS (CHINESE PISTACHE)
HEIGHT X SPREAD: 40' X 40'
SPACING: 30' O.C.
DESCRIPTION: DECIDUOUS

Section

Source(s): RLA (06-12-2019)

Eucalyptus Avenue Streetscape Figure 6-3

Not to Scale



Plan View

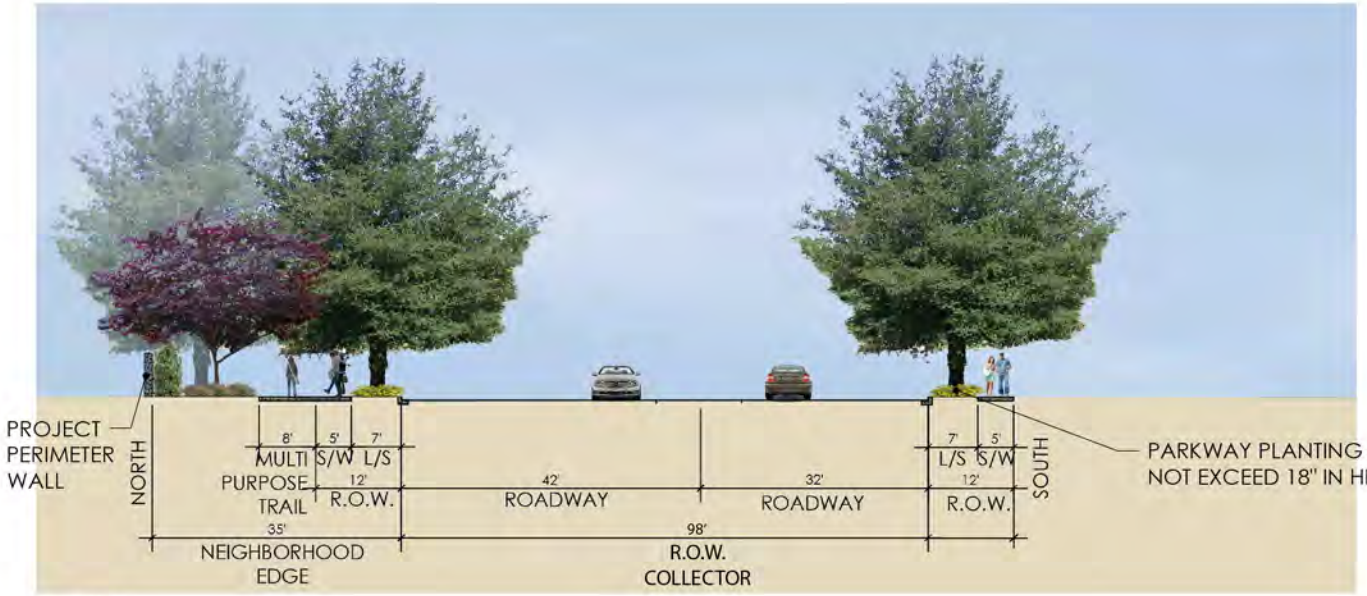
LANDSCAPE SETBACK

8' WIDE MULTI-PURPOSE TRAIL
5' WIDE SIDEWALK
7' WIDE PARKWAY

MERRILL AVENUE STREETSCAPE

CERCIS C. 'FOREST PANSY' (EASTERN REDBUD)
HEIGHT X SPREAD: 20' X 15'
SPACING: 15' O.C.
DESCRIPTION: DECIDUOUS

QUERCUS AGRIFOLIA (COAST LIVE OAK)
HEIGHT X SPREAD: 35' X 35'
SPACING: 40' O.C.
DESCRIPTION: EVERGREEN



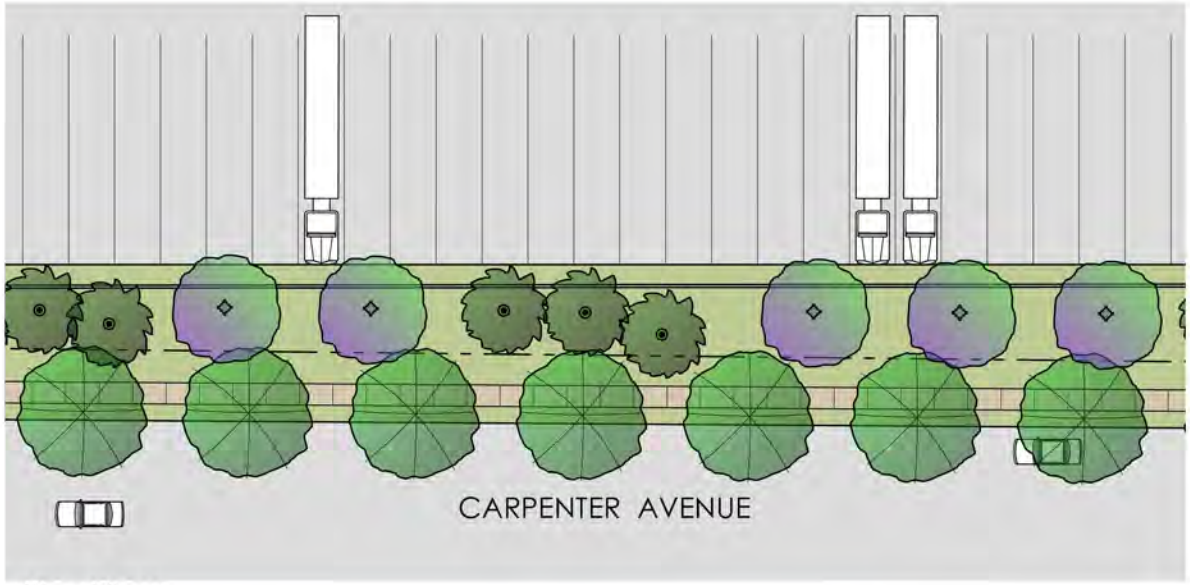
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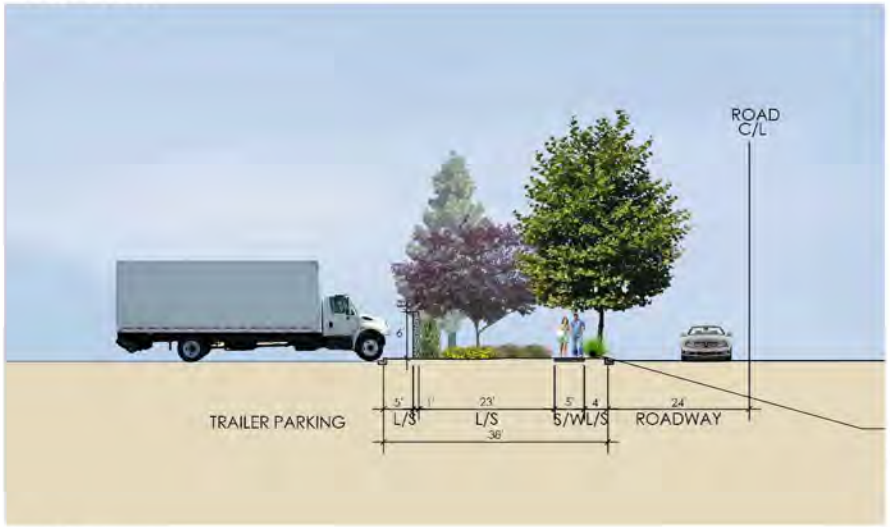
Merrill Avenue Streetscape

Figure 6-4

Not to Scale



Plan View



Section

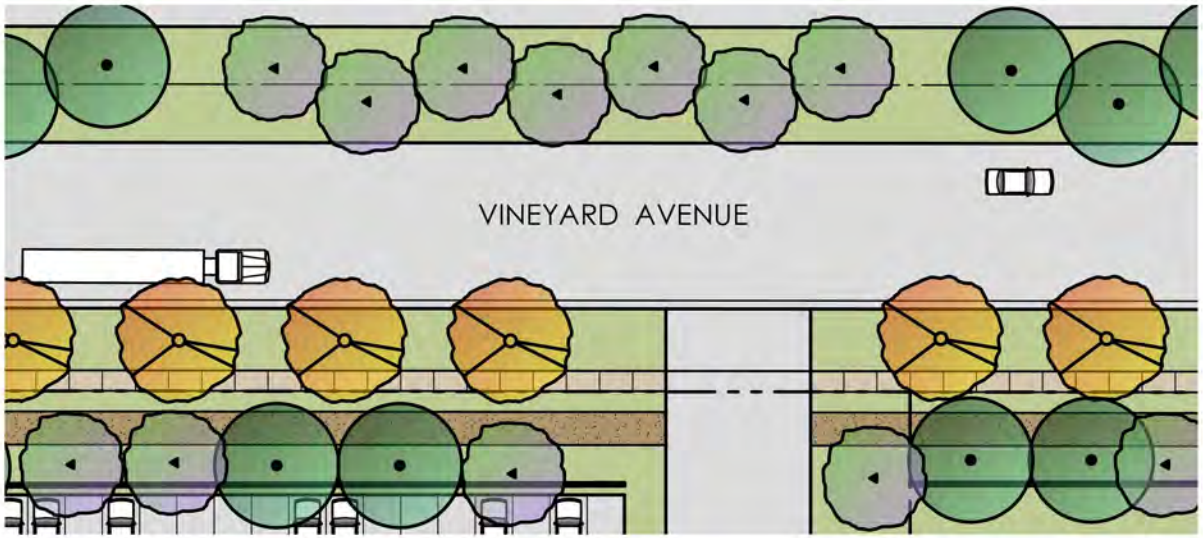
CARPENTER AVENUE STREETSCAPE

LIRIODENDRON TULIPIFERA (TULIP TREE)	HEIGHT X SPREAD: 60' X 30' SPACING: 40' O.C. DESCRIPTION: DECIDUOUS
PINUS ELDARICA (AFGHAN PINE) - OR - PODOCARPUS GRACILIOR (FERN PINE)	HEIGHT X SPREAD: 40' X 30' SPACING: 30' O.C. DESCRIPTION: EVERGREEN
PRUNUS CERASIFERA (FLOWERING PLUM)	HEIGHT X SPREAD: 25' X 25' SPACING: 35' O.C. DESCRIPTION: DECIDUOUS

Source(s): RLA (06-12-2019)

Carpenter Avenue Streetscape Figure 6-5

Not to Scale



Plan View

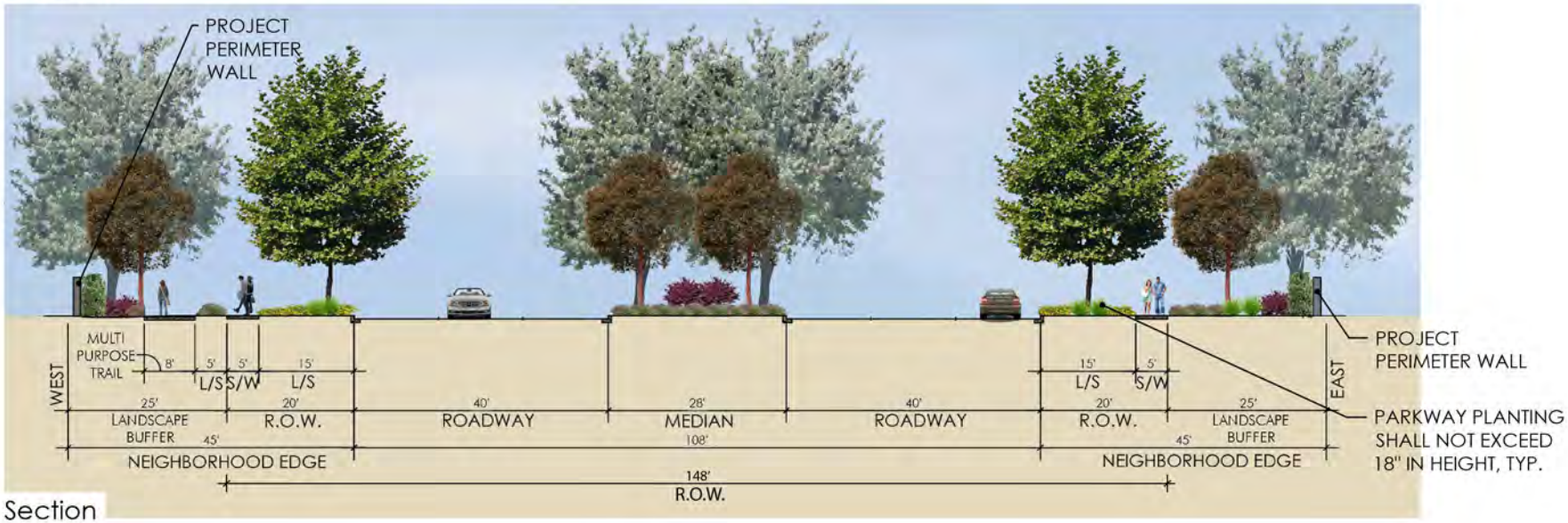
VINEYARD AVENUE STREETSCAPE

PLATANUS A. 'BLOODGOOD' (LONDON PLANT TREE) — HEIGHT X SPREAD: 40' X 30' SPACING: 30' O.C. DESCRIPTION: DECIDUOUS

CHITALPA T. 'MORNING CLOUD' (CHITALPA) — HEIGHT X SPREAD: 35' X 20' SPACING: 20' O.C. DESCRIPTION: DECIDUOUS

QUERCUS SUBER (CORK OAK) — HEIGHT X SPREAD: 70' X 20' SPACING: 20' O.C. DESCRIPTION: EVERGREEN

15' WIDE PARKWAY
5' WIDE SIDEWALK
5' WIDE LANDSCAPE AREA
8' WIDE MULTI-PURPOSE TRAIL
LANDSCAPE SETBACK



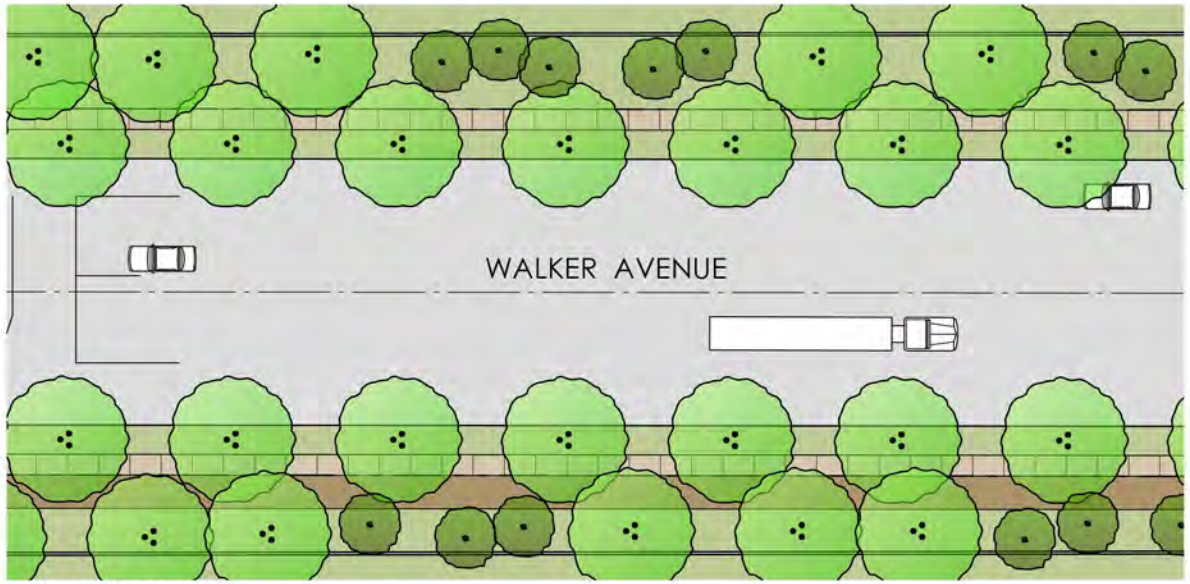
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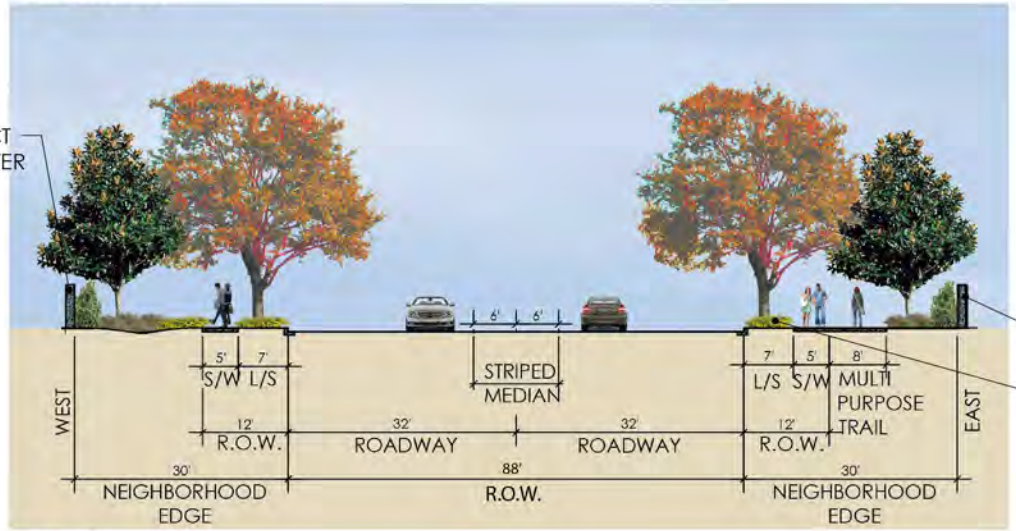
Vineyard Avenue Streetscape

Figure 6-6

Not to Scale



Plan View



Section

WALKER AVENUE STREETSCAPE

KOELREUTERIA BIPINNATA (CHINESE FLAME TREE) — HEIGHT X SPREAD: 30' X 30' SPACING: 40' O.C. DESCRIPTION: DECIDUOUS

TRISTANIA LAURINA (WATER GUM) — HEIGHT X SPREAD: 15' X 15' SPACING: 20' O.C. DESCRIPTION: EVERGREEN

PROJECT PERIMETER WALL

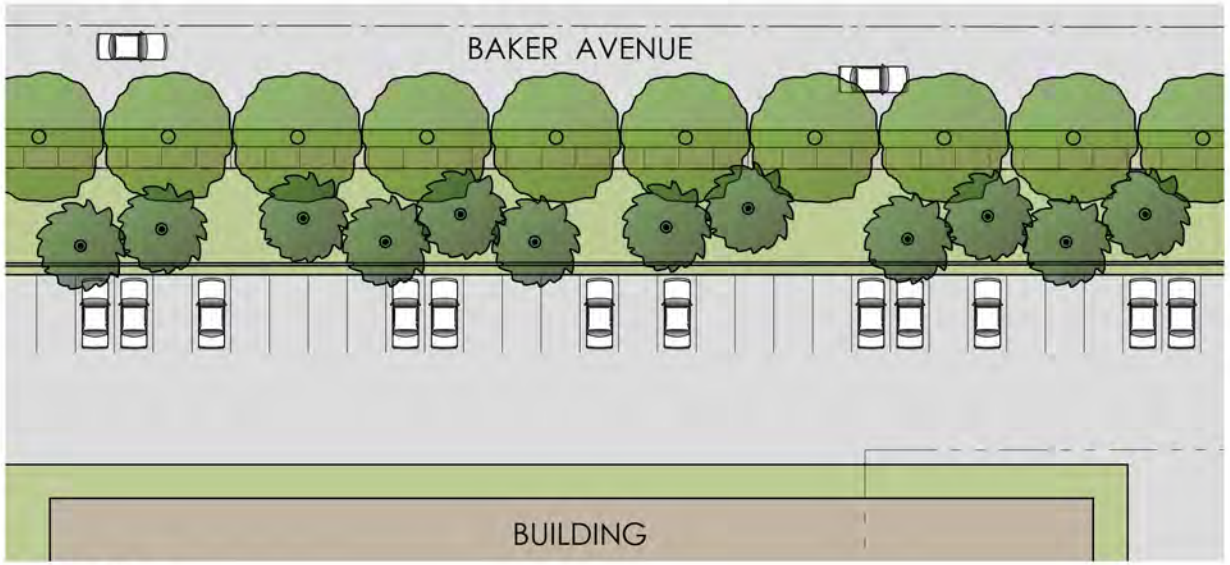
PARKWAY PLANTING SHALL NOT EXCEED 18" IN HEIGHT, TYP.

Source(s): RLA (06-12-2019)

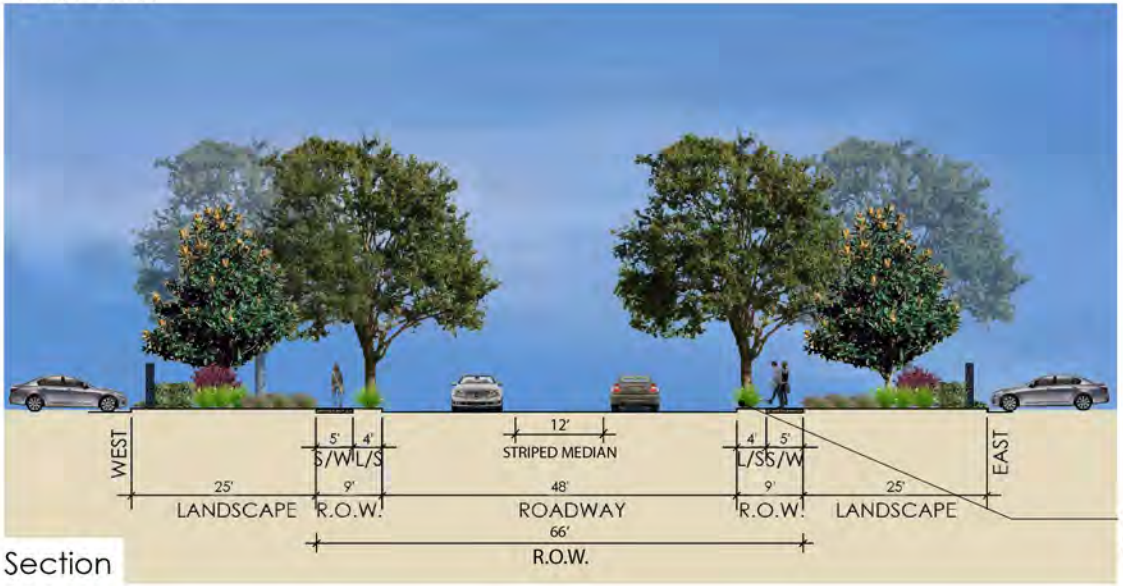
Walker Avenue Streetscape

Figure 6-7

Not to Scale



Plan View



Section



PARKWAY PLANTING SHALL NOT EXCEED 18" IN HEIGHT, TYP.

Source(s): RLA (12-18-2019)

Baker Avenue and Street "A" Streetscape

Figure 6-8

Not to Scale

6.11.4 Entries and Monuments

The MERRILL COMMERCE CENTER provides a three-tiered hierarchy of entry and corner treatments to identify the CENTER and distinguish individual planning areas. The entry and corner treatments are designed to provide distinctive visual statements and emphasize the Specific Plan's contemporary aesthetic. All hardscape and landscape features at entry and monument locations shall provide adequate "line-of-sight" for motorists and shall comply with applicable City design standards and specifications. Monumentation shall not be located within the public street right-of-way.

The entry and corner concepts described and illustrated on the following pages have been designed to provide a prominent reminder of the quality and distinctiveness of the MERRILL COMMERCE CENTER and to complement and reinforce the CENTER's general architectural and landscape theme. Implemented entry and corner treatments should be flexible to respond to physical contexts and the needs and desires of specific tenants and may differ slightly from the concepts presented herein; however, all entry and corner treatments within the MERRILL COMMERCE CENTER shall be consistent in theme and character.

A. Primary Corner Treatments

Primary Corner Monuments may be located at the intersections of Eucalyptus Avenue and Grove Avenue (southeast corner), Eucalyptus Avenue and Vineyard Avenue (southwest corner), and Merrill Avenue and Grove Avenue (northeast corner), and Merrill Avenue and Vineyard Avenue (northwest corner) to announce arrival to the MERRILL COMMERCE CENTER. These Primary Corner Monuments are the largest of the entry/monument family. The conceptual design for these monuments includes a gabion style frame monument with filled native rock, freestanding steel letters, monument lighting, and a laser-cut steel panel with a masonry wall. Landscaping at the Primary Corner Treatments include low foreground plants with accent trees in orchard rows behind the monument. Figure 6-9, *Conceptual Primary Corner Treatment,* conceptually illustrates these monuments. Note that a modified version of the Primary Corner Treatment is required at the northeast corner of the Merrill Avenue and Grove Avenue intersection, which is located in Chino Airport Safety Zone 1, in which tall vertical objects including trees greater than 4 inches in diameter and taller than 4 feet above the ground are not permitted.

B. Secondary Corner Treatments

Secondary Corner Treatments may be located at the entrances into the MERRILL COMMERCE CENTER from Grove Avenue, Eucalyptus Avenue, Carpenter Avenue, and Merrill Avenue to subtly promote the CENTER's design theme at key focal points. These Secondary Corner Treatments feature accent trees in orchard rows, shrub planting to echo rows, and background shrubs on both corners of the street. Figure 6-10, *Conceptual Secondary Corner Treatment,* conceptually illustrates these monuments.

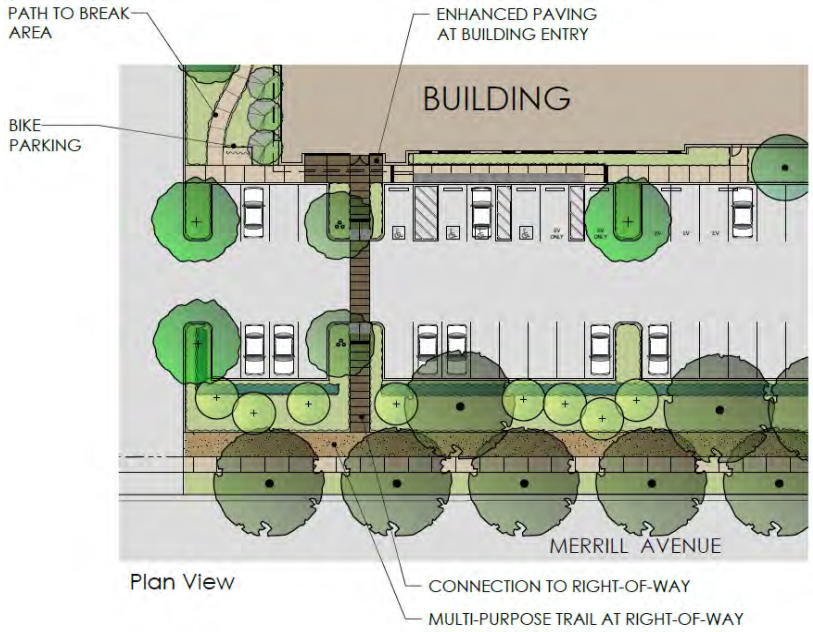
C. Building User Monument Treatments

Tenant Monument Treatments may be provided at the corners of driveways connecting to public roads. The locations of such driveways will be determined at the time buildings are designed and oriented in the Specific Plan area as part of implementing development projects. Tenant Monument Treatments are meant to identify building occupants and welcome employees and visitors to the site. The designs of typical Tenant Monument Treatments are conceptually shown below, and may include a tenant monument,

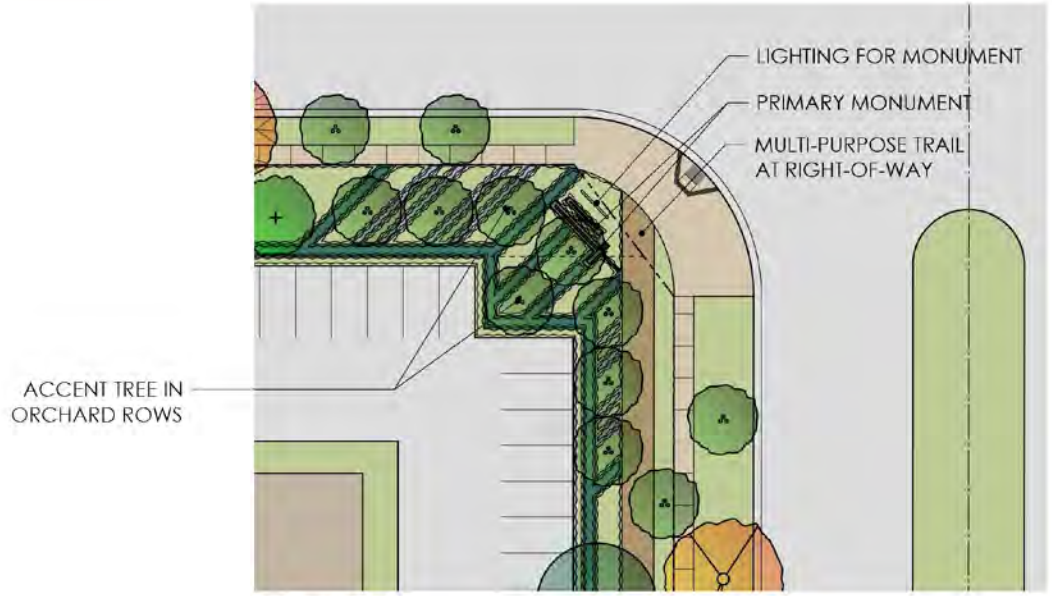
monument lighting, a masonry wall with pin mounted letters, and a gabion style frame filled with native rock. Landscaping at these Treatments may include accent trees, decorative row planting, and background shrubs. Figure 6-11, *Conceptual Building User Monument Treatment,* conceptually illustrates these monuments.

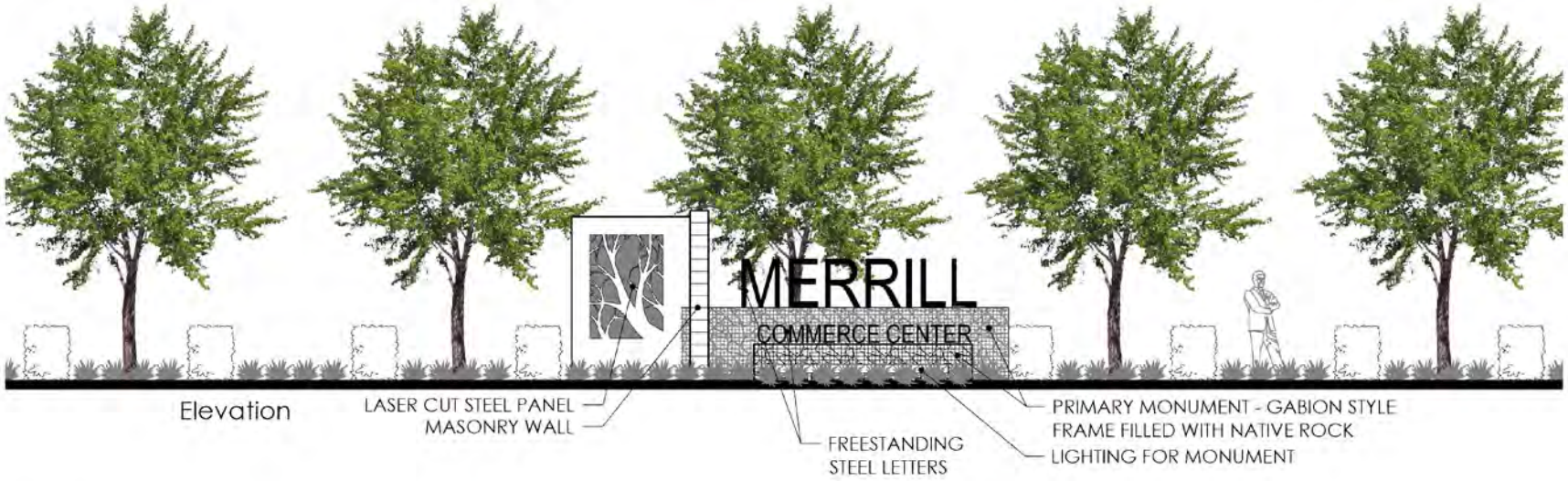
D. Building Entry Treatments

Building Entry Treatments may be provided at the entrances of Industrial or Business Park buildings. Building Entry Treatments are meant to welcome employees and visitors to Industrial or Business Park buildings. The designs of typical Building Entry Treatments are conceptually shown below, and may include tenant signage on the building façade, an enhanced paving at building entry, connection to the public road, and Multi-Purpose Trail, bike parking, and pathways to break areas.



The illustration above the conceptual design of building entry treatments that may be provided at the entrances of Industrial and Business Park buildings.





Source(s): RLA (03-11-2019)

Conceptual Primary Corner Treatment

Figure 6-9

Not to Scale

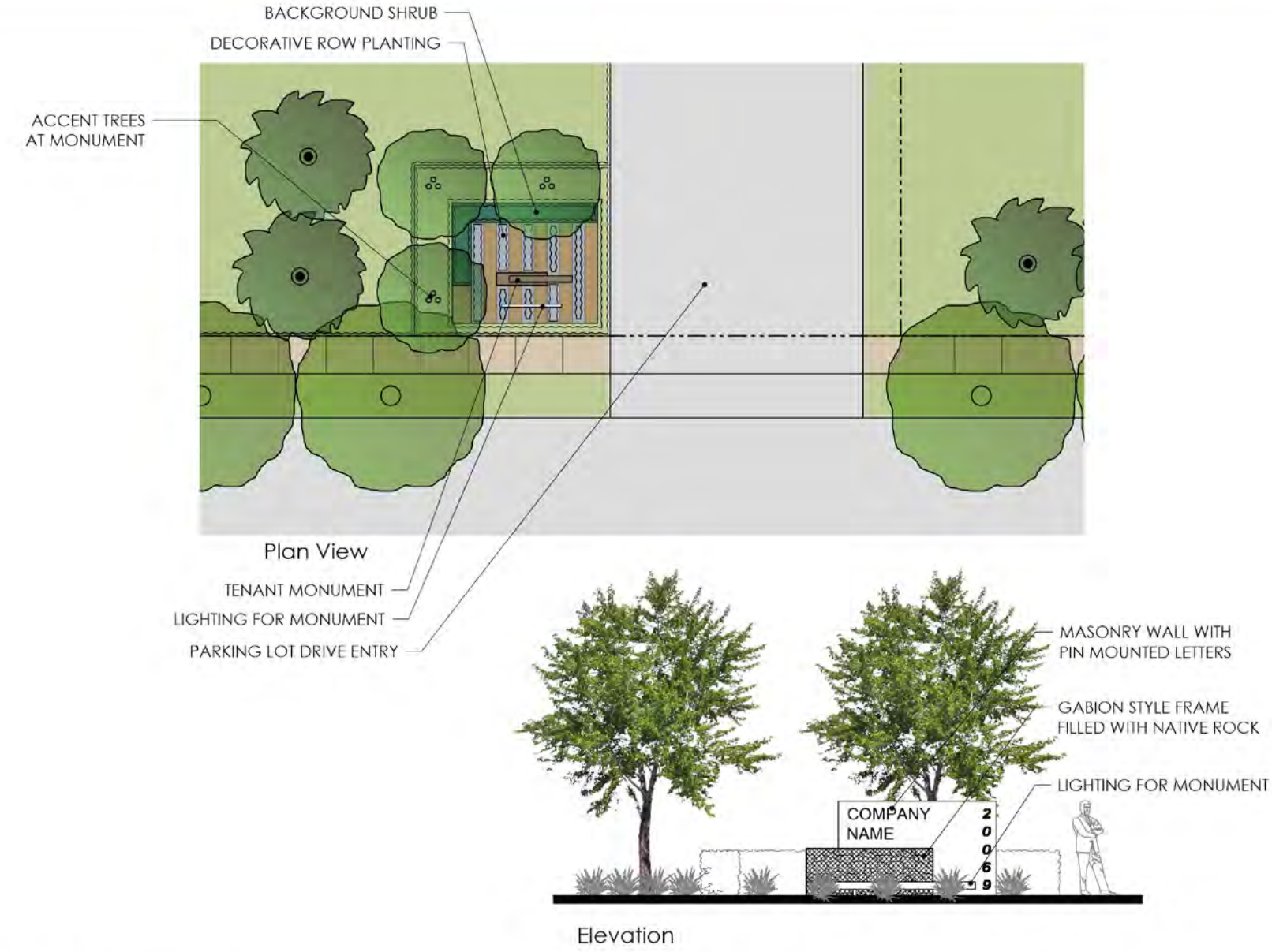


Source(s): RLA (03-11-2019)

Conceptual Secondary Corner Treatment

Figure 6-10

Not to Scale



Source(s): RLA (03-11-2019)

Conceptual Building User Monument Treatment

Figure 6-11

Not to Scale

6.11.5 Walls and Fences

Along building site perimeters and interior to building sites, the installation of fences and walls will be necessary. The final locations and details of these fences and walls will be determined when buildings are designed and oriented during the implementation of the MERRILL COMMERCE CENTER.

