

**CITY OF ONTARIO  
PLANNING COMMISSION/  
HISTORIC PRESERVATION  
MEETING AGENDA**

February 23, 2016

Ontario City Hall  
303 East "B" Street, Ontario, California 91764

6:30 P.M.

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**WELCOME** to a meeting of the Ontario Planning/Historic Preservation Commission.

All documents for public review are on file in the Planning Department located at 303 E. B Street, Ontario, CA 91764.

- *Anyone wishing to speak during public comment or on a particular item should fill out a green slip and submit it to the Secretary.*
- *Comments will be limited to 5 minutes. Speakers will be alerted when their time is up. Speakers are then to return to their seats and no further comments will be permitted.*
- *In accordance with State Law, remarks during public comment are to be limited to subjects within the Commission's jurisdiction. Remarks on other agenda items will be limited to those items.*
- *Remarks from those seated or standing in the back of the chambers will not be permitted. All those wishing to speak including Commissioners and Staff need to be recognized by the Chair before speaking.*
- *The City of Ontario will gladly accommodate disabled persons wishing to communicate at a public meeting. Should you need any type of special equipment or assistance in order to communicate at a public meeting, please inform the Planning Department at (909) 395-2036, a minimum of 72 hours prior to the scheduled meeting.*
- *Please turn off all communication devices (phones and beepers) or put them on non-audible mode (vibrate) so as not to cause a disruption in the Commission proceedings.*

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**ROLL CALL**

Delman \_\_ Downs \_\_ Gage \_\_ Gregorek \_\_ Ricci \_\_ Willoughby \_\_

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ANNOUNCEMENTS**

- 1) Agenda Items
- 2) Commissioner Items

**PUBLIC COMMENTS**

*Citizens wishing to address the Planning/Historic Preservation Commission on any matter that is not on the agenda may do so at this time. Please state your name and address clearly for the record and limit your remarks to five minutes.*

*Please note that while the Planning/Historic Preservation Commission values your comments, the Commission cannot respond nor take action until such time as the matter may appear on the forthcoming agenda.*

**CONSENT CALENDAR ITEMS**

*All matters listed under CONSENT CALENDAR will be enacted by one summary motion in the order listed below. There will be no separate discussion on these items prior to the time the Commission votes on them, unless a member of the Commission or public requests a specific item be removed from the Consent Calendar for a separate vote. In that case, the balance of the items on the Consent Calendar will be voted on in summary motion and then those items removed for separate vote will be heard.*

**A-01. MINUTES APPROVAL**

Planning/Historic Preservation Commission Minutes of January 26, 2016, approved as written.

**PLANNING COMMISSION PUBLIC HEARING ITEMS**

*For each of the items listed under PUBLIC HEARING ITEMS, the public will be provided an opportunity to speak. After a staff report is provided, the chairperson will open the public hearing. At that time the applicant will be allowed five (5) minutes to make a presentation on the case. Members of the public will then be allowed five (5) minutes each to speak. The Planning Commission may ask the speakers questions relative to the case and the testimony provided. The question period will not count against your time limit. After all persons have spoken, the applicant will be allowed three minutes to summarize or rebut any public testimony. The chairperson will then close the public hearing portion of the hearing and deliberate the matter.*

- B. ENVIRONMENTAL ASSESSMENT AND AN AMENDMENT TO THE RICH HAVEN SPECIFIC PLAN FILE NO. PSPA16-001 (RELATED FILE NO'S PSPA13-004 AND PSPA13-005):** An Amendment to the Rich Haven Specific Plan that includes affecting property generally located south of Riverside Drive and the Southern California Edison substation, west of Hamner Avenue, north and south sides of Edison Avenue and east of Haven Avenue, to include: [1] reconfiguration of the boundaries and circulation layout for the existing Planning Areas 1 through 21B; [2] change the existing Specific Plan Land Use Plan designation for 27 acres of land (Planning Areas 8 and 13) from Middle School and Low Density Residential (0 to 6 du\ac) to Public Park; 77.6 acres of land (Planning Areas 9 through 12) from Low Density Residential (0 to 6 du\ac) to Low-

Medium Density Residential (6–12 du/ac); 36.1 acres of land (Planning Area 14) from Low Density Residential (0 to 6 du/ac) to Medium Density Residential (12 to 18 du/ac); and 78.5 acres of land (Planning Areas 15 through 19) from Low-Medium Density Residential (6–12 du/ac) and Medium Density Residential (12 to 18 du/ac) to Mixed-Use, consistent with The Ontario Plan (TOP) Policy Plan (General Plan) Land Use Plan; [3] increase the number of residential units from 4,256 to 4,866; [4] increase the maximum square feet for commercial/office development from 889,200 sq. ft. to 1,039,200 sq. ft.; [5] incorporate a minimum square foot requirement for commercial/office development within Planning Areas 20, 21A and 21B; and [6] revise and update housing product types, development standards, design guidelines, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency. An addendum to Rich Haven Specific Plan EIR (SCH# 2006051081) has been prepared for this project pursuant to the requirements of California Environmental Quality Act. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. (APN NO's: 0218-161-01, 04, 05, 09, 10, 11, 13, and 14, 0218-211-01, 02, 05, 08, 12, 15, 17, 21, 23, 24, 25 and 27); **submitted by GDCI-RCCD 2LP, Richland Communities and Brookfield Residential. City Council action is required.**

**1. CEQA Determination**

Motion to recommend Approval/Denial of an Addendum to a previous EIR

**2. File No. PSPA16-001 (Specific Plan Amendment)**

Motion to recommend Approval/Denial

**MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION**

- 1) Old Business
  - Reports From Subcommittees
    - Historic Preservation (Standing):
- 2) New Business
  - Appointment of Historic Preservation Subcommittee member
- 3) Nominations for Special Recognition

**DIRECTOR'S REPORT**

- 1) Monthly Activity Report


*If you wish to appeal any decision of the Planning/Historic Preservation Commission, you must do so within ten (10) days of the Commission action. Please contact the Planning Department for information regarding the appeal process.*

*If you challenge any action of the Planning/Historic Preservation Commission 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 Planning/Historic Preservation Commission at, or prior to, the public hearing.*



I, Marci Callejo, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on **Friday, February 19, 2016**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

  
\_\_\_\_\_  
Marci Callejo, Secretary Pro Tempore

  
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Scott Murphy, Planning Director  
Planning/Historic Preservation  
Commission Secretary

**CITY OF ONTARIO PLANNING COMMISSION/  
HISTORIC PRESERVATION MEETING**

**MINUTES**

**January 26, 2016**

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**CITY OF ONTARIO PLANNING COMMISSION/  
HISTORIC PRESERVATION MEETING**

**MINUTES**

**January 26, 2016**

**REGULAR MEETING:** City Hall, 303 East B Street  
Called to order by Chairman Willoughby at 6:33PM

**COMMISSIONERS**

**Present:** Chairman Willoughby, Vice-Chairman Downs, Delman, Gage, Gregorek, Mautz, and Ricci

**Absent:** None

**OTHERS PRESENT:** Planning Director Murphy, City Attorney Rice, Principal Planner Zeledon, Associate Planner Mejia, Assistant Planner Aguilo, Principal Engineer Do, Deputy Fire Chief Andres, Corporal Munoz and Planning Secretary Callejo

**PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Mautz.

**ANNOUNCEMENTS**

Staff is recommending that agenda item A-02 be continued indefinitely and re-advertise the project when it's ready to come back to Planning Commission. Also, Mr. Murphy stated that in regards to items B and C, since he was the hearing officer for those items, he will be stepping down and Rudy Zeledon will be taking over in his place to avoid any potential conflict.

**PUBLIC COMMENTS**

No one responded from the audience.

**CONSENT CALENDAR ITEMS**

**A-01. MINUTES APPROVAL**

Planning/Historic Preservation Commission Minutes of December 22, 2015, approved as written.

**A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-020:** A Development Plan to construct 149 single-family homes on 20.69 gross acres of land within Planning Area 10A of The Avenue Specific Plan, generally located south of Schaefer Avenue, north of Edison Avenue between Haven and Turner Avenues. The proposed project is located within the Airport Influence

Area of Ontario International Airport (ONT) Airport and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. The impacts to this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014 and was prepared pursuant to the requirements of California Environmental Quality Act. (APN's: 0218-402-03 & 26 and 0218-392-07, 09 & 15); **submitted by Brookfield Residential.**

### **PLANNING COMMISSION ACTION**

*It was moved by Mautz, seconded by Delman, to approve the Planning Commission Minutes of December 22, 2015, as written. The motion was carried 5 to 0 with Gage and Ricci abstaining, since they were absent.*

### **PUBLIC HEARING ITEMS**

- B. ENVIRONMENTAL ASSESSMENT AND APPEAL OF CONDITIONAL USE PERMIT FOR FILE NO. PCUP15-016:** An Appeal of the Zoning Administrator's decision to deny the establishment of and operation of an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on a 34.76 acre portion of 37.4 acre parcel of land within the AG\SP (Agriculture Overlay) zoning district located southwest corner of Schaefer Avenue and Campus Avenue at 7435 East Schaefer Avenue. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. Staff is recommending the adoption of a Mitigated Negative Declaration of environmental effects for the project. (APNs: 1053-101-01,-02, and 1053-091-01); **submitted by: Harvest Power.**

Assistant Planner, Jeanie Aguilo, presented the staff report. Ms. Aguilo began by stating the project is comprised of 34.76 acres of land located on the southwest corner of Schaefer and Campus Avenues. The project site is generally surrounded by agricultural land with uses to the north, west and south and a water treatment facility to the east. She gave a brief background about the project, stating the project had been submitted in June of 2015, by Harvest Power for a conditional use permit (CUP) to establish and operate an organic materials facility on a former dairy farm. The project had been scheduled for a Special Zoning Administrator meeting held on November 24, 2015 and the Zoning Administrator (ZA) denied this application based on the inconsistencies with The Ontario Plan (TOP) and the Development Code, as well as concerns that the trip generation on Schaefer Avenue may overload the street system. The Applicant appealed the Zoning Administrator's Decision eight days later, filing an appeal on December 16, 2015. Ms. Aguilo continued her report giving information about the appeal application and how it related to the Zoning Administrator's Decision. She stated that in the Zoning Administrator's Decision of denial, he indicated that the proposed project was inconsistent with the policies and objectives of The Ontario Plan (TOP) and Development Code. City Council Resolution 2013-127 established guidelines for the operation of composting facilities to ensure compatibility with surrounding land uses. The Resolution specifies a quarter-mile (1/4) separation between manure facilities and a half-mile (1/2) separation between green waste facilities and sensitive land uses such as: residents, schools, day care facilities, hospitals, etc. Ms. Aguilo stated the Appellant's response was

to provide clarification of the composting facilities operations and provide exhibits to show compliance with the City's resolution. Ms. Aguilo stated Exhibit 1 demonstrates the quarter (1/4) mile and half (1/2) mile distance from the residences located to the northwest of the project site, highlighted in red, the permitted manure portion highlighted in the yellow and the remainder is permitted as both manure and green waste and highlighted in green. Ms. Aguilo stated Exhibit 2 demonstrates the 1/4-mile and 1/2-mile from the day care and church to the project site. Again, the permitted manure portion highlighted is in the yellow and the remainder is permitted as both manure and green waste and highlighted in green. She continued saying that in addition to the inconsistencies to TOP and the Development Code, the Zoning Administrator's stated concerns over the trip overload on Schaefer Avenue, as it is currently a two-lane road sized to accommodate anticipated trips associated with agricultural uses. In response to this, the Appellant has noted that the facility is located only a quarter (1/4) mile from Euclid Avenue, which is a designated truck route. The Applicant will contract will haulers directly to regulate the materials entering and leaving the site. In addition, the Engineering Department had approved the site plan with conditions to improve the site in which the Applicant had agreed to do so and is in the process of obtaining an encroachment permit and is currently in review. Ms. Aguilo also said the Fire Department had required the circulation of the site to be an all-weather material surface such as compacted gravel to accommodate the fire trucks if necessary. She continued by stating other conditions of approval required by the Engineering Department. They include: construct an inbound right turn lane 100 feet along Schaefer Avenue into the primary entrance at the northwest portion of the site, improve existing drive approach with asphalt and rumble strips to prevent materials from leaving the site and show adequate ingress and egress by picking up and dropping off materials. Ms. Aguilo then presented an Exhibit to show how the Appellant would be compliant with increases of truck use on site. She also stated the Exhibits presented by the Appellant have provided clarification they will be compliant with the City Council's Resolution. She stated the recommendations provided to the Planning Commission were the following: 1) uphold the Zoning Administrator's decision and deny the appeal, or 2) approve the Mitigated Negative Declaration and Conditional Use Permit, overturning the ZA's decision, with the conditions of approval that all green waste and composting shall be at least half (1/2) mile from sensitive land uses and no digestate, fats, oils and grease may be composted on site. That concluded Ms. Aguilo's report.

No one responded.

### **PUBLIC TESTIMONY**

Sam Monaco, Senior Vice President for Harvest Power, appeared and spoke. Mr. Monaco began by stating they were very excited about the project and he wanted to give some background on it. He began by thanking everyone for the opportunity to address this project; he felt it was very important. Also, he thanked staff, as it had been almost three years since they began trying to identify the appropriate location, which they don't take lightly, and they now feel this is an appropriate and good location for their facility. Mr. Monaco stated they are an Organics Management Company, which is a national company and also operates in Canada. He explained they have three types of divisions: 1) organic fertilizer; 2) bagging division of composite distributed through places like Home Depot, Lowes and local nurseries; and 3) bulk division, which is what the project under review would fall under. Mr. Monaco stated they have been awarded several awards within their



industry, which they are very proud of. He was proud to share they will be creating local jobs for the city, anywhere from 10 to 20 new positions, helping to stimulate the economy. Mr. Monaco said they feel that their product has a very robust outbound customer base to move the product. He states to benefit the City of Ontario, this facility will accommodate the material generated locally at the City of Ontario. It will be transported to, cleaned and ground and then be brought into their facility, as well as it's a viable option for the mandates of the State which are coming along. Mr. Monaco stated they are very excited about it; they have a community outreach program about it and do this for local schools, which need soil amendments, parks and urban gardens. He finished by saying they were friendly neighbors, they have various types of facilities and they are very sensitive to that. He introduced Brent McManigal.

Brent McManigal, Land Use Attorney of Gresham Savage Nolan & Tiden representing Harvest Power came up to speak. Mr. McManigal reiterated that Harvest Power is a national and international company which specializes in organic waste recycling and composting. He thanked staff for their summary but wanted to give background to this site in particular and its benefits to the city. The site is located on two former dairies and will recycle local manure, recycle residential local green material which has been ground and pre-processed from a source within the City of Ontario. This will be a local recycling facility which will serve the City of Ontario, meeting the mandates established by the State. Mr. McManigal emphasized the facility will have many permits, as all composting facilities do. He stated the City of Ontario is a Land Use component with a Conditional Use Permit. He stated there will be permits from the air district, Regional Water Quality Air Board and Cal Recycle that will be implemented and monitored through the of San Bernardino County Environmental Health Department. He stated the Harvest Team has experience in composting, naming other facilities and the number of years for each location. He continued by stating that the commitment that Harvest brings to the City is a local base of over 300 outlets in product. They have 300 accounts in which they have sold to before and they bring that to the City. This product is going to be sold and not stock piled; it will be brought in, composted and immediately taken out in accordance to all the regulations. Mr. McManigal states they will be making a multi-million dollar investment to site improvements and also in specialized equipment that comply with their quality permits. Again, he states the product will be certified as organic and sold locally and throughout California. He summarizes the site, talking about the buffer walls, entrance, and talks about traffic and fire prevention, which was addressed by the Fire Department. Mr. McManigal reiterates that Harvest Power will comply with the conditions brought forth by staff should the CUP be approved. He comes back to the subject of permits stating Cal Recycle establishes composting regulations; Harvest Power will have a composting permit, multiple composting permits administered by the San Bernardino County Environmental Health Department. He states they will be one of the primary regulators who will routinely inspect the site and they have a zero tolerance for trash on the site, odors and nuisances. The Santa Ana Regional Water Quality Control Board requested a general order permit to address water quality to comply with a new state composting general order for the site we designed so there's no impact to the ground water. Finally, he speaks of the South Coast Air Quality Management District (AQMD) compliance with their rule 11.33.3 for composting facility that prohibit dust from leaving the site and they will also inspect the facility. Mr. McManigal states there will be a top notch facility operated by an international company that's willing to make a huge investment into this community. He concluded by stating they welcomed the Commission's questions and accepted the conditions of staff as presented to them and to

the Commission.

Mr. Gregorek questioned how the boundary between manure and green waste was separate? How will it be designated for inspection?

Mr. McManigal states that there is a large storm water basin which exists on the site today. That will primarily be the line of demarcation. He also said they can establish with staff and review an engineer buffer zone to meet that half (1/2) mile buffer. He also states that they will meet the half (1/2) mile for green waste by keeping it on the eastern portion of the site.

Mr. Willoughby questions if Harvest Power currently has a contract with the City of Ontario to recycle their green waste.

Mr. McManigal states yes; they have been in negotiations and as soon as the site is built, they will be able to receive the green waste material which is generated from the City and currently ground up. So it will be received at the site pre-ground through the City's current contract.

Mr. Willoughby questions the permits with Cal Recycle and AQMD. He wants to know if they have already pulled those permits or if they are in the process of receiving them.

Mr. McManigal states that all the permits have been pulled and are ready to be issued for the facility pending on what happens tonight by the Planning Commission.

Mr. Willoughby questions what looks like possible hay sheds on an aerial photo. He wants to know if those will be taken down on the property. He points out they are on the south end of the property.

Mr. McManigal states his understanding the property has been cleared and that the aerial image might be older. He also clarifies that there are structures along the northern part of the property for a residential site manager. There will be management personnel on site twenty-four hours a day, seven days a week.

Mr. Willoughby asks if one of the structures will also be used for offices.

Mr. McManigal states yes, that's his understanding. There will be a trailer for offices next to the scale house.

Mr. Gage states that the applicant mentioned no impact to ground water. He asks for further clarification.

Mr. McManigal explains that through the Regional Water Quality Control Board, they have parameters which the site operating pad has to be designed and constructed at certain impermeable levels. So there are plans being reviewed by the Water Quality Board to ensure that water does not infiltrate into the ground and the Water Board also requires monitors at one-foot, two-foot, and five-foot levels.

Mr. Gage states there have been some questions about the water treatment plant about a half-mile away. He asks Mr. McManigal to expound on how this facility won't harm the

water treatment plant.

Mr. McManigal states that he does not know the exact workings of the water treatment plant. He knows it has recently been constructed next door. He states they have permits for their facility that prohibit off-site dust. The Air Quality Management District (AQMD) requires that the windrows be covered with finished compost as soon as their constructed and then prior to the turning those piles have to have water added to it so there's a moist consistency. He states that prevents dust from being generated and leaving the site. He brings up the Santa Ana winds and the staff which will be operating the site has six years' experience and Harvest has programs where additional water trucks come in and does not turn the piles during an event like winds to prevent dust leaving the site. He says because dust is non-compliance for them and they do not want non-compliance.

Mr. Gage questions the number of truck trips on Schaefer Avenue. He also wants to know if Harvest Power has any plans to mitigate the overuse of the street.

Mr. McManigal states his understanding is that staff has reviewed and required the deceleration lane be built to the standards of the City. Also, there is repair work required to be done along our frontage. He states they will work with the City to make sure the road is maintained properly and pay their fair share for any improvements that have to come forward. He continues saying they don't like to have bad roads in front of any of their facilities because it's hard on the trucks, truck drivers don't like coming in, so it's in everyone's best interest to make sure the roads are maintained properly.

Mr. Gage questions that the manure is taken off-site and then brought back for processing. He also asks for clarification if the manure is coming only from Ontario or from outside the city as well.

Mr. McManigal states that he believes the manure can come from any dairy person or agriculture operation. He says first preference is always given to the local communities, but the manure is brought in straight from the agricultural generators and composted. He says if there is a pre-treatment process at the dairy or agricultural operation, that is not their part, generally it comes in very clean, they compost it and they sell that material. He continues saying one of the things Harvest does to make sure they don't have large stock piles of finished compost or unfinished compost is that all the materials is brought in based on orders. So, the agricultural community will pre-order and then they go out and source the manure.

Mr. Willoughby questions that green waste is pre-treated.

Mr. McManigal says that correct, he clarifies that it's pre-treated through the City's current provider; its ground, picked up and then brought to their facility.

Mr. Ricci questions if there is a way to monitor whether the green waste material brought onto their facility has been exposed to herbicide or any other foreign contaminants which can cause problems as far as contaminating the water next door.

Mr. McManigal introduces Linda Novak, the Harvest Power Regulatory Compliance Specialist to answer that question.

Ms. Novak states that upon arrival or before it leaves, the material is tested to make sure it is organically certified. Also, there is testing on the material for the types of material they are composting on that site. She states the regulations by the Water Board, which Mr. McManigal, discussed are to prevent anything [contamination] so there is in sense a dual system for that.

Gary Reitsma resides at 8089 Chino Avenue, Ontario, CA. He states his family has been on this property for a little over 40 years. He says it is a dairy facility although they don't milk cows there any longer. He says across the street from their property is *Beneficial Ag* which is also a green waste facility. He states it has had multiple fires since it has been in business. He states it is no fun living next to a green waste facility that catches fire and during Santa Ana winds which burns for days. He said people questioned him how he and family sleep in his house because it's covered in smoke from *Beneficial Ag*. He questions why there needs to be more green waste facilities in the City of Ontario. He says the dairy community is smaller than it was forty years ago, there are approximately fifty to fifty-five operating dairies left in the Chino/Ontario area and a good portion of them are controlled by families that have up to ten facilities. He explains that the fifty or so dairies left are basically owned by twenty or so families, not fifty families and most of them already have an outlet for their manure. He again questions why there needs to be another green waste facility. He states he doesn't believe there is enough business for all of them to compete. He wanted to know if the company [Harvest Power] would pay the dairy men for the manure or charge a tipping fee. He states he just doesn't want another one in town.

Jose Alire, Assistant City of Manager for the City of Chino came to speak. He began by thanking the Chairman and Commission for the opportunity to speak. He also thanked the City of Ontario for the assistance they gave the City of Chino back in 2005 when they helped in the development of the site directly to the east of the project being reviewed tonight. He states that really is the reason he is there and the essence of the City of Chino's concerns, the water facility site which has been approved. He states since the approval, they have saved money, gone through the design phase, finished their design approval through the City of Ontario and started construction. He explains to date the site is almost ready to operate. He explains the various types of on-site and off-site water operations. He shares that the all the fees have been paid and approved and they are working with the City of Ontario Engineering Department. He shares to date they have invested twenty-five million dollars and that's their concern, they have a lot invested and approved in this site. He states he brought staff who will address the technical aspects, Mr. Gil Aldaco. He has also pulled a card to speak. He states those were the highlights of their concerns which he brought to their attention, but while sitting in the audience, he heard other concerns about impacts on traffic. He mentioned that he didn't have enough information before him on the impacts the trucks would have, but as a registered Traffic Engineer, he felt it was a concern on the impacts of Euclid and Schaefer. He also brought up the maintenance issue to Schaefer and said that was a City of Ontario issue but felt it should be further looked into. In conclusion, he said they are concerned with the site and they don't want a stranded asset out there, the water they have to deliver to their residents is very important to them and they don't want to see any impacts to it.

Gilbert Aldaco, City of Chino Water Utilities Supervisor, came to speak. He said there was so much to say and so little time to say it in; especially in regards to the sensitivity of the water, water supply and the water quality. He said Mr. Alire spoke to the cost of the

City of Chino, but he will speak to the potential cost to the community and to the water customer. He stated that when it comes to risk, there can be zero tolerance. He said as the City of Chino's Water Utilities Supervisor and state's recognized and certified Chief Plant Operator, he says he's on the hook. It's his job. He not only reports to Mr. Alire, but the Water Environmental Manger, David Crosley, who is the audience but will not speak tonight. He says he also reports annually to the state. He says he must also report to his citizens. He explains what the annual report states, which is the same as the citizens of Ontario receiving an Annual Quality Report, which identifies any contaminants found in their drinking water, it explains their sources and what the city or agency is doing to deal with it. He said he was there to answer questions and provide responses to the communications he sent to City of Ontario via email to planner Jeanie Aguilo provided in their packets. These include six items: 1) ground water quality; 2) stored drinking water; 3) wind-blown debris and trash, he says he knows the Appellant has stated they can take care of that; 4) negative effects from vectors related to the composting facility, he says he's sure that can be remedied; 5) dust associated to truck traffic, he states he's sure that again can be remedied; and 6) potential for fires generated from heat by compost piles. He says there have been a number of compost fires and says there are probably a number of individuals who can speak to that. He says one of the requirements the Ontario Fire Department made of the Applicant was found on page 48 of 60 in the staff report packet. He states that it requires off street fire hydrants are to be installed on all frontage streets at a minimum spacing of 300 feet. He brings to the Planning Commissions attention that this requirement has been checked off and there are no fire hydrants installed. He says there is one City of Chino type of hydrant, but its purpose is to blow out water to test a pipeline. He now refers to the City of Chino letter, dating January 25, 2016 in response to the Appellant's request for approval. He asks the Commission to review the last four paragraphs which states they are requesting they uphold the Zoning Administrator's denial. Additionally, he requests the Planning Commission look at the hand-out which was provided to them before the meeting began. He says essentially, the hand-out will provide them with a view of another sensitive receptor. The hand-out displays the water reservoirs which are about ready to operate. He states within the treatment facility are sensitive pieces of equipment and wind-blown dust will have an impact and he says odors will also have an impact. He states he knows there will likely be some mitigation which will take place, but odors do tend to drift. He also states the wind is from the southwest to the northeast and they are directly in line with that. He closes with stating zero tolerance when it comes to risk and dealing with water quality.

Mr. Gregorek questions the residential tract exhibit handed out by Mr. Aldaco.

Mr. Aldaco states the City of Chino has moved ahead and approved a residential development.

City Attorney, Mr. Rice says he's sorry to interrupt, but asks that a copy of the exhibit being talked about be made available, perhaps at the back table to the members of public. Mr. Aldaco states he thinks has copies and apologized he didn't think of that. He continues to explain that it is located just south of the Stater Bros. which is on the corner of Euclid and Schaefer Avenues. He says it is slated to begin construction this year and they are looking out for the impact of residential development and communities which may be affected. He also states he drew a line to show the Planning Commission where it lies within the buffer area. He states that both personally and professionally, he implores the Planning Commission to uphold the Zoning Administrator's decision.

Mr. Ricci asks what are the next steps for the City of Chino, should the Planning Commission decide to approve the project and what will they do to ensure the drinking water is potable and of zero tolerance.

Mr. Aldaco states the residents and citizens look to the city and his supervisors, to ensure they receive clean, wholesome, potable, safe drinking water. That's why, he said, when it comes to this, they will have zero tolerance. And in order, as you indicated [Mr. Ricci], he is taking the first step by asking that they support the Zoning Administrator's decision. He says if the Planning Commission decides otherwise, which is their prerogative, their city would need to regroup and need to do an appeal if need be at the next level but he feels they've taken sufficient precautions currently. If not, they would not have been assigned a state's operating permit.

Mr. Ricci, states, that if this site [compost] was in operations and in existence, you would not open your type facility [water treatment] right next to it.

Mr. Aldaco states he is absolutely correct. He says, first we would identify the property, then we would meet with the division of drinking water and then we would consult with them. Obviously, they would recognize the existence of this facility and they would look to us to decide if we would want to go somewhere else. He says he has respect for the operation and what they do, he just wished it wasn't in his backyard, only because they are existing and because the wind blows in their direction. He states he has to take as many precautions as he can and says they [Harvest Power] are aware, as he has spoken with them and he respects what they do.

Mr. Ricci questions if there are any California state regulations or county regulations which restrict the proximity of a site like this going next to a drinking water facility or something that prohibits it.

Mr. Aldaco states there is a program that is essentially a source water plan and what must be performed in order to apply for a permit for a water facility, is to comply with that. To do that, one must go out into the field and do a survey and locate any possible or potential contaminated activity. There is also research where one has to go back and look at what was in the past on the site and in the surrounding area. He states the operating permit for their site took a year to complete. He says it was extensive and expensive.

Mr. Gregorek questions if there is a standard or a compass direction they would take into account for future projects.

Mr. Aldaco states he invited the Division of Drinking Water, but they were unable to attend. He says they would be the most qualified to respond his question. He states there are certain setbacks, space requirements between certain types of contaminated activities and there would have to be conditions that we would have to adhere to. But again, when it comes to drinking water, we cannot risk contamination. He also talks about the second phase to their water facility.

Mr. Gregorek questions if this project were proposed a quarter mile away, would there be an issue.

Mr. Aldaco states on the northeast, beyond the prevailing wind? He's looking for odors, and other sensitive uses.

Mr. Delman questions if ground water contamination is their biggest issue or if dust is also an issue.

Mr. Aldaco says airborne, absolutely.

Mr. Delman says they [Harvest Power] have clearly stated that they have taken extraordinary measures to not have dust. He then questions Mr. Aldaco if the water facility has open water or if it's all piped in.

Mr. Aldaco states it is all piped in and there is no exposed or surface water.

Mr. Delman says that if there is any dust, the water facility must have filters that need to be cleaned regularly.

Mr. Aldaco states they have screens which are required and the reservoirs and tanks need to have openings so the water can actually fill the tank and drain from the tank. He says the screens have to have a certain fabric.

Mr. Delman states there is nothing on the land now with no mitigation and proposed project coming could be doing them favor.

Mr. Aldaco states yes, they could be doing us a favor, but truck traffic is a concern. He brings up the concern of diesel rigs idling and setting off fumes. Their exhausts will migrate and they can't mitigate that and it will travel his direction. Again, he states there is zero tolerance for all risks. He brings up residents who move into the preserve complain about flies and odors. Odors are wind-blown and he doesn't want them complaining about odors coming from their taps.

Mr. Willoughby brings up a dust related question. With the facility being out in a desolate area and the Santa Ana winds, was this concern brought up, how you would deal with dust from that and how it would be mitigated.

Mr. Aldaco said they have ventilation system and fine mesh screen that is actually a dual mesh and the system itself is somewhat of a maze. If there is any dust coming into it, it will also drop off. There may still be a potential, and it's something that they look to mitigate themselves. If the fine dust or manure dust gets in there and cause a bacteria problem, the tanks would be to be shut down. He said they do not like draining four million gallons, it is very expensive, but that's why it is important to take the precautions. Daryl Koops, he resides at 13191 Haven Avenue in the City of Ontario and operates a dairy farm on Haven Avenue and Riverside Drive adjacent to Colony High School. He said he would like to speak in support for the denial of the conditional use permit because he has also been victimized by compost operations which have gotten out of hand in wind situations where management was not adequate. He brought up while listening to the conversation of the proposed project doing a favor from Commissioner Delman, that un-worked earth will not disturb the land and cause dust. The new facility will be on top of the earth and stir up the ground. He states that they can only mow their fields and they cannot disk them to mitigate their own dust situation. He states that when it talks about

the traffic and one hundred loads a day, he said he calculated how much manure would be for his three thousand head of cattle and his manure is exported off his facility. He said he does not generate more than four hundred loads a year on three thousand head of cattle. He states they envision this for their Ag Preserve area. Although there was a thought the dairies might be gone, there wasn't a thought this type of interim industry would go in with the truck parking yards and composting facilities. These businesses are a nuisance and they still live there, they have pride in their places and they would like to keep them up the best they could. He states being a resident of the city, he provides many tours and auxiliary work for Cal Poly Pomona; to their vet school and he had seventy-five students there that day. He also collaborates with the University of Redlands, a class comes out annually. He also states they have permits from the city and regulations which they are required to follow from county boards. He says they are always within compliance. He states these new projects always sound good, but in windy situations management is very difficult and that was evident during the Kellogg Facility Fire a few years ago. He says that was a fine operation, but when there is a wind driven composting pile fire it's just combustible; there is no flame produced, it just combusts. He thanked everyone for his consideration.

