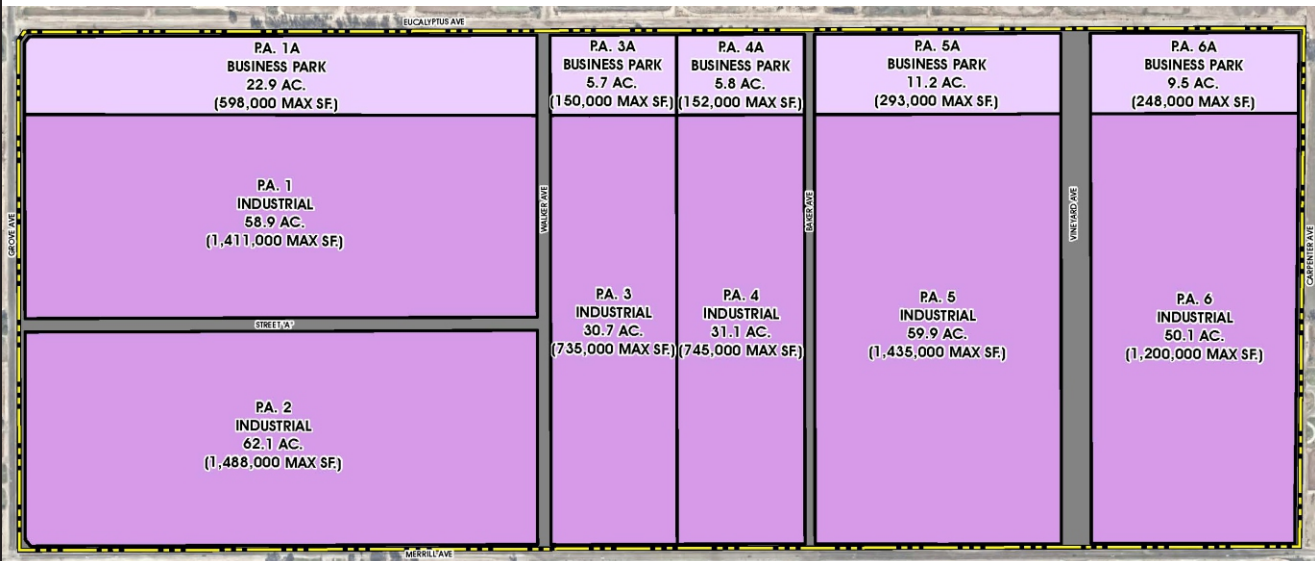


Merrill Commerce Center Specific Plan Initial Study



April 2019

INITIAL STUDY

for the

Merrill Commerce Center Specific Plan

Prepared for:

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

Prepared by:

Applied Planning, Inc.
11762 De Palma Road
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April 2019

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1.0 INTRODUCTION

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1.1 DOCUMENT PURPOSE AND SCOPE

This Initial Study (IS) addresses potential environmental impacts associated with construction and operation of the proposed Merrill Commerce Center Specific Plan (Project, Specific Plan). In summary, the Project proposes development and operation of up to 7,014,000 square feet of high-cube fulfillment center warehouse uses and up to 1,441,000 square feet of business park uses (total of 8,455,000 square feet of development) on approximately 376.3 acres located in the City of Ontario, within San Bernardino County.

This IS was prepared pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines. Although this IS was prepared with consultant support, all analysis, conclusions, findings and determinations presented in the IS fully represent the independent judgment and position of the City of Ontario, acting as Lead Agency under CEQA. In accordance with the provisions of CEQA and the State and local CEQA Guidelines, as the Lead Agency, the City of Ontario is solely responsible for approval of the Project. As part of the decision-making process, the City is required to review and consider the Project's potential environmental effects.

This Initial Study is an informational document, providing the City of Ontario decision-makers, other public agencies, and the public with an assessment of the potential environmental impacts that could result from the Project.

1.2 DISPOSITION OF THIS DOCUMENT

This IS has been prepared to determine the appropriate scope and focus of environmental analysis for the Project. Based on the findings and conclusions of this IS, potential environmental impacts of the Project will be evaluated within an Environmental Impact Report (EIR, Project EIR).

The Initial Study and accompanying Notice of Preparation (NOP) for the EIR will be available for review for 30 days from April 12, 2019 to May 13, 2019 and can be reviewed at:

City of Ontario
Planning Department
303 East "B" Street
Ontario, CA 91764
Attention: Richard Ayala, Senior Planner

The public is encouraged to contact the City of Ontario for information regarding the Project and related CEQA processes.

1.3 DOCUMENT ORGANIZATION

This IS includes the following sections:

Introduction: This Section (1.0) describes the CEQA context of the Project, the IS format, and provides a summary of the findings of the IS.

Project Description: This Section (2.0) describes the Project and its Objectives. Discretionary actions, permits, and consultation necessary to realize the Project are also identified.

Environmental Evaluation: This Section (3.0) provides background information regarding the Project and Lead Agency, and presents responses to each question on the CEQA Initial Study Checklist regarding the possible environmental impacts of the Project. Answers provided in the checklist are substantiated qualitatively in all instances, and quantitatively where feasible and appropriate.

Determination: This Section (4.0) summarizes the results of the IS, and presents the determination regarding the appropriate environmental document for the Project.

Source information cited within this IS is available through, or by contacting, the City of Ontario Planning Department.

1.4 POTENTIAL ENVIRONMENTAL EFFECTS

The analysis presented in this IS indicates that the Project may result in or cause potentially significant effects related to:

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

Consistent with the conclusion and findings of this IS, an EIR will be prepared for the Project. At a minimum, the EIR will evaluate the Project's potential environmental impacts under the topical areas identified above. Additional issues or concerns that may be raised pursuant to the EIR NOP process and/or scoping meeting(s) conducted for the Project will also be evaluated and addressed in the EIR.

2.0 PROJECT DESCRIPTION

2.0 PROJECT DESCRIPTION

2.1 PROJECT OVERVIEW AND LOCATION

The Merrill Commerce Center Specific Plan (Project, Specific Plan) proposes development and operation of up to 7,014,000 square feet of high-cube fulfillment center warehouse uses and up to 1,441,000 square feet of business park uses (total of 8,455,000 square feet of development) on approximately 376.3 acres located in the City of Ontario, within San Bernardino County. The Project would also implement off-site infrastructure (roads, potable water, recycled water, sanitary sewer, storm drains, and fiber optic lines) necessary to support the Project. Preliminary studies prepared for the Project indicate that an additional 113.3 acres of off-site areas could be disturbed during construction of off-site infrastructure improvements. Predominantly, off-site areas that would be affected by construction of infrastructure improvements comprise already-disturbed/developed rights-of-ways and easements.

The Project site¹ is located within the Ontario Ranch (formerly known as New Model Colony, NMC) area of the City. More specifically, the Project site is located along Merrill Avenue, between Grove Avenue and Carpenter Avenue. Eucalyptus Avenue forms the northerly boundary of the Specific Plan area. Please refer to Figure 2.1-1, *Project Location and Existing Land Uses*.

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

2.2 EXISTING LAND USES

Existing land uses on and adjacent to the site are illustrated at Figure 2.1-1, and described below.

2.2.1 On-Site Land Uses

The Project site currently evidences a dairy farm with interior unpaved roads, cattle stockades, support equipment for cattle and dairy farming, bio-retention basins located at the southern boundary, a trucking operation on the eastern portion, and appurtenant residences at various locations within the Project site.

2.2.2 Vicinity Land Uses

Eucalyptus Avenue comprises the northerly Project site boundary. Northerly, across Eucalyptus Avenue, are dairy farming and agricultural land uses. Carpenter Avenue comprises the easterly Project site boundary. Easterly, across Carpenter Avenue, are dairy farming and agricultural land uses. Merrill Avenue comprises the southerly Project site boundary. Merrill Avenue at this location is also the common City of Ontario/City of Chino municipal boundary. Southerly, across Merrill Avenue, are dairy farming, agricultural, and industrial/business park land uses located in the City of Chino. Grove Avenue comprises the westerly Project site boundary. Westerly, across Grove Avenue, are dairy farming land uses and Chino Airport.

2.3 EXISTING LAND USE DESIGNATIONS

The Project site is currently designated for Business Park, Office Commercial, and General Commercial uses within the City of Ontario Policy Plan (General Plan). Zoning for the site is Specific Plan with an AG (Agricultural) Overlay. As discussed below, approval of a Policy Plan Amendment (Land Use) would be required to accommodate the Project.

2.4 PROJECT ELEMENTS

2.4.1 Existing and Proposed Land Use Designations

The existing Project site Land Use designations under the City of Ontario Policy Plan (General Plan) are: “Business Park,” “Office Commercial,” and “General Commercial.” To allow for the Project, the Applicant proposes to amend the current Project site Policy Plan Land Use designations to “Business Park” and “Industrial.” Existing and proposed Policy Plan Land Use designations are summarized at Table 2.4-1 and are illustrated at Figure 2.4-1.

**Table 2.4-1
Proposed Policy Plan Amendment**

Existing	Proposed
Business Park - 303.5 acres	Business Park - 55.1 acres
Office Commercial - 43.3 acres	Industrial - 292.8 acres
General Commercial - 18.3 acres	Right-of-Way Dedications - 28.4 acres

The existing Zoning designation of the Project site is “Specific Plan” with an “AG” (Agricultural) Overlay. No change in zoning designation is proposed or required. If adopted, the proposed Merrill Commerce Center Specific Plan would establish the effective Zoning of the Project site.

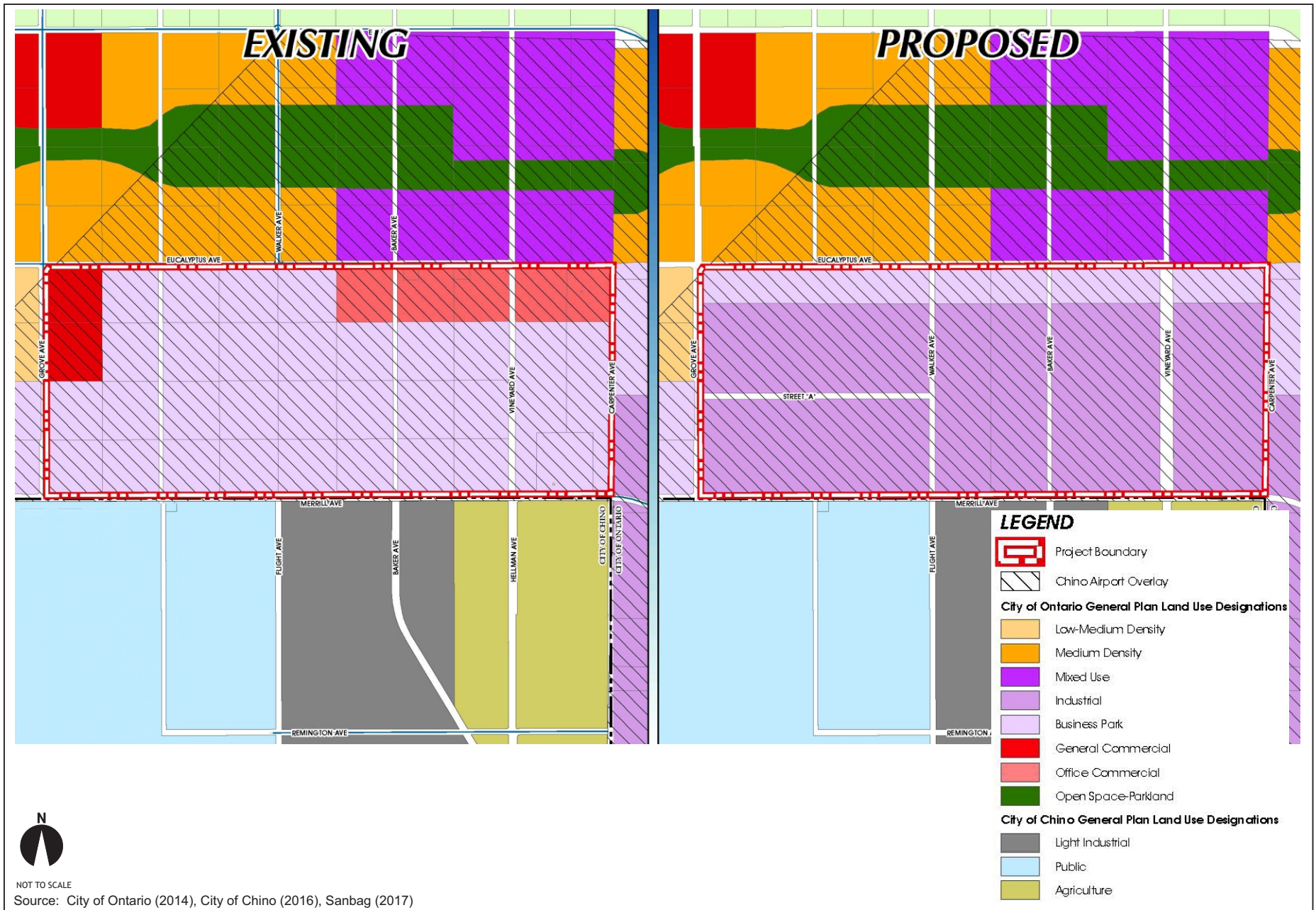


Figure 2.4-1
 Existing and Proposed Policy Plan Land Use Designations

2.4.2 Site Preparation

As an initial action, the Project site would be cleared of vegetation. All on-site improvements associated with or supporting the existing on-site land uses noted above at Section 2.2.1 *On-Site Land Uses* would be demolished or removed. Any debris generated by site preparation and demolition activities would be disposed of/recycled consistent with provisions of the California Integrated Waste Management Plan Act (AB 939) and the City's Solid Waste Department *Refuse and Recycling Planning Manual*.² Preliminary grading concepts have not yet been developed, however it is anticipated that import and/or export of soil would be required as part of the site preparation processes.

To avoid or minimize temporary construction-related traffic impacts, the Project Applicant would be required to prepare and implement a City-approved construction traffic management plan.

New and/or modified utility service line improvements would be necessary to support the Project uses. All utilities systems improvements and modifications would be installed/configured pursuant to City and purveyor requirements. Please refer also to subsequent Section 2.4.3.3, *Utilities Infrastructure*.

2.4.3 Development Concept

2.4.3.1 Land Use Plan Concept

The Project proposes development of up to 7,014,000 square feet of high-cube fulfillment center warehouse uses and up to 1,441,000 square feet of business park uses on approximately 376.3 acres. The Project Land Use Plan Concept apportions land uses within the Project site as summarized below:

- approximately 292.8 acres of high-cube fulfillment center warehouse uses;
- approximately 55.1 acres of business park uses; and
- approximately 28.4 acres allocated for right-of-way dedications.