As shown on Figure 6-12, *Conceptual Screening Wall Illustration,* an 8- to 14-foot high screen wall may be provided around the perimeters of individual buildings sites and around loading and dock areas, trailer parking areas, and parking lots to screen on-site industrial uses from public views and public roads. In addition, landscaping within rights-of-way and outside of rights-of-way serve as additional screening between on-site industrial uses and public roads.

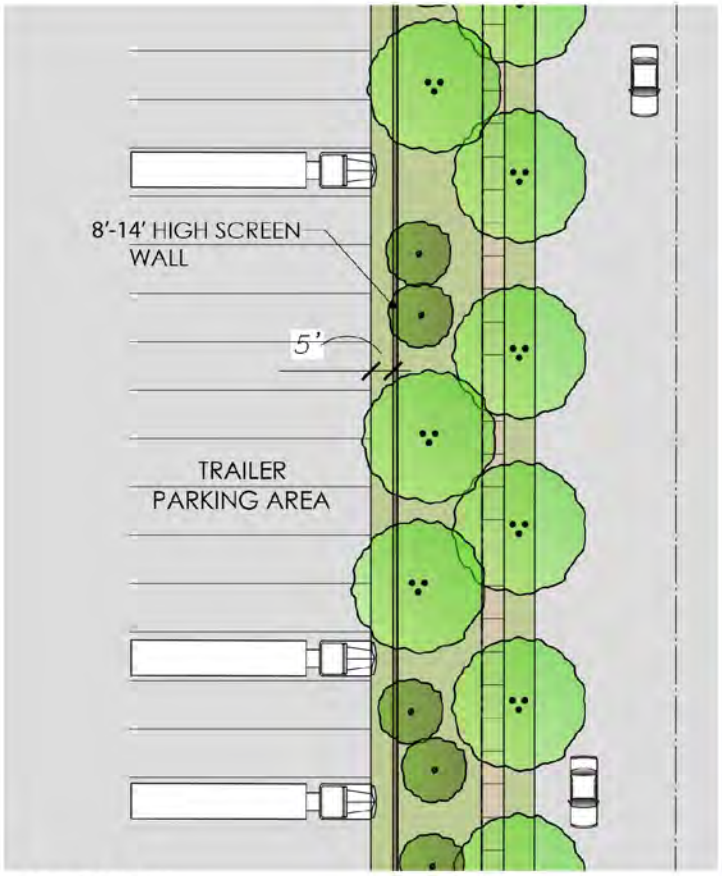
6.11.6 Open Space Areas

As shown on Figure 6-13, *Conceptual Open Space Area Illustration*, shared open space areas may be provided within the MERRILL COMMERCE CENTER to offer employees and visitors a recreational amenity in proximity to the Industrial/Business Park uses. The shared amenities that may be provided within open space areas include seating areas, meandering decomposed granite walkways, overhead structures above decomposed granite dining areas, open turf areas, and a natural planting scheme with boulders. The final locations and details of these open space areas will be determined when buildings are designed and oriented during the implementation of the MERRILL COMMERCE CENTER.

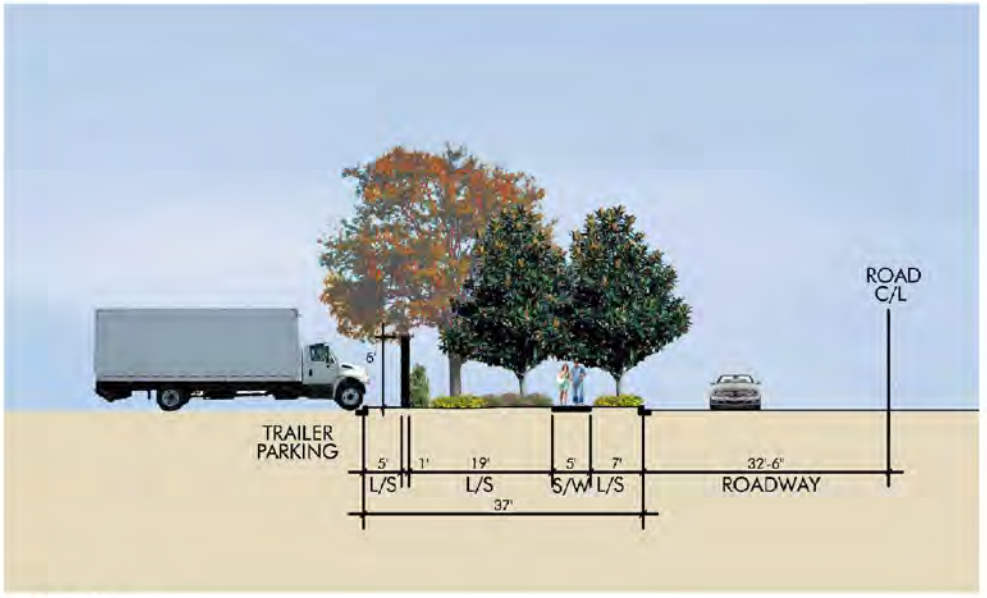
6.11.7 Water Quality Basins

As shown on Figure 6-14, *Conceptual Water Quality Basin Illustration,* water quality basins may be provided within the MERRILL COMMERCE CENTER to treat stormwater before the flows ultimately drain into the storm drain facilities, as described in Section 4.2.4, *Storm Water Management Plan*. The water quality basins may include contoured basin edges for a natural look, and landscaping around the perimeter of the basin to screen public views of the basin. Swales may be no greater than 40% of the landscape area width to allow for ornamental landscaping, although landscaping may have limitations where necessary to deter the attraction of birds to the basins, which can be a hazard to aircraft using the nearby Chino Airport and Ontario International Airport. Other wildlife deterrents that may be considered include floating covers, bird balls, netting, and basins designed to be linear and narrow with steep sides and rip-rap lining.

The final locations and design details of the water quality basins will be determined when buildings are designed and oriented during the implementation of the MERRILL COMMERCE CENTER.



Plan View



Section

WALKER AVENUE STREETSCAPE

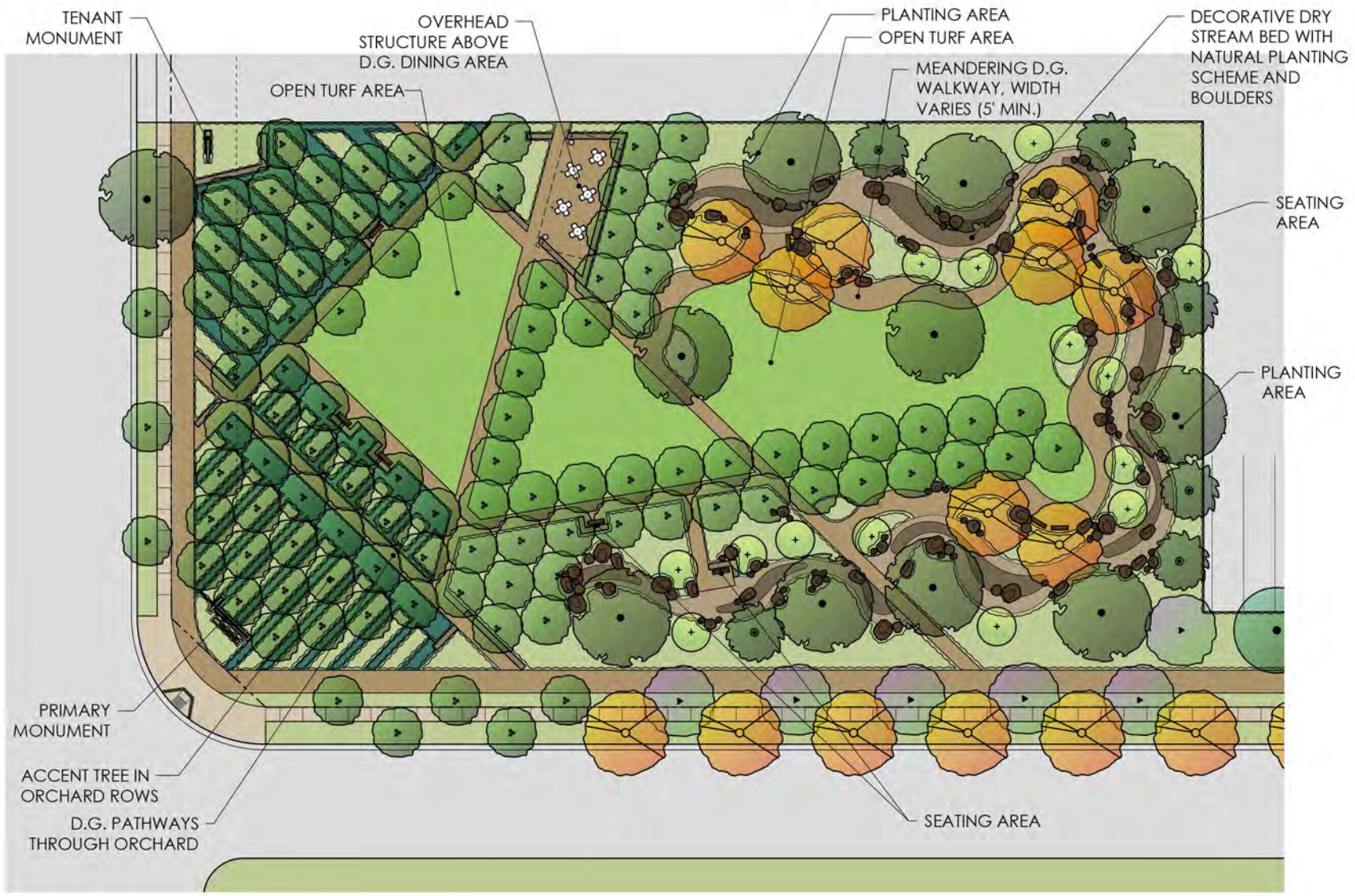
KOELREUTERIA BIPINNATA (CHINESE FLAME TREE)	HEIGHT X SPREAD: 30' X 30' SPACING: 40' O.C. DESCRIPTION: DECIDUOUS
MAGNOLIA G. 'ST MARY' (ST. MARY'S MAGNOLIA)	HEIGHT X SPREAD: 15' X 15' SPACING: 20' O.C. DESCRIPTION: EVERGREEN

Source(s): RLA (03-11-2019)

Conceptual Screening Wall Illustration

Figure 6-12

Not to Scale



Source(s): RLA (03-11-2019)

Conceptual Open Space Area Illustration

Figure 6-13

Not to Scale



Source(s): RLA (03-11-2019)

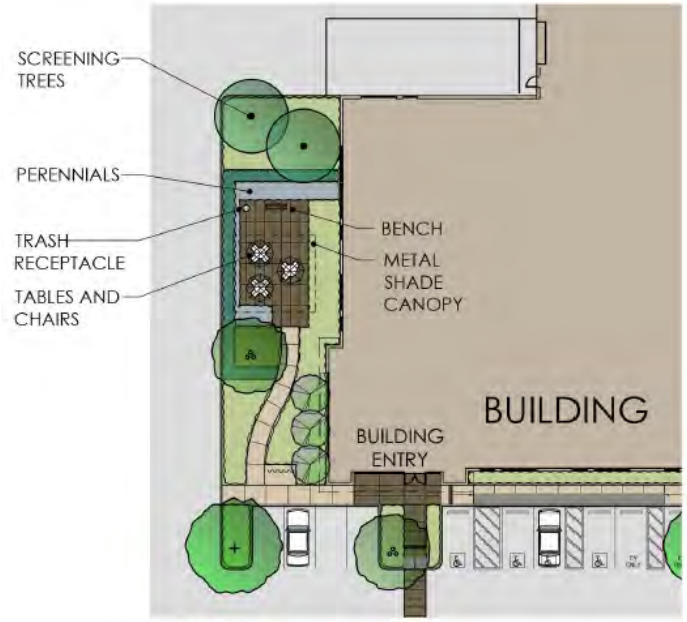
Conceptual Water Quality Basin Illustration

Figure 6-14

Not to Scale

6.11.8 Shared Outdoor Patio Break Areas

As shown in the illustration below, shared outdoor patio break areas should be provided within Industrial and Business Park planning areas to offer employees with outdoor areas adjacent to their work buildings. Shared outdoor patio break areas may include amenities such as benches, metal shade canopies, tables, chairs, perennials/shrubs, and trash receptables. Trees may also be provided to shade the outdoor patio break areas.



Plan View

The illustration above shows the conceptual design of outdoor patio break areas adjacent to Industrial and Business Park buildings.

6.11.9 Parking Lots

As shown in the illustration below, passenger car parking lots within Industrial and Business Park sites provide landscaping that consist of shade trees and parking finger islands for every ten (10) stalls, and landscaping outside/inside of the abutting public road's right-of-way. Bicycle parking is also provided near the entrances of buildings. Trees and parking fingers are not required in truck courts, to minimize truck turning movement conflicts.



Plan View

The illustration above shows the conceptual design and landscaping to be provided within parking lots in MERRILL COMMERCE CENTER.

IMPLEMENTATION PLAN

CHAPTER 7

7.1 Severability

7.2 Applicability

7.3 Interpretation

7.4 Development Review Process

7.5 Substantial Conformance

7.6 Formal Amendments to the Specific Plan

7.7 Appeals

7.8 Compliance with Mitigation Monitoring and Reporting Program

7.9 Project Financing

7.10 Phasing Plan

7.11 Additional Entitlement Requirements

7.12 Maintenance Plan

CHAPTER 7 - IMPLEMENTATION PLAN

7.1 SEVERABILITY

This Specific Plan document enables the City of Ontario to facilitate the processing and approval of development plans and implementing permits to build out the MERRILL COMMERCE CENTER. If any regulation, condition, program, or portion of this Specific Plan is held invalid or unenforceable, such portions shall be deemed separate, distinct, and independent provisions, and the invalidity of such portions or provisions shall not affect the validity and enforceability of the remaining provisions contained herein.

7.2 APPLICABILITY

Approval of the MERRILL COMMERCE CENTER Specific Plan indicates acceptance by the City of Ontario City Council of a general framework for the development of the MERRILL COMMERCE CENTER property. Part of that framework establishes specific development standards that constitute the zoning regulations for the Specific Pan (refer to Chapter 5, *Development Standards*). The provisions contained herein are intended to regulate development within the Specific Plan area.

Development within the MERRILL COMMERCE CENTER Specific Plan boundary shall be implemented through the City's approval of tentative and final parcel maps and the Development Plan Review process as established in the City's Development Code. The implementation process described herein provides the mechanisms for review and approval of development projects within MERRILL COMMERCE CENTER.

7.3 INTERPRETATION

Unless otherwise provided, any ambiguity concerning the content or application of the Specific Plan shall be resolved by the City's Planning Director, or his/her designee, in a manner consistent with the goals, policies, purpose, and intent established in this Specific Plan.

7.4 DEVELOPMENT REVIEW PROCESS

7.4.1 Subdivision Maps

Approval of future tentative subdivision maps within the MERRILL COMMERCE CENTER Specific Plan may occur concurrently with or subsequently to the adoption of the Specific Plan. All tentative and final subdivision maps shall be reviewed and approved pursuant to the applicable provisions of the City's Subdivision Ordinance and consistent with the applicable provisions established within the Land Use, Infrastructure, Design Guidelines, and Development Regulations chapters of this Specific Plan.

7.4.2 Development Plan Review

All development within the MERRILL COMMERCE CENTER property shall be subject to the Development Plan Review Process established in the City of Ontario Development Code. Adoption of this Specific Plan by the City includes the design guidelines contained in Chapter 6, which shall be the design criteria by which development projects with the Specific Plan shall be reviewed during Development Plan Review. Topics on which these design guidelines are silent, the applicable design guidelines contained within the City's Development Code shall apply. The design guidelines are intended to be flexible in nature while establishing rudimentary evaluation

criteria for the review by the City of development projects during design review.

7.4.3 Development Agreements

Approval of statutory Development Agreements, per individual property owner, authorized pursuant to California Government Code Sections 65864 et seq., is required as part of the approval of the Specific Plan and prior to approval of the first Final Map. The Development Agreements shall include, but not be limited to, methods for financing, acquisition, and construction of infrastructure. The MERRILL COMMERCE CENTER Development Agreement shall be fully executed prior to the issuance of the first building permits for development within the Specific Plan.

7.4.4 Conditional Use Permits

Uses specified as conditionally permitted uses within Chapter 5, *Development Regulations*, of this Specific Plan shall be reviewed and approved by the City pursuant to the requirements of the City's Development Code, Article 9, "Conditional Use Permits."

7.4.5 Variances

Variances and Administrative Exceptions to the development regulations contained in Chapter 5, *Development Regulations*, of this Specific Plan with respect to the site area, setback dimensions, building heights, distances between buildings, landscape percentage and off-street parking and loading shall be reviewed pursuant to "Variances and Administrative Exceptions" of the City's Development Code.

7.5 SUBSTANTIAL CONFORMANCE

All development under the Specific Plan is subject to a Substantial Conformance Determination, considered and approved ministerially by the Planning Director or designee. The Substantial Conformance Determination is also a mechanism that allows for the approval of ministerial minor modifications for development under the Specific Plan. The City recognizes that modifications to the text and exhibits of this document may be needed over time. Upon direction by the City of Ontario Planning Department, certain modifications to text, exhibits, and/or development standards and design guidelines may not require a formal Specific Plan Amendment (i.e., through public hearing) and occur ministerially. The following minor modifications to this document do not require a formal Specific Plan Amendment and are subject to review and approval by the Planning Director. The Planning Director shall have the discretion to defer any request for modification to the Planning Commission or City Council, either for ministerial direction and guidance, or determination that the required change requires a formal amendment as discussed below in Section 7.6. Ministerial substantial conformance decisions are not subject to CEQA compliance.

- Expansions or reductions of the net acreage covered by a given Planning Area.
- A decrease in development intensity/density (building square footage).
- Modification of design criteria such as architectural details, landscape treatments, fencing, lighting, and entry treatments.
- Changes to the Phasing Plan, provided infrastructure is available to serve the phase as determined by the City Engineer.

- Implementation of alternative landscape materials, wall materials, entry monument design, primary/secondary corner treatments, and streetscape design that are generally consistent with the conceptual design guidelines contained within this Specific Plan.
- Modifications to Architectural Design Guidelines, such as variation of architectural style and variations in materials and colors.
- Final infrastructure facility sizing and precise location of dry utilities, water, sewer, and storm drainage improvements as approved by the City Engineer, OMUC, or San Bernardino Flood Control District.
- Roadway ROW design, when the changes are warranted and approved by the City Engineer.
- Revisions to exhibits which do not substantially change the intent of the Specific Plan.
- Modification, deletions, and additions to the list of permitted and conditional uses.
- Specific modifications of a similar nature to those listed above which are deemed minor by the Planning Director, which are in keeping with the intent of this Specific Plan and which are in conformance with the Policy Plan component of The Ontario Plan.

7.6 FORMAL AMENDMENTS TO THE SPECIFIC PLAN

All modifications to this document which do not meet the criteria of a Substantial Conformance (as defined in the previous subsection) shall be deemed to require a formal Specific Plan Amendment. This document was prepared pursuant to California Government Code §65450, et. seq. Amendments shall be processed in accordance with the applicable requirements of the law, which include §65450, et. seq. of the California Government Code.

Formal Specific Plan Amendments shall be subject to the review and approval of the City Council. The Planning Commission should first hear and consider all applications for formal Specific Plan Amendments and provide a recommendation to the City Council. As required by the California Government Code, all government agencies significantly affected by the proposed Amendment shall be notified of the proposed action prior to the approval. In addition, and as required by CEQA, formal Specific Plan Amendments shall be appropriately reviewed in accordance with the State CEQA Guidelines, with the City of Ontario serving as the CEQA Lead Agency.

Any formal Specific Plan Amendment initiated by an applicant requires preliminary review by the Planning Director, filing of an official application and required materials supporting the Amendment, submittal of a fee deposit, Planning Commission review and recommendations, and City Council review and final decision.

Amendments also may be initiated by the City Council or Planning Commission by majority vote. All Planning Commission-requested amendments shall be submitted and considered by the City Council and accepted for processing by a majority vote. City staff may initiate an amendment by submitting the requested amendment to the Planning Commission for a vote. Only amendments accepted by a majority vote of the Planning Commission shall be submitted to the City Council for consideration; however, the Applicant shall have the right of appeal to City Council if the Planning Commission fails to approve.

In considering approval or disapproval of formal Specific Plan Amendments, the City Council shall find that the request is:

- Consistent with the Policy Plan component of The Ontario Plan (General Plan) in effect at the time of consideration.
- Compatible with surrounding land uses with respect to use, development standards, density, or issues of health, public safety, and general welfare.
- Consistent with the overall design character and general structure of the MERRILL COMMERCE CENTER as set forth in Chapter 6, *Design Guidelines*, of this Specific Plan.

7.7 APPEALS

Appeals of any determination of the Planning Director, Zoning Administrator or the Planning Commission, may be made by the applicant or any other aggrieved party by filing an application on forms provided by the City of Ontario and accompanied by the appropriate filing fee, where applicable, within ten (10) days following the final date of action for which an appeal is made. Appeals shall be processed consistent with the provisions of Article 5, "Appeals" of the City of Ontario Development Code.

7.8 COMPLIANCE WITH MITIGATION MONITORING AND REPORTING PROGRAM

Certification of an EIR shall be required prior to the approval of the Specific Plan. Development within the MERRILL COMMERCE CENTER Specific Plan shall comply with all approved mitigation measures as described in the MMRP included as part of the EIR.

7.9 PROJECT FINANCING

The financing of construction, operation, and maintenance of public improvements, facilities, and public services shall include funding through a combination of financing mechanisms. Prior to the recordation of final maps, a final determination shall be made by City staff and confirmed by the Planning Director and City Engineer regarding the responsibility for construction and maintenance of public facilities, whether publicly or privately maintained.

Implementation of the MERRILL COMMERCE CENTER Specific Plan may involve financing options including, but not limited to, the following:

7.9.1 Facilities and Services

Construction of public improvements and facilities and the provision of public services may be financed through private capital investment, a Community Facilities District (CFD), or other special district, pursuant to the Mello-Roos Community Facilities District Act of 1982.

7.9.2 Operation and Maintenance

Options for operation and maintenance of public improvements and facilities include, but are not limited to, the following:

- Individual private property owners
- Private Property Owners Association
- CFD or other special district (will be at the City's sole discretion)

7.10 PHASING PLAN

As shown on Figure 7-1, *Conceptual Phasing Plan,* the development of the MERRILL COMMERCE CENTER is expected to occur in three (3) phases in response to market demands and according to a logical and orderly extension of roadways, public utilities, and

infrastructure. Phase A includes Planning Areas 4, 4A, 5 and 5A; Phase B includes Planning Areas 1, 1A, 2, 3 and 3A; and Phase C includes Planning Areas 6 and 6A. These phases may be developed as subphases and may occur either sequentially or concurrently with one another. Phasing of the Specific Plan shall be permitted; however, improvements will be dictated by the City of Ontario's Land Development Section and the approved MERRILL COMMERCE CENTER Development Agreement.

7.11 Additional Entitlement Requirements

Currently, there are no existing City utilities, nor any improvement plans for City utilities in the vicinity of the Specific Plan area. Several miles of new infrastructure are required to provide City utility services to the Specific Plan area. In order to ensure orderly expansion of the City utility systems and other City infrastructure, the City has imposed the following requirements all Subdivision Maps and implementing developments within the Specific Plan area.

A. Utilities System Map (USM)

Prior to approval of any entitlement application (subdivision maps, Development Plan Reviews, etc.) in the Specific Plan area, as part of the entitlement application a Conceptual Utilities Systems Map (USM) shall be prepared and submitted to the Development Agency Engineering Department and the Utilities Engineering Department for review and approval. The USM is a summary plan sheet exhibit that shows all the public offsite infrastructure requirements and demands for the development project (and/or subdivision), the onsite private infrastructure improvements, and the interaction between the public and private utilities systems. As a Condition of Approval for the development project (and/or subdivision), the Conceptual Utilities Systems Map shall be updated into a Final Utilities Systems Map to reflect the changes that occur between entitlement and Final Plan and Permit Approval. Reference the Ontario Municipal Utilities Company Utilities Engineering Department's Utilities Systems Map (USM) Requirements for details.

7.11.1 Integrated Waste Management Report (IWMR) and Solid Waste Handling Plan (SWHP)

Prior to approval of any entitlement application (subdivision maps, Development Plan Reviews, etc.) in the Specific Plan area, as part of the entitlement application a Conceptual Integrated Waste Management Report (IWMR) and a Conceptual Solid Waste Handling Plan (SWHP) shall be prepared and submitted to the Community Development Agency Engineering Department and the Ontario Municipal Utilities Company for review and approval. The SWHP summary plan sheet exhibit that demonstrates the project site's design conformance with the Integrated Waste Department's requirements, including the requirements for Sizing of Storage, Location of Collection Areas, Accessibility for Collection Vehicles, and Collection of Sorted/Diverted Waste Types. The IWMR is a report that presents project specific information that is not able to be demonstrated within the Solid Waste Handling Plan, including discussions on: project solid waste operations; project compliance with all applicable laws, statutes, policies, and requirements; and, conformance with all the Integrated Waste Department's requirements, including the requirements for Sizing of Storage, Location of Collection Areas, Accessibility for Collection Vehicles, and Collection of Sorted/Diverted Waste Types. As a Condition of Approval for the development project (and/or subdivision), the Conceptual SWHP and the Conceptual IWMR shall be updated into a Final SWHP and Final IWMR to reflect the changes that occur between entitlement and Final Plan and Permit Approval. The SWHP and IWMR may be required to be updated from whenever there are new occupants, new uses or changes to existing uses, Tenant

Improvements, Business Licenses, and Certificates of Occupancy. Reference the Ontario Municipal Utilities Company Utilities Engineering Department's IWMR and SWHP requirements for details.

7.11.2 Conceptual Design Report

Prior to approval of any entitlement application (subdivision maps, Development Plan Reviews, etc.), a conceptual design report shall be prepared and submitted to the Community Development Agency Engineering Department and the Ontario Municipal Utilities Company for review and approval for the established extent of all public improvements required for the project. The study shall identify existing and future rights-of-ways (ROW) and infrastructure improvements and establish all vertical and horizontal alignments for each utility. The report shall include cross-sections, profiles, and any supporting details needed to demonstrate that utilities can be adequately accommodated in the public ROW. The study shall account for all utility conflicts, right-of-way variations, existing obstructions, and the timing of utility installation. Utilities cannot be located along an alignment that conflicts with existing conditions (e.g. electrical poles, private property, etc.) unless that applicant is accepting the responsibility of modifying the existing conditions (e.g. undergrounding, relocation, ROW acquisition, etc.).

A. Western Trunk Sewershed Scope

In order to assure that the Western Trunk Sewer (WTS) is designed to serve its entire Sewer Master Plan Tributary Area, all the Master Plan Trunk Sewers connecting to the WTS and the WTS shall be included in the Conceptual Design Report. This shall include: the Western Trunk Sewer from the Inland Empire Utility Agency's Kimball Interceptor to the Whispering Lakes Pump Station Riverside Drive and Carpenter Avenue; the Euclid Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Bon View Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Grove Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Walker Trunk Sewer from the Western Trunk Sewer in Schaeffer Avenue to Chino Avenue.

7.11.3 Preliminary Design Report

As a condition of entitlements (subdivision maps, Development Plan Reviews, etc.) within the Specific Plan and prior to submittal of Infrastructure Improvements Plans, a Preliminary Design Report (PDR) for all public infrastructure shall be submitted and approved by the Community Development Agency Engineering Department and the Ontario Municipal Utilities Company. The PDR shall include the following:

A. Conceptual Design Compliance

A discussion modifying or confirming the conceptual design established with the Project's Conceptual Design Report. The study shall confirm all ROW, infrastructure improvements, and vertical and horizontal alignments for each utility.

B. Street Cross Sections and Profiles

Street Cross Sections and Profiles shall be provided for each public street, private street, and Public Utility Easement (PUE) containing a public utility and at any point along the alignments where the ROW varies. The cross-sections shall show the location and size of each utility and shall annotate the property/ROW lines, the type of finished surface material, the distance of each utility from the centerline, the depth from the finished surface to the top of the pipe, and the distance between utilities (outside wall to outside wall).

C. Constructability Review

The report shall include a discussion of the constructability issues along the proposed alignment and identify the recommended construction methods that may be utilized. The study shall perform field investigation (field survey and potholing) in order to identify potential utility conflicts, right-of-way variations, existing obstructions, and constructability issues created by the timing of utility installation.

D. Supporting Details

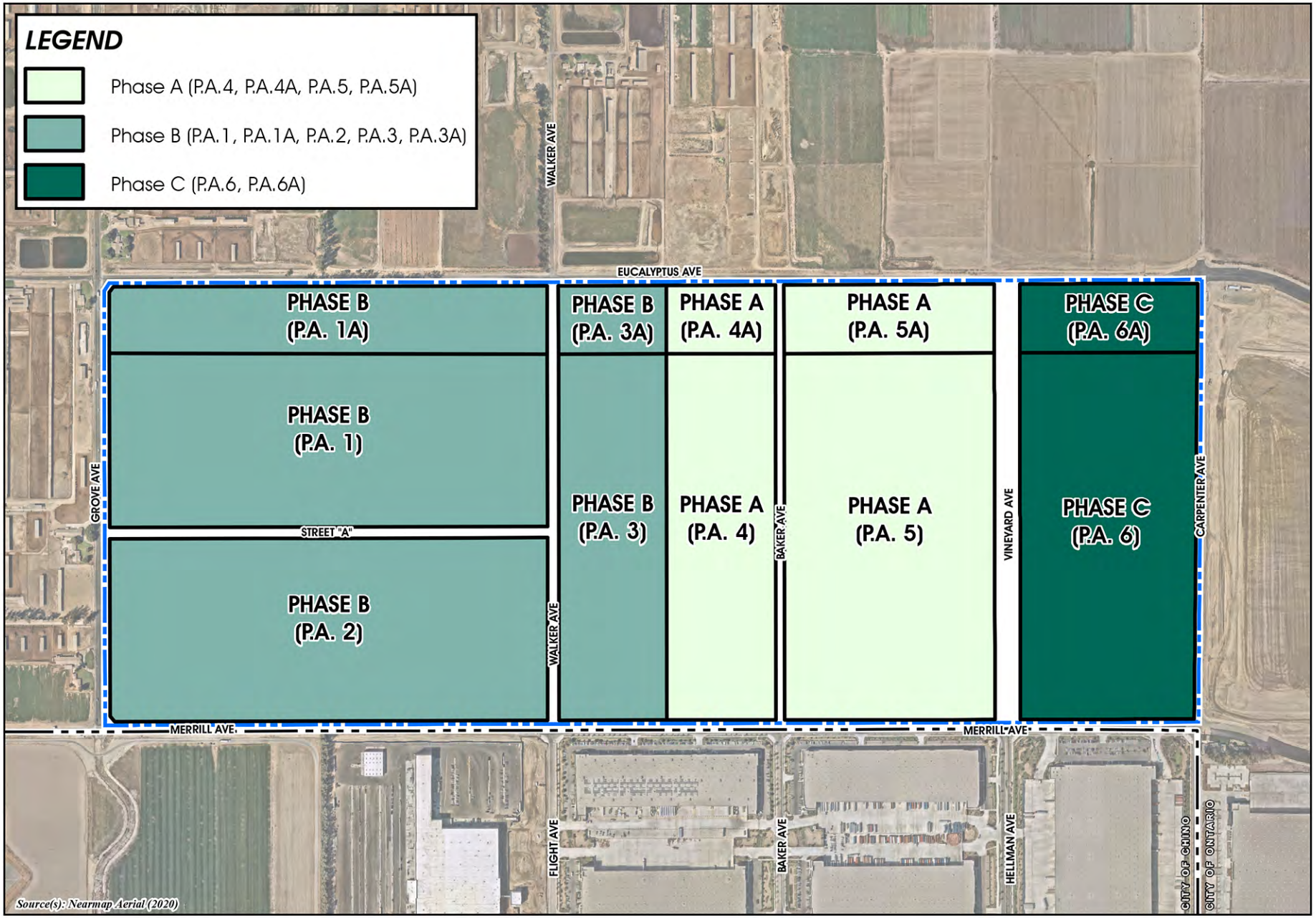
The PDR shall include any supporting details needed to demonstrate that utilities can be adequately accommodated in the public ROW, including the placement of large appurtenances, clearance from existing obstructions, etc.

E. 30% Design Drawings

The PDR findings shall be incorporated into a 30% design plan set and included in the PDR.

F. Western Trunk Sewershed Scope

In order to qualify for Development Impact Fees (DIF) and to assure that the Western Trunk Sewer (WTS) is designed to serve its entire Sewer Master Plan Tributary Area, the PDR shall include all the Master Plan Trunk Sewers connecting to the WTS and the WTS. The PDR shall include: the Western Trunk Sewer from the Kimball Interceptor to the Whispering Lakes Pump Station Riverside Drive and Carpenter Avenue; the Euclid Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Bon View Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Grove Trunk Sewer from the Western Trunk Sewer in Merrill Avenue to Chino Avenue; the Walker Trunk Sewer from the Western Trunk Sewer in Schaeffer Avenue to Chino Avenue.



Conceptual Phasing Plan

Figure 7-1

7.12 MAINTENANCE PLAN

The public and private improvements constructed within the MERRILL COMMERCE CENTER shall be maintained through a combination of public and private entities as described in Table 7-1, *Maintenance Responsibilities*. Table 7-1 provides a list of maintenance entity options that may fund and/or maintain facilities within the Specific Plan, however, the ultimate maintenance entity for each facility will be determined by the MERRILL COMMERCE CENTER's Development Agreement. A Property Owners Association (POA) shall be established for the maintenance of common area landscape improvements and private roadways within areas of the MERRILL COMMERCE CENTER. For areas in public ownership (such as public roadway ROWs), municipal maintenance districts may fund the maintenance of these areas.

