

**RESOLUTION NO. 2005-101**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROPOSED EDENGLLEN SPECIFIC PLAN PROJECT AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, the Edenglen Specific Project ("Project") proposes and encompasses the following actions: (1) amendment to the City's General Plan; (2) approval of the Edenglen Project; and (3) related discretionary approvals; and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA") (Public Res. Code, § 21000 et seq.), the State CEQA Guidelines (14 CCR § 15000 et seq.) and the City's Local CEQA Guidelines, the City of Ontario ("City") is the lead agency for the Project, as the public agency with general governmental powers; and

**WHEREAS**, given the history of the Project area and the environmental issues known to exist, the City prepared an Environmental Impact Report ("EIR") and provided full disclosure of the potential environmental effects of the Project as defined; and

**WHEREAS**, the City issued a Notice of Preparation ("NOP") of a Draft EIR on May 18, 2004, and circulated the NOP for a period of 30 days pursuant to State CEQA Guidelines, sections 15082[a], 15103 and 15375; and

**WHEREAS**, pursuant to State CEQA Guidelines, section 15082, the City solicited comments from potential responsible agencies, including details about the scope and content of the environmental information related to the responsible agency's area of statutory responsibility, as well as the significant environmental issues, reasonable alternatives and mitigation measures that the responsible agency would have analyzed in the Draft EIR; and

**WHEREAS**, approximately nine (9) written statements were received by the City in response to the NOP, which assisted the City in narrowing the issues and alternatives for analysis in the Draft EIR; and

**WHEREAS**, a Draft EIR was completed and released for public review on July 19, 2005, and the City initiated a 45-day public comment period by filing a Notice of Completion and Availability with the State Office of Planning and Research; and

**WHEREAS**, pursuant to Public Resources Code, section 21092, the City also provided a Notice of Completion and Availability to all organizations and individuals who had previously requested such notice, and published the Notice of Completion on or about July 19, 2005, in the Inland Valley Daily Bulletin, a newspaper of general circulation in the Project area. Pursuant to City of Ontario Local CEQA Guidelines, the Notice of Completion was mailed to all residents and property owners within 600 feet of the Project. Copies of the Draft EIR were provided to approximately 32 public agencies, organizations and individuals. In addition, the City placed copies of the Draft EIR at the City of Ontario Planning Department Public Counter and the City of Ontario Public Library; and

**WHEREAS**, during the 45-day comment period on the Draft EIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines, section 15086; and

**WHEREAS**, during the official public review period for the Draft EIR, the City received approximately three written comments and, following the close of the official public comment period, received one additional comment, all of which the City responded to in the Final EIR; and

**WHEREAS**, the City prepared the Final EIR and, pursuant to Public Resources Code, section 21092.5, the City provided copies of the Final EIR to all commenting agencies; and

**WHEREAS**, the City prepared the Final EIR and, pursuant to Public Resources Code, section 21092.5, the City provided a Notice of Public Hearing and/or Intent to Certify an Environmental Impact Report to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing on or about September 13, 2005, in the Inland Valley Daily Bulletin, a newspaper of general circulation in the Project area; and

**WHEREAS**, all potential significant adverse environmental impacts were sufficiently analyzed in the Draft EIR; and

**WHEREAS**, the City of Ontario Planning Commission, at its public meeting on September 13, 2005, reviewed the Draft EIR; and

**WHEREAS**, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

**WHEREAS**, all the requirements of CEQA, the State CEQA Guidelines, and the City's Local Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

**WHEREAS**, the EIR prepared in connection with the Project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA, the State CEQA Guidelines and the City's Local Guidelines; and

**WHEREAS**, all of the findings and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

**WHEREAS**, environmental impacts identified in the Final EIR which the City finds are less than significant and do not require mitigation are described in **Section II** hereof; and

**WHEREAS**, environmental impacts identified in the Final EIR as potentially significant but which the City finds can be mitigated to a level of less than significant, through the imposition of feasible mitigation measures identified in the Final EIR and set forth herein, are described in **Section III** hereof; and

**WHEREAS**, environmental impacts identified in the Final EIR as potentially significant but which the City finds cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth herein, are described in **Section IV** hereof; and

**WHEREAS**, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in **Section VI** hereof; and

**WHEREAS**, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Final EIR, and all oral and written evidence presented to it during all meetings and hearings; and

**WHEREAS**, the Final EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project; and

**WHEREAS**, no comments made in the public hearings conducted by the City or any additional information submitted to the City have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines, section 15088.5; and

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

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO RESOLVES AS FOLLOWS:**

## SECTION I

### FINDINGS

At a regular session assembled on October 4, 2005, the City Council determined that based on all of the evidence presented, including, but not limited to, the Final EIR, written and oral testimony given at meetings and hearings, and submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are: 1) less than significant and do not require mitigation; or 2) potentially significant and each of these impacts will be avoided or reduced to a level of insignificance through the identified mitigation measures; or 3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

## SECTION II

### RESOLUTION REGARDING ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The City Council hereby finds that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of mitigation measures:

- A. Aesthetics - The Project does not contain any scenic vistas or located adjacent to a scenic highway. While the site does contain views of the San Gabriel Mountains, limitation on building height contained in the Specific Plan will maintain views to the mountains.
- B. Land Use and Planning - The Project would be developed consistent with the City of Ontario General Plan. The Project is within Subarea 7 of the New Model Colony portion of the City's General Plan. The Project site has a General Plan designation of Low, Medium, and High Residential Density designations for the western portion of the site, Community Commercial for the northeast portion of the site, and Business Park/Light Industrial for the southeast portion of the site.

While the Project does include a General Plan Amendment ("GPA"), the GPA involves the reallocation of the land use within the residential component of the Specific Plan. The area devoted to each land use designation and the respective unit counts will remain the same.

- C. Mineral Resources - The Project is not identified as a mineral resource site on any plans. In addition, the Project site is not known to contain any mineral resources.
- D. Population and Housing - The Project will provide a mix of residential, commercial, and light industrial uses within the site consistent with the vision for

the New Model Colony ("NMC"). The development of Subarea 7 is consistent with the anticipated growth for the NMC. The mix of uses will add in maintaining a jobs/housing balance for the community.

- E. Recreation - The Project includes a central park, smaller pocket/signature parks, and a trail linking the development with other areas of the NMC. These facilities provide for the recreational use of the Project.
- F. Energy - Development of the Project will result in increased energy requirements over the existing land use. This increase was anticipated and evaluated with the NMC Environmental Impact Report.

### SECTION III

#### MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The City Council hereby finds that mitigation measures have been identified in the Draft EIR that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts and the mitigation measures which will reduce them to a less than significant level are set out in the EIR and are summarized as follows:

- A. Hydrology and Water Quality - Impacts to hydrology and water quality will be mitigated to a level of less than significant through required mitigation measures that include compliance with City of Ontario, County of San Bernardino, and State Water Quality Control Board requirements and permitting, addressing National Pollution Discharge Elimination Requirements ("NPDES") and best management practices ("BMPs") for both short (construction) and long-term development of the Project. No further mitigation beyond that identified in the EIR is necessary to reduce impacts to below a level of significance.
- B. Geology and Soils - Impacts to geology and soils will be mitigated to a level of less than significant through required mitigation measures that include the pre-construction application of required City permits, geotechnical reports, and permit compliance during construction. No further mitigation beyond that identified in the EIR is necessary to reduce impacts to below a level of significance.
- C. Hazards - Impacts to hazards will be mitigated to a level of less than significant through required mitigation measures that include compliance with City of Ontario, County of San Bernardino, and State requirements and permitting, addressing impacts including, but not limited to, methane gas, lead-based paints, and asbestos. No further mitigation beyond that identified in the EIR is necessary to reduce impacts to below a level of significance.
- D. Noise - Impacts to noise will be mitigated to a level of less than significant through required mitigation measures that include pre-construction application of

required acoustical reports, construction of sound barriers, and compliance during construction. No further mitigation beyond that identified in the EIR is necessary to reduce impacts to below a level of significance.

- E. Public Services - Impacts to public services will be mitigated to a level of less than significant through required mitigation measures that include payment of Development Impact Fees ("DIF") and State-mandated school fees. No further mitigation beyond that identified in the EIR is necessary to reduce impacts to below a level of significance.
- F. Cultural Resources - Impacts to cultural resources will be mitigated to a level of less than significant through required mitigation measures that include compliance with City of Ontario, County of San Bernardino, and California Health and Safety Code requirements for identification and evaluation of artifacts and human remains. No further mitigation beyond that identified in the EIR is necessary to reduce impacts to below a level of significance.

#### SECTION IV

#### RESOLUTION REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The Agency hereby finds that, despite the incorporation of many useful measures outlined in the Final EIR, the following impacts cannot be fully mitigated to a less than significant level, and a Statement of Overriding Considerations is therefore included herein:

##### A. Air Quality

1. Potentially Significant Impacts - Development of the Edenglen Project would result in various air emissions from a variety of stationary and mobile sources. The Edenglen Project would produce emissions during two distinctive stages: short-term construction and long-term daily operations. During the short-term construction stage, emissions will be generated by on-site construction equipment, off-site vehicles used to make deliveries to the site, and construction workers commuting to and from the site. Emissions from the project site during construction are considered short-term impacts and include fugitive emissions from site preparation and earthmoving as well as gaseous emissions from construction equipment and on-road travel by workers. Once the residential units are occupied, and the commercial component is in operation, emissions will be generated by long-term, ongoing daily activities associated with the residential units and commercial development. These long-term activities include stationary sources such as emissions from the use of natural gas within the residential units, gasoline driven landscape equipment, and consumer products. Long-term mobile sources include vehicular traffic associated with the residents and employees of the project, including commuting to employment locations, shipping, and other vehicular trips. Mobile sources are the primary long-term source of air quality impacts.