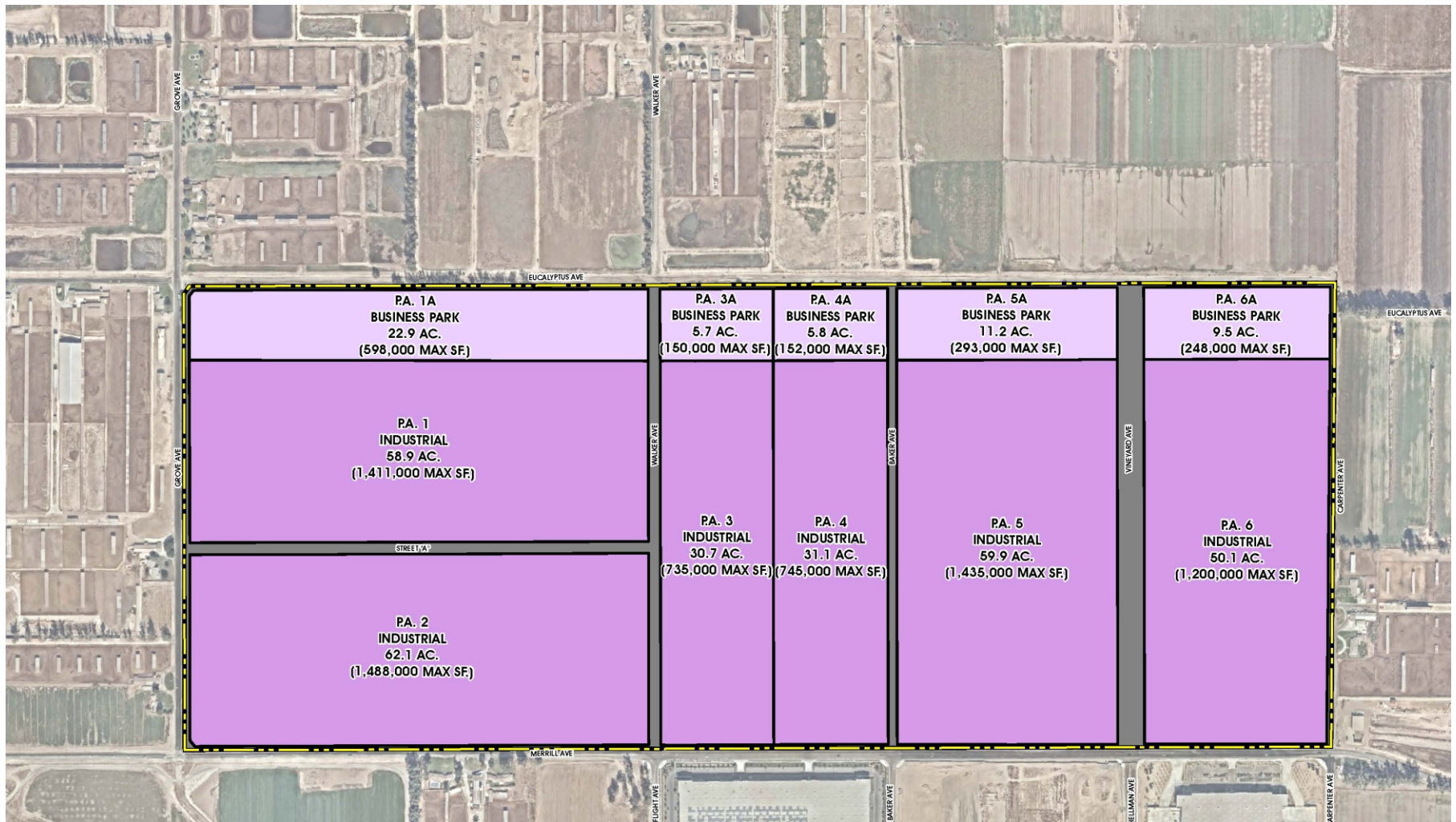
² City of Ontario, California: Solid Waste Department Refuse and Recycling Manual, Updated March 17, 2016. <https://www.ontarioca.gov/omuc/integrated-waste>.

As illustrated at Figure 2.4-2, development of the Project site would comprise 11 Planning Areas, with business park uses located along the site's northerly (Eucalyptus Avenue) frontage, and high-cube fulfillment center warehouse uses located to the south. Table 2.4-2 presents a breakdown of the proposed development by Planning Area.

**Table 2.4-2
Proposed Development**

Planning Area	Building Use/Occupancy	Acreage	Max. Square Footage
1	Fulfillment Center Warehouse	58.9	1,411,000
1A	Business Park	22.9	598,000
2	Fulfillment Center Warehouse	62.1	1,488,000
3	Fulfillment Center Warehouse	30.7	735,000
3A	Business Park	5.7	150,000
4	Fulfillment Center Warehouse	31.1	745,000
4A	Business Park	5.8	152,000
5	Fulfillment Center Warehouse	59.9	1,435,000
5A	Business Park	11.2	293,000
6	Fulfillment Center Warehouse	50.1	1,200,000
6A	Business Park	9.5	248,000
Right-of-Way Dedications		28.4	-
Total	-	376.3	8,455,000

The Project is anticipated to be implemented in 3 Phases – “A,” “B,” and “C” as illustrated at Figure 2.4-3, *Phasing Concept*. Phase A is anticipated to be completed by 2022, Phase B by 2025, and Phase C by 2026. Project phasing would ultimately respond to market demands and would be contingent on availability of supporting infrastructure. Unless otherwise noted, this Initial Study evaluates likely maximum environmental impacts of the Project, anticipated to occur under Project buildout conditions. The subsequent Project EIR will also focus on likely maximum environmental impacts of the Project.



NOT TO SCALE

Source: Near Map Aerial (2017), Sanbag (2017)

Figure 2.4-2
Land Use Plan

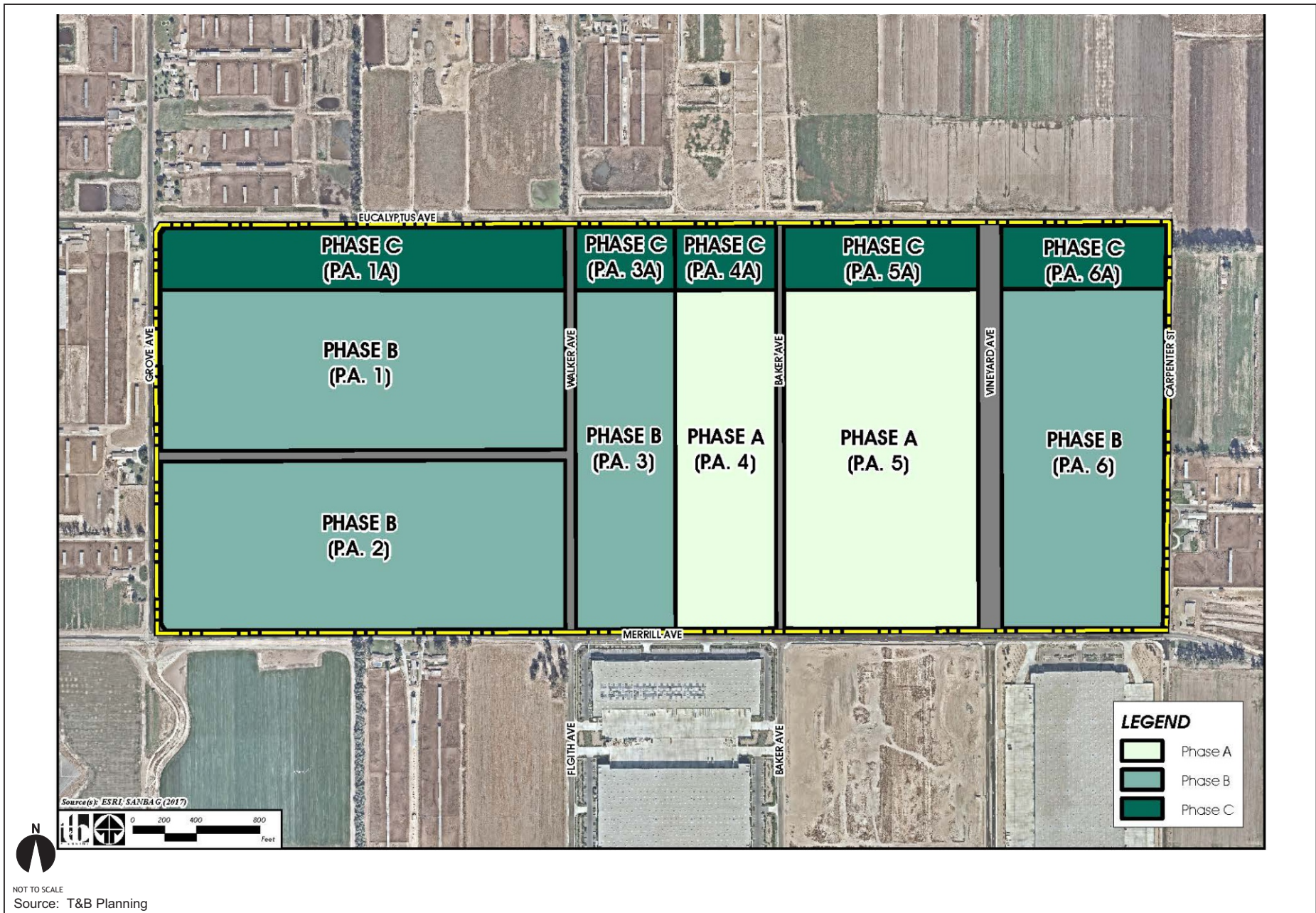
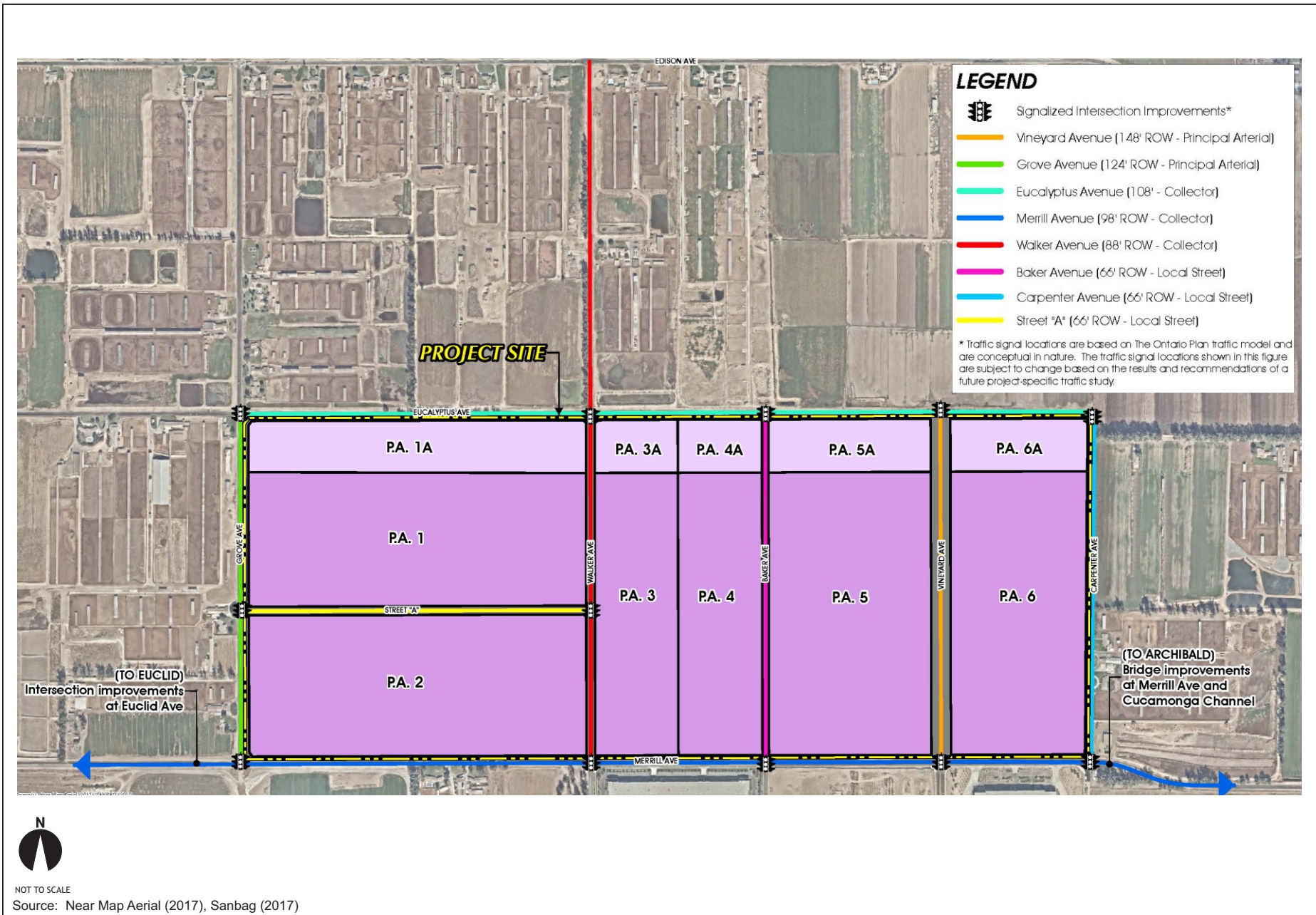


Figure 2.4-3
Phasing Concept

2.4.3.2 Access and Circulation

As illustrated at Figure 2.4-4, access to the Specific Plan area would be provided via surrounding roadways, including Merrill Avenue, Grove Avenue, Vineyard Avenue, and Eucalyptus Avenue. The following roadway improvements would be installed as part of the Specific Plan buildout:

- Walker Avenue would be constructed as a north-south oriented 88-foot-wide Collector road that would connect to Edison Avenue/Ontario Ranch Road to the north and Merrill Avenue to the south;
- Street “A” would be constructed as an east-west oriented 66-foot Local Street that would provide access through the western portion of the Specific Plan area and connect to Grove Avenue at its westerly terminus and future Walker Avenue at its easterly terminus;
- Baker Avenue would be constructed as a north-south oriented 66-foot Local Street that would provide access through the Specific Plan area and connect to Eucalyptus Avenue at its northerly terminus and Merrill Avenue at its southerly terminus;
- Vineyard Avenue would be constructed as a north-south oriented 148-foot wide Principal Arterial that would provide access through the Specific Plan area and connect to Eucalyptus Avenue at its northerly terminus and Merrill Avenue at its southerly terminus;
- Frontage improvements to Carpenter Avenue (14 feet of a 66-foot wide Local Industrial roadway) along the entirety of the easterly Specific Plan boundary;
- Frontage improvements to Eucalyptus Avenue (79 feet of a 108-foot wide Collector roadway) along the entirety of the northerly Specific Plan boundary;
- Frontage improvements to Grove Avenue (96 feet of a 124-foot wide Principal Arterial) along the entirety of the westerly Specific Plan boundary;
- Improvements to the segment of Merrill Avenue (86 feet of a 98-foot wide Collector roadway) located between Euclid Avenue and Archibald Avenue; and
- Widening of the existing bridge crossing Merrill Avenue at the Cucamonga Flood Control Channel.