Table 7-1 Maintenance Responsibilities

Facility	City and/or CFD	Property Owners Association	Property Owner or Occupant	Public Utility
Master Plan Roadways (Eucalyptus Avenue, Merrill Avenue, Grove Avenue, Walker Avenue, Baker Avenue, Vineyard Avenue, and Carpenter Avenue)				
Curb-to-curb improvements	✓			
Parkways within public right-of-way (ROW)	✓			
Neighborhood Edges, Master Plan Trails and Medians	✓			
Landscape buffer located outside public ROW		✓		
Interior public streets (Street A)				
Curb-to-curb improvements	✓			
Parkways within public right-of-way (ROW)	✓			
Sidewalks/Trails	✓			
Landscape buffer located outside public ROW		✓		
Interior private streets located outside of the public ROW (including parkways, landscaping, non-Master Plan Trails, and sidewalks)		✓		
Off-street parking areas			✓	
Traffic signals	✓			
Traffic control signs – in the public ROW	✓			

Table 7-1 Maintenance Responsibilities (Cont'd)

Facility	City and/or CFD	Property Owners Association	Property Owner or Occupant	Public Utility
Traffic control signs – not in the public ROW		✓		
Street lights – in the public ROW	✓			
Street lights – not in the public ROW		✓		
Public water, sewer, and storm drain improvements within public ROW (excluding laterals)	✓			
On-site landscaping and irrigation		✓	✓	
Common open space		✓		
Walls and fences		✓	✓	
Corner and Entry Monuments		✓		
Tenant Signage		✓	✓	
Off-street lighting		✓	✓	
Storm Water Drainage/Water Quality Facilities – within the curb-to-curb area of a public street	✓			
Permanent Storm Water Drainage/Water Quality Facilities (swales, basins, biotreatment filters, etc.) – behind the curb line of the public street		✓		
Dry Utilities (electricity, natural gas, communications systems)				✓
Fiber Optic communication system in the public ROW	✓			✓

GENERAL PLAN CONSISTENCY ANALYIS

APPENDIX A

APPENDIX A POLICY PLAN CONSISTENCY

California Government Code (Title 7, Division 1, Chapter 3, Article 8, §§ 65450 through 65457) allows local governments to adopt and administer specific plans as tools to implement their general plan; however, specific plans must demonstrate consistency with the goals and policies set forth in the local general plan. This appendix provides a summary discussion to demonstrate that this MERRILL COMMERCE CENTER Specific Plan is consistent with, and results in the implementation of, applicable primary goals and policies of the Policy Plan (General Plan) component of The Ontario Plan.

Ontario Plan Policy	Specific Plan Consistency
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.*	
Policy LU1-1: Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan area is located in the Ontario Ranch area of the City, which is an area planned for future growth. Although existing infrastructure improvements are limited on and adjacent to the Specific Plan property, the City's Master Plans for water, sewer, and storm drainage identify planned infrastructure facilities to support growth in this area. The developer(s) of the MERRILL COMMERCE CENTER will be required to participate in the installation of the Master Plan infrastructure. Immediately south of the MERRILL COMMERCE CENTER are existing and planned industrial warehouse developments and the Chino Airport, in the City of Chino. Development of the MERRILL COMMERCE CENTER will help to establish an identity for the City of Ontario along its southern border in this location, as envisioned by the Policy Plan's Land Use Element. The Policy Plan designates the MERRILL COMMERCE CENTER property as "Business Park," "Office Commercial," and "General Commercial" land uses. This Specific Plan calls for "Business Park" and "Industrial" uses that are generally compatible with the Policy Plan's intent for employment growth and development.
Policy LU1-2: Sustainable Community Strategy. We integrate state, regional and local Sustainable Community/Smart Growth principles into the development and entitlement process.	**Consistent.** The MERRILL COMMERCE CENTER features numerous sustainable features. The Specific Plan encourages non-motorized circulation by employees and visitors via its provision of an integrated network of sidewalks, bikeways, and trails. In accordance with the Exhibit M-3, *Multipurpose Trails & Bikeway Corridor Plan*, of the Policy Plan, Class II bike lanes are provided along both sides of the segment of Merrill Avenue located between Carpenter Avenue and Euclid Avenue; along both sides of the segment of Walker Avenue between Merrill Avenue and Edison Avenue; and along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A and 6A. Additionally, the MERRILL COMMERCE CENTER includes an 8-foot multi-purpose trail along segments of Merrill Avenue, Eucalyptus Avenue, Grove Avenue, Walker Avenue, and Vineyard Avenue which promotes pedestrian and bicycle connectivity.

Ontario Plan Policy	Specific Plan Consistency
	All development in the Specific Plan area is required to conform to the California Green Building Standards Code (CalGreen). In addition, the roofs of industrial buildings will be structurally designed to support solar panels. The plant palette for the MERRILL COMMERCE CENTER is comprised of water-efficient species native to southern California or naturalized to the arid southern California climate, and the use of turf will be minimized. As such, the MERRILL COMMERCE CENTER is consistent with, and results in the implementation of, this policy.
Policy LU1-3: Adequate Capacity. We require adequate infrastructure and services for all development.	**Consistent.** The developer(s) of the MERRILL COMMERCE CENTER are required to install adequate roadway and utility infrastructure improvements to meet the demands of the Specific Plan while maintaining adequate service levels for existing, surrounding development. Refer to the Environmental Impact Report (EIR) prepared for the MERRILL COMMERCE CENTER Specific Plan for a detailed analysis of the adequacy of the Specific Plan's infrastructure improvements.
Policy LU1-4: Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.	**Consistent.** The MERRILL COMMERCE CENTER offers numerous opportunities for non-vehicular circulation, including multi-purpose trails, bikeways, and sidewalks. Class II Bikeways are designed along both sides of the segment of Merrill Avenue located between Carpenter Avenue and Euclid Avenue; along both sides of the segment of Walker Avenue between Merrill Avenue and Edison Avenue; and along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A, and 6A, as well as sidewalks, multi-purpose trails, and pathways to promote non-vehicular transportation. Multi-purpose trails are provided at the perimeters of MERRILL COMMERCE CENTER to encourage connectivity and circulation by employees, visitors, and the passerby by means not completely dependent on a motorized vehicle.
Policy LU1-5: Jobs-Housing Balance. We coordinate land use, infrastructure, and transportation planning and analysis with regional, county and other local agencies to	**Consistent.** The developer(s) of the MERRILL COMMERCE CENTER will construct roadway and utility improvements in accordance with the City's infrastructure master plans. Furthermore, the MERRILL COMMERCE CENTER will generate employment opportunities for residents of the City and surrounding jurisdictions, and reduce the need for residents in the region to commute to other regions for employment opportunities. Accordingly,

Ontario Plan Policy	Specific Plan Consistency
further regional and subregional goals for jobs-housing balance.	implementation of the MERRILL COMMERCE CENTER Specific Plan will serve to improve the jobs-housing balance within the City and the Inland Empire region.
Policy 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.	**Consistent.** The MERRILL COMMERCE CENTER land use plan provides for Industrial and Business Park land uses that will accommodate a variety of employment uses arranged in a sensible and efficient manner that allow ease of access and complement the surrounding community. With a mixture of Business Park and Industrial uses, the MERRILL COMMERCE CENTER is envisioned to attract local, national, and international businesses, and will assist in diversifying the mix of employment opportunities available in the City.
Policy LU1-7: Revenues and Cost. We require future amendments to our Land Use Plan to be accompanied by analyses of fiscal impacts.	**Consistent.** A fiscal impact analysis was prepared in support of the MERRILL COMMERCE CENTER. Refer to the MERRILL COMMERCE CENTER Specific Plan EIR for a detailed analysis of potential fiscal effects associated with the implementation of the Specific Plan.
Goal LU2: *Compatibility between a wide range of uses.*	
Policy LU2-1: Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan EIR evaluated the potential physical environmental impacts of the implementation of the Specific Plan on the surrounding community in accordance with the California Environmental Quality Act (CEQA). Refer to the MERRILL COMMERCE CENTER Specific Plan EIR for a detailed analysis of impacts to adjacent properties associated with the implementation of the Specific Plan.
Policy LU2-2: Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.	**Consistent.** The MERRILL COMMERCE CENTER provides streetscapes for Eucalyptus Avenue, Merrill Avenue, Carpenter Avenue, and Grove Avenue; primary and secondary corner treatments at Specific Plan entry points; and landscaped screening walls between truck courts and parking areas and adjacent public rights-of-way. Implementation of these features provides a visual buffer between planned on-site Industrial and Business Park

Ontario Plan Policy	Specific Plan Consistency
	land uses, and existing and planned off-site land uses. As such, the MERRILL COMMERCE CENTER is consistent with, and results in the implementation of, this policy.
Policy LU2-3: Hazardous Uses. We regulate the development of industrial and similar uses that use, store, produce or transport toxic substances, air emissions, other pollutants or hazardous materials.	**Consistent.** Building occupants within the MERRILL COMMERCE CENTER Specific Plan are obligated to comply with all local and State requirements for using, storing, producing, or transporting toxic substances, air emissions, other pollutants, or hazardous materials. As such, the MERRILL COMMERCE CENTER results in the implementation of this policy.
Policy LU2-5: Regulation of Uses. We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan EIR evaluated the potential physical environmental impacts of the implementation of the Specific Plan on the surrounding community in accordance with CEQA. Refer to the MERRILL COMMERCE CENTER Specific Plan EIR for a detailed analysis of impacts to adjacent properties associated with the implementation of the Specific Plan.
Policy LU2-6: Infrastructure Compatibility. We require infrastructure to be aesthetically pleasing and in context with the community character.	**Consistent.** Water, sewer, storm drain, and dry utility improvements will be located underground and out of view, with the exception of detention basins and storm water inlets and channels that are required to be exposed at the surface. Several above-ground utility lines will be undergrounded with the implementation of development in the Specific Plan area. Roadway infrastructure improvements are designed to be landscaped with a combination of evergreen and deciduous trees – including flowering varieties – shrubs and groundcovers in an aesthetically-pleasing manner to establish the MERRILL COMMERCE CENTER design theme. Entry corners are designed with an "orchard row" landscape treatment as a nod to south Ontario's agricultural history.
Policy LU2-8: Transitional Areas. We require development in transitional areas to protect the quality of life of current residents.	**Consistent.** The MERRILL COMMERCE CENTER property is surrounded by agricultural uses, dairy operations, the Chino Airport, and existing and planned industrial warehouse uses. Nonetheless, the Specific Plan stipulates landscaping and building setbacks along all of the Specific Plan's perimeter streets that separate the Specific Plan area from adjacent properties. Trucks traveling to and from the MERRILL COMMERCE CENTER are required to utilize the City's approved truck routes, thereby minimizing exposure of nearby residents to truck-related impacts. Development within the MERRILL COMMERCE CENTER

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	must adhere to the Design Guidelines set forth in Chapter 6 of this Specific Plan, which will provide for a high-quality, attractive, and contemporary environment.
Policy LU2-9: Methane Gas Sites. We require sensitive land uses and new uses on former dairy farms or other methane-producing sites be designed to minimize health risks.	**Consistent.** If determined to be necessary, the MERRILL COMMERCE CENTER will be required to implement the mitigation measures identified in the MERRILL COMMERCE CENTER Specific Plan EIR addressing soil remediation and building venting requirements related to methane gas hazards. As such, the MERRILL COMMERCE CENTER Specific Plan is consistent with this policy.
***Goal LU4**: Development that provides short-term value only when the opportunity to achieve our Vision can be preserved.*	
Policy LU4-2: Interim Development. We allow development in growth areas that is not immediately reflective of our ultimate Vision provided it can be modified or replaced when circumstances are right. We will not allow development that impedes, precludes or compromises our ability to achieve our Vision.	**Consistent.** The central theme of the Ontario Vision is "A sustained, community-wide prosperity which continuously adds value and yields benefits." The phased development of the MERRILL COMMERCE CENTER Specific Plan will attract new businesses, provide employment opportunities for residents, contribute the City's tax base, and construct circulation and utility infrastructure improvements that are critical to allow for the growth of the region to continue. As such, the MERRILL COMMERCE CENTER will help the City achieve its Vision by continuously adding value, yielding benefits, and contributing to the prosperity of the City and the Inland Empire region.
Policy LU4-3: Infrastructure Timing. We require that the necessary infrastructure and services be in place prior to or concurrently with development.	**Consistent.** Chapter 7, *Implementation Plan*, of the MERRILL COMMERCE CENTER Specific Plan includes a development phasing plan which requires that infrastructure to support the buildout of the Specific Plan be adequately phased concurrently with development.
***Goal LU5**: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.*	
Policy LU5-5: Airport Compatibility Planning for ONT. We create and maintain the Airport Land Use Compatibility Plan for ONT.	**Consistent.** The land uses provided by the MERRILL COMMERCE CENTER Specific Plan are consistent with the Airport Land Use Compatibility Plan (ALUCP) requirements for the Ontario International Airport and the Chino Airport. Furthermore, future development on

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Policy LU5-7: ALUCP Consistency with Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.	the Specific Plan property would be required to comply with the development standards and design guidelines established in this Specific Plan, as well as the applicable requirements of the City of Ontario Development Code, which would preclude any potential inconsistencies with the Ontario International Airport ALUCP.
Housing Element	
Goal H1: *Stable neighborhoods of quality housing, ample community services and public facilities, well-maintained infrastructure, and public safety that foster a positive sense of identity.*	
Policy H1-4: Historical Preservation. We support the preservation and enhancement of residential structures, properties, street designs, lot configurations, and other reminders of Ontario's past that are considered to be local historical or cultural resources.	**Consistent.** Refer to the MERRILL COMMERCE CENTER Specific Plan EIR for a detailed analysis of impacts to historical and cultural resources that would occur as a result of the implementation of the Specific Plan. If determined to be necessary, development projects within the MERRILL COMMERCE CENTER Specific Plan will be required to implement mitigation measures to reduce impacts to historical and cultural resources to the maximum extent feasible.
Parks & Recreation Element	
Goal PR1: *A system of safe and accessible parks that meets the needs of the community.*	
Policy PR1-15: Trail Connectivity. We strengthen and improve equestrian, bike and multipurpose trail connections within the City and work to improve trail connections into adjacent jurisdictions.	**Consistent.** The MERRILL COMMERCE CENTER includes an 8-foot-wide multi-purpose trail along segments of Merrill Avenue, Eucalyptus Avenue, Grove Avenue, Walker Avenue, and Vineyard Avenue which promotes pedestrian and bicycle connectivity between the Planning Areas and with the surrounding land uses. The multi-purpose trail system provided by the MERRILL COMMERCE CENTER implements the multipurpose trail system shown in Exhibit M-3, *Multipurpose Trails & Bikeway Corridor Plan*, of The Policy Plan.

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Environmental Resources Element	
Goal ER1: *A reliable and cost-effective system that permits the City to manage its diverse water resources and needs.*	
Policy ER1-3: Conservation. We require conservation strategies that reduce water usage.	**Consistent.** The MERRILL COMMERCE CENTER incorporates a drought-tolerant plant palette and water-efficient irrigation system design to minimize the water demands of planned development. In addition, implementing development projects will be required to comply with the water-efficiency mandates of the California Green Building Standards Code (Title 24), including the provision of water-efficient fixtures. Accordingly, the MERRILL COMMERCE CENTER Specific Plan incorporates water conservation strategies and is consistent with this policy.
Policy ER1-4: Supply-Demand Balance. We require that available water supply and demands be balanced.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan EIR evaluates the impacts of the Specific Plan's implementation related to water supply based on the results of a project-specific water supply assessment. If deemed necessary by the EIR, development within the Specific Plan is required to implement mitigation measures to reduce significant impacts to the water supply to the maximum extent feasible. Therefore, the MERRILL COMMERCE CENTER is consistent with this policy.
Policy ER1-5: Groundwater Management. We protect groundwater quality by incorporating strategies that prevent pollution, require remediation where necessary, capture and treat urban run-off, and recharge the aquifer.	**Consistent.** As discussed in detail in the MERRILL COMMERCE CENTER Specific Plan EIR, implementation of the Specific Plan will not result in new, substantial sources of urban runoff, and also will not violate applicable stormwater quality requirements. Also, the MERRILL COMMERCE CENTER includes permeable surfaces (e.g., landscaped areas, water quality/infiltration basins) that would allow surface water to percolate and contribute to recharge of the aquifer.
Policy ER1-6: Urban Run-off Quantity. We encourage the use of low impact development strategies to intercept run-off, slow the discharge rate, increase infiltration and ultimately reduce discharge volumes to traditional storm drain systems.	

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Policy ER1-7: Urban Run-off Quality. We require the control and management of urban run-off, consistent with Regional Water Quality Control Board regulations.	
Policy ER1-8: Wastewater Management. We require the management of wastewater discharge and collection consistent with waste discharge requirements adopted by the Regional Water Quality Control Board.	**Consistent.** All sewer conveyance infrastructure needed to serve the MERRILL COMMERCE CENTER will be installed in accordance with City design standards. Accordingly, implementation of the Specific Plan will not violate any applicable waste discharge requirements as detailed in the MERRILL COMMERCE CENTER Specific Plan EIR.
Goal ER3: *Cost-effective and reliable energy system sustained through a combination of low impact building, site and neighborhood energy conservation and diverse sources of energy generation that collectively helps to minimize the region's carbon footprint.*	
Policy ER3-3: Building and Site Design. We require new construction to incorporate energy efficient building and site design strategies, which could include appropriate solar orientation, maximum use of natural daylight, passive solar and natural ventilation.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan's design guidelines encourage all new construction to utilize design features, fixtures, appliances, and heating and cooling controls to conserve energy and water. In addition, all development is required to comply with the California Green Building Standards Code (CalGreen).
Policy ER3-6: Generation- Renewable Sources. We promote the use of renewable energy sources to serve public and private sector development.	**Consistent.** Buildings roofs in the Industrial planning areas will be designed to structurally support the installation of solar panels.
Goal ER4: *Improved indoor and outdoor air quality and reduced locally generated pollutant emissions.*	
Policy ER4-1: Land Use. We reduce GHG and other local pollutant emissions through compact, mixed use, and transit-oriented	**Consistent.** The MERRILL COMMERCE CENTER provides employment land uses in close proximity to major transportation corridors (Interstate 10, Interstate 15, State Route 60, State Route 83, State Route 71 and State Route 91) and near BRT Corridors along Edison Avenue and Euclid Avenue. Therefore, the MERRILL COMMERCE CENTER provides local

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development and development that improves the regional jobs-housing balance.	employment opportunities for residents and serves to improve the regional jobs-housing balance. Additionally, the MERRILL COMMERCE CENTER provides an integrated system of sidewalks, bikeways, and multi-purpose trails on internal and perimeter roadways to encourage non-vehicular modes of transportation. Based on the foregoing, the MERRILL COMMERCE CENTER has the potential to reduce vehicle miles traveled, which would reduce tailpipe emissions – a major source of greenhouse gases (GHGs). As such, the MERRILL COMMERCE CENTER would not prevent the City from achieving this Policy Plan goal.
Policy ER4-3: Greenhouse Gases (GHG) Emissions Reductions. We will reduce GHG emissions in accordance with regional, state and federal regulations.	**Consistent.** As described in the MERRILL COMMERCE CENTER Specific Plan EIR, the Specific Plan would be consistent with applicable regional, State, and federal regulations related to the reduction of GHG emissions and would not obstruct implementation of any GHG reduction plans/programs. The MERRILL COMMERCE CENTER is consistent with Policy ER4-3.
Policy ER4-8: Tree Planting. We protect healthy trees within the City and plant new trees to increase carbon sequestration and help the regional/local air quality.	**Consistent.** As part of the development of the MERRILL COMMERCE CENTER, a substantial number of trees will be planted within the Specific Plan area, and in particular along roadway street frontages, near building entrances, and in passenger car parking lots. At primary entry corners, trees will be planted in "orchard rows."
Goal ER5: *Protected high value habitat and farming and mineral resource extraction activities that are compatible with adjacent development.*	
Policy ER5-1: Habitat Conservation Areas. We support the protection of biological resources through the establishment, restoration and conservation of high-quality habitat areas.	**Consistent.** The MERRILL COMMERCE CENTER property was historically used for agricultural uses, dairy farming, and a commercial trucking operation. Natural habitat is nil. The Specific Plan EIR evaluates impacts to biological resources (including sensitive/protected habitats and species) as a result of the implementation of the Specific Plan and establishes mitigation measures required to reduce significant impacts to the maximum extent feasible.
Policy ER5-2: Entitlement and Permitting Process. We comply with state and federal regulations regarding protected species.	

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Policy ER5-3: Right to Farm. We support the right of existing farms to continue their operations within the New Model Colony.	**Consistent.** Implementation of the MERRILL COMMERCE CENTER Specific Plan would not preclude the continued operation of existing farms within the New Model Colony/Ontario Ranch. Furthermore, the MERRILL COMMERCE CENTER Specific Plan EIR evaluates impacts to surrounding land uses that could potentially occur as a result of the implementation of the MERRILL COMMERCE CENTER Specific Plan and establishes mitigation measures required to reduce significant impacts to the maximum extent feasible.
Policy ER5-4: Transition of Farms. We protect both existing farms and sensitive uses around them as agricultural areas transition to urban uses.	

Community Economics Element

Goal CE1: A complete community that provides for all incomes and stages of life.	
Policy CE1-1: Jobs-Housing Balance. We pursue improvement to the Inland Empire's balance between jobs and housing by promoting job growth that reduces the regional economy's reliance on out-commuting.	**Consistent.** The MERRILL COMMERCE CENTER would provide over 376.3 acres of new employment-generating land uses (up to 8,455,000 square feet of building area) in close driving distance to existing and planned residential land uses. The new job opportunities provided within the MERRILL COMMERCE CENTER Specific Plan area will assist the City's efforts to promote job growth and improve the balance between jobs and housing within the City limits.
Policy CE1-12: Circulation. We continuously plan and improve public transit and non-vehicular circulation for the mobility of all, including those with limited or no access to private automobiles.	**Consistent.** BRT Corridors are located along Edison Avenue and Euclid Avenue in close proximity to the Specific Plan. Additionally, the MERRILL COMMERCE CENTER provides Class II Bikeways along both sides of the segment of Merrill Avenue located between Carpenter Avenue and Euclid Avenue; along both sides of the segment of Walker Avenue between Merrill Avenue and Edison Avenue; and along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A, and 6A, as well as sidewalks, multi-purpose trails, and pathways to promote non-vehicular transportation.

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Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.	
Policy CE2-1: Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan provides for the development of the Specific Plan property as a high-quality and contemporary industrial/business park. This Specific Plan's Design Guidelines (refer to Chapter 6) establish criteria for architecture, lighting, signage, and landscape design to promote the development of an attractive industrial/business park with timeless design features that are perceived as an inviting place to work and conduct business.
Policy 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.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan requires implementing development projects within the Specific Plan area to be reviewed and approved pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process which provides for review by the City's Planning Department which may require the development to demonstrate how each project will create appropriately unique, functional and sustainable places. Furthermore, implementing development projects within the MERRILL COMMERCE CENTER Specific Plan are required to be designed in accordance with the architectural and landscape design guidelines established in Chapter 6, *Design Guidelines*, of this Specific Plan, which will result in a unique, aesthetically attractive, and contemporary industrial/business park that will be highly competitive with similar developments in the region.
Policy 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.	**Consistent.** Implementing development projects within the MERRILL COMMERCE CENTER Specific Plan are required to be designed in accordance with the architectural and landscape design guidelines established in Chapter 6, *Design Guidelines*, of this Specific Plan, which will result in a unique, aesthetically-attractive, and contemporary industrial/business park that reflects high-quality architectural design. As such, the MERRILL COMMERCE CENTER will implement this policy.
Policy CE2-5: Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper	**Consistent.** This Specific Plan defines the entities responsible for the maintenance of publicly and privately-owned improvements within the MERRILL COMMERCE CENTER, including roadways and utility infrastructure. Compliance with the maintenance

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maintenance on private property protects property values.	responsibility matrix established in Chapter 7, *Implementation Plan*, will ensure that all improvements within the Specific Plan area are properly and consistently maintained.
Policy CE2-6: Public Maintenance. We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance of the public realm whether on private land, in rights-of-way, or on publicly-owned property.	
Goal CE3: *Decision-making deliberations that incorporate the full short-term and long-term economic and fiscal implications of proposed City Council actions.*	
Policy CE3-2: General Plan Amendments. We require those proposing General Plan amendments to disclose reasonably foreseeable impacts through a fiscal analysis.	**Consistent.** A fiscal impact analysis was prepared in support of the MERRILL COMMERCE CENTER. Refer to the MERRILL COMMERCE CENTER Specific Plan EIR for a detailed analysis of potential reasonably foreseeable fiscal effects associated with implementation of this Specific Plan.
Safety Element	
Goal S1: *Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.*	
Policy S1-1: Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.	**Consistent.** Implementing development within the MERRILL COMMERCE CENTER Specific Plan will be required by law to comply with the California Green Building Standards Code as adopted and implemented by the City. Geotechnical studies were required for the Specific Plan, and are contained as appendices to the Specific Plan EIR.
Policy S1-2: Entitlement and Permitting Process. We follow state guidelines and the California	

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Building Code to determine when development proposals must conduct geotechnical and geological investigations.	
Goal S2: *Minimized risk of injury, loss of life, property damage and economic and social disruption caused by flooding and inundation hazards.*	
Policy S2-1: Entitlement and Permitting Process. We follow State guidelines and building code to determine when development proposals require hydrological studies prepared by a State-certified engineer to assess the impact that the new development will have on the flooding potential of existing development down-gradient.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan EIR evaluates flooding impacts that could result from implementation of the MERRILL COMMERCE CENTER Specific Plan, primarily based on the results of a project-specific hydrology study. Where necessary, the MERRILL COMMERCE CENTER Specific Plan EIR incorporates mitigation measures to reduce significant flood hazard-related impacts to the maximum extent feasible. Furthermore, the MERRILL COMMERCE CENTER is required to improve the public storm drain system in accordance with the City's master plan of drainage and as described in Specific Plan Chapter 4, *Infrastructure Plan*.
Policy S2-2: Flood Insurance. We will limit development in flood plains and participate in the National Flood Insurance Program.	
Policy S2-5: Storm Drain System. We maintain and improve the storm drain system to minimize flooding.	
Goal S3: *Reduced risk of death, injury, property damage and economic loss due to fires, accidents and normal everyday occurrences through prompt and capable emergency response.*	
Policy S3-8: Fire Prevention through Environmental Design. We require new development to incorporate fire prevention	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan requires implementing development within the Specific Plan area to be reviewed and approved pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process which provides for review by the City's Fire Department which may require the

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consideration in the design of streetscapes, sites, open spaces and buildings.	incorporation of fire prevention design elements in streetscapes, sites, open spaces and buildings.
Goal S4: *An environment where noise does not adversely affect the public's health, safety, and welfare.*	
Policy S4-1: Noise Mitigation. We utilize the City's Noise Ordinance, building codes and subdivision and development codes to mitigate noise impacts.	**Consistent.** Development within the MERRILL COMMERCE CENTER Specific Plan is required to comply with the City's Noise Ordinance, building codes, and roadway design standards. Trucks traveling to and from the Specific Plan are required to utilize City-approved truck routes. Furthermore, the MERRILL COMMERCE CENTER Specific Plan EIR evaluates noise impacts that could result from construction and operation of the MERRILL COMMERCE CENTER Specific Plan, primarily based on the results of a project-specific noise study. Where necessary, the MERRILL COMMERCE CENTER Specific Plan EIR incorporates mitigation measures to reduce significant noise impacts to the maximum extent feasible.
Policy S4-4: Truck Traffic. We manage truck traffic to minimize noise impacts on sensitive land uses.	
Policy S4-5: Roadway Design. We design streets and highways to minimize noise impacts.	
Policy S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan includes Industrial and Business Park land uses, which are generally not considered noise-sensitive land uses. These land uses are consistent with the ALUCP requirements for the Ontario International Airport and the Chino Airport.
Goal S5: *Reduced risk of injury, property damage and economic loss resulting from windstorms and wind-related hazards.*	
Policy S5-2: Dust Control Measures. We require the implementation of Best Management Practices for dust control at all excavation and grading projects.	**Consistent.** Construction activities within the Specific Plan will comply with a City-approved construction management plan and building code requirements related to dust control, and will implement all best management practices and mitigation measures identified in the MERRILL COMMERCE CENTER Specific Plan EIR with regard to dust control.
Policy S5-3: Grading in High Winds. We prohibit excavation and grading during strong	

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wind conditions, as defined by the Building Code.	
Goal S6: *Reduced potential for hazardous materials exposure and contamination.*	
Policy S6-6: Location of Sensitive Land Uses. We prohibit new sensitive land uses from locating within airport Safety Zones and near existing sites that use, store, or generate large quantities of hazardous materials.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan includes Industrial and Business Park land uses, which are generally not considered sensitive land uses. These land uses are consistent with the ALUCP requirements for the Ontario International Airport and the Chino Airport. Therefore, the MERRILL COMMERCE CENTER is consistent with this policy.
Policy S6-9: Remediation of Methane. We require development to assess and mitigate the presence of methane, per regulatory standards and guidelines.	**Consistent.** If determined to be necessary, the MERRILL COMMERCE CENTER will be required to implement the mitigation measures identified in the MERRILL COMMERCE CENTER Specific Plan EIR addressing soil remediation and building venting requirements related to methane gas hazards.
Goal S7: *Neighborhoods and commercial and industrial districts that are kept safe through a multi-faceted approach of prevention, suppression, community involvement and a system of continuous monitoring.*	
Policy S7-4: Crime Prevention through Environmental Design (CPTED). We require new development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.	**Consistent.** Development within the MERRILL COMMERCE CENTER Specific Plan is required to be reviewed pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process which provides for review by the City's Police Department which may require the development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.
Mobility Element	
Goal M1: *A system of roadways that meets the mobility needs of a dynamic and prosperous Ontario.*	
Policy M1-1: Roadway Design and Maintenance. We require our roadways to:	**Consistent.** The developer(s) of MERRILL COMMERCE CENTER will improve all perimeter streets and new internal streets in accordance with the City's Master Plan of Streets and Highways and City design standards, and would comply with the San Bernardino County

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• Comply with federal, state and local design and safety standards. • Meet the needs of multiple transportation modes and users. • Handle the capacity envisioned in the Functional Roadway Classification Plan. • Maintain a peak hour Level of Service (LOS) E or better at all intersections. • Be compatible with the streetscape and surrounding land uses. • Be maintained in accordance with best practices and our Right-of-Way Management Plan.	Municipal Separate Storm Sewer System (MS4) Permit and Water Quality Management Plan. As described in Chapter 4, *Infrastructure Plan*, of this Specific Plan, the MERRILL COMMERCE CENTER includes roadway, bikeway, sidewalk, and multi-purpose trail improvements to facilitate efficient vehicular and non-vehicular transportation through and around the Specific Plan area. The MERRILL COMMERCE CENTER Specific Plan EIR is supported by a traffic study that identifies roadway facility improvements and fair share payments that will be the responsibility of the Specific Plan developer(s). Roadway network is designed to operate at acceptable levels of service. All public roadways will be maintained in accordance with City requirements.
Policy M1-2: Mitigation of Impacts. We require development to mitigate its traffic impacts.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan EIR is supported by a traffic study that stipulates the mitigation measures that the Specific Plan's developer(s) will need to implement to address the traffic impacts of implementing development projects.
Policy M1-5: Complete Streets. We work to provide a balanced context sensitive, multimodal transportation network that meets the needs of all users of streets, roads, and highways, including motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods and users of public transportation.	**Consistent.** The MERRILL COMMERCE CENTER's circulation plan encourages mobility via a variety of means. BRT Corridors are located along Edison Avenue and Euclid Avenue in close proximity to the Specific Plan. Additionally, the MERRILL COMMERCE CENTER provides Class II Bikeways along both sides of the segment of Merrill Avenue located between Archibald Avenue and Euclid Avenue; along both sides of the segment of Walker Avenue between Merrill Avenue and Edison Avenue; and along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A, and 6A, as well as sidewalks, multi-purpose trails, and pathways to promote non-vehicular transportation. Additionally, development within the MERRILL COMMERCE CENTER is required to comply with applicable building codes and standards to accommodate persons with disabilities.

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Goal M2: *A system of trails and corridors that facilitate and encourage bicycling and walking.*	
Policy M2-1: Bikeway Plan. We maintain our Multipurpose Trails & Bikeway Corridor Plan to create a comprehensive system of on- and off-street bikeways that connect residential areas, businesses, schools, parks, and other key destination points. **Policy M2-2: Bicycle System.** We provide off-street multipurpose trails and Class II bikeways as our primary paths of travel and use the Class III for connectivity in constrained circumstances.	**Consistent.** The MERRILL COMMERCE CENTER includes the construction of Class II Bikeways along both sides of the segment of Merrill Avenue located between Carpenter Avenue and Euclid Avenue; along both sides of the segment of Walker Avenue between Merrill Avenue and Edison Avenue; and along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A, and 6A. The bikeways would be provided in conformance with the City's Multipurpose Trails & Bikeway Corridor Plan.
Policy M2-3: Pedestrian Walkways. We require walkways that promote safe and convenient travel between residential areas, businesses, schools, parks, recreation areas, and other key destination points.	**Consistent.** The MERRILL COMMERCE CENTER provides sidewalks along all perimeter and internal public streets to facilitate safe and convenient pedestrian travel to the Specific Plan area and between the planned Business Park and Industrial land uses. Additionally, the MERRILL COMMERCE CENTER includes an 8-foot multi-purpose trail along segments of Merrill Avenue, Eucalyptus Avenue, Grove Avenue, Walker Avenue, and Vineyard Avenue. All sidewalks and trails will be constructed in accordance with City standards, and landscaping will be spaced to provide motorists and pedestrians with adequate sight lines to promote safe travel.
Goal M4: *An efficient flow of goods through the City that maximizes economic benefits and minimizes negative impacts.*	
Policy M4-1: Truck Routes. We designate and maintain a network of City truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses, as shown in the Truck Routes Plan.	**Consistent.** Trucks traveling to and from the MERRILL COMMERCE CENTER will be required to utilize City-designated truck routes. Merrill Avenue is a City-designated truck route. The MERRILL COMMERCE CENTER Specific Plan EIR evaluates the traffic- and noise-related impacts resulting from operation of the Specific Plan and identifies mitigation measures to reduce significant impacts to the maximum extent feasible.

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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.*	
Policy CD1-2: Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.	**Consistent.** This Specific Plan includes detailed architectural and landscape design guidelines (refer to Chapter 6) that address all aspects of land development, including site design, architectural design, landscape materials, monuments/entries, signage and lighting to ensure future development within the Specific Plan is aesthetically pleasing, cohesive, and distinctive, yet also complements the existing surrounding development.
Policy CD1-3: Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected and enhanced in accordance with our land use policies.	**Consistent.** The MERRILL COMMERCE CENTER is designed to protect the integrity of existing residential land uses within the vicinity of the Specific Plan. Streetscapes along the perimeter roadways include landscape buffers which physically and visually separate off-site areas from planned on-site Business Park and Industrial uses. Additionally, buildings would be sited to minimize adverse effects to nearby residential uses. For example, loading docks would be screened by a combination of building orientation, walls, and landscaping. Furthermore, exterior lighting fixtures would be focused on the Specific Plan property and focused/shielded to prevent light trespass on adjacent properties. The design features provided by the MERRILL COMMERCE CENTER to prevent "edge effects" with surrounding land uses are listed in Chapter 5, *Development Standards*, and Chapter 6, *Design Guidelines*, of this Specific Plan. Accordingly, the MERRILL COMMERCE CENTER will preserve and protect existing sensitive land uses near the Specific Plan property.
Policy CD1-4: Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage and lighting.	**Consistent.** The MERRILL COMMERCE CENTER includes streetscapes that include landscaping – including evergreen and deciduous trees, low shrubs, and groundcovers – along perimeter and interior streets concurrent with development. The MERRILL COMMERCE CENTER also includes an 8-foot multi-purpose trail along segments of Merrill Avenue, Eucalyptus Avenue, Grove Avenue, Walker Avenue, and Vineyard Avenue. Additionally, Class II bike lanes are provided along both sides of the segment of Merrill Avenue located between Carpenter Avenue and Euclid Avenue; along both sides of the

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	segment of Walker Avenue between Merrill Avenue and Edison Avenue; and along the south side of the segment of Eucalyptus Avenue that abuts the northern boundaries of Planning Areas 3A, 4A, 5A, and 6A. The MERRILL COMMERCE CENTER also provides a series of entry monuments, tenant signage, and corner treatments, which incorporate architectural features (e.g., monument signs) and landscaping to welcome employees and and visitors and establish the Specific Plan's design theme.
Policy CD1-5: View Corridors. We require all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountains, which are part of the City's visual identity and a key to geographic orientation. Such views should be free of visual clutter, including billboards and may be enhanced by framing with trees.	**Consistent.** The MERRILL COMMERCE CENTER does not include any design components that would detract from views of the San Gabriel Mountains from major north-south street corridors. As part of build-out of this Specific Plan, landscaping – including trees – would be planted along the major north-south interior and perimeter streets in conjunction with improvements to these roadways.
Goal CD2: *A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.*	
Policy CD2-1: Quality Architecture. We encourage all development projects to convey visual interest and character through: • Building volume, massing, and height to provide appropriate scale and proportion; • A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and	**Consistent.** Future development of the MERRILL COMMERCE CENTER will be guided by the Specific Plan's Design Guidelines, which include comprehensive architectural criteria that provide for the development of an attractive, contemporary industrial/business park. The Design Guidelines specifically address architectural style, building form (shape, mass, scale, proportion, articulation), and building materials, colors, and textures to ensure that development is visually appealing and inviting to pedestrians and motorists. The MERRILL COMMERCE CENTER's design theme complements the City of Ontario's character and would not conflict with this policy.