2. Findings - Implementation of the following measures would partially mitigate cumulative impacts to air quality but not to a level considered less than significant. Project air quality impacts will remain significant and unavoidable. A Statement of Overriding Considerations for the Project is presented in Section VIII of these findings. Further mitigation is deemed infeasible due to economic, social or other considerations. To mitigate potential air quality impacts to the extent feasible, the following mitigation measures will be implemented:

- **AQ-1** During construction of the proposed improvements, the applicant will provide on-site electrical hook ups for electric hand tools such as saws, drills, and compressors, to eliminate the need for diesel powered electric generators.
- **AQ-2** During construction of the proposed improvements, only low volatility paints and coatings as defined in SCAQMD Rule 1113 shall be used. All paints shall be applied using either high volume low-pressure (HVLP) spray equipment or by hand application.
- **AQ-3** Prior to construction of the proposed improvements, the project proponent will provide a traffic control plan that will describe in detail safe detours around the project construction site and provide temporary traffic control (i.e. flag person) during concrete transport and other construction related truck hauling activities. This suggested condition is a standard procedural requirement imposed on projects by the City of Ontario and is implemented during the plan check process.
- **AQ-4** During construction of the proposed improvements, construction equipment will be properly maintained with all maintenance repairs to be completed at an off-site location, including proper tuning and timing of engines.
- **AQ-5** During construction of the proposed improvements, all contractors will be advised not to idle construction equipment on site for more than ten minutes.
- **AQ-6** Prior to construction of the proposed improvements, the applicant will provide the City of Ontario and the South Coast Air Quality Management District (SCAQMD) with a project specific dust control plan for review and approval. The dust control plan shall be consistent with the methodology found in the SCAQMD publication titled "Rule 403 Implementation Handbook" and will include Best Available Control Measures (BACM) that include application of water or chemical stabilizers to disturbed soils, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 mph, sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph and establishing a permanent, stabilizing ground cover on finished sites. Implementation of the project specific dust control plan and BACMs will take place during construction of the proposed improvements.
- **AQ-7** Construction equipment "run-time" shall be limited to no more than a total of 8 hours of work every day.

- **AQ-8** The project proponent shall consult with the local transit authority to assess the location of an onsite bus stop and the need for bus benches, bus stop signs and other required infrastructure needed to implement a bus stop. Prior to occupancy of the proposed project, the project proponent will construct the required transit stop infrastructure at the location designated by the local transit authority.
- **AQ-9** The project proponent shall provide street lighting on all onsite residential streets, pedestrian paths, and transit stops, to encourage residents to walk to local destinations including onsite commercial shopping and employment centers.

3. Supporting Explanation - The Project imposed all feasible mitigation measures to avoid adverse impacts to air quality (Draft EIR pp. 5.8-20 through 22). The short and long-term air quality impacts from the Project will be minimized with implementation of the appropriate mitigation measures. However, short-term ROC and NOx and long-term ROC, NOx, CO, and PM10 will continue to exceed levels of significance (Draft EIR, pp 5.8-22 through 24).

## B. Agriculture

1. Potentially Significant Impacts - The proposed project would convert the existing agricultural land and agricultural uses located on the project site to non-agricultural uses. This would result in the conversion of 82.1 acres of land that is considered either Prime Farmland or Unique Farmland to urban uses, which is considered a significant impact on farmland and agricultural resources.

2. Findings - The City's Agricultural Overlay Zoning District would allow for continuation of similar agricultural uses (dairy and row crops) on portions of the property not immediately planned for development, considered to be the eastern half of the project site. However, continued agricultural production on the project site would be expected to be an interim use and would not provide mitigation for the expected conversion of agricultural land and agricultural uses on the project site or for the regional conversion of agricultural lands.

The potential to provide on-site mitigation for the loss of prime agricultural land and the existing agricultural uses was considered, but rejected as infeasible for several reasons. First, because approximately half of the project site is considered either Prime Farmland or Unique Farmland, which is not evenly distributed across the project site, and because most of the project site is used for agricultural production, the only feasible on-site mitigation would be avoidance (i.e., to not implement the proposed project). However, this is infeasible because of the inconsistency with the NMC General Plan designations for the project site and the effect this would have on the overall implementation of the NMC. Development of the NMC is based upon general plan designations within thirty discrete planning subareas that are integrated and form a cohesive fabric of development. Should one of these subareas depart significantly from



the land uses that would be allowed under the general plan, a domino effect of potential environmental effects could result, such as the balance between jobs and housing. Second, retaining a portion of the project site for similar agricultural uses to those that currently exist on the project site would also be infeasible. Due to the reasons previously described, partial retention would not fully mitigate the impact resulting from project implementation. Another reason this is infeasible would be from the inevitable land use conflicts that would occur, due to the adjacent development, which would include the proposed adjacent dwelling units and existing Colony High School located immediately west of the project site. Third, agriculture in the region continues to decline in economic viability due to escalating land prices, environmental regulations, high water costs, increasing labor costs, competition from other regions in California and from other states. The NMC Final EIR stated that the future loss of agricultural productivity within the NMC is not solely the result of the proposed urbanization of the NMC. Therefore, agricultural uses on small acreages, such as portion of the project site, would likely be, or quickly become, not economically viable.

The potential to provide off-site mitigation for the loss of agricultural land and agricultural uses were considered, but rejected as infeasible. Using one of the other NMC planning subareas as mitigation for impacts related to the project site would result in virtually the same issues as previously described in consideration of on-site mitigation. Therefore, similar to the reasons why on-site mitigation is not feasible, off-site mitigation within the NMC is also infeasible. In addition, off-site mitigation within the region is also considered infeasible due to the decreasing economic vitality of agriculture in the NMC and Southern California and increased urbanization pressures on existing agricultural lands.

Therefore, no feasible on-site or off-site mitigation measures exist. Project agricultural impacts will remain significant and unavoidable. A Statement of Overriding Considerations for the Project is presented in Section VIII of these findings. Further mitigation is deemed infeasible due to economic, social or other considerations.

1. Supporting Explanation - The primary objective of the Project and the NMC Plan (adopted by the City Council in January 1998) is the urbanization of the NMC area over a  $\pm$  30-year build-out. The impacts to agricultural land can not be mitigated to a level of less than significant given the potential loss of prime agricultural land as the Project develops. Therefore, the impacts to agriculture is considered significant and unavoidable (Draft EIR p. 5.1-12).

## C. Traffic

1. Potentially Significant Impacts - Significant and unavoidable impacts to two intersections through the Year 2015 would result after mitigation measures have been applied. Specifically, the intersections of Milliken Avenue and

Riverside Drive and the intersection of Milliken Avenue and Chino Avenue would operate below established City and CMP standards.

2. Findings - Implementation of the following measures would partially mitigate short-term impacts to traffic but not to a level considered less than significant. Project traffic impacts will remain significant and unavoidable in the short term. A Statement of Overriding Considerations for the Project is presented in Section VIII of these findings. Further mitigation is deemed infeasible due to economic, social or other considerations. To mitigate potential traffic impacts to the extent feasible, the following mitigation measures will be implemented:

- **T-1** The applicant shall pay their proportionate share (prior to building permit issuance) for or install (prior to occupancy of any structure) the following transportation improvements needed to serve the project. The determination of whether the payment of proportionate share or installation of the improvements is required shall be made by the City Engineer at the time of Tentative Tract Map approval. The method for determining proportionate share is identified in Tables 10 and 13 of the Six Specific Plan Traffic Impact Analysis.
  - a) Mill Creek and Riverside Drive intersection - Provide an eastbound through only lane.
  - b) Milliken Avenue and Riverside Drive intersection - Provide eastbound and westbound left-turn protected phasing, eastbound right-turn only lane with overlap phasing, eastbound left-turn only lane, and westbound left-turn only lane.
  - c) Archibald Avenue and Riverside Drive intersection - Provide a southbound through only lane and an eastbound right-turn only lane.
  - d) Haven Avenue and Riverside Drive intersection - Provide northbound and southbound left-turn protected phasing and provide northbound free-flowing right turn only lane.
  - e) Milliken Avenue and SR-60 eastbound ramps - Restripe eastbound shared left turn/right-turn lane as a free-flowing right-turn only lane.
  - f) Vineyard Avenue between Riverside Drive and Schaeffer Avenue - Add roadway segment.
  - g) Hellman Avenue between Riverside Drive and Schaeffer Avenue - Add roadway segment.
  - h) Haven Avenue between Edison Avenue and Merrill Avenue - Add roadway segment.
  - i) Chino Avenue between Haven Avenue and Mill Creek Avenue - Add roadway segment.
- **T-2** Prior to the issuance of a building permit for the commercial component, the project applicant shall pay the proportionate share for the following transportation improvement in conformance with the City of Ontario's Traffic Impact Fee Program. The method for determining the proportionate share is identified in Tables 10 and 13 of the Six Specific Plan Traffic Impact Analysis.

- a) Primary access intersection C-2 (on Milliken Avenue between Chino Avenue and Riverside Drive) - provide signal.

3. Supporting Explanation - Mitigation Measure T-1 would require implementation prior to permit issuance and occupancy of this site. This eliminates the potential for construction-related activities to commence without the benefit of the recommended mitigation measure. This mitigation measure would reduce the project related traffic impacts by requiring payment to the City's Traffic Impact Fee Program, which would result in improvements to existing roadways and installation of additional traffic-related improvements in phase with development of the project site.