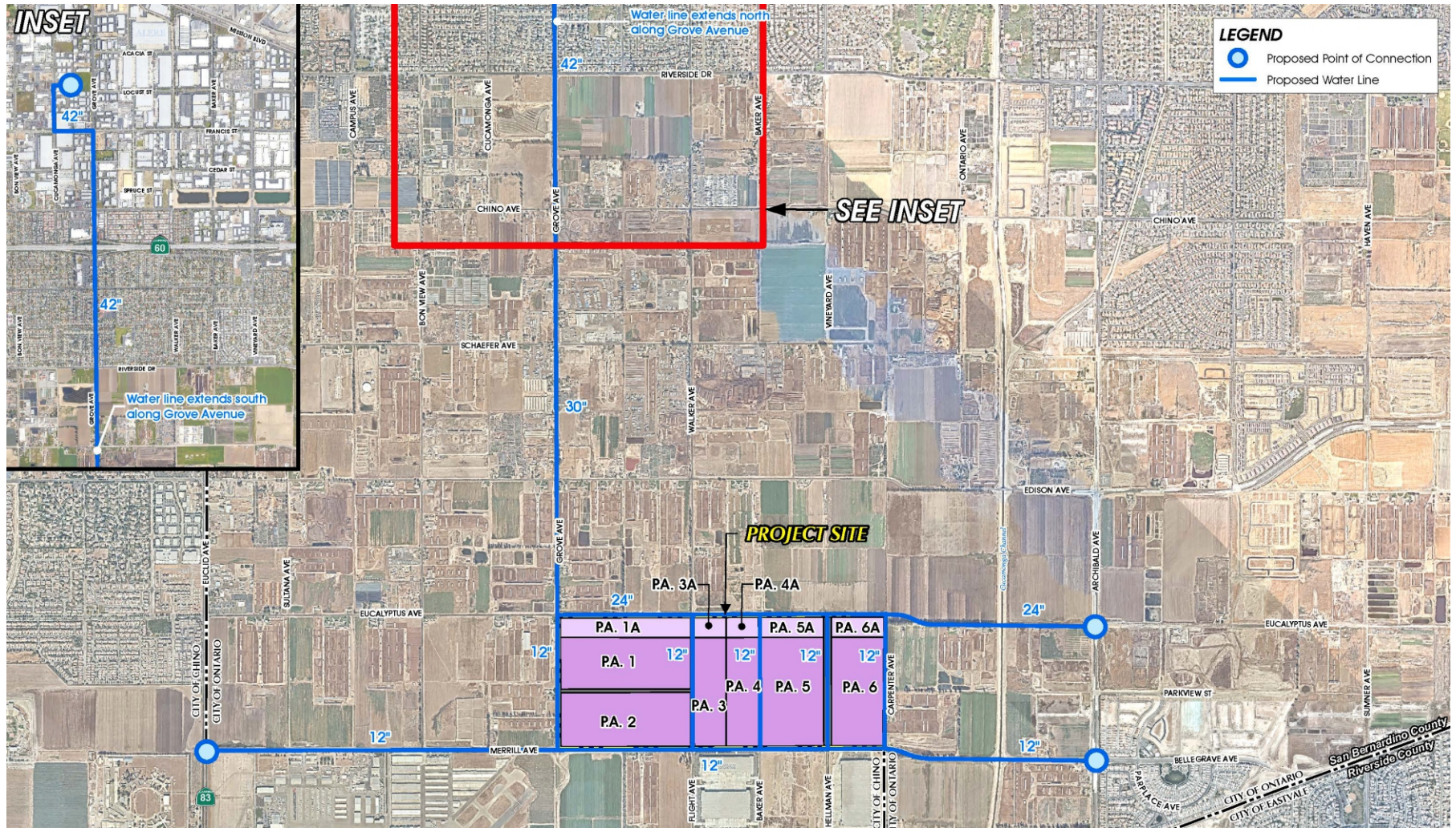
2.4.3.3 Utilities Infrastructure

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

Water Plan

Potable water services to the Specific Plan area would be provided by the City of Ontario (Municipal Utilities Company). As shown at Figure 2.4-5, *Conceptual Water Plan*, a network of domestic water lines would connect to the existing water mains located in Euclid Avenue and Archibald Avenue, and master-planned water facilities to be located north of the intersection of Cucamonga Avenue and Francis Street. The following water plan improvements would be installed to serve the Specific Plan area:

- A 24-inch water line in the segment of Eucalyptus Avenue located between Grove Avenue and Archibald Avenue, with the point of connection at the intersection of Eucalyptus Avenue and Archibald Avenue;
- 12-inch water lines in the segments of Grove Avenue, Walker Avenue, Baker Avenue, Vineyard Avenue, and Carpenter Avenue located between Eucalyptus Avenue and Merrill Avenue;
- A 12-inch water line in the segment of Merrill Avenue between Euclid Avenue and Archibald Avenue that will connect to the existing water main in Archibald Avenue;
- A 30-inch water line in the segment of Grove Avenue located between Eucalyptus Avenue and Chino Avenue; and
- A 42-inch water line in the segment of Grove Avenue located between Chino Avenue and Francis Street; in the segment of Francis Street between Grove Avenue and Cucamonga Avenue; and in the segment of Cucamonga Avenue between Francis Street and approximately Locust Street where the point of connection would occur.



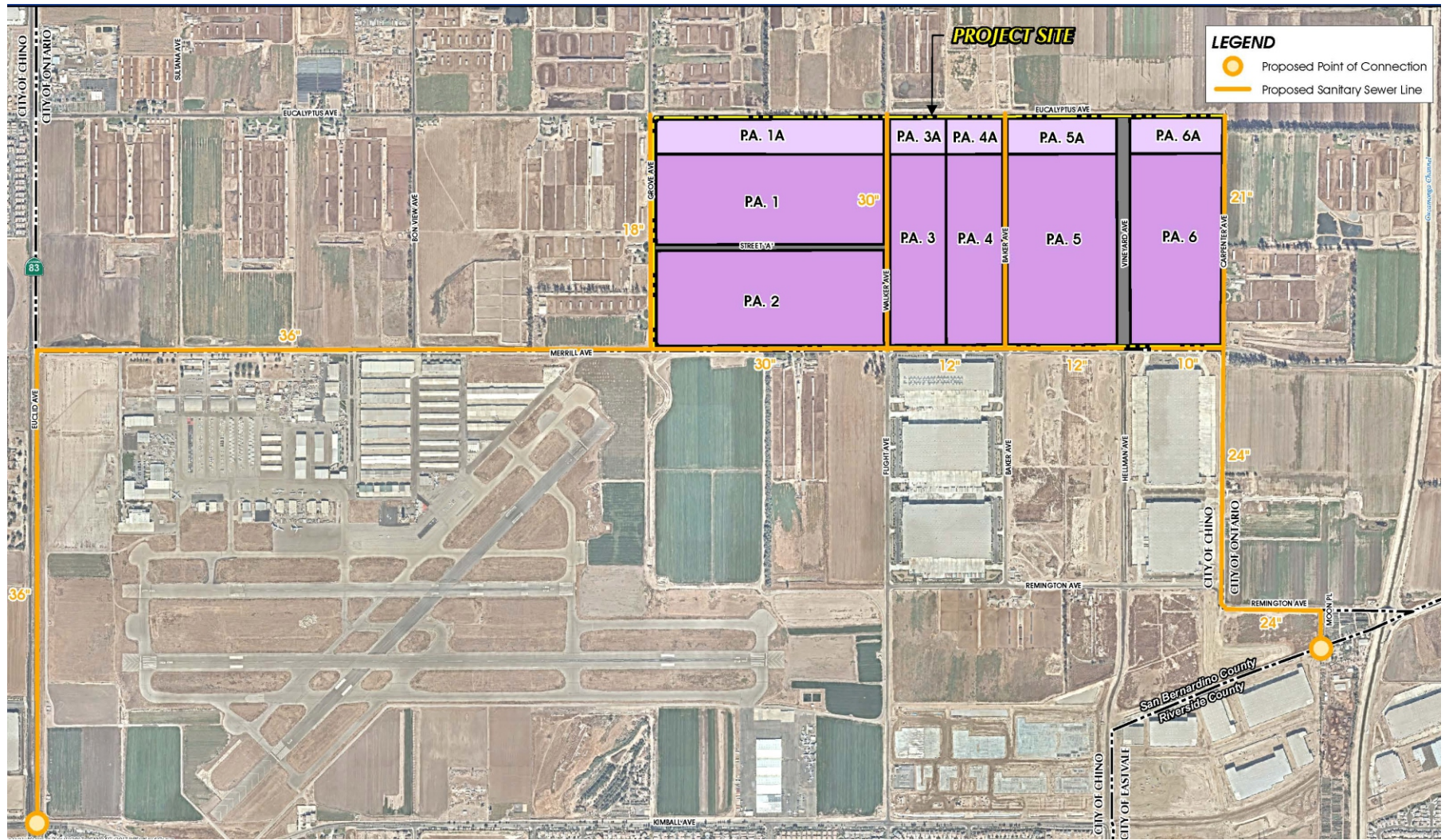
NOT TO SCALE

Source: Near Map Aerial (2017), Sanbag (2017), Westland Group

Sewer Plan

The City of Ontario would provide sewer services to the Project site. As shown at Figure 2.4-6, *Conceptual Sewer Plan*, new sewer lines would be installed along portions of Grove Avenue, Walker Avenue, Merrill Avenue, Carpenter Avenue, Remington Avenue, and Moon Place. The following sewer system improvements would be installed to serve the Specific Plan area:

- An interim sewer line would be constructed to provide sewer service to Phase 1 of the Project and would consist of a 12-inch sewer line in the segment of Merrill Avenue located between Flight Avenue and Hellman Avenue; a 10-inch sewer line in the segment of Merrill Avenue between Vineyard Avenue and Carpenter Avenue; a 21-inch sewer line in the segment of Carpenter Avenue located between Eucalyptus Avenue and Merrill Avenue; a 24-inch sewer line in the segment of Carpenter Avenue located between Merrill Avenue and Remington Avenue; and a 24-inch sewer line in the segment of Remington Avenue between Carpenter Avenue and Moon place and the segment of Moon Place located between Remington Avenue and the point of connection depicted in Figure 2.4-6. This interim sewer line would be properly abandoned once installation of the master sewer plan that would connect to the existing trunk sewer line located at the intersection of Kimball Avenue and Euclid Avenue (as described below) is completed.
- A 30-inch sewer line would be constructed in the segment of Walker Avenue located between Eucalyptus Avenue and Merrill Avenue.
- An 18-inch sewer line would be constructed in the segment of Grove Avenue located between Eucalyptus Avenue and Merrill Avenue.
- A 30-inch sewer line would be constructed in the segment of Merrill Avenue located between Walker Avenue and Grove Avenue.
- A 36-inch sewer line would be constructed in the segment of Merrill Avenue located between Grove Avenue and Euclid Avenue.
- A 36-inch sewer line would be constructed in the segment of Euclid Avenue located between Merrill Avenue and Kimball Avenue with the point of connection to the existing trunk sewer line at the intersection of Kimball Avenue and Euclid Avenue.



NOT TO SCALE
 Source: Near Map Aerial (2017), Sanbag (2017), Westland Group

Figure 2.4-6
 Conceptual Sewer Plan

Recycled Water Plan

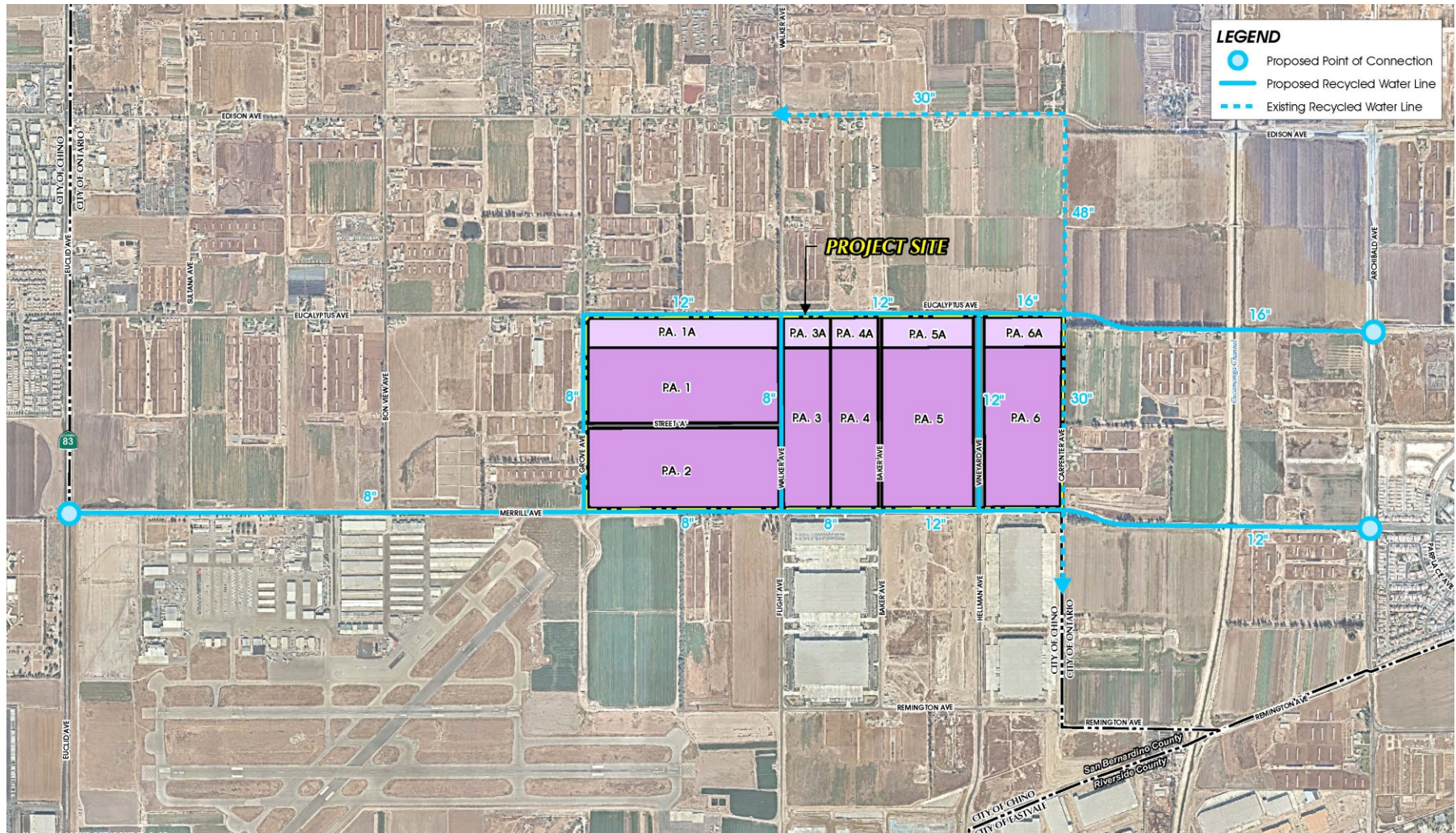
The City of Ontario would provide recycled water services to the Specific Plan area. As shown at Figure 2.4-7, *Conceptual Recycled Water Plan*, new recycled water system lines would be installed in portions of Grove Avenue, Eucalyptus Avenue, Walker Avenue, and Merrill Avenue. The following recycled water system improvements would be installed as part of the Specific Plan buildout:

- An 8-inch recycled water line in the segment of Walker Avenue located between Eucalyptus Avenue and Merrill Avenue;
- A 12-inch recycled water line in the segment of Eucalyptus Avenue located between Grove Avenue and Vineyard Avenue;
- A 16-inch recycled water line in the segment of Eucalyptus Avenue located between Vineyard Avenue and Archibald Avenue (with point of connection to the existing recycled water main in Archibald Avenue);
- A 12-inch recycled water line the segment of Vineyard Avenue located between Eucalyptus Avenue and Merrill Avenue;
- A 12-inch recycled water line in the segment of Merrill Avenue located between Baker Avenue and Archibald Avenue (with point of connection to the existing recycled water main in Archibald Avenue); and
- An 8-inch recycled water line in the segment of Merrill Avenue located between Euclid Avenue and Baker Avenue (with point of connection to the existing recycled water main in Euclid Avenue).