Grace Williams, a resident in The Preserve [Chino] residing at 15815 Approach Avenue. She states she wants to speak on the Mitigated Negative Declaration (MND) which was prepared as part of this project pursuant to the California Environmental Quality Act (CEQA). She states she used to live in Ontario less than a mile away from the project site but has since moved to Chino about four years ago. She states she is very familiar with the community and drives through Schaefer Avenue at least once or twice a week. She states she is very familiar with the conditions of the road and condition of the community when it rains and if you are from The Preserve or the surrounding community, you will know that flooding is a problem and creates severe road conditions and road closures. She states she wants to speak about the MND because when she reviewed the document itself, she was disturbed with two things. One, is on the discrepancies within the staff report as it relates to this environmental document. She says, as you know CEQA is a very big component in California and it is primarily provided for the applicant and the residences in attendance today. She states the project description that was provided to the Planning Department last year is different than what we heard today. She says that as it pertains to the design of the project this is one of the things that was provided in the original application form and also when the MND was prepared to address the original application, the MND is now inconsistent with the revised information and clarified information provided by the Applicant. She asks the Planning Commission to refer to page 3 of the Initial Study, she points out some language pertaining to mitigation measures relating to fire. She points out that in the staff report that specific language is not within the Fire Department's condition of approval letter. She says the Fire Department requires a fire hydrant every three hundred feet, which the City of Chino had already pointed out and does not exist near the site. She continues by stating the information provided by the Applicant indicated that they would have two water tanks on the site that would provide fire protection. She states this is not reflected in the MND or in the Fire Department's letter of approval. She then asks the Planning to Commission to refer to the transportation conditions of approval. She states she went into city hall the day of the meeting and tried to pull all the technical studies which were done for this project. She states unfortunately, there were none done for this project, so no traffic study or technical report, or analysis on water quality was completed for this project. She states she does not know how the city could have made a final determination on impacts for



hydrology or water quality. She states it was also disturbing to see as it pertains to the City of Chino, that even though the MND identified there was water treatment facility next door, there was no analysis on the hydrology and water quality as it pertains to that facility; no indications of impacts, no identification of mitigation measures that will lessen the significance of the project. She states another concern on the MND is discussions on greenhouse gas emissions; she says they are not mentioned at all if they will come out of this operation as it pertains to the materials and the transportation of materials to and from the site. She returns to the transportation issue stating the application mentions there will be fifty trucks which more than doubles what an Ag use would be on that site, with a potential of up to one hundred trucks. She states there is no traffic analysis which gives more information through the MND on this section that the public could review. She brings up air quality and odors and AQMD had rules. She states She is in support of the Zoning Administrator's decision and if the Planning Commission should choose to approve, she recommends they request a continuance until the Applicant can adequately address the CEQA impacts.

Sam Sousa, is a managing partner of OK Cattle which is a beef operation located directly on the south and west side of the property. He says they receive beef cattle at about four hundred pounds and they raise them to about thirteen hundred pounds and then they market them to JPS Packers. He says they have an all-natural program which fifty percent of the cattle are certified all-natural so they need to certify that the cattle are all-natural with no antibiotics. He states with the composting facility going in next door, it will provide more dust and pathogens flying through the air. He explains that when the cattle breathe the added dust, they are susceptible to more repository problems. He continues to say that if they have an animal get sick, they have to pull them out of the program and that costs a considerable amount of money to slaughter. He says he know they say they can control dust, but if anyone drives by BAS anytime in the day when their grinding, it's a dust train coming out of that place. He states the other problem they have is all their feedstocks and hay barns are located within twenty feet of the property line along the whole south edge of the property, which consists of about six hundred ton of hay, roughly about \$100,000 worth of hay. He states they also have a commodity barn which sits in line on the southern portion of the property which is worth about \$50,000. He says if you look into BAS where they had the fire, the property to the south lost all their hay barns, all their tractors, and nearly the house. He says he knows Harvest is stating they are doing everything they can to control the dust, but when Santa Ana winds come up, that's beyond anyone's control. Their feed area is twenty feet away on the south side from their property and some items say they are grinding and some say they aren't. He states their biggest concern is the health of their cattle and if any pathogens come off the grinders and getting mixed in with their feed, their cattle can get sick. He says he understands they have multiple permits with Cal Recycle to do green waste and manure on both separate locations. He says again their concern is their cattle health and putting it so close. He states he knows there are measures which can be taken, but when the winds prevail, will they be able to contain that?

C. Zwart came up to speak and stated he lives in Ontario and owns the property just across from the proposed site on the north side. He stated he and his wife own the parcel located at 7316 Schaefer Avenue. He stated the parcel they own is across the street from the proposed organic material facility and they are very much concerned about the facility and that it will have negative impacts on the surrounding parcels in the form of declining property values that are zoned for housing eventually. He also mentions

increased traffic, noise, air pollution, ground water pollution, fire danger and above all smell. He states in light of these concerns they are asking that the conditional use permit be denied.

Rob Vandenhuevel runs the Milk Producers Council which is a non-profit association located between Schaefer and Euclid Avenues. They represent the dairy farming community and remains in Ontario along with other dairies throughout California. He states that it truly is unfortunate that they are all there. He says this was once a proud, dairy, agricultural area; the Agricultural Preserve as it was once known. He states there was testimony previously that mentions they are down to fifty dairies, which was once home to three hundred dairies with associated crop land. He states that while there is a general tone of who cares that that they've gone from three hundred to fifty over the past ten or twenty years, that is not the attitude of the remaining fifty dairies. He states they have a lot of pride and he works with those families every day. He states they sell milk to consumers throughout Southern California, they have tours on those dairies, they have consumers come to visit and he says it's embarrassing the projects, illegal or otherwise that have been allowed through complacency by the city or through outright permits that are not properly enforced. He says the embarrassment of driving through some of the south Ontario region. He states that quite frankly what they're seeing tonight is a rebellion, a clear message from the neighboring communities, the actual folks who live and work on these dairy farms. He says they are tired of south Ontario, a proud dairy area, turning into the urban dump where they take all of the city's trash, and not just Ontario's, but from all over Southern California. He states there are already green waste facilities in Ontario and they don't need another one to handle Ontario's green waste. He goes on to say that he assumes that all the green waste got picked up this past week in Ontario from the residents found a home somewhere and they don't need another site, particularly on an area that has overlaying agriculture zoning. He says green may sound like agriculture, but it's not AG, its urban waste. He states there is a buffer zone, and there is a reason the City of Ontario established siting criteria. He says for some of the green waste facilities going in and getting approved, there was heavy opposition and so the city in 2013 approved a Resolution. He states it is not in the packet and he can provide a copy to the Planning Secretary. He will read what has been referenced in City Council Resolution 2013-127. The relevant section on the buffer zone is that a site must require a half (1/2) mile for green waste or combination green waste and manure facility to a residential use or sensitive land use. He states that they have already heard testimony that water can be a sensitive land use but was not taken into consideration for this purpose. He states that the combination of green waste and manure is what this project is. He states the Applicants are very cleverly trying to up come up with a way to say that the green waste will only be on part and the manure will only be on part and, therefore, they technically meet the measures of the buffer zone. He implores the Planning Commission to reject that notion and that it violates the spirit of what is in the resolution. He states the whole thing is a combination of green waste and manure site. He says once the city approves this, he doesn't think city staff will go out to make sure one is one side and the other on one side. This is why the city wisely said that if you're going to do both, you have to meet this half (1/2) mile buffer. If you're going to do manure, there's a quarter (1/4) mile buffer; it's a lesser standard. But, once you introduce green waste and some of the risk and fire risks are involved, you've now increased the risk to the neighboring communities and you're held to a higher standard. He states looking at the property as a whole, it's inside the half (1/2) mile buffer so they shouldn't even be there, but they are through the process of appeals and they're willing to participate in that process. He says

his last point would be on the trucks. He states it was mentioned by the Appellants that the former dairies generated up to sixteen trucks a day. He says he has the Engineer plans for the last dairy on that property and there were five hundred twenty cows on that property. His industry calculations which he will provide to the Secretary show that that dairy brought fifty pounds of dry matter in per day, per cow, what a cow consumes, producing seventy pounds of milk going out and the manure generated on the dairy per Regional Water Board estimates would be twelve trucks per week on that dairy. He says even if you double that because there used to be two dairies on that site at one time. He thanked the Commission for the opportunity to speak and asked that they uphold the Zoning Administrator's denial of the project's application.

Ed Haringa came to speak in opposition of the Harvest Power project. He states he operates across the street at 7520 Schaefer which is about one hundred or seventy-five feet away. He says he lives at 7439 Chino Avenue and his family milks cows and has an operating dairy with approximately two thousand head of cattle and has been there a long time, about twenty three years, and has lived in the same three mile area his whole life. He states he doesn't often get off the dairy and they try hard to keep them [cows] healthy and in good shape and they try to do a good job. He continues by saying he spends most of his time outside during the day and states he is allergic to red tape and paperwork. He states he represents about six families that live or are associated with the property that they are on, most of which are too old to be there or asked him to speak on their behalf. He states he is also concerned about the water along with the City of Chino; they also have four wells on the property which they operate and they have their own issues but won't go into them because he's afraid he'll go over his time limit. He says the dust generated from these projects, and he knows Harvest will do a great job, but he's heard that from every other green waste application that they've gone to and spoke in opposition with and they all say they're going to do a great job and yet he doesn't see it. He says generally he has RWP across the street from him, to the northwest he can see a great big plume of brown cloud above it when they are operating and he says we all know that doesn't come straight down and land back on the piles, but spreads all over. He states he looked up the Harvest Power in Tulare County and he noticed on the Google Earth picture that there was a settling of dust in the surrounding area also. He states it says it's also detrimental to the cattle. He knows others have spoken to this issue already. In regards to the traffic, he thinks the baseline of the trucks should be zero. He states he has noticed some illegal trailer parking on that parking and the fences are all gone. It used to be a former dairy now trailer parking and neither have generated much truck traffic so he equated to like a Gemco. The new police station is up and running and we don't call it a grocery store any more so it's the same prospect there. He stated there are at least fifteen other green waste composting facilities. He stated he made a list of the ones he knew about and the ones he could track down from the Cal Recycle website and would give a copy of the list to the Planning Commission when he finished speaking. He states the sensitive land use issues, like Mr. Vandenhuevel said, we shouldn't be here, but we need to go through the process. He said the church, the pre-school, there's a plan to develop a soccer field between the housing project and the church. His church owns more property than listed in the staff report packet so there is more sensitive land use property than they knew about. He states he knows none of them [Planning Commission] live close to him because they'd come over, but he lives close to the project and because RWP is across the street and Beneficial Ag is down the road to the east, he states he really doesn't want another one. He encourages the Commission to uphold the Zoning Administrator's decision and will hand out the list of composting facilities around.

City Attorney, Mr. Rice asks Mr. Haringa to please put a copy on the back table for public to view.

Mr. Haringa received permission from Chairman Willoughby to say one more thing. He said that at the end of the December 2015 Planning Commission meeting, Chairman Willoughby closed the meeting by commending everyone for the good work going on in Ontario Ranch. He states there is a lot of great stuff that's happened by them, a lot of cleanup work and he hates to come and spew all the bad problems of the area, but he doesn't think another green waste compost facility is a good way to go for them and they're just a nuisance really. He thanks everyone again for letting him speak.

Dr. Dan Drake, began by handing out some information and said he would put one on the back table at the end. He stated he's a veterinarian and works with cattle and has lived in the area for fifteen years and also in 2010 he took over as owner of a goat dairy located at 7255 Schaefer Avenue which is directly west and it's called Drake Family Farms. He states he first wants to talk as owner of the farm and then as a veterinarian representing the impact that this could have negative effects on the cattle as we have seen with the other green waste facilities. He states his farm is a small farm and they sell locally produced cheese in Southern California and they are the only licensed goat dairy in Southern California. They produce farmstead cheese which means it is produced on the farm with milk produced only from their animals, so they don't bring in milk from other places. He says they sell their cheese all over Southern California and they have about seven employees that work there all the time and they also have seasonal employees, and a huge amount of volunteers that come from all over Southern California who want to be involved in local agriculture. He states it is a very hard business and that he shouldn't have done it; it was a bad decision financially. He says he's five year's into it and they have finally developed some recipes of cheese that others can't make and are gourmet French style cheeses that are unique to the area and unique to their farm. He points out that is what is on their hand-out; they are photos of their two specialty cheeses which they make and sell. He goes on to state that unfortunately when you look at cheese making in French gourmet cheese science, you have to consider the air quality, the French call it the "terr noir", which means it is the environment that you're in and that will influence the mold spores, that will influences the ripening of the cheese and flavors and how the cheese develops. He asks that the Planning Commission to consider his operation which is directly to the west as a sensitive land use because they are trying to continue with the "terr noir" that they have and if you bring fourteen hundred tons of composting, rotting, green waste with all the spores that that will bring, it will negatively impact the two specialty cheeses that are signature to the company and it could be downfall of the entire company. He also wants to talk about the trucks. He states Schaefer Avenue is a poorly maintained road. He states he had a friend with him that afternoon and they drove from Euclid to Bon View and he asked her to count the potholes which she saw. She counted forty one potholes in the one block. He states that road isn't fit for Southern California residents. He states he has people come to tour his farm from Beverly Hills, Santa Monica, Laguna Beach and Laguna Niguel, very high end people and he's embarrassed of the city. He states the road is fit for Guatemala and it's not a good road. He said he's lived here for fifteen years and as a dairy cow veterinarian he has seen what the fires from the green waste facilities and the health hazard it creates to the dairies and to the cows. He says it's an inhumane environment and it's a sad thing that one's whole area combusts and turns into smoke and it doesn't go out with two tanks of water; it burns for

days and the cows can't leave and neither can the residents and workers who are caring for the cows. He says we all have to stay there in the smoke and it burns our lungs and it wrecks your eyes and it kills the calves and it makes the cows give less milk and it's a sad thing. He says he would hope the City of Ontario would just not do this. He says to say you're going to mitigate the Santa Ana winds is like saying you're going to stop a hurricane. He says if someone doesn't believe him, he hopes they will come visit the next time the Santa Ana winds come and walk Schaefer to Bon View and watch out for the forty one pot holes. He says you'll find it's a very horrible environment and you can't plan how you'll mitigate against those winds; you just have to survive. He says that's just one thing that will happen, he doesn't know when, maybe it will be tonight. But, when something catches on fire, there is nothing the Fire Marshall can do. He states that, in fact, the last time the Fire Marshall was on his property, he was told his manure piles were illegal and he had thirty days to remove them. He says they were about the size of one or two truckloads. So, he says if the City of Ontario Fire Marshall is concerned about the size of a manure pile, the size of a Ford pick-up truck, he doesn't think they should be allowed to put manure piles there. He states he has gotten a bit strong in his comments, but he hopes they [Planning Commission] will help preserve his business and sensitive land use in his farm and he hopes they will preserve the quality for the children and not threaten the water supply of 80,000 residents of Chino and hopefully these people can find somewhere else which is more rural where they can do their composting.

David Crosley, Water Environmental Manger for City of Chino. He states his comments will be brief and focused and he wanted to provide clarification to the earlier portion of the evening. He states there was a question about what the facility proposed by Harvest would mean to the City of Chino and its plans to further develop the water project. He says when the City of Chino staff had conversations with the City of Ontario regarding their project, it was explained that their project was a multiple phase project. He states they have built phases one and two; there are future phases of the project that are yet to be built. He continues by saying that when those future phase are to be built, the City of Chino will necessarily need to go back to the State of California to get an Amendment to their operating permit. He says the State of California will necessarily have to consider the impact to their operation opposed by the facility next door. He says in his experience, the City of Chino can expect then that they will receive additional conditions in order to deal with the protection of the water quality that is produced at the facility next door. He wasn't sure if that was made clear in the earlier conversation and he simply wanted to make sure there was clarification.

Chairman Willoughby called for a five minute recess.

Chairman Willoughby states that the Commission is in possession of three letters of support of the facility as long as it operates in compliance with all of the requirements. The letters include: Cross Point Church, Inland Harbor LLC and Stratham Communities. With that, he asks the Applicant to return to the podium to summarize or rebut any questions. He states there will be questions for planning staff following.

Mr. McManigal returned as the Harvest Power representative. He began by stating that he agreed with some of the comments which were stated. He said as a green waste and organic management company, Harvest Power apologizes for bad operators. He states Harvest Power is not a bad operator. He reiterates they are an international company and they operate over thirty of these companies across the United States and in Canada and

they are an award winning company. He states they do not believe there is another company that matches theirs or that will bring what Harvest Power will bring to the city. He then addresses some of the issues that were raised. Fires, absolutely green waste catches on fire. He says unfortunately those fires are done by poor management, usually by unground material and it's kept there in a whole form or through the grinding process. He states they are only bringing in pre-ground, separated material with no trash in it from the City of Ontario's Solid Waste picker upper or franchisee that is coming out of the city. He brings up the issue of late night trucks. He states their hours are stated on their application are from 6 AM to 6 PM. He states traffic has been addressed by city staff, but also again, he was asked to put in their worse-case scenario. He states if they were to have one hundred trucks a day, and it's likely they'll have more like seventy-five, the majority of them would be in the spring or the fall moving the material out to agriculture, during a peak planting season. He states there is also material which will leave routinely throughout the year. He explains there has to be some flexibility for the peak seasons and if they don't have that flexibility, they'll make it work. He brings up the water next. He states they agree with the City of Chino and have zero tolerance for impacting their water treatment facility also. He says they would work with their neighbors to make sure they don't have impacts. He says Harvest Power would not be building a facility here and investing millions of dollars if they believed they could not operate with full compliance with all permits and not be an impact to the adjacent water plant. He states they are aware of the water plant, respect the water plant and they are going to operate so they don't impact the water plant. He states staff addressed the City of Chino's concern about traffic, dust in the Zoning Administrator's staff report and they support that. He states their permits will not allow them to be a bad operator or bad neighbor. He states there will be hotlines setup where people can call for environmental help and other operators. He states there will on-site management, a manager who lives on site, which many of the facilities do not have. He brings up the fire hydrants, and says they are going to meet the fire requirements for fire hydrants and suppression on site; they had plans before and they have plans to work with them. He states the receptor map is accurate and they will meet the buffer zones established by the City of Ontario. He says, as mentioned, the church which has a daycare to the southwest supports the facility. He also states that Stratham Homes, the housing developer that the City of Chino mentioned, also supports their facility. He states the air quality from the trucks; modern diesel engines are not allowed to omit soot and are not allowed to idol for long periods of time. He states that is against the law and have to be programmed to shut down. He brings up the issue of odors. He states they have permits which prohibit them from omitting odors. He states they have to be a good neighbor. He states separation from the south there is a concern there is a water basin on the eastern portion that increases the buffer zone and the grinder that was put in on the early site plan has been removed from the site plan before them tonight. He states they are not going to be an urban dump. He says they are going to be receiving pre-ground, pre-sorted green waste from the City of Ontario. He stated there was reference to their Tulare compost site and that facility, has residential adjacent to it and a school a quarter (1/4) mile away and they have received no complaints from that facility. He says Harvest Power is an award winning company that has the expertise, personnel, and the background to bring to the city a first class composting facility to help the city meet its recycling goals mandated by the State of California. He states they will comply with conditions of approval and asks that they approve their conditional use permit.

Mr. Willoughby questions the fire hydrant issue and confirms they are working with the Ontario Fire Department as to what they want and where they want it.

Mr. McManigal states yes.

As there was no one else wishing to speak, Chairman Willoughby closed the public testimony

Mr. Willoughby states he would like Mr. Zeledon or Ms. Aguilo to address the issues brought up earlier regarding the Mitigated Negative Declaration (MND).

Mr. Zeledon states he will address those issues. He begins with addressing the description of the project from the original application. He states that is true; whenever an application comes in, the description is always a bit vague and so when staff does the Initial Studies, we want to make sure we include a thorough description of the use. He states in this case, the MND description is correct. The second point he addresses was in regards to fire mitigation measures not being included, referenced on page 3. He states this is correct; fire mitigation measures were not required and became conditions of approval. He states there is also a fire management plan in place and the conditions of approval from the plan require fire hydrants, however he defers to Deputy Fire Chief Art Andres to explain what that means because there are other options beside fire hydrants, which the Applicant had put down in regards to water tanks.

Deputy Fire Chief Art Andres, also the Fire Marshall for the City of Ontario, addresses the fire issues. He states there have been significant problems in the Ontario Ranch area relating to combustible waste. He says it has been about three years since they implemented a new fire department standard that is more restrictive than even what the state will allow for green waste recycling facilities. He states it has to do with the height, width and length of the product, the time in which the product can be processed and also the emergency mitigated measures in case there was a fire. He addresses the water issue brought up; he says in fact there are limited areas where hydrants are in place and technically is in the south side of our town and that's because the infrastructure is not built out yet. However they do allow at different sites alternative needs and methods and one of the things they would require is at least a minimum flow capacity. That would be five hundred gallons per minute for a minimum of two hours. So they would roughly have to provide about 60,000 gallons of water on site if they wanted to not have a hydrant along the street. He states there a number of other safety measures which have been put in place; he states some of the facilities have been permitted prior to them implementing those standards so they are working with them to try and be good neighbors and make sure they are now compliant with the State and with the municipal code. He says if they have other questions relating to fire activities he will answer them accordingly.

Mr. Willoughby questions that the fire situation has been since the new standards have been implemented three years ago which were stricter than state. For clarification, he asks if there have been fires since the new standards have been implemented.

Deputy Fire Chief Andres states they have. He states the fires have been at multiple locations and some have been mentioned tonight. The ones that were on these locations and in most recent time did not have these conditions as part of a CUP process. He says that due to the incidents though, they are going back to them and they are trying to be good neighbors and they will self-impose those since they did not have them as part of their CUP process.

Mr. Willoughby states that was his next question if the fires were at facilities where the new standards were not yet implemented.

Deputy Fire Chief Andres states that is correct.

Mr. Willoughby states there was a mention of sixty gallons of water on site and if they are not able to provide that than they are going to have to install fire hydrants within a prescribed area. He requests clarification.

Deputy Fire Chief Andres states that they will have to bring a water source somehow. He says this can be extremely costly so depending on the location within that area, specifically the Ontario Ranch area where the infrastructure has not yet been developed up to the city standards according to the Water Master Plan, there are ways to do that but it's not easy.

Mr. Willoughby questions that the Applicant is currently working with the Fire Department on how to handle this situation.

Deputy Fire Chief Andres states the conditions have been placed and until it is approved there hasn't been anything approved by his department as far as their emergency plan, or the alternative means or methods as it relates to meeting their water demand.

Mr. Delman asks for some simplicity. He questions if a fire on a site that size, will 60,000 gallons be enough if it is applied at the start of the fire and will it be able to put it out.

Chief Andres states that's a good question; and every fire is different. He states one of the things they have in place for these types of operations is the height, width, and the length requirement. He said the length of the time it takes to mitigate a fire for the ones that have gone on for days is because there has been an aggravate that has been in excess of that we have in place now. So now you wouldn't be able to have anything that was more than fifteen feet high, twenty-five deep wide and two hundred-fifty feet long. That's the configuration you'll see in the rows. He says the intent is to have equipment on site that would isolate that fire and they would be able to put the fire out once it was isolated. He states the one's have had in recent history have been mountains of product and the only way to get that out is to physically separate out the product and get it wet and that's not an easy task.

Mr. Zeledon states the next comment was related to air quality. He states the project was reviewed and is consistent with The Ontario Plan (TOP) Environmental Impact Report which identified certain mitigation measures required for projects which is referenced on page 33 of 35 and includes such things as: use of low emissions, fuels and vehicles on site, it also mentions deliveries and times so those were all addressed through the TOP mitigation measures. He states in addition, this project does require the air quality permits so that was also part of the analysis. He states the questions brought up regarding water quality; hydrology and traffic can be addressed by Khoi Do from Engineering.

Khoi Do, Principal Engineer from the City of Ontario. He states that several people questioned why no traffic studies were conditioned for the project. He says it is typical practice that whenever a project is anticipated to generate over one thousand additional



trips per day, than they would condition them to prepare a focused traffic study to determine the impacts that their additional traffic would cause. He says the proposed traffic increase here generated from the site was seventy-five to one hundred per day and that was peak trips, during their peak season; so an average less than that so if you even double or tripled that number you would be well below the threshold that would trigger the requirement for the study. He states that was why the traffic study was not required. He states as far as the water quality, he wanted to clarify that there is actually two water quality issues. He states 1) storm water quality impacts which is part of the NPDES and they did condition the project to prepare a WQMP and if their site generates or created an additional ten thousand or more square feet of additional impervious area. He states at this point, per their proposed site plan, they were not going to do that, so they do not fall under the NPDES requirement's for a WQMP (Water Quality Management Plan). He explains if they did plan to do that, than they would be required to mitigate the additional run off. He says number 2) water quality impacts with ground water which the City of Chino has brought up concerns with. He explains that is under the jurisdiction of the State and not the city. He states that the City of Chino, as the well operator, have already received permits for the first two phases of operation. He says the State has determined the site as safe and they have received the permit prior to the State's knowledge of the proposed project. He says, as they mentioned, once they go back to receive permits for their future phases, they will have to get their operational permit amended and if the proposed project exists they will have to see if there are impacts to their operation. He reiterates that would be the State's jurisdiction not the City of Ontario.

Mr. Gregorek questions how many of these facilities exist in Ontario Ranch; he realizes there are both city and county but requests a quick estimate.

Mr. Zeledon states there are five facilities.

Mr. Gregorek questions if those are City of Ontario facilities.

Mr. Zeledon responds that there are five composting approved by the City of Ontario and two by the county.

Mr. Gregorek questions if there is a proposed exit route east of the entrance which was on the site plan. He questions if that was changed.

Mr. Zeledon confirms it is still there.

Mr. Gregorek asks if there is a protocol setup by the city for inspections and which department would do make sure they are in compliance.

Mr. Zeledon states that with most CUPs the way it works is that typically after six months of operation, and if there are no complaints, staff goes out to make sure it's operating correctly. He states that if there is an issue, they typically get calls right away and they go out to monitor right away. However, most of the inspections are handled through the County of San Bernardino, the Water Quality Board, Cal Recycle, and all the other permits they are under. He says all the City does is make sure they are following the CUP requirements. He says that Fire Department does an inspection as well.

Mr. Gregorek asks what other departments go out and inspect before they receive a

certificate of completion or occupancy.

Mr. Zeledon states Building, Engineering and Traffic.

Mr. Gregorek asks if the proposed residential development brought forth by the City of Chino is to be considered a sensitive land use. He questions if that is part of the Specific or General Plan.

City Attorney Mr. Rice states he can address the question. He states the City's general practice has been in this regard is to look at existing land uses rather than to look at the General Plan or look at proposed projects. He said it's to look at what actually exists there, right now when they're considering a project. He states as they know, projects don't always happen as the way they're intended, sometimes developers don't go through with what they've committed to so City policy adopted by the City Council has to look at existing. He says it is supported in the resolution itself which discusses sensitive land uses and it talks about exhibit, which can be interpreted as the word existing.

Mr. Gregorek states that if in a scenario of construction would that be considered existing.

City Attorney Mr. Rice states that it would be fact dependent, but yes, once it looks like it's going up, and certainly when they're selling homes, that is certainly existing. He states it is a tricky one and the City Council's resolution doesn't go into that much detail. He says it uses the word "existing" but they are interpret what that means and this is what he interprets what it means is that when it is up and running.

Mr. Gage states that our municipal code states half (1/2) mile manure and green waste and not combo. He asks for clarification on the municipal code.

Mr. Zeledon states it is the City Council Policy Resolution and it states it should meet and what that means is "meet the intent". He says made the determination that putting a green waste facility a half (1/2) mile "met the intent". He reiterates again that it states "should be a half mile". He says the reason it was left in there like that was to show it was "meeting the intent". He says staff made the determination, in this case that it was.

City Attorney Mr. Rice states the operative provision is in subdivision C of section 1 of the Council resolution that suggests that we require a buffer distance of half (1/2) mile for green waste or a combination of green waste and manure composting facility to a residential or sensitive land use as described above. He states where the existing language comes from. He states what he thinks what City staff is going for is that when they are looking at this, the focus is on green waste, so if it's green waste, keep it half (1/2) mile away and if it's green waste and manure, you also keep it half (1/2) mile away. He states he doesn't think the intent of the resolution was to say, if on the same site, you happen to have manure and green waste, you can't keep the manure within the half (1/2) mile radius even if the green waste is kept outside the half (1/2) mile. Again, that's a matter of interpretation and the resolution doesn't go into detail on that. He states he doesn't think it was intended to prohibit that option with conditions of approval. He states again, this is his interpretation.

Mr. Willoughby closes the public hearing.

Mr. Downs states that he is fuzzy on the new residential development and that it's his understanding that he isn't to consider it because it isn't constructed yet.

Mr. Willoughby states it's non-existing.

City Attorney Mr. Rice states that is what he suggests. He suggests the meaning of the resolution is to look at existing sensitive land uses. He states he worries about where they would draw the line if they were to interpret this to consider things which aren't existing yet and they look at things like General Plans and a lot of that area is planned residential which would outright this kind of use. He says that he doesn't think that was the intent here and when it talks about sensitive land uses it's protecting existing schools, existing churches and day cares. He's not sure it's looking to protect future resident and day cares alike. He says, again, that's an interpretation issue and that's up to the Commission and he's just providing how he sees the resolution.

Mr. Downs says, okay, but let's use the scenario that the south Ontario builds out. He questions at what point are the existing facilities a detriment because developers can't build close to them.

Mr. Zeledon states no, developers can develop the property. He states the issue is the new composting facility coming in and having to meet their requirements. He says if a new development wants to come in and build a subdivision they would have to be made aware of the existing development and a disclosure is provided. He states this is not a permanent use, it's a temporary use. He states new residential doesn't have to be a certain distance away, they would not prohibit it. The composting site has to be a certain distance from existing residential or sensitive uses.

City Attorney Mr. Rice asks to clarify that Mr. Zeledon mentioned this was a temporary use and by that he means this is all planned, general plan residential; this is the City's long-term plan. It's not like the conditional use permit has an expiration date or anything along those lines. He just wanted that to be clear.

Mr. Willoughby states that he thinks everyone knows that because of the lack of infrastructure, it will be a while before anything will be able to be developed.

Mr. Gregorek states that he lives close to the facility and has lived in the area for over thirty years. He has concerns about the conditions because from his previous experience, they are not always kept up and he worries about the fires from the previous facilities. He says that the roads have gotten worse over the years. He states that in regards to the green waste facilities they are given a lot of conditions, but they do not follow them and that disappoints him. He says as far as the manure, he doesn't really mind processing manure and it's a good thing, but he has a real problem with the green waste. He states he notices the odors. He says he knows the Fire Department has put more conditions but that just requires more Code Enforcement and just feels the fires will always be a problem. He states he's just real reluctant about having another one of these facilities, especially with the green waste, but the manure it's not much of a problem. He states he respects the City of Chino and their legitimate concern for their water. He stated he was very reluctant to go against the Zoning Administrator's decision.