With the implementation of the Mitigation Measure T-1, all but two (see Table 5.6-6, Draft EIR p. 5.6-34) of the study intersections would operate in conformance with CMP and City standards. The intersection of Milliken Avenue and Riverside Drive and the future intersection of Milliken and Chino Avenue would continue to operate below the City standards. Based on an analysis of the traffic forecasts from the Year 2015 Ontario NMC Traffic Model, additional mitigation measures are not recommended at this time. This is because the traffic model for build-out of the NMC included these two intersections will operate at acceptable levels of service due to the future redistribution of traffic expected beyond Year 2015 as a result of the improvements anticipated to be in place prior to Year 2015. Therefore, with the implementation of the recommended mitigation measures, short-term significant and unavoidable impacts related to traffic would result from project and cumulative traffic in the Year 2015. Mitigation of these short-term traffic impacts is infeasible as a result of right-of-way constraints and the physical capacity of the existing roadway system. All other transportation and circulation impacts would be less than significant.

D. Biological Impacts

1. Potentially Significant Impacts - The majority of the habitat available for use by the burrowing owls would be removed as a result of implementing the proposed project. The portion of the SCE Corridor that would not be developed with the bicycle and pedestrian trail and preserved as open space would continue to be available for use by burrowing owls. Because burrowing owls are protected by the Migratory Bird Treaty Act of 1918 are classified by the CDFG as a Species of Special Concern, and are not a federally- or state-listed species, modification of the habitat by the removal of the on-site vegetation communities and subsequent development of the project site would not result in a significant impact. However, significant impacts to burrowing owls could result from direct impacts to actual animals, if present, on the project site during construction-related activities.

Implementation of the proposed project would remove the majority of habitat available for use by the DSF. As previously discussed, the portion of the SCE Corridor not proposed for development with the SCE Corridor Trail, representing approximately 12 acres, would be available for burrowing owls and would also be available for the DSF. Because the DSF is a federally-listed species, removal of this habitat could result in a significant impact if the DSF was present on the project site, although the USFWS has not designated critical habitat for the DSF and has not determined specific habitat acreage objectives within the three Recovery Units (RUs) (see Section 5.3.2, Draft EIR pp. 5.3-11, for a discussion of the Ontario RU).

The ornamental windrow would be removed as a result of implementing the proposed project. This windrow, generally comprised of blue gum (*Eucalyptus*) and pine trees, is not considered a sensitive plant community. Exhibit 2 of the Implementation Program identified the windrow along the southern perimeter of the project site as a Low Value Windrow; other windrows located in the NMC were identified as High Value Windrows. This windrow is used, as determined by the reconnaissance-level survey (Draft EIR, pp. 5.3-3 through 11), by raptors, which are protected by the Migratory Bird Treaty Act of 1918. This protection is codified in Section 3513 of the California Fish and Game Code. Removal of these trees, if occupied by raptors, could result in a significant impact. In addition to the removal of this windrow, the conversion of the project site to urban uses would eliminate all but 12 acres of foraging open space that could be used for migratory birds. The combination of the removal of the windrow and foraging open space could result in a significant impact to migratory birds.

2. Findings - Implementation of the following measures would partially mitigate impacts to biological resources but not to a level considered less than significant. Project Biological Impacts will remain significant and unavoidable. A Statement of Overriding Considerations for the Project is presented in Section VIII of these findings. Further mitigation is deemed infeasible due to economic, social or other considerations. To mitigate potential biological resources impacts to the extent feasible, the following mitigation measures will be implemented:

- **BR-1** Not less than two weeks and not more than four weeks prior to the commencement of any ground-disturbing activities, a survey for burrowing owls will be conducted to document their presence or absence. If burrowing owls are documented to be present on the project site, they will be physically relocated to an established preserve relocation site.
- **BR-2** Prior to approval of any development plans for the eastern half of the project site relating to the commercial component, consecutive, 2-year focused protocol DSF surveys shall be conducted in conformance with published USFWS protocols to confirm the absence of DSF from the project site. Should DSF occur on the project site, require the developer of the eastern half of the project site to pay the Habitat Mitigation Fee or acquire replacement habitat.

- **BR-3** Removal of this windrow must be accomplished in a manner that avoids impacts to active nests during the breeding season. If the windrow is entirely removed between September 1 and January 14, no surveys or monitoring will be required. If removal of this windrow must be performed between January 15 and August 31, a nesting bird survey must be conducted one week prior to commencing tree removal. If any active nests are detected within the windrow, a 100-foot wide buffer area around the nest(s) will be flagged, and will be avoided until the nesting cycle is complete or it is determined that the nest(s) has failed. In addition, a qualified biological monitor will be present on the site to monitor tree removal or other construction activity in the vicinity of nest sites to assure that active nests are not disturbed.
- **BR-4** Require the developer of the Edenglen Project to pay a Habitat Mitigation Fee of \$4,320 per net acre to the City of Ontario toward the development of the Waterfowl and Raptor Conservation Area, which would be based on the percentage of land area of the NMC that is occupied by the project site, as approved by the City of Ontario.

3. Supporting Explanation - The Project would result in development of approximately 149 acres of the land, with an additional remaining 12 acres of land remaining as open, available habitat along SCE corridor within the central portion of the site currently used for utilities easements. (Draft EIR, p. 5.3-13.) Mitigation Measures BR-1 through BR-3 (Draft EIR, p.5.3-17) require implementation prior to permit issuance or construction activities. This eliminates the potential for construction-related activities to commence without the benefit of the recommended mitigation measures. Mitigation Measure BR-1 would eliminate the potential to significantly affect burrowing owls, if present on the project site. Mitigation Measure BR-2 would determine if DSF is present on the eastern portion of the project site and require payment of a Habitat Mitigation Fee in conformance with Mitigation Measure BR-4. Mitigation Measures BR-3 and BR-4 would eliminate the potential to affect nesting raptors, if present in the windrows.

The USFWS has previously designated the area in which the Project resides as the DSFLF Ontario Recovery Unit. As such, the USFWS maintains that construction of the Project would result in loss of potential DSFLF habitat.

The NMC Final EIR concluded that there would not be any direct impacts to the DSF resulting from development of the NMC due to unlikely existence of DSF in the NMC. This was confirmed for the Project site by the reconnaissance-level survey and 2-year focused DSF surveys conducted on the western half of the project site. Therefore, no direct cumulatively considerable impacts to the DSF would result. However, because development of the project site and the related projects would convert the majority of the NMC to urban uses that have the potential to be used by the DSF, indirect cumulative considerable impacts to the recovery efforts of the DSF will remain.

E. Utilities

1. Potentially Significant Impacts - The Project would convert the project site from predominantly agricultural uses to urban uses that would result in increased demand for solid waste services (Draft EIR, p. 5.10-23).

2. Findings - The Project will generate more solid waste than the existing land uses. And while recycling efforts have extended the life of many landfills, there is a finite amount of solid waste that can be accommodated in existing landfills. As a result, cumulative impacts to solid waste will remain significant and unavoidable. A Statement of Overriding Considerations for the Project is presented in Section VIII of these findings. Further mitigation is deemed infeasible due to economic, social or other considerations.

3. Supporting Explanation - The West Valley MRF is a fully permitted 5,000 ton-per-day facility. Based upon the estimated 398 tons-per-day that would result from the build-out of the NMC, combined with the existing solid waste generated in the pre-NMC portion of the City, sufficient excess capacity exists at the West Valley MRF to accept the solid waste generated by the proposed project. In addition, state law requires a minimum of 15-years' aggregate disposal capacity be maintained in a regional landfill system, such as Riverside County or San Bernardino County. Therefore, because the El Sobrante has sufficient capacity with the planned expansion, and the regional landfill systems that have the potential to receive solid waste generated from the project site must maintain sufficient excess disposal capacity, less than significant impacts to landfill capacity would result from project implementation. In addition, because the West Valley MRF has excess processing capacity, less than significant impacts to solid waste transfer facilities would result from implementation of the proposed project.

Provisions of the Integrated Waste Management Act of 1989, also known as Assembly Bill 939, require the preparation of an Integrated Waste Management Plan (IWMP) that includes documentation of the state-mandated minimum 15-year aggregate disposal capacity for a landfill system. Currently, the countywide disposal system exceeds the required minimum 15-year aggregate disposal capacity with a permitted and planned life of 29 years and a disposal capacity of 48 million tons. In addition, the City's current diversion rate is 37 percent and the majority of the jurisdictions within San Bernardino County are below the State-mandated diversion requirement of 50 percent. If all jurisdictions in San Bernardino County achieve the mandated diversion rate of 50 percent, the amount of solid waste disposed of in landfills will decrease. However, it is not certain that all jurisdictions will achieve this mandated diversion rate. Moreover, jurisdictions that achieve the mandated diversion rate would have to maintain this diversion rate indefinitely into the future. Therefore, the anticipated solid waste

generated in the NMC and the related projects is considered to be cumulatively considerable.

## **SECTION V**

### **RESOLUTION REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

The State CEQA Guidelines require that an EIR must address any significant irreversible environmental changes that would be caused if the proposed Project were implemented. An impact would come under this category if: (1) The Project would involve a large commitment of nonrenewable resources; (2) The primary and secondary impacts of the Project would generally commit future generations to similar uses; (3) The Project involves uses in which irreversible damage could result from any potential environmental incidents associated with the Project; and (4) The proposed consumption of resources are not justified (e.g, results in wasteful use of energy).

As discussed in prior sections of this resolution, the Project site is currently being used for agricultural-related uses. Additionally, approximately 71 of the 160 acres are designated as Prime Farmland pursuant to the Farmland Mapping and Monitoring Program. Development of the project would result in the permanent loss of agricultural lands to urban uses (Draft EIR, pp. 5.1-7 through 12).