Storm Drain Plan

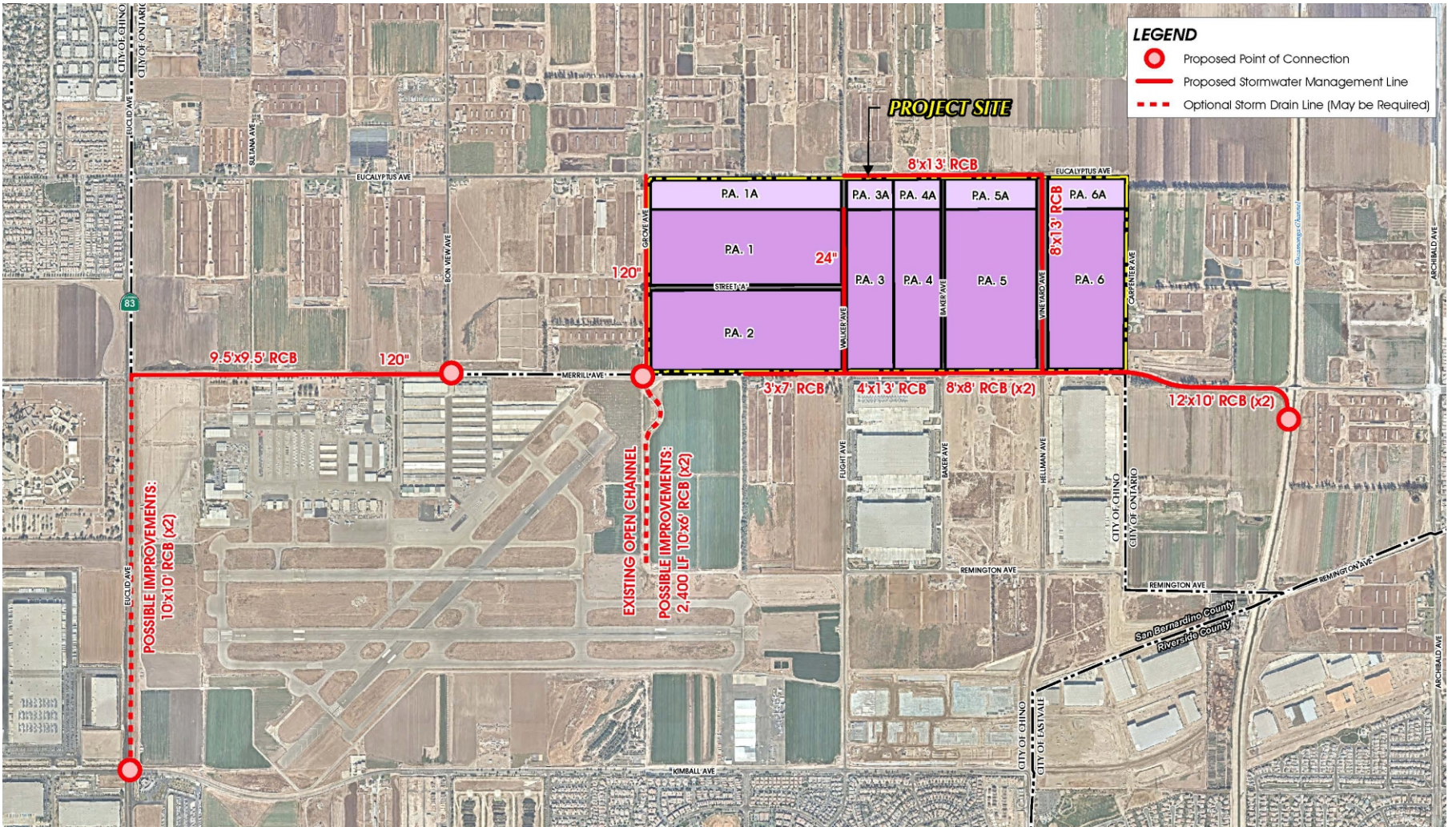
The proposed storm drain system for the Specific Plan area is illustrated at Figure 2.4-8. As shown, a network of drainage lines is proposed on- and off-site to accommodate stormwater runoff flows. The proposed drainage plan concept reflects City of Ontario Master Plan of Drainage standards. The following storm drain improvements would be installed to service the Specific Plan area:

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



NOT TO SCALE
 Source: Near Map Aerial (2017), Sanbag (2017), Westland Group

Figure 2.4-7
 Conceptual Recycled Water Plan



NOT TO SCALE

Source: Near Map Aerial (2017), Sanbag (2017), Westland Group

Figure 2.4-8
Conceptual Storm Drain Plan

- A 120-inch storm drain line in the segment of Merrill Avenue located between Bon View Avenue and Campus Avenue (with point of connection to the existing storm drain system at the intersection of Bon View Avenue and Merrill Avenue);
- A 24-inch storm drain line in the segment of Walker Avenue located between the southerly boundary of Planning Area 1A and Merrill Avenue;
- A 9.5-foot by 9.5-foot RCB in the segment of Merrill Avenue between Campus Avenue and Euclid Avenue;
- A possible double 10-foot by 10-foot RCB in the segment of Euclid Avenue located between Merrill Avenue and Kimball Avenue (with point of connection to the existing storm drain system at the intersection of Euclid Avenue and Kimball Avenue);
- A 120-inch storm drain line in the segment of Grove Avenue located between Eucalyptus Avenue and Merrill Avenue (with point of connection to the existing open flood channel located south of the intersection of Merrill Avenue and Grove Avenue);
- Improvements to the existing open flood channel located south of the intersection of Merrill Avenue and Grove Avenue, which may consist of either lowering the elevation of the existing earthen channel, or installation of a double 10-foot by 6-foot RCB within the existing earthen channel that would connect to an existing RCB located at the southerly terminus of the existing earthen flood channel;
- An 8-foot by 13-foot RCB in the segment of Vineyard Avenue located between Merrill Avenue and Eucalyptus Avenue; and
- A 3-foot by 7-foot RCB, 4-foot by 13-foot RCB, a double 8-foot by 8-foot RCB, and a double 12-foot by 10-foot RCB in various segments of Merrill Avenue between the midpoint of the southerly boundary of Planning Area 2 and the Cucamonga Channel (point of connection).

Additional on-site storm drain improvements would include storm water detention/retention/water quality basins, which would capture, treat, and/or gradually release storm water to the public storm drain system.

Fiber Optics Plan

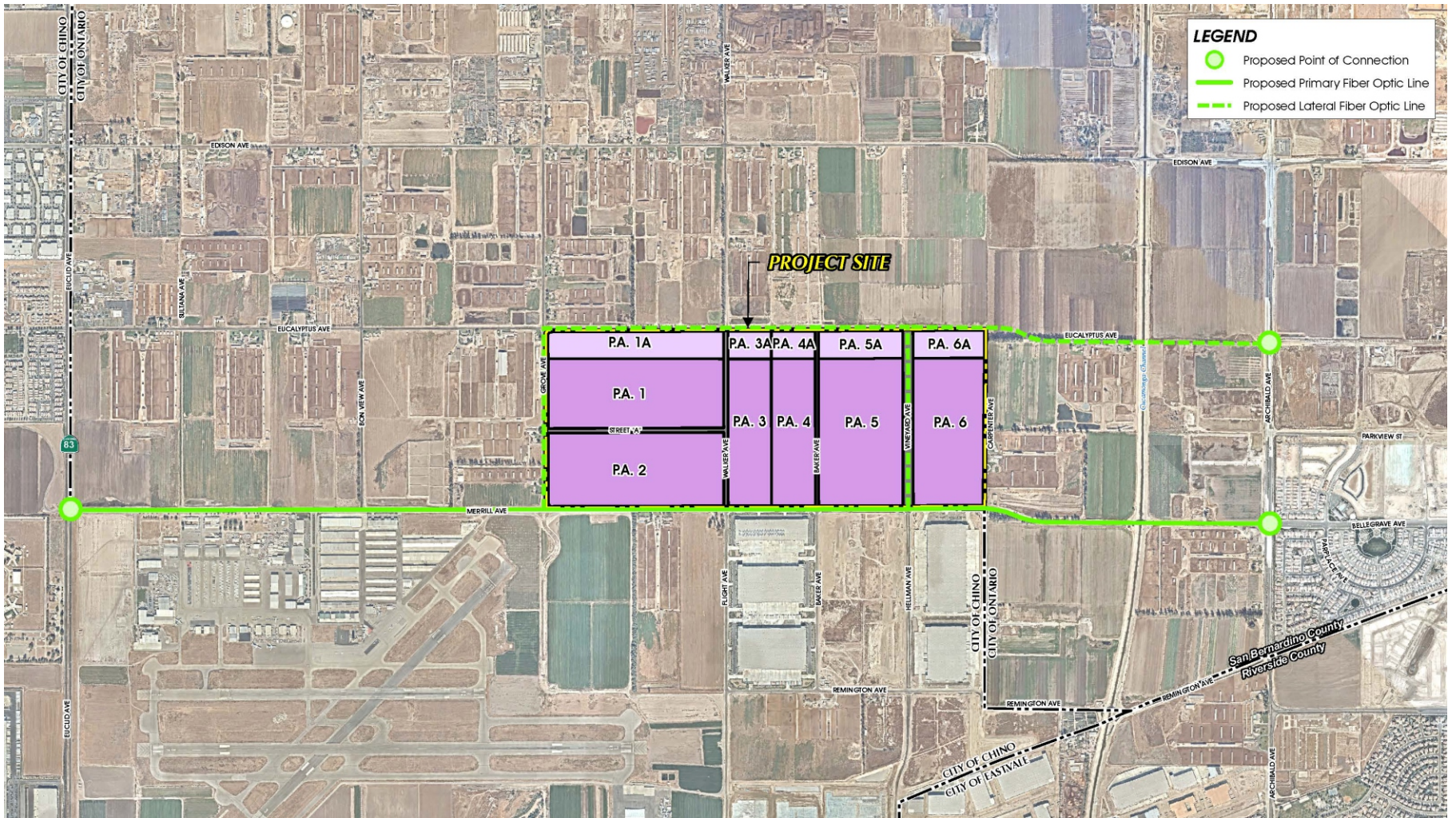
The proposed fiber optics plan for the Specific Plan area is illustrated at Figure 2.4-9. As shown, a network of fiber optic lines is proposed on- and off-site in accordance with the City of Ontario's Master Plan standards. A new fiber optic lateral line is proposed along Vineyard Avenue, Grove Avenue, and Eucalyptus Avenue, with point of connection to the existing fiber optic line in Archibald Avenue. Additionally, the Project proposes to install a primary fiber optic line in the segment of Merrill Avenue located between Euclid Avenue and Archibald Avenue.

2.4.4 Specific Plan Development Standards

The proposed Specific Plan Development Standards would address physical requirements and attributes of development within the Specific Plan area including, but not limited to: building/facility setbacks, lot coverage requirements, and maximum building heights. In instances where the Specific Plan is silent, applicable development standards of the City of Ontario Municipal Code would apply.

2.4.5 Specific Plan Design Guidelines

The Specific Plan document would propose architectural and landscape Design Guidelines that would establish the quality and character of the built environment within the Specific Plan area. More specifically, the proposed Design Guidelines would provide criteria for architecture, lighting, signage, and landscape design. In instances where the Specific Plan is silent, applicable design guidelines of the City of Ontario Municipal Code would apply.



NOT TO SCALE
 Source: Near Map Aerial (2017), Sanbag (2017), Westland Group

Figure 2.4-9
 Conceptual Fiber Optics Plan

2.5 PROJECT OBJECTIVES

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

- Provide a Specific Plan development supporting varied business park and light industrial tenants and that provides a broad range of employment opportunities.
- Provide safe and convenient access for trucks in a manner that minimizes any potential disruption to residential areas.
- Provide business park and light industrial uses near existing roadways and freeways to reduce traffic congestion and air emissions.
- Facilitate goods movement locally, regionally, nationally, and internationally.
- Provide land uses that are compatible with surrounding land uses and that would not conflict with the policies and environmental constraints identified in the Policy Plan.
- Support the Policy Plan vision for urbanization of the Ontario Ranch area of the City.
- Provide infrastructure and public improvements necessary to support each increment of Project development, and the Project in total.
- Establish new development that would further the City's near-term and long-range fiscal goals.

2.6 DISCRETIONARY APPROVALS AND PERMITS

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

2.6.1 Discretionary Actions

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

- Certification of the Merrill Commerce Center Specific Plan EIR;
- Approval of Policy Plan Amendment (Land Use);
- Adoption of the Merrill Commerce Center Specific Plan;
- Approval of Parcel Maps; and
- Adoption of a Development Agreement.

2.6.2 Consultation and Permits

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

- Permitting may be required by/through the Regional Water Quality Control Board (RWQCB) pursuant to requirements of the City's National Pollutant Discharge Elimination System (NPDES) Permit.
- Permitting may be required by/through the South Coast Air Quality Management District (SCAQMD) for certain equipment or land uses that may be implemented within the Project area.
- Various construction, grading, and encroachment permits allowing implementation of the Project facilities.
- Consultation with requesting Tribes as provided for under *AB 52, Gatto. Native Americans: California Environmental Quality Act*; and *SB 18, Burton. Traditional tribal cultural places*.

3.0 ENVIRONMENTAL EVALUATION

3.0 ENVIRONMENTAL EVALUATION

3.1 PROJECT TITLE

Merrill Commerce Center Specific Plan

3.2 LEAD AGENCY NAME AND ADDRESS

City of Ontario, Planning Department

303 East "B" Street

Ontario, CA 91764

(909) 395-2036

Contact: Richard Ayala, Senior Planner

3.3 PROJECT APPLICANTS

Merrill Commerce Center East LLC/Merrill Commerce Center West LLC

3546 Concours Street, Suite 100

Ontario, CA 91764

Contact: Thomas Donahue

Liberty Property Limited Partnership

650 East Swedesford Road, Suite 400

Wayne, PA 19087

Contact: Kenneth Chang

3.4 PROJECT LOCATION

The Project site¹ is located within the Ontario Ranch (formerly known as New Model Colony, NMC)² area of the City of Ontario (City). More specifically, the Project site is bounded by Merrill Avenue to the south, Eucalyptus Avenue to the north, Grove Avenue to the west, and Carpenter Avenue to the east. Please refer to Initial Study Section 2, *Project Description*, Figure 2.1-1, *Project Location and Existing Land Uses*.

3.5 POLICY PLAN AND ZONING DESIGNATIONS

The existing Project site Land Use designations under the City of Ontario Policy Plan (General Plan) are: “Business Park,” “Office Commercial,” and “General Commercial.” To allow for the Project, the Applicant proposes to amend the current Project site Policy Plan Land Use designations to “Business Park” and “Industrial.”

The existing Zoning designation of the Project site is “Specific Plan” with an “AG” (Agricultural) Overlay. No change in zoning designation is proposed or required. If adopted, the proposed Merrill Commerce Center Specific Plan would establish the effective Zoning of the Project site.

3.6 PREVIOUS ENVIRONMENTAL DOCUMENTATION, DOCUMENTS INCORPORATED BY REFERENCE

Section 15150 of the State *CEQA Guidelines* permits and encourages that an environmental document incorporate by reference other documents that provide relevant data. The documents outlined in this Section are hereby incorporated by reference, and the pertinent material is summarized throughout this Initial Study. All documents

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

² Within these discussions, City documents referring to or citing the “New Model Colony” area have been revised to reference the “Ontario Ranch” area.

incorporated by reference are available through the City of Ontario Planning Department.

- **The Policy Plan (General Plan) Component of The Ontario Plan and associated EIR.** The Policy Plan component of The Ontario Plan provides a framework for the physical development of the City, and forms the basis of decisions concerning the development of property. To this end, the Policy Plan establishes City land use designations and development policies, and identifies planned land uses and supporting infrastructure systems. State-mandated Elements incorporated in the Policy Plan include: Land Use, Housing, Mobility, Safety (including Noise), Environmental Resources (including Conservation), Parks and Recreation (including Open Space), Community Economics, Community Design, and Social Resources. Development of the City is shaped by the Policy Plan’s Goals and Policies, which are integral to each of the Policy Plan Elements. The Policy Plan and The Ontario Plan EIR documents contain background information employed in this Initial Study.

3.7 EXPLANATION OF CHECKLIST CATEGORIES

“No Impact” applies where the impact simply does not apply to projects like the one involved. For example, if the project site is not located in a fault rupture zone, then the item asking whether the project would result in or expose people to potential impacts involving fault rupture should be marked as “No Impact.”

“Less-Than-Significant Impact” applies where the impact would occur, but the magnitude of the impact is considered insignificant or negligible. For example, a development which would only slightly increase the amount of surface water runoff generated at a project site would be considered to have a less-than-significant impact on surface water runoff.

“Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” Incorporated mitigation measures should be outlined

within the checklist and a discussion should be provided which explains how the measures reduce the impact to a less-than-significant level. This designation is appropriate for a Mitigated Negative Declaration, where potentially significant issues have been analyzed and mitigation measures have been recommended.

“Potentially Significant Impact” applies where the project has the potential to cause a significant and unmitigable environmental impact. If there are one or more items marked as “Potentially Significant Impact,” an EIR is required.