Ms. Mautz states she lives further south than any other Commissioner. She states she has seen dust and dirt from so many sources; construction, manure and when it is hot and dry and the wind blows, she doesn't know what kind of precaution can be made to stop dust and debris from flying. She agrees they do need to do something with the manure and green waste and thinks this company is one of the best there is, but she has a very difficult time thinking they need another facility like this in south Ontario.

Mr. Gage states he's listened to all the comments from everyone. He says certainly there's some concerns with the neighbors surrounding south, east, west, north, which isn't a good thing. He says the municipal code states there's a half (1/2) mile, and maybe it's an interpretation of it, but the combo of manure and green waste could be looked at it should be past the half (1/2) mile. He also feels real concern for the City of Chino and the issue of water quality and their facility. He states that he didn't hear that the facility wouldn't harm it; he says he heard that they would have to resubmit [for permits] to the state and let the state make a decision, which didn't make him feel comfortable. He stated that because it wasn't our jurisdiction doesn't mean we shouldn't be concerned. He stated he felt the half (1/2) mile is arbitrary, but that's what our code says. He doesn't see voting against the Zoning Administrator.

Mr. Ricci thanks everyone for coming out. He thinks the Harvest Power operation is really fine, but to hear so many concerns, he says he's very hesitant because of the risk. He states especially after all the aftermath of what has happened in Michigan. He states that they can't go on what the precautionary measures because they have no guarantees that something won't happen. He says to risk that and the contamination of the water and effect the business which are already in operation, he just can't see. He states he concurs with Commissioner Gage.

Mr. Delman states this is a very difficult decision. He states he has heard all the concerns and he thinks their business is absolutely top notch and is probably good for everybody in the environment. But sometimes, it could be the right business, in but the wrong place. He states he is concerned about the Chino neighbors and Ontario neighbors.

Mr. Gregorek asks if they have to approve or deny or can they concur with the Zoning Administrator's decision. How do they deal with the CEQA?

City Attorney Mr. Rice states they do not have to do CEQA; he says he is sensing they are planning to uphold the Zoning Administrator's decision and deny the appeal. They can move forward.

### **PLANNING COMMISSION ACTION**

***It was moved by Gregorek, seconded by Downs, to deny the appeal of the Conditional Use Permit, File No. PCUP15-016. Roll call vote: AYES, Delman, Downs, Gage, Gregorek, Mautz, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.***

City Attorney Mr. Rice clarifies that the Applicant has ten (10) days to appeal the decision from today and they appeal to City Council.

- C. **ENVIRONMENTAL ASSESSMENT AND APPEAL OF CONDITIONAL USE PERMIT FOR FILE NO. PCUP15-014:** An Appeal of the Zoning Administrator's decision to deny the establishment of a Type 20 ABC License (Off Sale Beer and Wine) in conjunction with an existing 2,009 square foot gas station convenience store (Chevron) on a 0.58 acre site, located at 1065 West Holt Boulevard within the CC (Community Commercial) zoning district. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project is exempt from environmental review pursuant to State CEQA Guidelines Section § 15301 (Existing Facilities). (APN: 1011-132-06). **Submitted by: Travis Companies.**

Associate Planner, Lorena Mejia, presented the staff report. Ms. Mejia stated that the project is located at 1065 West Holt Boulevard on the corner of Mountain Avenue. She stated the Chevron was reopened after undergoing an extensive renovation and the addition of a convenience store. She states the site is surrounded by commercial uses to the south and east. Ms. Mejia states the application for a Conditional Use Permit (CUP) was submitted on June 4, 2015 for a Type 20 ABC License (Off Sale Beer and Wine). She states the CUP was denied by the Zoning Administrator (ZA) for not being able to satisfy the requirements for public convenience and necessity findings, which subsequently resulted in not meeting the Development Code and Municipal Code requirements. Ms. Mejia states public convenience and necessity findings are only required to be made if the project site is located in an over-concentrated census tract. Ms. Mejia states the ultimate number of licenses allowed is established criteria by the State Department of Alcoholic Beverage and Control, which uses population of the census tract to determine the number of licenses allowed. She states, in this case, the project site is located in Census Tract 16, which allows for only four (4) off-sale licenses. However, there are currently fourteen (14) active off-sale licenses within the census tract. Ms. Mejia states the application, as submitted, was unable to meet two of the public convenience and necessity findings as stated in the ZA decision. First, the retail business must have a minimum of ten percent (10%) of the gross floor area devoted to food sales. She states that as part of the appeal application, the Appellant identified additional areas in the floorplan dedicated to food sales, thus showing there is more than ten percent devoted to food sales. Ms. Mejia states that however, the second finding not met was that the retailer must occupy at least 12,000 square feet of gross floor area. Unfortunately, the existing convenience store on site is approximately 2,000 square feet in size. She states the Zoning Administrator denied the application, which is why the appeal is before them tonight. Ms. Mejia states the Police Department also recommended denial of the CUP and noted during the ZA hearing that there were several off-sale licenses in the immediate vicinity. She displays a slide showing off-sale licenses. She states that staff is recommending the Planning Commission uphold the Zoning Administrator's decision and appeal File No. PCUP15-014.

No one responded.

### **PUBLIC TESTIMONY**

Karl Huy with Travis Companies from Mira Loma appeared and spoke. He stated he was the Applicant who filed the appeal and also the ABC/Conditional Use Permit. He says he's also there on behalf of the project owner and business owner, G&M Oil. He states

they filed the Application for Appeal based on the contention of three issues. He states they understand the process and have no problems with the process or what has transpired in the past on this. However, they believe there were three issues which were utilized as the basis for the Zoning Administrator's decision to deny the ABC. He states he will speak on the first two items and Ms. Sherrie Olson, who is their ABC Consultant on this project, will discuss the third one. He states their first item of contention which seems to have been clarified is that the decision was made based on satisfying the six (6) conditions of the Public Convenience and Necessity requirement in an over concentrated area. He states that Ms. Mejia demonstrated the square footage of food sales. He states in the decision document, the Zoning Administrator identified that this requirement was not met or satisfied. He states that is incorrect. He says based on the actual floorplan, this convenience store is made up of many areas selling different items. He says if they only utilize the area which is considered food, as the city's ordinance says, Ordinance 2943, it says it has to be ten percent (10%) and it doesn't quantify what "food" is. He states but if they go by an authoritative source like the County of San Bernardino Health Agency who reviews all plans for convenient stores, and they separate out items like food items or candy items, beverages as consumable. He says if they go strictly by that basis and only measure square footage on one level. He says he brings that up because there are several areas in this store which are several multiple levels, five or six. He says if they look strictly from the aerial view and count the total square footage dedicated to the display and consumable food items as classified by the County Health Department, there is over ten percent. He states as a matter of fact they have 14.75 % of the total 2,009 square foot of the building dedicated. So they contend that they do meet that requirement. He states that if they take it further and add in all the other levels and display areas, they are at 38.7%. So again, they contend that they do meet that requirement. He says the second item of contention deals with the City code ordinance dealing with the size of the facility to sell beer and wine. He states the ordinance identifies 12,000 square feet. He says in the original staff report presented by Planning staff, this reference was meant for larger retailers: mini-markets, Mercados and grocery stores. He says that this reference, again taken from the staff report, wasn't intended for gas stations. He states that during the public testimony portion during the Zoning Administrator meeting, it was brought up by Planning staff that there had been another consideration for a convenient store as part of a gas station and was approved for the sale of beer and wine, an ABC license under this interpretation. So he states, they contend that the original staff reports interpretation as it is presented in writing should be considered that the original 12,000 square feet wasn't intended for convenient stores. He states that's their second item of contention and also that the original staff report recommended approval for the ABC/CUP.

Sherrie Olson is an Ontario resident residing at 934 W. Yale Street. She states she has been a homeowner in the City of Ontario for twenty-four years and wants to go over a couple of points brought up in the staff report and some different findings. She states they realize they are in an over-concentrated census tract and being a home owner in the area, and living around the area, she is very familiar with the other establishments which sell alcohol and are an eyesore in the community. She states at this site, the Applicant has taken down the existing gas station and has rebuilt and redeveloped the whole corner and made it a beautiful gas station that one can be proud of in the community. She says some of the other stores in the neighborhood she can speak about, she would not even go in there. She states you can go up and down Mountain Avenue or on each side of Holt Boulevard and the same applies for many of those establishments. She states that they are looking for the Commission's support and that this should be looked at on a case to case

basis. She says what they are investing into the community, what they are doing for them as local neighbors, residents and what they are bringing to the table. She states that a lot of the stores have not done anything to their sites, they have left them as an eyesore to the community, they have not made them an investment into the area and she doesn't think they even live in the area. She states she would like to bring out a couple of other points as well. She states that a lot of the census tracts in the City of Ontario are over concentrated and it is very hard for a new develop to come in and to meet the criteria of that 12,000 square foot and develop a property that would be supportive to have a beer and wine license. She states that once again she would request and ask the Planning Commission to look at each establishment on a case by case basis and see what they will be bringing into the area to enhance it. She says in this case, they are bringing in a beautiful store and have invested over two million dollars into it and she hopes they support it and give them a chance to be a good operator.

Loree Masonis lives at 1387 E. Fifth Street. She states she lives off Vineyard so it's an easy five minute drive or sometimes even less depending on traffic to the area of this proposed liquor store. She states she is personally against it for a couple of reasons. She states she lives within walking distance to a liquor store and she has been in that neighborhood for about eleven years and that particular neighborhood is an eyesore and it attracts transients, police cars are a familiar sight. She says mini-malls are not particularly attractive or family friendly. She also thinks it is an unnecessary to have a gas station liquor store; it's almost like an oxymoron cause you know you don't want to have liquor and then drive off. She states another thought came to mind and that's Ontario Airport is still operating in slow capacity so she thinks the decision could be delayed for a long time until they get more air traffic action. She says her primary reason to speak was because on both Items B and C there was a CEQA determination and she says she understands CEQA because it was mandated because of California regulations pursuant. She asks why this project exempt from CEQA guidelines.

Mr. Willoughby defers to City Attorney Rice for guidance. Mr. Willoughby also clarifies that the project is not a liquor store but a mini-mart with off-sale for beer and wine.

City Attorney Mr. Rice states the CEQA exemption is because it is an existing facility, which is one of the categorical exemptions under the CEQA.

Ms. Masonis questions if this convenience store will be open 24/7.

Ms. Olson replies from the audience, yes.

Mr. Willoughby states that there could be provisions put forth as well.

Ms. Mejia states the Police Department could also put conditions on the times of operation or sale of the alcohol as well. She states Corporal Steve Munoz is in the attendance to answer any questions.

Ms. Masonis states that in the presentation it was mentioned that the Police Department didn't want to approve too, she asks for confirmation.

Ms. Mejia states yes.

Ms. Masonis asks what the reason was for.

Ms. Mejia states that again, Corporal Munoz is available to answer questions.

Ms. Masonis states that she's a citizen who doesn't want to see more liquor stores, even though this is a convenience store.

Corporal Steve Munoz from the Ontario Police Department came up and spoke stating that he brought three copies of his own maps because there were a few locations missing from the maps presented. He stated that the census track is over-concentrated by ten and that it should be four. He states that when they look at another ABC license coming into that area, he says, yes notices went out to individuals [residents] in that area, but for some reason they [residents] don't show up so they [Police] have to look out for them and do the best they can. He states the reasons they follow the census tracts are so they can bring them down [the number of licenses].

Mr. Willoughby requested for some numbers, that we were off.

Corporal Munoz stated within one mile of the location there are 20 other off-sale locations.

Mr. Willoughby questions if those roll over into another census tract.

Corporal Munoz states yes.

Mr. Gregorek wanted to know if the tract extended to the east and how many are within the current census tract.

Corporal Munoz stated that was correct and 14 are within the 16-02 census tract.

Mr. Willoughby called the Applicant back to summarize or rebut.

Ms. Olson stated that they have purchased two licenses within the City of Ontario so there is no net gain and actually there would be one less license because they were conscience of the over concentration. She states that also with the 12,000 square foot requirement, it's hard for developers and it becomes exclusive to the grocery stores. She states there is no incentive for an existing license holder to improve site. She stated they were trying to find a way to do a net reduction and be responsible to the city and look for some direction.

Mr. Willoughby questions where the other two licenses are at that were purchased.

Ms. Olson states they were for the Fresh & Easy, which went out of business on Archibald and Riverside Drive. The second is a Chevron at Haven.

Mr. Huy wanted to clarify this is not a liquor store and there are no hard spirits. This is strictly beer and wine for off-site consumption. He also states the CEQA exemption is Guidelines Section 15301. He again thanks everyone for the opportunity speak and requests their approval. He states the property owner is also the owner of another service station with and ABC license and, based on the public testimony by the officer at the



Zoning Administrator hearing, he is in full compliance with the Police Department's requirements, City's requirements and no additional activity, alcohol related or otherwise.

Mr. Willoughby asks for clarification from staff regarding the ABC licenses which was purchased. He asks because of the size of the Fresh and Easy building and if another operator came in and applied for an ABC license, they would easily be granted an ABC license.

Mr. Zeledon states yes; if another business came and they exceeded the 12,000 square feet, they could go ahead and purchase a license and operate.

Mr. Willoughby states he thinks he knows the Haven project, it was a CUP they approved and it's currently under construction.

Mr. Zeledon states that correct.

Mr. Willoughby asks if they would be able to reapply and be granted for more than the CUP and thinks it was for more than beer and wine, it was for hard spirits.

Mr. Zeledon states yes, it was for distilled spirits which is Type 21, they upgraded.

As there was no one else wishing to speak, Chairman Willoughby closed the public testimony

Mr. Gage asks staff to address Ordinance 2943 and the two issues the Appellant brought up in regards to the ten percent square footage and the 12,000 square feet.

Mr. Zeledon states at the Zoning Administrator meeting the site plan used calculated less than ten percent. He says after getting the appeal and looking at Applicant's information they do believe they meet the requirement. He said it's not specific as to where it's food sales. He said they comply with that condition.

Mr. Gage questions the 12,000 square feet needed and that it might not have been intended for gas stations.

City Attorney Mr. Rice states he can address that. He states that his suspicion that the 12,000 square foot rule is in place to allow that kind of store or grocery store to allow them to have off-sale and to have the convenience and necessity findings. He says he assumes that's what the staff report was going for and allowing them to get the ABC license rather than only applying to those sorts of stores. He says he thinks that's why the rule is in place so large stores can still have off-sale licenses and why the Applicant is confused.

Mr. Gregorek states he was going to ask the same question and he remembers the intent was to have this in place so larger stores could have off-sale licenses in over-concentrated census tracts. He asks if he is correct.

Mr. Zeledon states he is correct and about ten years ago, there was a big issue with over-concentration of off-sale licenses so one of the ways to address the larger grocery stores coming in was they adopted the state guidelines for Public Convenience and Necessity

and the 12,000 square foot was put in. He states, since that time, they've actually come a long way in reducing the over-concentration in the city and public safety has improved.

Mr. Gregorek states that even with that, a gas station would not be in compliance in an over saturated zone.

Mr. Zeledon states correct.

Ms. Mautz states that she admires that two liquor licenses were purchased elsewhere, but this takes her back to when she first moved to Ontario. She says she appreciates that two more licenses have been purchased but when you see how far they are from where this location is, it doesn't do much good for an area that is over-saturated and she's pretty sure there is some poorly run places which sell alcohol there. She says but permitting another facility selling alcohol doesn't clean them up, it just creates another place to sell alcohol.

Mr. Downs questions if they had an ABC license prior to the remodel.

Mr. Zeledon confirms they did not have an ABC license prior to the remodel/rebuild.

Mr. Willoughby gave praise for the rebuild of the gas station and the beautification of the corner. He stated that he lives within the area and felt the public necessity is being taken care of and wished the numbers weren't so out of sort.

Mr. Gage asks the Police to speak to the public safety aspect of it in regards to bars compared to convenient stores. He asks if there are requirements on restaurants and bars the same as this.

Corporal Munoz states there are limits, but when a restaurant comes in and they want to have a liquor license because they are selling food and they operate as a bonafied restaurant, they are allowed to come and operate even though it's an over-concentrated area as long as they are operating as a bonafied restaurant. He states in terms of crime for an off-sale location, it happens where people hang around the corner, drink their beer. They handle those types of calls all the time.

Mr. Ricci questions the type of ABC license the Applicant is applying for; does it allow for loose beer sales or does it have to be packaged.

Corporal Munoz states they have to be packaged in a manufactured multi-pack; no single sales.

### **PLANNING COMMISSION ACTION**

*It was moved by Mautz, seconded by Downs, to deny the appeal of the Conditional Use Permit, File No. PCUP15-014. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, and Willoughby; NOES, Gage; RECUSE, none; ABSENT, none. The motion was carried 6 to 1.*

Mr. Willoughby reminds the Applicant they have ten (10) days to appeal the decision from today and they appeal to City Council.

**MATTERS FROM THE PLANNING COMMISSION**

**Old Business Reports From Subcommittees**

**Historic Preservation (Standing):** The January meeting was cancelled and rescheduled for a Special Meeting on February 1, 2016.

**New Business**

**NOMINATIONS FOR SPECIAL RECOGNITION**

None at this time.

**DIRECTOR'S REPORT**

Mr. Murphy stated they have the Monthly Activity Reports in their packets.

**ADJOURNMENT**

Gregorek motioned to adjourn, seconded by Mautz. The meeting was adjourned at 9:44 p.m.

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Secretary Pro Tempore

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Chairman, Planning Commission



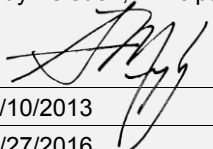
# PLANNING COMMISSION STAFF REPORT

February 23, 2016

**SUBJECT:** An Amendment to the Rich Haven Specific Plan that includes affecting property generally located south of Riverside Drive and the Southern California Edison substation, west of Hamner Avenue, north and south sides of Edison Avenue and east of Haven Avenue, to [1] reconfiguration of the boundaries and circulation layout for the existing Planning Areas 1 through 21B; [2] change the existing Specific Plan Land Use Plan designation for 27 acres of land (Planning Areas 8 and 13) from Middle School and Low Density Residential (0 to 6 du/ac) to Public Park; 77.6 acres of land (Planning Areas 9 through 12) from Low Density Residential (0 to 6 du/ac) to Low-Medium Density Residential (6–12 du/ac); 36.1 acres of land (Planning Area 14) from Low Density Residential (0 to 6 du/ac) to Medium Density Residential (12 to 18 du/ac); and 78.5 acres of land (Planning Areas 15 through 19) from Low-Medium Density Residential (6–12 du/ac) and Medium Density Residential (12 to 18 du/ac) to Mixed-Use, consistent with The Ontario Plan (TOP) Policy Plan (General Plan) Land Use Plan; [3] increase the number of residential units from 4,256 to 4,866; [4] increase the maximum square feet for commercial/office development from 889,200 sq. ft. to 1,039,200 sq. ft.; [5] incorporate a minimum square foot requirement for commercial/office development within Planning Areas 20, 21A and 21B; and [6] revise and update housing product types, development standards, design guidelines, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency (APN NO's: 0218-161-01, 04, 05, 09, 10, 11, 13, and 14, 0218-211-01, 02, 05, 08, 12, 15, 17, 21, 23, 24, 25 and 27).

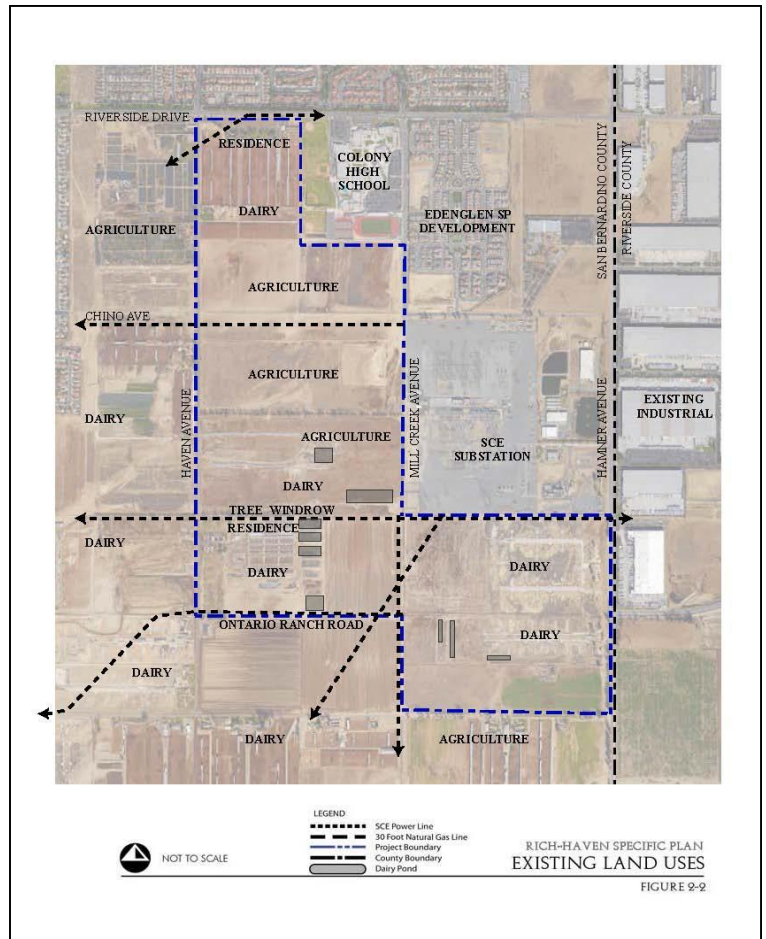
**PROPERTY OWNER:** GDCl-RCCD 2LP, Richland Communities and Brookfield Residential.

**RECOMMENDED ACTION:** That the Planning Commission recommend adoption of an Addendum to The Ontario Plan and Rich Haven Specific Plan Environmental Impact Reports and approval of File No. PSPA16-001 to the City Council, pursuant to the facts and reasons contained in the staff report and attached resolutions.

<i>Case Planner:</i>	Rudy Zeledon, Principal Planner	<i>Hearing Body</i>	<i>Date</i>	<i>Decision</i>	<i>Action</i>
<i>Planning Director Approval:</i>		DAB	02/17/2016	Approved	Recommend
<i>Submittal Date:</i>	12/10/2013	ZA			
<i>Hearing Deadline:</i>	06/27/2016	PC	02/23/2016		Recommend
		CC			Final

**PROJECT SETTING:** The Rich Haven Specific Plan is comprised of approximately 512 acres of land generally located south of Riverside Drive and the Southern California Edison substation, west of Hamner Avenue, north and south sides of Edison Avenue and east of Haven Avenue. The project site and surrounding properties are depicted in Figure 1 (Project Location Map) of this report. The zoning and land use surrounding the project site are as follows:

- The properties to the north are designated LDR (Low Density Residential)/PS (Public School) and are developed with the Creekside Residential Community and Colony High School.
- The properties to southeast are designated High Density Residential, located within the Esperanza Specific Plan and are developed with dairy and agriculture uses.
- The properties to the southwest are zoned SP/AG (Specific Plan/Agriculture Preserve) and are developed with dairy and agriculture uses.
- The properties to the east are located within the City of Eastvale, are zoned Industrial/Commercial and are developed with industrial uses.
- The properties to the west are designated Low Density Residential, Medium Density Residential and Neighborhood Commercial, are located within portions of the West Haven Specific Plan and The Avenue Specific Plan, and are developed with new residential subdivisions, dairy and agriculture uses.



**Figure 1: Project Location**

**PROJECT ANALYSIS:**

[1] Background — In December 4, 2007, the City Council approved the Rich Haven Specific Plan (File No. PSP05-004) and certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan established the land use designations, development standards, and design guidelines for approximately 512 acres of land, which included the potential development of 4,256 residential units and 889,200 square feet of commercial/office.

In 2010, The Ontario Plan (TOP) was adopted by City Council. TOP Policy Plan (General Plan) Land Use Plan (Policy Plan Exhibit LU-01) changed the land use designations within certain areas of the Rich Haven Specific Plan. To bring the Rich Haven Specific Plan into conformance with TOP Policy Plan, GDCI-RCCD 2LP, Richland Communities and Brookfield Residential together have submitted an Amendment to the Rich Haven Specific Plan (SPA). The Amendment proposes updates to the Rich Haven Specific Plan Land Use Plan, the housing product types, exhibits and language to reflect the proposed land use changes and TOP Policy Plan consistency.

[2] Amendment to the Rich Haven Specific Plan — The Amendment to the Rich Haven Specific Plan (SPA) proposes the following:

a) *Reconfiguration of the boundaries and circulation layout for the existing Planning Areas 1 through 21B and change the existing Specific Plan Land Use Plan designation for Planning Areas 8 through 19, consistent with The Ontario Plan (TOP) Policy Plan (General Plan) Land Use Plan.*

With TOP adoption, the Policy Plan Land Use Plan Exhibit LU-01 changed the land use designations for Planning Areas 8 through 19 of the Rich Haven Specific Plan (See Figure 2). As shown below in Figure 3 below, the SPA proposes to bring consistency with TOP Policy Plan by changing land use designation as follows:

- Planning Area 13 within the Specific Plan was designated for a Middle School. However, during TOP EIR process, Mountain View School District assessed the need for a middle school within the Rich Haven Specific Plan. Based on the current

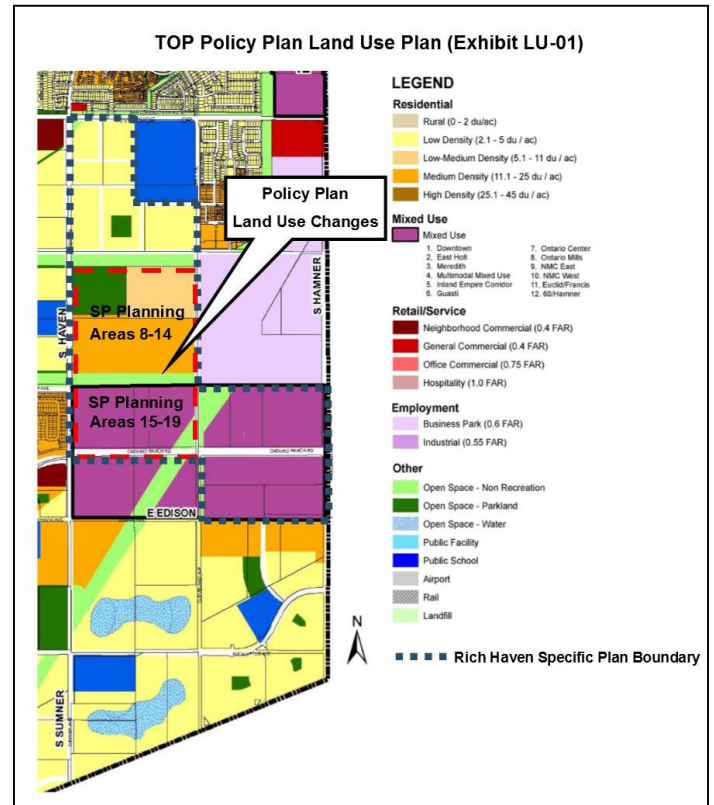


Figure 2: Policy Plan Land Use Plan

and future student generation factors for residential development, the District concluded that an additional middle school was not warranted. As a result, the 27 acre property was changed from Public School to Open Space – Parkland.

- Planning Areas 9 through 12 will be changed from Low Density Residential (0 to 6 du/ac) to Low-Medium Density Residential (6–12 du/ac).
- Planning Area 14 will be changed from Low Density Residential (0 to 6 du/ac) to Medium Density Residential (12 to 18 du/ac).
- Planning Areas 15 through 19 will be changed from Low-Medium Density Residential (6–12 du/ac) and Medium Density Residential (12 to 18 du/ac) to Mixed-Use, .



**Figure 3: Rich Haven SP Land Use Plan**

In addition to the land use changes within the Specific Plan, Planning Areas 1 through 21B have been redesignated to Planning Areas 1 through 8B. To provide for a more effective way of mapping and developing each Planning Area, the boundaries of each Planning Area have been reconfigured to encompass parcel property ownership. Subsequently, the conceptual internal street patterns within each Planning Area have been eliminated from the Land Use Plan and Circulation Plan. To plan for a more efficient

internal circulation network within the Specific Plan, the circulation patterns for the internal local streets will be established at the tentative tract map entitlement process stage for each development. However, the major access points into the Specific Plan from Riverside Drive, Haven Avenue, Mill Creek Avenue, Ontario Ranch Road and Hamner Avenue have be established and shown on both the Land Use Plan and Circulation Plan.

*b) Increase the number of residential units, increase the maximum square feet for commercial/office development, and incorporate a minimum square foot requirement for commercial/office development.*

With the proposed land use changes discussed above, there will be an increase in 610 residential units (from 4,256 to 4,866) and 150,000 square feet (from 889,200 sq. ft. to 1,039,200 sq. ft.) of commercial/office square feet. TOP Policy Plan allows up to 6,538 residential units within the Rich Haven Specific Plan. The SPA proposes a total of 4,866 residential units, which is 1,672 residential units below than what is allowed by TOP Policy Plan. The addition of 150,000 square feet of commercial/office square feet is a result of the addition of 78.5 acres of mixed use, based on a Floor Area Ratio (FAR) of 0.30 for retail and 0.35 for office. The total commercial square footage of 1,039,200 for commercial/office is below the 2,359,098 square feet allowed by TOP Policy Plan (See Technical Appendix TOP Development Capacity Table of this report).

In addition to the increase in commercial/office square feet, the SPA proposes to incorporate a minimum square foot requirement for commercial/office development within the Specific Plan. When the Rich Haven Specific Plan was approved in 2007, the development capacity for commercial/office was determined by a baseline of 37,022 of daily vehicle trips. A "Trip Budget" program was created to control the ultimate mix and square feet of commercial/retail uses within the Regional Commercial/Mixed-Use District of the Specific Plan and ensure that development would not exceed 37,022 daily vehicle trips. Because the development capacity for commercial/office development was based on daily trips, no minimum square feet requirement was established for commercial/office development. However, with the adoption of TOP Policy Plan and for the purposes of the environmental review, the mixed use areas within the Rich Haven Specific Plan assumed an FAR of 0.30 for commercial development and 0.35 for office development and therefore eliminating the need for the "Trip Budget" program. To ensure viable development of commercial/office development within the Regional Commercial (Mixed Use) land use designations of the Specific Plan, a minimum square feet requirement is proposed to be established within Planning Areas 7, 8A and 8B. To ensure an ultimate mix of residential and commercial/office development within the mixed use areas, the Specific Plan Land Use Plan identifies areas along the frontages of Haven Avenue, Ontario Ranch Road and Hamner Avenue, where mixed uses development is required and stand-alone residential and regional (retail) commercial is permitted.



The Rich Haven Specific Plan Table 3-1 – Land Use Summary Table, has been updated to reflect the increase in the residential unit count and commercial/ office square feet and the minimum square foot requirement for commercial/office development within Planning Areas 7, 8A and 8B (see Technical Appendix-Land Use Summary Table of this report).

c) *Revise and update housing product types, development standards, design guidelines, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency.*

The Rich Haven Specific Plan provides for the development of 12 distinctive single family and multi-family products types to address varying housing needs. To add additional single and multi-family products to address current and future market demands, the SPA proposes to two additional single family cluster products, a multi-family courtyard townhome product, and a row town product. The two proposed cluster products introduce a different configuration, utilizing standard driveways for additional resident parking (See Figure 4: Cluster Products). In addition, language has been added to the Specific Plan that requires private lanes, within all cluster products, to be enhanced with a combination of pavers, concrete or similar decorative materials subject to the review and approval of the Planning Director.