Ontario Plan Policy	Specific Plan Consistency
• Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.	
Policy CD2-5: Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.	**Consistent.** As part of implementation of the MERRILL COMMERCE CENTER, existing public streets (Grove Avenue, Walker Avenue, Baker Avenue, Vineyard Avenue, Carpenter Avenue, Merrill Avenue, and Eucalyptus Avenue) will be improved with new travel lanes, medians, bicycle lanes, sidewalks, and multi-purpose trails (to the extent shown in Chapter 4, *Infrastructure Plan*) to ensure safe vehicular and non-vehicular transportation. In addition, the MERRILL COMMERCE CENTER will provide landscaping (trees, shrubs, groundcovers, etc.) along all exterior street frontages and along interior streets to establish the Specific Plan's design theme and create a welcoming visual environment for employees and visitors.
Policy CD2-7: Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.	**Consistent.** By nature of its location near regional transportation corridors, close driving distance to residential communities, and its planned mix of employment land uses to serve the surrounding community and region, the MERRILL COMMERCE CENTER is consistent with sustainable, "smart growth" principles. Building roofs of Industrial buildings will be constructed to support the installation of solar panels. Also, the plant palette for the MERRILL COMMERCE CENTER is comprised of drought-tolerant plant species native to Southern California or naturalized to the arid Southern California climate, and the use of turf will be minimized throughout the Specific Plan area, to minimize water use.
Policy CD2-8: Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan serves as the framework for implementing development projects in the Specific Plan area, and includes design specifications for sidewalks, building entrances, and lighting.

Ontario Plan Policy	Specific Plan Consistency
visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.	
Policy CD2-9: Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.	**Consistent.** The landscape concept for the MERRILL COMMERCE CENTER incorporates the use of attractive, durable landscaping materials, and an irrigation system designed to keep plant materials in good health while conserving water. Landscaping will be provided throughout the MERRILL COMMERCE CENTER, including along roadways, within passenger car parking lots, at monuments/entries, within common open space areas, and adjacent to buildings.
Policy CD2-10: Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.	**Consistent.** Parking lots, truck courts, and loading areas within the MERRILL COMMERCE CENTER will be designed and constructed in accordance with the requirements of the City's Development Code, and will include landscaping, screening walls, lighting, and well-defined drive aisles and parking spaces.
Policy CD2-11: Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.	**Consistent.** The MERRILL COMMERCE CENTER includes building entry treatments, primary and secondary corner treatments, and tenant monument treatments to identify the development and distinguish individual planning areas, in conformance with the intent of Policy CD2-11. The entry treatments, corner treatments, and tenant monuments which are illustrated in Chapter 6, *Design Guidelines*, incorporate landscaping and enhanced signage to provide attractive and distinctive visual statements.
Policy CD2-12: Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to	**Consistent.** The Design Guidelines for the MERRILL COMMERCE CENTER (refer to Chapter 6 of this Specific Plan) include signage guidelines to ensure that future development will construct clear, concise, easy-to-read signs that reflect and complement the Specific Plan's design theme, provide for safe and efficient circulation of vehicle traffic, and facilitate

Ontario Plan Policy	Specific Plan Consistency
various aspects of the development and complement the character of the structures.	pedestrian travel. Signs will be of high-quality and the use of distracting sign elements, such as flashing lights or moving parts, is prohibited.
Goal CD3: *Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.*	
Policy CD3-1: Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.	**Consistent.** The MERRILL COMMERCE CENTER provides a coordinated, interconnected circulation network for vehicles, bicycles, and pedestrians. All public roadways constructed by the MERRILL COMMERCE CENTER, including sidewalks, trails, and parkways, will be improved as illustrated in Chapter 4, *Infrastructure Plan*, and Chapter 6, *Design Guidelines*, of this Specific Plan and in accordance with City standards. Future development also will be required to comply with City standards related to the location of landscape plantings to ensure that adequate sight lines are provided for motorists and pedestrians.
Policy CD3-2: Connectivity between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.	**Consistent.** The MERRILL COMMERCE CENTER Design Guidelines establish site planning and landscaping measures to provide efficient, well-defined pedestrian connections that follow a cohesive design theme.
Policy CD3-3: Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan includes an integrated network of sidewalks, multipurpose trails and bikeways that facilitates access to buildings located throughout the Specific Plan using non-vehicular means of transportation. Where appropriate and implemented, the building entry treatment (as depicted in Chapter 6, *Design Guidelines*, of this Specific Plan) provides an enhanced paved path that serves as a direct connection to the adjacent right-of-way.
Policy CD3-5: Paving. We require sidewalks and road surfaces to be of a type and quality	**Consistent.** The MERRILL COMMERCE CENTER Specific Plan requires implementing development within the Specific Plan area to be reviewed and approved pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process, which provides for review by the City's Engineering Department which will ensure

Ontario Plan Policy	Specific Plan Consistency
that contributes to the appearance and utility of streets and public spaces.	roadways and sidewalks are designed and constructed to comply with the City's roadway design standards.
Policy CD3-6: Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.	**Consistent.** The MERRILL COMMERCE CENTER utilizes landscaping to establish an attractive, cohesive design theme, as a focal point at building entry treatments, entrance monuments and corner treatments, to buffer on-site land from off-site land uses and adjacent roadway facilities, and to screen objectionable views from public views. Specific landscape design concepts for the MERRILL COMMERCE CENTER are described and illustrated in Chapter 6, *Design Guidelines*, of this Specific Plan.
Goal CD5: *A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.*	
Policy CD5-1: Maintenance of Buildings and Property. We require all public and privately-owned buildings and property (including trails and easements) to be properly and consistently maintained. **Policy CD5-2: Maintenance of Infrastructure.** We require the continual maintenance of infrastructure.	**Consistent.** This Specific Plan defines the entities responsible for maintenance of publicly and privately-owned improvements within the MERRILL COMMERCE CENTER, including roadways and utility infrastructure. Compliance with the maintenance responsibility matrix established in Chapter 7, *Implementation Plan*, will ensure that all improvements within the Specific Plan area are properly and consistently maintained.

CITY OF ONTARIO *Agenda Report* **February 16, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Development Administration Prepared By: Derrick E Womble Staff Member Presenting: Scott Murphy, Executive Director Community Development Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 5

SUBJECT: AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT (FILE NO. PDA18-006) BETWEEN THE CITY OF ONTARIO AND ONTARIO CC, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 20027 (FILE NO. PMTT18-009), FOR A 46.64-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF RIVERSIDE DRIVE AND HAMNER AVENUE, WITHIN THE PROPOSED NEIGHBORHOOD COMMERCIAL, BUSINESS PARK AND LIGHT INDUSTRIAL LAND USE DESIGNATIONS OF THE EDENGLEN SPECIFIC PLAN (APNS: 0218-171-21 AND 0218-171-27)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the Development Agreement (File No. PDA18-006) between the City of Ontario and Ontario CC, LLC., to establish the terms and conditions for the development of Tentative Parcel Map 20027 (File No. PMTT18-009), for a 46.64-acre property located at the southwest corner of Riverside Drive and Hamner Avenue, within the proposed Neighborhood Commercial, Business Park and Light Industrial land use designations of the Edenglen Specific Plan (APNs: 0218-171-21 and 0218 171-27).

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
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 proposed Development Agreement will not have an immediate impact on the City's budget. The Development Agreement will provide funding from the formation of a Community Facilities District (CFD) for City services and facilities required to support the Edenglen Specific Plan development, thereby mitigating the increased costs associated with such services. In addition, the City will receive public service funding fees plus development impact, compliance processing, licensing, and permitting fees. No General Fund revenue will be used to support the Ontario Ranch development.

BACKGROUND & ANALYSIS: On September 15, 2020, the City Council conducted a hearing to consider an ordinance approving the Development Agreement (File No. PDA18-006), and continued the hearing to a future date. On November 17, 2020 the City Council conducted a second hearing to consider the ordinance, and continued the hearing to a future date. Lastly, on February 2, 2021, the City

Council conducted a third and final hearing to consider the ordinance approving the Development Agreement.

The Applicant has applied to develop the easterly 46 acres of the Edenglen Specific Plan. The entitlements include the following: 1) a General Plan Amendment (File No. PGPA18-002) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) component of The Ontario Plan, changing the land use designation of approximately 46 acres of land from General Commercial and Business Park to 4.13 acres of Community Commercial, 3.51 acres of Business Park and 39 acres of Industrial; 2) modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; and 3) An amendment (File No. PSPA18-003) to the Edenglen Specific Plan to change the land use designation from Community Commercial, Commercial/Business Park Flex Zone and Business Park/Light Industrial to 4.13 acres of Neighborhood Commercial, 3.51 acres of Business Park and 39 acres of Light Industrial including updates to the development standards, exhibits and text changes to reflect the proposed land uses.

The Ontario Ranch financial commitments required for construction of properties within a specific plan are substantial. Therefore, in order to adequately forecast these costs and gain assurance that the project may proceed under the existing policies, Ontario CC, LLC ("Owner") has requested that the City enter into negotiations to create a Development Agreement ("Agreement"). In accordance with California Government Code Section 65865, which in part states that that "[a]ny city… may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property…" and California Government Code Section 65865.52, which in part states that "a Development Agreement shall specify the duration of the Agreement, the permitted uses of the property… and may include conditions, terms, restrictions…," the City of Ontario adopted Resolution No. 2002-100 setting forth the procedures and requirements for consideration of Development Agreements. Furthermore, the Financing and Construction Agreement with the NMC Builders, LLC (NMC Builders), requires those developments wishing to use the infrastructure it created to enter into Development Agreements with the City of Ontario. Pursuant to these procedures and requirements, staff entered into negotiations with the Owner to create a Development Agreement for consideration by the Planning Commission and City Council.

The proposed Development Agreement (File No. PDA18-006) is based upon the model Development Agreement that was developed in coordination with the City Attorney and legal counsel for NMC Builders. This model Development Agreement is consistent with the provisions of the Construction Agreement. The terms of the agreement between NMC Builders' members requires that members of the LLC enter into Development Agreements that are consistent with the provisions of the Construction Agreement.

The Development Agreement proposes to include approximately 46 acres of land within the proposed Neighborhood Commercial, Business Park and Light Industrial land use designations of the Specific Plan. The Development Agreement grants the Owner a vested right to develop Tentative Parcel Map 20027 (File No. PMTT18-009), provided that the Owner complies with the terms and conditions of the Specific Plan and EIR. The Tentative Parcel Map 20027 is located at the southwest corner of Riverside Drive and Hamner Avenue and proposes to subdivide the property into seven (7) numbered parcels and one (1) lettered lot in conjunction with a Development Plan (File No. PDEV18-031).

The term of the Development Agreement is for ten (10) years, with a five (5) year option to renew. The main points of the agreement address funding for all new City expenses created by the project, which includes: Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, sewer, water, storm drain and fiber); Public Service Funding to ensure adequate provisions of

public services (police, fire and other public services); the creation of a Community Facilities District (CFD) for the maintenance of public facilities.

In considering the application at their meeting on August 25, 2020, the Planning Commission found that the Development Agreement was consistent with State law, The Ontario Plan, and the City's Development Agreement policies, previously approved for Ontario Ranch developments. As a result, the Planning Commission adopted Resolution No. PC20-055 recommending City Council approval of the Development Agreement with a 6-0 vote.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The Edenglen Specific Plan was listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix. However, the eastern half of the Edenglen Specific Plan (project site) was not included as one of the properties in the Available Land Inventory since the eastern half of the Specific Plan did not include any residential land use designations.

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.

ENVIRONMENTAL REVIEW: On November 1, 2005, the City Council approved the Environmental Impact Report (EIR) and Edenglen Specific Plan, File No. PSP03-005 ("Specific Plan") which addressed the development of approximately 160 acres for residential, pocket parks, public trials, commercial and business park/light industrial uses. On January 27, 2010, the City Council adopted a comprehensive update to The Ontario Plan (File No. PGPA06-001). The environmental impacts of this Project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) that was certified by City Council on January 27, 2010. This Application introduces no new significant environmental impacts and all previously adopted mitigation measures are a condition of project approval.

Exhibit A
Proposed Edenglen Specific Plan Land Use Map

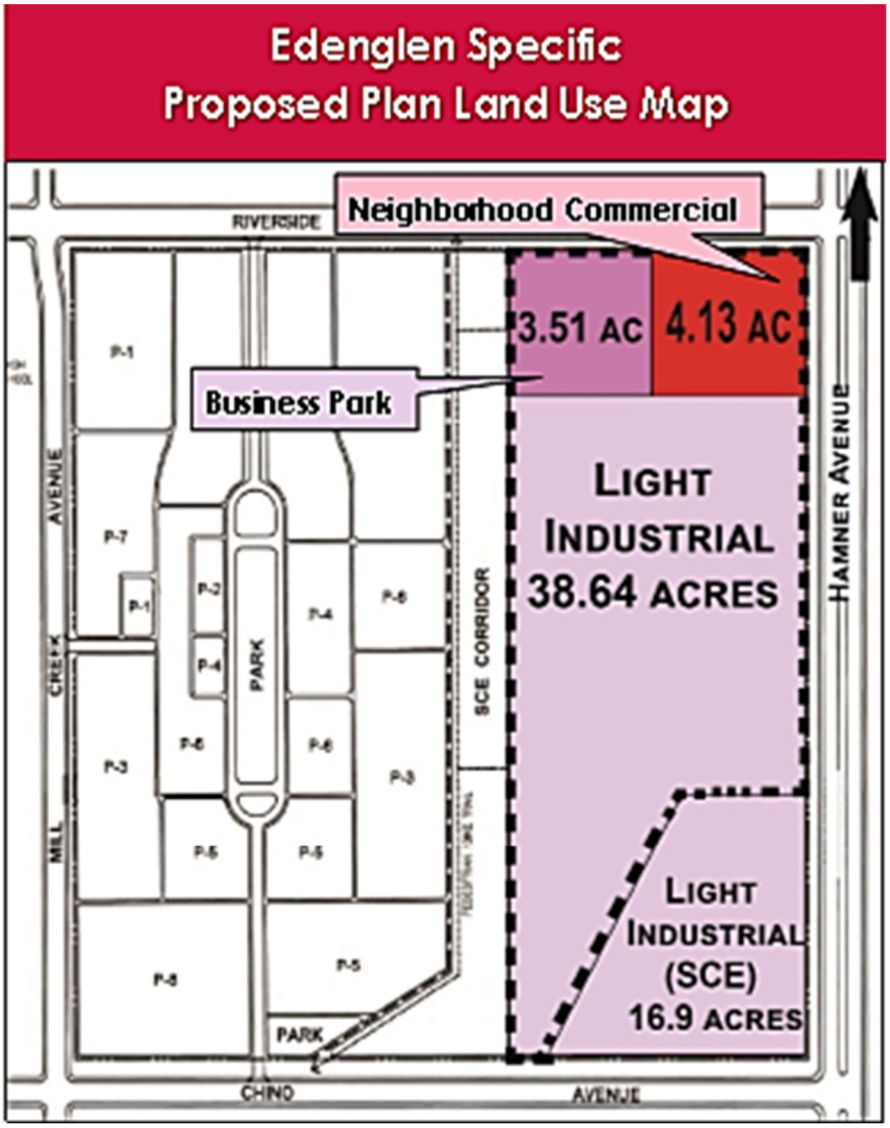
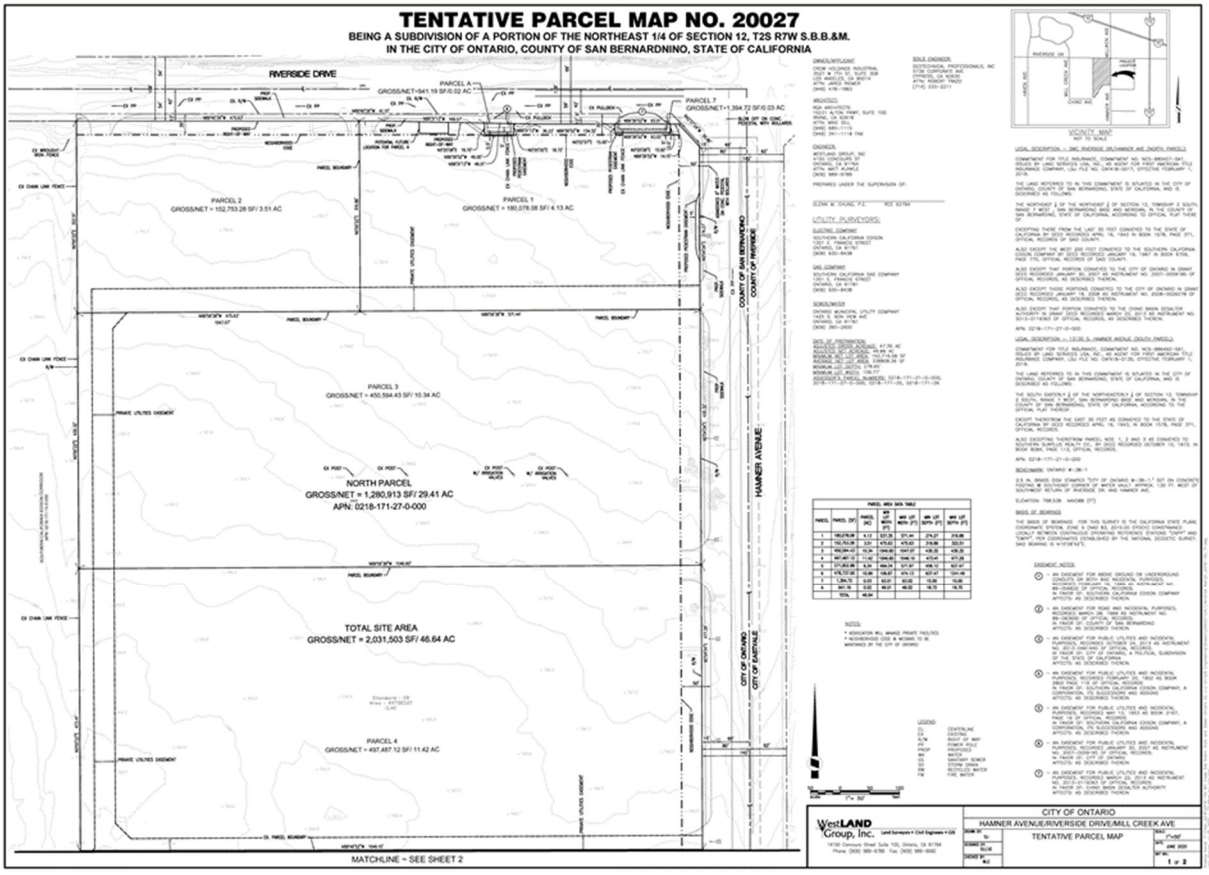


Exhibit B
Tentative Parcel Map 20027



PLANNING COMMISSION STAFF REPORT

August 25, 2020

FILE NO.: PDA18-006

SUBJECT: A Development Agreement (File No. PDA18-006) between the City of Ontario and Ontario CC, LLC., to establish the terms and conditions for the development of Tentative Parcel Map 20027 (File No. PMTT18-009), for a 46.64 acre property located at the southwest corner of Riverside Drive and Hamner Avenue, within the proposed Neighborhood Commercial, Business Park and Light Industrial land use designations of the Edenglen Specific Plan (APNs: 0218-171-21 and 0218-171-27). **Submitted by Ontario CC, LLC. City Council action is required.**

PROPERTY OWNER: Ontario CC, LLC., a Delaware limited liability company

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RECOMMENDED ACTION: That the Planning Commission consider and recommend City Council adoption of an ordinance approving the Development Agreement (PDA18-006) between the City of Ontario and Ontario CC, LLC., pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The project site is comprised of approximately 46.64 acres of land located at the southwest corner of Riverside Drive and Hamner Avenue, within the proposed Neighborhood Commercial, Business Park and Light Industrial land use designations of the Edenglen Specific Plan, and is depicted in Figure 1: Project Location. The project site gently slopes from north to south and is vacant and was previously used for diary/agriculture uses.



Figure 1: Project Location

PROJECT ANALYSIS:

[1] Background — On November 1, 2005, the City Council approved the Environmental Impact Report (EIR) and Edenglen Specific Plan, File No. PSP03-005 (the "Specific Plan") which addressed the development of approximately 160.6 acres for residential, pocket parks, public trials, commercial and business park/light industrial uses. On January

Case Planner:	Derrick Womble, Administrative Officer
Planning Director Approval:	
Submittal Date:	12/13/2018

Hearing Body	*Date*	*Decision*	*Action*
DAB	N/A	N/A	N/A
PC	08/25/2020	Approval	Recommend
CC	09/15/2020		Final

27, 2010, the City Council adopted a comprehensive update to The Ontario Plan (File No. PGPA06-001).

The Ontario Ranch financial commitments required for construction of properties within a specific plan are substantial. Therefore, in order to adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Ontario CC, LLC ("Owner") has requested that the City enter into negotiations to create a Development Agreement ("Agreement").

In accordance with California Government Code Section 65865, which in part states that that "[a]ny city… may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property…" and California Government Code Section 65865.52, which in part states that "a Development Agreement shall specify the duration of the Agreement, the permitted uses of the property… and may include conditions, terms, restrictions…," the City of Ontario adopted Resolution No. 2002-100 setting forth the procedures and requirements for consideration of Development Agreements. Furthermore, the Financing and Construction Agreement with the NMC Builders, LLC (NMC Builders), requires those developments wishing to use the infrastructure it created to enter into Development Agreements with the City of Ontario. Pursuant to these procedures and requirements, staff entered into negotiations with the Owner to create a Development Agreement for consideration by the Planning Commission and City Council.

The proposed Development Agreement (File No. PDA18-006) is based upon the model Development Agreement that was developed in coordination with the City Attorney and legal counsel for NMC Builders. This model Development Agreement is consistent with the provisions of the Construction Agreement. The terms of the agreement between NMC Builders' members requires that members of the LLC enter into Development Agreements that are consistent with the provisions of the Construction Agreement.

[2] Staff Analysis — Currently, the Owner is proposing the following entitlements: 1) A General Plan Amendment (File No. PGPA18-002) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) component of The Ontario Plan, changing the land use designation of approximately 46 acres of land from General Commercial and Business Park to 4.13 acres of Community Commercial, 3.51 acres of Business Park and 39 acres of Industrial; 3) Modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; and 3) An amendment (File No. PSPA18-003) to the Edenglen Specific Plan to change the land use designation from Community Commercial, Commercial/Business Park Flex Zone and Business Park/Light Industrial to 4.13 acres of Neighborhood Commercial, 3.51 acres of Business Park and 39 acres of Light Industrial including updates to the development standards, exhibits and text changes to reflect the proposed land uses. The proposed entitlements require a Development Agreement to establish the terms and conditions of development for the project.

The Development Agreement proposes to include approximately 46.64 acres of land within the proposed Neighborhood Commercial, Business Park and Light Industrial land use designations of the Specific Plan. The Development Agreement grants the Owner a vested right to develop Tentative Parcel Map 20027 (File No. PMTT18-009), provided the Owner complies with the terms and conditions of the Specific Plan and EIR. The Tentative Parcel Map 20027 is located at the southwest corner of Riverside Drive and Hamner Avenue and proposes to subdivide approximately 46.64 acres of land into seven (7) numbered parcels and one (1) lettered lot in conjunction with a Development Plan (File No. PDEV18-031) to construct five (5) industrial buildings totaling 968,092 square feet.

The term of the Development Agreement is for ten (10) years, with a five (5) year option to renew. The main points of the agreement address funding for all new City expenses created by the project, which includes: Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, sewer, water, storm drain and fiber); Public Service Funding to ensure adequate provisions of public services (police, fire and other public services); the creation of a Community Facilities District (CFD) for the maintenance of public facilities.

Staff finds that the Development Agreement is consistent with State law, The Ontario Plan, and the City's Development Agreement policies. As a result, staff is recommending approval of the application to the Planning Commission. If the Planning Commission finds the Development Agreement is acceptable, a recommendation of approval to the City Council would be appropriate.

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
- Maintain the Current High Level of Public Safety
- 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 the New Model Colony

[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.

➢ LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.

➢ 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. (Refer to Complete Community Section of Community Economics Element).

- 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.

Community Economics Element:

- 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.

Safety Element:

- Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.

  - S1-1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

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.

  - CD1-3 Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

▪ Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.

➢ CD2-1 Quality Architecture. We encourage all development projects to convey visual interest and character through:

- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

➢ CD2-2 Neighborhood Design. We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Landscaped parkways, with sidewalks separated from the curb.

➢ CD2-7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

➢ CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

➢ CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

➢ CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.

- CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

- CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

- 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.

- Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

- CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

- CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.

- CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.

- CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.

- CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.

- Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.

- CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.

- CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The Edenglen Specific Plan was listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix. However, the eastern half of the Edenglen Specific Plan (project site) was not included as one of the properties in the Available Land Inventory since the eastern half of the Specific Plan did not include any residential land use designations.

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: The environmental impacts of this Project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) that was certified by City Council on January 27, 2010. This Application introduces no new significant environmental impacts and all previously adopted mitigation measures are a condition of project approval.

Exhibit A—Proposed Edenglen Specific Plan Land Use Map

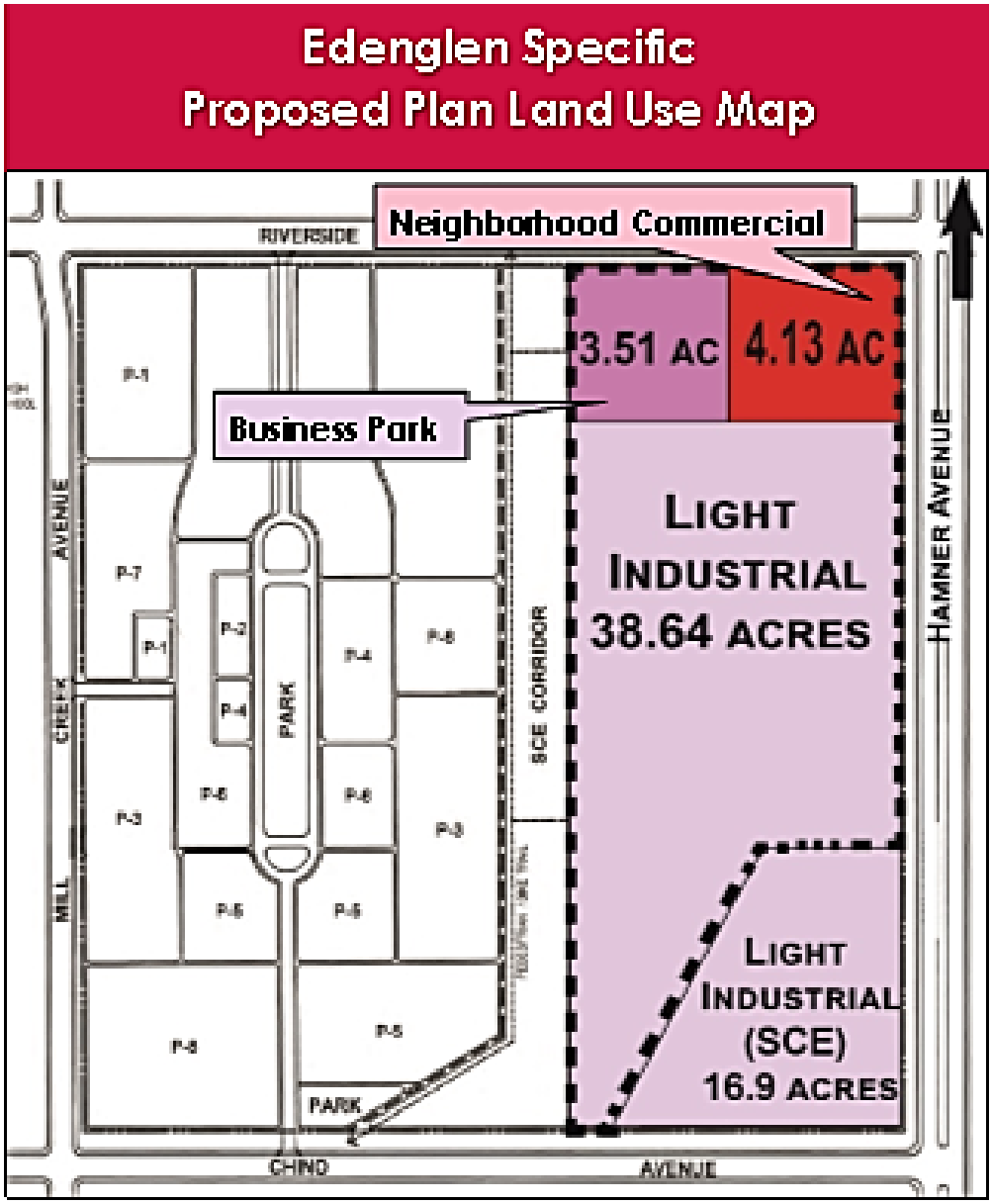
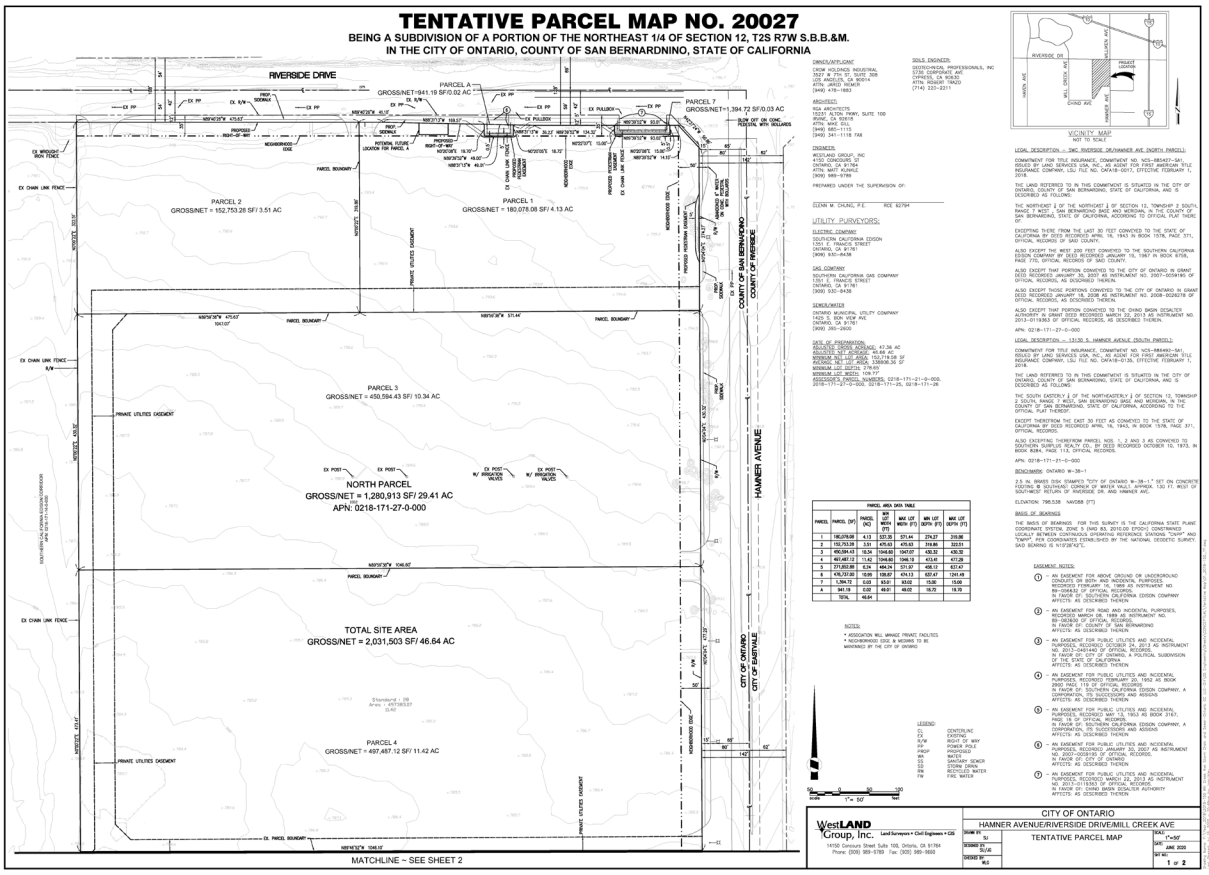


Exhibit B—Tentative Parcel Map 20027



RESOLUTION NO. PC20-055

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT (FILE NO. PDA18-006) BETWEEN THE CITY OF ONTARIO AND ONTARIO CC, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 20027 (FILE NO. PMTT18-009), FOR A 46.64 ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF RIVERSIDE DRIVE AND HAMNER AVENUE, WITHIN THE PROPOSED NEIGHBORHOOD COMMERCIAL, BUSINESS PARK AND LIGHT INDUSTRIAL LAND USE DESIGNATIONS OF THE EDENGLEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-171-21 AND 0218-171-27.

WHEREAS, Ontario CC, LLC ("Applicant") has filed an Application for the approval of a Development Agreement, File No. PDA18-006, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 46.64 acres of land generally located at the southwest corner of Riverside Drive and Hamner Avenue within the proposed Neighborhood Commercial, Business Park and Light Industrial land use designations of the Edenglen Specific Plan, and is presently vacant; and

WHEREAS, on November 1, 2005, the City Council adopted Ordinance No. 2817, approving the Edenglen Specific Plan (File No. PSP03-005), which addressed the development of approximately 160.6 acres for residential, pocket parks, public trails, commercial and business/park light industrial uses; and

WHEREAS, on January 27, 2010, the City Council adopted Resolution Nos. 2010-003, 2010-004, 2010-005, 2010-006, approving a comprehensive update to The Ontario Plan (File No. PGPA06-001); and

WHEREAS, the Applicant is proposing the following entitlements: 1) A General Plan Amendment (File No. PGPA18-002) to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) component of The Ontario Plan, changing the land use designation of approximately 46 acres of land from General Commercial and Business Park to 4.13 acres of Community Commercial, 3.51 acres of Business Park and 39 acres of Industrial; 3) Modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; and 3) An amendment (File No. PSPA18-003) to the Edenglen Specific Plan to change the land use designation from Community Commercial, Commercial/Business Park Flex Zone and Business Park/Light Industrial to 4.13 acres of Neighborhood Commercial, 3.51 acres of Business Park and 39 acres of Light Industrial

including updates to the development standards, exhibits and text changes to reflect the proposed land uses; and

WHEREAS, the proposed entitlements require a Development Agreement to establish the terms and conditions of development for the Project; and

WHEREAS, a Tentative Parcel Map 20027 (File No. PMTT18-009) to subdivide approximately 46.64 acres of land into seven (7) numbered parcels and one (1) lettered lot within the proposed Neighborhood Commercial, Business Park and Light Industrial land use designations of the Edenglen Specific Plan, has been submitted in conjunction with the Development Agreement; and

WHEREAS, a Development Plan (File No. PDEV18-031) to construct five (5) industrial buildings totaling 968,092 square feet has been submitted in conjunction with the Tentative Parcel Map 20027; 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. PGPA06-001, an Addendum to The Ontario Plan for which an Environmental Impact Report — State Clearinghouse No. 2008101140 — (hereinafter referred to as "Certified EIR") was adopted by the City Council on January 27, 2010, 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 recommendations to the City Council 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 August 25, 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 Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PGPA06-001, a(n) Addendum to The Ontario Plan for which a Certified EIR was adopted by the City Council on January 27, 2010.