Development of the site will also remove potential Delhi Sands flower-loving fly habitat as defined by the USFWS. Although no DFSLF have been seen on the site and no direct impacts to the species are anticipated, a cumulative impact related to the continued development in the area based upon the loss of potential habitat would occur. (Draft EIR, pp. 5.3.16 through 18)

## **SECTION VI**

### **RESOLUTION REGARDING GROWTH-INDUCING IMPACTS**

Section 15126.2(d) of the State CEQA Guidelines requires the EIR to address the growth-inducing impact of the Project. Although the Project supports continued growth in the area, it does not induce growth amounts above already established regional and local planning policies (including SCAG's Regional Comprehensive Plan and Guide) and the City of Ontario General Plan. As discussed in Section 3 of the EIR, the proposed project includes residential dwellings and community commercial and business park/light industrial uses. In addition to the proposed land uses, on-site and off-site infrastructure improvements would be required that are related to stormwater collection and conveyance, domestic and reclaimed water supply, wastewater treatment, and transportation-related improvements. These proposed land uses and related infrastructure are part of the overall land use plan envisioned for the entire NMC as described in Section 1 of the EIR. Therefore, implementation of the project would not induce growth not already envisioned by the City.

## SECTION VII

### RESOLUTION REGARDING ALTERNATIVES

The City Council hereby declares that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. CEQA requires that an EIR evaluate a reasonable range of alternatives to a Project, or to the location of the Project, which: (1) offer substantial environmental advantages over the Project proposal, and (2) may be feasibly accomplished in a successful manner within a reasonable period of time considering the economic, environmental, social and technological factors involved. An EIR only need evaluate reasonable alternatives to a Project that could feasibly attain most of the Project objectives, and evaluate the comparative merits of the alternatives. In all cases, consideration of alternatives is to be judged against a rule of reason. The lead agency is not required to choose the environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed Project and, (1) through the imposition of mitigation measures the environmental effects of a Project can be reduced to an acceptable level, or (2) there are social, economic, technological or other considerations which make the alternative infeasible.

The Draft EIR identified the City of Ontario's objectives for the Project, which are:

- **OBJ-1** Implement the vision of the NMC General Plan, which is designed to be a place of diversity that includes the following: a mix of residential neighborhoods with a variety of housing options; regional serving centers that provide retail, professional office, medical facilities, high-density housing, entertainment complexes, and hotel and conference facilities; employment centers; and a Town Center that serves as the principal center of activity and the common focal point for all NMC neighborhoods and districts.
- **OBJ-2** Provide land uses that are compatible with surrounding land uses and that are consistent with the policies for specific plans identified in the NMC General Plan.
- **OBJ-3** Develop a variety of housing types within the residential component available for a range of lifestyles and prices that implement the housing policies of the NMC General Plan.
- **OBJ-4** Incorporate the opportunity for residential units to accommodate a live-work environment with living areas on the second floor and home office areas on the first floor in order to promote traditional neighborhood development concepts and to reduce vehicular trips due to job commutes.
- **OBJ-5** Linkage of the SCE Corridor trail to the City's Master Plan of trails.
- **OBJ-6** Provide infrastructure to serve the project in a timely manner consistent with NMC programmed infrastructure plans.
- **OBJ-7** Provide employment opportunities on the project site.



A. Alternative 1 -- No Available Alternative

1. Description - Under the "No Project Alternative", no development would occur at the Project site within the foreseeable future and the Project site would remain in its existing condition. Potential impacts associated with the proposed Project would be avoided. Under this alternative, the commercial dairy and nursery would continue in operation and the portion of the project site used for cultivated row crop production would continue to be used for an undetermined period of time (Draft EIR, p. 8-4).

a) Agriculture - Under the "no project alternative", no impacts upon agricultural uses would occur. The continued use of the project site for agricultural production may discharge pollutants into the ground and ultimately the groundwater, and also convey pollutants off-site during heavy rain events. However, this alternative would avoid the potential for increased flooding associated with the proposed project. Therefore, this alternative would not result in avoiding the less than significant impacts to hydrology and water quality associated with the proposed project (Draft EIR, p. 8-5).

b) Biological Resources - The project site would continue to be available for use by burrowing owls and the Delhi Sands flower-loving fly, if suitable habitat would continue to be available on the project site, and raptors that may use the windrow and open fields, and migratory waterfowl that may use the existing on-site stormwater retention basin. Therefore, this alternative would result in avoiding or lessening the less than significant impacts to biological resources associated with the proposed project (Draft EIR, p. 8-5).

c) Geology/Soils - The existing on-site structures would be subject to seismically-related groundshaking similar to the proposed project. The existing structures located on the western portion of the project site could be subjected to structural damage from poor or unstable soils similar to the proposed project. However, there are only a few structures on this portion of the project site, and the organic-rich soils are a direct result of dairy operations. This exposure to structural damage would not be equivalent to the proposed project. Because no additional structures would be built under this alternative, the potential for impacts related to structural damage that would result from construction on poor or unstable soils would be avoided. Therefore, this alternative would result in avoiding or lessening the less than significant impacts to geology and soils associated with the proposed project (Draft EIR, p. 8-5,6)

d) Hazards - the potential exposure to persons from lead based paints and asbestos related to demolition would be avoided because no structures would be removed and methane would continue to be released

into the atmosphere, rather than potentially accumulate in the soil under paving and structural foundations. Therefore, this alternative would result in avoiding or lessening the less than significant impacts to hazards associated with the proposed project (Draft EIR, p. 8-6).

e) Transportation/Circulation - The potential impacts related to traffic would be avoided because no development would occur that would result in additional generation of traffic. Therefore, this alternative would result in avoiding or lessening the significant impacts to transportation and circulation that would occur in Year 2015, associated with the proposed project (Draft EIR, p. 8-6).

f) Noise - the potential exposure to persons from construction-related noise impacts and potential to exceed City noise standards would be avoided because no development would occur that would result in additional generation of noise. Therefore, this alternative would result in avoiding or lessening the less than significant impacts to noise associated with the proposed project (Draft EIR, p. 8-6,7).

g) Air Quality - Under this alternative, the potentially significant impacts related to air quality resulting from the proposed project would be eliminated. However, the impacts to air quality that would result from continued operations of the dairy, nursery, and row crop agricultural production would not be eliminated. The existing air quality emissions on the project site were not modeled for the purposes of this evaluation, but it is assumed that under this alternative PM-10 and methane would continue to be generated. It is further assumed that had the existing emissions such as ROC, NO<sub>x</sub>, and SO<sub>x</sub> been modeled, they would be less than the proposed project. Therefore, this alternative would result in avoiding or lessening significant impacts to air quality associated with the proposed project (Draft EIR, p. 8-7).

h) Public Services - Under this alternative, the additional school-age children would not be generated and would not result in the need for additional and/or expanded school facilities. Therefore, this alternative would result in avoiding or lessening the less than significant impacts to public services associated with the proposed project (Draft EIR, p. 8-7).

i) Utilities - Consumptions of natural gas and electricity would remain at their current levels, similar amounts of solid waste would be generated, wastewater would continue to be treated on-site through a septic and leach field system, and domestic water would continue to be provided from the on-site domestic well. Therefore, this alternative would result in avoiding the less than significant impacts to utilities associated with the proposed project (Draft EIR, p. 8-8).

j) **Cultural Resources** - Under this alternative, no development would occur and no disturbance of possible subsurface cultural resources would result. Therefore, this alternative would result in avoiding or lessening the less than significant impacts to cultural resources associated with the proposed project (Draft EIR, p. 8-8).

2. **Finding** - The City Council finds that although the "No Project Alternative" is environmentally superior to the proposed Project, it is infeasible because it fails to meet Project objectives.

3. **Supporting Explanation** - While the "No Project Alternative" is environmentally superior to the proposed Project because it would reduce impacts to the Project site as described above, it would not meet the Project objectives. Specifically, this alternative would fulfill only one of the seven Project objectives, that being Objectives 5 to provide a trail linkage in the SCE corridor connecting to the City's Master Plan of Trails (Draft EIR, p. 8-25). For these reasons, the City Council finds that the "No Project Alternative" is infeasible because it fails to meet Project objectives and therefore this alternative is rejected.