3.8 INITIAL STUDY CHECKLIST AND SUBSTANTIATION

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to trees, rocks, outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect the day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation:

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

The Project is located in an urbanized area and is subject to those provisions of the City of Ontario Policy Plan (Policy Plan) and City of Ontario Development Code governing scenic quality. The Policy Plan Community Development Element establishes multiple Policies that protect scenic resources and promote high quality, visually compatible development. For example, Community Design Element Policy CD 1-2 requires that “development in growth areas to be distinctive and unique places within which there are cohesive design themes”; Policy CD 1-5 requires that “all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountains, which are part of the City’s visual identity and a key to geographic orientation. Such views should be free of visual clutter, including billboards and may be enhanced by framing with trees”; Policy CD 2-1 encourages “all development projects to convey visual interest and character . . .”; Policy CD 2-15 supports “excellence in design and construction quality through collaboration with trade and professional organizations that provide expertise, resources and programs for developers, builders and the public.”³

Policy Plan measures governing scenic quality including those noted above ensure protection of scenic resources and promote visually compatible and appealing development. These Policies are implemented through the City of Ontario Development Code (Development Code Chapter 6.0 *Development and Subdivision Regulations*, et al.). The City would assure that the proposed Merrill Commerce Center Specific Plan, as implemented, contains Development Regulations and Design Guidelines that would, at a minimum, conform to provisions of the Policy Plan and Development Code. All subsequent development within the Specific Plan area would be required to comply with the Specific Plan Development Regulations and Design Guidelines addressing visual and scenic qualities. Conformance with the Specific Plan would minimize the potential for the Project to adversely affect scenic resources or result in development that would conflict with applicable zoning and other regulations governing scenic quality.

³ City of Ontario. “Policy Plan.” The Ontario Plan, City of Ontario, www.ontarioplan.org/policy-plan/.

Based on the preceding, the potential for the Project to have a substantial adverse effect on a scenic vista or to conflict with applicable zoning and other regulations governing scenic quality is considered less-than-significant.

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

- d) *Less-Than-Significant Impact.* The Project would create new sources of lighting, including ground, building-mounted, wall-mounted, and pole-mounted lighting fixtures. The Project would also provide illuminated exterior signs. The City would assure that the proposed Merrill Commerce Center Specific Plan, as implemented, contains Development Regulations and Design Guidelines that would, at a minimum, conform to City regulations addressing lighting and light overspill (see: Development Code, Division 6.01 – *District Standards and Guidelines, Lighting*). All subsequent development within the Specific Plan area would be required to conform with the Specific Plan Development Regulations and Design Guidelines addressing light, glare and overspill.

Conformance with the Specific Plan would minimize the potential for the Project to result in adverse light and glare impacts.

Based on the preceding, the potential for the Project to create a new source of substantial light or glare, which would adversely affect the day or nighttime views in the area is considered less-than-significant.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140* (The Planning Center) April 2009; City of Ontario Development Code; Preliminary Plans for the Merrill Commerce Center Specific Plan.

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<p>II. 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 (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:</p>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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"/>

Substantiation:

- a) *Potentially Significant Impact.* The California Farmland Mapping and Monitoring Program, established in 1982, divides the state’s land into eight categories of land use designation based on soil quality and existing agriculture uses to produce maps and statistical data. The highest rated category is Prime Farmland, which has the most desirable combination of physical and chemical features and is able to sustain long-term agricultural production. As illustrated at Figure 5.2-1, *Important Farmland*, of The Ontario Plan Draft EIR, a portion of the Specific Plan area is designated as Prime Farmland. The Project EIR will examine the loss of these agricultural resources.

- b) *Potentially Significant Impact.* Zoning for the site is Specific Plan with an AG (Agricultural) Overlay. Additionally, as presented at Figure 5.2-2, *Williamson Act Contract Lands*, of The Ontario Plan Draft EIR, portions of the site are under active Williamson Act contract. As such, the potential for the Project to conflict with any existing agricultural zoning designations, or affect any existing Williamson Act contract(s) will be discussed further in the Draft EIR for the Project.

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

- e) *No Impact.* The Project does not involve other changes to the environment which could result in the conversion of farm land or forest land to other uses beyond those previously identified under the preceding discussions.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140 (The Planning Center) April 2009; Preliminary Plans for the Merrill Commerce Center Specific Plan.*

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management district 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation:

- a) *Potentially Significant Impact.* The Project site is located within the South Coast Air Basin (Basin), which includes all of Orange County, and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties. The SCAQMD is locally responsible for administration and implementation of the Air Quality Management Plan (AQMP). Development of the Project could result in the production of

additional criteria air pollutants which may interfere with, or obstruct, implementation of the AQMP. These potential impacts will be addressed in the Project Air Quality Impact Analysis (AQIA) prepared as part of the EIR. Mitigation measures will be developed to address any potentially significant impacts.

- b, c) *Potentially Significant Impact.* Project demolition activities would result in site disturbance and generation of fugitive dust, and could also result in disturbance and release of asbestos, lead or other toxic materials that may be present in existing on-site structures or in subsurface improvements. Project construction activities would generate fugitive dust and construction equipment emissions.

The implemented Project land uses would generate vehicular trips and associated vehicular-source air pollutant emissions. Project truck traffic would generate diesel emissions and diesel particulate matter (DPM). DPM is a known carcinogen that could result in, or contribute to adverse health effects. On-site Project operations would result in energy consumption and byproduct air pollutant emissions. Construction-source and operational-source emissions resulting from the Project may contribute to existing and projected regional exceedances of criteria pollutants within the Basin. Localized concentrations of construction-source and operational-source emissions could adversely affect sensitive receptors.

These potential impacts will be addressed in the Project Air Quality Impact Analysis (AQIA) prepared as part of the EIR. Mitigation measures will be developed to address any potentially significant impacts.

- d) *Less-Than-Significant Impact.* Temporary, short-term odor releases are potentially associated with Project construction activities. Potential sources of odors associated with construction activities would include, but not be limited to: asphalt/paving materials, glues, paint, and other architectural coatings. Construction-source odor impacts are minimized through compliance with established regulations (Code of Federal Regulations[CFR], Subpart H-*Materials Handling, Storage Use and Disposal*, et al.) addressing construction materials storage, use, and disposal. In pertinent part

the isolation/containment devices or mechanisms specified under these regulations prevent significant release of odors. The Project would be required to comply with these regulations.

Uses typically considered to be sources of odors or other emissions that could adversely affect a substantial number of people include agricultural operations, cement plants, wastewater treatment plants, and the like. The Project proposes none of these. Rather, the Project would implement contemporary high-cube fulfillment center warehouse and business park uses. Refuse generated by the Project uses could be a source of localized odors. Project refuse is required to be collected, contained, and disposed of as stipulated in the City of Ontario Municipal Code (see: Municipal Code, Chapter 3: *Integrated Solid Waste Management*). As required under the Municipal Code, refuse is to be disposed of in covered receptacles and routinely removed, thereby limiting the escape of odors to the open air. Any odors generated would be temporary and transient, with little or no potential to adversely affect a substantial number of people.

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

Based on the preceding discussion, the potential for the Project to result in other emissions (such as those leading to odors) adversely affecting a substantial number of people is considered less-than-significant.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140* (The Planning Center) April 2009; Code of Federal Regulations;

SCAQMD Rule 402; Preliminary Plans for the Merrill Commerce Center Specific Plan.

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) though direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Substantiation:

a – f) *Potentially Significant Impact.* The Project site evidences a variety of land uses and improvements including a dairy farm, a trucking operation, and limited ancillary residential uses (fewer than 20 single-family residences). The development of these uses has substantially altered the Project site from its natural state. Notwithstanding, certain biological resources may be adversely affected by the Project. Special status species that have the potential to occur within the Project or that could be otherwise affected by Project construction and operations include but are not limited to: the Delhi Sands Flower Loving Fly, the San Bernardino Kangaroo Rat, and the Burrowing Owl. Additionally, given the scope of the Project site proper, its location in the Ontario Ranch area (known to evidence sensitive wildlife species [Ontario Plan EIR, p. 5.4-15, et al.]), and the Project's potential effects at off-site locations (due to either construction or operations), there is a potential for the Project to result in a range of potentially significant biological resources impacts. Accordingly, a Project Biological Resources Assessment will be conducted. The Assessment will evaluate all potential on-site and off-site biological resources impacts listed above at Checklist Items IV. a – f, that could result from Project construction and operations. The results of the Assessment, along with any necessary mitigation measures, will be presented in the Project EIR.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140 (The Planning Center) April 2009; Preliminary Plans for the Merrill Commerce Center Specific Plan.*

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation:

a, b) *Potentially Significant Impact.* There are no known historic structures or archaeological resources located within the Project site nor would the Project affect any known off-site resources of historical or archaeological significance.

The Ontario Plan EIR indicates that no known archeological sites or archaeological resources have been recorded within the City. However, only about 10 percent of the City of Ontario has been adequately surveyed for prehistoric or historic archaeology. Thus, the potential to uncover significant archaeological resources within the City during development activities is considered high (Ontario Plan EIR, p. 5.5-20).

In areas affected by Project development, historic or archaeological resources may persist in a buried context. These resources could be disturbed during on-site and off-site development activities proposed by the Project. The Project EIR will include a Cultural Resources Assessment of potential historical and archaeological resources impacts that could result from the Project. The Assessment will evaluate and address all potential on-site and off-site cultural resources impacts that could

result from the Project. The results of the Assessment , along with any necessary mitigation measures, will be presented in the Project EIR.

- c) *Less-Than-Significant Impact.* There are no known formal cemeteries or informal burial sites within the Project site or in off-site areas that would likely be affected by Project construction activities. The likelihood of encountering human remains in the course of Project development is therefore considered minimal. However, as required under California Health and Safety Code Section 7050.5 (b) should human remains be encountered in the course of Project development, “there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined . . . that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.”

Additionally, California Health and Safety Code Section 7050.5 (c) provides that “[i]f the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.”

All Project activities would be required to comply with provisions of the California Health and Safety Code and Public Resources Code as summarized above, thereby reducing the potential for the Project to disturb any human remains, including those interred outside of formal cemeteries to levels that would be less-than-significant.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140* (The Planning Center) April 2009; California Health and Safety Code; California Public Resources Code; Preliminary Plans for the Merrill Commerce Center Specific Plan.

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VI. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Substantiation:

a, b) *Potentially Significant Impact.* The Project would allow for development and operation of up to 8,455,000 square feet of high-cube fulfillment center warehouse and business park uses. When compared to existing conditions, construction and operation of the Project would result in increased consumption of energy resources. The Project EIR will analyze the potential for Project consumption of energy resources to result in environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy. Potential for the Project to conflict with state or local energy plans for renewable energy or energy efficiency will also be evaluated in the Project EIR. Mitigation measures will be proposed for those impacts determined to be potentially significant.

Sources: Preliminary Plans for the Merrill Commerce Center Specific Plan.

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VII. GEOLOGY AND SOILS. Would the Project:				
a) Directly or indirectly cause 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Substantiation:

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

Based on the preceding, the potential for the Project to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault is considered less-than-significant.

a.ii – iii) *Potentially Significant Impact.* The Project does not propose actions or facilities that would exacerbate known or probable adverse strong seismic ground shaking, or seismic-related ground failure conditions. However, Southern California in general, including the Project site and surrounding areas, are generally susceptible to seismic events. And is therefore considered to be a potential for the Project to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking, and/or seismic-related ground failure (including liquefaction). As part of the Project EIR, a Preliminary Geotechnical Investigation will be prepared, addressing these potential impacts. Mitigation will be proposed for any impacts determined to be potentially significant.

a. iv) *Less-Than-Significant Impact*. The Project site topography evidences little internal difference, with a general northeast to southwest downward trending slope. Elevations within the Project site range from approximately 672 feet above mean sea level (amsl) at the northeast corner of the Project site, to approximately 632 feet amsl at the northeast corner of the Project site – an elevation difference of approximately 40 feet over approximately 1.3 miles with average slopes ranging between +1.8 % to -2.0% (Google Earth Imagery 2018). The Project site is not considered internally susceptible to land sliding. Any slopes manufactured in the course of Project development would be subject to review and approval by the City Building Department to ensure their stability. Adjacent properties also present little topographic relief.

Based on the preceding, the potential for the Project to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides is considered less-than-significant.

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

The Project does not propose to significantly alter existing topography in a manner that would result in substantial soil erosion or the loss of topsoil. All Project development plans would be subject to review and approval by the City. As part of this review, the City would ensure that permanent slopes and slope protection would conform to City requirements, thereby minimizing the potential for soil erosion over the life of the Project. City review and approval of development plans

would also ensure that stormwater management systems are incorporated that would minimize potential erosion from stormwater runoff, both on-site and off-site.

Based on the preceding, the potential for the Project to result in substantial soil erosion or the loss of topsoil is considered less-than-significant.

- c,d) *Potentially Significant Impact.* Adverse/unstable soils or subsurface conditions may exist within the Project site, and would be considered potentially significant impacts. As part of the Project EIR, a Preliminary Geotechnical Investigation will be prepared, addressing these potential impacts. Mitigation will be proposed for any impacts determined to be potentially significant.

- e) *No Impact.* The Project would be served by municipal sewer services. No septic tanks or other alternative wastewater disposal systems are proposed by the Project. On this basis, there is considered to be no potential for the Project to affect or be affected by soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems.

- f) *Potentially Significant Impact.* No known paleontological resources or unique geological features exist within the Specific Plan area. However, such resources may exist within the Project site and/or off-site areas that would be affected by Project construction activities. As part of the Project EIR, a Paleontological Resources Assessment will be prepared. This Assessment in combination with the Project Geotechnical Investigation will evaluate and substantiate the potential for the Project to directly or indirectly destroy a unique paleontological resource or site or unique geological feature. Pending the results of these reports, there is considered to be the potential for the Project to directly or indirectly destroy a unique paleontological resource or site or unique geological feature. The EIR will evaluate these impacts, mitigation measures will be proposed for those impacts determined to be potentially significant.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140* (The Planning Center) April 2009; Preliminary Plans for the Merrill Commerce Center Specific Plan.

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VIII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Substantiation:

a, b) *Potentially Significant Impact.* Project construction and operations would generate Greenhouse Gas (GHG) emissions. The Project’s contribution to greenhouse gas emissions may be potentially significant, both as a source of environmental impacts and in context of applicable plans, policies and regulations adopted for the purpose of reducing GHGs. Accordingly a Greenhouse Gas Analysis (GHGA) will be prepared as part of the Project EIR. The GHGA findings, together with any necessary mitigation measures, will be presented within the Project EIR.

Source: Preliminary Plans for the Merrill Commerce Center Specific Plan.

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IX. HAZARDS AND 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for the people residing or working in the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation:

a – c) *Potentially Significant Impact.* Implementation of the Project would not require the transportation, use, storage, or disposal of hazardous or potentially hazardous materials beyond those typically employed for the construction and maintenance of the Project uses. However, Phase I Environmental Site Assessments (Phase I ESAs) prepared for the Project indicate the Project site is affected by existing hazards or hazardous conditions including:

- Hazards associated with current and past use of the Project site for dairy farming, agricultural, and trucking operations;
- Potential presence of existing groundwater contamination;
- Hazardous materials (e.g., asbestos, lead) that may be released during site demolition and preparation activities;
- Above ground tanks (ASTs) and underground tanks (USTs) used for storage of diesel and gasoline;
- Soils contaminated with various automotive maintenance products (motor oil, antifreeze, transmission fluid, etc.);
- Abandoned vehicles/farm equipment, waste tires, and debris;
- Presence of groundwater wells; and
- Presence of septic tanks.

Off-site areas that would be disturbed by construction of Project infrastructure may be similarly affected.

Prior to, or concurrent with construction of the Project facilities, remediation of existing significant hazards/hazardous materials conditions would be required. These remedial actions could create a significant hazard to the public or the environment through the routine transport or disposal of hazardous materials; could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment; and could emit hazardous emissions or

handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The Project EIR will evaluate these potential impacts and will propose mitigation for those impacts determined to be potentially significant.