(2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Certified EIR 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 Certified EIR, and all mitigation

measures previously adopted with the Certified EIR, 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 Certified EIR 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: ***Housing Element Compliance.*** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending authority for the Project, the Planning Commission finds that based on 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. The project is

consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The Edenglen Specific Plan was listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix. However, the eastern half of the Edenglen Specific Plan (project site) was not included as one of the properties in the Available Land Inventory since the eastern half of the Specific Plan did not include any residential land use designations.

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 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, 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 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:

a. The Development Agreement applies to approximately 46.64 acres of land located at the southwest corner of Riverside Drive and Hamner Avenue, within the proposed Neighborhood Commercial, Business Park and Light Industrial land use designations of the Edenglen Specific Plan.

b. The Development Agreement establishes parameters for the development of the proposed Neighborhood Commercial, Business Park and Light Industrial land use designations of the Edenglen Specific Plan. The Development Agreement also grants the Owner, the right to develop, the ability to quantify the fees;

and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the proposed amendment (File No. PSPA18-003) to the Edenglen Specific Plan.

c. The Agreement grants the Owner a vested right to develop Tentative Parcel Map 20027 as long as the Owner, complies with the terms and conditions of the Specific Plan and EIR. Tentative Parcel Map 20027 is located at the southwest corner of Riverside Drive and Hamner Avenue and proposes to subdivide approximately 46.64 acres of land into seven (7) numbered parcels and one (1) lettered lot in conjunction with a Development Plan (File No. PDEV18-031) to construct five (5) industrial buildings totaling 968,092 square feet.

d. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

e. The Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

f. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and

g. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously analyzed in conjunction with File No. PGPA06-001, an Addendum to The Ontario Plan for which a Certified EIR was adopted by the City Council on January 27, 2010. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 6: ***Planning Commission Action.*** Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application, subject to the Development Agreement (File No. PDA18-006) 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 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 25th day of August 2020, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Planning Commission Chairman

ATTEST:

FOR CW

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. PC20-055, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on August 25, 2020, by the following roll call vote, to wit:

AYES: DeDiemar, Gage, Gregorek, Reyes, Ricci, Willoughby

NOES: None

ABSENT: None

ABSTAIN: None

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

File No. PDA18-006

DEVELOPMENT AGREEMENT

By and Between

The City of Ontario,
a California municipal corporation

and

Ontario CC, LLC.,
a Delaware limited liability company

(Development Agreement to follow this page)

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

CITY OF ONTARIO
CITY CLERK / RECORDS MANAGEMENT
303 EAST "B" STREET
ONTARIO, CA 91764-4196

Space above this line for Recorder's Use Only Exempt from Fees Per Gov. Code § 6103

File No. PDA18-006

DEVELOPMENT AGREEMENT

By and Between

City of Ontario
a California municipal corporation

and

Ontario CC, LLC.,
a Delaware limited liability company

_____, 2020

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA18-006

This Development Agreement (hereinafter "Agreement") is entered into effective as of the ____ day of _____, 2020 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and Ontario CC, LLC., a Delaware limited liability company (hereinafter "OWNER"):

RECITALS

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code and Section 4.01.015 of the Ontario Development Code; and

WHEREAS, OWNER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of CITY; and

WHEREAS, by electing to enter into this Agreement, CITY shall bind future City Councils of CITY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of CITY; and

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by CITY and the City Council and have been found to be fair, just and reasonable; and

WHEREAS, the best interests of the citizens of the CITY and the public health, safety and welfare will be served by entering into this Agreement; and

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and the Agreement in that Edenglen Specific Plan Environmental Impact Report (State Clearinghouse No. 2004051108 (the "FEIR"). The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the project described in the FEIR, which included consideration of this Agreement; and

WHEREAS, this Agreement and the Project are consistent with the CITY's Comprehensive General Plan and the Endenglen Specific Plan; and

WHEREAS, all actions taken and approvals given by CITY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and

WHEREAS, development of the Property in accordance with this Agreement will provide substantial benefits to CITY and will further important policies and goals of CITY; and

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864 et seq. of the Government Code are intended; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in order to assure development of the Property in accordance with this Agreement; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement.

WHEREAS, the Property is located in an area of the City of Ontario that has been known as the "New Model Colony" area and the New Model Colony area has now been renamed as "Ontario Ranch.

WHEREAS, Owner's Property is within the boundaries defined in Exhibit A of the Construction Agreement between the CITY and NMC Builders and the Property covered by this Agreement is what is known as a "Phase 2 Water Property" as such, shall be required to provide funding for CITY's future construction of the "Phase 2 Water Improvements" which will result in the availability of additional Net MDD Water Availability required for the development as shown on Exhibit "I-1"..

WHEREAS, the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter" (Exhibit "J"). Property owner may wish to provide the attached Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000004658.

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 "Agreement" means this Development Agreement.

1.1.2 "CITY" means the City of Ontario, California, a California municipal corporation.

1.1.3 “Construction Agreement” means that certain Agreement for the Financing and Construction of Phases I and II Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony, entered into between the CITY and NMC Builders as of the 4th day of October, 2005, and all future amendments thereto and including the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony entered into between the CITY and NMC Builders as of the 21st day of August, 2012 and the Amendment to the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve and Easterly Portion of the New Model Colony entered into between the CITY and NMC Builders as of the 19th day of September 2017.

1.1.4 “Development” means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of public infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. “Development” does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.5 “Development Approvals” means all permits and other entitlements for use subject to approval or issuance by CITY in connection with development of the Property including, but not limited to:

(a) specific plans and specific plan amendments;

(b) tentative and final subdivision and parcel maps;

(c) development plan review.

1.1.6 “Development Exaction” means any requirement of CITY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.7 “Development Impact Fee” means a monetary exaction, other than a tax or special assessment, whether characterized as a fee or a tax and whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, and, for purposes of this Agreement only, includes fees collected under development agreements adopted pursuant to Article 2.5 of the Government Code (commencing with Section 65864) of Chapter 4. For purposes of this Agreement only, "Development Impact Fee" shall not include processing fees and charges imposed by CITY to cover the estimated actual costs to CITY of processing applications for Development Approvals or for monitoring

compliance with any Development Approvals granted or issued, including, without limitation, fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 of the Government Code, fees and charges as described in Sections 51287, 56383, 57004, 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of the Government Code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code, as such codes may be amended or superseded, including by amendment or replacement.

1.1.8 "Development Plan" means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.9 "Effective Date" means the date that the ordinance approving this Agreement goes into effect.

1.1.10 "Existing Development Approvals" means all Development Approvals approved or issued on or prior to the Effective Date. Existing Development Approvals includes the Approvals incorporated herein as Exhibit "C" and all other Approvals which are a matter of public record on the Effective Date.

1.1.11 "Existing Land Use Regulations" means all Land Use Regulations in effect on the date of the first reading of the Ordinance adopting and approving this Agreement. Existing Land Use Regulations includes the Regulations incorporated herein as Exhibit "D" and all other Land Use Regulations that are in effect and a matter of public record on such date.

1.1.12 "General Plan" means the The Ontario Plan adopted on January 26, 2010.

1.1.13 "Improvement" or "Improvements" means those public improvements required to support the development of the Project as described in the Parcel Map conditions for Parcel Map No. 20027 as further described in Exhibit "F" (the "Infrastructure Improvements Exhibit").

1.1.14 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. "Land Use Regulations" does not include any CITY ordinance, resolution, code, rule, regulation or official policy, governing:

(a) the conduct of businesses, professions, and occupations;

(b) taxes and assessments;

(c) the control and abatement of nuisances;

(d) the granting of encroachment permits and the conveyance of similar rights and interests that provide for the use of or the entry upon public property;

(e) the exercise of the power of eminent domain.

1.1.15 "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.16 "Net MDD" means net maximum daily water demand.

1.1.17 "NMC Builders" means the consortium of investors and developers responsible for the construction of infrastructure within the New Model Colony incorporated as NMC Builders, LLC.

1.1.18 "OWNER" means the persons and entities listed as owner on page 1 of this Agreement and their permitted successors in interest to all or any part of the Property.

1.1.19 **"**Phase 2 Water EDUs**"** means the number of equivalent dwelling units or non-residential square footage assigned to OWNER upon payment to City of the Phase 2 Water Participation Fee for the Project and evidenced by the issuance by CITY of a Certificate of Phase 2 Net MDD Availability in the form attached as Exhibit G.

1.1.20 "Phase 2 Water Improvements" means the future water infrastructure Improvements required for the issuance by CITY of the "Water Availability Equivalents" (WAE) for the Project.

1.1.21 "Phase 2 Water Participation Fee" means the fee paid to City upon City approval of the first Development Entitlement for the Project, to fund the Property's respective share of the projected costs of the design and construction of the Phase 2 Water Improvements by City. The Phase 2 Water Participation Fee shall be the calculated amount of the Regional Water DIF for the Project based upon the number of units, and land use category for residential units or the number of square feet, and land use category for non-residential square footage of the Project.

1.1.22 "Project" means the development of the Property contemplated by the Development Plan, as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.23 "Property" means the real property described on Exhibit "A" and shown on Exhibit "B" to this Agreement.

1.1.24 “Reservations of Authority” means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to CITY under Section 3.6 of this Agreement.

1.1.25 “Amendment to the Construction Agreement” means the amendment to the Construction Agreement modifying the boundaries of the property in Exhibit A of such Construction Agreement to include the Property covered by this Agreement and to provide for the additional funds required for CITY’s future construction of the “Phase 2 Water Improvements” described in a modification to Exhibit C-3 of the Construction Agreement.

1.1.26 “Specific Plan” means that certain specific plan adopted by the City Council, and entitled, “Edenglen Specific Plan.”

1.1.27 “Subsequent Development Approvals” means all discretionary Development Approvals required subsequent to the Effective Date in connection with development of the Property.

1.1.28 “Subsequent Land Use Regulations” means any discretionary Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.1.29 “Water Availability Equivalent (WAE)” means a designated portion of the total Net MDD made available through the construction of each Phase described in the Water Phasing Plan of the Construction Agreement. The number of Water Availability Equivalents (of portions thereof) required for the approval of a Tract or Subdivision Map 20027 shall be based upon water demand factors and assumptions listed in the Construction Agreement and shown in Exhibit “I-2”.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit “A” — Legal Description of the Property.

Exhibit “B” — Map showing Property and its location.

Exhibit “C” — Existing Development Approvals.

Exhibit “D” — Existing Land Use Regulations.

Exhibit “E” — Description of Required Infrastructure Improvements

Exhibit “F” — Depiction of Infrastructure Improvements Exhibit

Exhibit “G” – Form of Certificate of Net MDD to be issued by CITY

Exhibit “H” – Form of Certificate of DIF Credit to be issued by CITY

Exhibit “I-1” – Ontario Ranch Water Supply Phasing Plan

Exhibit “I-2” – Water Demand Equivalents by Land Use

Exhibit “J” - Form of Disclosure letter

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of the fee simple title to the Property or a portion thereof, or has the right to acquire fee simple title to the Property or a portion thereof from the current owner(s) thereof. To the extent OWNER does not own fee simple title to the Property, OWNER shall obtain written consent from the current fee owner of the Property agreeing to the terms of this Agreement and the recordation thereof.

2.3 Term. The term of this Agreement shall commence on the Effective Date and shall continue for an initial term of ten (10) years thereafter unless this term is modified or extended pursuant to the provisions of this Agreement. The term of this Agreement may be extended for an additional five (5) years following expiration of the initial ten (10) year term, provided the following have occurred:

(a) OWNER provides at least 180 days written notice to CITY prior to expiration of the initial term; and

(b) OWNER is not then in uncured default of this Agreement.

2.4 Assignment.

2.4.1 Right to Assign. OWNER shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq.), to any person, partnership, limited liability company, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement with respect to the portion of the Property sold and be made in strict compliance with the following:

(a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property. OWNER may be required to provide disclosure that the Property is within the South Archibald Trichloroethylene (TCE) Plume (Exhibit “J”). OWNER may wish to provide the attached Disclosure Letter (Exhibit I) as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq.

(b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY’s City Manager, in writing, of such

sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the portion of the Property so sold, transferred or assigned.

(c) Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed. The City Manager shall have the authority to review, consider and either approve, conditionally approve, or deny any proposed sale, transfer or assignment that is not made in compliance with this section 2.4.

2.4.2 Release of Transferring Owner. Notwithstanding any sale, transfer or assignment, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring owner is given a release in writing by CITY, which release shall be provided by CITY upon the full satisfaction by such transferring owner of the following conditions:

(a) OWNER no longer has a legal or equitable interest in all or any part of the portion of the Property sold, transferred or assigned.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided CITY with the notice and executed an agreement as required under Paragraph (b) of Subsection 2.4.1 above. .

(d) The purchaser, transferee or assignee provides CITY with security equivalent to any security previously provided by OWNER (if any) to secure performance of its obligations hereunder which are to be performed upon portion of the Property sold, transferred or assigned .

2.4.3 Effect of Assignment and Release of Obligations. In the event of a sale, transfer or assignment pursuant to the provisions of Section 2.4.2 above:

(a) The assignee shall be liable for the performance of all obligations of OWNER with respect to transferred property, but shall have no obligations with respect to the portions of the Property, if any, not transferred (the “Retained Property”).

(b) The owner of the Retained Property shall be liable for the performance of all obligations of OWNER with respect to Retained Property, but shall have no further obligations with respect to the transferred property.

(c) The assignee's exercise, use and enjoyment of the Property or portion thereof shall be subject to the terms of this Agreement to the same extent as if the assignee were the OWNER.

2.4.4 Subsequent Assignment. Any subsequent sale, transfer or assignment after an initial sale, transfer or assignment shall be made only in accordance with and subject to the terms and conditions of this Section 2.4.

2.4.5 Termination of Agreement With Respect to Individual Lots Upon Sale to Public and Completion of Construction. The provisions of Subsection 2.4.1 shall not apply to the sale or lease (for a period longer than one year) of any parcel which has been finally subdivided and is individually (and not in "bulk") sold or leased to a member of the public or other ultimate user of the parcel. Notwithstanding any other provisions of this Agreement, this Agreement shall terminate with respect to any lot and such lot shall be released and no longer be subject to this Agreement without the execution or recordation of any further document upon satisfaction of both of the following conditions:

(a) The lot has been finally subdivided and individually (and not in "bulk") sold or leased (for a period longer than one year) to a member of the public or other ultimate user; and,

(b) A certificate of occupancy has been issued for a building on the parcel, and the fees set forth under Section 4 of this Agreement have been paid.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only in the manner provided for in Government Code Section 65868.1. Any amendment of this Agreement, which amendment has been requested by OWNER, shall be considered by the CITY only upon the payment of the applicable processing charge. This provision shall not limit any remedy of CITY or OWNER as provided by this Agreement. Either Party or successor in interest, may propose an amendment to or cancellation, in whole or in part, of this Agreement. Any amendment or cancellation shall be by mutual consent of the parties or their successors in interest except as provided otherwise in this Agreement or in Government Code Section 65865.1. For purposes of this section, the term "successor in interest" shall mean any person having a legal or equitable interest in the whole of the Property, or any portion thereof as to which such person wishes to amend or cancel this Agreement. The procedure for proposing and adopting an amendment to, or cancellation of, in whole or in part, this Agreement shall be the same as the procedure for adopting and entering into this Agreement in the first instance. Notwithstanding the foregoing sentence, if the CITY initiates the proposed amendment to, or cancellation of, in whole or in part, this Agreement, CITY shall first give notice to the OWNER of its intention to initiate such proceedings at least sixty (60) days in advance of the giving the public notice of intention to consider the amendment or cancellation.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3.

(b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

(c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.

(d) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement. Upon such termination, any public facilities and services mitigation fees paid pursuant to Section 4.2 of this Agreement by OWNER to CITY on which construction has not yet begun shall be refunded to OWNER by CITY within ten (10) business days.

2.7 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person, including, without limitation, by courier, to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below. All notices shall be addressed as follows:

If to CITY:
Scott Ochoa, City Manager
City of Ontario
303 East "B" Street
Ontario, CA 91764

with a copy to:
Scott Huber, City Attorney
Cole Huber, LLP
2261 Lava Ride Court
Roseville, CA 95661
Email: shuber@colehuber.com
Phone: (916) 787-7511

If to OWNER:
Ontario CC, LLC
527 West 7th Street, Suite 200
Los Angeles, CA 90014
Attn: Jared Riemer
Email: jriemer@chindustrial.com
Phone: (949) 478-1883

With a copy to:
Rutan & Tucker, LLP
611 Anton Boulevard, 14th Floor
Costa Mesa, CA 92626
Attn: John A. Ramirez
Email: jramirez@rutan.com
Phone: 714-654-2177

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority in Section 3.4, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority in Section 3.4, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, CITY shall exercise discretion in accordance with the same manner as it exercises its discretion under its police powers, including the Reservations of Authority set forth herein; provided however, that such discretion shall not prevent development of the Property for the uses and to the density or intensity of development set forth in this Agreement.

3.3 Timing of Development. The parties acknowledge that OWNER cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNER,

such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such order and at such rate and at such times as OWNER deems appropriate within the exercise of its subjective business judgment.

3.3.1 Infrastructure Improvement Exhibit. Attached hereto as Exhibit "F" are a description of the Infrastructure Improvements needed for the development of the Property ("the Infrastructure Improvement Exhibits").

3.4 Reservations of Authority.

3.4.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the CITY shall not be prevented from applying new rules, regulations and policies upon the OWNER, nor shall a development agreement prevent the CITY from denying or conditionally approving any subsequent development project application on the basis of such new rules, regulations and policies where the new rules, regulations and policies consist of the following:

(a) Processing fees by CITY to cover costs of processing applications for development approvals or for monitoring compliance with any development approvals;

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records and any other matter of procedure;

(c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including all uniform codes adopted by the CITY and any local amendments to those codes adopted by the CITY; provided however that, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the standards and specifications that are expressly identified in the Specific Plan and the building codes in effect as of the Effective Date;

(d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the occupants of the Project and/or of the immediate community from a condition perilous to their health or safety;

(e) Regulations that do not conflict with those rules, regulations and policies set forth in this Agreement or the Development Plan and which do not impose additional obligations, costs, and expenses on Owner or the Project;

(f) Regulations that may conflict but to which the OWNER consents.

3.4.2 Subsequent Development Approvals. This Agreement shall not prevent CITY, in acting on Subsequent Development Approvals, from applying Subsequent Land

Use Regulations that do not conflict with the Development Plan and/or the Existing Development Approvals, nor shall this Agreement prevent CITY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan and/or the Existing Development Approvals.

3.4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce. In the event OWNER alleges that such State or Federal laws or regulations preclude or prevent compliance with one or more provisions of this Agreement, and the CITY does not agree, the OWNER may, at its sole cost and expense, seek declaratory relief (or other similar non-monetary remedies); provided however, that nothing contained in this Section 3.6.3 shall impose on CITY any monetary liability for contesting such declaratory relief (or other similar non-monetary relief).

3.4.4 Intent. The parties acknowledge and agree that CITY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to CITY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to CITY all such power and authority which cannot be restricted by contract.

3.5 Public Works; Utilities. If OWNER is required by this Agreement or a condition of project approval to construct any public works facilities which will be dedicated to CITY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to CITY or such other public agency should it have undertaken such construction. As a condition of development approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, gas, electric, and other utility service to the Project. As a further condition of development approval, OWNER shall to the extent possible contract with the CITY for CITY-owned or operated utilities for this purpose, for such price and on such terms as may be available to similarly situated customers in the CITY.

3.5.1 OWNER agrees that development of the Project shall require the construction of storm drain Improvements from the Property to the connection with the San Bernardino County Line Channel as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of

the storm drain Improvements described in Exhibit E and depicted in Exhibit F. CITY agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to completion of the storm drain improvements.

3.5.2 OWNER agrees that development of the Project shall require the design and construction of street improvements along the Property as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings on the Property prior to Substantial Completion of the street Improvements as described in Exhibits E and F. For purposes of the foregoing, street improvements shall be deemed Substantially Complete even if the final lift of pavement has not been completed (i.e., Owner may install the final lift after completion of all other construction). CITY agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to completion and subject to final acceptance by CITY of the street improvements. OWNER agrees that the street improvements shall be completed and subject to final acceptance by CITY prior to the release of any security for the construction of the street improvements.

3.5.3 OWNER agrees that development of the Property shall require the extension of permanent master planned water utility Improvements as described in Exhibit E and depicted in Exhibit F consisting generally of the construction of the extension of permanent master planned water utility Improvements from two (2) points of connection to serve the Property. OWNER and CITY agree that CITY may issue grading, building and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY upon completion of sufficient water and recycled water improvements to serve the Property from at least one point of connection and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings on the Property until the completion of the water and recycled water improvements described in Exhibit E and depicted in Exhibit F. City agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to completion of the water and recycled water improvements if there is available permanent water and recycled water service from a minimum of one point of connection and sufficient water is available for fire protection pursposes for any buildings while under construction.

3.5.4 OWNER agrees that development of the Property shall require the construction of permanent master planned sewer Improvements to serve the Property as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the sewer improvements described in Exhibit E and depicted in Exhibit F. CITY agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to the completion of the sewer improvements described in Exhibit E and depictied in Exhibit F.

3.5.5 OWNER agrees that development of the Property shall require the extension of permanent master planned recycled water utility improvements to serve the Property as described in Exhibit E and depicted in Exhibit F. OWNER and CITY agree that the City may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY upon completion of sufficient water and recycled water improvements to serve the Property from at least one point of connection and OWNER agress that OWNER shall not request and CITY shall not issue any occupany permit for any buildings on the Property until the completion of the water improvements described in Exhibit E and depicted in Exhibit F. CITY agrees that OWNER may request a temporary occupany permit for a building and, if OWNER requests that a temporary certificate of occupany be issued for a building prior to the completion of the extension of permanent master planned recycled water utility Improvements to serve the Property that CITY may consider such request and may issue termporary certificates of occupancy on a building-by-building basis prior to completion of recycled water improvements if there is available permanent recycled water service connection and sufficient recycled water is available. OWNER and CITY agree that all, or a portion of, the permanent master planned recycled water utility Improvements described in Exhibit E and depicted in Exhibit F may be constructed by others. If such recycled water utility Improvements are constructed by others and completed and accepted by CITY prior to OWNER'S request to CITY of the required grading, building, or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those permanent master planned recycled water utility Improvements.

3.5.6 OWNER agrees that development of the Property shall require the extension of permanent master planned fiber optic communications infrastructure, at OWNER's sole cost and expense, as described in the attached Exhibit E and depicted in Exhibit F consisting generally of the construction of the extension of fiber optic communications infrastructure to serve the Property. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the fiber optic communications infrastructure, as described in Exhibit E and depicted in Exhibit F. CITY agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to the completion of the fiber optic communications infrastructure, as described in Exhibit E and depicted in Exhibit F.

3.6 Acquisition of Offsite Provision of Real Property Interests. In any instance where OWNER is required by any Development Approval or Land Use Regulation and the Construction Agreement to construct any public improvement on land not owned by OWNER ("Offsite Improvements"), the CITY and OWNER shall cooperate in acquiring the necessary legal interest ("Offsite Property") in accordance with the procedures set forth in Section 2.4 of the Construction Agreement. This section 3.6 is not intended by the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in

accordance with valid conditions imposed by the CITY upon the development of the Project under the Subdivision Map Act or other legal authority.

3.6.1 CITY Acquisition of Non-Construction Agreement Offsite Property. In the event OWNER is required to construct any public improvements on land not owned by OWNER, but such requirement is not based upon the Construction Agreement, Sections 3.6.1 and 3.6.2 shall control the acquisition of the necessary property interest(s) ("Non-Construction Agreement Offsite Property"). If the OWNER is unable to acquire such Non-Construction Agreement Offsite Property, and following the written request from the OWNER to CITY, CITY agrees to use reasonable and diligent good faith efforts to acquire the Non-Construction Agreement Offsite Property from the owner or owners of record by negotiation to the extent permitted by law and consistent with this Agreement. If CITY is unable to acquire the Non-Construction Agreement Offsite Property by negotiation within thirty (30) days after OWNER'S written request, CITY shall, initiate proceedings utilizing its power of eminent domain to acquire that Non-Construction Agreement Subject Property at a public hearing noticed and conducted in accordance with California Code of Civil Procedure Section 1245.235 for the purpose of considering the adoption of a resolution of necessity concerning the Non-Construction Agreement Offsite Property, subject to the conditions set forth in this Section 3.6.1 The CITY and OWNER acknowledge that the timelines set forth in this Section 3.6.1 represent the maximum time periods which CITY and OWNER reasonably believe will be necessary to complete the acquisition of any Non-Construction Agreement Offsite Property. CITY agrees to use reasonable good faith efforts to complete the actions described within lesser time periods, to the extent that it is reasonably able to do so, consistent with the legal constraints imposed upon CITY.

3.6.2 Owner's Option to Terminate Proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to making an offer to the owner of the Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease all acquisition proceedings with respect to that Non-Construction Agreement Offsite Property, whereupon CITY shall cease such proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to the date of the hearing on CITY'S intent to consider the adoption of a resolution of necessity as to any Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease condemnation proceedings, whereupon CITY shall cease such proceedings. If OWNER does not notify CITY to cease condemnation proceedings within said fifteen (15) day period, then the CITY may proceed to consider and act upon the Non-Construction Agreement Offsite Property resolution of necessity. If CITY adopts such resolution of necessity, then CITY shall diligently institute condemnation proceedings and file a complaint in condemnation and seek an order of immediate possession with respect to the Non-Construction Agreement Offsite Property.

3.7 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of CITY possess authority to regulate aspects of the development of the Property separately from or jointly with CITY and this Agreement does not limit the authority of such other public agencies. CITY agrees to cooperate fully, at

no cost to CITY, with OWNER in obtaining any required permits or compliance with the regulations of other public agencies provided such cooperation is not in conflict with any laws, regulations or policies of the CITY.

3.8 Tentative Parcel Maps; Extension. With respect to applications by OWNER for tentative parcel maps for portions of the Property, CITY agrees that OWNER may file and process tentative maps in accordance with Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the California Government Code and the applicable provisions of CITY's subdivision ordinance, as the same may be amended from time to time. In accordance with the provisions of Section 66452.6 of the Government Code, each tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be deemed to have been granted an extension of time to and until the expiration, cancellation, or termination of this Agreement.

3.9 Specific Plan Charge. Pursuant to Government Code section 65456, the City Council may consider adopting a specific plan charge upon persons seeking CITY approvals that are required to be consistent with the Specific Plan. Any such charges shall, in the aggregate, defray, but not exceed, the estimated cost of preparation, adoption, and administration of the Specific Plan, including costs incurred pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.). As nearly as can be estimated, the charges shall be a prorated amount in accordance with the applicant's relative benefit derived from the Specific Plan. If such charges are adopted, the CITY shall use such charges to reimburse the OWNER who originally paid the cost of preparing the Specific Plan, including costs incurred pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) to the extent the OWNER paid more than its relative benefit from the Specific Plan. Such charges, if adopted, shall be imposed on persons seeking CITY approvals that are required to be consistent with the Specific Plan, to the extent such person(s) has/have not entered into a reimbursement agreement with, and satisfactory to, the person(s) originally responsible for the cost of preparing the Specific Plan, including costs incurred pursuant to CEQA.

4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will result in substantial public needs that will not be fully met by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNER that should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of the public needs resulting from the Project.

4.2 Development Impact Fees.

4.2.1 Amount of Development Impact Fee. Development Impact Fees (DIF) shall be paid by OWNER. The Development Impact Fee amounts to be paid by OWNER shall be the amounts that are in effect at the time such amounts are due. Nothing contained

in this Agreement shall affect the ability of the CITY to impose new Development Impact Fees or amend the amounts of existing Development Impact Fees. Additionally, nothing contained in this Agreement shall affect the ability of other public agencies that are not controlled by CITY to impose and amend, from time to time, Development Impact Fees established or imposed by such other public agencies, even though such Development Impact Fees may be collected by CITY.

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable building (subject to the application/use of available fee deferrals or credits), except for the Open Space and Habitat Acquisition Development Impact fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit.

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the area wide infrastructure construction within the Ontario Ranch area shall be as approved by the CITY. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project as shown on the attached Exhibit "F" and any and all parcel map conditions. Unless otherwise specified in the Parcel Map conditions, and subject to the provisions of Section 3.5 and 3.6, all other required Improvements for each Parcel Map, shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of a final occupancy permit for any buildings to be constructed on the Property. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Parcel Map conditions for Parcel Map 20027.

4.3.2 Construction of Public Infrastructure by Third Parties. CITY and OWNER acknowledge that a portion of the Improvements described in Exhibit E and depicted in Exhibit F are necessary for the development of surrounding properties within the Ontario Ranch and the other property owners are also obligated to construct the Improvements or portions thereof. As such, CITY agrees that OWNER's obligation to construct the Improvements may be satisfied by third party owners pursuant to separate written agreements between OWNER and said third party undertaking the construction of the Improvements. Nothing in this Agreement shall be construed to prohibit the coordination of the construction of the Improvements between private parties, including the allocation of costs for the construction of the Improvements. Notwithstanding anything to the contrary herein, any applicable DIF Credits may be transferred and assigned from one (1) party to another with respect to the construction of the Improvements and such transfer or assignment shall not require the conveyance of any real property.

4.3.3 Availability and Use of Recycled Water. OWNER agrees that recycled water shall be available and utilized by OWNER for all construction-related water uses including prior to, and during, any grading of the Property.

4.3.4 Construction of DIF Program Infrastructure. To the extent OWNER is required to construct and completes construction of public improvements that are

included in CITY's Development Impact Fee Program CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitations on the use of DIF Credit issued to OWNER to offset OWNER's DIF payment obligations shall also be subject to the provisions of a separate Fee Credit Agreement. OWNER may also be eligible to receive DIF Creditfrom OWNER's construction of DIF Program Infrastructure. Any such DIF Credit shall be subject to a Fee Credit Agreement between CITY and OWNER. CITY and OWNER agree that the Fee Credit Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.

4.4 Public Services Funding Fee.

4.4.1 Requirement for Payment of Public Services Funding Fee. In order to ensure that the adequate provision of public services, including without limitation, police, fire and other public safety services, are available to each Project in a timely manner, OWNER shall pay to CITY a "Public Services Funding Fee." The Public Services Funding Fee shall apply to residential and non-residential uses as set forth below.

4.4.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in a single installment payment in the amount of Sixty-Three Cents ($.63) per square foot of each non-residential building. The single installment for non-residential uses shall be due and payable on a building-by-building basis prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2021. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased

4.5 Net MDD/Water Availability Equivalents.

4.5.1 Effectiveness of Agreement. Notwithstanding anything else set forth in this Agreement, CITY and OWNER each acknowledge, confirm, and agree, that (i) the City approval of this Agreement and (ii) the effectiveness of this Agreement, in each case, is conditioned upon OWNER's admission to NMC Builders as a "Member" thereof pursuant to the terms and conditions of the operating agreement of NMC Builders. OWNER and CITY agree that OWNER shall become a Member of NMC Builders within 30 days of the effective date of this Agreement.

4.5.2 Assigned Net MDD/Water Availability Equivalents. OWNER acknowledges that the City has agreed with NMC Builders to reserve exclusively for Members of NMC Builders, including OWNER, Net MDD made available through the construction of water system improvements funded by NMC Builders and/or OWNER. OWNER acknowledges that the provisions of the Construction Agreement Amendment require that the City shall not issue building permits or certificates of occupancy for the area of development within

the New Model Colony served by the water system improvements funded by NMC Builders, except to the bearer of a Certificate of Net MDD Water Availability.

4.5.3 Requirement for NMC Builders LLC Membership as a Phase 2 Water Member. OWNER and CITY agree that OWNER's' payment to CITY required by Section 4.5.4 below represents OWNER's contribution to the funding required for the future construction of the Phase 2 Water Improvements and the availability of additional Net MDD Water Availability required for the development of the Property described in Exhibit A of this Agreement.

4.5.4 CITY issuance of Water Availability Equivalents. Within 30 days after the effectiveness of this Development Agreement OWNER shall pay or have paid to City the applicable Phase 2 Water Participation Fee. The Phase 2 Water Participation Fee shall be the calculated based on the amount of the Regional Water DIF for the applicable land use category and the square footage of the applicable buildings. The calculated amount of the Phase 2 Water Participation Fee shall be paid to City within 30 days after the effective date of this Agreement or, at OWNER's option, the Phase 2 Water Participation Fee may be paid to City in two (2) installments. The first installment shall be fifty percent (50%) of the total Phase 2 Water Participation Fee and such first installment shall be due and payable to City within 30 days after the effective date of this Development Agreement. The second installment shall be the remaining amount of the Phase 2 Water Participation Fee and such second installment shall be due and payable to City within one (1) year after the payment of the first installment, or prior to, and as a condition precedent to, the recording of any final Parcel Map for the Project, whichever occurs first. Upon OWNER's complete payment to CITY of the Phase 2 Water Participation Fee CITY shall issue a Certificate of Water Availability Equivalents in the form attached hereto as Exhibit G. Such Water Availability Equivalents Certificate shall be issued by CITY within thirty (30) days of the receipt of such required payment. CITY and OWNER agree that the amount of Water Availability Equivalents issued to OWNER shall be based on the maximum projected need for Water Availability Equivalents required for the Property based upon water demand factors and assumptions listed in Exhibit C-2R of the Phase 2 Water Amendment to the Construction Agreement "Water Demand Equivalents by Land Use" for each land use category. Additionally, within five (5) business days of CITY's receipt of OWNER's payment as required under this Section 4.5.2, CITY shall issue a certificate of DIF Credit against OWNER's DIF obligations in the Regional Water DIF Category.

4.5.5 Requirement for other Water System Improvements. A Certificate of Net MDD Availability is evidence only of available water capacity and does not satisfy any other conditions applicable to OWNER's Project, including those relating to design and construction of master-planned potable water and recycled water transmission and distribution system for the respective pressure zone and other public infrastructure requirements.

4.6 Compliance with Public Benefits Requirements.

4.6.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.6, or challenges (whether

administratively or through legal proceedings) the imposition of such conditions, OWNER shall be deemed in default of this Agreement pursuant to Section 8 hereof, thereby entitling the City to any and all remedies available to it, including, without limitation, the right of the City to withhold OWNER's Project-related building permits, certificates of occupancy, or discretionary approvals, without liability. Nothing herein shall waive Owner's right to assert a default (or failure to perform) by the City has excused Owner's performance under this Agreement.

5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). OWNER agrees that, prior to the recordation of any Parcel Map, the property subject to such Parcel Map shall be included in a CFD to finance City services through annual special taxes that will initially be thirty-one cents ($.31) per square foot for non-residential buildings. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. Depending on the fiscal year that the CFD is formed and the CFD tax is levied, the annual special taxes may be higher. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without limitation those facilities owned or operated by a school district. In addition to the rights of the CITY pursuant to section 5.1 hereof, CITY shall have the right, but not the obligation, to condition the formation of any CFD, assessment district or other public financing mechanism within the Property on the OWNER mitigating all Project-related impacts to the applicable school district(s) as required by such school district(s). Written evidence by such school district(s) may be required by the CITY as the condition to the formation of any CFD, assessment district or other public financing mechanism within the Property, or any steps preliminary thereto, including, without limitation, the adoption of any resolution of intention to form such CFD, assessment district or other public financing mechanism within the Property. It is not the intent of the parties hereto, by this provision, to prohibit or otherwise limit the City's ability to take any and all necessary steps requisite to the formation of the CFD to finance City services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic and Special Reviews.