B. **Alternative 2 – Agricultural Retention**

1. **Description** - Under the "agricultural retention" alternative, the Project as proposed would include the residential and commercial land uses as proposed, but replaces the 27 acres of the project site, proposed for light industrial/business park uses with agriculture uses. This alternative includes the minor general plan amendment associated with the residential component of the proposed project and includes the development of the bicycle and pedestrian path in the SCE Corridor (Draft EIR, p. 8-8).

a) **Agriculture** - Under this alternative, the development of the portion of the project site proposed for residential and community commercial uses would result in the permanent conversion of Farmland, which would still be a significant impact to agricultural resources. Therefore, this alternative would lessen but not eliminate the significant and unavoidable impacts related to agriculture associated with the proposed project.

b) **Hydrology and Water Quality** - Under this alternative, the residential and commercial component would be developed identical to the proposed project and would result in similar impacts related to hydrology and water quality. The development of a portion of the project site as a retail nursery would require surface infrastructure such as parking lots and drive aisles for service vehicles that would result in water quality impacts and the potential for off-site flooding. However, due to the type of development, the amount of impervious surfaces developed under this alternative use

would likely be significantly less than the proposed light industrial/business park uses that are proposed, and the potential for surface runoff containing urban pollution would be slightly reduced. Therefore, this alternative would not result in lessening the less than significant impacts to hydrology and water quality associated with the proposed project.

c) Biological Resources - Under this alternative, the residential and commercial component would be developed identical to the proposed project and would result in similar impacts related to biological resources. The development of a retail nursery on the portion of the project site proposed for light industrial/business park uses would also require conversion of the existing row crop production that is used in combination with the windrow for foraging habitat, and that could be used by burrowing owls and the Delhi Sands flower-loving fly, if present on the project site. Therefore, this alternative would not result in avoiding or lessening the less than significant impacts to biological resources associated with the proposed project.

d) Geology and Soils - Under this alternative, the residential and commercial component would be developed identical to the proposed project and would result in similar impacts related to geology and soils. The development of a retail nursery on the portion of the project site proposed for light industrial/business park uses would require permanent structures and the above-ground fixtures that would be subject to seismically-induced ground shaking and potential structural damage from poor or unstable soils. Therefore, this alternative would not result in avoiding or lessening the less than significant impacts to geology and soils associated with the proposed project.

e) Hazards - Under this alternative, the residential and commercial component would be developed identical to the proposed project and would result in similar impacts related to hazards. The development of a retail nursery on the portion of the project site proposed for light industrial/business park uses could require the demolition of the existing nursery structures, or expansion of these structures, which would result in similar impacts related to exposure to hazardous materials. Therefore, this alternative would not result in avoiding or lessening less than significant impacts to hazards associated with the proposed project.

f) Transportation and Circulation - Under this alternative, the residential and commercial component would result in the generation of traffic identical to the residential and commercial component of the proposed project. The development of a retail nursery on the portion of the project site proposed for light industrial/business park uses would likely result in fewer vehicle trips than the light industrial/business park uses of the proposed project, but would not likely result in the elimination or

lessening of the significant impacts to traffic that would occur in Year 2015. Therefore, this alternative would not result in avoiding or lessening significant impacts to transportation and circulation associated with the proposed project.

g) Noise - Under this alternative, the potential exposure to persons from construction-related noise impacts and potential to exceed City noise standards associated with the residential and community commercial uses would be identical to the proposed project. The development of a retail nursery on the portion of the project site proposed for light industrial/business park uses that would result in construction related noise impacts similar to the proposed project. However, these impacts would likely be less because this alternative would require fewer buildings. In addition, because this alternative would result in fewer vehicle trips than the proposed project, the potential to exceed established noise standards could be lessened. Therefore, this alternative would result in lessening the less than significant impacts to noise associated with the proposed project but would not avoid them altogether.

h) Air Quality - Under this alternative, the residential and commercial component would be developed identical to the proposed project and would result in identical impacts related to air quality. The development of a retail nursery on the portion of the project site proposed for light industrial/business park uses would require short-term construction activities and long-term operational activities. The short-term construction activities would have similar emissions to those of the proposed project, but would likely generate lesser quantities because there would be fewer buildings proposed for construction. The long-term operations of a retail nursery would require consumption of natural resources, similar to the proposed project, but a reduced consumption of these resources. This alternative would result in emissions and vehicular trips, which are the greatest single-source of air quality emissions. This type of land use would generate vehicular trips from employees, consumers, and commercial vehicles for deliveries. However, the amount of vehicle trips associated with this land use would be less than the proposed light industrial/business park uses thereby reducing the air quality impacts. Therefore, this alternative would result in avoiding or lessening significant impacts to air quality associated with the proposed project.

i) Public Services - The residential and commercial component would be developed identical to the proposed project and would result in similar impacts related to school facilities. The development of a retail nursery on the portion of the project site proposed for light industrial/business park uses would not result in the development of dwelling units that would generate additional students. The amount of students that would be generated under this alternative would be the same as the proposed

project. Therefore, this alternative would not result in avoiding or lessening the less than significant impacts school facilities associated with the proposed project.

j) Utilities - Consumptions of natural gas and electricity, solid waste generation rates, and estimated demand for domestic water supply and wastewater treatment would be identical to the residential and community commercial component of the proposed project. Replacing the proposed light industrial/business park uses with a retail nursery would require the same utilities, but at a reduced level. Therefore, this alternative would result in lessening the less than significant impacts to utilities associated with the proposed project.

k) Cultural Resources - Under this alternative, development would occur as proposed on the portion of the project site designated for residential and commercial uses, but would not occur on the portion of the project site designated for light industrial/business park uses. The portion of the project designated for light industrial/business park uses would instead be retained with agricultural uses. For purposes of this evaluation, a large-scale retail nursery has been selected. The portion of the project site proposed for residential and commercial development would result in impacts to cultural resources identical to the proposed project. Because the portion of the project site proposed for agricultural retention would require the development of buildings and infrastructure, impacts similar to those associated with the proposed project are anticipated. Therefore, this alternative would not result in avoiding or lessening the less than significant impacts to cultural resources associated with the proposed project.

2. Finding - The City Council finds that although the "Agricultural Retention Alternative" is environmentally superior to the proposed Project, it is infeasible because it fails to meet Project objectives.

3. Supporting Explanation - While the "Agricultural Retention Alternative" is environmentally superior to the proposed Project because it would reduce impacts to the Project site as described above, it would meet only three of the seven Project objectives. Specifically, this alternative would provide the diversity of housing, provide the opportunity for live-work units and promote traditional neighborhood design, and provide a trail linkage in the SCE corridor connecting to the City's Master Plan of Trails (Draft EIR, p. 8-25). This alternative would, however, fail to meet the NMC vision of providing a mix of residential, commercial, and employment centers, provide land uses that are compatible with each other, provide infrastructure in a timely manner, and provide employment opportunities. For these reasons, the City Council finds that the "No Project Alternative" is infeasible because it fails to meet Project objectives and therefore this alternative is rejected.

C. Alternative 3 – No General Plan Amendment

1. Description - One of the components of the proposed project is a general plan amendment (refer to Exhibit 3-8 in Section 3.3.1 of this document), which proposes to relocate two of the three residential designations on the project site. This alternative evaluates the proposed project without the general plan amendment component. All other components of the proposed project will remain the same.

2. Findings - The City Council finds that the "No General Plan Amendment" alternative is infeasible because it does not eliminate or reduce any of the potentially significant impacts upon adjacent land uses, the environment, and/or species.

3. Supporting Explanation - The "No General Plan Amendment" alternative provides the same development potential as the Project, albeit in a slightly different configuration. Development under this alternative would result in similar potential impacts.

D. Alternative 4 – Reduced Residential Density

1. Description - This alternative eliminates the attached, higher-density dwelling units and would only develop the lower-density detached dwelling units. This alternative does not change the proposed SCE Corridor Trail or the commercial component. However, this alternative would require a general plan amendment in order to allow for the detached dwelling units to be evenly dispersed across the western portion of the project site. This alternative assumes that the same land area that would be developed under the proposed project would also be developed under this alternative, resulting in an overall reduced density of dwellings on the western half of the project site. The total number of dwelling units that could be developed under the NMC General Plan is 584, which is the same as the proposed project. Because this alternative would eliminate the attached dwelling units, which represent a total of 307 dwelling units, this alternative would result in a total of 277 detached single-family units that could be developed.

a) Agriculture, Hydrology/Water Quality, Biological Resources, Geology/Soils, Hazards, and Cultural Resources - Under this alternative, the project site would still be developed with the same urban type uses as in the proposed project and result in conversion of the entire project site. Therefore, this alternative would not result in avoiding or lessening the significant and unavoidable impacts associated with the proposed project (Draft EIR, p. 8-15 through 23).

b) Transportation/Circulation - Under this alternative, the project site would be developed with the same urban type uses as in the proposed project, but would reduce the number of proposed dwelling units from 584 to 277, which would result in a corresponding reduction in the number of trips that would be generated. The reduction of 307 dwelling units eliminates the higher-density dwelling units, typically associated with lower trip generation factors than the lower-density dwelling units that would be developed under this alternative. Under this alternative, it is estimated that the total daily trip generation for the project site would be reduced from 18,230 daily trips to 15,700 daily trips resulting in a substantial reduction in the number of vehicle trips. However, the reduction in vehicle trips corresponding to the reduction in the proposed number of dwelling units would not be enough to eliminate the significant and unavoidable impacts remaining after implementation of the proposed project (Draft EIR, p. 8-20, 21).

c) Noise - Under this alternative, the project site would still be developed with the same urban type uses as in the proposed project and would result in similar impacts related to noise. However, because fewer dwelling units would be developed, there would result in a corresponding reduction in noise. Therefore, this alternative would result in lessening the less than significant impacts to noise associated with the proposed project (Draft EIR, p. 8-21).

d) Air Quality - Under this alternative, the project site would still be developed with the same urban type uses as in the proposed project, but with fewer dwelling units. The reduction in dwelling units from 584 to 277 would reduce all long-term emissions below the level of significance. Under this alternative, NO<sub>x</sub> and ROC would remain above the thresholds of significance for short-term emissions. Therefore, this alternative would reduce but not avoid the significant and unavoidable impacts to air quality associated with the proposed project (Draft EIR, p. 8-21, 22).

e) Public Services - Under this alternative, the project site would still be developed with the same urban type uses as the proposed project, but would result in a reduction of the generation of school-age children because of the reduction in the number of dwelling units as the proposed project. In addition, demand on other public services such as police, fire, library, and parks and recreation would also be reduced. Therefore, this alternative would not result in avoiding or lessening the less than significant impacts to public services associated with the proposed project (Draft EIR, p. 8-22).

f) Utilities - Under this alternative, the project site would still be developed with the same urban type uses as the proposed project, but would result in a decreased demand on utilities such as water, wastewater, electricity, natural gas, and waste management. Therefore,



this alternative would not result in lessening the less than significant impacts to utilities, and would not eliminate the cumulatively considerable impact on solid waste facilities associated with the proposed project (Draft EIR, p. 8-22).