- d) *Potentially Significant Impact.* It has not yet been determined if the Project site, or off-site areas that would be disturbed by construction of off-site infrastructure, comprise areas included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Pending this determination, there is considered to be the potential that the Project site, or areas that would be disturbed by construction of off-site infrastructure, may appear on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; and could as a result create a significant hazard to the public or the environment. This potential impact will be evaluated in the Project EIR, and if determined to be potentially significant, mitigation will be proposed.

- e) *Potentially Significant Impact.* The Project site is located within the Chino Airport Influence Area and within the Policy Plan Chino Airport Overlay land use designation. The Project could result in or could contribute to safety hazards or adverse noise conditions associated with the Airport. The EIR will include a discussion of Project consistency with the Airport Land Use Compatibility Plan (ALUCP) developed for Chino Airport, to include evaluation of the Project's potential to result in or contribute to airport-related safety hazards, or result in or contribute to airport-related adverse noise impacts that would affect people residing or working in the Project area. Mitigation will be proposed for those impacts determined to be potentially significant.

- f) *Potentially Significant Impact.* The Project proposes to amend the Policy Plan Land Use designations for the subject site. The Project would also alter site and area access conditions. Construction of off-site infrastructure could affect emergency access and evacuation plans. Project traffic and Project circulation system improvements could affect area traffic patterns. These and other aspects of the Project have the potential

to impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. This potential impact will be addressed in the EIR. Mitigation will be proposed for those impacts determined to be potentially significant.

- g) *Less-Than-Significant Impact.* The Project site is located in an urbanizing area, and no wildlands are located in the vicinity of the Project site. Fire protection services are provided to the City and the Project site by the Ontario Fire Department. Pre-construction coordination with Fire Department staff and adherence to local fire regulations during construction and operation of the Project would be required. The City and Fire Department would require that fire prevention/fire suppression measures are incorporated in the Project designs and that water delivery systems serving the Project site provide adequate fire flow. Creation and maintenance of firebreaks and fire-defensible spaces adjacent to building and roadways as required by the City and Fire Department would further reduce the potential for exposure to wildland fires and the spread of wildland fires. The City would also enforce weed abatement measures, minimizing potential fire fuel loads. Lastly, as noted in the Ontario Plan Draft EIR, “development of the Ontario Ranch [including the Project site] would actually reduce fire hazard risks for that area because, upon buildout, it would eliminate brush, dry grass, manure, and hay (Ontario Plan Draft EIR, p. 5.8-29).

Based on the preceding, the potential for the Project to result in significant risk of loss, injury or death involving wildland fires is considered less-than-significant. Please also refer also to the discussions at subsequent Checklist Item XX., *Wildfire*.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140* (The Planning Center) April 2009; *Phase I Environmental Site Assessment Reports* [Alewyn Land, Lanting Land, Minaberry Land] (Partner Engineering and Science) February 2017, August 2018; Preliminary Plans for the Merrill Commerce Center Specific Plan.

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
X. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:				
(i) result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Substantiation:

- a, e) *Potentially Significant Impact.* Runoff from the Project area may include oils from paved areas and other chemicals which may contribute to degradation of surface and groundwater quality. The Project may also conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, thereby resulting in potentially significant environmental impacts. Analysis of potential impacts in regard to water quality standards/waste discharge requirements, and consistency with an applicable water quality control plan and/or sustainable groundwater management plan will be included in the Project EIR. Mitigation measures will be incorporated to address any potentially significant impacts.
- b) *Less-Than-Significant Impact.* Direct additions or withdrawals of groundwater are not proposed by the Project. Further, construction proposed by the Project will not involve substructures or other intrusions at depths that would significantly impair or alter the direction or rate of flow of groundwater. Water is provided throughout the City by the City of Ontario Utilities Department.⁴ Groundwater which may be consumed by the Project and the City of Ontario, as a whole, would be recharged pursuant to the Department's policies and programs. The Project site is not a designated groundwater recharge area. The Project does not propose or require facilities or operations that would otherwise adversely affect designated recharge areas.

Based on the preceding, the potential for the Project to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin is considered less-than-significant.

⁴Water supply availability to the Project generally is discussed at Checklist Item XIX. *Utilities and Service Systems.*

- c (i) *Less-Than-Significant Impact*. Please refer to previous discussions at Checklist Item VII. (b).
- c (ii, iv) *Potentially Significant Impact*. The Project would implement new structures and surface improvements that could result in substantially increased rates of surface runoff, with resulting increased on-site or off-site flooding potential. Similarly, Project structures and surface improvements could alter existing area stormwater runoff patterns in a manner that would create, impede, or redirect, flood flows. The Project EIR will address these potential impacts. Mitigation will be proposed for impacts determined to be potentially significant.
- c (iii) *Potentially Significant Impact*. The increase in impervious surfaces created by development of the Project site would result in decreased absorption rates and increased surface runoff. Development of the Project site could also substantially alter the existing drainage pattern of the site or area in manner that could create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The Project EIR will address these potential impacts. Mitigation will be proposed for impacts determined to be potentially significant.
- d) *Potentially Significant Impact*. As shown at Policy Plan Figure S-2, *Flood Hazards*, the Project site is located within a 500-year flood plain, and is within the San Antonio Creek Dam Failure Inundation Area. The Project uses would include limited on-site storage of conventional materials such as petroleum products, landscape fertilizer, cleaning products, etc. that could be released should the Project site be inundated. On this basis, there is a potential risk of release of pollutants due to Project inundation. This impact will be evaluated in the Project EIR. Mitigation will be proposed if the impact is determined to be potentially significant.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140* (The Planning Center) April 2009; Preliminary Plans for the Merrill Commerce Center Specific Plan.

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Substantiation:

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

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

- b) *Potentially Significant Impact.* A Policy Plan Amendment (Land Use) would be required to allow for the Project. Policy Plan Land Use designations would be modified as summarized at Table 3.8-1. The proposed Policy Plan Land Use Amendment could result in potentially significant impacts not previously considered and addressed in the Ontario Plan Draft EIR; or could conflict with other plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

**Table 3.8-1
Proposed Policy Plan Amendment**

Existing	Proposed
Business Park - 303.5 acres	Business Park - 55.1 acres
Office Commercial - 43.3 acres	Industrial - 292.8 acres
General Commercial - 18.3 acres	Right-of-Way Dedications - 28.4 acres

The Project EIR will address these potential impacts. If potentially significant impacts are identified, mitigation measures will be proposed.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140 (The Planning Center) April 2009; Preliminary Plans for the Merrill Commerce Center Specific Plan.*

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XII. 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 to the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation:

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

“[d]evelopment in a MRZ-3 [area] would not result in significant impacts as mineral resources of statewide or local importance are not identified in the California Geological Survey PC maps” (Ontario Plan Draft EIR, p, 5.11-6). On this basis, the potential for the Project to: result in the loss of availability of a known mineral resource that would be of value to the region and to the residents of the state; or 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 is considered less-than-significant.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140* (The Planning Center) April 2009; Preliminary Plans for the Merrill Commerce Center Specific Plan.

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIII. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Substantiation:

a, b) *Potentially Significant Impact.* Construction of the Project would temporarily increase localized noise levels, and occupation of Project facilities will establish long-term stationary operational noise sources. These noise sources could adversely affect sensitive receptors. Further, Project-related traffic may increase noise levels along affected area roadways, with potentially adverse effects at receiving land uses.

Accordingly, a Noise Impact Analysis will be prepared as part of the Project EIR and the EIR will evaluate Project-source noise impacts. Mitigation measures will be proposed for impacts determined to be potentially significant.

c) *Potentially Significant Impact.* The Project site is located within the Chino Airport Influence Area and within the Policy Plan Chino Airport Overlay land use designation. The Project could result in or could contribute to adverse noise conditions associated with the Airport. The EIR will include a discussion of Project consistency with the Airport Land Use Compatibility Plan (ALUCP) developed for Chino Airport, to include evaluation of the Project's potential to result in or contribute to airport-related adverse noise impacts that would affect people residing or working in the Project area. Mitigation will be proposed for those impacts determined to be potentially significant.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140 (The Planning Center) April 2009; Preliminary Plans for the Merrill Commerce Center Specific Plan.*

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIV. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned population growth in the area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension of roads or other infrastructure)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation:

a) *Potentially Significant Impact.* The Project does not propose residential development, and therefore would not directly result in increased City resident population. The Project represents a component of development and growth generally anticipated by the City, as reflected by the site’s current Policy Plan Land Use designations (Business Park, Office Commercial, and General Commercial). Development proposed by the Project responds globally to existing and anticipated market demands of the City and region, and employment generated by the Project would be a byproduct of this anticipated growth.

The Project does, however, propose to amend the Project site Policy Plan Land Use designations (from Business Park, Office Commercial, and General Commercial to Business Park and Industrial) and could therefore result in growth not anticipated under the Ontario Plan and/or other applicable regional planning documents (e.g., 2016 – 2040 Southern California Association of Governments Regional Transportation Plan/ Sustainable Communities Strategy [2016 – 2040 SCAG RTP/SCS]; South Coast Air Quality Management District Air Quality Management Plan [AQMP]). Further, major supporting infrastructure improvements to be implemented by the Project

would facilitate development of the area generally. These infrastructure improvements could induce substantial unanticipated growth, and/or result in an unanticipated accelerated rate of growth. The potential for the Project to induce substantial unanticipated growth in the area, either directly or indirectly, that could result in potentially significant environmental impacts will be considered and addressed in the Project EIR. Mitigation will be proposed for impacts determined to be potentially significant.

- b) *Less-Than-Significant Impact.* Limited single-family residential uses (fewer than 20 single-family residences) exist within the Project site. These residences are ancillary to the site's current dairy/agricultural/trucking operations and would be demolished along with all other surface improvements as part of the Project site preparation activities. The loss of these residential units in the context of the City's existing 50,000 +/- housing units⁵ is not considered substantial.

Based on the preceding, the potential for the Project to displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere is considered less-than-significant.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140 (The Planning Center) April 2009; City of Ontario Policy Plan, Housing Element Technical Report (PMC) October 15, 2013; Preliminary Plans for the Merrill Commerce Center Specific Plan.*

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

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of the 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:				
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation:

- a) *Less-Than-Significant Impact.* Fire suppression and emergency response services for the Project would be provided by the Ontario Fire Department. The Ontario Plan Draft EIR (see discussion excerpted below) recognizes the potential for development pursuant to the Ontario Plan, including development of the Ontario Ranch (formerly known as New Model Colony, NMC) area encompassing the Project site, to result in increased demands for fire protection services.

Future growth in accordance with the Ontario Plan is expected to increase the demand for fire services throughout the city but especially in the NMC. . . . The number of stations needed is based on the fractile response times for specific areas of the City. The locations of these stations are speculative at this point in time. The funding needed to

build these stations has been assessed and incorporated into the fee schedule and it would be adequate for the proposed development and relocation of stations (Ontario Plan Draft EIR, p. 5.14-5).

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

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

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

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

Based on the preceding, the potential for the Project to result in substantial adverse physical impacts associated with the provision of the new or physically altered fire protection facilities is considered less-than-significant.

- b) *Less-Than-Significant Impact.* Police protection services for the Project would be provided by the Ontario Police Department. The Ontario Plan Draft EIR (see discussion excerpted below) recognizes the potential for development pursuant to the Ontario Plan, including development of the Ontario Ranch (formerly known as New Model Colony, NMC) area encompassing the Project site, to result in increased demands for police protection services.

Future growth in accordance with The Ontario Plan is expected to increase demand for police services within the City of Ontario, particularly in the NMC. . . . As a result, additional police equipment, facilities, and personnel would be required to provide adequate response times, acceptable public service ratios, and other performance objectives for law enforcement services (Ontario Plan Draft EIR, p. 5.14-8).

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

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

Based on the preceding, the potential for the Project to result in substantial adverse physical impacts associated with the provision of the new or physically altered police protection facilities is considered less-than-significant.

c) *Less-Than-Significant Impact*. Public school services for the City of Ontario are provided by the following school districts:

- Ontario-Montclair Elementary School District;
- Cucamonga Elementary School District;
- Mountain View Elementary School District; and
- Chino Valley Unified School District.

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

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

Based on the preceding, the potential for the Project to result in substantial adverse physical impacts associated with the provision of the new or physically altered school facilities is considered less-than-significant.

- d) *Less-Than-Significant Impact.* As discussed at following Checklist Item XVI., *Recreation*, uses proposed by the Project would not increase demands for parks or parks services. On this basis, the potential for the Project to result in substantial adverse physical impacts associated with the provision of the new or physically altered parks facilities.
- e) *Less-Than-Significant Impact.* Development of the Project would require established public agency oversight including, but not limited to, various plan check and permitting actions by the City. Impacts of the Project would fall within routine tasks of these agencies/departments and are paid for via plan check and inspection fees. Impacts of the Project would not be of such magnitude that new or physically altered facilities would be required. There are no known or probable other public facilities that would be substantially affected by the Project.

Based on the preceding, the potential for the Project to result in substantial adverse physical impacts associated with the provision of the new or physically altered other public facilities is considered less-than-significant.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140 (The Planning Center) April 2009; Preliminary Plans for the Merrill Commerce Center Specific Plan.*

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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XVI. RECREATION

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

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation:

a, b) *Less-Than-Significant Impact*. The Project does not propose residential development, and would not directly contribute to resident populations that would increase the use of existing neighborhood and regional parks or other recreational facilities. Job opportunities created by the Project may result in relocation of persons to the City that could indirectly contribute to resident populations, demands for new housing, and resulting increased use of existing neighborhood and regional parks or other recreational facilities. New residential development within the City is required to pay GC Development Impact Fees, a portion of which would be allocated for parks facilities, acting to offset incremental demands on neighborhood and regional parks or other recreational facilities.

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

Based on the preceding, the potential for the Project to increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated; or to require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment is considered less-than-significant.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140 (The Planning Center) April 2009; Preliminary Plans for the Merrill Commerce Center Specific Plan.*

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVII. TRANSPORTATION. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Substantiation:

- a) *Potentially Significant Impact.* The Project would increase auto, transit, pedestrian, and bicycle trips to and from the Project site, and create new ingress and egress points to the Project site. The Project has the potential to result in increased demand on the local transportation system, including the roadway network, transit service, pedestrian and bicycle facilities.

New and intensified land uses at the Project site would result in various changes to circulation patterns. Based on the preceding, the Project would have the potential to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

The Project EIR will evaluate and assess the potential for the Project to conflict with a program, plan, ordinance or policy addressing the circulation system, including

transit, roadway, bicycle and pedestrian facilities, and thereby result in potentially significant environmental impacts.

- b) *Potentially Significant Impact.* Project traffic may result in substantial additional vehicle miles traveled (VMT). The EIR will evaluate Project VMT impacts against per capita, per service population, or other VMT significance thresholds implemented by the Lead Agency. Mitigation will be developed for impacts determined to be potentially significant.

For informational purposes, and to facilitate Lead Agency planning of area transportation system improvements, the EIR will also present a summary of anticipated level-of-service (LOS) deficiencies, together with recommended improvements to address identified deficiencies.

- c, d) *Potentially Significant Impact.* Although preliminary review of the Project does not indicate elements or aspects that would be considered hazardous design features or result in inadequate emergency access, these considerations will be further evaluated in the Project EIR. Mitigation will be developed for impacts determined to be potentially significant.

Source: Preliminary Plans for the Merrill Commerce Center Specific Plan.