6.1.1 Time for and Initiation of Periodic Review. The CITY shall review this Agreement every twelve (12) months from the Effective Date in order to ascertain the good faith compliance by the OWNER with the terms of this Agreement. The OWNER shall submit an Annual Monitoring Report to CITY, in a form acceptable to the City Manager, along with any applicable processing charge within ten (10) days after each anniversary date of the Effective Date of this Agreement. Within fifteen (15) days after the receipt of the Annual Monitoring Report, CITY shall review the Annual Monitoring Report. Prior to the expiration of the fifteen (15) day review period, CITY shall either issue a notice of continuing compliance or a notice of non-compliance and a notice of CITY's intent to conduct a Special Review pursuant to Sections 6.1.2 through 6.1.6. Issuance of a notice of continuing compliance may be issued by the City Manager or his designee.

6.1.2 Initiation of Special Review. A special review may be called either by agreement between the parties or by initiation in one or more of the following ways:

(a) Recommendation of the Planning staff;

(b) Affirmative vote of at least four (4) members of the Planning Commission; or

(c) Affirmative vote of at least three (3) members of the City Council.

6.1.3 Notice of Special Review. The City Manager shall begin the special review proceeding by giving notice that the CITY intends to undertake a special review of this Agreement to the OWNER. Such notice shall be given at least ten (10) days in advance of the time at which the matter will be considered by the Planning Commission.

6.1.4 Public Hearing. The Planning Commission shall conduct a hearing at which the OWNER must demonstrate good faith compliance with the terms of this Agreement. The burden of proof on this issue is upon the OWNER.

6.1.5 Findings Upon Public Hearing. The Planning Commission shall determine upon the basis of substantial evidence whether or not the OWNER has, for the period under review, complied in good faith with the terms and conditions of this Agreement.

6.1.6 Procedure Upon Findings.

(a) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has complied in good faith with the terms and conditions of this Agreement during the period under review, the review for that period is concluded.

(b) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has not complied in good faith with the terms and conditions of this Agreement during the period under review, the Planning Commission may recommend to the City Council to modify or terminate this Agreement.

(c) The OWNER may appeal a determination pursuant to paragraph (b) to the City Council in accordance with the CITY's rule for consideration of appeals in zoning matters generally.

6.2 Proceedings Upon Modification or Termination. If, upon a finding under Section 6.1.6(b), the CITY determines to proceed with modification or termination of this Agreement, the CITY shall give notice to the property OWNER of its intention so to do. The notice shall contain:

(a) The time and place of the hearing;

(b) A statement as to whether or not the CITY proposes to terminate or to modify this Agreement; and

(c) Other information that the CITY considers necessary to inform the OWNER of the nature of the proceeding.

6.3 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, the OWNER shall be given an opportunity to be heard. The OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on the OWNER. If the City Council finds, based upon substantial evidence in the administrative record, that the OWNER has not complied in good faith with the terms and conditions of the agreement, the City Council may terminate this Agreement or modify this Agreement and impose those conditions to the action it takes as it considers necessary to protect the interests of the CITY. The decision of the City Council shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

6.4 Certificate of Agreement Compliance. If, at the conclusion of a Periodic or Special Review, OWNER is found to be in compliance with this Agreement, CITY shall, upon written request by OWNER, issue a Certificate of Agreement Compliance ("Certificate") to OWNER stating that after the most recent Periodic or Special Review and based upon the information known or made known to the Planning Director and City Council that (1) this Agreement remains in effect and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after a Periodic or Special Review and shall state the anticipated date of commencement of the next Periodic Review. OWNER may record the Certificate with the County Recorder. Whether or not the Certificate is relied upon by assignees or other transferees or OWNER, CITY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the Planning Director or City Council.

7. [RESERVED]

8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that CITY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof. In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that CITY shall not be liable in damages to OWNER, or to any

successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

(a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or

(b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or

(c) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

8.2 Specific Performance. The parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

(a) Money damages are unavailable against CITY as provided in Section 8.1 above.

(b) Due to the size, nature and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 Release. Except for nondamage remedies, including the remedy of specific performance and judicial review as provided for in Section 6.5, OWNER, for itself, its successors and assignees, hereby releases the CITY, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon the CITY because it entered into this Agreement or because of the terms of this Agreement.

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Subsection 6.3 herein, CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as “default”); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER

to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. CITY has determined that this Agreement is consistent with its Comprehensive General Plan, as such General Plan exists as of the Effective Date ("General Plan"), and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with CITY's determination. CITY shall have no liability in damages under this Agreement for any failure of CITY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any such claim, action or proceeding, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action or proceeding, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of 9.2 above, OWNER shall indemnify and hold CITY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, to the extent relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study,

design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of CITY. OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. CITY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. OWNER shall indemnify and hold CITY, its officers, agents, and employees free and harmless from any liability, to the extent based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property during OWNER'S period of ownership of the Property, including, but not limited to, soil and groundwater conditions caused by OWNER, and OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. CITY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, CITY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend CITY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse CITY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of this Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

10. MORTGAGEE PROTECTION.

10.1 Mortgagee Protection. The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. CITY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. CITY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the CITY in the manner specified herein for giving notices, shall be entitled to receive written notification from CITY of any default by OWNER in the performance of OWNER's obligations under this Agreement.

(c) If CITY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, CITY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement

(e) In the event of a default by Owner, any Mortgagee shall have the right to remedy, or cause to be remedied, such default within sixty (60) days following the later to occur of (i) the date of Mortgagee's receipt of the notice referred to in Section 10.1(b) above, or (ii) the expiration of the period provided herein for Owner to remedy or cure such default, and City shall accept such performance by or at the insistence of the Mortgagee as if the same had been timely made by Owner; provided, however, that (i) if such default is not capable of being cured within the timeframes set forth in this Section and Mortgagee commences to cure the default within such timeframes, then Mortgagee shall have such additional time as is required to cure the default so long as Mortgagee diligently prosecutes the cure to completion and (ii) if possession of the Property (or portion thereof) is required to effectuate such cure or remedy, the Mortgagee shall be deemed to have timely cured or remedied if it commences the proceedings necessary to obtain possession thereof within sixty (60) days after receipt of the copy of the notice, diligently pursues such proceedings to completion, and, after obtaining possession, diligently completes such cure or remedy.

11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the San Bernardino County Recorder by the City Clerk within the ten (10) days after the CITY executes this Agreement, as required by Section 65868.5 of the Government Code. If the parties to this Agreement or their successors in interest amend or cancel this Agreement as provided for herein and in Government Code

Section 65868, or if the CITY terminates or modifies the agreement as provided for herein and in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of this Agreement, the City Clerk shall have notice of such action recorded with the San Bernardino County Recorder.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4 of this Agreement, including the payment of the fees set forth therein, are essential elements of this Agreement and CITY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Singular and Plural. As used herein, the singular of any word includes the plural.

11.7 Joint and Several Obligations. Subject to Section 2.4, if at any time during the term of this Agreement the Property is owned, in whole or in part, by more than one owner, all obligations of such owners under this Agreement shall be joint and several, and the default of any such owner shall be the default of all such owners. Notwithstanding the foregoing, no owner of a single lot which has been finally subdivided and sold to such owner as a member of the general public or otherwise as an ultimate user shall have any obligation under this Agreement except as provided under Section 4 hereof.

11.8 Time of Essence. Time is of the essence in the performance of .the provisions of this Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of San Bernardino, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that

each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between CITY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The City Manager may delegate his powers and duties under this Agreement to an Assistant City Manager or other management level employee of the CITY.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by CITY of its power of eminent domain.

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the Planning Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto.

11.20 Estoppel Certificate. Within thirty (30) business days following a written request by any of the parties, the other party shall execute and deliver to the requesting party a statement certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the responding party alleges that specified (date and nature) defaults exist. The statement shall also provide any other reasonable information requested. The failure to timely deliver this statement shall constitute a conclusive presumption that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that there are no uncured defaults in the performance of the requesting party, except as may be represented by the requesting party. OWNER shall pay to CITY all costs incurred by CITY in connection with

the issuance of estoppel certificates requested by Owner under this Section 11.20 prior to CITY's issuance of such certificates.

11.21 Authority to Execute. The person or persons executing this Agreement on behalf of OWNER warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT

"OWNER"

Ontario CC, LLC.
a Delaware limited liability company

By: CHI West 111 Ontario CC, L.P.,
a Delaware limited partnership,
its managing member

By: CHI Development GP, L.L.C.,
a Delaware limited liability company,
its general partner

By: _____
Name: Philip J. Prassas
Title: Vice President
Date: _____

"CITY"

CITY OF ONTARIO

By:_____
Scott Ochoa
City Manager

Date: _____

ATTEST:

_____
City Clerk, Ontario

APPROVED AS TO FORM:

COLE HUBER, LLP

_____
City Attorney

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20_____, before me, _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____,
who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature_____
Signature of Notary Public

Place Notary Seal Above

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20_____, before me, _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____

who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature_____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT

Legal Description of Property

Real property in the City of Chino, County of San Bernardino, State of California, described as follows:

THE SOUTHEASTERLY 1/4 OF THE NORTHEASTERLY 1/4 OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THEREFROM THE EAST 30 FEET AS CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED APRIL 16, 1943, IN BOOK 1578, PAGE 371, OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM PARCEL NOS. 1, 2 AND 3 AS CONVEYED TO SOUTHERN SURPLUS REALTY CO., BY DEED RECORDED OCTOBER 10, 1973, IN BOOK 8284, PAGE 113, OFFICIAL RECORDS.

APN: 0218-171-21-0-000

Real property in the City of Ontario, County of San Bernardino, State of California, described as follows:

THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THEREFROM THE EAST 30 FEET CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED APRIL 16, 1943 IN BOOK 1578, PAGE 371, OFFICIAL RECORDS OF SAID COUNTY.

ALSO EXCEPT THE WEST 200 FEET CONVEYED TO THE SOUTHERN CALIFORNIA EDISON COMPANY BY DEED RECORDED JANUARY 19, 1967 IN BOOK 6759, PAGE 770, OFFICIAL RECORDS OF SAID COUNTY.

ALSO EXCEPT THAT PORTION CONVEYED TO THE CITY OF ONTARIO IN GRANT DEED RECORDED JANUARY 30, 2007 AS INSTRUMENT NO. 2007-0059195 OF OFFICIAL RECORDS, AS DESCRIBED THEREIN.

ALSO EXCEPT THOSE PORTIONS CONVEYED TO THE CITY OF ONTARIO IN GRANT DEED RECORDED JANUARY 18, 2008 AS INSTRUMENT NO. 2008-0026278 OF OFFICIAL RECORDS, AS DESCRIBED THEREIN.

ALSO EXCEPT THAT PORTION CONVEYED TO CHINO BASIN DESALTER AUTHORITY IN GRANT DEED RECORDED MARCH 22, 2013 AS INSTRUMENT NO. 2013-0119363 OF OFFICIAL RECORDS, AS DESCRIBED THEREIN.

APN: 0218-171-27-0-000

EXHIBIT "B"
TO DEVELOPMENT AGREEMENT

Map showing Property and its location



EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On September 13, 2005, the Planning Commission:

a) Issued Resolution No. 2005-081, recommending City Countil adopt and certify the Edenglen Environmental Impact Report (SCH#2004051108); and

b) Issued Resolution No. 2005-082, recommending City Council approval of the General Plan Amendment (PGPA03-005); and

c) Issued Resolution No. 2005-083, recommending City Council approval of the Edenglen Specific Plan (PSP03-005).

On October 4, 2005, the City Council:

a) Approved the General Plan Amendment and issued Resolution No. 2005-100; and

b) Adopted and certified the Edenglen Environmntal Impact Report and issued Resolution No. 2005-101; and

c) Approved the Edeglen Specific Plan and held it over for a second reading on November 1, 2005.

On November 1, 2005, the City Council:

a) Approved the Edenglen Specific Plan and issued Ordinance No. 2817.

On July 14, 2009, the Planning Commission:

a) Issued Resolution No. PC09-020, recommending the City Council certify the Program EIR for The Ontario Plan (SCH#2008101140).

b) Issued Resolution No. PC09-021, recommending the City Council approve the Component Framework for The Ontario Plan (File No. PGPA06-001).

c) Issued Resolution No. PC09-22, recommending City Council approval of a comprehensive udate to The Ontario General Plan (File No. PGPA06-001).

EXHIBIT "C" Continued
TO DEVELOPMENT AGREEMENT

On January 27, 2010, the City Council:

a) Issued Resolution Nos. 2010-003, 2010-004, 2010-005, 2010-006, certifying the EIR (SCH#2008101140) for The Ontario Plan and adoption of an addendum to The Ontario Plan (File No. PGPA06-001).

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

1. 2005 General Plan Amendment No. 4, Resolution No. 2005-100
2. Edenglen Specific Plan (File No. PSP03-005)
3. Edenglen EIR (SCH#2004051108), Resolution No. 2005-101
4. Addendum to The Ontario Plan (File No. PGPA06-001)
5. The Ontario Plan EIR (SCH#2008101140)
6. City of Ontario Municipal Code
    a. Six – Sanitation & Health
    b. Seven – Public Works
    c. Eight – Building Regulations
    d. Nine – Development Code
    e. Ten – Parks & Recreation

EXHIBIT "E"
TO THE DEVELOPMENT AGREEMENT

Description of Required Infrastructure Improvements

STORM DRAIN (SD)

1. SD along Mill Creek Avenue from Chino Avenue to connect to the San Bernardino County Line Channel in Bellegrave Avenue.

2. SD along Hamner Avenue between Riverside Drive and Chino Avenue.

STREETS (ST)

1. Full half-width street improvements on the south side and circulation lane improvements on the north side of Riverside Drive along the Property frontage.

2. Full half-width street improvements on Hamner Avenue between Riverside Drive and Chino Avenue.

    a. Parkway improvements are not required along the frontage of the SCE substation at the NWC of Hamner and Chino.

3. Modifications to an existing traffic signal at Riverside Drive and Hamner Avenue

4. Traffic Signal at Riverside Drive and Project Driveway.

5. Traffic Signal at Hamner Avenue and Project Driveway.

WATER (Potable [PW] & Recycled [RW])

1. 12-inch 1010PZ PW on Hamner Ave between Riverside Drive and Chino Avenue.

2. 12-inch 1010PZ PW on Chino Ave between Hamner Ave and westerly project boundary.

3. 8-inch 1050PZ RW on Riverside Drive between westerly Project limit and Hamner Avenue.

4. 8-inch 1050PZ RW on Hamner Ave between Riverside Drive and Chino Avenue.

5. 8-inch 1050PZ RW on Chino Ave between Hamner Avenue and Edenglen Avenue with stubs north to connect to existing RW in Edenglen Avenue north of Chino Ave.

6. Relocate portions or all of the City of Ontario pressure reducing station on Riverside Drive as needed to accommodate required street improvements. Redundant or replacement facilities may need to be constructed in order to keep the facility operational during relocation. Any and/or all the improvements, shall be designed, constructed, and completed to the satisfaction of the City Engineer.

7. Relocate portions or all of the Chino Desalter Authority desalination station on Riverside Drive as needed to accommodate required street improvements. Redundant or replacement facilities may need to be constructed in order to keep the facility operational during relocation, if required by the Chino Desalter Authority. Any and/or all the improvements, shall be designed, constructed, and completed to the satisfaction of the City Engineer and Chino Desalter Authority.

SEWER (SW)

1. SW off-site improvements in Mill Creek Avenue and Chino Avenue, as identified in the Sewer Master Plan and the Edenglen Specific Plan.

FIBER OPTIC COMMUNICATIONS (FO)

1. FO in Riverside Drive between along the Property frontage.

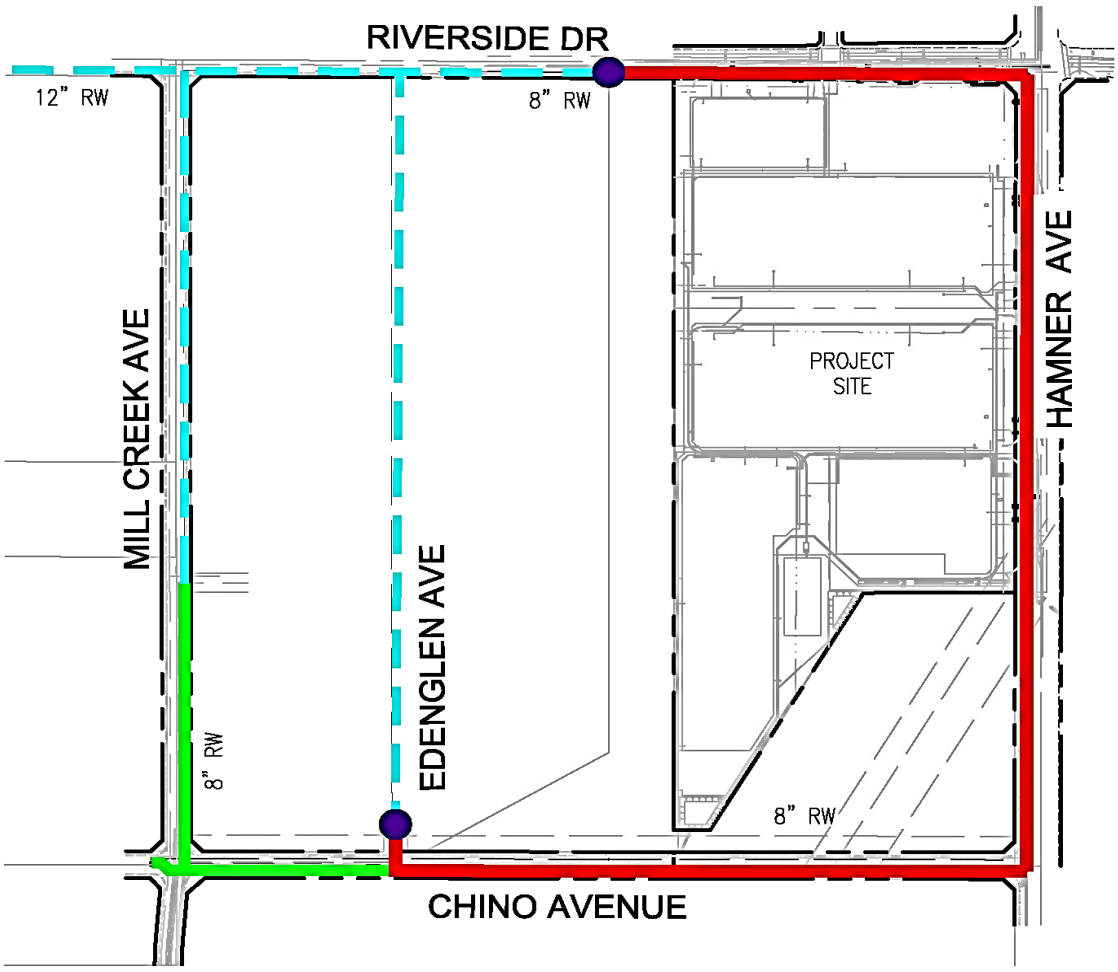
2. FO on Hamner between Riverside Drive and Chino Avenue.

EXHIBIT "F"

Depiction of required Infrastructure Improvements

[SEE ATTACHMENTS]

EXHIBIT F-1
RECYCLED WATER IMPROVEMENTS



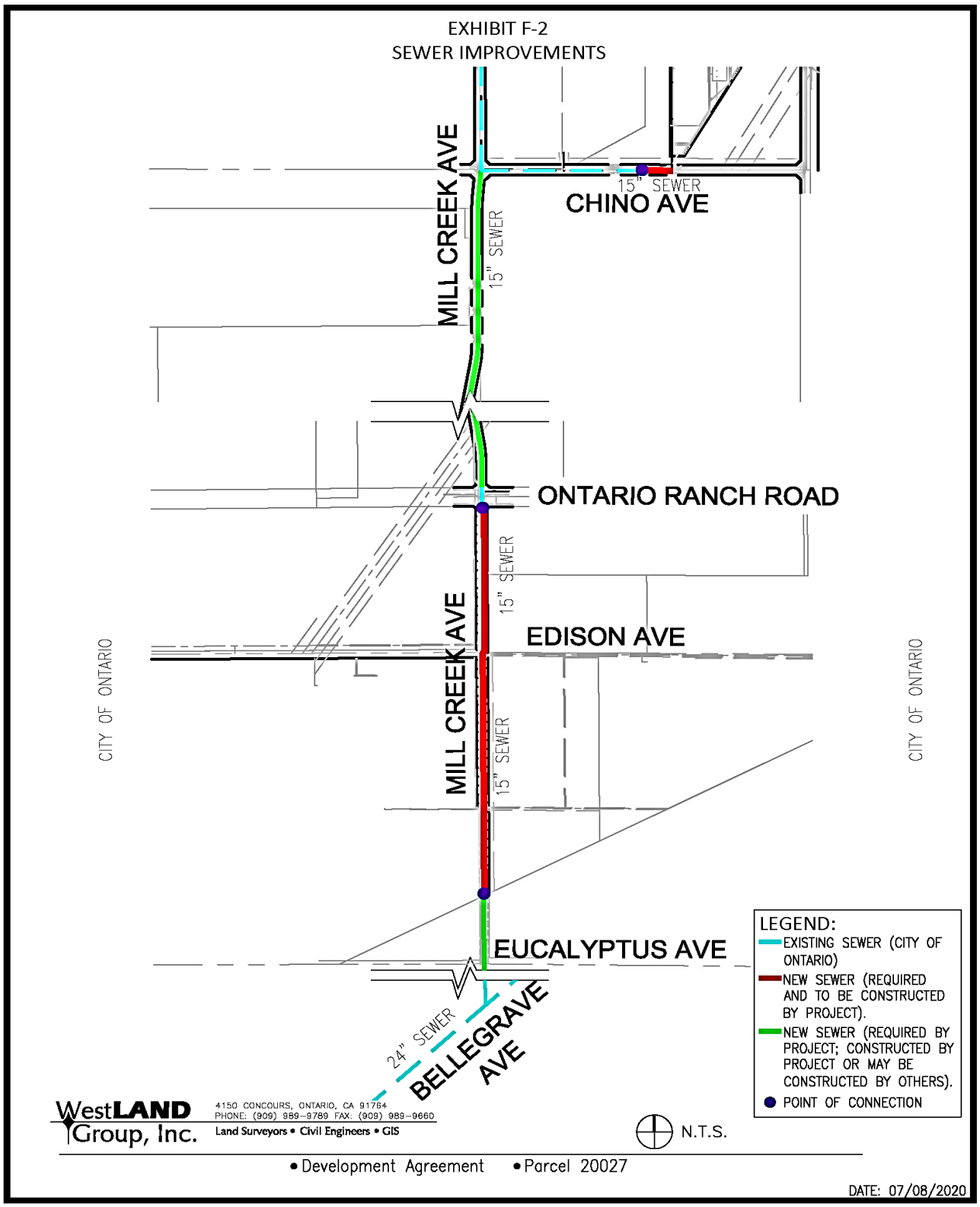
LEGEND:
- EXISTING RECYCLED WATER (CITY OF ONTARIO)
- NEW RECYCLED WATER (REQUIRED AND TO BE CONSTRUCTED BY PROJECT)
- FUTURE RECYCLED WATER (CITY OF ONTARIO)
- POINT OF CONNECTION

WestLAND Group, Inc.
4150 CONCOURS, ONTARIO, CA 91764
PHONE: (909) 989-9789 FAX: (909) 989-9660
Land Surveyors • Civil Engineers • GIS

N.T.S.

• Development Agreement • Parcel 20027

DATE: 07/08/2020


EXHIBIT F-2
SEWER IMPROVEMENTS
MILL CREEK AVE
15" SEWER
CHINO AVE
15" SEWER
ONTARIO RANCH ROAD
MILL CREEK AVE
15" SEWER
EDISON AVE
MILL CREEK AVE
15" SEWER
CITY OF ONTARIO
CITY OF ONTARIO
EUCALYPTUS AVE
24" SEWER
BELLEGRAVE AVE
LEGEND:
EXISTING SEWER (CITY OF ONTARIO)
NEW SEWER (REQUIRED AND TO BE CONSTRUCTED BY PROJECT).
NEW SEWER (REQUIRED BY PROJECT; CONSTRUCTED BY PROJECT OR MAY BE CONSTRUCTED BY OTHERS).
POINT OF CONNECTION
WestLAND Group, Inc.
4150 CONCOURS, ONTARIO, CA 91764
PHONE: (909) 989-9789 FAX: (909) 989-9660
Land Surveyors • Civil Engineers • GIS
N.T.S.
• Development Agreement • Parcel 20027
DATE: 07/08/2020

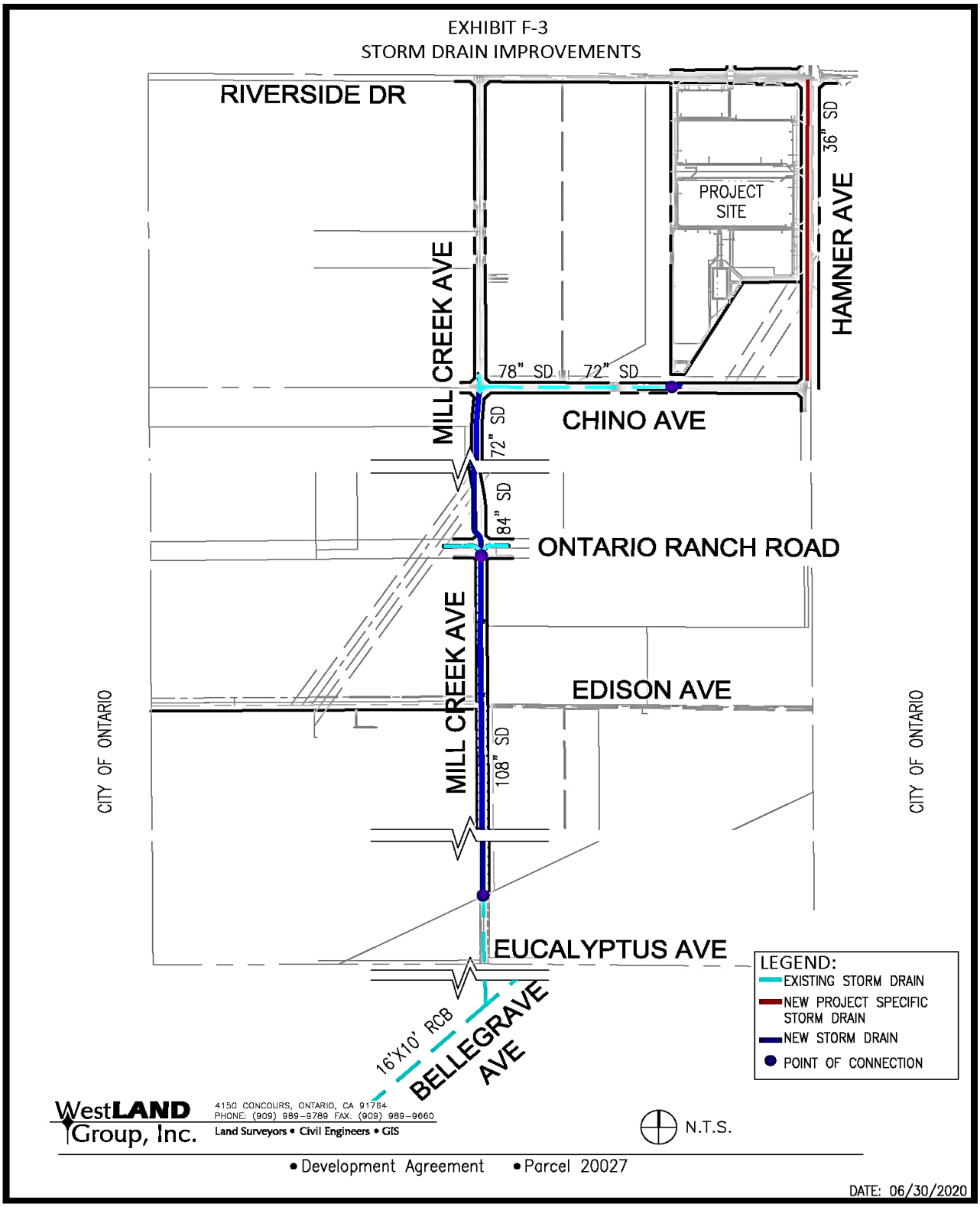
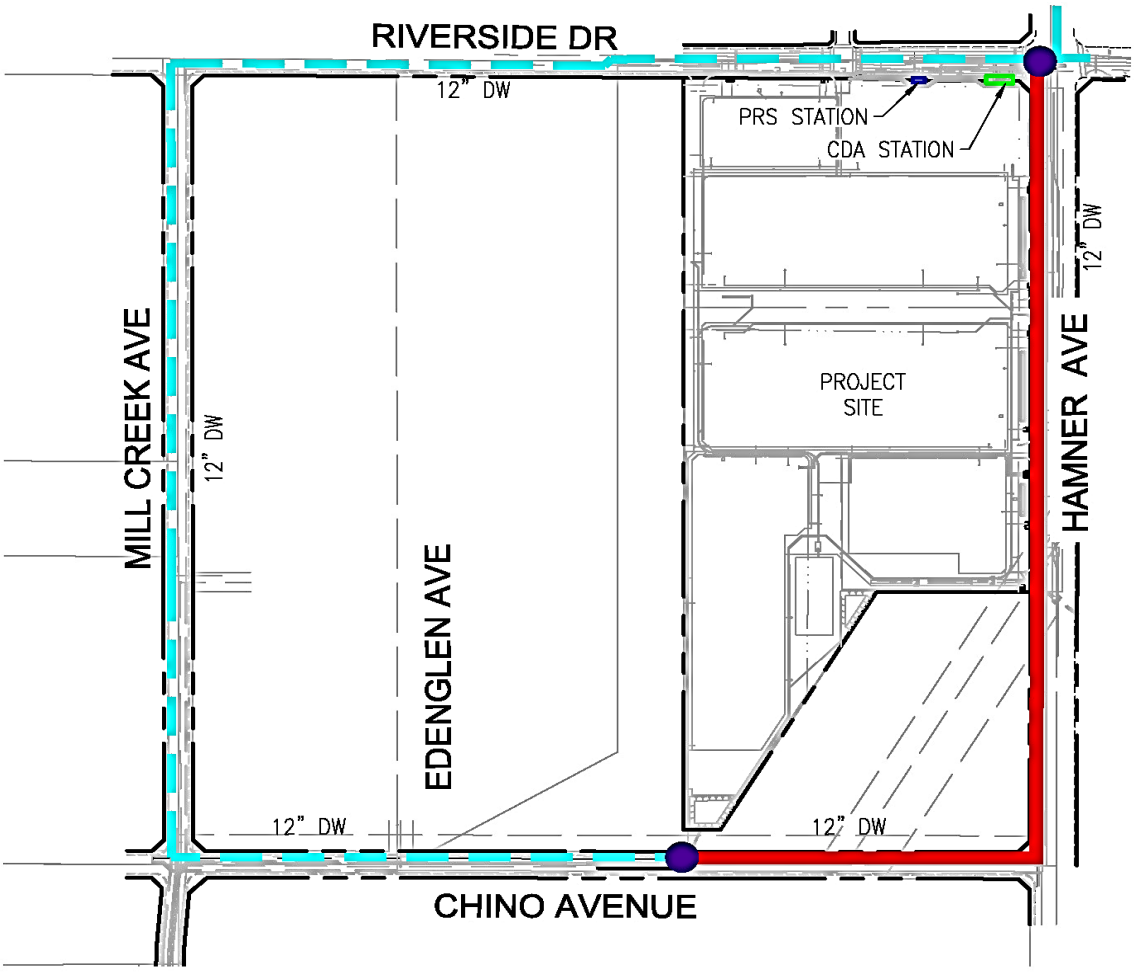

EXHIBIT F-3
STORM DRAIN IMPROVEMENTS
RIVERSIDE DR
PROJECT SITE
36" SD
HAMNER AVE
MILL CREEK AVE
78" SD
72" SD
CHINO AVE
72" SD
84" SD
ONTARIO RANCH ROAD
MILL CREEK AVE
EDISON AVE
108" SD
CITY OF ONTARIO
CITY OF ONTARIO
EUCALYPTUS AVE
16'X10' RCB
BELLEGRAVE AVE
LEGEND:
EXISTING STORM DRAIN
NEW PROJECT SPECIFIC STORM DRAIN
NEW STORM DRAIN
POINT OF CONNECTION
WestLAND Group, Inc.
4150 CONCOURS, ONTARIO, CA 91764
PHONE: (909) 989-9789 FAX: (909) 989-9660
Land Surveyors • Civil Engineers • GIS
N.T.S.
• Development Agreement • Parcel 20027
DATE: 06/30/2020

EXHIBIT F-4
POTABLE WATER IMPROVEMENTS



LEGEND:
- EXISTING DOMESTIC WATER (CITY OF ONTARIO)
- NEW PROJECT SPECIFIC DOMESTIC WATER (CITY OF ONTARIO)
- POINT OF CONNECTION
- RELOCATE PRESSURE REDUCING STATION AS NECESSARY (CITY OF ONTARIO)
- RELOCATE DESALTER AS NECESSARY (CHINO BASIN DESALTER AUTHORITY)

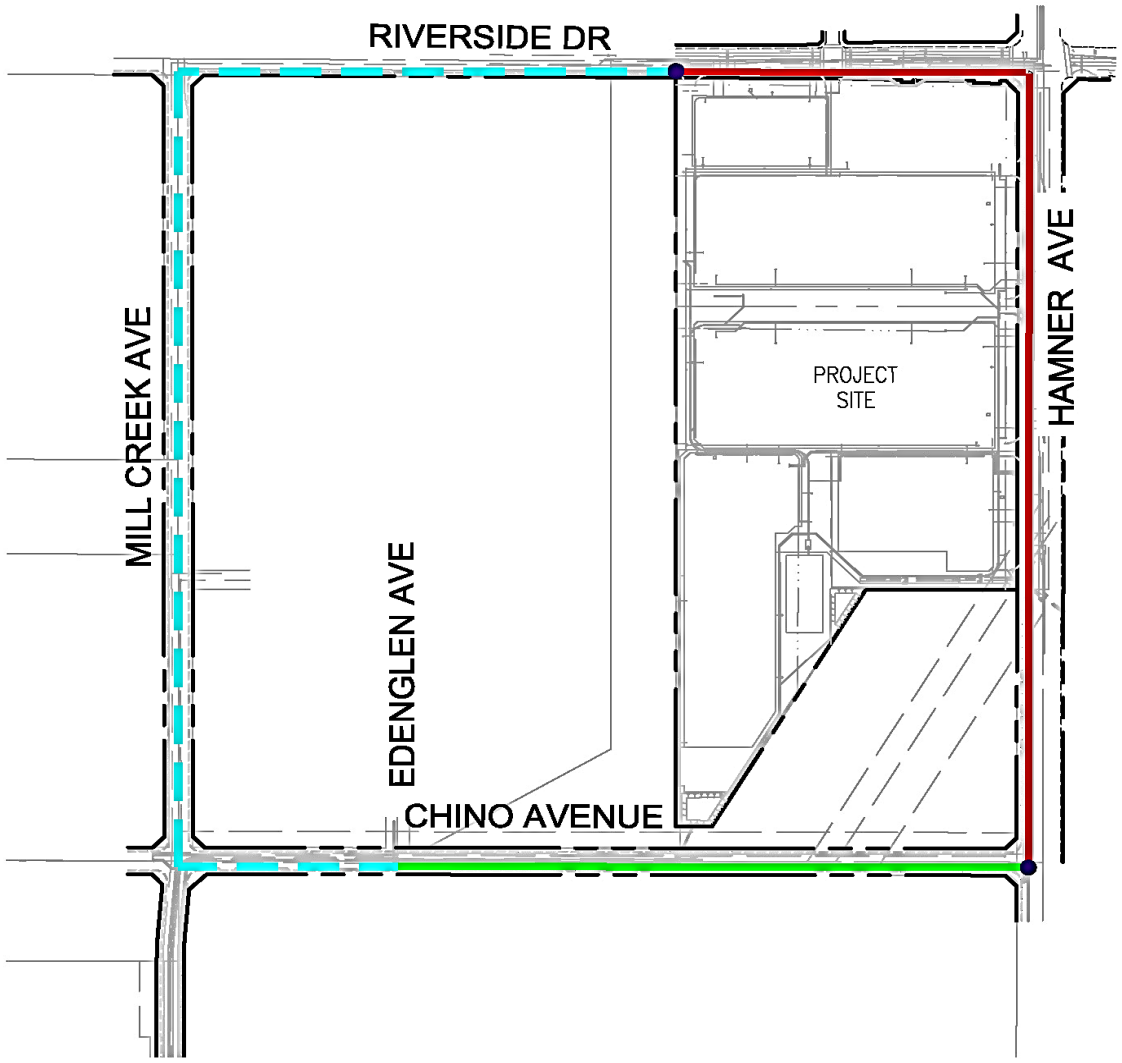
WestLAND Group, Inc.
4150 CONCOURS, ONTARIO, CA 91764
PHONE: (909) 989-9769 FAX: (909) 989-9660
Land Surveyors • Civil Engineers • GIS

N.T.S.