2. Findings - The City Council finds that the "Reduced Residential Density" alternative is infeasible because reduction in the number of proposed dwelling units would not eliminate or substantially lessen any of the significant impacts related to the Project.

3. Supporting Explanation - While the some of the environmental impacts are reduced through the "Reduced Residential Density" alternative, the alternative would not eliminate or substantially lessen any of the significant impacts. In so doing, however, the alternative fails to meet two of the Project objectives of meeting the NMC vision of providing a mix of residential neighborhoods and that provides a diversity of product types within the residential component (Draft EIR, p. 8-25).

E. Alternatives Considered and Rejected

1. Alternative Site - A "Different Site Alternative" would evaluate the land uses proposed by the Edenglen Project for development in a different location. However, this alternative was eliminated for several reasons. A different site would be considered viable only if the proposed uses in a different location would avoid or substantially lessen the potentially significant effects of the proposed project. Because the majority of the project objectives are linked to the NMC, the most likely alternative location would be one of the other NMC subareas. However, because the remainder of the NMC subareas, with the exception of the SoCALF agricultural properties located in the western portion of the NMC, are proposed for urban type development they would be expected to have similar impacts as compared to the proposed project. A few of the project objectives could be, at least theoretically, be achieved at a location outside the NMC. Any alternative locations in the vicinity of the project site that could be developed with the proposed uses could result in greater significant impacts than those associated with the project site. In addition, changing the land uses that are associated with each of the individual subareas could require all of the subareas land uses to be revised. Further evaluation of this alternative would not provide any meaningful information or environmental benefit.

## SECTION VIII

### RESOLUTION ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council hereby declares that, pursuant to State CEQA Guidelines, section 15093, the City Council has balanced the benefits of the Project against any unavoidable environmental impacts in determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse environmental impacts, those impacts may be considered "acceptable."

The City Council hereby declares that the EIR has identified and discussed significant effects which may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these effects can be mitigated to a level of less than significant except for unavoidable significant impacts as discussed in Section IV of these Findings.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended in the EIR and/or proposed Project could not be incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts. The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of Project objectives and/or of specific economic, social and other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable adverse impacts after mitigation, the City Council has determined that the following social, economic, and environmental benefits of the Project outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following overriding considerations:

- The Project will implement the vision of the NMC General Plan, which is designed to be a place of diversity that includes the following: a mix of residential neighborhoods with a variety of housing options; regional serving centers that provide retail, professional office, medical facilities, high-density housing, entertainment complexes, and hotel and conference facilities; employment centers; and a Town Center that serves as the principal center of activity and the common focal point for all NMC neighborhoods and districts.

- The Project will provide land uses that are compatible with surrounding land uses and that are consistent with the policies for specific plans identified in the NMC General Plan.
- The Project will develop a variety of housing types within the residential component available for a range of lifestyles and prices that implement the housing policies of the NMC General Plan.
- The Project will incorporate the opportunity for residential units to accommodate a live-work environment with living areas on the second floor and home office areas on the first floor in order to promote traditional neighborhood development concepts and to reduce vehicular trips due to job commutes.
- The Project will provide a linkage of the SCE Corridor trail to the City's Master Plan of trails.
- The Project will provide infrastructure to serve the project in a timely manner consistent with NMC programmed infrastructure plans.
- The Project will provide employment opportunities on the project site.

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Specific Plan outweigh any significant adverse environmental impacts of the Project. The City Council finds that each of the Project benefits outweighs the adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.

## **SECTION IX**

### **RESOLUTION REGARDING CERTIFICATION OF EIR**

The City Council finds that it has reviewed and considered the Final EIR in evaluating the proposed Specific Plan, that the Final EIR is an accurate and objective statement that fully complies with CEQA, State CEQA Guidelines and the City's local CEQA Guidelines and that the Final EIR reflects the independent judgment of the City Council.

The City Council declares that no new significant impacts as defined by State CEQA Guidelines, Section 15088.5 have been received by the City after circulation of the Draft EIR that would require recirculation.

The City Council certifies the Environmental Impact Report based on the following findings and conclusions:

#### **A. Findings**

The following significant environmental impacts have been identified in the EIR and will require mitigation as set forth in Section IV of this Resolution but cannot be mitigated to a level of insignificance: air quality, agriculture, short-term impacts to

traffic, cumulative impacts to the DSFLF, and cumulative impacts to utilities (solid waste).

**B. Conclusions**

1. Except as to impacts to air quality, agriculture, short-term impacts to traffic, cumulative impacts to the DSFLF, and cumulative impacts to utilities (solid waste), all significant environmental impacts from the implementation of the proposed Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a level of insignificance.
2. Other alternatives to the proposed Specific Plan, which could feasibly achieve the basic objectives of the proposed Specific Plan, have been considered and rejected in favor of the proposed Specific Plan.
3. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Specific Plan override and make infeasible any alternatives to the proposed Specific Plan or further mitigation measures beyond those incorporated into the proposed Project.

**SECTION X**

**RESOLUTION ADOPTING A MITIGATION MONITORING PROGRAM**

Pursuant to Public Resources Code, section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Plan attached to this Resolution as Exhibit A. In the event of any inconsistencies between the mitigation measures as set forth herein and the Mitigation Monitoring Program, the Mitigation Monitoring Program shall control.

**SECTION XI**

**RESOLUTION REGARDING CUSTODIAN OF RECORD**

The documents and materials that constitute the record of proceedings on which these Findings have been based are located at the City of Ontario, 303 East "B" Street, Ontario, California. The custodian for these records is the Planning Director. This information is provided in compliance with Public Resources Code, section 21081.6.

**SECTION XII**

**RESOLUTION REGARDING STAFF DIRECTION**

A Notice of Determination shall be filed with the County of San Bernardino within five (5) working days of final Project approval.

**APPROVED AND ADOPTED** by the City Council of the City of Ontario at a regular meeting thereof held on the 4<sup>th</sup> day of October 2005.

  
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City Clerk, City of Ontario

## **SECTION 1: MITIGATION MONITORING AND REPORTING PROGRAM**

A Mitigation Monitoring and Reporting Program (MMRP) for the Edenglen Approved EIR Development Plan is presented in Table 1-1. The purpose of the MMRP is to provide a framework outlining the implementation steps for each mitigation measure in the approved EIR.

The MMRP identifies the timing and responsible party for implementation of each mitigation measure. In addition, the MMRP provides a format to document that each mitigation measure has been implemented and a monitoring loop for tracking performance of each mitigation measure.

Table 1-1  
Edenglen Project Mitigation Monitoring and Reporting Program

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance	
					Signature	Date
Hydrology and Water Quality	Short-term water quality and erosion control	<b>HWQ-1.</b> All development shall comply with the National Pollutant Discharge Elimination System (NPDES) regulations. Prior to the issuance of a grading permit, applicants shall demonstrate compliance with NPDES Stormwater Permit requirements to the satisfaction of the City of Ontario. Applicable BMP provisions shall be incorporated into the NPDES Permit.	Prior to issuance of Grading Permits; and, during grading	Developer and City of Ontario City Engineer		
Hydrology and Water Quality	Long-term water quality	<b>HWQ-2.</b> Individual projects within the specific plan area shall be reviewed by the City of Ontario for the inclusion of appropriate structural and non-structural Best Management Practices (BMPs) to control stormwater discharges to ensure compliance with the State and federal water quality requirements. Structural controls may include, but are not limited to filtration, common area efficient irrigation, common area runoff-minimizing landscape design, velocity dissipation devices, oil/grease separators, inlet trash racks, and catch basin stenciling. Non-structural BMPs can include education for property owners,	Prior to approval of grading plans for each individual project	Developer and City of Ontario City Engineer		

**Edengler Specific Plan  
Project Mitigation Monitoring and Reporting Program**

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance	
					Signature	Date
		<p>tenants and occupants, activity restrictions, common area landscape management, litter control, and catch basin inspection, BMP maintenance; and street sweeping.</p> <p>The following are examples of BMPs that may be included within NPDES permit requirements for individual projects:</p> <ul style="list-style-type: none"> <li>• Use of sand bags and temporary desilting basins during project grading and construction during the rainy season (October through April) to prevent discharge of sediment-laden runoff into stormwater facilities.</li> <li>• Installation of landscaping as soon as practicable after completion of grading to reduce sediment transport during storms.</li> <li>• Hydroseeding soil binders or other measures to retain soil on graded building pads if they are not built upon before the onset of the rainy season.</li> <li>• Incorporation of structural BMPs (e.g., grease traps, debris screens, continuous deflection separators, oil/water separators, drain inlet inserts) into the project design to provide detention and filtering of</li> </ul>				



**Edenglen Specific Plan  
Project Mitigation Monitoring and Reporting Program**

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
					Signature	Date	Remarks
Hydrology and Water Quality	Short-term water quality and stormwater flows for residential project components	<p>contaminants in urban runoff from the developed site prior to discharge to stormwater facilities.</p> <ul style="list-style-type: none"> <li>Stenciling of catch basins and other publicly visible flood control facilities with the phrase "No Dumping-Drains to the Ocean."</li> </ul> <p><b>HWQ-3.</b> Prior to the issuance of a grading permit or construction permit for the residential component, whichever would occur first, the City Engineer shall determine whether a temporary water quality/stormwater detention basin or other treatment BMP shall be required on-site. Plans shall be submitted to the City Engineer identifying the location and size of the temporary water quality/stormwater detention basin or other treatment BMP. The City Engineer shall also approve the location and size of an on-site, temporary water quality/stormwater detention basin on the eastern portion of the project site serving the commercial component. These basins will be required to be sized to accept 100 percent of excess stormwater flows from the western and eastern portions of the project site, respectively. Excess stormwater flows is</p>	Prior to the issuance of a grading permit or construction permit for the residential component, whichever would occur first	Developer and City of Ontario City Engineer			