	Less-Than- Significant		
Potentially Significant Impact	With Mitigation Incorporated	Less-Than- Significant Impact	No Impact

XVIII. TRIBAL CULTURAL RESOURCES.

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
(i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Substantiation:

a) *Potentially Significant Impact.* There are no known Tribal Cultural Resources (TCRs) within the Project site. Nor is it anticipated that the Project would adversely affect off-site TCRs. However, detailed surveys confirming the presence or absence of these resources has not yet been conducted. A Tribal Cultural Resources Assessment of the Project site and potentially affected off-site areas will be prepared as an element of the Project EIR. Tribal Resources consultation with requesting Tribes will be conducted as provided for under *AB 52, Gatto. Native Americans: California Environmental Quality Act*. Pending completion of the Project Cultural Resources survey and any requested Tribal Consultation(s), the potential for the Project to cause a substantial adverse change in the significance of a tribal cultural resource is considered potentially significant. The EIR will address these potential impacts. Mitigation will be proposed for impacts determined to be potentially significant.

Source: Preliminary Plans for the Merrill Commerce Center Specific Plan.

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIX. UTILITIES AND SERVICE SYSTEMS.				
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Substantiation:

- a) *Potentially Significant Impact.* The Project would require new or altered infrastructure improvements for: water delivery, wastewater collection, storm water management, electric power distribution, natural gas service, and telecommunications service. Construction of or alteration of these facilities has the

potential to cause significant environmental effects. The EIR will evaluate these potential impacts. Mitigation will be proposed for impacts determined to be potentially significant.

- b) *Potentially Significant Impact.* The City of Ontario water supply is derived from a combination of local and imported water, obtained primarily from Ontario wells and treatment in the Chino Groundwater Basin, the Chino Desalter Authority (CDA) wells and treatment in the Chino Groundwater Basin, treated State Water Project water from the Water Facilities Authority (WFA), and recycled water from the Inland Empire Utilities Agency (IEUA), a member agency of the Metropolitan Water District of Southern California (MWD).

The Project uses would increase demands on available water supplies. Water supply and availability are recognized as general issues of concern. The City will prepare a Water Supply Assessment (WSA) pursuant to the requirements of SB 610. The results of this Assessment will be summarized within the Project EIR.

Pending completion of the Project WSA, the Project's potential impacts to water supplies and potential effects on the availability of water are considered potentially significant, and will be further addressed in the Project EIR. Mitigation measures will be proposed for those impacts determined to be potentially significant.

- c) *Potentially Significant Impact.* The City maintains a wastewater collection system and contracts with the Inland Empire Utilities Agency (IEUA) for wastewater treatment. The Project uses would result in increased wastewater treatment demands that could exceed available wastewater treatment capacities. The EIR will evaluate the potential for the Project to generate wastewater exceeding available treatment capacities. Mitigation will be proposed for impacts determined to be potentially significant.

d, e) *Potentially Significant Impact.* Solid waste collection services are currently provided to City residents by the City of Ontario Solid Waste Department. Solid Waste generated by the Project would be disposed of at the Mid-Valley Sanitary Landfill, located in the City of Rialto. This 498-acre landfill is operated by the County of San Bernardino Solid Waste Management Division, and has an estimated closure date of 2033⁶. Implementation of the Project would result in increased solid waste generation. The EIR will evaluate the potential for Project uses to generate waste in excess of state or local standards, or to conflict with federal, state, and local management and reduction statutes and regulations related to solid waste. Mitigation will be proposed for impacts determined to be potentially significant.

Sources: *The Ontario Plan; The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140 (The Planning Center) April 2009; Preliminary Plans for the Merrill Commerce Center Specific Plan.*

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁶ <https://www2.calrecycle.ca.gov/SWFacilities/Directory>

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation:

a-d) *Less-Than-Significant Impact.* CAL FIRE maintains California Fire Hazard Severity Zone Maps, including maps for State responsibility areas, as well as local responsibility areas.⁷ As shown on the State responsibility map for southwestern San Bernardino County, the City of Ontario is located within a local responsibility area. According to the local responsibility map, Ontario is located in a non-very high fire hazard severity zone (Non-VHFHSZ).

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

Based on the preceding, the potential for the Project to substantially impair an adopted emergency response or evacuation plan, expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, involve infrastructure that may exacerbate fire risk, or result in significant post-fire risks is considered less-than-significant.

⁷ http://www.fire.ca.gov/fire_prevention/fhsz_maps_sanbernardinow

Sources: CAL FIRE; *The Ontario Plan*; *The Ontario Plan Draft Environmental Impact Report, SCH NO. 2008101140* (The Planning Center) April 2009; Preliminary Plans for the Merrill Commerce Center Specific Plan.

	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Substantiation:

- a) *Potentially Significant Impact.* Certain biological and cultural resources may be adversely affected by the Project. Potential impacts in this regard will be addressed within the Project EIR.

b) *Potentially Significant Impact.* The Project has the potential to result in cumulatively considerable impacts. As discussed in the previous environmental evaluation, implementation of the Project may result in potentially significant impacts under the environmental topics of:

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

To a certain extent, impacts of the Project, together with other known or anticipated projects in the area, will likely have a cumulative effect under all of the aforementioned environmental considerations. The Project EIR will identify the Project's contribution to, and context within, potentially significant cumulative environmental effects influencing the vicinity and region.

c) *Potentially Significant Impact.* As indicated by this IS evaluation, the Project may cause or result in certain potentially significant environmental effects, resulting in potentially adverse effects to human beings. While adverse environmental effects that could affect human beings could, to some degree, be substantiated under all CEQA issue areas, Project impacts considered to be potentially significant and that could directly affect human beings include:

- Air Quality and Greenhouse Gas Emissions (including Energy);
- Geology and Soils;
- Hazards/Hazardous Materials;
- Hydrology/Water Quality;
- Land Use;
- Noise;
- Population/Housing;
- Transportation; and
- Utilities and Service Systems.

The Project EIR will address these environmental topics and present mitigation measures for potentially significant impacts.

4.0 DETERMINATION

4.0 DETERMINATION

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.	<input type="checkbox"/>
I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described previously have been added to the project. A NEGATIVE DECLARATION will be prepared.	<input type="checkbox"/>
I find that the project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	<input checked="" type="checkbox"/>
I find that the project MAY have a significant effect(s) 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 an earlier analysis as described on attached sheets. If the effect is a potentially significant impact or potentially significant unless mitigated an ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that need to be addressed.	<input type="checkbox"/>
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 all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.	<input type="checkbox"/>

City of Ontario:

Signature  Date April 11, 2019

Printed Signature: Ross S. Geller for Richard Ayala, Senior Planner

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING (MS 725)

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*Making Conservation
a California Way of Life.*

April 15, 2019

File: 08-SBd-83 PM 4.211

Richard Ayala
Senior Planner
City of Ontario, Planning Department
303 East "B" Street
Ontario, CA 91761

Subject: Merrill Commerce Center Specific Plan - Notice of Preparation of a Draft Environmental Impact Report

Dear Mr. Ayala:

Thank you for providing the California Department of Transportation (Caltrans) the opportunity to review and comment on the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Merrill Commerce Center Specific Plan (Project), located south of Eucalyptus Avenue, north of Merrill Avenue, west of Carpenter Avenue and east of Grove Avenue, in the City of Ontario. The project proposes the development and operation of up to 7,014,000 square-feet of high-cube fulfillment center warehouse uses and up to 1,441,000 square feet of business park uses on approximately 376.3 acres.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when a proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act, it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Ontario, due to the project's potential impact to the State facilities, it is also subject to the policies and regulations that govern the SHS.

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

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

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

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

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

Mr. Ayala
April 15, 2019
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- 5) Relegate the parking spaces to the back of the buildings and locate preferential parking for vanpools and carpools, along with, secure, visible, and convenient bicycle parking/racks accessible to retail and office locations. Consider installing electric vehicle charging stations, and locate parking space for low-emitting, fuel-efficient, alternative-fueled vehicle visitor parking in commercial and office uses.

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

Sincerely,



MARK ROBERTS
Office Chief, AICP
Intergovernmental Review, Community and Regional Planning

May 13, 2019

Mr. Richard Ayala
Senior Planner
City of Ontario
Planning Department
303 East "B" Street
Ontario, California 91764

Dear Mr. Ayala:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the Merrill Commerce Center Specific Plan (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2019049079. The Project consists of the construction and operation of up to 7,014,000 square feet of high-cube fulfillment center warehouse space, and up to 1,441,000 square feet of business park space (for a total of 8,455,000 square feet of development) on approximately 376 acres of land in the City of Ontario (City). The City is the lead agency for California Environmental Quality Act (CEQA) purposes. Implementation of the Project would require a change to the existing land use designation from "Business Park/Office Commercial/General Commercial" to "Business Park/Industrial."

CARB staff is concerned about the air pollution impacts that would result should the City approve the Project, and the land use change from "Business Park/Office Commercial/General Commercial" to "Business Park/Industrial," to build two large warehouses. Freight facilities, such as warehouse and distribution facilities, can result in high daily volumes of heavy-duty diesel truck traffic and operation of onsite equipment (e.g., forklifts, yard tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change.

Residences are located north, west, and east of the Project site, with the closest residences situated approximately 160 feet east of the Project's eastern boundary. The community is surrounded by existing toxic diesel emission sources, which include warehouses and the Chino Airport. Due to the Project's proximity to residences already disproportionately burdened by multiple sources of pollution, CARB staff is concerned with the potential cumulative health risks associated with the construction and operation of the Project.

The State of California has placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel emissions generated during the construction and operation of the Project would negatively impact the community, which is already disproportionately impacted by air pollution from existing freight facilities.

The California Environmental Protection Agency (CalEPA) defines a disadvantaged community as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. The census tract containing the Project is within the top 1 percent for Pollution Burden.¹ Therefore, CARB urges the City to ensure that the Project and land use change do not adversely impact neighboring disadvantaged communities.

The NOP does not state whether the proposed warehouses would include cold storage. The operation of cold storage warehouses would include trucks with transport refrigeration units (TRU) that emit significantly higher levels of toxic diesel emissions, oxides of nitrogen (NO_x), and greenhouse gases than trucks without TRUs. Since it is unclear whether the Project would include cold storage warehouse space, any modeling done in support of the air quality analysis of the DEIR and associated health risk assessment (HRA) should assume that a conservative percentage of the truck and trailer fleet that would be serving the Project are equipped with TRUs.

In addition to the health risk associated with operations, construction health risks should be included in the air quality section of the DEIR and the Project's HRA. Construction of the Project would result in short-term diesel emissions from the use of both on-road and off-road diesel equipment. The Office of Environmental Health Hazard Assessment's (OEHHA) guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments),² recommends assessing cancer risks for construction projects lasting longer than two months. Since construction would very likely occur over a period lasting longer than two months, the HRA prepared for the Project should include health risks for existing residences near the Project site during construction.

¹ Pollution Burden represents the potential exposures to pollutants and the adverse environmental conditions caused by pollution.

² Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February 2015. Accessed at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

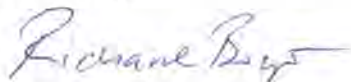
Mr. Richard Ayala
May 13, 2019
Page 3

The HRA prepared in support of the Project should be based on the latest OEHHA guidance and the South Coast Air Quality Management District's CEQA Air Quality Handbook.³ To reduce the exposure of toxic diesel emissions in disadvantaged communities already disproportionately impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize NO_x and diesel emission exposure to all neighboring communities, as well as the greenhouse gases that contribute to climate change. CARB encourages the City and applicant to implement the measures listed in Attachment A of this comment letter to reduce the Project's construction and operational air pollution emissions.

The HRA should evaluate and present the existing baseline (current conditions), future baseline (full build-out year, without the Project), and future year with the Project. The health risks modeled under both the existing and the future baselines should reflect all applicable federal, state, and local rules and regulations. By evaluating health risks using both baselines, the public and City planners will have a complete understanding of the potential health impacts that would result from the Project.

CARB appreciates the opportunity to comment on the NOP for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, at (916) 440-8242 or via email at stanley.armstrong@arb.ca.gov.

Sincerely,



Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment

cc: See next page.

³ SCAQMD's 1993 Handbook can be found at <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

Mr. Richard Ayala
May 13, 2019
Page 4

cc: State Clearinghouse
P.O. Box 3044
Sacramento, California 95812

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South Coast Air Quality Management District
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Center for Community Action and Environmental Justice
P.O. Box 33124
Riverside, California 92519

ATTACHMENT A

Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers

California Air Resources Board (CARB) staff recommends developers and government planners use all existing and emerging zero to near-zero emission technologies during project construction and operation to minimize public exposure to air pollution. Below are some measures, currently recommend by CARB staff, specific to warehouse and distribution center projects. These recommendations are subject to change as new zero-emission technologies become available.

Recommended Construction Measures

1. Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero equipment and tools.
2. Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating onsite. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, onsite vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
3. In construction contracts, include language that requires all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits such that emission reductions achieved equal or exceed that of a Tier 4 engine.
4. In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers,) used during project construction be battery powered.
5. In construction contracts, include language that requires all heavy-duty trucks entering the construction site, during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-NO_x standard starting in the year 2022.¹

¹ In 2013, CARB adopted optional low-NO_x emission standards for on-road heavy-duty engines. CARB staff encourages engine manufacturers to introduce new technologies to reduce NO_x emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model years 2010 and later. CARB's optional low-NO_x emission standard is available at <https://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm>.

6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB staff is available to assist in implementing this recommendation.

Recommended Operation Measures

1. Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating onsite.
2. Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will eliminate the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration and cryogenic transport refrigeration are encouraged and can also be included lease agreements.²
3. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be electric or powered by compressed natural gas.
4. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering the project site to be model year 2014 or later.
5. Starting in the year 2022, include contractual language in tenant lease agreements that requires all trucks entering the project site to meet CARB's lowest optional low-NO_x standard.

² CARB's Technology Assessment for Transport Refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf.

6. Include contractual language in tenant lease agreements that require the tenant be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,³ Periodic Smoke Inspection Program (PSIP),⁴ and the Statewide Truck and Bus Regulation.⁵
7. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than five minutes while onsite.
8. Include contractual language in tenant lease agreements that limits onsite TRU diesel engine runtime to no longer than 15 minutes. If no cold storage operations are planned, include contractual language and permit conditions that prohibit cold storage operations unless a health risk assessment is conducted and the health impacts mitigated.
9. Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid.

³ In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at <https://www.arb.ca.gov/cc/hdghg/hdghg.htm>.

⁴ The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at <https://www.arb.ca.gov/enf/hdvp/hdvp.htm>.

⁵ The regulation requires newer heavier trucks and buses must meet PM filter requirements beginning January 1, 2012. Lighter and older heavier trucks replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

EUNICE M. ULLOA
Mayor

TOM HAUGHEY
Mayor Pro Tem



MARK HARGROVE
MARC LUCIO
PAUL A. RODRIGUEZ Ed.D.
Council Members

MATTHEW C. BALLANTYNE
City Manager

CITY of CHINO

May 13, 2019

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

RE: Notice of Preparation of a Draft Environmental Impact Report; Merrill Commerce Center Specific Plan

Dear Mr. Ayala,

Thank you for the opportunity to review the Notice of Preparation of a DEIR for the Merrill Commerce Center Specific Plan. Based upon our review, the City of Chino has the following comments:

Land Development Engineering

1. The City would like to collaborate and review infrastructure-related improvements (WQMP, drainage, sewer, etc.) that have downstream and potential off-site impacts to the City of Chino.

Public Works Department

2. The City would like to review the project's traffic study scoping agreement when it becomes available in order to evaluate trip distribution and proposed study intersections in the City of Chino.

Please let me know if you have any questions. I can be reached at (909) 334-3525 or via email at rmurphy@cityofchino.org.

Sincerely,

Ryan Murphy
Assistant Planner





May 8, 2019

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

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

Dear Mr. Ayala:

INITIAL STUDY/NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE MERRILL COMMERCE CENTER SPECIFIC PLAN PROJECT, SCH# 2019049079

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Initial Study/Notice of Preparation of a Draft Environmental Impact Report for the Merrill Commerce Specific Plan (Project). The Division monitors farmland conversion on a statewide basis and administers the Williamson Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The Merrill Commerce Center Specific Plan proposes development and operation of up to 7,014,000 square feet of high-cube fulfillment center warehouse uses and up to 1,441,000 square feet of business park uses on approximately 376.3 acres located in the City of Ontario, within San Bernardino County. The Project would also implement off-site infrastructure (roads, potable water, recycled water, sanitary sewer, storm drains, and fiber optic lines) necessary to support the project. Preliminary studies prepared for the project indicate that an additional 113.3 acres of off-site areas could be disturbed during construction of off-site infrastructure improvements. Predominantly, off-site areas that would be affected by construction of infrastructure improvements comprise already-disturbed/developed rights-of-ways and easements.