**Figure 4: Cluster Products**

The multi-family courtyard townhome product proposed in Rich Haven has been successful for the New Haven community within The Avenue Specific Plan. The townhome product has garage access from an autocourt, with main entrances of the units fronting the street or garden court. The row town product is an additional prototype to the row town product contained within the Specific Plan. The row town product has garage access from an autocourt or alley, with main entrances of the units fronting the street or garden court (See Figure 5: Row Town and Courtyard Townhomes).



**Figure 5: Row Town and Courtyard Townhomes**

In addition to the introduction of new products types, language within the Specific Plan referring to the previous NMC General Plan has been changed to reflect consistency with TOP Policy Plan Land Use Plan. The policy analysis in *Section 9* of the Specific Plan has been updated and describes the manner in which Rich Haven Specific Plan complies with TOP Policy Plan goals and policies. All changes and additions to the Specific Plan (exhibits, tables, development standards and design guidelines) are contained within the revised Specific Plan document accompanying this report. All deletions to the Specific Plan are outlined in red with a strikethrough and all additions have been heightened in red.

**COMPLIANCE WITH THE ONTARIO PLAN:** The Amendment to the Rich Haven Specific Plan 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 Compliance:

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 Rich Haven Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). In addition, TOP Policy Plan analysis in *Section 9, "Policy Plan Consistency,"* of the Specific Plan describes the manner in which the Rich Haven Specific Plan complies with the Policy Plan goals and policies.

City Council Priorities

**Primary Goal:** Regain Local Control of Ontario International Airport

**Supporting Goals:** [1] Invest in the Growth and Evolution of the City's Economy; [2] Operate in a Businesslike Manner; [3] Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities; and [4] Encourage the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony (Ontario Ranch)

**HOUSING ELEMENT COMPLIANCE:** The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (4,256) and density (MU, LDR, LMDR & MDR,) specified in the Available Land Inventory. The Specific Plan proposes 4,866 residential units within the densities of Mixed Use, Low Density Residential, Low Medium Density Residential and Medium Density Residential.

**AIRPORT LAND USE COMPATIBILITY PLAN COMPLIANCE:** The proposed Amendment to the Rich Haven Specific Plan is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for Ontario. The project site is located outside of the Safety, Noise Impact and Airspace Protection Zones. However, the project is located within the Real Estate Transaction Disclosure and in accordance with California Codes: Business and Professions Code Section 11010-11024 new subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

### NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

**ENVIRONMENTAL REVIEW:** The environmental impacts of this project were reviewed in conjunction with an Addendum (Attachment "A") to TOP (SCH# 2008101140) and Rich Haven Specific Plan (SCH# 2006051081) Environmental Impact Reports. This application 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.

**TECHNICAL APPENDIX:  
 RICH HAVEN SPECIFIC PLAN LAND SUMMARY TABLE**

**RICH HAVEN**

LAND USE

**3**

NOTES

Planning Area	Land Use	Dwelling Units	Acres (Gross)	Density (Gross)	Comm./Office (sf)
<b>Residential District</b>					
1a	Residential – SFD	58	12.8	4.5	
1b	Residential – SFD	57	12.7	4.5	
1c	Residential – SFD	68	14.9	4.5	
1d	Residential – SFD	91	20.5	4.5	
1e	Residential – SFD	109	23.4	4.5	
1f	Residential – SFD	120	26.3	4.5	
<b>Subtotal</b>		<b>503</b>	<b>110.9</b>	<b>4.5</b>	
2	Edison Parcel		20.0		
3	Park		27.0		
<b>Subtotal</b>			<b>46.9</b>		
4a	Residential – Small Lot SFD	154	14.0	11.0	
4b	Residential – Small Lot SFD	101	9.2	11.0	
4c	Residential – Small Lot SFD	108	9.8	11.0	
<b>Subtotal</b>		<b>363</b>	<b>33.1</b>	<b>11.0</b>	
5a	Residential – Small Lot SFD	109	9.1	12.1	
5b	Residential – Small Lot SFD	165	14.2	11.7	
5c	Residential – Small Lot SFD	332	27.0	12.3	
5d	Residential – Small Lot SFD	361	30.3	11.9	
5e	Edison Easement	-	-	-	
<b>Subtotal</b>		<b>967</b>	<b>80.6</b>	<b>12.0</b>	
<b>Subtotal Residential District</b>		<b>1,833</b>	<b>271.5</b>	<b>8.2<sup>d</sup></b>	
<b>Mixed-Use District</b>					
6a	Mixed Use – Residential & Commercial	790	49.9	15.8	150,000
6b	Mixed Use – Residential & Commercial	466	28.6	16.3	
<b>Subtotal</b>		<b>1,256</b>	<b>78.5</b>	<b>16.0</b>	<b>150,000</b>
7	Mixed Use – Residential & Commercial	725	81.1	8.9	440,800 <sup>2</sup>
<b>Subtotal</b>		<b>725</b>	<b>81.1</b>	<b>8.9</b>	<b>440,800</b>
8a	Mixed Use – Residential & Commercial	852	61.4	13.9	325,000 <sup>3</sup>
8b	Mixed Use – Residential & Commercial	200	19.7	10.2	123,400 <sup>4</sup>
<b>Subtotal</b>		<b>1,052</b>	<b>81.1</b>	<b>13.0</b>	<b>448,400</b>
<b>Subtotal Mixed-Use Districts</b>		<b>3,033</b>	<b>240.7</b>	<b>12.6</b>	<b>1,039,200</b>
<b>PROJECT TOTAL</b>		<b>4,866</b>	<b>512.1</b>	<b>10.5<sup>d</sup></b>	<b>1,039,200</b>

1. ALL RESIDENTIAL DWELLING UNITS AND COMMERCIAL SQUARE FOOTAGES SHOWN IN LAND USE SUMMARY ARE MAXIMUMS.
2. PLANNING AREA 7 SHALL INCLUDE A MINIMUM OF 100,000 SQ. FT. OF COMMERCIAL USES.
3. PLANNING AREA 8A SHALL INCLUDE A MINIMUM OF 95,000 SQ. FT. OF COMMERCIAL USES.
4. PLANNING AREA 8B SHALL INCLUDE A MINIMUM OF 20,000 SQ. FT. OF COMMERCIAL USES.
5. PROJECT TOTAL & SUBTOTAL RESIDENTIAL DISTRICT DENSITIES ARE CALCULATED USING RESIDENTIAL ACRES ONLY, THEREFORE THE ACRES OF PA 2 & 3 ARE NOT INCLUDED.
6. WITHIN THIS SPECIFIC PLAN DOCUMENT, REFERENCES TO PLANNING AREAS ARE ONLY 1 THROUGH 8. SUB-PLANNING AREAS SUCH AS 1A, 1B, ETC ARE DESIGNATED TO HELP ADDRESS OWNERSHIP PATTERNS AND ARE NOT INTENDED TO BE USED FOR DENSITY TRANSFER.
7. PLANNING AREAS 1A THROUGH 1F SHALL INCLUDE A MINIMUM OF 80 LOTS OF 7,200 SQ. FT. OR ABOVE
8. Residential development along the frontage of Haven Avenue within Planning Areas 5A, 5C and 6A shall average a density of 18 to 25 dwelling units per acre to support Bus Rapid Transit (BRT) along Haven Avenue.

**RICH HAVEN SPECIFIC PLAN  
 LAND USE SUMMARY**

TABLE 3-1

**3-5**

December 2015

### TOP Development Capacity Table

TOP Policy Plan Development Capacity		
Rich Haven SP Gross Acres	TOP Land Use Designation	Maximum Permitted Dwelling Units
110.9	Low Density Residential (2.1 – 5 du/ac)	554
33.1	Low Medium Density Residential (5.1 – 11 du/ac)	364
80.6	Medium Density Residential (11.1 - 25 du/ac)	2,015
72.1	Mixed Use Residential (14 – 50 du/ac)	3,605
27	Open Space Parkland	
20	Open Space Non-Recreation	
<b>Total 343.7</b>		<b>6,538</b>
	<b>Commercial/Office</b>	
<b>Total 168.49</b>	Floor Area Ratio 0.35 Office 0.30 Retail	<b>2,359,098</b> Square Feet
<b>Total 512.1</b>		

**Attachment "A"**

**File No. PSPA16-001  
Environmental Check List Form  
Addendum to the Rich Haven Specific Plan EIR (SCH#2006051081)**

# California Environmental Quality Act Environmental Checklist Form

City of Ontario  
Planning Department  
303 East "B" Street  
Ontario, California  
Phone: (909) 395-2036  
Fax: (909) 395-2420



**Project Title/File No(s):** Rich Haven Specific Plan Amendment – PSPA16-001 (RELATED FILE NO'S PSPA13-004 AND PSPA13-005)

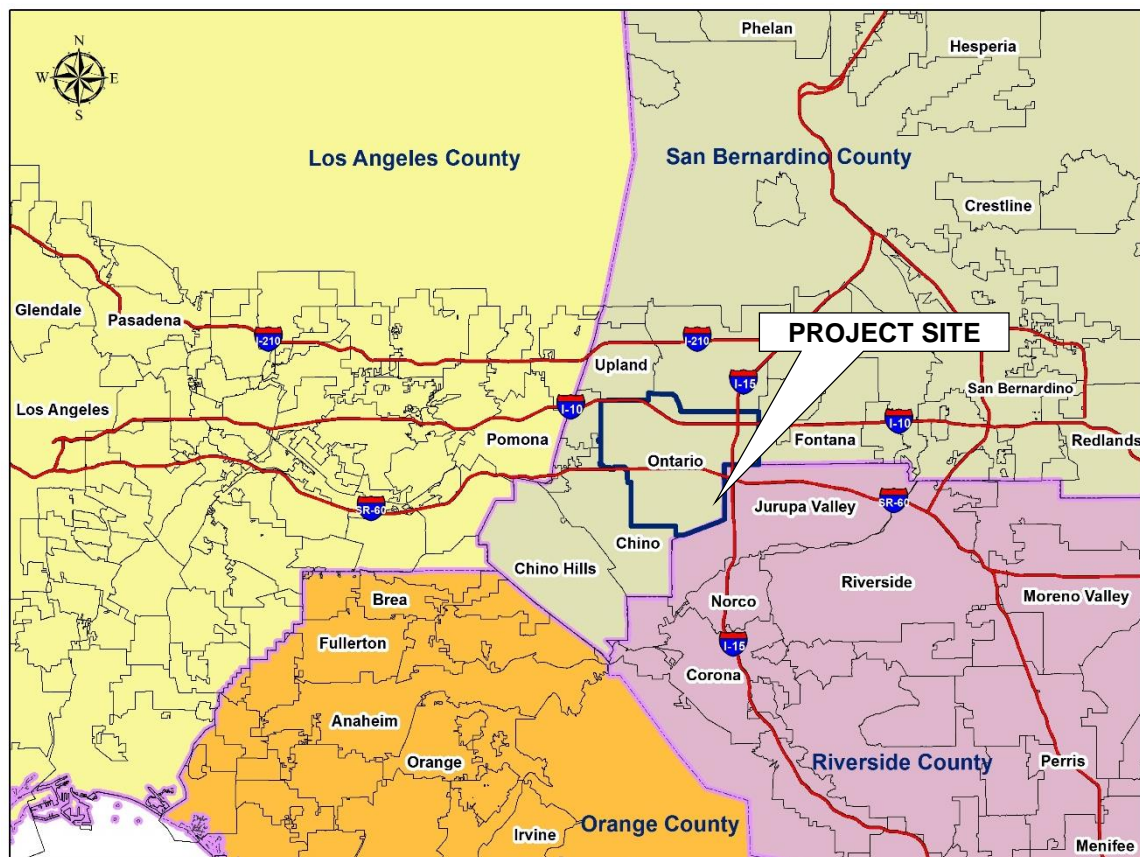
**Lead Agency:** City of Ontario, 303 East "B" Street, Ontario, California 91764, (909) 395-2036

**Contact Person:** Rudy Zeledon, Principal Planner

**Project Sponsor(s):** GDCI-RCCD 2LP, Richland Communities, 160 South Springs Road, Suite 170, Anaheim, CA 92808 and Brookfield Residential, 3090 Bristol Street, Suite 200, Costa Mesa, CA 92626

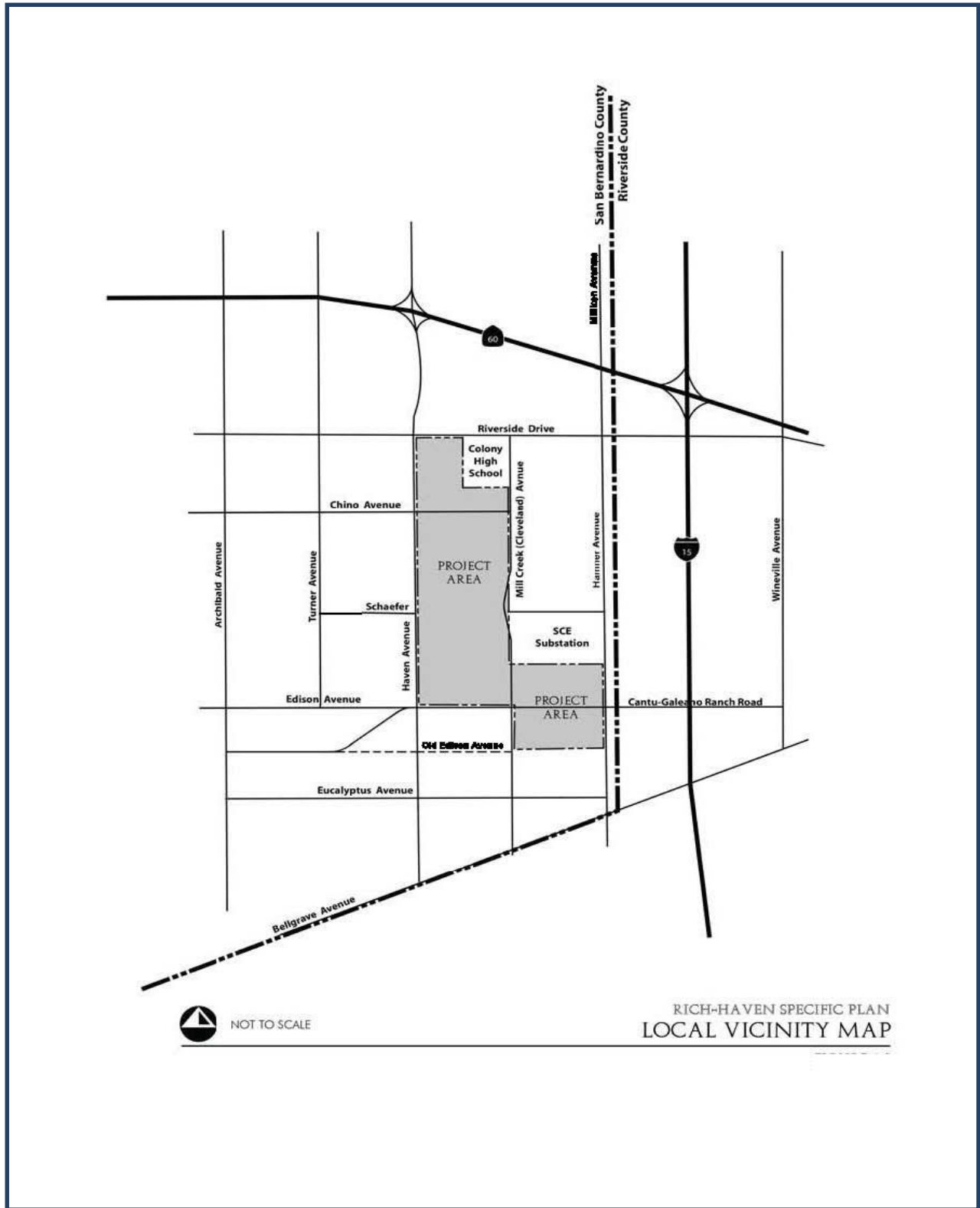
**Project Location:** The project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County. As illustrated on Figures 1 through 3, below, the project site is located generally south of Riverside Drive and the Southern California Edison substation, west of Hamner Avenue, north of the proposed Esperanza Specific Plan and the new Edison Avenue alignment, and east of Haven Avenue ( APN NO's: 0218-161-01, 04, 05, 09, 10, 11, 13, and 14, 0218-211-01, 02, 05, 08, 12, 15, 17, 21, 23, 24, 25 and 27).

**Figure 1—REGIONAL LOCATION MAP**

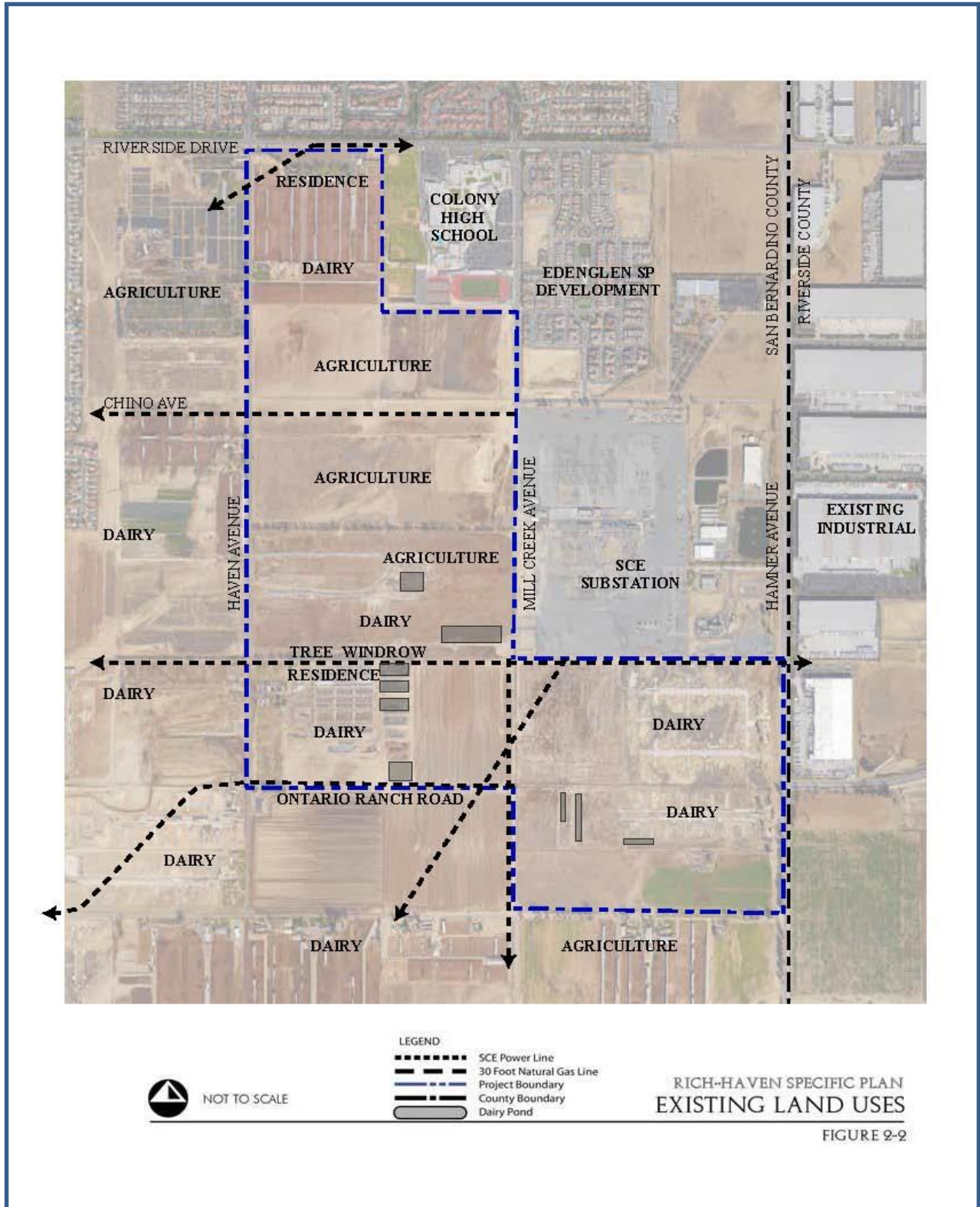




**Figure 2—VICINITY MAP**



**Figure 3—AERIAL PHOTOGRAPH**



**General Plan Designation:** Low Density Residential (2.1 – 5 du/ac), Low Medium Density Residential (5.- 1 - 11 du/ac), Medium Density Residential (11.1 – 25 du/ac) Mixed Use, and Open Space – Parkland.

**Zoning:** SP – Rich Haven Specific Plan

**Description of Project:** An Amendment to the Rich Haven Specific Plan that includes affecting property generally located south of Riverside Drive and the Southern California Edison substation, west of Hamner Avenue, north and south sides of Edison Avenue and east of Haven Avenue, to include [1] reconfiguration of the boundaries and circulation layout for the existing Planning Areas 1 through 21B; [2] change the existing Specific Plan Land Use Plan designation for 27 acres of land (Planning Areas 8 and 13) from Middle School and Low Density Residential (0 to 6 du/ac) to Public Park; 77.6 acres of land (Planning Areas 9 through 12) from Low Density Residential (0 to 6 du/ac) to Low-Medium Density Residential (6–12 du/ac); 36.1 acres of land (Planning Area 14) from Low Density Residential (0 to 6 du/ac) to Medium Density Residential (12 to 18 du/ac); and 78.5 acres of land (Planning Areas 15 through 19) from Low-Medium Density Residential (6–12 du/ac) and Medium Density Residential (12 to 18 du/ac) to Mixed-Use, consistent with The Ontario Plan (TOP) Policy Plan (General Plan) Land Use Plan; [3] increase the number of residential units from 4,256 to 4,866; [4] increase the maximum square feet for commercial/office development from 889,200 sq. ft. to 1,039,200 sq., ft.; [5] incorporate a minimum square foot requirement for commercial/office development within Planning Areas 20, 21A and 21B; and [6] revise and update housing product types, development standards, design guidelines, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency. **(See Exhibit A: Specific Plan Land Use Map and Specific Plan Land Use Table).**

The certified Rich Haven EIR (SCH#2006051081) allocated 4,256 residential dwelling units and 889,200 square feet of commercial/office uses within the Specific Plan Area. The Specific Plan Amendment would increase the number of residential units by 610 (from 4,256 to 4,866) and increase the commercial/office square foot by 150,000 square feet (from 889,200 SF to 1,039,200 SF) to be consistent with The Ontario Plan Policy Plan (General Plan) Land Use Plan (Policy Plan Exhibit LU-01).

**Background:** In December 4, 2007, the City Council approved the Rich Haven Specific Plan (File No. PSP05-004) and certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan established the land use designations, development standards, and design guidelines for approximately 512 acres of land, which, which included the potential development of 4,256 residential units and 889,200 square feet of commercial/office.

Prior to adoption of The Ontario Plan (TOP), the New Model Colony (NMC) General Plan Amendment established the land uses within the entire NMC area and designated the Rich Haven Specific Plan Planning Areas 8, 9, 10, 11, 12, and 14 as Low Density Residential (4.6 du/ac); Planning Areas 15 -19 as High Density Residential (18 du/ac); Planning Areas 20 and 21 as Major Center; and Planning Area 13 as Middle School. In 2010, The Ontario Plan (TOP) was adopted and Land Use Plan (Policy Plan Exhibit LU-01) changed the land use designations of the Specific Plan Planning Areas 8 and 13 to Open Space Parkland, Planning Areas 9, 10 and 12 to Low Medium Residential (5.1 – 11 du/ac), Planning 11 and 14 to Medium Density Residential (11.1 to 25 du/ac) and Planning Areas 15 through 19 to Mixed Use. The proposed Amendment proposes to change The Rich Haven Specific Plan Land Use Plan to bring consistency with TOP Policy Land Use Plan (See Exhibit D).

An Environmental Impact Report (EIR) was prepared for the Rich Haven Specific Plan and certified (SCH# 200605181) by the City Council on December 4, 2004, with a Statement of Overriding Considerations. The EIR analysis identified the potential environmental impacts associated with the Specific Plan. The significant unavoidable adverse impacts that were identified in the EIR included air quality, agriculture, traffic, biological resources and noise.

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

1. *Required Finding: Substantial changes are not proposed for the project that will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified effects.* Substantial changes are not proposed for the project and will not require revisions to the Rich Haven Specific Plan EIR. The current Specific Plan is divided into 21 Planning Areas and the Rich Haven Specific Plan EIR evaluated the impacts associated with the development capacity of 4,256 residential units and 889,200 square feet of commercial/office uses. The project proposes to: [1] reconfiguration of the boundaries and circulation layout for the existing Planning Areas 1 through 21B; [2] change the existing Specific Plan Land Use Plan designation for 27 acres of land (Planning Areas 8 and 13) from Middle School and Low Density Residential (0 to 6 du/ac) to Public Park; 77.6 acres of land (Planning Areas 9 through 12) from Low Density Residential (0 to 6 du/ac) to Low-Medium Density Residential (6–12 du/ac); 36.1 acres of land (Planning Area 14) from Low Density Residential (0 to 6 du/ac) to Medium Density Residential (12 to 18 du/ac); and 78.5 acres of land (Planning Areas 15 through 19) from Low-Medium Density Residential (6–12 du/ac) and Medium Density Residential (12 to 18 du/ac) to Mixed-Use, consistent with The Ontario Plan (TOP) Policy Plan (General Plan) Land Use Plan; [3] increase the number of residential units from 4,256 to 4,866; [4] increase the maximum square feet for commercial/office development from 889,200 sq. ft. to 1,039,200 sq., ft.; [5] incorporate a minimum square foot requirement for commercial/office development within Planning Areas 20, 21A and 21B; and [6] revise and update housing product types, development standards, design guidelines, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency.

On January 26, 2010, the City of Ontario adopted TOP Policy Plan (General Plan). The Policy Plan (General Plan) designated the Specific Plan area for 4,371 residential units and 2,359,098 square feet of mixed use. The 4,371 residential units were based on densities that did not reflect maximum allowable densities by TOP Policy Plan and are were based on TOP EIR densities average densities of 4.5 du/ac for Low Density, 9 du/ac for Low Medium Density and 22 du/ac for Medium Density. Mixed Use residential was based on a density of 25 du/ac. In addition, the 2,359,098 square feet of mixed use was based on TOP EIR assumptions of 0.35 FAR for Office uses and 0.30 FAR for Retail uses.

The Specific Plan Amendment proposes to increase the number of residential units by 610 (from 4,256 to 4,866) and increase the commercial/office square foot by 150,000 square feet (from 889,200 SF to 1,039,200 SF) to be consistent with TOP Policy Plan (General Plan) Land Use Plan. The increase of 150,000 square feet of mixed use (commercial/office uses) is implementing the Policy Plan (General Plan) Land Use Plan that changed 78.5 acres within Planning Areas 15 through 19 from residential to mixed use. TOP EIR Traffic Study accounted for the land uses changes consistent with this proposed Specific Plan Amendment. The increase in 610 residential units is not significant and below the maximum allowed densities of TOP Policy Plan (General Plan) Land Use Plan. In addition, the increase 150,000 commercial/office square feet (from 889,200 SF to 1,039,200 SF) is then the 2,359,098 square feet TOP EIR assumed for the Rich Haven Specific Plan area. The City's Engineering Department, Traffic Division and the Ontario Municipal Utilities Company reviewed the increase in residential units and the addition of mixed use (commercial/office) areas and determined that the City's water, recycled water, sewer and circulation infrastructure would have sufficient capacity to serve the proposed Specific Plan Amendment. In addition, a Focused Traffic Impact Assessment (Linscott Law & Greenspan, November 2015) was conducted to determine if the increases in 610 residential units and mixed use areas would impact intersection capacity operations. The Traffic Impact Assessment concluded that based on the Year 2035, the proposed Specific Plan Amendment traffic conditions peak hour intersection capacity analysis, one (1) key intersection (Haven Avenue and Driveway 2 from PA 3) would be impacted under the Year 2035 SPA traffic conditions. However, through project specific conditions of approval for future development projects within the Specific Plan area the impacted intersection would be forecasted to operate at an acceptable Level of Service. In addition, the proposed Specific Plan Amendment would not impact the proposed Specific Plan master circulation or intersection geometry. The intersections within the Specific Plan would operate at an acceptable Level of Service (LOS) and no additional traffic signals or lane geometry changes would be warranted. Subsequently, infrastructure improvement designs for installation

will also be reviewed at the time the individual developments are submitted. Therefore, no proposed changes or revisions to the EIR are required.

2. *Required Finding: Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, that would require major revisions of the previous Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.* Substantial changes have not occurred with respect to the circumstances under which the project is undertaken that would require major revisions of the previous Environmental Impact Report due to the involvement of new significant environmental effects. The only change that has occurred since the project was undertaken is the construction of Ontario Ranch Road (formerly Edison Avenue) from Turner Avenue east to Hamner Avenue. In addition, the Rich Haven Specific Plan EIR identified the potential habitat for the federally listed Delhi Sands Flower Loving Fly (DSFF) and Burrowing Owl. The EIR discussed that changing the land use from the existing agricultural uses to suburban development could further reduce the viability of the site as habitat for these species. During the biological surveys for the EIR, it was found that Burrowing Owls were present on the site. Mitigation was included for pre-construction surveys to occur with the requirement that relocation would occur if burrowing owls were present. Subsequently, prior to the granting of discretionary entitlements and any further approvals would be withheld until surveys could be completed and any necessary permits were obtained. In addition, extensive surveys were completed for the Delhi Sands Flower-Loving Fly and its habitat, but no evidence of the fly or its habitat was found.
3. *Required Finding. No new information has been provided that would indicate that the proposed project would result in one or more significant effects not discussed in the previous EIR.* The Rich Haven Specific Plan EIR did not address Global Climate Change impacts as required by Assembly Bill 32, passed in August of 2006. Additionally, in April of 2011, the Airport Land Use Compatibility Plan (ONT ALUCP) was adopted by the City Council after the adoption of the Rich Haven Specific Plan EIR in 2007.

#### ONT ALUCP

The basic function of the ONT ALUCP is to promote compatibility between ONT and the land uses that surround it. As required by State law, the ALUCP provides guidance to affected local jurisdictions with regard to airport land use compatibility matters involving ONT. The main objective of the ALUCP is to avoid future compatibility conflicts rather than to remedy existing incompatibilities. Also, the ALUCP is aimed at addressing future land uses and development, not airport activity. The ALUCP does not place any restrictions on the present and future role, configuration, or use of the airport. The proposed Rich Haven Specific Plan Amendment was reviewed and found to be located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT (See attached Exhibit "C"). The project site is located outside of the Safety, Noise Impact and Airspace Protection Zones. However, the project is located within the Real Estate Transaction Disclosure and in accordance with California Codes: Business and Professions Code Section 11010-11024, new subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI.

#### Global Climate Change

The Rich Haven Specific Plan EIR did not address Global Climate Change impacts as required by Assembly Bill 32, passed in August of 2006. However, the impact of buildout of The Ontario Plan (TOP) on the environment due to the emission of greenhouse gases ("GHGs") was analyzed in the Environmental Impact Report ("EIR") for the Policy Plan (General Plan). According to the EIR, this impact would be significant and unavoidable. This EIR was certified by the City on January 27, 2010, at which time a statement of overriding considerations was also adopted for The Ontario

Plan's significant and unavoidable impacts, including that concerning the emission of greenhouse gases. Pursuant to Public Resources Code section 21083.3, this impact need not be analyzed further, because (1) the proposed buildout of the Rich Haven Specific Plan would result in an impact that was previously analyzed in The Ontario Plan EIR, which was certified by the City; (2) the proposed project would not result in any greenhouse gas impacts that were not addressed in The Ontario Plan EIR; (3) the proposed project would increase the number of residential units by 610 (from 4,256 to 4,866) a 14% increase. The increase in residential units and commercial square footage results in an increase of 7,062 net trips from what TOP EIR evaluated.