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		defined as the quantity of additional run-off from a 100-year storm event caused on the impervious surface on the project site over and above existing conditions. Based on a preliminary hydrologic analysis, the temporary water quality/stormwater detention basin is anticipated to be approximately 2-1/2 acres in area. These basins shall be designed in accordance with the applicable standards of the State Water Resources Control Board Construction Storm Water Permit, the Regional Water Quality Control Board, Santa Ana Region, Area-Wide Urban Storm Water Runoff Permit, the San Bernardino County Flood Control District, and the City of Ontario.				
Hydrology and Water Quality	Source reduction for pollutants in urban runoff. (Long-term water quality)	<b>HWQ-4.</b> The City of Ontario shall review subsequent development projects within the specific plan area for the application of Best Management Practices (BMPs) to reduce water pollution from urban runoff in accordance with regulatory requirements. Among the source-reduction BMPs that may be required by the City of Ontario for application to such projects are the following: <ul style="list-style-type: none"> <li>• Animal waste reduction</li> </ul>	Prior to approval of grading plans for subsequent development projects	Developer and City of Ontario City Engineer		

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		<ul style="list-style-type: none"> <li>• Exposure reduction</li> <li>• Recycling/waste disposal</li> <li>• Parking lot and street cleaning</li> <li>• Infiltration (exfiltration) devices</li> <li>• Oil and grease traps</li> <li>• Sand traps</li> <li>• Filter strips</li> <li>• Regular/routine maintenance</li> <li>• Maintenance of detention facilities should be provided by the homeowners' association.</li> </ul> <p>The specific measures to be applied shall be determined in conjunction with review of required project hydrology and hydraulic studies, and shall conform to City of Ontario standards and the standards of the County's Municipal Stormwater Permit, under the NPDES program.</p>				
Biological Resources	Burrowing Owl (Species of Special Concern)	<p><b>BR-1.</b> Not less than two weeks and not more than four weeks prior to the commencement of any ground-disturbing activities, a survey for Burrowing owls will be conducted to document their presence or absence. If Burrowing owls are documented to be present on the project site, they will be physically relocated to an established preserve relocation site.</p>	Two to four weeks prior to commencement of ground-disturbing activities	Developer, City of Ontario Planning Director and City Engineer		

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Biological Resources	Delhi Sands Flower-loving Fly Protocol Survey and mitigation fee (Federal Endangered Species)	<b>BR-2.</b> Prior to approval of any development plans for the eastern half of the project site relating to the commercial component, conduct consecutive, 2-year focused protocol DSF surveys shall be conducted for the eastern half of the project site, relating to the commercial component, in conformance with published USFWS protocols to confirm the absence of DSF from the project site. Should DSF occur on the project site, require the developer of the eastern half of the project site to pay the Habitat Mitigation Fee or acquire replacement habitat.	Prior to approval of development plans for the eastern half of the project site	Developer, City of Ontario Planning Director and USFWS			
Biological Resources	Nesting Survey and biological monitor (Migratory Bird Habitat)	<b>BR-3.</b> Removal of this windrow must be accomplished in a manner that avoids impacts to active nests during the breeding season. If the windrow is entirely removed between September 1 and January 14, no surveys or monitoring will be required. If removal of this windrow must be performed between January 15 and August 31, a nesting bird survey must be conducted one week prior to commencing tree removal. If any active nests are detected within the windrow, a 100-foot wide buffer area around the nest(s) will be flagged, and will be avoided until the nesting cycle is complete	During one week prior to tree removal, between January 15 and August 31, and until the nesting cycle is complete or nests determined to have failed, active nests would be protected	Developer, Contractor, City of Ontario Planning Director, and City of Ontario Building Official			

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		or it is determined that the nest(s) has failed. In addition, a qualified biological monitor will be present on the site to monitor tree removal or other construction activity in the vicinity of nest sites to assure that active nests are not disturbed.					
Biological Resources	Waterfowl and Raptor Conservation Area Habitat Mitigation Fee	<b>BR-4.</b> Require the developer of the Edenglen Project to pay a Habitat Mitigation Fee of \$4,320 per net acre to the City of Ontario toward the development of the Waterfowl and Raptor Conservation Area, which would be based on the percentage of land area of the NMC that is occupied by the project site, as approved by the City of Ontario.	Prior to approval of grading plans	Developer and City of Ontario City Engineer			
Biological Resources	Open Space for Federal Endangered and Sensitive Species	<b>PDF-4.</b> Approximately 12 acres, or 94 percent, of the SCE Corridor will be retained in its existing open space condition and available for the Delhi Sands flower-loving fly and Burrowing owl.	Prior to approval of grading plans	Developer and City of Ontario City Engineer			
Geology and Soils	Seismic-related structural design	<b>GS-1.</b> Structural design shall conform to the seismic related recommendations of the geotechnical consultant. These recommendations shall be reviewed and be approved by the City of Ontario.	Prior to approval of grading plans and building plans	Developer and City of Ontario City Engineer and Building Official			

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Geology and Soils	Seismic-related structural design	<b>GS-2.</b> Seismic related structural design shall conform to applicable recommendations from the Structural Engineers Association of California.	Prior to approval of building plans	Developer and City of Ontario Building Official			
Geology and Soils	Seismic-related structural design	<b>GS-3.</b> Seismic related structural design shall conform to applicable sections of the California Building Code.	Prior to approval of building plans	Developer and City of Ontario Building Official			
Geology and Soils	Seismic-related structural design	<b>GS-4.</b> Seismic related structural design shall conform to applicable sections of the Uniform Building Code.	Prior to approval of building plans	Developer and City of Ontario Building Official			
Geology and Soils	Soil stability	<b>GS-5.</b> As part of the site grading and prior to the commencement of building construction, unconsolidated fill materials, organic rich soils having an organic content greater than 3%, and manure shall be excavated and removed off-site and shall be replaced with engineered fill.	During site grading and prior to commencement of building construction	Developer, City of Ontario Building Official, City Engineer			
Geology and Soils	Corrosive soils	<b>GS-6.</b> Soils shall be tested to determine their corrosive potential. If corrosive soils are proven to be located on-site, all concrete that comes into contact with corrosive soil shall be designed based on Table 19-A-4 of the Uniform Building Code. All metals that come into contact with corrosive soils shall be protected according to the	At the conclusion of site grading and prior to the commencement of building construction	Developer, City of Ontario Building Official			

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Geology and Soils	Expansive soils	recommendations of a corrosion engineer. <b>GS-7.</b> At the conclusion of site grading and prior to the commencement of building construction, soils at the finished grade elevation shall be tested to determine their expansion index.	At the conclusion of site grading and prior to the commencement of building construction	Developer, City of Ontario Building Official		
Geology and Soils	Expansive soils	<b>GS-8.</b> At the conclusion of site grading, if the tested soils at the finished grade elevation exhibit a low, or higher, potential for expansion, the following construction measures shall be implemented: stiffened foundation design in accordance with the Uniform Building Code; deepened footings; and pre-saturation of the building pad to a specified moisture content.	At the conclusion of site grading, if the tested soils at the finished grade elevation exhibit a low, or higher, potential for expansion	Developer, City of Ontario Building Official		
Hazards	Hazardous Materials including lead and asbestos	<b>HM-1.</b> Prior to the issuance of permits by the City for any structural demolition activities on the project site, the project developer will be required to submit documentation to the City Building Department that asbestos and lead-based paint issues are not applicable to their property or that appropriate remediation actions will be undertaken to correct any lead-based paint or asbestos issues, in conformance with the regulations of the South Coast Air	Prior to issuance of structural demolition permits by the City	Developer, City of Ontario Building Official		

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Hazards	Hazardous Materials including Methane	Quality Management District and the State of California, Division of Occupational Health and Safety. <b>HM-2.</b> Subsequent to grading activities, testing for the presence of methane in the soil shall be performed. This testing shall conform to applicable City standards. If methane is detected, mitigation would include the installation of under-slab methane vents, methane barrier, and sealing utilities in locations where they enter a structure and penetrate the methane barrier.	Subsequent to grading activities and prior to construction of building foundations	Developer, Contractor, and City of Ontario Building Official		
Hazards	Phase 1 Environmental Site Assessment for risk of exposure to hazardous materials	<b>HM-3.</b> Prior to approval of a discretionary permit or approval for development of uses on the eastern half of the project site, such as a parcel map or tentative tract map, a Phase 1 Environmental Site Assessment (ESA) shall be conducted and the results of that ESA implemented. The Phase 1 ESA shall be provided to the City and shall be included in any CEQA analysis prepared in connection with the consideration of a discretionary approval for development of the eastern half of the project site.	Prior to approval of a discretionary permit or approval for development of uses on the eastern half of the project site, such as a parcel map or tentative tract map	Developer, City of Ontario Planning Department, City Engineer		



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Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance	
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Transportation and Circulation	Traffic System Management	<p>T-1. The applicant shall pay their proportionate share (prior to building permit issuance) for or install (prior to occupancy of any structure) the following transportation improvements needed to serve the project. The determination of whether the payment of proportionate share or installation of the improvements is required shall be made by the City Engineer at the time of Tentative Tract Map approval. The method for determining proportionate share is identified in Tables 10 and 13 of the Six Specific Plan Traffic Impact Analysis.</p> <ul style="list-style-type: none"> <li>• Mill Creek and Riverside Drive intersection - Provide an eastbound through only lane.</li> <li>• Milliken Avenue and Riverside Drive intersection - Provide eastbound and westbound left-turn protected phasing, eastbound right-turn only lane with overlap phasing, eastbound left-turn only lane, and westbound left-turn only lane.</li> <li>• Archibald Avenue and Riverside Drive intersection - Provide a southbound through only lane and an eastbound right-turn only lane.</li> <li>• Haven Avenue and Riverside</li> </ul>	At the time of Tentative Tract Map approval	Developer, and City Engineer		