• Development Agreement • Parcel 20027

DATE: 07/22/2020

EXHIBIT F-5
FIBER OPTIC COMMUNICATIONS

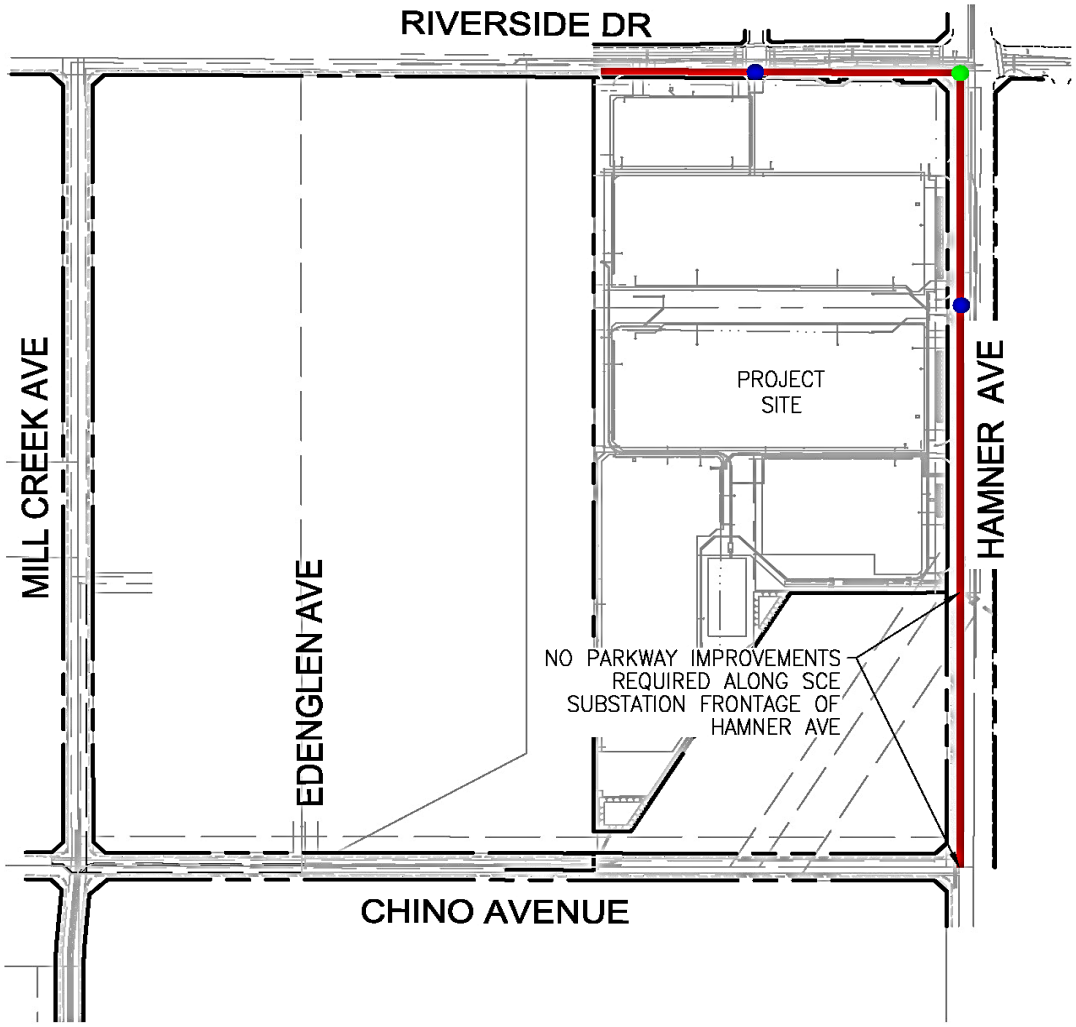


WestLAND Group, Inc.
4150 CONCOURS, ONTARIO, CA 91764
PHONE: (909) 989-9789 FAX: (909) 989-9660
Land Surveyors • Civil Engineers • GIS

• Development Agreement • Parcel 20027

DATE: 07/02/2020

EXHIBIT F-6
STREET IMPROVEMENTS



LEGEND:
- NEW STREET WIDENING (CITY OF ONTARIO)
- PROPOSED TRAFFIC SIGNAL
- EXISTING TRAFFIC SIGNAL TO BE MODIFIED

WestLAND Group, Inc.
4150 CONCOURS, ONTARIO, CA 91764
PHONE: (909) 989-9789 FAX: (909) 989-9660
Land Surveyors • Civil Engineers • GIS

N.T.S.

• Development Agreement • Parcel 20027

DATE: 07/10/2020

EXHIBIT "G"

FORM OF CERTIFICATE OF NET MDD AVAILABILITY

Pursuant to Section 4.5 of this Agreement between the City of Ontario, a California municipal corporation, and Ontario CC, LLC, a limited liability company, hereinafter called "OWNER", the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called "Agreement", the City of Ontario hereby certifies based on CITY receipt of payment of OWNER's share of the funding for the Phase 2 Water Improvements, that OWNER is entitled to the following Net MDD Water Availability.

Amount of Net MDD _____ gpm

_____
Scott Ochoa, City Manager

Dated:_____

Exhibit "H"

FORM OF CERTIFICATE OF REGIONAL DIF CREDIT

Pursuant to Section 4.5.2 of this Agreement by and between the City of Ontario and Ontario CC, LLC, dated _____, 20__, the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called the "Development Agreement', the City of Ontario hereby certifies that OWNER is entitled to the following amount and nature of DIF Credits in the Regional Water DIF Infrastructure Category:

Amount of Credit: $_____

_____
Scott Ochoa, City Manager

Dated:_____

Exhibit "I-1"

ONTARIO RANCH
WATER SUPPLY PHASING PLAN

Phase 2	Water Availability Equivalency	Estimated Net MDD Available[1]
Phase 2 A		
Supply & Storage		
1. 1 - Additional Ground Water Well and Collection lines - Design and Construction	8,250 gpm[2]	**7,750 gpm**[2]
Pipelines (Transmission & Distribution)[2]		
2. 925 Zone Transmission lines – Design and Construction		
3. Temporary Pressure Reducing Station[3] – Design and Construction		
Phase 2B		
Supply & Storage		
4. 1 – Additional Ground Water Well and Collection lines – Design and Construction	10,500 gpm[2]	**9,860 gpm**[2]
5. 1 – 6 million gallon Reservoir – 925 Zone – Design and Construction		

(1) Upon Completion of the construction of all of the improvements described for each Phase a Certificate of Net MDD Availability shall be issued to Developer for the corresponding amount of Net MDD. Net MDD means the maximum daily demand on the potable water supply, net of the water requirements for public schools and parks. The Water Availability Equivalency includes the estimated requirements for public schools and parks. The amount of Net MDD specified is the cumulative amount for which building permits may be issued upon funding of the corresponding and all preceding Phases of improvements.

(2) The ability of a particular development to utilize Net MDD assigned to it by the Developer will require the completion of design and construction of Master-planned potable and recycled water transmission and distribution pipelines for the respective pressure zone. Other factors may include its location, the particular land use and Water Availability Equivalents assigned to it as specified in Exhibit C-2.

(3) Pressure reducing stations are a component of the pipeline transmission and distribution system.

EXHIBIT "I-2"

Available Water Supply - See Exhibit C-1R for Net MDD Available

Table A - Water Demand Equivalents By Land Use

The Ontario Plan	Potable Water			Recycled Water	
Land Use	Water Demand Factor (ADD)		Water Demand Equivalents (WDE)[2]	Recycled Water Demand Factor[1] (ADD)	Recycled Water Demand Of Total Water Demand
	(gpd/du)	(gpd/ac)	(gpm/unit)	(gpd/ac)	(%)
Detached Dwellings (less than 5 units per acre)	544		0.57	900	28%
Detached or Attached Dwellings (between 5 and 11 units per acre)	464		0.48	1,000	21%
Attached Dwellings (between 11 and 25 units per acre)	323		0.34	1,500	18%
High Density Dwellings (25+ units per acre)	152		0.16	1,500	27%
Commercial Lodging	150		0.16	1,700	50%
Retail/Services Uses		2,200	2.29	2,300	51%
Office Uses		3,400	3.54	2,300	40%
Business Park Uses		2,200	2.29	2,200	50%
Industrial Uses		2,000	2.08	2,200	52%
Institutional Use		2,200	2.29	1,600	42%
Parks		1,000	1.04	1,400	58%
Schools		3,500	3.65	1,600	31%

[1]Recycled Water Demands include irrigation for right-of-way (medians and parkways), neighborhood edge, pocket parks, and common areas.

[2] The WDE is based on the Maximum Day Demand (MDD) with a peaking factor of 1.5 in the NMC for all land use categories.

Table B - Example Water Supply Calculation

Land Use	Acres[1] (gross)	Residential Units	WDE Factor (gpm)	Potable MDD (gpm)	Recycled Water ADD (gpm)
Development					
Detached Dwellings (less than 5 units per acre)	1,284	5,061	0.57	2,868	803
Detached or Attached Dwellings (between 5 and 11 units per acre)	369	2,530	0.48	1,223	256
Attached Dwellings (between 11 and 25 units per acre)	194	3,410	0.34	1,147	202
Retail/Services Uses (per acre)[2]	104		2.29	239	166
TOTAL	**1,950**	**11,001**		**5,477**	**1,428**

Three (3) Wells Are required to Support this example, assuming each well produces 2,000 gpm and connection to the Recycled Water System maximizing Recycled Water Use.

[1] Residential Acres are estimated based on the weighted average derived from the average number of units per land use category.

[2] Commercial acreage is calculated from a total square footage of 1,361,000 SF with an average Floor to Area Ratio (FAR) of 0.30 for commercial services in The Ontario Plan.

Exhibit "J"

FORM OF PLUME DISCLOSURE LETTER

CITY OF ONTARIO

ONTARIO MUNICIPAL UTILITIES COMPANY

PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

AL C. BOLING
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

SCOTT BURTON
UTILITIES GENERAL MANAGER

March 2017

DISCLOSURE NOTICE
SOUTH ARCHIBALD TRICHLOROETHYLENE PLUME

Dear Property Owner/Developer/Applicant:

The City of Ontario ("City") has approved or will be approving development in the Ontario Ranch area in the next few years, subject to the appropriate and required statutory process. This letter is intended to serve as notice to all potential property owners of the existence of a groundwater plume, known as the South Archibald Trichloroethylene (TCE) Plume which may exist in, under or near owner's property.

The groundwater plume is in an area in the central Chino Basin south of the Pomona Freeway, west of Turner Avenue, east of Grove Avenue, and north of Kimball Avenue. The plume primarily consists of TCE, a discontinued industrial solvent, and is subject to a clean-up under the oversight and direction of the Santa Ana Regional Water Quality Control Board ("Regional Board").

The Regional Board's approved clean-up procedure involves the removal and treatment of groundwater containing TCE via groundwater wells to reduce the plume concentrations and control its migration. In addition, the City is providing potable water supplies for domestic purposes to residences with private domestic wells affected by the plume. Finally, the Regional Board will continue to monitor all impacted areas and private domestic wells to ensure that residents' health and the environment are properly safeguarded. These remedial actions are documented in a Remedial Action Plan approved by the Regional Board in September 2016.

Further and current information may be found on the Regional Board's Geotracker website at https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.

Property owners may wish to include this letter as a part of a Real Estate Transfer Disclosure under California Civil Code Section 1102 et seq.

1425 SOUTH BON VIEW - ONTARIO, CALIFORNIA 91761-4406 - (909) 395-2605 - FAX (909) 395-2601

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA18-006, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND ONTARIO CC, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 20027 (FILE NO. PMTT18-009), FOR A 46.64 ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF RIVERSIDE DRIVE AND HAMNER AVENUE, WITHIN THE PROPOSED NEIGHBORHOOD COMMERCIAL, BUSINESS PARK AND LIGHT INDUSTRIAL LAND USE DESIGNATIONS OF THE EDENGLEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 0218-171-21 AND 0218-171-27.

WHEREAS, CALIFORNIA GOVERNMENT CODE SECTION 65864 NOW provides, in pertinent part, as follows:

"The Legislature finds and declares that:

(a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development."

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

"Any city … may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article …"

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

"A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of

the land for the uses and to the density of intensity of development set forth in this Agreement …"

WHEREAS, on April 4, 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 10, 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, attached to this Ordinance marked Attachment "A" and incorporated herein by this reference, is the proposed Development Agreement (File No. PDA18-006) between the City of Ontario and Ontario CC, LLC., to establish the terms and conditions for the development of Tentative Parcel Map 20027 (File No. PMTT18-009) located at the southwest corner of Riverside Drive and Hamner Avenue, and as legally described in the attached Development Agreement. Hereinafter in this Ordinance, the Development Agreement is referred to as the "Development Agreement"; and

WHEREAS, on November 1, 2005, the City Council adopted Ordinance No. 2817, approving the Edenglen Specific Plan (File No. PSP03-005), which addressed the development of approximately 160.6 acres for residential, pocket parks, public trails, commercial and business/park light industrial uses; and

WHEREAS, on January 27, 2010, the City Council adopted Resolution Nos. 2010-003, 2010-004, 2010-005, 2010-006, approving a comprehensive update to The Ontario Plan (File No. PGPA06-001); and

WHEREAS, a Tentative Parcel Map 20027 (File No. PMTT18-009) to subdivide approximately 46.64 acres of land into seven (7) numbered parcels and one (1) lettered lot within the proposed Neighborhood Commercial, Business Park and Light Industrial land use designations of the Edenglen Specific Plan, has been submitted in conjunction with the Development Agreement; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("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. PGPA06-001, an Addendum to The Ontario Plan for which an Environmental Impact Report — State Clearinghouse No. 2008101140 — (hereinafter referred to as "Certified EIR") was adopted by the City Council on January 27, 2010, and this Application introduces no new significant environmental impacts; and

WHEREAS, This Application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. 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. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference; 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 August 25, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting 6-0 to issue Resolution No. PC20-055 recommending the City Council approve the Application; and

WHEREAS, on September 15, 2020 the City Council of the City of Ontario conducted a hearing to consider the Project, and continued the hearing to a future date; and

WHEREAS, on November 17, 2020, the City Council of the City of Ontario conducted hearing to consider the Project, and continued the hearing to a future date; and

WHEREAS, on February 2, 2021, 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 ORDAINED 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 Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PGPA06-001, an Addendum to The Ontario Plan for which a Certified EIR was adopted by the City Council on January 27, 2010.

(2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Certified EIR 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 Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

SECTION 2. ***Subsequent or Supplemental 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 Certified EIR 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. ***Housing Element Consistency.*** 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 on 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. The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The Edenglen Specific Plan was listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix. However, the eastern half of the Edenglen Specific Plan (project site) was not included as one of the properties in the Available Land Inventory since the eastern half of the Specific Plan did not include any residential land use designations.

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 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 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:

a. The Development Agreement applies to approximately 46.64 acres of land located at the southwest corner of Riverside Drive and Hamner Avenue, within the proposed Neighborhood Commercial, Business Park and Light Industrial land use designations of the Edenglen Specific Plan; and

b. The Development Agreement establishes parameters for the development of the proposed Neighborhood Commercial, Business Park and Light Industrial land use designations of the Edenglen Specific Plan. The Development Agreement also grants the Owner, the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with the proposed General Plan Amendment (File No. PGPA18-002) to The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the proposed amendment (File No. PSPA18-003) to the Edenglen Specific Plan; and

c. The Development Agreement grants the Owner a vested right to develop Tentative Parcel Map 20027 as long as the Owner, complies with the terms and conditions of the Specific Plan and EIR. Tentative Parcel Map 20027 is located at the southwest corner of Riverside Drive and Hamner Avenue and proposes to subdivide approximately 46.64 acres of land into seven (7) numbered parcels and one (1) lettered lot in conjunction with a Development Plan (File No. PDEV18-031); and

d. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

e. The Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

f. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and

g. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously analyzed in conjunction with File No. PGPA06-001, an Addendum to The Ontario Plan for which a Certified EIR was adopted by the City Council on January 27, 2010. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

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 Development Agreement, 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. ***Severability.*** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 10. ***Effective Date.*** This Ordinance shall become effective 30 days following its adoption.

SECTION 11. ***Publication and Posting.*** 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 15 days following 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.

PASSED, APPROVED, AND ADOPTED this 16th day of February 2021.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER, 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. 3179 was duly introduced at a regular meeting of the City Council of the City of Ontario held February 2, 2021 and adopted at the regular meeting held February 16, 2021 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. 3179 duly passed and adopted by the Ontario City Council at their regular meeting held February 16, 2021 and that Summaries of the Ordinance were published on February 9, 2021 and February 23, 2021, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

File No. PDA18-006

Development Agreement

By and Between

City of Ontario,
a California municipal corporation,

and

Ontario CC, LLC.,
a Delaware limited liability company

(Document follows this page)

CITY OF ONTARIO *Agenda Report* **February 16, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Police Department Prepared By: Nicole Alvarez Staff Member Presenting: Mike Lorenz, Chief of Police Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 6

SUBJECT: APPLICATION FOR GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FY21/22 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT.

RECOMMENDATION: That City Council authorize the City Manager or his designee to execute all documents necessary to apply for and accept a 12-month grant in the amount of $794,125 from the California Office of Traffic Safety (OTS) for participation in the FY21/22 Selective Traffic Enforcement Program (STEP) Grant.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: Grant awards will be announced in July 2021 and the funds will be used for eligible costs incurred from October 1, 2021–September 30, 2022. These grants are reimbursable on a quarterly basis and fund police overtime, education, equipment, supplies, and training to conduct DUI saturation patrols, special traffic enforcement, field enforcement, street racing enforcement and training, education and sobriety checkpoints. The approximate grant funding reimbursement requested is $794,125.00, and the City is not required to provide matching funds for the grants. If awarded, the approved amount will be included as revenue (and associated expenditure adjustments) in a subsequent quarterly budget report to City Council.

BACKGROUND & ANALYSIS: The California Office of Traffic Safety (OTS), through the National Highway Traffic Safety Administration (NHTSA), offers local law enforcement agencies overtime grants to mitigate traffic safety program deficiencies, expand ongoing activities, develop new programs, and conduct sobriety checkpoints. The grant period includes two "National Impaired Driving Campaign" mobilization periods: the Winter Mobilization which occurs around Christmas and New Year's Eve and Summer Mobilization which occurs around Labor Day. Sobriety checkpoints, DUI saturation patrols and special traffic enforcement will be scheduled during each of the highly publicized mobilization periods. Additional operations will continue to be conducted outside the mobilization periods. Each overtime operation and checkpoint will be conducted according to each operation's specific needs, which may require supervisors, officers, technicians, and/or clerical/other staff members.

The goal of the OTS grant program includes: (1) reducing the number of people killed in alcohol-involved crashes through the combined efforts of local law enforcement agencies, California Highway Patrol, and OTS, (2) reduce the total number of traffic collisions that occur within the city, (3) through press releases, inform citizens of increased enforcement and educate drivers that the only way to

“avoid” arrest, injury, and/or death is to drive sober, and (4) network with regional law enforcement agencies to conduct multiple joint operations to decrease alcohol related issues such as DUI’s and underage drinking.

CITY OF ONTARIO *Agenda Report* **February 16, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Utilities Prepared By: Chris Bonadurer Staff Member Presenting: Scott Burton, Utilities General Manager Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 7

SUBJECT: A GOODS AND EQUIPMENT PURCHASE AGREEMENT WITH DE NORA WATER TECHNOLOGIES, LLC., FOR REPLACEMENT OF ON-SITE SODIUM HYPOCHLORITE GENERATOR EQUIPMENT FOR WELL NO. 40

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a Goods and Equipment Purchase Agreement (on file in the Records Management Department) with De Nora Water Technologies, LLC., of Colmar, Pennsylvania, in the amount of $235,555 for the purchase of an On-site Sodium Hypochlorite Generator (OSCG) unit and replacement parts.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2020-21 Adopted Capital Improvement Program includes appropriations in the amount of $235,555 from the Water Capital Fund for this project. The recommended purchase award to De Nora Water Technologies LLC is for $235,555. There is no impact to the General Fund.

BACKGROUND & ANALYSIS: The City currently operates seventeen (17) active groundwater production wells and two (2) treatment plants. Water produced from the wells and treatment facilities require disinfection before it is delivered to customers. The OSCG Unit at Well No. 40 has reached its maximum useful life cycle, is no longer cost effective to maintain and is scheduled for replacement. Purchase of the unit and spare parts will reduce maintenance cost and maximize useful life expectancy, while ensuring safe and reliable operations.

The City has utilized OSCG units from De Nora Water Technologies (formerly "Miox") at all of its water facilities. This is a sole source purchase to maintain consistency with the standardized OSCG equipment that is already in place throughout the City's facilities. Section 2-6.23 (b) of the Ontario Municipal Code states that sole source purchases are authorized if there is only one procurement source.

While there are two manufacturers of OSCG systems on the market; these systems are completely incompatible with one another. De Nora Water Technologies is the exclusive distributor in California for the De Nora OSCG equipment. Staff has reviewed pricing and recommends this sole source award to De Nora Water Technologies, LLC.

CITY OF ONTARIO *Agenda Report* **February 16, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Police Department Prepared By: Mike Lorenz Staff Member Presenting: Mike Lorenz, Chief of Police Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 8

SUBJECT: A RESOLUTION RECONSIDERING A CITY OF ONTARIO POLICY REGARDING ANNUAL ALARM PERMIT RENEWAL FEES

RECOMMENDATION: That the City Council consider and adopt a resolution removing an annual alarm permit renewal fee from the City's Fee Schedule.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Maintain the Current High Level of Public Safety

FISCAL IMPACT: The fiscal impact of this action is negligible. The loss of revenue stemming from the elimination of this fee will be offset by the efficiencies and productivity generated by having the most up-to-date contact information from alarm permit holders. Having such corrected/updated information will save responding police officers and police dispatches time and resources, as well as improve safety of officers and the public.

BACKGROUND & ANALYSIS: An annual alarm permit renewal fee was included in the City's FY 2020-21 Citywide Fee Schedule. The rationale for the fee was to recover the cost of annually updating permit holder information (contact information, relevant occupancy information, pet information, etc.). Having such accurate information can save considerable time and effort on the part of the Ontario Police Department ("OPD") as officers respond to alarm calls. It also aids in officer and public safety if officers are aware of current conditions existing on the property. Generally, this requires an annual update and/or review of permitholder information.

As permitholders have been advised of the renewal fee, however, many have complained about the cost and inconvenience. As an alternative to an annual alarm permit renewal fee, the Police Chief suggested that OPD can designate the month of August of each year (in order to coincide with National Night Out), as the timeframe for all residents and businesses with registered alarms to update their information with the City. The annual timeframe for permitholders to update their information will be promoted through media outreach in various forms. Of note, those permitholders who fail to update their information during this timeframe could be subject to fees or penalties stemming from false alarm calls, extended difficulties in tracking down permitholders, and/or incidents of injury to OPD personnel or equipment.

Ultimately, the goal is to enhance safety by having updated and reliable information about the residents and businesses served by OPD.

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO CITY COUNCIL REMOVING THE ANNUAL ALARM PERMIT RENEWAL FEE FROM THE CITYWIDE FEE SCHEDULE.

WHEREAS, the Mayor and City Council promote public safety as one their Strategic Goals;

WHEREAS, residential and business alarms, when properly utilized, augment the effectiveness of Ontario's public safety resources;

WHEREAS, updating alarm permits annual with current and useful information maximizes OPD's productivity and safety of officers and residents alike; and

WHEREAS, incentivizing alarm permitholders to update their permit information annually is preferable to charging a fee to renew the permit that would accomplish the same goal.

NOW, THEREFORE, be it resolved as follows:

SECTION 1. The Mayor and City Council resolve that the Citywide Fee Schedule remove the annual permit renewal fee.

SECTION 2. The OPD shall create an annual promotion and process for permitholders to update their permit information free of charge during the timeframe of said promotion.

SECTION 3. The OPD may seek to enforce penalties on permitholders not taking advantage of this incentive-based process.

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

PASSED, APPROVED, AND ADOPTED this ___ day of ____2021.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER, 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. 2021- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held _____, 2021 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. 2021- duly passed and adopted by the Ontario City Council at their regular meeting held _____.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO *Agenda Report* **February 16, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Management Services Prepared By: Darlene M Sanchez Staff Member Presenting: Darlene M. Sanchez, Assistant City Manager Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 9

SUBJECT: A RESOLUTION OPPOSING LEGISLATION THAT ALLOWS FOR THE MINISTERIAL APPROVAL OF MODIFICATION OR ELIMINATION OF SINGLE-FAMILY RESIDENTIAL ZONING ACROSS THE STATE OF CALIFORNIA

RECOMMENDATION: That the City Council consider and adopt a resolution opposing any legislation that allows for the ministerial approval of modification or elimination of single-family residential zoning across the State of California.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: This resolution does not have a direct fiscal impact on City operations.

BACKGROUND & ANALYSIS: The growing lack of attainable housing is one of the most critical issues facing the State of California. It is leading to a rapid increase of homelessness, an expanding exodus of residents leaving the State for areas with greater amounts of affordable housing, and the loss of major businesses and jobs. For a number of years the growing demand for housing has quickly outpaced the rate of construction in California. However, many localities, including Ontario, have done their best to create and foster a development-friendly climate, welcoming new projects, and with this, new families to California cities. Ontario has laid the foundation for affordable housing production by zoning for new projects, partnering with housing organizations, and being good stewards of State funding to create more affordable units for new and existing residents. Since 2018 the City of Ontario has issued over 3,500 permits for residential units.

The City understands that a difficult problem requires bold decisions and new ideas, however, proposing legislation that strips local officials and residents of the ability to provide any input regarding the growth and layout of their City will simply exacerbate the problem. Municipalities engage in an arduous process to obtain approval and certification of housing elements from the State of California. This process grants stakeholders the ability to provide their input and develop zoning laws that best fit the City's needs, taking into consideration the past, present and future of its residents. Proposals recommending the implementation of ministerial approval or by-right housing completely disregard this communal process, stripping residents of the ability to participate in the creation of the City's future. Additionally, these proposals fail to recognize any other alternatives to solve the housing affordability

crisis, and places the burden solely and directly on residents and local governments by stating that the only possible solution is to strip Californians of their rights.

While Ontario shares the sentiment and sense of urgency displayed by legislators seeking to resolve California's housing crisis, by-right and ministerial legislation can bring unsustainable and unmanageable growth to unprepared communities. These proposals bring with them the potential of creating greater congestion to already at-capacity cities, increasing pollution that would undo California's efforts to increase environmental justice as well as extending commute times, concluding in the overall decrease of quality of life for Ontario residents. Greater housing production is encouraged in order to lessen the financial burden on California families, but it must be shaped by the residents of this State, rather than imposed through top-down unfunded mandates.

The City of Ontario stands ready to lead the way in creating housing solutions that will increase the quality of life for residents while protecting their ability to voice their views of the future. State officials must explore new versions of local financing strategies, such as the ones provided by redevelopment, to generate the affordable housing necessary to meet the demand across the State. Furthermore, reforming current laws that create overly burdensome hurdles for the production of housing, creating streamline approval processes, and providing greater funding opportunities would also assist in the increase the new development projects. This crisis can only be solved through comprehensive solutions that bring every stakeholder to the table. Taking away Californians ability to participate in planning the future of their community should not be one of the solutions being considered.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OPPOSING LEGISLATION THAT ALLOWS FOR THE MINISTERIAL APPROVAL OF MODIFICATION OR ELIMINATION OF SINGLE-FAMILY RESIDENTIAL ZONING ACROSS THE STATE OF CALIFORNIA.

WHEREAS, California is currently suffering a housing affordability crisis; and

WHEREAS, this crisis is fueling homelessness, loss of businesses and jobs, and decreasing standards of living; and

WHEREAS, the City of Ontario has worked to create a development-friendly climate to increase the production of units in its jurisdiction to alleviate the crisis and help its residents; and

WHEREAS, since 2018 the City of Ontario has issued over 3,500 residential unit permits; and

WHEREAS, the California State Legislature has over the past several years introduced legislative proposals to solve the housing affordability crisis; and

WHEREAS, a number of the proposals offered by legislators aim at implementing by-right and ministerial housing approval processes; and

WHEREAS, ministerial approval processes seek to modify or eliminate single-family residential zoning across the state of California; and

WHEREAS, the City of Ontario engages with community members and other stakeholders to create the City’s zoning ordinances and housing element; and

WHEREAS, ministerial housing approval strips local officials and residents of their ability to voice their views about the future of their communities through the creation of ordinances; and

WHEREAS, ministerial housing approval to eliminate single-family residential zoning can bring unsustainable growth to unprepared communities; and

WHEREAS, by-right housing can jeopardize the efforts of the State on decreasing pollution, commute times, and create an overall lower quality of life in our communities; and

WHEREAS, ministerial housing approval places the burden of the problem solely and directly on residents; and

WHEREAS, the State legislature has other tools at its disposal to solve the housing affordability crisis.

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

SECTION 1. The recitals set forth above are true and correct and are hereby adopted as findings in support of this Resolution as if fully set forth herein.

SECTION 2. Opposes legislation that allows for the ministerial approval of modification or elimination of single-family residential zoning.
While the City of Ontario shares the sense of urgency in solving the housing affordability crisis in the State of California, the solutions should not strip residents and local officials of their rights to shape the future of their community. Ministerial and by-right housing will create unsustainable growth in unprepared localities, exacerbating the affordability problem and decreasing standards of living across the City. As such, it is imperative that the State of California explores alternative solutions, including increased financing options and decreasing administrative hurdles, to resolve the housing crisis.

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

PASSED, APPROVED, AND ADOPTED this 16th day of February 2021.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER
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. 2021- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 16, 2021 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. 2021- duly passed and adopted by the Ontario City Council at their regular meeting held February 16, 2021.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO *Agenda Report* **February 16, 2021**	**SECTION:** **PUBLIC HEARINGS**
Department: Economic Development Prepared By: Charity Hernandez Staff Member Presenting: John P. Andrews, Executive Director Economic Development Reviewed By: Peak Approver Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 10

SUBJECT: A RESOLUTION OF NECESSITY FOR THE ACQUISITION BY EMINENT DOMAIN OF FEE INTERESTS IN CERTAIN REAL PROPERTIES LOCATED ON STATE STREET, MAIN STREET, AND JEFFERSON STREET

RECOMMENDATION: That the City Council conduct a public hearing and adopt a Resolution of Necessity declaring that the acquisition fee interests in certain real properties located on State Street, Main Street, and Jefferson Street more particularly described as Assessor Parcel Nos. 1049-122-13; 1049-122-15; 1049-161-11; 1049-191-10; 1049-194-10; 1049-194-12; 1049-194-13; and 1049-196-03 ("Properties"), for the mitigation of airport impacts and the elimination of blight ("Project") in Ontario, California.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
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: If approved, appropriations adjustments will be included in the next Quarterly Budget Report to City Council to cover the acquisition costs. Deposits to file the Resolution of Necessity total $2,025,000.

BACKGROUND & ANALYSIS: The Properties are in close proximity to the Ontario International Airport ("Airport"). They are located immediately west of the runaways and are directly below arrival and departure flight paths. They are located in areas that have been designated as being within the Airport's designated Safety and Noise Impact Zones. State law requires that the City's land use policies for the relevant area be consistent with the Land Use Compatibility Plan for the Airport. Airport operations and applicable land use requirements have significantly impacted the properties and have contributed to the blighting of the area and the Properties.

The Properties are located within the former Cimarron Redevelopment Project Area. The existing blight conditions in this Project Area have been well documented in a written report report, dated May 29, 2007 and presented to the City Council as "Cimarron Redevelopment Project, Amendment No. 7". The current blight conditions around the Properties identified in this Council report remain largely unchanged. Presently, the Properties do not conform to applicable City and Airport land use requirements for development and suffer from impacts relating to Airport operations and general area

blight. If acquired, the Properties will be assembled with other properties in the area and eventually developed into industrial uses that mitigate Airport impacts, eliminate blight in the area, and conform to applicable City and Airport land use requirements.

The City obtained appraisals of the Properties from Benjamin V. Balos, MAI, of R. P. Laurain and Associates, Inc., and made offers of just compensation to the property owners for the acquisition pursuant to California Government Code section 7267.2. The City retained a consulting firm to assist with acquisitions and relocations, because occupants will be relocated or otherwise affected. Following standard public records and due diligence searches for ownership information, a notice of this public hearing was mailed to the property owners. The affected properties are owned by:

We Buy Houses Any Condition, LLC (APNs 1049-122-13; 1049-122-15; 1049-161-11; 1049-191-10; 1049-194-10; 1049-194-12; 1049-194-13; and 1049-196-03).

Notice as to above referenced APN's was provided to We Buy Houses Any Condition, LLC because it appears as an owner of record. Notice to We Buy Houses Any Condition, LLC, and its counsel, was provided based on representations made by the purported owner of this property.

The power of eminent domain is used by the City only as a last resort to obtain interests necessary for projects after 1) negotiations have stalled; or 2) the owner has requested that the City proceed directly to eminent domain for tax or other advantages; or 3) the eminent domain process is necessary to clear title to the property. In this case, offers of just compensation were made to the owners for the full Fair Market Value as determined by appraisals. City staff attempted to negotiate amicable settlements in good faith and will continue to do so throughout the process.

DESCRIPTION OF PROPERTY TO BE ACQUIRED: The properties affected by the proposed acquisitions are located on State Street, Main Street, and Jefferson Street, more particularly described as Assessor Parcel Nos. 1049-122-13; 1049-122-15; 1049-161-11; 1049-191-10; 1049-194-10; 1049-194-12; 1049-194-13; and 1049-196-03, and must be acquired for the Project, which consists of the mitigation of Airport impacts and elimination of blight in the former Cimarron Redevelopment Project Area (Exhibit 1).

HEARINGS AND REQUIRED FINDINGS:

California eminent domain law provides that a public entity may not commence an eminent domain proceeding until its governing body has adopted a Resolution of Necessity, which resolution may only be adopted after the governing body has given each party with an interest in the affected property or their representatives a reasonable opportunity to appear and be heard on the following matters:

1. The public interest and necessity require the proposed project.
2. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The real property to be acquired is necessary for the project.
4. The offer of just compensation has been made to the property owner.

All notices of hearing were mailed on or before February 1, 2021, by first class mail to the property owners in accordance with Section 1245.235 of the California Code of Civil Procedure.