As part of the City's certification of The Ontario Plan EIR and its adoption of The Ontario Plan, the City adopted mitigation measures with regard to the significant and unavoidable impacts relating to GHG emissions. These mitigation measures are outlined in Section 6 of this Initial Study. Subsequently, in December of 2014, the City Council approved the Ontario Climate Action Plan (CAP). The Ontario Climate Action Plan (CAP) includes reducing 39,769 Metric Tons of Carbon Dioxide Equivalents (MTCO<sub>2e</sub>) per year from new development by 2020 as compared to the 2020 unmitigated conditions. This requires new development to be 25% more efficient. Reductions related to transportation, water, solid waste, energy, and renewable energy sources all play a part in gaining this level of efficiency within new development.

Mitigation of GHG emissions impacts through the Development Review Process (DRP) for provides one of the most substantial reduction strategies for reducing community-wide emissions associated with new development. The DRP procedures for evaluating GHG impacts and determining significance for CEQA purposes will be streamlined by (1) applying an emissions level that is determined to be less than significant for small projects, and (2) utilizing Screening Tables to mitigate project GHG emissions that exceed the threshold level. All Projects proposed within the Specific Plan area will have the option of preparing a project-specific technical analysis to quantify and mitigate GHG emissions. A threshold level of 3,000 MTCO<sub>2e</sub> per year will be used to identify projects that require the use of Screening Tables or a project-specific technical analysis to quantify and mitigate project emissions.

#### **CEQA REQUIREMENTS FOR AN ADDENDUM:**

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

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

- (1) Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the negative declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous

negative declaration;

- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Thus, if the Project does not result in any of the circumstances listed in section 15162 (i.e., no new or substantially greater significant impacts), the City may properly adopt an addendum to the Rich Haven Specific Plan EIR (2007).

**Conclusion:**

Accordingly, and based on the findings and information contained in the previously certified TOP EIR, and The Rich Haven Specific Plan EIR the analysis above, the attached Initial Study, and the CEQA statute and State CEQA Guidelines, including sections 15164 and 15162, the Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in those EIR documents. No changes or additions to TOP EIR, and the Rich Haven Specific Plan EIR analyses are not necessary, nor is there a need for any additional mitigation measures.

The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines section 15162 are present.

**Surrounding Land Uses:**

	<u>Zoning</u>	<u>Current Land Use</u>
▪ North—	Creekside Community Specific Plan	Residential Subdivisions
▪ South—	Esperanza Specific Plan and Specific Plan/Agriculture Overlay	Agriculture and Dairy uses
▪ East—	High School, Edenglen Specific Plan, Specific Plan/Agriculture Overlay and the City of Eastvale	Colony High School, Residential Subdivisions, SCE Substation and Industrial uses.
▪ West—	West Haven Specific Plan and The Avenue Specific Plan	Agriculture, Dairy uses and Residential Subdivisions.

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

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

On the basis of this initial evaluation:

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

\_\_\_\_\_  
Signature

Rudy Zeledon, Principal Planner  
Printed Name

February 11, 2016  
Date

City of Ontario Planning Department  
For



**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from the "Earlier Analyses" Section may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analyses Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 1) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 2) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 3) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 4) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

CEQA Environmental Checklist Form

File No(s): PSPA16-001 (RELATED FILE NO'S PSPA13-004 AND PSPA13-005)

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
1) <b>AESTHETICS.</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) <b>AGRICULTURE AND FOREST RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) <b>AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CEQA Environmental Checklist Form

File No(s): PSPA16-001 (RELATED FILE NO'S PSPA13-004 AND PSPA13-005)

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) <b>BIOLOGICAL RESOURCES.</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) <b>CULTURAL RESOURCES.</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) <b>GEOLOGY AND SOILS.</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CEQA Environmental Checklist Form

File No(s): PSPA16-001 (RELATED FILE NO'S PSPA13-004 AND PSPA13-005)

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18.1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7) GREENHOUSE GAS EMISSIONS.</b> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8) HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CEQA Environmental Checklist Form

File No(s): PSPA16-001 (RELATED FILE NO'S PSPA13-004 AND PSPA13-005)

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9) <b>HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a) Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increase in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
j) Expose people or structures to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10) <b>LAND USE AND PLANNING.</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, airport land use compatibility plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11) <b>MINERAL RESOURCES.</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12) <b>NOISE.</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13) <b>POPULATION AND HOUSING.</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14) <b>PUBLIC SERVICES.</b> Would the project:				

CEQA Environmental Checklist Form

File No(s): PSPA16-001 (RELATED FILE NO'S PSPA13-004 AND PSPA13-005)

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15) <b>RECREATION.</b> Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16) <b>TRANSPORTATION/TRAFFIC.</b> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17) <b>UTILITIES AND SERVICE SYSTEMS.</b> Would the project:				

CEQA Environmental Checklist Form

File No(s): PSPA16-001 (RELATED FILE NO'S PSPA13-004 AND PSPA13-005)

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>18) MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.



## EXPLANATION OF ISSUES

The Rich Haven Specific Plan Environmental Impact Report (EIR) was certified (SCH# 200605181) by the City Council on December 4, 2004, with a Statement of Overriding Considerations, and was prepared as a Program EIR in accordance with CEQA, the State CEQA Guidelines, and the City's Rules for the Implementation of CEQA. In accordance with Section 15121(a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). The EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by the Rich Haven Specific Plan. Consequently, the EIR focused on impacts from the proposed land use associated with buildout of the Specific Plan Land Use Plan, and impacts from the resultant population and employment growth from the Specific Plan.

The Ontario Plan Environmental Impact Report (TOP EIR), certified in 2010, was prepared as a Program EIR in accordance with CEQA, the State CEQA Guidelines, and the City's Rules for the Implementation of CEQA. In accordance with Section 15121(a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). The EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by The Ontario Plan. Consequently, the EIR focused on impacts from changes to land use associated with buildout of the City's Land Use Plan, within the Policy Plan, and impacts from the resultant population and employment growth in the City. The Ontario Plan's Land Use Plan for the ultimate development of the City is not linked to a timeline. However, for the purpose of the EIR's environmental analysis, buildout of the Land Use Plan was forecast for the year 2035.

Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine whether an additional CEQA document needs to be prepared. However, if the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program EIR scope and additional environmental documents may not be required (Guidelines Section 15168[c]). When a Program EIR is relied on for a subsequent activity, the lead agency must incorporate feasible mitigation measures and alternatives developed in the Program EIR into the subsequent activities (Guidelines Section 15168[c][1]). If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.

Here, an initial study has been prepared to determine if the project is within the scope of the Rich Haven Specific Plan and TOP EIR's such that additional environmental review is not required. As discussed below, the City has concluded that no additional environmental review is required, such that this initial study can serve as an addendum to the Rich Haven Specific Plan and TOP EIR's.

1) **AESTHETICS.** Would the project:

a) **Have a substantial adverse effect on a scenic vista?**

Discussion of Effects: The Policy Plan (General Plan) does not identify scenic vistas within the City. However, the Policy Plan (Policy CD1-5) of The Ontario Plan requires all major north-south streets be designed and constructed to feature views of the San Gabriel Mountains, which are part of the City's visual identity and a key to geographic orientation. North-south streets should be clear of visual clutter, including billboards and be enhanced appropriately by framing corridors with trees.

The project site is located along Haven Avenues and Hamner Avenue major north-south streets that are identified as a 6-lane Principal Arterial in the Functional Roadway Classification Plan (Figure M-2) of the Mobility Element within the Policy Plan. Furthermore, any future development would be required to meet the development standard that permits a maximum building height of 35-feet, which should not obstruct views of the San Gabriel Mountains for properties located south of the project site. Therefore, no adverse impacts are anticipated in relation to the project.

Mitigation: No additional mitigation measures are required.

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

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

Mitigation: No additional mitigation measures are required.

- c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

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

It was shown in The Rich Haven EIR (2007) that the extensive design guidelines that are required to be followed for the implementation of the Rich Haven Specific Plan will ensure that future construction will incorporate aesthetically-pleasing design elements for the approved uses. It was concluded that the visual character of the project vicinity would change but that it would not substantially degrade the existing visual character or quality of the project site. The changes to the project do not substantially change this conclusion since the Rich Haven Specific Plan Amendment will remain consistent with these previously established design guidelines. Therefore, no adverse impacts are anticipated.

Mitigation: No additional mitigation measures are required.

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

Discussion of Effects: New lighting will be introduced to the site with the development of the project. Pursuant to the requirements of the City's Development Code, project on-site lighting will be shielded, diffused or indirect, to avoid glare to pedestrians or motorists. In addition, lighting fixtures will be selected and located to confine the area of illumination to within the project site and minimize light spillage.

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

Mitigation: No additional mitigation measures are required.

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

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

Discussion of Effects: As discussed in the previous Rich Haven Specific Plan EIR (2007), a considerable portion of the site is presently used for dairy farming. The project will convert this land, which is considered to be Prime Farmland and identified by the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use. The conversion of farmland to urban uses was determined to be a potentially significant impact that is unavoidable. The changes to the Project do not change this conclusion and there is no additional mitigation presently available that could potentially reduce this impact. The impact will remain as a significant unavoidable impact.

Mitigation: No additional mitigation measures are available or proposed.

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

Discussion of Effects: As shown in the previous Rich Haven Specific Plan EIR (2007) the project site is currently zoned for agricultural use and had five (5) Williamson Act Contracted properties for a total of approximately 172.8 acres of the project site. As of the date of the EIR, notices of nonrenewal had been filed for four of the five Williamson Act Contracts, with only one remaining. It was determined by the Rich Haven Specific Plan EIR that the proposed development would be in conflict with active contracts and this was a significant unavoidable impact. The changes to the Project do not change this conclusion and there is no additional mitigation presently available that could potentially reduce this impact. The impact will remain as a significant unavoidable impact.

Mitigation: No additional mitigation measures are available or proposed.

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

Discussion of Effects: The project is zoned "Rich Haven Specific Plan". The City of Ontario does not have any land zoned for forest, timberland, or timberland production.

Mitigation: No additional mitigation measures are available or proposed.

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

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

Mitigation: No additional mitigation measures are available or proposed.

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

Discussion of Effects: As discussed in the previous Rich Specific Plan EIR (2007), a considerable portion of the site is presently used for dairy farming. The project will convert 231 acres of this land which is considered to be Prime Farmland and identified by the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use. The conversion of farmland to urban uses was determined to be a potentially significant impact that is unavoidable. The changes to the project do not change this conclusion and there is no additional mitigation presently available that could potentially reduce this impact. The impact will remain as a significant unavoidable impact.

Mitigation: No additional mitigation measures are available or proposed.

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

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

Discussion of Effects: The previous Rich Haven Specific Plan EIR (2007) evaluated the impacts of the project on the South Coast Air Quality Management District air quality plan. The proposed Specific Plan Amendment that proposes to increase the residential unit count by 610 units (4,256 to 4,866) and increase the maximum square feet for commercial/office development from 889,200 sq. ft. to 1,039,200. The increase in 610 residential units and commercial/office square footage is not significant and below maximum allow densities and commercial/office the Policy Plan (General Plan) Land Use Plan and therefore consistent which are within SCAG population projections for the project area. Therefore, the project is consistent with the land use designations and growth projections that were assumed in the current AQMP.

Mitigation: No additional mitigation measures are available or proposed.

b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Discussion of Effects: The previous Rich Haven Specific Plan EIR (2007) evaluated the impacts of the project on the South Coast Air Quality Management District air quality plan. The proposed Specific Plan Amendment that proposes to increase the residential unit count by 610 units (4,256 to 4,866) and increase the maximum square feet for commercial/office development from 889,200 sq. ft. to 1,039,200. The increase in 610 residential units and commercial/office square footage is not significant and below maximum allow densities and commercial/office the Policy Plan (General Plan) Land Use Plan and therefore consistent which are within SCAG population projections for the project area. Development from the previously approved Rich Specific Plan, in addition to the Amendment would result in significant and unavoidable impacts. Project impacts would remain significant and unavoidable even with additional mitigation measures proposed by the 2009 Air Quality Impact Analysis prepared for TOP EIR. In addition, TOP EIR, which analyzed a residential, commercial and industrial buildout (2035) for the entire City and determined that a significant and unavoidable air quality impacts due to the magnitude of emissions that would be generated by the buildout (2035) of the Policy Plan (General Plan).

Mitigation: No additional mitigation measures are available or proposed.

c) **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 (including releasing emissions that exceed quantitative thresholds for ozone precursors)?**

Discussion of Effects: The previous Rich Haven Specific Plan EIR (2007) evaluated the impacts of the project on the South Coast Air Quality Management District air quality plan. The proposed Specific Plan Amendment that proposes to increase the residential unit count by 610 units (4,256 to 4,866) and increase the maximum square feet for commercial/office development from 889,200 sq. ft. to 1,039,200. The increase in 610 residential units and commercial/office square footage is not significant and below maximum allow densities and commercial/office the Policy Plan (General Plan) Land Use Plan and therefore consistent which are within SCAG population projections for the project area. Development from the previously approved Rich Specific Plan, in addition to the Amendment would result in significant and unavoidable impacts. Project impacts would remain significant and unavoidable even with additional mitigation measures proposed by the 2009 Air Quality Impact Analysis prepared for TOP EIR. In addition, TOP EIR, which analyzed a residential, commercial and industrial buildout (2035) for the entire City and determined that a significant and unavoidable air quality impacts due to the magnitude of emissions that would be generated by the

buildout (2035) of the Policy Plan (General Plan).

Mitigation: No additional mitigation measures are available or proposed.

d) **Expose sensitive receptors to substantial pollutant concentrations?**

Discussion of Effects: The previous Rich Haven Specific Plan EIR (2007) evaluated the impacts of the project on the South Coast Air Quality Management District air quality plan. The proposed Specific Plan Amendment proposes to increase the residential unit count by 610 units (4,256 to 4,866) and increase the maximum square feet for commercial/office development from 889,200 sq. ft. to 1,039,200. The increase in 610 residential units and commercial/office square footage is not significant and below maximum allow densities and commercial/office the Policy Plan (General Plan) Land Use Plan and therefore consistent which are within SCAG population projections for the project area. Development from the previously approved Rich Specific Plan, in addition to the Amendment would result in significant and unavoidable impacts. Project impacts would remain significant and unavoidable even with additional mitigation measures proposed by the 2009 Air Quality Impact Analysis prepared for TOP EIR. In addition, TOP EIR, which analyzed a residential, commercial and industrial buildout (2035) for the entire City and determined that a significant and unavoidable air quality impacts due to the magnitude of emissions that would be generated by the buildout (2035) of the Policy Plan (General Plan).

Mitigation: No additional mitigation measures are available or proposed..

e) **Create objectionable odors affecting a substantial number of people?**

Discussion of Effects: The previous Avenue Specific Plan EIR (2006) and Supplemental EIR (2010) evaluated that the Specific Plan would result in less than significant impact. The Project is not expected to substantially increase the potential for objectionable odors due to the changes proposed. Rather the project would remove daily dairy operations from the site, which are existing sources of potential odors.

Mitigation: No additional mitigation measures are available or proposed.

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

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

Discussion of Effects: The Rich Haven Specific Plan EIR (2007) identified the potential habitat for the federally listed Delhi Sands Flower Loving Fly (DSFF) and Burrowing Owl. The EIR discussed that changing the land use from the existing agricultural uses to suburban development could further reduce the viability of the site as habitat for these species. During the biological surveys for the EIR, it was found that Burrowing Owls were present on the site. Mitigation was included for pre-construction surveys to occur with the requirement that relocation would occur if burrowing owls were present. Subsequently, prior to the granting of discretionary entitlements and any further approvals would be withheld until surveys could be completed and any necessary permits were obtained. In addition, extensive surveys were completed for the Delhi Sands Flower-Loving Fly and its habitat, but no evidence of the fly or its habitat was found. In summary, the proposed Project will not result in new or increased significant impacts to special-status biological resources, and with the implementation of mitigation measures identified in the Rich Haven Specific Plan EIR (2007), impacts to special-status species (i.e., the burrowing owl) are reduced to below a level of significance.

Mitigation: Additional mitigation measures are not necessary or proposed.

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

Discussion of Effects: The Rich Haven Specific Plan EIR analysis concluded that the implementation of the Specific Plan would remove state-mandated dairy manure water retention basins and windrows that serve as a migratory waterfowl habitat and considered the impact potentially significant. The EIR identified that the impact would remain potentially significant and project specific mitigation measures required would further reduce the impact to less than significant. However, development within the Rich Haven Specific Plan would be required to pay a Habitat Mitigation Fee that would go towards the development of a Waterfowl and Raptor Conservation Area. The changes to the project do not change these conclusions since the boundary of the project has not changed.

Mitigation: Additional mitigation measures are not necessary or proposed.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Discussion of Effects: TOP EIR does not identify any federally protected wetlands within the Ontario Ranch (formally the NMC), including the Rich Haven Specific Plan. The previous Rich Haven Specific Plan EIR (2007) analyzed the effects to any potential resources and proposed appropriate mitigation. The changes to the project will not substantially change the impacts already evaluated.

Mitigation: Additional mitigation measures are not proposed or necessary.

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

Discussion of Effects: The Rich Haven Specific Plan EIR analysis concluded that the implementation of the Specific Plan would remove state-mandated dairy manure water retention basins and windrows that serve as a migratory waterfowl habitat and considered the impact potentially significant. The EIR identified that the impact would remain potentially significant and project specific mitigation measures required would further reduce the impact to less than significant. However, development within the Rich Haven Specific Plan would be required to pay a Habitat Mitigation Fee that would go towards the development of a Waterfowl and Raptor Conservation Area. The changes to the project do not change these conclusions since the boundary of the project has not changed.

Mitigation: Additional mitigation measures are not necessary or proposed.

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

Discussion of Effects: As previously evaluated in the Rich Haven Specific Plan EIR (2007), the City of Ontario does not have any ordinances protecting biological resources. The previous New Model Colony General Plan identified a series of policies to protect natural resources. These policies were incorporated into the Rich Haven Specific Plan EIR (2007) and they will continue to be an important part of the amendment. It was concluded that this would result in less than significant impacts. The changes to the Project do not substantially change the previously evaluated impacts since the boundary of the project has not changed.

Mitigation: No additional mitigation measures are required.

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

Discussion of Effects: Discussion of Effects: As previously evaluated in the Rich Haven Specific Plan EIR (2007), the site is not part of an adopted HCP, NCCP, or other approved habitat conservation plan. As a result, no adverse environmental impacts are anticipated and no changes to the previously evaluated impacts are expected due to the changes in the project.

Mitigation: No additional mitigation measures are proposed or required.

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

- a) **Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?**

Discussion of Effects: City records do not reflect the presence of a historic resource as defined in CEQA Guideline section 15064.5 at, or in the vicinity of the project site. The previous Rich Haven Specific Plan EIR (2007) concluded that with the incorporation of the proposed mitigation, the effects of the project on cultural resources would be less than significant. The proposed changes to the Project will not substantially change the impacts to the cultural resources since the boundary of the project is not changing.

Mitigation: Additional mitigation measures are not proposed or required.

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

Discussion of Effects: The previous Rich Haven Specific Plan EIR (2007) concluded that, with the incorporation of the proposed mitigation, the effects of the project on cultural resources would be less than significant. Mitigation measures were proposed that reduced this impact to less than significant. The changes to the Project will not result in a substantial change to the previously evaluated impact since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

- c) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Discussion of Effects: The previous Rich Haven Specific Plan EIR (2007) evaluated the potential to uncover significant paleontological resources and found that there was a possibility that resources could be uncovered during the grading phase of the project. Mitigation measures were proposed that reduced this impact to less than significant. The changes to the Project will not result in a substantial change to the previously evaluated impact since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

- d) **Disturb any human remains, including those interred outside of formal cemeteries?**

Discussion of Effects: As discussed in the previous Rich Haven Specific Plan EIR (2007), the City of Ontario Policy Plan (General Plan) indicates that there are no known native sites located in the area of the project site. However, since a large amount of excavation is required to prepare the site for development, it is possible that through this extensive excavation, human remains could be discovered. This potential to uncover human remains was previously evaluated in the EIR and mitigation measures were proposed that reduced the impact to a less than significant level. The changes to the Project will not result in a substantial change to the previously evaluated impact

since the boundary of the project has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

6) **GEOLOGY & SOILS.** Would the project:

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

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

Discussion of Effects: The project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). As previously evaluated in the Rich Specific Plan EIR (2007) there are no known active faults on the site and there are no Alquist-Priolo Earthquake Fault Zone Areas within the City of Ontario. TOP Policy Plan (General Plan) identifies six active or potentially active fault zones near the City. Given that the closest fault zone is located approximately six miles from the project site; it was shown that fault rupture within the project area is not likely. All development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility. This was previously evaluated in the Rich Haven Specific Plan EIR (2007) and it was found that there were less than significant impacts due to faulting. The changes in the Project will not substantially change the impacts expected since the project boundaries have not changed.

Mitigation: Additional mitigation measures are not proposed or required.

ii) **Strong seismic ground shaking?**

Discussion of Effects: The project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). As previously evaluated in the Rich Specific Plan EIR (2007) there are no known active faults on the site and there are no Alquist-Priolo Earthquake Fault Zone Areas within the City of Ontario. TOP Policy Plan (General Plan) identifies six active or potentially active fault zones near the City. Given that the closest fault zone is located approximately six miles from the project site; it was shown that fault rupture within the project area is not likely. All development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility. This was previously evaluated in the Rich Haven Specific Plan EIR (2007) and it was found that there were less than significant impacts due to faulting. The changes in the Project will not substantially change the impacts expected since the project boundaries have not changed.

Mitigation: Additional mitigation measures are not proposed or required.

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

Discussion of Effects: As previously discussed in the Rich Haven Specific Plan EIR (2007), the greatest geological risk to the project area is liquefaction resulting from severe ground shaking by local and regional faults. However, the previously completed Rich Haven Specific Plan EIR (2007) evaluated the potential for liquefaction and found that the depth to groundwater was large enough that the liquefaction potential could be considered low. The changes to the Project do not change this conclusion since the boundary of the project has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

iv) **Landslides?**

Discussion of Effects: As previously discussed in the Rich Haven Specific Plan EIR (2007), the project would not expose people or structures to potential adverse effects, including the



risk of loss, injury, or death involving landslides because the relatively flat topography of the project site (less than 2 percent slope across the City) makes the chance of landslides remote. Implementation the Uniform Building Code and Ontario Municipal Code would reduce impacts to a less than significant level. The proposed changes to the Project do not substantially change these conclusions and recommendations.

Mitigation: Additional mitigation measures are not proposed or required.

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

Discussion of Effects: As previously evaluated in the Rich Haven Specific Plan EIR (2007), due to the manure content of the current topsoil as a result of heavy agricultural use for dairy farming and grazing, it will be necessary for the current layer of soil to be removed. It was determined that after removal the project site will be backfilled with fresh topsoil. Replacement of topsoil is a beneficial impact to the project site. The changes to the Project do not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

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

Discussion of Effects: As previously discussed in the Rich Specific Plan EIR (2007), because of the relatively flat topography of the project site it is unlikely that the project will result in the geologic unit or soil becoming unstable. As part of the site grading and prior to the commencement of building construction, unconsolidated fill materials, organic rich soils shall be excavated and removed offsite and shall be replaced with engineered fill. It was determined that any impacts are anticipated to be less than significant. The changes in the Project do not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

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

Discussion of Effects: As evaluated in the Rich Specific Plan EIR (2007), the majority of Ontario, including the project site, is located on alluvial soil deposits; however some of the soils in the project area are susceptible to expansion, and settlement. As part of the grading operations compressible surficial materials unsuitable for construction shall be removed or over excavated prior to construction in accordance with the standards of the City of Ontario. The changes to the project do not substantially change the impacts previously evaluated since the project boundary has not changed.

Mitigation: Additional mitigation measures are not proposed or required.

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

Discussion of Effects: No impact- As a master planned community; the proposed Project would use sewer systems and would not include the use of the septic systems or alternative wastewater treatment systems. As a result, no impact relating to septic or alternative wastewater systems would occur, and no further analysis of this issue is required.

Mitigation: Additional mitigation measures are not proposed or required.

**7) GREENHOUSE GAS EMISSIONS.** Would the project:

a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Discussion of Effects: The original Rich Haven Specific Plan EIR (2007) did not address Global Climate Change impacts as required by Assembly Bill 32, passed in August of 2006. However, the impact of buildout of The Ontario Plan (TOP) on the environment due to the emission of greenhouse gases ("GHGs") was analyzed in the Environmental Impact Report ("EIR") for the Policy Plan (General Plan). The proposed buildout of the Rich Haven Specific Plan was previously analyzed in The Ontario Plan EIR, which was certified by the City.

Discussion of Effects: The impact of buildout of The Ontario Plan on the environment due to the emission of greenhouse gases ("GHGs") was analyzed in the Environmental Impact Report ("EIR") for the Policy Plan (General Plan). According to the EIR, this impact would be significant and unavoidable. This EIR was certified by the City on January 27, 2010, at which time a statement of overriding considerations was also adopted for The Ontario Plan's significant and unavoidable impacts, including that concerning the emission of greenhouse gases.

Pursuant to Public Resources Code section 21083.3, this impact need not be analyzed further, because (1) the proposed project would not result in an impact that was previously analyzed in The Ontario Plan EIR, which was certified by the City; (2) the proposed project would not result in any greenhouse gas impacts that were not addressed in The Ontario Plan EIR; (3) the proposed project is consistent with The Ontario Plan.

As part of the City's certification of The Ontario Plan EIR and its adoption of The Ontario Plan, the City adopted mitigation measures 6-1 through 6-6 with regard to the significant and unavoidable impact relating to GHG emissions. These mitigation measures, in summary, required:

MM 6-1. The City is required to prepare a Climate Action Plan (CAP).

MM 6-2. The City is required to consider for inclusion in the CAP a list of emission reduction measures.

MM 6-3. The City is required to amend its Municipal Code to incorporate a list of emission reduction concepts.

MM 6-4. The City is required to consider the emission reduction measures and concepts contained in MMs 6-2 and 6-3 when reviewing new development prior to adoption of the CAP.

MM 6-5. The City is required to evaluate new development for consistency with the Sustainable Communities Strategy, upon adoption by the Southern California Association of Governments.

MM 6-6. The City is required to participate in San Bernardino County's Green Valley Initiative.

While Public Resources Code section 21083.3 requires that relevant mitigation measures from a General Plan EIR be imposed on a project that is invoking that section's limited exemption from CEQA, these mitigation measures impose obligations on the City, not applicants, and hence are not directly relevant. However, the mitigation proposed below carries out, on a project-level, the intent of The Ontario Plan's mitigation on this subject.

Mitigation Required: The following mitigation measures shall be required:

1. The City has reviewed the emission reduction measures and concepts in The Ontario Plan EIR's MM 6-2 and 6-3, and has determined that the following actions apply and shall be undertaken by the applicant in connection with the project:
  - a. Evaluate existing landscaping and options to convert reflective and impervious surfaces to landscaping, and install or replace vegetation with drought-tolerant , low-maintenance

native species or edible landscaping that can also provide shade and reduce heat-island effects;

- b. Require all new landscaping irrigation systems installed to be automated, high-efficient irrigation systems to reduce water use and require use of bubbler irrigation; low-angle, low-flow spray heads; or moisture sensors;
- c. Reduce heat gain from pavement and other similar hardscaping;
- d. The City is required to consider for inclusion in the CAP a list of emission reduction measures.
- e. The City is required to amend its Municipal Code to incorporate a list of emission reduction concepts.

Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases. Therefore, no adverse impacts are anticipated.

Mitigation: Additional mitigation measures are not proposed or required.

b) **Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Discussion of Effects: As part of the City's certification of The Ontario Plan EIR and its adoption of The Ontario Plan, the City adopted mitigation measures with regard to the significant and unavoidable impacts relating to GHG emissions. These mitigation measures are outlined in Section 6 of this Initial Study. Subsequently, in December of 2014, the City Council approved the Ontario Climate Action Plan (CAP). The Ontario Climate Action Plan (CAP) includes reducing 39,769 Metric Tons of Carbon Dioxide Equivalents (MTCO<sub>2e</sub>) per year from new development by 2020 as compared to the 2020 unmitigated conditions. This requires new development to be 25% more efficient. Reductions related to transportation, water, solid waste, energy, and renewable energy sources all play a part in gaining this level of efficiency within new development.

Mitigation of GHG emissions impacts through the Development Review Process (DRP) for provides one of the most substantial reduction strategies for reducing community-wide emissions associated with new development. The DRP procedures for evaluating GHG impacts and determining significance for CEQA purposes will be streamlined by (1) applying an emissions level that is determined to be less than significant for small projects, and (2) utilizing Screening Tables to mitigate project GHG emissions that exceed the threshold level. All Projects proposed within the Specific Plan area will have the option of preparing a project-specific technical analysis to quantify and mitigate GHG emissions. A threshold level of 3,000 MTCO<sub>2e</sub> per year will be used to identify projects that require the use of Screening Tables or a project-specific technical analysis to quantify and mitigate project emissions. Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases. Therefore, no adverse impacts are anticipated.

Mitigation Required: Additional mitigation measures are not proposed or required.

8) **HAZARDS & HAZARDOUS MATERIALS.** Would the project:

a) **Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Discussion of Effects: As discussed in the previous Rich Haven Specific Plan EIR (2007), before the project construction can begin, disposal of hazardous or potentially hazardous materials from the project site may be necessary. The current and historical uses of the site included the use of

underground storage tanks, above-ground storage tanks, and potentially hazardous chemicals such as fertilizers. However, the risks of exposure of the public to hazardous materials were previously evaluated in the existing Rich Haven Specific Plan EIR (2007). Mitigation measures were incorporated into the EIR that reduced these impacts to a less than significant level. The changes to the Project do not substantially change the previously-evaluated impacts.

Mitigation Required: Additional mitigation measures are not proposed or required.

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Discussion of Effects: As discussed in the previous Rich Haven Specific Plan EIR (2007), before the project construction can begin, disposal of hazardous or potentially hazardous materials from the project site may be necessary. The current and historical uses of the site included the use of underground storage tanks, above-ground storage tanks, and potentially hazardous chemicals such as fertilizers. Prior to the issuance of permits by the City of Ontario for any structural demolition activities on the project site, the project developer will be required to submit documentation to the City of Ontario Building Department that asbestos and lead-based paint issues are not applicable to their property or that appropriate remediation actions will be undertaken to correct any lead-based paint or asbestos issues, in conformance with the regulations of the South Coast Air Quality Management District and the State of California, Division of Occupational Health and Safety. The changes to the Project do not substantially change the previously-evaluated impacts.

Mitigation: Additional mitigation measures are not proposed or required.

- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?**

Discussion of Effects: The previous Rich Haven Specific Plan EIR (2007), found that the project schools are located adjacent to residential and park uses by a radius of more than one quarter mile. The existence of any significant hazardous emissions or the handling of hazardous or acutely hazardous materials is unlikely. Household chemicals are the most likely hazardous materials in residential areas, and the materials used in the maintenance of parkland are similar to those used on school sites. The proposed changes to the Project do not substantially change the previously evaluated impacts. The changes to the Project do not substantially change the previously-evaluated impacts.