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		<p>Drive intersection - Provide northbound and southbound left-turn protected phasing and provide northbound free-flowing right-turn only lane.</p> <ul style="list-style-type: none"> <li>• Milliken Avenue and SR-60 eastbound ramps - Restripe eastbound shared left-turn/right-turn lane as a free-flowing right-turn only lane.</li> <li>• Vineyard Avenue between Riverside Drive and Schaeffer Avenue - Add roadway segment.</li> <li>• Hellman Avenue between Riverside Drive and Schaeffer Avenue - Add roadway segment.</li> <li>• Haven Avenue between Edison Avenue and Merrill Avenue - Add roadway segment.</li> <li>• Chino Avenue between Haven Avenue and Mill Creek Avenue - Add roadway segment.</li> </ul>				
Transportation and Circulation	City of Ontario Traffic Impact Fee Program	<p><b>T-2</b> Prior to the issuance of a building permit for the commercial component, the project applicant shall pay the proportionate share for the following transportation improvement in conformance with the City of Ontario's Traffic Impact Fee Program. The method for determining the proportionate share is identified in Tables 10 and 13 of the Six Specific Plan</p>	Prior to the issuance of a building permit for the commercial component	Developer, City Engineer		

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Noise	Project conformance with City Noise Ordinance	<p>Traffic Impact Analysis.</p> <ul style="list-style-type: none"> <li>Primary access intersection C-2 (on Milliken Avenue between Chino Avenue and Riverside Drive) - provide signal.</li> </ul> <p><b>N-1.</b> Install an eight-foot backyard perimeter wall at the edge of the pad for homes that back up onto Riverside Drive and the northern half of Mill Creek Avenue.</p>	Prior to issuance of Building Occupancy Permits	Developer, and City Building Official		
Noise	Project conformance with City Noise Ordinance	<p><b>N-2.</b> Install double-paned windows and extra wall insulation in second story bedrooms of project site dwelling units that are adjacent to Riverside Drive and the northern portion of Mill Creek Avenue.</p>	Prior to issuance of Building Occupancy Permits	Developer, and City Building Official		
Noise	Project conformance with City Noise Ordinance	<p><b>N-3.</b> Prior to the issuance of a building permit, require an Acoustical Analysis Report to be submitted to the City of Ontario Planning Department that includes the following noise reduction information that adheres to the City of Ontario Noise Ordinance: a description of the interior and exterior noise levels for residential uses on the project site and specific design features and mitigation measures to document compliance with the established City of Ontario noise criteria; identification of the hours of</p>	Prior to the issuance of a building permit	Developer, and City Building Official		

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		construction in compliance with Section 9-1.3350 of the Ontario Municipal Code; a description of the location of the construction equipment and the distance between the equipment and the affected sensitive receptors; identification of temporary noise attenuation fences; a description of the preferential location of construction equipment; and a description of the use of current noise suppression technology and equipment.				
Air Quality	Short-term air quality impacts from construction equipment emissions	<b>AQ-1.</b> During construction of the proposed improvements, the applicant will provide on-site electrical hook ups for electric hand tools such as saws, drills, and compressors, to eliminate the need for diesel powered electric generators.	During construction of the proposed improvements	Developer, Contractor, and City Building Official		
Air Quality	Short-term Construction-related emissions of ozone-forming compounds	<b>AQ-2.</b> During construction of the proposed improvements, only low volatility paints and coatings as defined in SCAQMD Rule 1113 shall be used. All paints shall be applied using either high volume low-pressure (HVL) spray equipment or by hand application.	During construction of the proposed improvements	Developer, Contractor, and City Building Official		
Air Quality	Short Term Construction-related traffic emissions and CO hot spot	<b>AQ-3.</b> Prior to construction of the proposed improvements, the project proponent will provide a traffic control plan that will	Prior to construction of the proposed improvements,	Developer, Contractor, and City Building Official		

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	formation	describe in detail safe detours around the project construction site and provide temporary traffic control (i.e. flag person) during concrete transport and other construction related truck hauling activities. This suggested condition is a standard procedural requirement imposed on projects by the City of Ontario and is implemented during the plan check process.					
Air Quality	Short-term emissions from construction equipment generating particulate matter and Ozone-forming compounds	<b>AQ-4.</b> During construction of the proposed improvements, construction equipment will be properly maintained with all maintenance repairs to be completed at an off-site location, including proper tuning and timing of engines.	During construction of the proposed improvements	Developer, Contractor, and City Building Official			
Air Quality	Short-term emissions from construction equipment generating particulate matter and Ozone-forming compounds	<b>AQ-5.</b> During construction of the proposed improvements, all contractors will be advised not to idle construction equipment on site for more than ten minutes.	During construction of the proposed improvements	Developer, Contractor, and City Building Official			
Air Quality	Short-term dust control for particulate matter	<b>AQ-6.</b> Prior to construction of the proposed improvements, the applicant will provide the City of Ontario and the South Coast Air Quality Management District (SCAQMD) with a project	Prior to construction of the proposed improvements	Developer, Contractor, City Building Official, and SCAQMD			

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Air Quality	Short-term emissions from construction equipment generating particulate matter and Ozone-related compounds	specific dust control plan for review and approval. The dust control plan shall be consistent with the methodology found in the SCAQMD publication titled "Rule 403 Implementation Handbook" and will include Best Available Control Measures (BACM) that include application of water or chemical stabilizers to disturbed soils, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 mph, sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph and establishing a permanent, stabilizing ground cover on finished sites. Implementation of the project specific dust control plan and BACMs will take place during construction of the proposed improvements.  <b>AQ-7.</b> Construction equipment "run time" shall be limited to no more than a total of 8 hours of work every day.	During grading and construction of the proposed projects	Developer, Contractor, and City Building Official			

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Air Quality	Long-term mobile source emissions	<b>AQ-8.</b> The project proponent shall consult with the local transit authority to assess the location of an onsite bus stop and the need for bus benches, bus stop signs and other required infrastructure needed to implement a bus stop. Prior to occupancy of the proposed project, the project proponent will construct the required transit stop infrastructure at the location designated by the local transit authority.	Prior to building occupancy	Developer, Contractor, and City Building Official		
Air Quality	Long-term mobile source emissions	<b>AQ-9.</b> The project proponent shall provide street lighting on all onsite residential streets, pedestrian paths, and transit stops, to encourage residents to walk to local destinations including onsite commercial shopping and employment centers.	Prior to issuance of building and improvement permits	Developer, Contractor, and City Building Official		
Public Services	School Impact Fees for increased school enrollment	<b>S-1.</b> Prior to the issuance of building permits or grading permits, the project applicant shall pay developer impact fees to the Mountain View School District and Chaffey Joint Union High School District in accordance with Section 65995 of the California Government Code for the proposed dwelling units.	Prior to the issuance of building permits or grading permits	Developer, Contractor, and City Building Official, Mountain View School District, Chaffey Joint Union High School District		

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Cultural Resources	Archaeological resources or Native American resources found during grading and construction	<p><b>CR-1.</b> Prior to issuance of a grading permit, the project sponsor shall provide written evidence to the City of Ontario that a qualified archaeologist, experienced with Native Americans and Native American resources, has been retained to observe grading activities and conduct salvage excavation of any archaeological resources or Native American resources that are discovered. The archeologist shall be present at the pre-grading conference, shall, establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work in order to permit the sampling, identification and evaluation of the artifacts. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the City of Ontario. If the archeological resources or Native American resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the City of Ontario, for exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to</p>	Prior to issuance of a grading permit	Developer, Contractor, and City Building Official		



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Cultural Resources	Paleontological Resources found during grading and construction	<p>the approval of the City of Ontario.</p> <p><b>CR-2.</b> Prior to issuance of a grading permit, the project sponsor shall provide written evidence to the City of Ontario that a qualified paleontologist has been retained to observe grading activities and salvage any discovered fossils. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the fossils. If major paleontological resources are discovered which require long term redirecting of grading, the paleontologist shall report such findings to the City of Ontario. The paleontologist shall determine appropriate actions, in cooperation with the applicant, which ensure proper exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the City of Ontario.</p>	Prior to issuance of a grading permit	Developer, Contractor, and City Building Official		

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Cultural Resources	Human remains found during construction	<b>CR-3.</b> If human remains are discovered during construction related activities, in conformance with California Health and Safety Code Section 7050.5, disturbance of the immediate area shall be halted until the San Bernardino County Coroner has made a determination regarding the origin and disposition as required by California Public Resources Code Section 5097.98. If encountered remains are determined to be of Native American origin, the Native American Heritage Commission shall be notified.	During construction related activities	Developer, Contractor, and City Building Official			
Cultural Resources	Cultural Resources Survey Report prepared by a certified archaeologist for the east half of the project site relating to the commercial component	<b>CR-4.</b> Prior to the issuance of a grading permit on the east half of the project site relating to the commercial component, the applicant of such development shall provide a cultural resources survey report prepared by a certified archaeologist. This report shall include recommendations for the disposition of any significant finds, including implementation of mitigation measures CR-1, CR-2, and CR-3.	Prior to the issuance of a grading permit on the east half of the project site relating to the commercial component,	Developer, City Building Official			