The above four required findings are addressed as follow:

1. **The Public Interest and Necessity Require the Proposed Project**

State law authorizes cities to condemn property necessary to carry out their municipal duties and functions. (Gov. Code § 37350.5.) That power must be exercised pursuant to Part 3, Title 7 of the California Code of Civil Procedure or some other statute. (Code Civ. Proc. § 1230.020.) Moreover, public agencies may condemn property only for a public use. (Code Civ. Proc. § 1240.010.)

Local agencies are obligated to adopt land use measures to protect the public health, safety and welfare of the community with regard to Airport development and operations. These measures are to minimize the public's exposure to excessive noise and safety hazards within areas around public airports. (Public Utilities Code § 21670 et seq.; See *Baker* v. *Burbank-Glendale-Pasadena Airport Auth.* (1985) 39 Cal.3d 862, 873 (public agency had a duty to reduce airport impacts).)

Local agencies are therefore authorized to acquire properties by eminent domain to promote airport development and mitigate airport impacts. (Gov. Code §§ 50470; 50474; *Miro v. Superior Court for San Bernardino* (1970) 5 Cal. App. 3d 87, 93.) In acquiring land for airport purposes, local agencies are further authorized to use such lands as parks or for recreational purposes until they are actually needed for airport purposes, the mitigation of resulting impacts, and the promotion of aeronautics and commerce and navigation by air. (Gov. Code §§ 50471; 50474.) An open space may qualify as a park. (See *Rindge Co. v. Los Angeles City* (1923) 262 U.S. 700, 707-08; see also Gov. Code § 65560 defining open space as land that is open for public and safety purposes, including areas that require special management and/or regulations because of special conditions.)

The City is authorized to acquire properties for the elimination of blight. State policy has declared the elimination of blight to be a public use. (Health & Safety Code § 33037.) This codification reflects the fact that the taking of private property for urban renewal has long been considered a valid public use. (See *Berman v. Parker*, 348 U.S. 26, 28 (the U.S. Supreme Court recognized the removal of blight as a public use justifying the use of eminent domain based on a redevelopment plan for slum clearance).) Although Assembly Bill 26 and subsequent implementing statutes have eliminated redevelopment agencies and the use of tax increment for financing redevelopment, the policy declaration stating that the elimination of blight is a public use and *Berman* and its progeny continue to be valid.

Because the promotion of airport related purposes and the mitigation of resulting impacts and the elimination of blight are declared public uses, projects representing the ultimate use of the Properties are not presently required. (See *City of Stockton v. Marina Towers* (2009) 171 Cal.App.4th 93, 111; see also Govt. Code § 50471 (local agencies may use acquired properties as a park or for recreational purposes before being used for airport purposes).)

If acquired, the Properties will be assembled with other properties in the area and eventually developed into industrial uses that conform to City and Airport land use requirements, mitigate Airport impacts and eliminate blight in the area. The fact that the Properties are to be acquired for the Project, the mitigation of Airport impacts and the elimination of blight, is sufficient to satisfy the public use and necessity requirement.

2. **The Project is Planned or Located in a Manner That Will be Most Compatible With the Greatest Public Good and the Least Private Injury**

The Properties are located within the former Cimarron Redevelopment Project Area. The blight conditions in the former Cimarron Redevelopment Project Area have been well documented in the Report to the City Council for the former Cimarron Redevelopment Project, Amendment No. 7. The current blight conditions around the Properties identified in the foregoing report remain largely unchanged. Presently, the Properties do not conform to applicable City and Airport land use

requirements for development.

The We Buy Houses Any Condition, LLC Property (APNs 1049-122-13; 1049-122-15; 1049-161-11; 1049-191-10; 1049-194-10; 1049-194-12; 1049-194-13; and 1049-196-03; "The We Buy Houses Any Condition") is located at 942 East State Street, 1048 East State Street, 1058-1064 East State Street, 1128 East State Street, 948 East Main Street, 954 East Main Street, and 1018 East Jefferson Street. The We Buy Houses Any Condition Property consists of eight non-contiguous vacant open land parcels. The We Buy Houses Any Condition Property contains approximately 89,734 square feet of land area (2.06± acres). The We Buy Houses Any Condition Property is located within the IG (General Industrial) zone district of the City of Ontario. The General Plan designation for We Buy Houses Any Condition Property is "Industrial (0.55 FAR)."

The Properties are in close proximity to the Airport. They are located immediately west of the runaways and are directly below arrival and departure flight paths. They are located in areas that have been designated as being within the Airport's designated Safety and Noise Impact Zones. They experience noise levels above what is permissible. Moreover, due to land use restrictions on residential properties and the size, location and non-conforming nature of the Properties, they cannot be developed in accordance with applicable City and Airport land use requirements. The acquisition of the Properties and their assemblage with other properties for future development will mitigate Airport impacts, eliminate blight and bring them into conformance with applicable City and Airport land use requirements. Although the acquisition of the Properties without further development may mitigate some Airport impacts, it will not result in the elimination of blight because it will make permanent current blight conditions as it will result in two permanent nonconforming and unproductive vacant parcels that will further attract nuisances and undesired activities to an already blighted area. Since the acquisition of the Properties will mitigate Airport impacts and blight, and their future development will bring them into conformance with applicable City and Airport land use requirements, their acquisition for this Project satisfies the requirement that the Project be planned and located in a manner that will be most compatible with the greatest public good and least private injury.

3. **The Real Property to be Acquired is Necessary for the Proposed Project**

The Properties are located in an area that is negatively impacted by Airport operations and general area blight. The Properties are located immediately west of the runaways and are directly below arrival and departure flight paths. They are located in areas that have been designated as being within the Airport's designated Safety and Noise Impact Zones. The blight conditions of the area have been well documented in the Report to the City Council for the former Cimarron Redevelopment Project, Amendment No. 7. The current blight conditions around the Properties identified in the foregoing report remain largely unchanged. Presently, the Properties do not conform to applicable City and Airport land use requirements for development. Mitigation of Airport impacts and blight in the area cannot be accomplished without the acquisition of the Properties and their eventual development into industrial uses that conform to applicable City and Airport land use requirements. They are therefore necessary for the Project.

4. **The Offer of Just Compensation Has Been Made**

Appraisals for the Properties were prepared by Benjamin V. Balos, MAI, of R. P. Laurain and Associates, Inc., to establish the fair market value of the fee interests the City is seeking to acquire. Offers of just compensation were made to the record owners to purchase the fee interests as established by the approved appraisals and as required by Section 7267.2 of the California Government Code. Although negotiated settlements may still be possible for the fee interests cited above, it would be

appropriate to commence the procedures to acquire the fee interests through eminent domain.

ENVIRONMENTAL ANALYSIS: The Amendment No. 7 to the Cimarron Redevelopment Plan ("Plan") was approved in 2007 pursuant to an addendum to the certified Plan Environmental Impact Report ("EIR") and expanded the Plan Area to include the Properties. The Plan contemplates the acquisition of the Properties. As such, the certified EIR and the Plan Amendment No. 7 addendum evaluate the environmental impacts of such acquisition pursuant to Public Resources Code section 21090 and CEQA Guidelines section 15180(b). As a project-level EIR was certified for the Plan, activities furthering the Plan are considered as one project under CEQA, and that project is considered to be approved when the Plan is adopted. Moreover, no further environmental review of the acquisition of the Properties by eminent domain is required pursuant to Public Resources Code section 21166 and CEQA Guidelines sections 15162 – 15163, as the acquisition of the Properties will not result in substantial changes in the project, or its circumstances, nor is there any significant new information that has surfaced.

SUPPORTING DOCUMENTS*:* Due to the voluminous quantity of documents and pages supporting the acquisition of the Properties, including documents relating to the Report to City Council for the Cimarron Redevelopment Project, Amendment No. 7, the EIR, the City's General Plan, the City's land use requirements, the Airport Land Use Compatibility Plan and the Ontario International Airport Part 150 Study - Noise Compatibility Program Report, it is impractical to present all such documents and pages at the hearing for the Resolutions of Necessity. They will therefore be made available to the public for viewing at the Records Management/City Clerk's Office.

RESOLUTION NO. _____

A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION BY EMINENT DOMAIN OF FEE INTERESTS IN CERTAIN REAL PROPERTY LOCATED ON STATE STREET, MAIN STREET AND JEFFERSON STREET IN ONTARIO, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 1049-122-13, 1049-122-15, 1049-161-11, 1049-191-10, 1049-194-10, 1049-194-12, 1049-194-13, AND 1049-196-03, FOR MITIGATION OF AIRPORT IMPACTS AND ELIMINATION OF BLIGHT IN THE CITY OF ONTARIO, CALIFORNIA.

WHEREAS, the City of Ontario (the "City") proposes to acquire, by eminent domain, fee interests in real property located on Grove Avenue, more particularly described as Assessor Parcel Nos. 1049-122-13, 1049-122-15, 1049-161-11, 1049-191-10, 1049-194-10, 1049-194-12, 1049-194-13, and 1049-196-03, for mitigation of airport impacts and elimination of blight in the City of Ontario, San Bernardino County, California, pursuant to the authority granted to it by Section 37350.5 of the California Government Code; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the City scheduled a public hearing for Tuesday, February 16, 2021, at 6:30 p.m. at the Ontario City Hall, Council Chambers, 303 East “B” Street, Ontario, California, and gave to each person whose property is to be acquired and whose name and address appeared on the last equalized county assessment roll, notice and a reasonable opportunity to appear at said hearing and be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the City and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on said matters; and

WHEREAS, the City may now adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, THE CITY DOES HEREBY RESOLVE AND DECLARE AS FOLLOWS:

SECTION 1. Compliance with California Code of Civil Procedure and California Environmental Quality Act. There has been compliance by the City with the requirements of Section 1245.235 of the California Code of Civil Procedure and the California Environmental Quality Act.

SECTION 2. Public Use. The public uses for which the real property interest is to be acquired are mitigation of airport impacts and elimination of blight in the City of Ontario, San Bernardino County, California. Sections 37350.5 and 50470 of the California Government Code authorizes the City to acquire by eminent domain real property necessary for such purposes.

SECTION 3. Description of Property. Attached and marked as Exhibit “A” is the legal description and depiction of the real property to be acquired by the City, which describes the general location and extent of the property to be acquired with sufficient detail for reasonable identification.

SECTION 4. Findings. The City hereby finds and determines each of the following:

(a) The public interest and necessity require the proposed project;

(b) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The fee interest described in Exhibit "A" is necessary for the proposed project;

(d) The offer required by section 7267.2 of the California Government Code was made.

SECTION 5. Use Not Unreasonably Interfering with Existing Public Use: Some or all of the real property to be acquired is subject to easements and rights-of-way appropriated to existing public uses. The legal descriptions of these easements and rights-of-way are on file with the City and describe the general location and extent of the easements and rights-of-way with sufficient detail for reasonable identification. In the event the herein described use or uses will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future, counsel for the City is authorized to acquire the fee interest subject to such existing public use(s) pursuant to section 1240.510 of the California Code of Civil Procedure.

SECTION 6. More Necessary Public Use. Some or all of the real property to be acquired is subject to easements and rights-of-way appropriated to existing public uses. To the extent that the herein described use or uses will unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future, the City finds and determines that the herein described use or uses are more necessary than said existing public use. Counsel for the City is authorized to acquire the real property appropriated to such existing public use(s) pursuant to section 1240.610 of the California Code of Civil Procedure. Staff is further authorized to make such improvements to the real property being acquired that it determines is reasonably necessary to mitigate any adverse impact upon the existing public use.

SECTION 7. Further Activities. Counsel for the City is hereby authorized to file legal proceedings necessary to acquire the hereinabove described real property in the name of and on behalf of the City by eminent domain, and counsel is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Legal counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of

court, to permit the City to take possession of and use said real property at the earliest possible time. Counsel is further authorized to correct any errors or to make or agree to non-material changes in the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transaction required to acquire the subject real property. Counsel is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation for the project for which the real property is being acquired.

SECTION 8. Effective Date. This Resolution shall take effect upon adoption.

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

PASSED, APPROVED AND ADOPTED this 16th day of February 2021.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER, 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. 2021- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 16, 2021 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. 2021- duly passed and adopted by the Ontario City Council at their regular meeting held February 16, 2021.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT “A”

The land referred to in this report is situated in the City of Ontario, the County of San Bernardino, State of California, and is described as follows:

Lots 1 and 3 in Block 2 of Tract No. 1781, in the City of Ontario, County of San Bernardino, State of California, as per Map recorded in Book 26, Pages 16 and 17 of Maps, in the office of the County Recorder of said County.

The West 1/2 of the East 1/2 of Lot 220, Villa Plots Southside Tract, in the City of Ontario, County of San Bernardino, State of California, as per Map recorded in Book 6 Page 11 of Maps, in the office of the County Recorder of said County.

Excepting therefrom the South 340 feet as granted to the City of Ontario, a Municipal Corporation by deed recorded November 23, 1955 in Book 3795 Page 218, of Official Records.

Lot 4 of Block 2 of the North Bon View Park Tract, in the City of Ontario, in the County of San Bernardino, State of California, as shown by Map on file in Book 24, Pages 65 and 66 of Maps, in the office of the County Recorder of said County.

Lot 5 of Block 1 of the North Bon View Park Tract, in the City of Ontario, in the County of San Bernardino, State of California, as shown by Map on file in Book 24, Pages 65 and 66 of Maps, in the office of the County Recorder of said County.

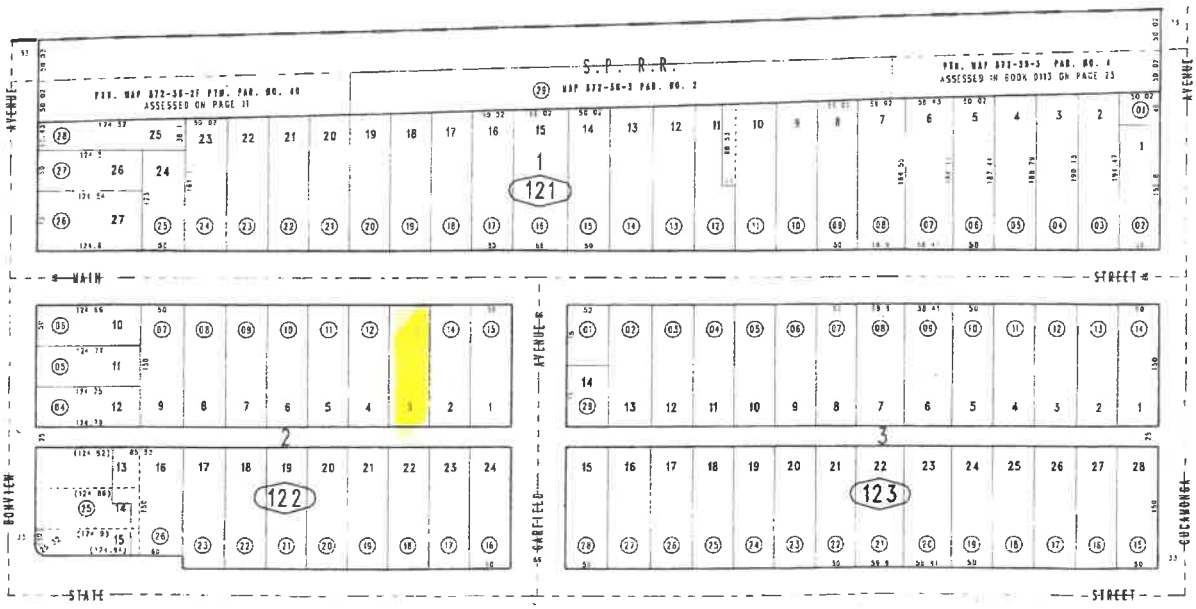
Lots 2 and 3, in Block 1 of North Bon View Park Tract, in the City of Ontario, County of San Bernardino, State of California, as shown by map on file in Book 24 Pages 65 and 66, of Maps, in the office of the County Recorder of said County.

The East 50 feet of Lot 11, Block 6, North Bon View Park Tract, in the City of Ontario, County of San Bernardino, State of California, measured along the South line of Jefferson Street, in the City of Ontario, County of San Bernardino, State of California, as shown by Map on file in Book 24, Pages 65 and 66 of Maps, in the office of the County Recorder of said County.

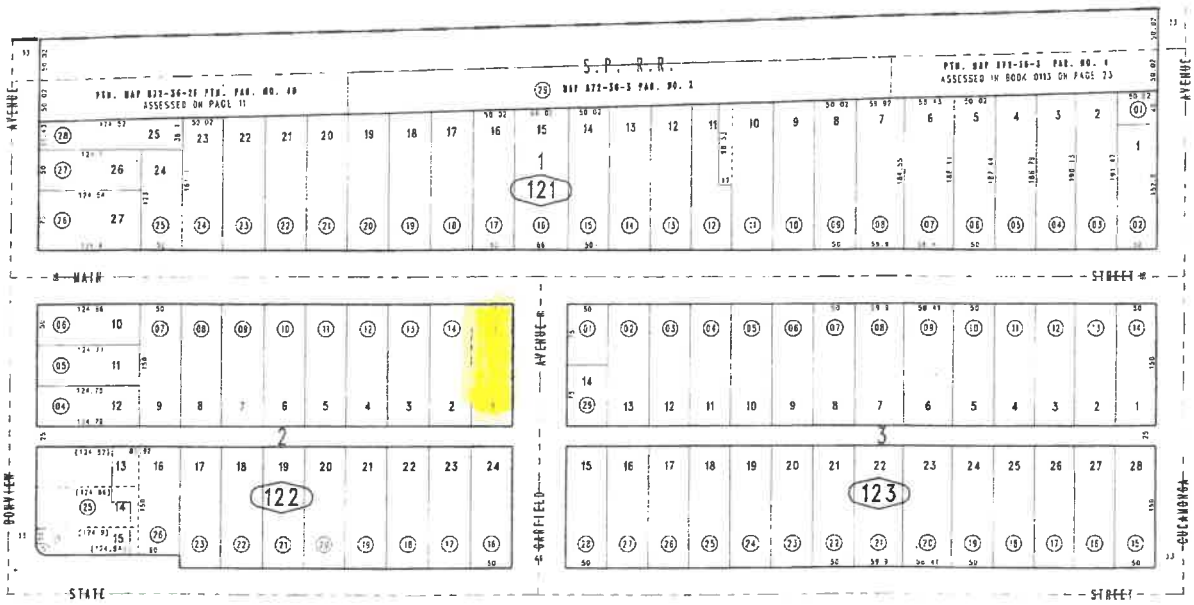
Assessor's Parcel Numbers(s):

1049-122-13
1049-122-15
1049-161-11
1049-191-10
1049-194-10
1049-194-12
1049-194-13
1049-196-03

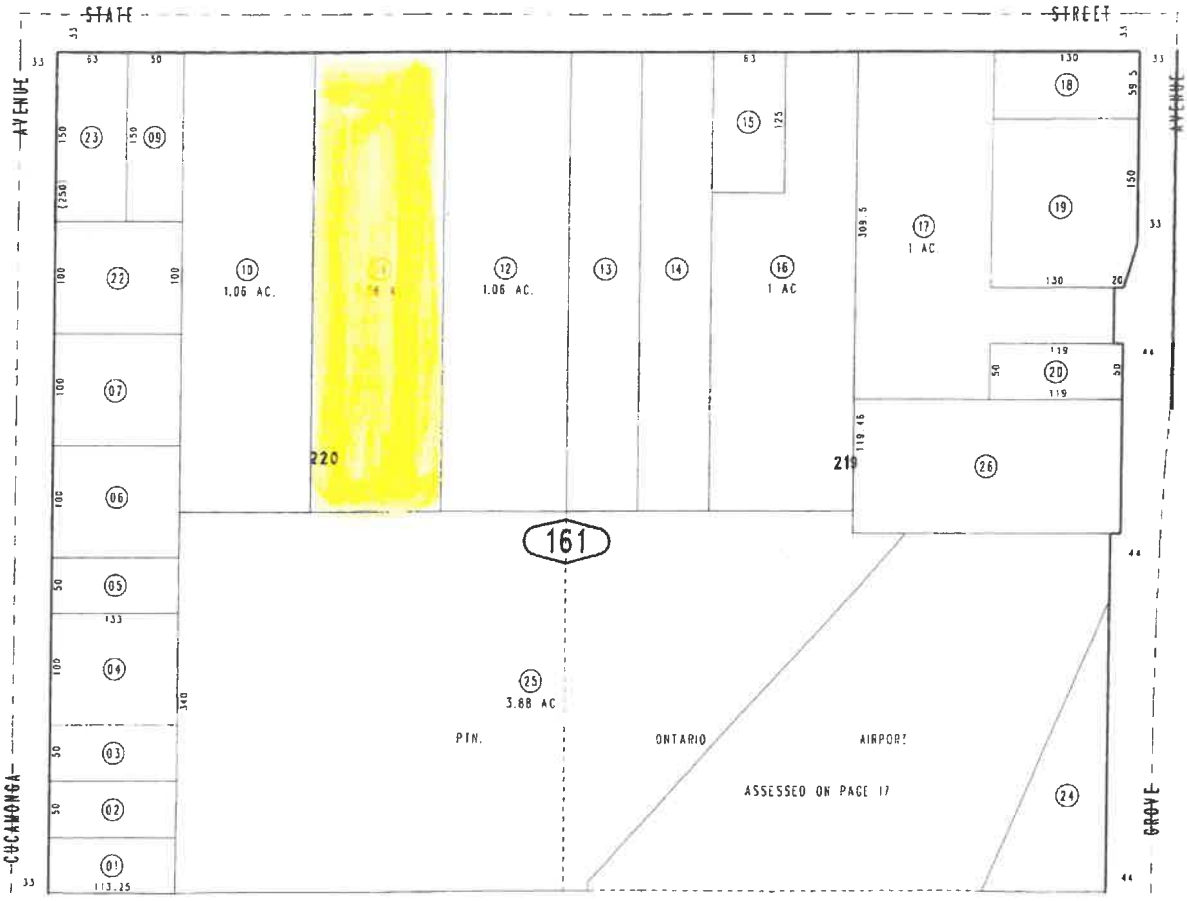
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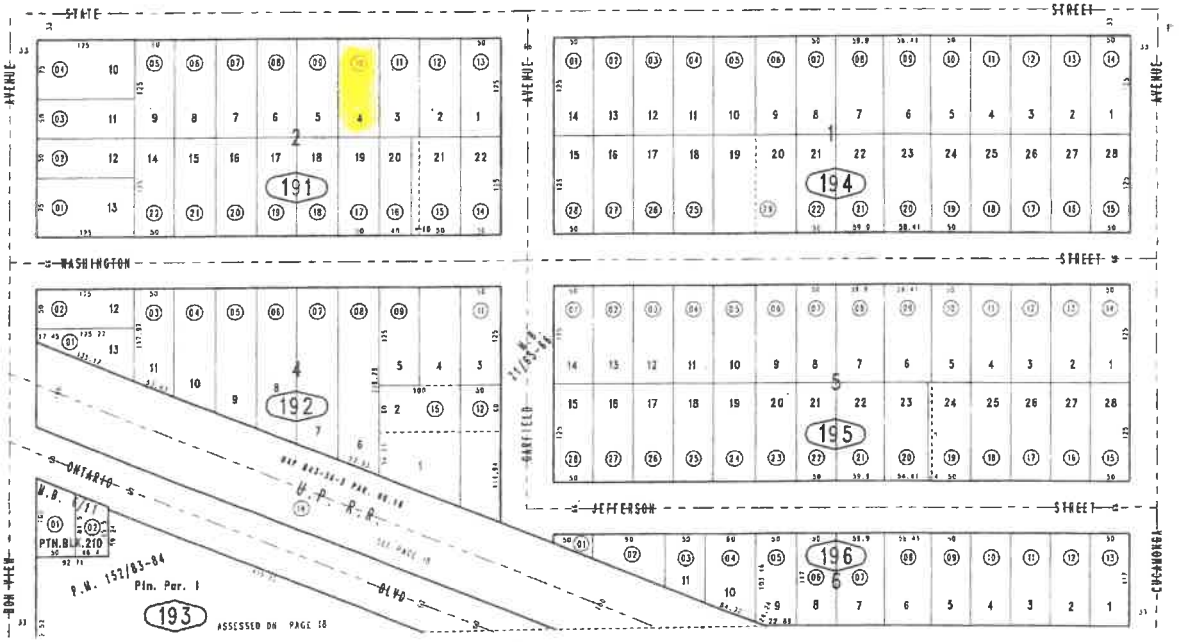
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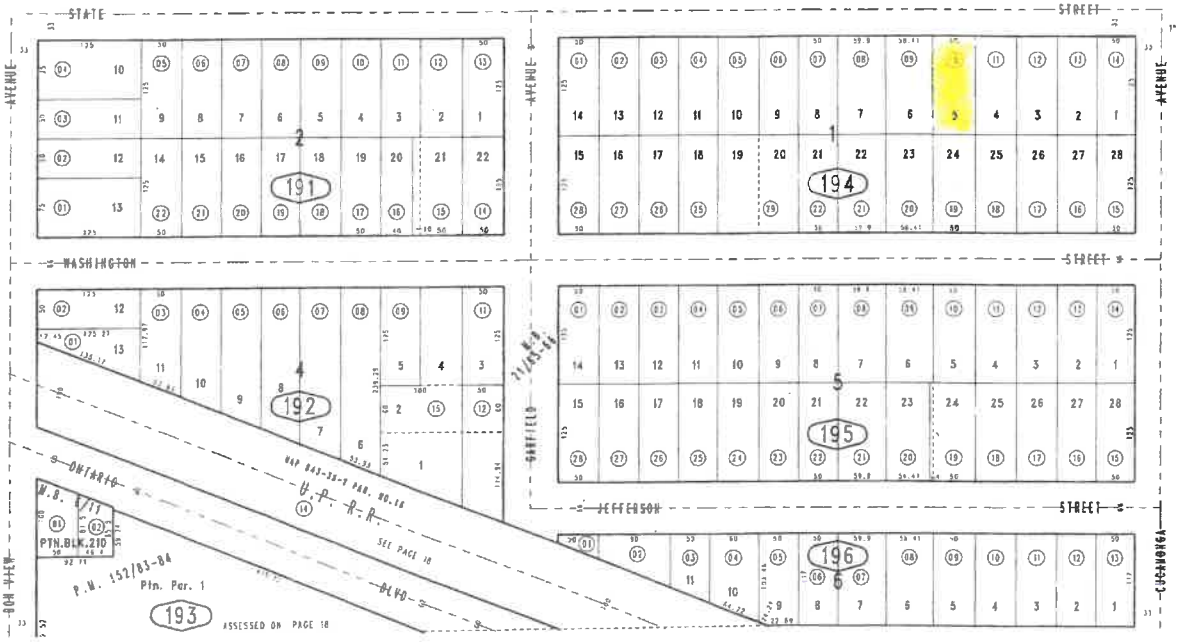
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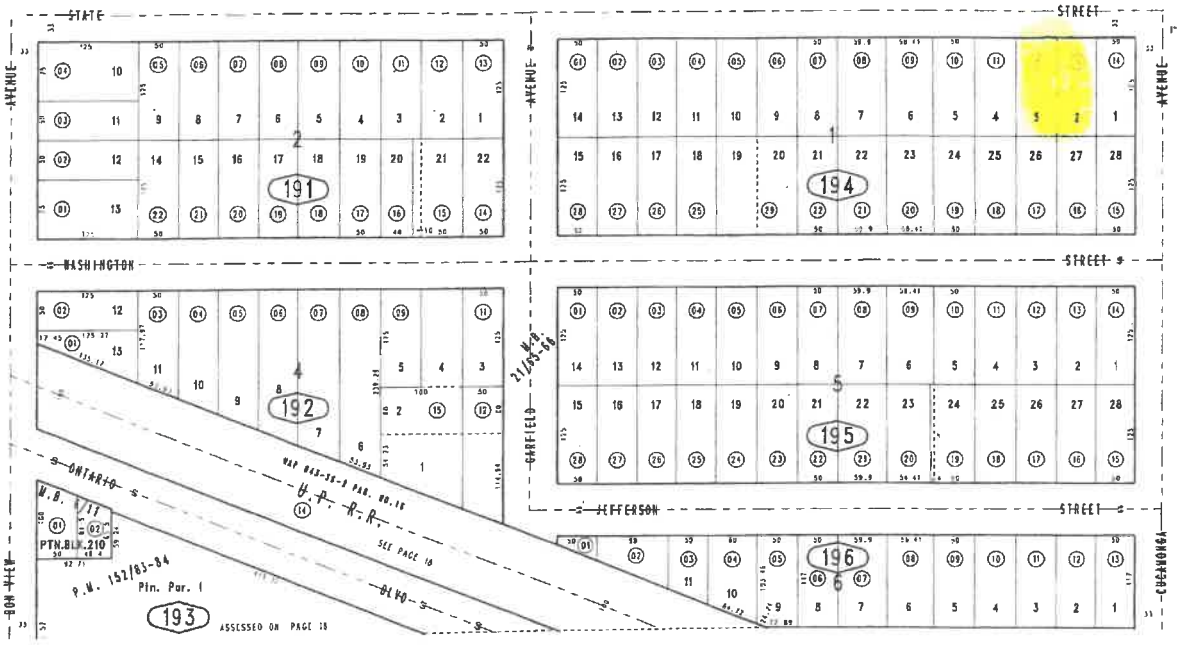
APN 1049-191-10



APN 1049-194-10



APN 1049-194-12, 13



APN 1049-196-03

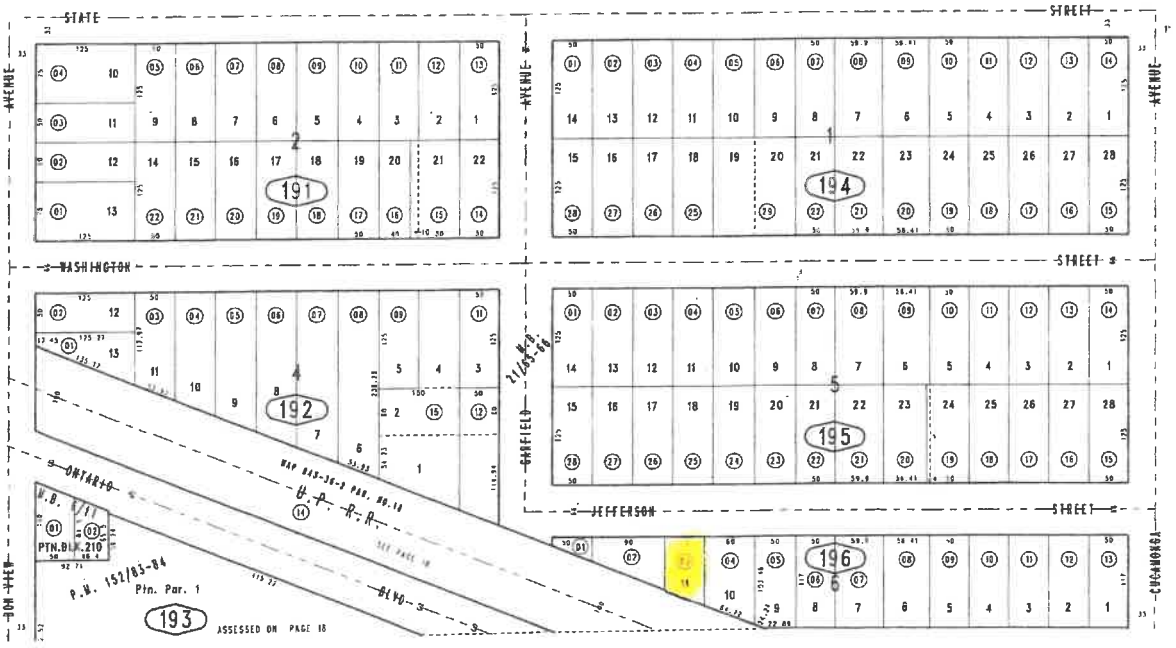
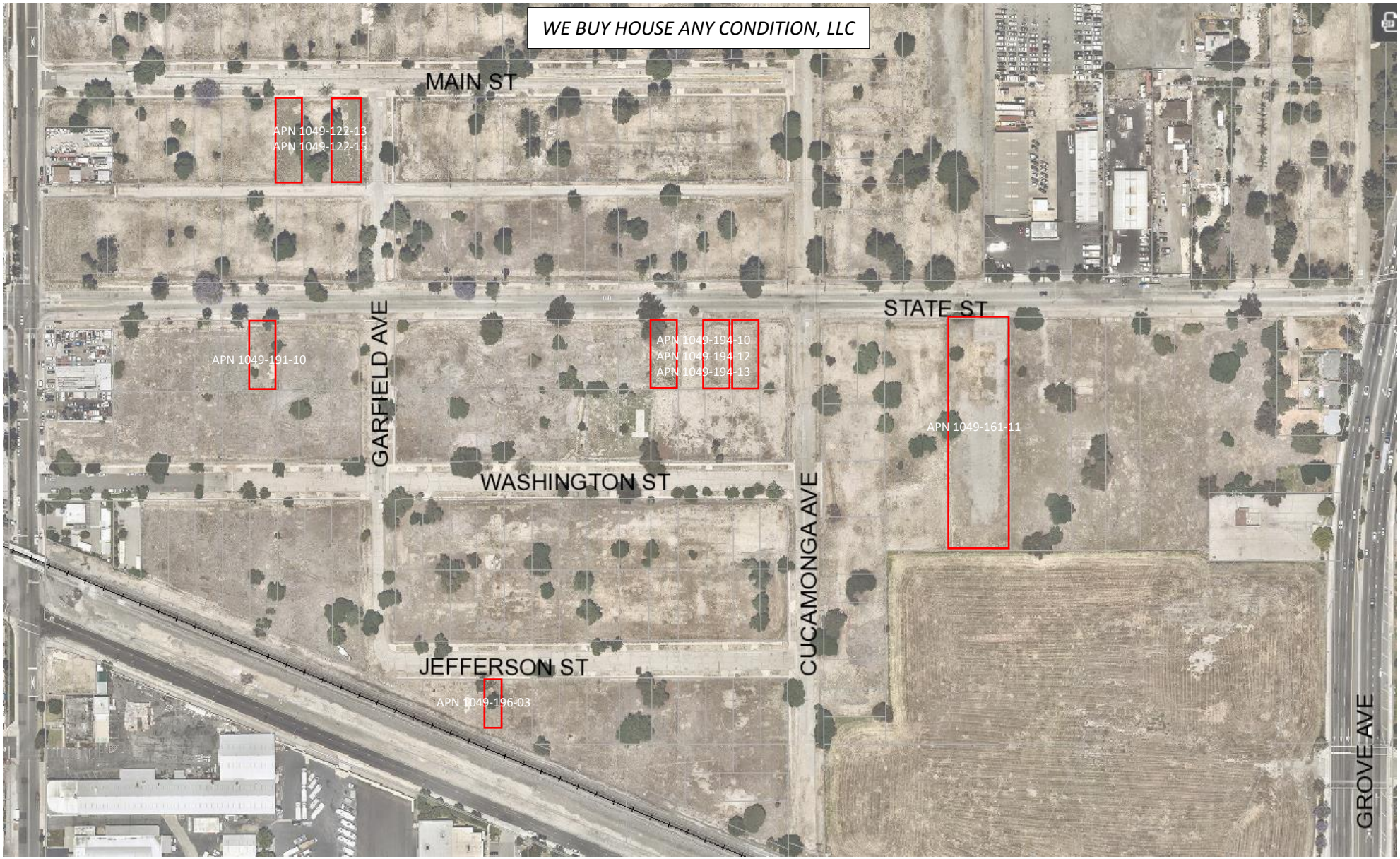


EXHIBIT 1


WE BUY HOUSE ANY CONDITION, LLC
MAIN ST
APN 1049-122-13
APN 1049-122-15
APN 1049-191-10
GARFIELD AVE
APN 1049-194-10
APN 1049-194-12
APN 1049-194-13
STATE ST
APN 1049-161-11
WASHINGTON ST
CUCAMONGA AVE
JEFFERSON ST
APN 1049-196-03
GROVE AVE