Mitigation Required: Additional mitigation measures are not proposed or required.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Discussion of Effects: The proposed project site is not listed on the hazardous materials site compiled pursuant to Government Code § 65962.5. Therefore, the project would not create a hazard to the public or the environment and no impact is anticipated.

Mitigation: Additional mitigation measures are not proposed or required.

- e) **For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The proposed Rich Haven Specific Plan Amendment was reviewed and found to be located within the Airport Influence Area of Ontario International Airport (ONT) and was

evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project site is located outside of the Safety, Noise Impact and Airspace Protection Zones. However, the project is located within the Real Estate Transaction Disclosure and in accordance with California Codes: Business and Professions Code Section 11010-11024, new subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI. In addition, the proposed site is located within two miles of Chino Airport and lies outside the boundaries of the Chino Airport Comprehensive Land Use Plan. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation Required: Additional mitigation measures are not proposed or required.

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation Required: Additional mitigation measures are not proposed or required.

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Discussion of Effects: As evaluated in the previous Rich Specific Plan EIR (2007), the City's Disaster Preparedness Plan, and as contained within the Policy Plan (General Plan) includes policies and procedures to be administered in the event of a disaster. The proposed project site is not located adjacent to any emergency evacuation routes as identified in the Policy Plan. The Policy Plan indicates that in an emergency, all residents and workers in the project area would proceed as directed by public officials. It was determined that the project will comply with the requirements of the Ontario Fire Department and all City requirements for fire and other emergency access and any impacts would be reduced to a less than significant level. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation Required: Additional mitigation measures are not proposed or required.

- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Discussion of Effects: The project site is not located in or near wildlands. Therefore, the project will not result in adverse impacts. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation Required: Additional mitigation measures are not proposed or required.

- 9) **HYDROLOGY & WATER QUALITY.** Would the project:

- a) **Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?**

Discussion of Effects: As previously Rich Haven Specific Plan EIR (2007) analysis concluded that the implementation of the Specific Plan could violate quality standards, waste discharge

requirements, results in substantial sources of polluted runoff, or otherwise substantially degrades water quality and considered the impact to be less than significant. Further, All development shall comply with the National Pollutant Discharge Elimination System (NPDES) regulations. Prior to the issuance of a grading permit, applicants shall demonstrate compliance with NPDES Stormwater Permit requirements to the satisfaction of the City of Ontario. Applicable BMP provisions shall be incorporated in the approved WQMP(s) for the Specific Plan. This would reduce any impacts to a less than significant level. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation Required: Additional mitigation measures are not proposed or required.

- b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

Discussion of Effects: As previously Rich Haven Specific Plan EIR (2007) analysis concluded that the existing groundwater extraction wells on the site will be closed. The existing extraction of groundwater on the project site that is used for the residences, dairy, and related agricultural activities would cease upon implementation of the project. As previously identified, the project site is not identified as a groundwater recharge facility, and while the site does provide some limited recharge through the permeable surfaces, the volume of recharge is not considered significant. Additionally, the project will retain open space areas in the form of SCE easements and parks where some recharge will occur. Therefore, implementation of the proposed project would result in less than significant impacts related to groundwater recharge.

Mitigation Required: Additional mitigation measures are not proposed or required.

- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increases in erosion of the project site or surrounding areas?**

Discussion of Effects: As previously evaluated in the Rich Haven Specific Plan EIR (2007), the drainage onsite, while it will be redirected, will not result in substantial erosion or siltation. Any potential impacts were previously mitigated for and were reduced to a level less than significant. The changes to the Project do not substantially change these conclusions.

Mitigation: No additional mitigation measures are proposed or necessary.

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?**

Discussion of Effects: As previously evaluated in the Rich Haven Specific Plan EIR (2007), current agricultural uses of the project site employ a sheet drainage system, which allows water to collect in fields and retention basins. After completion of the project, the drainage system will change from a sheet drainage system to an urban storm drain system. This new system will channel water down street gutters into storm drains and into large flood channels and retention basins and would reduce any potential impacts to a less than significant level. The changes to the site plan proposed do not substantially change these conclusions. The changes to the Project do not substantially change these conclusions.

Mitigation: No additional mitigation measures are proposed or necessary.

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned**

**storm water drainage systems or provide substantial additional sources of polluted runoff (a&b) during construction and/or post-construction activity?**

Discussion of Effects: As previously evaluated in the Rich Haven Specific Plan EIR (2007), current agricultural uses of the project site employ a sheet drainage system, which allows water to collect in fields and retention basins. After completion of the project, the drainage system will change from a sheet drainage system to an urban storm drain system. This new system will channel water down street gutters into storm drains and into large flood channels and retention basins and would reduce any potential impacts to a less than significant level. The changes to the site plan proposed do not substantially change these conclusions. The changes to the Project do not substantially change these conclusions.

Mitigation: No additional mitigation measures are proposed or necessary.

f) **Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?**

Discussion of Effects: Currently dairy farming operations have a negative effect on these water sources. After the completion of the project, the nature of the runoff is expected to shift from agricultural to urban. Further, All development shall comply with the National Pollutant Discharge Elimination System (NPDES) regulations. Prior to the issuance of a grading permit, applicants shall demonstrate compliance with NPDES Stormwater Permit requirements to the satisfaction of the City of Ontario. Applicable BMP provisions shall be incorporated in the approved WQMP(s) for the Specific Plan. This would reduce any impacts to a less than significant level. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation Required: Additional mitigation measures are not proposed or required.

g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

Discussion of Effects: As shown in the previous Rich Specific Plan EIR (2007), the site is not within the boundaries of a 100-year flood zone as shown on Flood Insurance Rate Maps published by the Federal Emergency Management Agency. It was shown there would be no impacts. The changes to the Project do not change the boundaries of the project, and therefore do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

h) **Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?**

Discussion of Effects: No Impact. As stated above, this was previously evaluated and shown to have no impact. The changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

Discussion of Effects: As shown in the previous Rich Specific Plan EIR (2007), there are no dams or levees within or adjacent to the project site. The nearest dam, the San Antonio Dam located 11 miles northwest of the project site, is primarily used for flood control purposes and does not typically contain significant amounts of water. It was determined since the dam does not contain large amounts of water that the impacts were less than significant associated with exposure due to flooding from the failure of a levee or dam.

Mitigation: No additional mitigation measures are proposed or necessary.

j) **Expose people or structures to inundation by seiche, tsunami or mudflow?**

Discussion of Effects: As shown in the previous Rich Specific Plan EIR (2007), that the impacts related to exposure to seiche, tsunami, or mudflow were less than significant since the project site is not located near the coast or any confined bodies of water. In addition, the project is at the same elevation as the surrounding areas, making the potential for mudflow very low. The changes to the Project do not substantially change these conclusions.

Mitigation: No additional mitigation measures are proposed or necessary.

10) **LAND USE & PLANNING.** Would the project:

a) **Physically divide an established community?**

Discussion of Effects: As shown in the previous Rich Specific Plan EIR (2007), and according to the TOP Policy Plan (General Plan), the project site is located in an area that will be developed with urban land uses. This project will be of similar design and size to adjacent development to the north and northwest. The project site is sparsely populated, with land use being predominately agricultural. Adjacent land uses to the east, west and south are also sparsely populated with no strong spatial community pattern. The project will become an integrated part of Ontario Ranch (former New Model Colony) that will be developed with a series of planned communities. It was determined that the impacts would be less than significant. The changes to the Project will remain consistent with the TOP Policy Plan (General Plan), and therefore would not substantially change the conclusions reached in the previous EIR.

Mitigation: No additional mitigation measures are proposed or necessary.

**Conflict with applicable land use plan, policy or regulation of agencies with jurisdiction over the project (including, but not limited to general plan, airport land use compatibility plan, specific plan, or development code) adopted for the purpose of avoiding or mitigation an environmental effect?**

Discussion of Effects: The project will bring consistency between the Policy Plan (General Plan) Land Use Plan and the Rich Haven Specific Plan Land Use Plan. The project proposes to: [1] reconfiguration of the boundaries and circulation layout for the existing Planning Areas 1 through 21B; [2] change the existing Specific Plan Land Use Plan designation for 27 acres of land (Planning Areas 8 and 13) from Middle School and Low Density Residential (0 to 6 du/ac) to Public Park; 77.6 acres of land (Planning Areas 9 through 12) from Low Density Residential (0 to 6 du/ac) to Low-Medium Density Residential (6–12 du/ac); 36.1 acres of land (Planning Area 14) from Low Density Residential (0 to 6 du/ac) to Medium Density Residential (12 to 18 du/ac); and 78.5 acres of land (Planning Areas 15 through 19) from Low-Medium Density Residential (6–12 du/ac) and Medium Density Residential (12 to 18 du/ac) to Mixed-Use, consistent with The Ontario Plan (TOP) Policy Plan (General Plan) Land Use Plan; [3] increase the number of residential units from 4,256 to 4,866; [4] increase the maximum square feet for commercial/office development from 889,200 sq. ft. to 1,039,200 sq., ft.; [5] incorporate a minimum square foot requirement for commercial/office development within Planning Areas 20, 21A and 21B; and [6] revise and update housing product types, development standards, design guidelines, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency. The changes to the Project will remain consistent with the TOP Policy Plan (General Plan), and therefore would not substantially change the conclusions reached in the previous EIR.

Mitigation: No additional mitigation measures are proposed or necessary.

b) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

Discussion of Effects: As stated in the Rich Haven Specific Plan EIR (2007), the Project site is not located within the boundaries of an adopted habitat conservation plan or natural community conservation plan. Therefore, the Project will have no impact or conflict with any habitat or natural community conservation plans.



Mitigation: No additional mitigation measures are proposed or necessary.

11) **MINERAL RESOURCES.** Would the project:

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

Discussion of Effects: As previously evaluated in the Rich Haven Specific Plan EIR (2007), the project site is located within a mostly developed area surrounded by agricultural land uses. There are no known mineral resources in the area. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation measures are proposed or necessary.

- b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Discussion of Effects: As previously evaluated in the S Rich Haven Specific Plan EIR (2007), the project site is located within a mostly developed area surrounded by agricultural land uses. There are no known mineral resources in the area. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation measures are proposed or necessary.

12) **NOISE.** Would the project result in:

- a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Discussion of Effects: The Project proposes the addition of residential units by 610 (from 4,256 to 4,866) and increase the commercial/office square foot by 150,000 square feet (from 889,200 SF to 1,039,200 SF), in addition to the previously approved Rich Haven Specific Plan, would result in significant and unavoidable impacts and would expose persons to excessive noise levels. The Project would also result in cumulatively considerable impacts with regard to excessive noise levels generated. The previous Rich Haven Specific Plan EIR (2007), analysis concluded that the construction activities associated with the Specific Plan could generate substantial temporary or periodic noise levels and considered the impact to be significant and unavoidable. The EIR analysis concluded that project specific mitigation measures required would further reduce the impact to less than significant. The changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

- b) **Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

Discussion of Effects: As previously evaluated in the Rich Haven Specific Plan EIR (2007), the uses proposed by the specific plan, (i.e. residential, neighborhood commercial, and schools) normally do not induce groundborne vibrations. The changes to the Project are consistent with these land uses and therefore do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary

- c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: The Project would result in a permanent increase in existing ambient noise levels in the Project vicinity. In order to properly identify mitigation measures for future development to meet the City's exterior standard of 65 dBA CNEL and the interior standard of 45 dBA CNEL, an

acoustical analysis will be required to address once individual residential development plans are completed. As previously evaluated in the Rich Haven Specific Plan EIR (2007), construction activities associated with the Specific Plan could expose existing and proposed residential uses to noise in excess of City standards and considered the impact significant and unavoidable. The EIR analysis concluded that project specific mitigation measures required would further reduce the impact to less than significant. The changes to the Project do not substantially change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

- d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: The Project would result in a permanent increase in existing ambient noise levels in the Project vicinity. In order to properly identify mitigation measures for future development to meet the City's exterior standard of 65 dBA CNEL and the interior standard of 45 dBA CNEL, an acoustical analysis will be required to address once individual residential development plans are completed. As previously evaluated in the Rich Haven Specific Plan EIR (2007), construction activities associated with the Specific Plan could expose existing and proposed residential uses to noise in excess of City standards and considered the impact significant and unavoidable. The EIR analysis concluded that project specific mitigation measures required would further reduce the impact to less than significant. The changes to the Project do not substantially change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

- e) **For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The proposed Rich Haven Specific Plan Amendment was reviewed and found to be located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project site is located outside of the Safety, Noise Impact and Airspace Protection Zones (Exhibit "C"). However, the project is located within the Real Estate Transaction Disclosure and in accordance with California Codes: Business and Professions Code Section 11010-11024, new subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI. In addition, the proposed site is located within two miles of Chino Airport and lies outside the boundaries of the Chino Airport Comprehensive Land Use Plan. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation Required: Additional mitigation measures are not proposed or required.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip therefore there are no impacts.

Mitigation: Additional mitigation measures are not proposed or required.

13) **POPULATION & HOUSING**. Would the project:

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?**

Discussion of Effects: The Project proposes to increase the residential unit count within the Specific Plan by 610 (from 4,256 to 4,866). The California Department of Finance lists the City's current population to be 166,134 the increase of 610 people would be a 0.013% increase in City population and would not induce a substantial population growth. Therefore, no impacts are anticipated.

Mitigation: Additional mitigation measures are not proposed or required.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The Rich Haven Specific Plan EIR (2007) analysis concluded that the implementation of the Specific Plan would result in replacement of existing dairies, agriculture fields, fields and nursery with residential uses. As a result, less than significant impacts related to the displacement of housing and population would occur and no further analysis is required.

Mitigation: Additional mitigation measures are not proposed or required.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The Rich Haven Specific Plan EIR (2007) analysis concluded that the implementation of the Specific Plan would result in replacement of existing dairies, agriculture fields, fields and nursery with residential uses. As a result, less than significant impacts related to the displacement of housing and population would occur and no further analysis is required.

Mitigation: Additional mitigation measures are not proposed or required.

14) **PUBLIC SERVICES.** Would the project:

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

- i) **Fire protection?**

Discussion of Effects: Implementation of the Project will increase the number of residential units by 610 (from 4,256 to 4,866) and increase the commercial/office square foot by 150,000 square feet (from 889,200 SF to 1,039,200 SF) to be consistent with the Policy Plan (General Plan) Land Use Plan. These additional units, while they will increase demand on existing facilities, will also provide additional funds through development impact fees that will contribute to the expansion and/or construction of new fire protection facilities to meet the increased demands. The mitigation measures listed in Section 5.9.3 – Fire Services of the Rich Haven Specific Plan EIR (2007) also identify specific requirements pertaining to fire protection which will be implemented prior to development of the Project and will reduce impacts with regard to fire protection to less than significant. The Project will be required to meet standards for the quantity of water provided and available to the Ontario Fire Department in order to adequately respond to any future incidents. In addition, the Project will be subject to requirements of the Ontario Municipal Code regarding circulation and design features that allow adequate emergency vehicle access. Impacts to fire protection services will remain at a less than significant level and no additional mitigation measures beyond those previously included in the EIR are required.

Mitigation: No additional mitigation measures are proposed or necessary.

- ii) **Police protection?**

Discussion of Effects: As discussed above, the additional increase in the number of residential units by 610 (from 4,256 to 4,866) and increase the commercial/office square foot by 150,000 square feet (from 889,200 SF to 1,039,200 SF) will increase the demand on the police protection services provided by the City of Ontario. Again, the additional units and commercial/office square feet will also provide additional development impact fees to offset these demands and provide funding to expand existing services (Rich Haven EIR Section 5.9.2 – Police Facilities). The addition of the residential units and commercial/office square feet is not significant enough to cause the need for the Ontario Police Department to change their plans for future police protection in the area of the Ontario Ranch (NMC). No additional mitigation measures will be necessary for this change in the Project.

Mitigation: No additional mitigation measures are proposed or necessary.

iii) **Schools?**

Discussion of Effects: The Rich Haven Specific Plan EIR (2007) analysis concluded that future growth in the vicinity of the project area will result in an increased student population and substantially contribute to a significant cumulative impact on public school facilities. However, the proposed project, along with other foreseeable development is required to bear its fair share of the cost of providing additional school services (Rich Haven Specific Plan EIR Section 5.9.1 Schools). The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Rich Haven Specific Plan EIR (2007) analyses are necessary, nor is there a need for any additional mitigation measures.

Mitigation: No additional mitigation measures are proposed or necessary.

iv) **Parks?**

Discussion of Effects: The Rich Haven Specific Plan EIR (2007), analysis concluded that the implementation of the Specific Plan would contribute to a shortage of parkland, which could result in the need for new or altered facilities and considered this impact as less than significant. The Rich Haven Specific Plan includes network of paseos, parks and bicycle trails for its residents and therefore the impacts the project would have would be less than significant. In addition, The Policy Plan (Policy PR1-5) has established a standard of 5-acres of parklands (public and private) per 1,000 residents, with a minimum of 2-acres of developed private park space per 1,000 residents (Policy PR1-16). The proposals within the Rich-Haven Land Use Plan will include enough parkland to meet the minimum ratio of 2-acres per 1,000 residents. The remaining acreage of parkland required will be accommodated through the payment of in-lieu park fees. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation: No additional mitigation measures are proposed or necessary.

v) **Other public facilities?**

Discussion of Effects: Other existing public facilities such as libraries, museums, or other cultural opportunities would be adequate to serve the residents of the proposed project. However, in order to reduce impacts associated with additional residents increasing the demand on the local library system, the City has adopted a library development impact fee. Because libraries need enough people within a geographic area to warrant their construction, the fees are considered adequate mitigation and no significant impact results from the project.

Mitigation: No additional mitigation measures are proposed or necessary.

15) **RECREATION.** Would the project:

- a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Discussion of Effects: The Project proposes an additional 610 residential units above what was previously evaluated in the Rich Haven Specific Plan EIR (2007). However, the Project still plans to construct a number of new parks, which will ease the burden that will be placed on the existing parks. In addition, The Policy Plan (Policy PR1-5) has established a standard of 5-acres of parklands (public and private) per 1,000 residents, with a minimum of 2-acres of developed private park space per 1,000 residents (Policy PR1-16). The proposals within the Rich-Haven Land Use Plan will include enough parkland to meet the minimum ratio of 2-acres per 1,000 residents. The remaining acreage of parkland required will be accommodated through the payment of in-lieu park fees. The proposed changes to the Project will not substantially change the previously evaluated impacts since the project boundary has not changed.

Mitigation: No additional mitigation measures are proposed or necessary.

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?**

Discussion of Effects: The only existing facility within the vicinity of the project site is Whispering Lakes Golf Course and Westwind Park. Because the project is within the Rich Haven Specific, which will include parks and paseos, it is not expected that the project will rely on other existing parks in the vicinity. In addition, the project will be required to pay impact fees for mitigating impacts on park facilities. The proposed changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

16) **TRANSPORTATION/TRAFFIC.** Would the project:

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited?**

Discussion of Effects: The increase in 610 residential units is not significant and below the maximum allowed densities of the Policy Plan (General Plan) Land Use Plan. In addition, the increase 150,000 commercial/office square feet (from 889,200 SF to 1,039,200 SF) is then the 2,359,098 square feet TOP EIR assumed for the Rich Haven Specific Plan area. The City's Engineering Department, Traffic Division and the Ontario Municipal Utilities Company reviewed the increase in residential units and the addition of mixed use (commercial/office) areas and determined that the City's water, recycled water, sewer infrastructure and circulation infrastructure would have sufficient capacity to serve the proposed Specific Plan Amendment. In addition, a Focused Traffic Impact Assessment (Linscott Law & Greenspan, November 2015) was conducted to determine if the increases in 610 residential units and mixed use areas would impact intersection capacity operations. The Traffic Impact Assessment concluded that based on the Year 2035, the proposed Specific Plan Amendment traffic conditions peak hour intersection capacity analysis, one (1) key intersection (Haven Avenue and Driveway 2 from PA 3) would be impacted under the Year 2035 SPA traffic conditions. However, through project specific conditions of approval for future development projects within the Specific Plan area the impacted intersection would be forecasted to operate at an acceptable Level of Service. In addition, the proposed Specific Plan Amendment would not impact the proposed Specific Plan master circulation or intersection geometry. The intersections within the Specific Plan would operate at an acceptable Level of Service (LOS) and no additional traffic signals or lane geometry changes would be warranted. Subsequently, infrastructure improvement designs for installation will also be reviewed at the time the individual developments are submitted. Therefore, no proposed changes or revisions to the EIR are required.

Mitigation: No additional mitigation measures are proposed or necessary.

- b) **Conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Discussion of Effects: As part of the proposed Project, a Focused Traffic Impact Assessment (Linscott Law & Greenspan, November 2015) was conducted to determine if the increases in 610 residential units and 150,000 square feet of commercial/office development would impact intersection capacity operations. The Traffic Impact Assessment concluded that based on the Year 2035, the proposed Specific Plan Amendment traffic conditions peak hour intersection capacity analysis, one (1) key intersection (Haven Avenue and Driveway 2 from PA 3) would be impacted under the Year 2035 SPA traffic conditions. However, through project specific conditions of approval for future development projects within the Specific Plan area the impacted intersection would be forecasted to operate at an acceptable Level of Service. In addition, the proposed Specific Plan Amendment would not impact the proposed Specific Plan master circulation or intersection geometry. The intersections within the Specific Plan would operate at an acceptable Level of Service (LOS) and no additional traffic signals or lane geometry changes would be warranted. Subsequently, infrastructure improvement designs for installation will also be reviewed at the time the individual developments are submitted. Therefore, no proposed changes or revisions to the EIR are required.

Therefore, no proposed changes or revisions to the EIR are required.

Mitigation: No additional mitigation measures are proposed or necessary.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

Discussion of Effects: As previously evaluated in the Rich Haven Specific Plan EIR (2007), the Project will not create a substantial safety risk or interfere with air traffic patterns at Ontario International Airport or Chino Airport (See Noise Section item "e" of this report). It was determined that no impacts were anticipated. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation measures are proposed or necessary.

- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Discussion of Effects: As previously evaluated Rich Haven Specific Plan EIR (2007), the Project is required to comply with the City of Ontario's right of way design standards. It was determined that the project will, therefore, not create a substantial increase in hazards due to a design feature and no impacts were anticipated. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation measures are proposed or necessary.

- e) **Result in inadequate emergency access?**

Discussion of Effects: The Rich Haven Specific Plan will have a circulation network designed to accommodate emergency access to the project. The changes to the project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

- f) **Result in inadequate parking capacity?**

Discussion of Effects: All proposed development within the Rich Haven Specific Plan will be required to meet parking standards established by the Ontario Development Code and will therefore not create an inadequate parking capacity. It was determined that no impacts are anticipated. The same parking standards apply to the changes to the project, and therefore the changes do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

g) **Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

Discussion of Effects: The proposed Project is consistent with transportation requirements of the Specific Plan. As a result, no impacts related to applicable transportation plans or programs would result and therefore the changes do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

17) **UTILITIES AND SERVICE SYSTEMS.** Would the project:

a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

Discussion of Effects: The Rich Haven Specific Plan is served by the City of Ontario sewer system, which has waste treated by the Inland Empire Utilities Agency at the RP-1 (or RP-5) treatment plant. Additionally, in the future prior to final map recordation a Water Quality Management Plan (WQMP) will be required to be submitted for each development project within the Specific Plan area. The WQMP shall be reviewed and approved by the City's Engineering Department, prior to Final Map recordation. Therefore, the changes do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: As previously shown in the Rich Haven Specific Plan EIR (2007), the proposed Project area is served by both the City of Ontario sewer system and Inland Empire Utilities Agency which has waste treated by the Inland Empire Utilities Agency at Regional Plant 5 (RP5). In order to serve the Project with water or wastewater service, the construction of new facilities, such as water and sewer lines would be necessary. The construction of these facilities would not result in significant environmental impacts. In addition, the previously certified EIR stated that RP5 would be of adequate capacity to serve the entire Ontario Ranch (NMC), of which the proposed Project is a part. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation measures are proposed or necessary.

**Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: As previously discussed in the Rich Haven Specific Plan EIR (2007), due to the high frequency of flooding and lack of existing storm water drainage facilities in the Project area, the construction of new facilities as well as the expansion of existing facilities will be required. It was shown that the construction of these new facilities would not cause significant environmental effects. The changes to the Project will not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

- c) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. Seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).**

Discussion of Effects: The Rich Haven Specific Plan EIR (2007) analysis concluded that the implementation of the Specific Plan would generate an additional demand for water; however, there will be sufficient water supply exists to meet the City's existing and planned future uses. Additionally, the City's water, recycled water, and/or sewer infrastructure would have sufficient capacity with the proposed Specific Plan Amendment and specific infrastructure improvement designs for installation shall be reviewed at the time the individual developments are submitted. In addition, the Ontario Municipal Utilities Company reviewed the increase in residential units and comm. office square footage and determined that the City's water, recycled water, sewer infrastructure and circulation infrastructure would have sufficient capacity to serve the proposed Specific Plan Amendment. The changes to the Project will not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

- d) **Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Discussion of Effects: The previous Rich Haven Specific Plan EIR (2007), states that the existing wastewater treatment system has the capacity to accept the projected wastewater flows from the entire Ontario Ranch. Since the proposed Project is a part of the Ontario Ranch and has been planned for in TOP Policy Plan (General Plan), less than significant impacts would result from Project implementation. The changes to the Project will not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

- e) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Discussion of Effects: As previous discussed in the Rich Haven Specific Plan EIR (2007), the Project will be required to comply with Section 6.3 of the City's Municipal Code; therefore, demolition and construction debris resulting from the proposed Project would result in less than significant direct impacts regarding solid waste. The Project would also participate in residential recycling programs in accordance with Section 6.3 of the City's Municipal Code, reducing the amount of solid waste being disposed of in landfills. The City also offers composting workshops for residents and a household hazardous waste program for residents to dispose of their hazardous waste including paints, batteries, or pesticides. The changes to the Project will not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

- f) **Comply with federal, state, and local statutes and regulations related to solid waste?**

Discussion of Effects: As previous discussed in the Rich Haven Specific Plan EIR (2007), the Project complies with federal, state, and local statutes and regulations regarding solid waste. The changes to the Project do not change this conclusion.

Mitigation: No additional mitigation measures are proposed or necessary.

18) **MANDATORY FINDINGS OF SIGNIFICANCE**



- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Discussion of Effects: The proposed project does not have the potential to degrade the quality of the environment, reduce the fish and wildlife habitat, threaten plant, fish or wildlife species, or eliminate historical, archeological, or cultural resources. Substantial changes have not occurred with respect to the circumstances under which the project is undertaken that would require major revisions of the previous Environmental Impact Report due to the involvement of new significant environmental effects. The only change that has occurred since the project was undertaken is the construction of Ontario Ranch Road (formerly Edison Avenue) from Turner Avenue east to Hamner Avenue. In addition, the Rich Haven Specific Plan EIR identified the potential habitat for the federally listed Delhi Sands Flower Loving Fly (DSFF) and Burrowing Owl. The EIR discussed that changing the land use from the existing agricultural uses to suburban development could further reduce the viability of the site as habitat for these species. During the biological surveys for the EIR, it was found that Burrowing Owls were present on the site. Mitigation was included for pre-construction surveys to occur with the requirement that relocation would occur if burrowing owls were present. Subsequently, prior to the granting of discretionary entitlements and any further approvals would be withheld until surveys could be completed and any necessary permits were obtained. In addition, extensive surveys were completed for the Delhi Sands Flower-Loving Fly and its habitat, but no evidence of the fly or its habitat was found. The changes to the project do not change these conclusions.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified Rich Haven Specific Plan EIR. No changes or additions to the Rich Haven Specific Plan EIR (2007) analyses are necessary, nor is there a need for any additional mitigation measures.

- b) **Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

Discussion of Effects: The Project does not have impacts beyond those identified in the Rich Haven Specific Plan EIR (2007). The Specific Plan Amendment proposes to increase the number of residential units by 610 (from 4,256 to 4,866) and increase the commercial/office square foot by 150,000 square feet (from 889,200 SF to 1,039,200 SF) to be consistent with the Policy Plan (General Plan) Land Use Plan. The increase of 150,000 square feet of mixed use (commercial/office uses) is implementing the Policy Plan (General Plan) Land Use Plan that changed 78.5 acres within Planning Areas 15 through 19 from residential to mixed use. TOP EIR Traffic Study accounted for the land uses changes consistent with this proposed Specific Plan Amendment. The increase in 610 residential units is not significant and below the maximum allowed densities of the Policy Plan (General Plan) Land Use Plan. In addition, the increase 150,000 commercial/office square feet (from 889,200 SF to 1,039,200 SF) is then the 2,359,098 square feet TOP EIR assumed for the Rich Haven Specific Plan area. The City's Engineering Department, Traffic Division and the Ontario Municipal Utilities Company reviewed the increase in residential units and the addition of mixed use (commercial/office) areas and determined that the City's water, recycled water, sewer infrastructure and circulation infrastructure would have sufficient capacity to serve the proposed Specific Plan Amendment. In addition, a Focused Traffic Impact Assessment (Linscott Law & Greenspan, November 2015) was conducted to determine if the increases in 610 residential units and mixed use areas would impact intersection capacity operations. The Traffic Impact Assessment concluded that based on the Year 2035, the proposed Specific Plan Amendment traffic conditions peak hour intersection capacity analysis, one (1) key intersection (Haven Avenue and Driveway 2 from PA 3) would be impacted under the Year 2035 SPA traffic conditions. However, through project specific conditions of approval for future development projects within the Specific Plan area the impacted intersection would be forecasted to operate at an

acceptable Level of Service. In addition, the proposed Specific Plan Amendment would not impact the proposed Specific Plan master circulation or intersection geometry. The intersections within the Specific Plan would operate at an acceptable Level of Service (LOS) and no additional traffic signals or lane geometry changes would be warranted. Subsequently, infrastructure improvement designs for installation will also be reviewed at the time the individual developments are submitted. Thus, the project will not disadvantage long-term environmental goals.

Mitigation: None Required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified Rich Haven Specific Plan EIR (2007). No changes or additions to the Rich Haven Specific Plan EIR (2007) analyses are necessary, nor is there a need for any additional mitigation measures.

- c) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)**

Discussion of Effects: The Project does not have impacts beyond those identified in the Rich Haven Specific Plan EIR (2007). The Specific Plan Amendment proposes to increase the number of residential units by 610 (from 4,256 to 4,866) and increase the commercial/office square foot by 150,000 square feet (from 889,200 SF to 1,039,200 SF) to be consistent with the Policy Plan (General Plan) Land Use Plan. The increase of 150,000 square feet of mixed use (commercial/office uses) is implementing the Policy Plan (General Plan) Land Use Plan that changed 78.5 acres within Planning Areas 15 through 19 from residential to mixed use. TOP EIR Traffic Study accounted for the land uses changes consistent with this proposed Specific Plan Amendment. The increase in 610 residential units is not significant and below the maximum allowed densities of the Policy Plan (General Plan) Land Use Plan. In addition, the increase 150,000 commercial/office square feet (from 889,200 SF to 1,039,200 SF) is then the 2,359,098 square feet TOP EIR assumed for the Rich Haven Specific Plan area. The City's Engineering Department, Traffic Division and the Ontario Municipal Utilities Company reviewed the increase in residential units and the addition of mixed use (commercial/office) areas and determined that the City's water, recycled water, sewer infrastructure and circulation infrastructure would have sufficient capacity to serve the proposed Specific Plan Amendment. In addition, a Focused Traffic Impact Assessment (Linscott Law & Greenspan, November 2015) was conducted to determine if the increases in 610 residential units and mixed use areas would impact intersection capacity operations. The Traffic Impact Assessment concluded that based on the Year 2035, the proposed Specific Plan Amendment traffic conditions peak hour intersection capacity analysis,

one (1) key intersection (Haven Avenue and Driveway 2 from PA 3) would be impacted under the Year 2035 SPA traffic conditions. However, through project specific conditions of approval for future development projects within the Specific Plan area the impacted intersection would be forecasted to operate at an acceptable Level of Service. In addition, the proposed Specific Plan Amendment would not impact the proposed Specific Plan master circulation or intersection geometry. The intersections within the Specific Plan would operate at an acceptable Level of Service (LOS) and no additional traffic signals or lane geometry changes would be warranted. Subsequently, infrastructure improvement designs for installation will also be reviewed at the time the individual developments are submitted. Thus, the project will not have incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.