The project site contains areas of Prime Farmland as classified by the Department of Conservation's Farmland Mapping and Monitoring Program¹. According to the City, the site also contains Williamson Act contracted properties².

¹ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, California Important Farmland Finder, <https://maps.conservation.ca.gov/DLRP/CIFF/>

² City of Ontario, https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/williamson_act_status_map_november_2018.pdf

Department Comments

The Department suggests that the applicant file for non-renewal of the current Williamson Act contract, and wait until the contract's non-renewal status has ended and the contract has expired before moving forward with the proposed project. However, if the applicant wishes to proceed with the project before that time they may consider contract cancellation. Cancellation of the proposed project site would prevent the proposed use from conflicting with existing law. Please refer to our website for further information regarding contract non-renewal, cancellation, and other contract removal methods³.

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract affect by the proposed project.
- Proposed mitigation measure for all impacted agricultural lands within the project area.

Although direct conversion of agricultural land is often an unavoidable impact under CEQA analysis, mitigation measures must be considered. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts.

All mitigation measures that are potentially feasible should be considered. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible based on its elements. The Department suggests that the City consider the adoption of an agricultural land mitigation program that will effectively mitigate the conversion of agricultural land.

Agricultural Mitigation Program

Agricultural conservation easements are an available mitigation tool that the City should consider. The Department highlights easements as a mitigation tool because of their acceptance and use by lead agencies as an appropriate mitigation measure

³ https://www.conservation.ca.gov/dlrp/wa/Pages/removing_contracts.aspx

under CEQA and because they follow an established rationale similar to that of wildlife habitat mitigation.

Programs that establish agricultural conservation easements and in-lieu fees for mitigation banking are most effective at conserving comparable quality agricultural land when the easement requirements or fees are determined concurrent with project approval. Should significant time elapse between initial approval and the applicant's receipt of a building or grading permit, conflict may arise over the agricultural quality or value of the land being converted.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

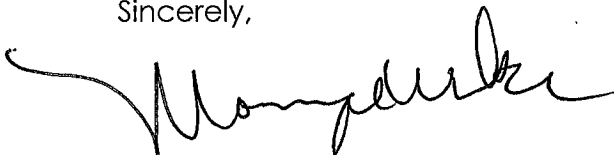
<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

Another source is the Division's California Farmland Conservancy Program (CFCP), which has participated in bringing about conservation easements throughout the State of California involving many California land trusts. Any other feasible mitigation measures should also be considered.

Conclusion

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Monique Wilber', written in a cursive style.

Monique Wilber
Conservation Program Support Supervisor

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691 Phone (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



May 10, 2019

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

RE: SCH# 2019049079 Merrill Commerce Center Specific Plan Project, San Bernardino County

Dear Mr. Ayala:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

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

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

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Steven.Quinn@nahc.ca.gov.

Sincerely,



for
Steven Quinn
Associate Governmental Program Analyst

cc: State Clearinghouse

From: Fischer, Adam@Waterboards [<mailto:Adam.Fischer@waterboards.ca.gov>]
Sent: Monday, April 15, 2019 12:58 PM
To: Richard Ayala <rayala@ontarioca.gov>
Subject: comments on notice of preparation of DEIR

Mr. Ayala: Our office is in receipt of a notice of preparation of a draft environmental impact report for the Merrill Commerce Center Specific Plan. The following are our comments on the scope of the draft EIR.

The draft EIR should give attention to the demolition phase of the dairies and the resulting disposition of manure, wastewater, and soil. Typically, manure and wastewater will be the responsibility of the dairy operator according to Regional Board Order R8-2018-0001. However, the Order also anticipates that the dairy operator may abandon these wastes so that they are the responsibility of the subsequent landowner. Dairies subject to the Order should already have containment structures designed to hold runoff from up to the 25-year, 24-hour storm event from production areas. If manure and wastewater are abandoned at the site, the new owner should be responsible for maintaining those structures until the wastes are removed.

The turnover of dairy property may also require the disposal of unsuitable soils containing manure. Depending on the depth of excavation, these soils may also contain salts that have accumulated from decades of dairy use (See the Dairy Report available at: https://www.waterboards.ca.gov/santaana/water_issues/programs/dairies/docs/chino_dairies.pdf). Site preparation may result in the export of soils contaminated with manure and salt. The Regional Board has had to respond to several reports of contaminated soils being disposed of in the floodplain of the Santa Ana River and elsewhere. The draft EIR should describe this potential water quality threat and describe the mitigation measures that the City will take to track and control the disposition of exported soils. This should include providing a description of the potential volume of exported soil and the potential locations for disposal. Please be advised that disposal locations may be subject to the State Board's General Construction Permit.

Urbanization upstream of agricultural areas has historically increased runoff through some dairies. This problem is recognized in the Regional Board's Water Quality Control Plan for the Santa Ana River Basin. As noted earlier, dairies have containment structures to hold runoff from production areas. The draft EIR should recognize that the project should not increase runoff through production areas of dairies onsite or downstream of the project site. The phasing of the construction of the storm drain system for the project should be described in the draft EIR and controlled so that increased runoff through production areas does not occur at any time.

The pertinent requirements of Regional Board Order No. R8-2010-0036, as later amended or revised, for controlling the discharge of pollutants from the project after construction should be included in the draft EIR. The draft EIR should include a general description of the potential or actual structural treatment controls that may be used for the project. Thank you.

Adam Fischer
Chief, Inland Storm Water Unit
(951) 320-6363



Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

Kevin Blakeslee, P.E.
Director

Transmitted via email

May 7, 2019

City of Ontario
Planning Department
Attn: Richard Ayala, Senior Planner
303 East "B" Street
Ontario, CA. 91764

File: 10(ENV)-4.01

RE: CEQA – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE MERRILL COMMERCE CENTER SPECIFIC PLAN PROJECT FOR THE CITY OF ONTARIO

Dear Mr. Ayala:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on April 12, 2019** and pursuant to our review, the following comments are provided:

Flood Control Planning Division (Michael Fam, PWE III, 909-387-8120):

1. The proposed Project is proposing to affect a San Bernardino County Flood Control District (District) facility, Cucamonga Creek, C/E (1-301-IH). Any encroachments on the District's right-of-way or facilities including but not limited to utility crossings, side drain connections and street/bridge improvements will require a permit from the District prior to start of construction. In addition, District facilities built by the Army Corps of Engineers (ACOE) will require the District to obtain approval (408-Permit) from the ACOE. If a permit is required, its necessity and any impacts associated with the construction should be addressed in the DEIR.
2. The proposed Project is also proposing to make improvements an existing 10' X 6' RCB and open channel owned and operated by the San Bernardino County Department of Airports, located south of the intersection of Merrill and Grove Avenues. Any encroachments on the Airports right-of-way or facilities will require approval prior to start of construction. If a permit is required, its necessity and any impacts associated with the construction should be addressed in the DEIR. For more information, please contact the San Bernardino County Department of Airports located at 777 E. Rialto Avenue, San Bernardino, CA 92415. Attention: James E. Jenkins, Director (909) 387-8812.

BOARD OF SUPERVISORS

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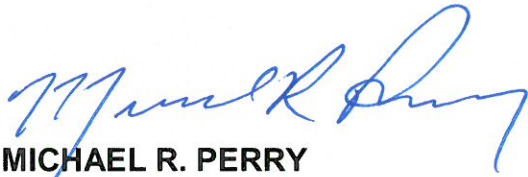
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Chief Executive Officer

R. Ayala, City of Ontario
CEQA NOP DEIR Merrill Commerce Center Specific Plan
May 7, 2019
Page 2 of 2

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,



MICHAEL R. PERRY
Supervising Planner
Environmental Management

MRP:PE:sr
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South Coast Air Quality Management District

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SENT VIA USPS AND E-MAIL:

May 10, 2019

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Notice of Preparation of a Draft Environmental Impact Report for the Proposed Merrill Commerce Center Specific Plan¹

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. South Coast AQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send South Coast AQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to South Coast AQMD. Please forward a copy of the Draft EIR directly to South Coast AQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files². These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, South Coast AQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

South Coast AQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. South Coast AQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from South Coast AQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on South Coast AQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). South Coast AQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

¹ The Proposed Project would include construction of 7,014,000 square feet of warehouses and 1,441,000 square feet of business park on 376.3 acres.

² Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

South Coast AQMD has also developed both regional and localized significance thresholds. South Coast AQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results to South Coast AQMD's CEQA regional pollutant emissions significance thresholds to determine air quality impacts. South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, South Coast AQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by South Coast AQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis.

Operation of the Proposed Project generates or attracts heavy-duty diesel-fueled vehicles. It is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Guidance³ on strategies to reduce air pollution exposure near high-volume roadways can be found at: https://www.arb.ca.gov/ch/rd/technical_advisory_final.PDF.

Trip Rates for High Cube Warehouse Projects

The Proposed Project will include, among others, construction of a 55,000-square-foot warehouse. South Coast AQMD staff recommends the use of truck trip rates from the Institute of Transportation Engineers

³ In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's Air Quality and Land Use Handbook: A Community Health Perspective. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

(ITE) for high cube warehouse projects located in South Coast AQMD (i.e. 1.68 average daily vehicle trips per 1,000 square feet and 0.64 average daily truck trips per 1,000 square feet). Consistent with CEQA Guidelines, the Draft EIR for the Proposed Project may use a non-default trip rate if there is substantial evidence supporting another rate is more appropriate for the air quality analysis.

Mitigation Measures

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

- Chapter 11 “Mitigating the Impact of a Project” of South Coast AQMD’s *CEQA Air Quality Handbook*. South Coast AQMD’s CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- South Coast AQMD’s Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- South Coast AQMD’s Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- California Air Pollution Control Officers Association (CAPCOA)’s *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Additional mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft EIR may include the following:

- Require zero-emissions or near-zero emission on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB’s adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. At a minimum, require that vendors, contractors, and/or haul truck operators commit to using 2010 model year⁴ trucks (e.g., material delivery trucks and soil import/export) that meet CARB’s 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks⁵. Include environmental analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. The Lead Agency should include the requirement of zero-emission or near-zero emission heavy-duty trucks in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission

⁴ The CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB’s Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

⁵ Based on a review of the California Air Resources Board’s diesel truck regulations, 2010 model year diesel haul trucks should have already been available and can be obtained in a successful manner for the project construction California Air Resources Board. March 2016. Available at: <http://www.truckload.org/tca/files/ccLibraryFiles/Filename/00000003422/California-Clean-Truck-and-Trailer-Update.pdf> (See slide #23).

standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.

- Have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential areas.
- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this land use or higher activity level.
- Provide electric vehicle (EV) Charging Stations (see the discussion below regarding EV charging stations).
- Should the Proposed Project generate significant regional emissions, the Lead Agency should require mitigation that requires accelerated phase-in for non-diesel powered trucks. For example, natural gas trucks, including Class 8 HHD trucks, are commercially available today. Natural gas trucks can provide a substantial reduction in health risks, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the Final CEQA document, the Lead Agency should require a phase-in schedule for these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency.
- Trucks that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from this project. Further, trucks that run at least partially on electricity are projected to become available during the life of the project as discussed in the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS)⁶. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, South Coast AQMD staff recommends the Lead Agency require the Proposed Project and other plan areas that allow truck parking to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks to plug-in. Similar to the City of Los Angeles requirements for all new projects, South Coast AQMD staff recommends that the Lead Agency require at least 5% of all vehicle parking spaces (including for trucks) include EV charging stations⁷. Further, electrical hookups should be provided at the onsite truck stop for truckers to plug in any onboard auxiliary equipment. At a minimum, electrical panels should be appropriately sized to allow for future expanded use.
- Design the Proposed Project such that entrances and exits are such that trucks are not traversing past neighbors or other sensitive receptors.
- Design the Proposed Project such that any check-in point for trucks is well inside the Proposed Project site to ensure that there are no trucks queuing outside of the facility.
- Design the Proposed Project to ensure that truck traffic within the Proposed Project site is located away from the property line(s) closest to its residential or sensitive receptor neighbors.
- Restrict overnight parking in residential areas.
- Establish overnight parking within the Proposed Project where trucks can rest overnight.
- Establish area(s) within the Proposed Project site for repair needs.
- Develop, adopt and enforce truck routes both in and out of city, and in and out of facilities.

⁶ Southern California Association of Governments. Accessed at: <http://scagrtpscsc.net/Pages/FINAL2016RTPSCS.aspx>.

⁷ City of Los Angeles. Accessed at: http://ladbs.org/LADBSWeb/LADBS_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf.

- Create a buffer zone of at least 300 meters (roughly 1,000 feet), which can be office space, employee parking, greenbelt, etc. between the Proposed Project and sensitive receptors.

Additional mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the Draft EIR may include the following:

- Maximize use of solar energy including solar panels. Install the maximum possible number of solar energy arrays on the building roofs and/or on the project site to generate solar energy for the facility and/or EV charging stations.
- Maximize the planting of trees in landscaping and parking lots.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Alternatives

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a “no project” alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits and South Coast AQMD Rules

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project. The assumptions in the air quality analysis in the Final EIR will be the basis for permit conditions and limits. For more information on permits, please visit South Coast AQMD’s webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to South Coast AQMD’s Engineering and Permitting staff at (909) 396-3385.

Data Sources

South Coast AQMD rules and relevant air quality reports and data are available by calling South Coast AQMD’s Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available at South Coast AQMD’s webpage at: <http://www.aqmd.gov>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that project air quality and health risk impacts are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov or (909) 396-3308.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources


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Merrill Commerce Center Specific Plan Project

Summary

SCH Number	2019049079
Lead Agency	Ontario, City of (<i>City of Ontario</i>)
Document Title	Merrill Commerce Center Specific Plan Project
Document Type	NOP - Notice of Preperation
Received	4/12/2019

Document Description Merrill Commerce Center Specific Plan proposes development and operation of up to 7,014,000 square feet of high-cube fulfillment center warehouse uses and up to 1,441,000 square feet of business park uses (total of 8,455,000 square feet of development) on approximately 376.3 acres. The Project site is located a long Merrill Avenue, between Grove Avenue and Carpenter Avenue. Eucalyptus Avenue forms the northerly boundary.

Contact Information Richard Ayala
City of Ontario

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Location

Cities	Ontario
Counties	San Bernardino
Cross Streets	Merrill Avenue, Grove Avenue
Zip	91764
Total Acres	376.3
Airports	1
Schools	9

Notice of Completion

Review Period Start	4/12/2019
Review Period End	5/13/2019
Development Type	Office (1.4 mil Sq. Ft.) Industrial (7 mil Sq. Ft.)
Local Action	Site Plan Specific Plan
Project Issues	Cumulative Effects Landuse Water Quality Traffic/Circulation Toxic/Hazardous Public Services Population/Housing Balance Noise Geologic/Seismic Flood Plain/Flooding Drainage/Absorption Biological Resources Archaeologic-Historic Air Quality Agricultural Land
Reviewing Agencies	Air Resources Board, Major Industrial Projects California Department of Parks and Recreation Caltrans, District 8 Caltrans, Division of Aeronautics Department of Conservation Department of Fish and Wildlife, Region 6 Department of Toxic Substances Control Department of Water Resources Native American Heritage Commission

Attachments

Environmental Document

Merrill CCSP IS_April2019

PDF

17660 K

NOP

PDF

315 K

summary form

PDF

44 K

NOC

letter

PDF

406 K

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