Mitigation: None Required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified Rich Haven Specific Plan EIR (2007). No changes or additions to the Rich Haven Specific Plan EIR (2007) analyses are necessary, nor is there a need for any additional mitigation measures.

d) **Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

Discussion of Effects: Substantial changes are not proposed for the project and will not require revisions to the Rich Haven Specific Plan EIR (2007). The Specific Plan Amendment proposes to increase the number of residential units by 610 (from 4,256 to 4,866) and increase the commercial/office square foot by 150,000 square feet (from 889,200 SF to 1,039,200 SF) to be consistent with the Policy Plan (General Plan) Land Use Plan. The increase of 150,000 square feet of mixed use (commercial/office uses) is implementing the Policy Plan (General Plan) Land Use Plan that changed 78.5 acres within Planning Areas 15 through 19 from residential to mixed use. TOP EIR Traffic Study accounted for the land uses changes consistent with this proposed Specific Plan Amendment. The increase in 610 residential units is not significant and below the maximum allowed densities of the Policy Plan (General Plan) Land Use Plan. In addition, the increase 150,000 commercial/office square feet (from 889,200 SF to 1,039,200 SF) is then the 2,359,098 square feet TOP EIR assumed for the Rich Haven Specific Plan area. The City's Engineering Department, Traffic Division and the Ontario Municipal Utilities Company reviewed the increase in residential units and the addition of mixed use (commercial/office) areas and determined that the City's water, recycled water, sewer infrastructure and circulation infrastructure would have sufficient capacity to serve the proposed Specific Plan Amendment. In addition, a Focused Traffic Impact Assessment (Linscott Law & Greenspan, November 2015) was conducted to determine if the increases in 610 residential units and mixed use areas would impact intersection capacity operations. The Traffic Impact Assessment concluded that based on the Year 2035, the proposed Specific Plan Amendment traffic conditions peak hour intersection capacity analysis, one (1) key intersection (Haven Avenue and Driveway 2 from PA 3) would be impacted under the Year 2035 SPA traffic conditions. However, through project specific conditions of approval for future development projects within the Specific Plan area the impacted intersection would be forecasted to operate at an acceptable Level of Service. In addition, the proposed Specific Plan Amendment would not impact the proposed Specific Plan master circulation or intersection geometry. The intersections within the Specific Plan would operate at an acceptable Level of Service (LOS) and no additional traffic signals or lane geometry changes would be warranted. Subsequently, infrastructure improvement designs for installation will also be reviewed at the time the individual developments are submitted. Thus, the Project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Mitigation: None required. The Project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, other than those previously considered and addressed in the Certified Rich Haven Specific Plan EIR (2007). No changes or additions to the Rich Haven Specific Plan EIR (2007) analyses are necessary, nor is there a need for any additional mitigation measures.

#### EARLIER ANALYZES

*(Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D)):*

- 1) Earlier analyzes used. Identify earlier analyzes used and state where they are available for review.
  - a) The Ontario Plan Final EIR (SCH #2008101140)
  - b) The Ontario Plan
  - c) The Rich Haven Specific Plan EIR (SCH# 2006051081)
  - d) The Rich Haven Specific Plan EIR Mitigation Monitoring and Reporting Program
  - e) The Rich Haven Specific Plan
  - f) Ontario International Airport Land Use Compatibility Plan
  - g) Ontario International Airport Land Use Compatibility Plan Negative Declaration (SCH 2011011081)
  - h) Focused Traffic Impact Assessment for the Rich Haven Specific Plan Amendment, Lawscott Law

& Greenspan, November 9, 2015.

All documents listed above are on file with the City of Ontario Planning Department, 303 East "B" Street, Ontario, California 91764, (909) 395-2036.

- 2) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards.

The previously certified Rich Haven Specific Plan EIR (2007) evaluated several of the topics and those topics that will not be evaluated in this Addendum were noted above.

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

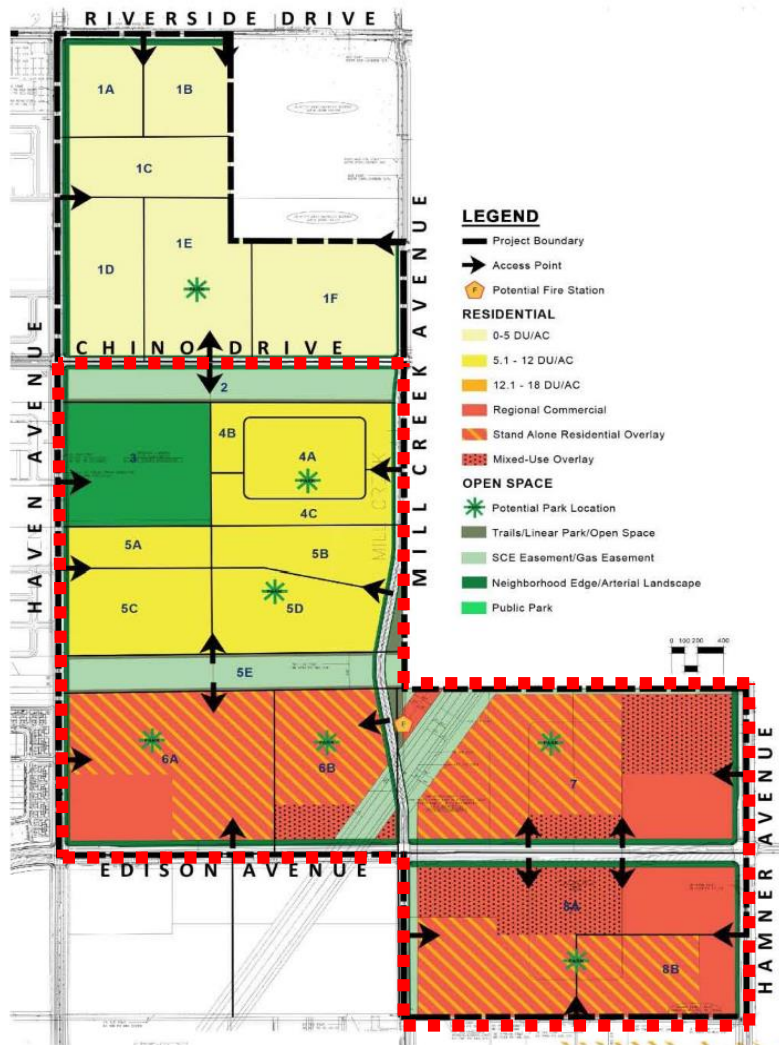
As the project does not have any adverse environmental impacts beyond those identified in the original EIR, as modified by the, no mitigation beyond that previously imposed is required.

**Exhibit A – Specific Plan Amendment: Proposed Rich Haven Land Use Map**

**3**

LAND USE

**RICH HAVEN**



\*Circulation pattern for local streets within Specific Plan Area to be established at Tentative Tract Map submittal.  
 \*Residential development along the frontage of Haven Avenue within Planning Areas 5A, 5C and 6A shall average a density of 18 to 25 dwelling units per acre to support Bus Rapid Transit (BRT) along Haven Avenue.

RICH HAVEN SPECIFIC PLAN  
 LAND USE PLAN

FIGURE 3-1

3-4

December 2015



**Exhibit B – Specific Plan Amendment:  
 Proposed Rich Haven Land Use Summary Table**

**RICH HAVEN**

LAND USE

**3**

NOTES

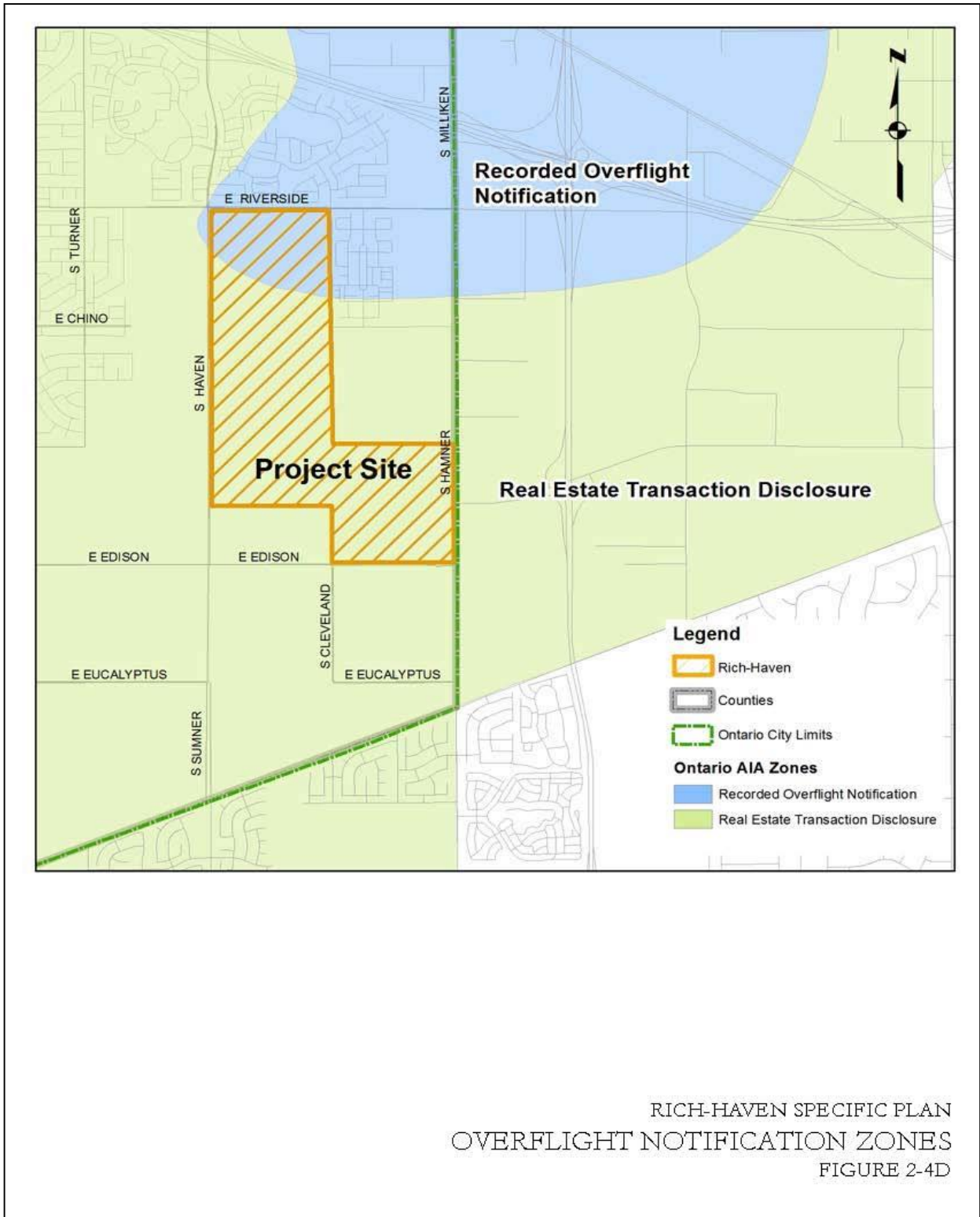
Planning Area	Land Use	Dwelling Units	Acres (Gross)	Density (Gross)	Comm./Office (sf)
<b>Residential District</b>					
1a	Residential – SFD	58	12.8	4.5	
1b	Residential – SFD	57	12.7	4.5	
1c	Residential – SFD	68	14.9	4.5	
1d	Residential – SFD	91	20.5	4.5	
1e	Residential – SFD	109	23.4	4.5	
1f	Residential – SFD	120	26.3	4.5	
<i>Subtotal</i>		<i>503</i>	<i>110.9</i>	<i>4.5</i>	
2	Edison Parcel		20.0		
3	Park		27.0		
<i>Subtotal</i>			<i>46.9</i>		
4a	Residential – Small Lot SFD	154	14.0	11.0	
4b	Residential – Small Lot SFD	101	9.2	11.0	
4c	Residential – Small Lot SFD	108	9.8	11.0	
<i>Subtotal</i>		<i>363</i>	<i>33.1</i>	<i>11.0</i>	
5a	Residential – Small Lot SFD	109	9.1	12.1	
5b	Residential – Small Lot SFD	165	14.2	11.7	
5c	Residential – Small Lot SFD	332	27.0	12.3	
5d	Residential – Small Lot SFD	361	30.3	11.9	
5e	Edison Easement	-	-	-	
<i>Subtotal</i>		<i>967</i>	<i>80.6</i>	<i>12.0</i>	
<b>Subtotal Residential District</b>		<b>1,833</b>	<b>271.5</b>	<b>8.2<sup>d</sup></b>	
<b>Mixed-Use District</b>					
6a	Mixed Use – Residential & Commercial	790	49.9	15.8	150,000
6b	Mixed Use – Residential & Commercial	466	28.6	16.3	
<i>Subtotal</i>		<i>1,256</i>	<i>78.5</i>	<i>16.0</i>	<i>150,000</i>
7	Mixed Use – Residential & Commercial	725	81.1	8.9	440,800 <sup>2</sup>
<i>Subtotal</i>		<i>725</i>	<i>81.1</i>	<i>8.9</i>	<i>440,800</i>
8a	Mixed Use – Residential & Commercial	852	61.4	13.9	325,000 <sup>3</sup>
8b	Mixed Use – Residential & Commercial	200	19.7	10.2	123,400 <sup>4</sup>
<i>Subtotal</i>		<i>1,052</i>	<i>81.1</i>	<i>13.0</i>	<i>448,400</i>
<b>Subtotal Mixed-Use Districts</b>		<b>3,033</b>	<b>240.7</b>	<b>12.6</b>	<b>1,039,200</b>
<b>PROJECT TOTAL</b>		<b>4,866</b>	<b>512.1</b>	<b>10.5<sup>d</sup></b>	<b>1,039,200</b>

1. ALL RESIDENTIAL DWELLING UNITS AND COMMERCIAL SQUARE FOOTAGES SHOWN IN LAND USE SUMMARY ARE MAXIMUMS.  
 2. PLANNING AREA 7 SHALL INCLUDE A MINIMUM OF 100,000 SQ. FT. OF COMMERCIAL USES.  
 3. PLANNING AREA 8A SHALL INCLUDE A MINIMUM OF 95,000 SQ. FT. OF COMMERCIAL USES.  
 4. PLANNING AREA 8B SHALL INCLUDE A MINIMUM OF 20,000 SQ. FT. OF COMMERCIAL USES.  
 5. PROJECT TOTAL & SUBTOTAL RESIDENTIAL DISTRICT DENSITIES ARE CALCULATED USING RESIDENTIAL ACREAGES ONLY, THEREFORE THE ACREAGES OF PA 2 & 3 ARE NOT INCLUDED.  
 6. WITHIN THIS SPECIFIC PLAN DOCUMENT, REFERENCES TO PLANNING AREAS ARE ONLY 1 THROUGH 8. SUB-PLANNING AREAS SUCH AS 1A, 1B, ETC. ARE DESIGNATED TO HELP ADDRESS OWNERSHIP PATTERNS AND ARE NOT INTENDED TO BE USED FOR DENSITY TRANSFER.  
 7. PLANNING AREAS 1A THROUGH 1F SHALL INCLUDE A MINIMUM OF 80 LOTS OF 7,200 SQ. FT. OR ABOVE.  
 8. Residential development along the frontage of Haven Avenue within Planning Areas 5A, 5C and 6A shall average a density of 18 to 25 dwelling units per acre to support Bus Rapid Transit (BRT) along Haven Avenue.

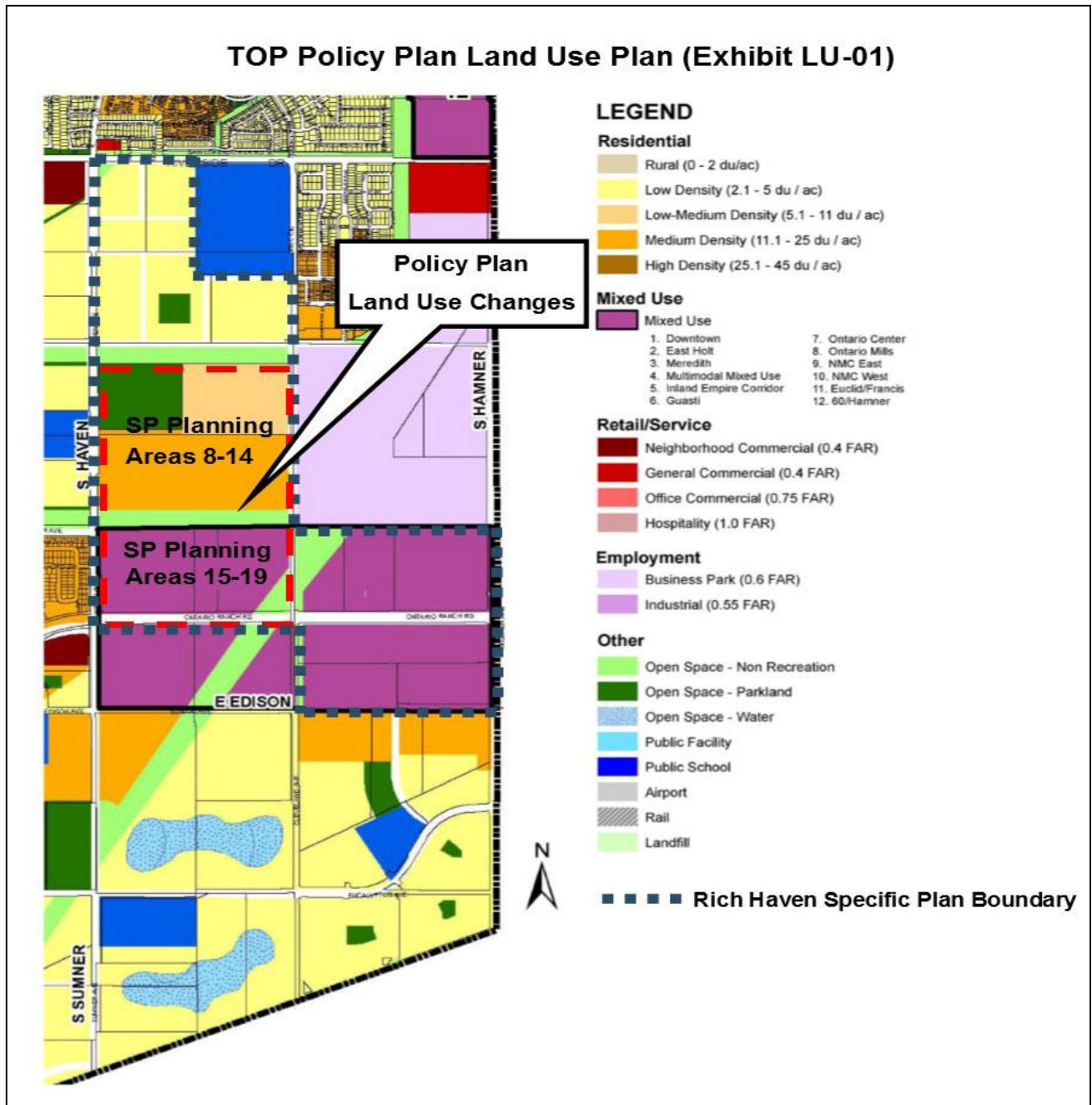
RICH HAVEN SPECIFIC PLAN  
**LAND USE SUMMARY**

TABLE 3-1

**Exhibit C - Airport Influence Areas**



**Exhibit D – TOP Policy Plan Land Use (Exhibit LU-01)**





## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, RECOMMENDING CITY COUNCIL ADOPTION OF AN ADDENDUM TO THE ONTARIO PLAN AND RICH HAVEN SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT CALIFORNIA, ADOPTED FOR FILE NO.PSP05-004, PREPARED FOR FILE NO. PSPA16-001 (RELATED FILE NO'S PSPA13-004 AND PSPA13-005) FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0218-161-01, 04, 05, 09, 10, 11, 13, AND 14, 0218-211-01, 02, 05, 08, 12, 15, 17, 21, 23, 24, 25 AND 27.

WHEREAS, GDCI-RCCD 2LP, Richland Communities and Brookfield Residential ("Applicant") have filed an Application for the approval of an Amendment to the Rich Haven Specific Plan, File No. PSPA16-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 512 acres of land generally located south of Riverside Drive and the Southern California Edison substation, west of Hamner Avenue, north and south sides of Edison Avenue and east of Haven Avenue, within the Rich Haven Specific Plan, and is presently improved with dairy and agriculture uses; and

WHEREAS, the properties to the north are designated LDR (Low Density Residential)/PS (Public School) and developed with the Creekside Residential Community and Colony High School. The properties to southeast are designated High Density Residential, located within the Esperanza Specific Plan and developed with dairy and agriculture uses. The properties to the southwest are zoned SP/AG (Specific Plan/Agriculture Preserve) and developed with dairy and agriculture uses. The properties to the east are located within the City of Eastvale, zoned Industrial/Commercial and developed with industrial uses. The properties to the west are designated Low Density Residential, Medium Density Residential and Neighborhood Commercial, located within portions of the West Haven Specific Plan and The Avenue Specific Plan and developed with new residential subdivisions, dairy and agriculture uses; and

WHEREAS, File No. PSPA16-001 (the "Project") was analyzed under the Amendment to the Rich Haven Specific Plan proposed to: [1] reconfiguration of the boundaries and circulation layout for the existing Planning Areas 1 through 21B; [2] change the existing Specific Plan Land Use Plan designation for 27 acres of land (Planning Areas 8 and 13) from Middle School and Low Density Residential (0 to 6 du/ac) to Public Park; 77.6 acres of land (Planning Areas 9 through 12) from Low Density Residential (0 to 6 du/ac) to Low-Medium Density Residential (6–12 du/ac); 36.1 acres of land (Planning Area 14) from Low Density Residential (0 to 6 du/ac) to Medium Density

Residential (12 to 18 du/ac); and 78.5 acres of land (Planning Areas 15 through 19) from Low-Medium Density Residential (6–12 du/ac) and Medium Density Residential (12 to 18 du/ac) to Mixed-Use, consistent with The Ontario Plan (TOP) Policy Plan (General Plan) Land Use Plan; [3] increase the number of residential units from 4,256 to 4,866; [4] increase the maximum square feet for commercial/office development from 889,200 sq. ft. to 1,039,200 sq. ft.; [5] incorporate a minimum square foot requirement for commercial/office development within Planning Areas 20, 21A and 21B; and [6] revise and update housing product types, development standards, design guidelines, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency; and

WHEREAS, the Application is a Project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, on January 25, 2010, the City Council certified an EIR (SCH#2008101140) and a related Mitigation Monitoring and Reporting Program for The Ontario Plan Policy Plan; and

WHEREAS, on December 4, 2007, the City Council certified an EIR (SCH#2006051081) and a related Mitigation Monitoring and Reporting Program for the Rich Haven Specific Plan File No. PSP05-004; and

WHEREAS, pursuant to Public Resources Code section 21166 and sections 15162 and 15163 of the State CEQA Guidelines, the Addendum to The Ontario Plan and Rich Haven Specific Plan EIRs were prepared by the City with regard to the Project. The Addendum incorporates, by reference, the analysis contained in the certified EIRs and related Mitigation Monitoring and Reporting Program for The Ontario Plan and File No. PSP05-004 and addresses only those issues specific to the Project. The Addendum concludes that the Project will not result in impacts beyond what was previously analyzed in the certified EIR, because the Project does not have new or substantially more severe significant environmental impacts, either directly or indirectly; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the Planning Commission is the recommending body for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the Planning Commission has reviewed and considered the Addendum for the Project, and intends to take actions on the Project in compliance with CEQA, and state and local guidelines implementing CEQA; and

WHEREAS, the Addendum for the Project and the certified EIRs for The Ontario Plan and File No. PSP05-004 are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, and are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (4,256) and density (MU, LDR, LMDR & MDR,) specified in the Available Land Inventory. The Specific Plan proposes 4,866 residential units within the densities of Mixed Use, Low Density Residential, Low Medium Density Residential and Medium Density Residential.

WHEREAS, the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT; 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, on February 17, 2016, the Development Advisory Board of the City of Ontario conducted a hearing and issued Decision No. DAB16-005 recommending the Planning Commission approve the Application; and

WHEREAS, on February 23, 2016, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum to the previous Environmental Impact Reports for The Ontario Plan (SCH# 2008101140) and Rich haven Specific Plan (SCH#2006051081), the initial study, 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. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the Addendum, the initial study, and the administrative record for the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the Addendum, the initial study, and the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

a. The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

b. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the Planning Commission; and

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

d. The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Environmental Impact Report, and all mitigation measures previously adopted by the Environmental Impact Report, are incorporated herein by this reference.

SECTION 2. 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:

a. That based upon the entire record of proceedings before it and all information received and pursuant to State CEQA Guidelines Section 15162 and 15164, that there is no substantial evidence that the Project will result in any new, increased, or substantially different significant impacts, other than those previously considered and addressed in The Ontario Plan EIR (SCH# 2008101140) and Rich Haven Specific Plan EIR (SCH#2006051081) for File No. PSP05-004 and that no changes or additions to the adopted Environmental Impact Report analyses are necessary, nor is there a need for any additional mitigation measures, and that none of the conditions described in State CEQA Guidelines Section 15162 that would require subsequent or supplemental CEQA review for the Project otherwise exist.

b. The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (4,256) and density (MU, LDR, LMDR & MDR,) specified in the Available Land Inventory. The Specific Plan proposes 4,866 residential units within the densities of Mixed Use, Low Density Residential, Low Medium Density Residential and Medium Density Residential.

c. The proposed Specific Plan, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed Amendment to the Rich Haven Specific will bring the Specific Plan Land Use Plan in conformance with The Ontario Plan (TOP) Policy Plan Land Use Plan (Policy Plan Exhibit LU-01). In addition, TOP Policy Plan analysis in *Section 9* of the Specific Plan, has been updated and

describes the manner in which Rich Haven Specific Plan complies with the Policy Plan goals and policies applicable to the Specific Plan.

d. The proposed Specific Plan, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

e. In the case of an application affecting specific property(ies), the proposed Specific Plan, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses. Pursuant to the Rich Haven Specific Plan and TOP Policy Plan (General Plan), the project site is located in an area that will be developed with urban land uses. The Rich Haven Specific Plan and proposed Amendment project will ensure of similar design and size to adjacent residential development to the north and northeast of the Specific Plan area. The project site is sparsely populated, with land use being predominately agricultural. Adjacent land uses to the east, west and south are also sparsely populated with no strong spatial community pattern. The project will become an integrated part of Ontario Ranch (former New Model Colony) that will be developed with a series of planned communities.

f. In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development. The proposed Amendment to the Rich Haven Specific Plan will maintain the appropriate balance of land uses within the City consistent with TOP Policy Plan. The Rich Haven Specific Plan provides for the development of twelve (12) distinctive single family and multi-family products types to address varying housing needs caused by the different lifestyles of young families, growing families, students, executives, retirees and empty nesters. In addition, development within the Rich Haven Specific Plan will be required to construct the necessary infrastructure and public services that will support Rich Haven's residential and commercial/office uses.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL adopt the herein described Application.

SECTION 4. 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. 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. 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 23rd day of February 2016, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

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Jim Willoughby  
Planning Commission Chairman

ATTEST:

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Scott Murphy  
Planning Director/Secretary of Planning  
Commission

Planning Commission Resolution  
File No. PSPA16-001  
February 23, 2016  
Page 7

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

I, Marci Callejo, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC16-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 23, 2016, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Marci Callejo  
Secretary Pro Tempore

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO RECOMMENDING CITY COUNCIL APPROVAL OF FILE NO. PSPA16-001 (RELATED FILES NO. PSPA13-004 AND PSPA13-005), AN AMENDMENT TO THE RICH HAVEN SPECIFIC PLAN THAT AFFECTS PROPERTY GENERALLY LOCATED SOUTH OF RIVERSIDE DRIVE AND THE SOUTHERN CALIFORNIA EDISON SUBSTATION, WEST OF HAMNER AVENUE, NORTH AND SOUTH SIDES OF EDISON AVENUE AND EAST OF HAVEN AVENUE, TO [1] RECONFIGURATION OF THE BOUNDARIES AND CIRCULATION LAYOUT FOR THE EXISTING PLANNING AREAS 1 THROUGH 21B; [2] CHANGE THE EXISTING SPECIFIC PLAN LAND USE PLAN DESIGNATION FOR 27 ACRES OF LAND (PLANNING AREAS 8 AND 13) FROM MIDDLE SCHOOL AND LOW DENSITY RESIDENTIAL (0 TO 6 DU/AC) TO PUBLIC PARK; 77.6 ACRES OF LAND (PLANNING AREAS 9 THROUGH 12) FROM LOW DENSITY RESIDENTIAL (0 TO 6 DU/AC) TO LOW-MEDIUM DENSITY RESIDENTIAL (6-12 DU/AC); 36.1 ACRES OF LAND (PLANNING AREA 14) FROM LOW DENSITY RESIDENTIAL (0 TO 6 DU/AC) TO MEDIUM DENSITY RESIDENTIAL (12 TO 18 DU/AC); AND 78.5 ACRES OF LAND (PLANNING AREAS 15 THROUGH 19) FROM LOW-MEDIUM DENSITY RESIDENTIAL (6-12 DU/AC) AND MEDIUM DENSITY RESIDENTIAL (12 TO 18 DU/AC) TO MIXED-USE, CONSISTENT WITH THE ONTARIO PLAN (TOP) POLICY PLAN (GENERAL PLAN) LAND USE PLAN; [3] INCREASE THE NUMBER OF RESIDENTIAL UNITS FROM 4,256 TO 4,866; [4] INCREASE THE MAXIMUM SQUARE FEET FOR COMMERCIAL/OFFICE DEVELOPMENT FROM 889,200 SQ. FT. TO 1,039,200 SQ., FT.; [5] INCORPORATE A MINIMUM SQUARE FOOT REQUIREMENT FOR COMMERCIAL/OFFICE DEVELOPMENT WITHIN PLANNING AREAS 20, 21A AND 21B; AND [6] REVISE AND UPDATE HOUSING PRODUCT TYPES, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, EXHIBITS AND LANGUAGE TO REFLECT THE PROPOSED CHANGES AND TOP POLICY PLAN CONSISTENCY, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0218-161-01, 04, 05, 09, 10, 11, 13, AND 14, 0218-211-01, 02, 05, 08, 12, 15, 17, 21, 23, 24, 25 AND 27.

WHEREAS, GDCI-RCCD 2LP, Richland Communities and Brookfield Residential ("Applicant") have filed an Application for the approval of an Amendment to the Rich Haven Specific Plan, File No. PSPA16-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 512 acres of land generally located south of Riverside Drive and the Southern California Edison substation, west of Hamner Avenue,



north and south sides of Edison Avenue and east of Haven Avenue, within the Rich Haven Specific Plan, and is presently improved with dairy and agriculture uses; and

WHEREAS, the properties to the north are designated Low Density Residential/PS (Public School) and developed with the Creekside Residential Community and Colony High School. The properties to southeast are designated High Density Residential, located within the Esperanza Specific Plan and developed with dairy and agriculture uses. The properties to the southwest are zoned SP/AG (Specific Plan/Agriculture Preserve) and developed with dairy and agriculture uses. The properties to the east are located within the City of Eastvale, zoned Industrial/Commercial and developed with industrial uses. The properties to the west are designated Low Density Residential, Medium Density Residential and Neighborhood Commercial, located within portions of the West Haven Specific Plan and The Avenue Specific Plan and developed with, new residential subdivisions, dairy and agriculture uses; and

WHEREAS, on December 4, 2007, the City Council approved the Rich Haven Specific Plan (File No. PSP05-004) and certified the Environmental Impact Report (SCH#2006051081) for the Specific Plan; and

WHEREAS, the Amendment to the Rich Haven Specific Plan proposed to: [1] reconfiguration of the boundaries and circulation layout for the existing Planning Areas 1 through 21B; [2] change the existing Specific Plan Land Use Plan designation for 27 acres of land (Planning Areas 8 and 13) from Middle School and Low Density Residential (0 to 6 du/ac) to Public Park; 77.6 acres of land (Planning Areas 9 through 12) from Low Density Residential (0 to 6 du/ac) to Low-Medium Density Residential (6–12 du/ac); 36.1 acres of land (Planning Area 14) from Low Density Residential (0 to 6 du/ac) to Medium Density Residential (12 to 18 du/ac); and 78.5 acres of land (Planning Areas 15 through 19) from Low-Medium Density Residential (6–12 du/ac) and Medium Density Residential (12 to 18 du/ac) to Mixed-Use, consistent with The Ontario Plan (TOP) Policy Plan (General Plan) Land Use Plan; [3] increase the number of residential units from 4,256 to 4,866; [4] increase the maximum square feet for commercial/office development from 889,200 sq. ft. to 1,039,200 sq., ft.; [5] incorporate a minimum square foot requirement for commercial/office development within Planning Areas 20, 21A and 21B; and [6] revise and update housing product types, development standards, design guidelines, exhibits and language to reflect the proposed changes and TOP Policy Plan consistency; and

WHEREAS, in 2010, The Ontario Plan (TOP) was adopted and Land Use Plan, Exhibit “A”, changed the land use designations for Planning Areas 8 through 19 of the Rich Haven Specific Plan; and

WHEREAS, to bring the Rich Haven Specific in conformance with TOP Policy Plan the Amendment to the Rich Haven Specific Plan proposes to change land use designation within the Specific Plan as follows:

- Planning Area 13 within the Specific Plan was designated for a Middle School. However, during TOP EIR process the Mountain View School District assessed the need for middle school within the Rich Haven. Based on current and future student generation factors for residential development, the District concluded that an additional middle school was not warranted. As a result, the 27 acre property was changed in the TOP Policy Land Use Plan from Public School to Open Space – Parkland
- Planning Areas 9 through 12 will be changed from Low Density Residential (0 to 6 du/ac) to Low-Medium Density Residential (6–12 du/ac)
- Planning Area 14 will be changed from Low Density Residential (0 to 6 du/ac) to Medium Density Residential (12 to 18 du/ac)
- Planning Areas 15 through 19 will be changed from Low-Medium Density Residential (6–12 du/ac) and Medium Density Residential (12 to 18 du/ac) to Mixed-Use

WHEREAS, in addition to the land use changes within the Specific Plan, Planning Areas 1 through 21B have been redesignated to Planning Areas 1 through 8B. To provide for a more effective way of mapping and developing each Planning Area, the boundaries of each Planning Area have been reconfigured to encompass parcel property ownership. Subsequently, the conceptual internal street patterns within each Planning Area have been eliminated from the Land Use Plan and Circulation Plan. To plan for a more efficient internal circulation network within the Specific Plan, the circulation patterns for the local streets will be established at the tentative tract map entitlement process stage for each development. However, the major access points into the Specific Plan, from Riverside Drive, Haven Avenue, Mill Creek Avenue, Ontario Ranch Road and Hamner Avenue have been established and shown on both the Land Use Plan and Circulation Plan; and

WHEREAS, with the proposed SPA land use changes, as discussed above, there will be an increase of 610 residential units (from 4,256 to 4,866) and 150,000 square feet (from 889,200 sq. ft. to 1,039,200 sq. ft.) of commercial/office square feet. TOP Policy Plan allows up to 6,538 residential units within the Rich Haven Specific Plan. The SPA proposes a total of 4,866 residential units, which is 1,672 residential units fewer than what is allowed by TOP Policy Plan. The addition of 150,000 square feet of commercial/office square feet is a result of the addition of 78.5 acres of mixed use, based on a Floor Area Ratio (FAR) of 0.30 for retail and 0.35 for office. The total commercial/office square footage of 1,039,200 is below the 2,359,098 square feet allowed by TOP Policy Plan; and

WHEREAS, in addition to the increase in commercial/office square feet, the SPA proposes to the increase in commercial/office square feet, the SPA proposes to incorporate a minimum square foot requirement for commercial/office development within the Specific Plan to ensure viable development of commercial/office development within

the Regional Commercial (Mixed Use) land use designations (Planning Areas 7, 8A and 8B of the Specific Plan). To ensure an ultimate mix of residential and commercial/office development within the mixed use areas, the Specific Plan Land Use Plan identifies areas along the frontages of Haven Avenue, Ontario Ranch Road and Hamner Avenue, where mixed uses development is required and stand-alone residential and regional (retail) commercial is permitted; and

WHEREAS, the Rich Haven Specific Plan provides for the development of 12 distinctive single family and multi-family products types to address varying housing needs. To add additional single and multi-family products to address current and future market demands, the SPA proposes two additional single family cluster products, a multi-family courtyard townhome product, and a row town product; and

WHEREAS, in addition to the introduction of new products types, language within the Specific Plan referring to the previous NMC General Plan has been changed to reflect consistency with TOP Policy Plan Land Use Plan. The policy analysis, in *Section 9* of the Specific Plan, has been updated and describes the manner in which Rich Haven Specific Plan complies with the Policy Plan goals and policies. All changes and additions to the Specific Plan (exhibits, tables, development standards and design guidelines) are contained within the revised Specific Plan document; and

WHEREAS, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (4,256) and density (MU, LDR, LMDR & MDR,) specified in the Available Land Inventory. The Specific Plan proposes 4,866 residential units within the densities of Mixed Use, Low Density Residential, Low Medium Density Residential and Medium Density Residential; and

WHEREAS, the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT; 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, on February 17, 2016, the Development Advisory Board of the City of Ontario conducted a hearing and issued Decision No. DAB16-005 recommending the Planning Commission approve the Application; and

WHEREAS, as the first action on the Project, on February 23, 2016, the Planning Commission approved a Resolution recommending City Council adoption of an

Addendum to The Ontario Plan (SCH#2008101140) and Rich Haven Specific Plan (SCH# 2006051081) Environmental Impact Reports. The Addendum finds that the proposed project introduces no new significant environmental impacts, and all previously adopted mitigation measures are to be a condition of project approval, and are incorporated into the Project by reference; and

WHEREAS, on February 23, 2016, 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. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the Addendum to The Ontario Plan and Rich Haven Specific Plan Environmental Impact Reports, the initial study, and the administrative record for the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the Addendum, the initial study, and the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

a. The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

b. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the Planning Commission; and

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

d. The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Environmental Impact Reports adopted for The Ontario Plan (SCH# 2008101140) and Rich Haven Specific Plan (SCH#2006051081) EIRs, and all mitigation measures previously adopted by the Environmental Impact Report, are incorporated herein by this reference.

SECTION 2. 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:

a. The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (4,256) and density (MU, LDR, LMDR & MDR,) specified in the Available Land Inventory. The Specific Plan proposes 4,866 residential units within the densities of Mixed Use, Low Density Residential, Low Medium Density Residential and Medium Density Residential.

b. The proposed Specific Plan, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed Amendment to the Rich Haven Specific will bring the Specific Plan Land Use Plan in conformance with TOP Policy Plan Land Use Plan (Policy Plan Exhibit LU-01). In addition, TOP Policy Plan analysis in *Section 9* of the Specific Plan, has been updated and describes the manner in which Rich Haven Specific Plan complies with the Policy Plan goals and policies.

c. The proposed Specific Plan, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

d. In the case of an application affecting specific property(ies), the proposed Specific Plan, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses. According to the TOP Policy Plan (General Plan) and the Rich Haven Specific Plan, the project site is located in an area that will be developed with urban land uses. The Rich Haven Specific Plan and proposed Amendment project will ensure of similar design and size to adjacent residential development to the north and northeast of the Specific Plan area. The project site is sparsely populated, with land use being predominately agricultural. Adjacent land uses to the east, west and south are also sparsely populated with no strong spatial community pattern. The project will become an integrated part of Ontario Ranch (former New Model Colony) that will be developed with a series of planned communities.

e. In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development. The proposed Amendment to the Rich Haven Specific Plan will maintain the appropriate balance of land uses within the City consistent with TOP Policy Plan. The Rich Haven Specific Plan provides for the development of 12 distinctive single family and multi-family products types to address varying housing needs caused by the different lifestyles of young

families, growing families, students, executives, retirees and empty nesters. In addition, development within the Rich Haven Specific Plan will be required to construct the necessary infrastructure and public services that will support Rich Haven's residential and commercial/office uses.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application.

SECTION 4. 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. 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. 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 23rd day of February 2016, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

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Jim Willoughby  
Planning Commission Chairman

ATTEST:

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Scott Murphy  
Planning Director/Secretary of Planning  
Commission

Planning Commission Resolution  
File No. PSPA16-001  
February 23, 2016  
Page 9

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

I, Marci Callejo, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC16-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 23, 2016, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

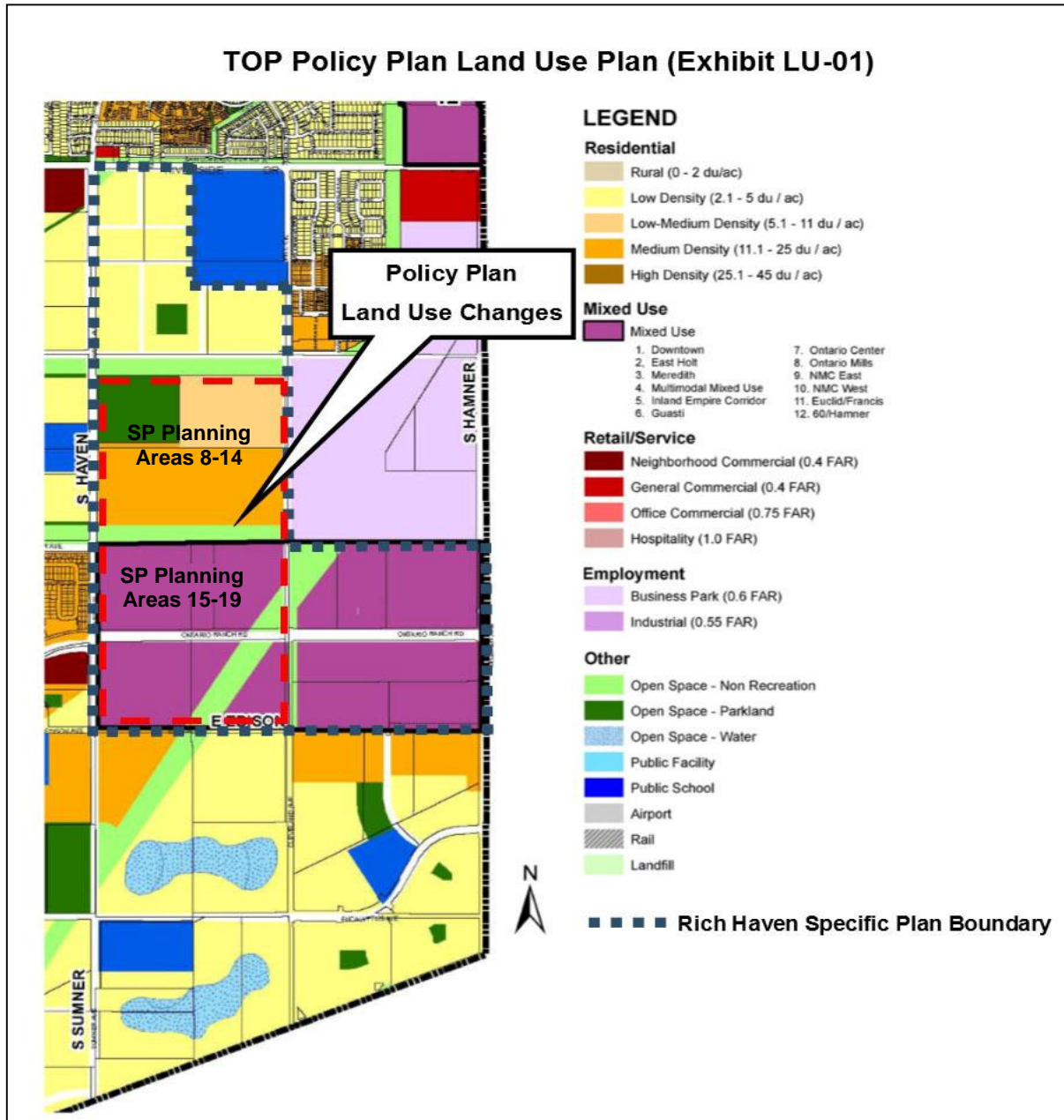
ABSTAIN:

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Marci Callejo  
Secretary Pro Tempore



Exhibit "A"  
 TOP Policy Plan Land Use Plan






# CITY OF ONTARIO

## MEMORANDUM

**TO:** Chairman and Members of the Planning Commission

**FROM:** Scott Murphy, Planning Director 

**DATE:** February 23, 2016

**SUBJECT:** MONTHLY PLANNING DEPARTMENT ACTIVITY REPORT; MONTH OF JANUARY 2016

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Attached, you will find the Planning Department Monthly Activity Report for the month of January 2016. The report describes all new applications received by the Planning Department and actions taken on applications during the month. Please contact me if you have any questions regarding this information.

The attached reports, along with reports from past months, may also be viewed on the City's web site at [www.ci.ontario.ca.us/index.cfm/22418](http://www.ci.ontario.ca.us/index.cfm/22418).

## Monthly Activity Report—New Applications

Month of: November 2015

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**PCUP16-001:** **Submitted by Carpenter Designs**

A Conditional Use Permit to construct two detached accessory structure in excess of 650 SF (each), including a 1,890 SF detached garage and a 1,148 SF detached barn, on 2.2 acres of land generally located south of Mission Boulevard and East of Benson Avenue, at 931 South Benson Avenue, within the AR-2 zoning district (APN: 1011-431-08).

**PDEV16-001:** **Submitted by Loop Industrial Partners**

A Development Plan to construct two industrial buildings totaling 109,197 SF on approximately 5.97 acres of land located at the southwest corner of the I-10 freeway and Loop Drive, within the IH (Heavy Industrial) zoning district (APNs: 238-052-11, 12 & 49).

**PDEV16-002:** **Submitted by Patrick Daniels**

A Development Plan to construct two industrial buildings totaling approximately 1.28 million SF on 61.56 acres of land generally located on the east side of Carpenter Avenue, approximately 1,300 feet south of Merrill Avenue, within the Industrial land use district of the Colony Commerce Center Specific Plan (APNs: 0218-292-09, 10, and 12 through 14. Related File: PMTT16-001 (PM 19643).

**PDEV16-003:** **Submitted by Atelier-U Architect**

A Development Plan to raze an existing church and construct 10 single family homes (private senior housing) and a 4,135 square foot community club house on approximately 2 acres of land located at 1415 West Fifth Street, within the LDR-5 (Low Density Residential—2.1 to 5.0 DUs/Acre) zoning district (APN: 1008-561-06). Related File: PMTT16-002 (TT 20015).

**PGPA16-001:** **Submitted by City of Ontario**

A City initiated General Plan Amendment generally covering Areas A, B & C.

**PHP-16-001:** **Submitted by CC Graber Co.**

A Certificate of Appropriateness to construct 2 single-family residences on approximately 0.3 acres of land within the Historic College Park District, located at 326 and 330 East Fourth Street, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district (APNs: 1048-063-05 & 06).

**PHP-16-002:** **Submitted by Beth Carrie Teasdale**

A request for the removal of an eligible historic resource from the Ontario Register, a single-family residence located at 759 East D Street, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district (APN: 1048-402-15).

## Monthly Activity Report—New Applications

Month of: November 2015

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**PHP-16-003:** Submitted by Beth Carrie Teasdale

A request for the removal of an eligible historic resource from the Ontario Register, a single-family residence located at 724 East D Street, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district (APN: 1048-501-12).

**PHP-16-004:** Submitted by Lori L Ayala

A plaque application for designated historic Local Landmark No. 96, the John J. Voss House, a single family residence constructed in the Mediterranean Revival Bungalow architectural style (APN: 1048-072-21).

**PMTT16-001:** Submitted by Patrick Daniels

A Tentative Parcel Map (PM 19643) to subdivide approximately 61.56 acres of land into two parcels, generally located on the east side of Carpenter Avenue, approximately 1,300 feet south of Merrill Avenue, within the Industrial land use district of the Colony Commerce Center Specific Plan (APNs: 0218-292-09, 10, 12, 13 & 14). Related File: PDEV16-002.

**PMTT16-002:** Submitted by Atelier-U Architect

A Tentative Tract Map (TT 20015) to subdivide approximately 2 acres of land into a single common lot for condominiums purposes, to facilitate the development of 10 single-family homes and community club house on located at 1415 West Fifth Street, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district (APN: 1008-561-06). Related File: PDEV16-003.

**PMTT16-003:** Submitted by Fuscoe Engineering, Inc.

A Tentative Tract Map (TT20012) to subdivide approximately 37.47 acres of land into 176 lots, within PA 8 (Low Density Residential) of The Avenue Specific Plan, generally located at the north side of Edison Avenue, approximately 328 feet west of Turner Avenue (APN: 0218-201-26 & 27).

**PMTT16-004:** Submitted by CV Communities, LLC

A Tentative Tract Map (TT 19966) to subdivide approximately 124.08 acres of land into 480 lots, generally located east of Vineyard Avenue, south of Riverside Drive, west of the Cucamonga Channel, and north of Chino Avenue, within the Armstrong Ranch Specific Plan. (APNs: 0218-101-01, 02, 07 & 08; and 0218-102-10 & 11).

**PSGN16-001:** Submitted by iFly Ontario

A Sign Plan for the installation of a temporary banner sign for iFly Indoor Skydiving (4'X8"), located at 4510 East Ontario Mills Parkway.

## Monthly Activity Report—New Applications

Month of: November 2015

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**PSGN16-002:** **Submitted by Swain Signs**

A Sign Plan for the installation of an addition to an existing wall sign for BURLINGTON COAT FACTORY (adding 18.9 SF, for a total of 116 SF per elevation), located at 4777 East Mills Circle.

**PSGN16-003:** **Submitted by Architectural Design & Signs**

A Sign Plan to reface existing signage for the IMPROV, including Marquee Tower (71 SF), add new wing cabinets (79 SF), and three LED display panels (65 SF) for a total of approximately 215 SF, located at 4555 East Mills Circle (Per sign program PSGP10-009).

**PSGN16-004:** **Submitted by M-Vision Sign**

A Sign Plan for the installation of a new wall sign for SECOND CHANCE VINTAGE (34 SF) and reface of an existing monument sign, located at 815 West Holt Boulevard, Suite 201.

**PSGN16-005:** **Submitted by Lauren Roberts**

A Sign Plan for the installation of a temporary swooper sign (45 SF total) for a FLEX FUEL LAUNCH EVENT, located at 1065 West Holt Boulevard.

**PSGN16-006:** **Submitted by Flyers Energy LLC**

A Sign Plan for the installation of a temporary banner (21 SF) and pennants for a grand opening event for VALERO GAS, located at 703 South Euclid Avenue.

**PSGN16-007:** **Submitted by Black Coffee Sign Fabricators**

A Sign Plan for the installation of three wall signs for PURPLE EASEL (19 SF on south and west elevations), located at 880 North Rochester Avenue, Unit B.

**PSGN16-008:** **Submitted by Signs & Services**

A Sign Plan to replace existing MARSHALLS neon signs on north and west elevations with LED signs, located at 4377 East Mills Circle.

**PSGN16-009:** **Submitted by Dania Enriquez**

A Sign Plan for the installation of a temporary banner (3'X8' on the east elevation and 3'x6' on the north elevation) for ENRIQUEZ INCOME TAX, located at 230 East Holt Boulevard.

**PSGN16-010:** **Submitted by Warren Packaging**

A Sign Plan for the installation of a wall sign for WARREN PACKAGING (18 SF), located at 1722 East Grevillea Court.

## Monthly Activity Report—New Applications

Month of: November 2015

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**PSGN16-011:** **Submitted by Signarama**

A Sign Plan for the installation of two wall signs for RSD - REFRIGERATION SUPPLIES DISTRIBUTOR (50.5 SF each, on the south and west elevations), located at 1705 East Francis Street.

**PSGN16-012:** **Submitted by Gregory Henderson**

A Sign Plan for the installation of a temporary banner (4'x8') for NEW LIFE COMMUNITY CHURCH, located at 534 North Euclid Avenue.

**PSGN16-013:** **Submitted by Subway**

A Sign Plan for the installation of a new wall sign for SUBWAY (13.3 SF), located at 710 North Archibald Avenue, Suite A.

**PSGN16-014:** **Submitted by Signage Solutions**

A Sign Plan for the installation of two wall signs for SAKS FIFTH AVENUE - OFF- 5<sup>TH</sup>, located at 1 East Mills Circle, Suite 100.

**PSGN16-015:** **Submitted by Ken Le**

A Sign Plan for the installation of one wall sign (33 SF), located at 3045 South Archibald Avenue, Unit B.

**PSGN16-016:** **Submitted by A2Z Signs**

A Sign Plan for the installation of three wall signs for iFLY INDOOR SKYDIVING, located at 4510 East Ontario Mills Parkway.

**PSGN16-017:** **Submitted by Architectural Design & Signs/AD-S**

A Sign Plan for the installation of two wall signs for GATEWAY SEMINARY (147 SF, each), located at 3210 East Guasti Road (per Sign Program No. PSGP08-011).

**PSGN16-018:** **Submitted by Kaled Serdio**

A Sign Plan for the installation of three wall signs for KIDS DENTAL SPECIALIST, located at 3210 East Guasti Road (per Sign Program No. PSGP08-011).

**PSGN16-019:** **Submitted by Dental Center**

A Sign Plan for the installation of a temporary banner (18'x3') to read: DENTAL CENTER COMING SOON, located at 611 North Euclid Avenue.

**PSGN16-020:** **Submitted by AKC Services Inc**

A Sign Plan for the installation of a wall sign with logo (22 SF) for STATE FARM, located at 1525 South Grove Avenue.

## Monthly Activity Report—New Applications

Month of: November 2015

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### **PSP16-001:**

**Submitted by CapRock**

A Specific Plan to establish land use designations, development standards, design guidelines, and infrastructure improvements for 98.21 gross acres of land generally located at the southwest corner of Merrill Avenue and Archibald Avenue (APNs: 0218-311-02, 03, 07, 08, 10 & 13).

### **PSPA16-001: Submitted by GDCI-RCCD, Richland Communities and Brookfield Residential**

An Amendment to the Rich Haven Specific Plan that includes affecting property generally located south of Riverside Drive and the Southern California Edison substation, west of Hamner Avenue, north and south sides of Edison Avenue and east of Haven Avenue, to: **[1]** reconfigure the boundaries and circulation layout for existing Planning Areas 1 through 21B; **[2]** change the land use designation on certain properties consistent with the Policy Plan (General Plan) Official Land Use Plan (Exhibit LU-01), as follows: **[i]** on 27 acres of land within Planning Areas 8 and 13, from Middle School and Low Density Residential (0 to 6 du/ac) to Public Park; **[ii]** on 77.6 acres of land within Planning Areas 9 through 12, from Low Density Residential (0 to 6 du/ac) to Low-Medium Density Residential (6–12 du/ac); **[iii]** on 36.1 acres of land within Planning Area 14, from Low Density Residential (0 to 6 du/ac) to Medium Density Residential (12 to 18 du/ac); and **[iv]** on 78.5 acres of land within Planning Areas 15 through 19, from Low-Medium Density Residential (6–12 du/ac) and Medium Density Residential (12 to 18 du/ac) to Mixed-Use; **[3]** increase the maximum allowed number of residential dwellings, from 4,256 to 4,866; **[4]** increase the maximum allowed building area of commercial/office development, from 889,200 SF to 1,039,200 SF; **[5]** incorporate a minimum building area for commercial/office development within Planning Areas 20, 21A and 21B; and **[6]** revise and update housing product types, development standards, design guidelines, exhibits, and text, to reflect the proposed Specific Plan changes and ensure Policy Plan (General Plan) consistency (APNs: 0218-161-01, 04, 05, 09, 10, 11, 13, and 14, 0218-211-01, 02, 05, 08, 12, 15, 17, 21, 23, 24, 25 and 27).

### **PTUP16-001:**

**Submitted by G & M Gapco, LLC**

A Temporary Use Permit for a Flex Fuel launch event by G & M Oil (promoting their new fuel), located at 1065 West Holt Boulevard. To be held on 1/13/2016, 8:00AM to 2:00PM. Includes music and 2 EZ-Ups.

### **PTUP16-002:**

**Submitted by Ontario Professional Firefighters**

A Temporary Use Permit for annual chili cook-off, located at Citizens Business Bank Arena, 4000 East Ontario Center Parkway. To be held on 1/30/2016, 1:30PM to 6:00PM. Includes live band and beer sales.

## Monthly Activity Report—New Applications

Month of: November 2015

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**PTUP16-003:** Submitted by Quang Thien Buddhist Temple

A Temporary Use Permit for annual Vietnamese New Year Celebration, located at 704 East E Street. To be held on 2/14/2016.

**PVER16-001:** Submitted by PZR

A Zoning Verification for 1505, 1555, and 1595 South Dupont Avenue (APN: 0211-281-10).

**PVER16-002:** Submitted by AEI Consultants

A Zoning Verification for 430 North Mountain Avenue.

**PVER16-003:** Submitted by Quan Duong

A Zoning Verification for 510 North Palm Avenue.

**PVER16-004:** Submitted by Jon Midler

A Zoning Verification for 565 West D Street.

**PZC-16-001:** Submitted by City of Ontario

A Zone Change generally covering Areas A, B, and C.



# Monthly Activity Report—Actions

Month of: January 2016

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## DEVELOPMENT ADVISORY BOARD

January 4, 2016

*Meeting Cancelled*

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## ZONING ADMINISTRATOR

January 4, 2016

*Meeting Cancelled*

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## CITY COUNCIL

January 5, 2016

*Meeting Cancelled*

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## CITY COUNCIL

January 19, 2016

**FILE NO. PDCA15-004:** A Development Code Amendment adding references A through H, as follows: [1] Reference A (Style and Format Principles) establishes conventions to be used in preparing and revising the Ontario Development Code; [2] Reference B (Architectural Styles) establishes consistency in the use of architectural terminologies and provides appropriate examples of architectural styles; [3] Reference C (Downtown Ontario Design Guidelines) contains the Downtown Ontario Design Guidelines, adopted by the Ontario City Council on August 18, 1988, by Resolution No. 98-102; [4] Reference D (Residential Design Guidelines) is intended to assist design professionals in understanding the City’s goals and objectives for creating high quality residential development; [5] Reference E (Commercial Design Guidelines) is intended to assist design professionals in understanding the City’s goals and objectives for creating high quality commercial development; [6] Reference F (Industrial Design Guidelines) is intended to assist design professionals in understanding the City’s goals and objectives for creating high quality industrial development; [7] Reference G (Landscape Design and Construction Guidelines) is intended to assist design professionals, landscape contractors and homeowners in their understanding of the City’s goals and objectives for the preparation of landscape construction documentation plans, and the installation of landscape materials and elements; and [8] Reference H (Community Climate Action Plan) contains the Community Climate Action Plan, adopted by the Ontario City Council on December 16, 2014, by Resolution No. 2014-122.

**Action: Adopted Resolution No. 2016-002, which APPROVED File No. PDCA15-004.**

## Monthly Activity Report—Actions

Month of: January 2016

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**FILE NO. PDCA15-002:** A Development Code Amendment to revise Section 9-1.3176, Billboard Relocation Agreements, to include an “interagency relocation exception” to permit the relocation of billboards within the City of Ontario, provided the billboards meet certain locational criteria and findings, and include the elimination of other billboards within the City.

**Action: Adopted Ordinance No. 3037, which APPROVED File No. PDCA15-002**

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### DEVELOPMENT ADVISORY BOARD

January 20, 2016

#### **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-020:**

A Development Plan to construct 149 single-family homes on approximately 20.69 gross acres of land within Planning Area 10A of The Avenue Specific Plan, generally located south of Schaefer Avenue, north of Edison Avenue between Haven and Turner Avenues. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) Airport and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. The impacts to this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014 and was prepared pursuant to the requirements of California Environmental Quality Act. (APNs: 0218-402-03 & 26 and 0218-392-07, 09 & 15); **submitted by Brookfield Residential**. Planning Commission action is required. Continued from the 12/21/2015 meeting.

**Action: Continued indefinitely.**

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### ZONING ADMINISTRATOR

January 20, 2016

*Meeting Cancelled*

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### PLANNING COMMISSION

January 26, 2016

#### **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-020:**

A Development Plan to construct 149 single-family homes on 20.69 gross acres of land within Planning Area 10A of The Avenue Specific Plan, generally located south of Schaefer Avenue, north of Edison Avenue between Haven and Turner Avenues. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) Airport and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. The impacts to this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014 and was prepared pursuant to the requirements of California Environmental Quality

## Monthly Activity Report—Actions

Month of: January 2016

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Act. (APN's: 0218-402-03 & 26 and 0218-392-07, 09 & 15); **submitted by Brookfield Residential.**  
Continued from the 12/22/2015 meeting.

**Action: Continued indefinitely**

### **ENVIRONMENTAL ASSESSMENT AND APPEAL OF CONDITIONAL USE PERMIT FOR FILE NO.**

**PCUP15-016:** An Appeal of the Zoning Administrator's decision to deny the establishment of and operation of an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on a 34.76 acre portion of 37.4 acre parcel of land within the AG\SP (Agriculture Overlay) zoning district located southwest corner of Schaefer Avenue and Campus Avenue at 7435 East Schaefer Avenue. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. Staff is recommending the adoption of a Mitigated Negative Declaration of environmental effects for the project. (APNs: 1053-101-01, -02, and 1053-091-01); **submitted by Harvest Power.**

**Action: Denied**

### **ENVIRONMENTAL ASSESSMENT AND APPEAL OF CONDITIONAL USE PERMIT FOR FILE NO.**

**PCUP15-014:** An Appeal of the Zoning Administrator's decision to deny the establishment of a Type 20 ABC License (Off Sale Beer and Wine) in conjunction with an existing 2,009 square foot gas station convenience store (Chevron) on a 0.58 acre site, located at 1065 West Holt Boulevard within the CC (Community Commercial) zoning district. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project is exempt from environmental review pursuant to State CEQA Guidelines Section § 15301 (Existing Facilities); (APN: 1011-132-06); **submitted by Travis Companies.**

**Action: Denied**

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